

**TOWN COUNCIL
SPECIAL
MEETING MINUTES
January 11, 2013 & January 12, 2013**

The Town Council met in special session on Friday, January 11, 2013 and Saturday, January 12, 2013 at 7:30 a.m. at the Courtyard by Marriott, 210 East Stacy Road, Allen, Texas. Those present were Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Senior Planner, Ken Schmidt; Accounting Manager, Brenda Bowman; Human Resources Manager, Judy Webster; Police Chief, Granver Tolliver; Fire Chief, Dick Price; Assistant Fire Chief/Fire Marshal, Jeff Bell; Public Works Manager, Aron Holmgren; and Town Secretary, Michelle Lewis Sirianni.

Mayor Israeloff called the meeting to order at 8:27 a.m. on Friday, January 11, 2013.

The council discussed and developed the town's vision, mission, core values and focus areas of the town, and long range capital planning, which included the town parks, streets and roads, and other services. The council also discussed annexation, land use and financial planning.

Mayor Israeloff recessed the meeting at 5:22 p.m.

Mayor Israeloff called the meeting to order at 8:18 a.m. on Saturday, January 12, 2013.

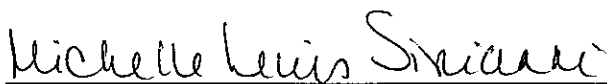
The council continued discussions on land use planning, as well as economic development and communication planning, and technology development.

Mayor Israeloff adjourned the meeting at 2:17 p.m.



SIM ISRAELOFF, MAYOR

ATTEST:



Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
January 8, 2013**

The Town Council met in regular session on Tuesday, January 8, 2012 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Council Members John Fraser, Jim Cunningham, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Senior Planner, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Pete Eckert. Councilman Ron Kasian was absent.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:35 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

PRESENTATION TO LOVEJOY ISD LADIES VOLLEYBALL TEAM:

Mayor Israeloff introduced and acknowledged each of the ladies of the Lovejoy volleyball team and congratulated them on the success and accomplishments of their season. Mayor Israeloff read off a proclamation indicating how the team has won its fifth straight state title. The council expressed how proud they were of the team and how they provide recognition and desirability to the town.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 considered separately. A) Approve minutes of the December 4, 2012 regular council meeting. B) Approve an Oncor easement on open space land dedicated to the town in the Villas in the Park, Phase I subdivision.

Councilman Culbertson made a motion to approve items A and B. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved. Councilman Cunningham abstained from item A due to being absent from that meeting.

SALARY CLASSIFICATION PLAN/BENEFITS PLAN STUDY: Receive presentation for Public Sector Personnel Consultants regarding the town's salary classification plan/benefits plan study and consider approving a contract for the project.

Mrs. Couch introduced this item stating that town staff received four proposals and three firms were interviewed. Based on the interviews and submitted proposals, the staff is recommending Public Sector Personnel Consultants for the project. Mrs. Couch stated that the total cost of the project is not to exceed \$23,500.

Matt Weatherly, president and project manager of Public Sector Personnel Consultants, gave a presentation regarding the study requested by the town. Mr. Weatherly stated that they will be completing a study for the Town employees that will include total compensation, job descriptions, pay ranges, and an evaluation performance system. Mr. Weatherly indicated that the position classification system will be designed to develop a process to identify the needs as the town grows or if departments need to be restructured along with recommended job titles for every employee. A compensation survey will be completed to compare the town's salary and benefits with comparative employers, along with establishing a formal pay structure with minimum and maximum payouts for each job title. Mr. Weatherly stated the policy development is intended to be objective and sustainable and in range to maintain the market.

Councilman Cunningham asked if they will account for market demands including longevity, and if the employees will have probation periods. Mr. Weatherly responded yes to both and that probation periods were usually priorities for towns to include.

Councilman Fraser asked how much detail would be included with the compensation study. He recommended that in order to receive valid information that the town be compared to other cities/towns that are of similar size, geographically and demographically. Councilman Fraser commented that due to the town's smaller staffing levels comparative to others, he questions if the study will be cost effective and worthwhile. Mr. Weatherly replied that the study will be objective and by doing the comparison study, the council will gain understanding of the dynamics of the staffing, service, and education levels. The intent is to provide the town with a total compensation plan that will allow the town to make good sound decisions. Councilman Fraser asked what is the shelf life of the study and if they will need to do an update at any point. Mr. Weatherly responded that the biggest component is performance planning and advised revisiting the study every two to three years. However, Mr. Weatherly indicated that he leaves the tools/resources with the town to do this on their own and that they do not have to use the consultants unless they want.

Councilman Culbertson asked what the timing for completion is and how is it implemented. Mr. Weatherly stated that he is projecting completion before May 1, 2013. Mr. Weatherly stated that he would like to bring back a list to the February council meeting regarding initial comparisons, and any input from council is helpful.

Mayor Israeloff suggested using Park Cities. Mayor Pro Tem Lessner added cities like South Lake, Argyle, Colleyville, and Heath to be included.

Mayor Pro Tem Lessner made a motion to approve a contract with Public Sector Personnel Consultants not to exceed \$23,500. Councilwoman Price seconded that motion and the motion was unanimously approved.

EMERGENCY ACCESS EASEMENT: Consider and take action regarding an agreement with property owners concerning emergency access easement and private easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that discussions continue and the residents of the neighborhood received a survey asking for their input with the town continuing to help facilitate an agreement. However, no final decision has been made at this time.

Michael Pezzulli, 880 Country Club Road, stated that he has been helping to facilitate an agreement and stated that they are very close. Mr. Pezzulli stated that there should be a resolution within the next thirty days.

No action was taken.

TMRS RETIREMENT ELIGIBILITY POLICY: Hold a public hearing and consider approving an ordinance modifying the town's TMRS retirement eligibility policy from 25 years to 20 years.

Mrs. Couch stated that 20 year retirement eligibility is standard in the region. It was approved in the 2012-2013 budget for the town to change from 25 to 20 year retirement town. The additional cost is approximately \$11,000. Mrs. Couch stated in order to make the change TMRS requires that a public hearing be held along with the adoption of an ordinance.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to the council. Mayor Pro Tem Lessner asked if this was common. Mr. Eckert, town attorney, replied the 20 year is more common.

Councilman Cunningham asked if this included extending medical benefits. Mrs. Couch replied that the town is not large enough to be required to do this and currently does not. Councilman Culbertson suggested holding off on approving since the town was doing the benefits survey and wait until they receive the comparison study from Public Sector.

Councilwoman Price made a motion to approve an ordinance modifying the town's TMRS retirement eligibility policy from 25 to 20 years. No second was made; therefore, motion fails.

No further action was taken. It was agreed to review this with the compensation study.

DEVELOPMENT PROJECT DENSITY: Discussion regarding development policy considerations concerning overall development project density in relation to minimum individual single-family lot sizes and take any necessary action.

Mr. Schmidt introduced this item stating that there was continued interest in exploring the average density zoning. The town staff drafted a policy based on input that was addressed from the work session between the Planning and Zoning Commission and Town Council, as well as surveyed communities. Mr. Schmidt stated at the most recent Planning and Zoning Commission meeting the commission reviewed the draft Average Density guidelines. The commission was not interested in reducing the minimum lot size below one acre and do not believe this policy should apply to properties that are zone RE-1. The commission was comfortable with RE-1.5 lots being reduced to a minimum of one acre in size when applying this policy.

Mr. Schmidt stated at that same commission meeting, the commissioner's reviewed a Preliminary Plat which conformed to the RE-2 zoning district and met the subdivision regulations. The feedback from the commissioner's included enhancing the preservation, establishing minimum lot widths and provide flexibility with the building setbacks. The commission agreed that the setbacks should be consistent with the RE-1 zoning district, which would enhance ability to preserve trees and open space within a development. Mr. Schmidt stated the consensus of the Planning and Zoning Commission was that they were in support of using the Planned Center (PC) /Planned Development (PD) as the tool to implement the Average Density Policy.

Mr. Schmidt stated that staff would like the council to discuss further and provide additional feedback on the draft zoning procedure and requirements, and recommend that staff is permitted to proceed with drafting an Average Density ordinance, which shall be reviewed in public hearings by the Planning and Zoning Commission and Town Council.

Councilman Culbertson stated that he is still opposed to Average Density.

Councilman Fraser stated that he understands the intent and vision. He used the Oakwood subdivision as an example. Councilman Fraser stated that the idea being to protect the aesthetics and the details are up to the council; making it workable for each individual project. He stated that he is not opposed to moving forward with the policy if it is done so that it makes sense.

Councilman Cunningham agreed to move forward and that he was also in favor of the policy.

Mayor Pro Tem Lessner stated that he is in favor as long as they are not changing the density, protects the features of the land, and/or affects town services.

Councilwoman Price asked what the side setbacks were in the zoning district. Mr. Schmidt stated that RE-1 is 25', and RE-1.5, 2 and 3 are 50', and added that the recommendation is to have RE-1 setback regulations, but to place a minimum lot size on the acreage so that it will not have the essence of being a RE-1 zoning district. Councilwoman Price asked if the town was limiting themselves by listing amenities. Mr. Schmidt responded that the policy is used for preservation purposes and the amenities listed will allow for consideration to an applicant to use the Average Density zoning.

Mayor Israeloff stated that he is in favor of moving forward so long as they don't change the maximum zoning density, i.e. 'no lots less than'. He likes the idea of not having cookie cutter developments and providing guidelines to a developer. Mayor Israeloff recommended that the setbacks follow the RE-1 zoning district, making the FEMA regulations more explicit in regards to the qualifying acres, and including a phrase similar to what the Oakwood covenants include, which allows for the consideration of varying the setbacks to allow for creativity and prevents the houses being lined up in a row.

The general consensus of the council was to move forward.

Councilman Fraser made a motion to have staff prepare a proposed ordinance to be submitted to the Planning and Zoning Commission to consider amending the zoning ordinance with all requisite public hearings before the Planning and Zoning Commission and Town Council. Mayor Pro Tem Lessner seconded that motion. Motion passed with a 5-1 vote. Councilman Culbertson opposed.

CITIZENS INPUT:

Michael Pezzulli, 880 Country Club Road, stated that Blake Orth, a cadet that he has mentored, has currently received the highest attainable award being promoted with the Spaaz award. Mr. Pezzulli requested the mayor to do the honors awarding Mr. Orth and if possible, for all of council to attend with a small ceremony/reception.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.


Mrs. Couch reminded council of the council/staff retreat on Friday, January 11th and 12th if needed, and asked council to forward their questionnaires back by Thursday.

Mayor Israeloff stated April 6th in noted for the Fairview Half Marathon and the Heard Museum has the Dinosaur exhibit through January.

Mayor Israeloff adjourned the meeting at 9:23 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
February 5, 2013**

The Town Council met in regular session on Tuesday, February 5, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Council Members Jim Cunningham, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy. Councilmen John Fraser and Ron Kasian were absent.

Mayor Israeloff called the meeting to order at 6:44 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:37 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and Pledge to the Texas State Flag.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 considered separately. A) Approve minutes of the January 8, 2013 regular council meeting. B) Approve minutes of the January 11/12, 2013 council/staff retreat. C) Approve an ordinance calling the May 2013 election. D) Approve a change order regarding the town's meter building.

Councilwoman Price made a motion to approve items A through D. Councilman Culbertson seconded that motion and the motion was unanimously approved.

EMERGENCY ACCESS EASEMENT: Consider and take action regarding an agreement with property owners concerning emergency access easement and private easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that a few additional issues are being worked out. However, no final decision has been made at this time.

No action was taken.

TOWN'S VISION AND MISSION STATEMENT: Consider and take action regarding ratifying the town's vision and mission statement.

Mrs. Couch stated that at the council/staff retreat, the council developed a vision and mission statement along with core values and focus areas, which will be part of the town's strategic plan. Mrs. Couch stated that the outcomes of the retreat will be presented at the March meeting, but would like the council to modify or approve the wording of the vision and mission statement as submitted.

Mayor Israeloff read the vision, mission, core values and focus areas for those present.

Councilman Cunningham made a motion to ratify and approve the vision and mission statement, core values, and focus areas. Councilwoman Price seconded that motion and the motion was unanimously approved.

Mayor Pro Tem Lessner joined the meeting at 7:43 p.m.

CUP 450 PALOMINO WAY: Conduct a public hearing, consider, and take any necessary action, and approve an ordinance on a request for approval of a Conditional Use Permit (CU) Zoning in order to allow for a sports court on a property that is zoned One-acre Ranch Estate (re-1) and is specifically located at 450 Palomino Way, being Lot 8 of the Bridlegate subdivision.

Mr. Schmidt stated that the actual sports court structure and basketball hoop were installed prior to the establishment of the town's policy of requiring a Conditional Use Permit. The applicant is requesting CU zoning in order to account for the installation of the fence that was installed after the requirements were put into place. Mr. Schmidt stated the applicant installed the fence in order to prevent basketballs from leaving the court. The fence was installed without prior approval of the town because the applicant was unaware that it would trigger the CU zoning application process, but once notified, the applicant fully cooperated.

Mr. Schmidt stated since the structure was already built, town staff assisted Mrs. Billingsley, the applicant with the Site Plan. The staff recommended that she provide additional drought resistant shrubs for landscaping in order to screen the structure from adjacent properties. Mr. Schmidt stated he received five letters in support and none in opposition to this request. The request was unanimously approved by the Planning and Zoning Commission. Town staff recommends approval of a request for a Conditional Use Permit for the installation of sports court fencing at 450 Palomino Way.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council. Councilman Culbertson stated that he is in favor of this request, but suggested rebating the permit fees back to the resident since they were caught in between the council's review of the Conditional Use Permit zoning process and also, because the request is only for a fence.

Councilwoman Price asked why this required a CUP instead of a fence permit. Mrs. Couch stated that it is considered an improvement to a sports court, which falls under the CUP request. Councilwoman Price agreed that she would be in support of waiving the applicant's fees.

Councilman Culbertson made a motion to approve the Conditional Use Permit for the sports court fencing at 450 Palomino Way with any associated fees to be waived and reimbursed back to the applicant, and requiring only one tree on the north side of the structure for screening. Councilwoman Price seconded that motion and the motion was unanimously approved.

REZONING 1846 STACY ROAD: Conduct a public hearing, consider, and take any necessary action, and approve an ordinance on a request for rezoning to the Planned Center (PC) zone for a tract of land that is approximately 33.28 acres, zoned Two-Acre Ranch Estate (RE-2), and is generally located south of Stacy Road and 200 feet west of Orr Road.

Mr. Schmidt stated that this subject property is zoned Two-Acre Ranch Estate (RE-2) and is currently not platted. The property contains a small creek, pond, and a substantial cluster of trees. Mr. Schmidt stated that the applicant is M. Christopher Homes. The applicant submitted a Preliminary Plat that has been approved by the Planning and Zoning Commission. However, the commission did convey that the plat did not sufficiently preserve the groupings of trees that exist on the property. Mr. Schmidt stated that the conforming Preliminary Plat established that the subject property could absorb 15 single-family lots that are a minimum of two acres in size. The minimum lot size within this subdivision would be 1.52 acres, while the maximum would be 3.47 acres. Ten of the lots ranging from 1.5 to 1.99 acres in size and the remaining lots would be greater than two acres. The average lot size for the subdivision would be 2.01 acres with the setbacks being consistent with the RE-1 requirements.

Mr. Schmidt stated that there is no existing water utility infrastructure; therefore, the applicant is proposing to extend the line by installing a 12" water main that would link to Heritage Ranch and an 8" water main that would link to Thompson Springs. The applicant has requested town participation in the upsizing of these lines due to the public benefit they are providing and in order to finance the costs of the upsizing. Mr. Schmidt stated that a developer's agreement could be established if this occurs.

Mr. Schmidt stated that at the Planning and Zoning Commission meeting, they had requested that the developer provide additional landscaping within the landscape buffer that is adjacent to the existing tree line that borders Stacy Road. The Parks Advisory Board requested that a trail also be provided for the subdivision. With this development being proposed under the Planned Center zoning, the developer and town staff would like to optimize the construction of this trail system. In addition to the trail system, the applicant is providing additional benefits with the extension of the town's water system, enhanced tree preservation, and additional landscaping adjacent to the Stacy Road ROW. Mr. Schmidt stated that he recommends approving the request to rezone this subject property from Two-Acre Ranch Estate (RE-2) to the Planned Center (PC) Zoning District, conditioned upon additional staff review of the trail plan.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council.

Councilman Culbertson asked as lots are being built out, can a resident build a barn, etc. and can they remove trees. Mr. Chancellor stated that the resident under the homestead exemption are able to remove trees without the town's approval if they own two acres or more of land.

Council discussed the trail options, access points, public easements, and using decomposed crushed granite versus concrete. Brian Reed, speaking on behalf of M. Christopher Homes, stated that as a developer they prefer and urge the council to consider decomposed crushed granite. The material will be used where it is heavily treed with significant root growth that could interfere if concrete was used. Mr. Reed suggested using decomposed crushed granite between proposed lots 7 and 8 up to the trail head, and then could use concrete.

Mayor Pro Tem Lessner made a motion to approve the rezoning of the subject property from Two-Acre Ranch Estate (RE-2) to the Planned Center (PC) Zoning District with the provision that a concrete trail be provided on land dedicated to the town as shown on the plan, and conditioned upon additional staff review of the trail plan. Councilman Cunningham seconded that motion and the motion was unanimously approved.

SITE PLAN CROSSROADS AT FAIRVIEW: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Site Plan for the first phase of the Crossroads at Fairview, a multi-phased commercial development that is within Zone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD), and is generally located at the northeast corner of the Fairview Parkway and Fairview Village Road intersection.

Mr. Schmidt stated a Concept Plan for this property was approved in October, 2012. This Site Plan is for the first phase of the development in the Crossroads. The first phase will

consist of a restaurant use with a coffee shop. The applicant is still in the process of lining up additional retailers, but does have potential clients. Mr. Schmidt stated that as new development occurs, the Concept Plan will come back to council to be amended.

Mr. Schmidt stated that this Site Plan has several variation requests from the applicant, which include façade variations within the material colors, arched roof, and a patio component. The landscape plan provides for the extension of street tree plantings on Fairview Parkway, a concrete trail along each public street, and several park benches along Fairview Parkway. The landscape plan as well as the lighting plan fully conforms to the town's CPDD requirements. Mr. Schmidt stated the staff recommends approval of the Site Plan for the first phase of the Crossroads at Fairview.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to the council. The council reviewed the plans and requested variances. .

Councilwoman Price made a motion to approve the Site Plan, including the requested variances, for the first phase of the Crossroads at Fairview as submitted. Councilman Culbertson seconded that motion and the motion was unanimously approved.

FINAL PLAT CROSSROADS AT FAIRVIEW: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for the Crossroads at Fairview Addition, a 5.942 acre multi-phased commercial development that is within Zone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD), and is generally located at the northwest corner of the Fairview Parkway and Fairview Village Road intersection.

Mr. Schmidt stated that the properties zoned Commercial Planned Development District (CPDD) must have a Concept Plan and Site Plan approved before a Final Plat can be reviewed. This Final Plat conforms to the subdivision regulations and town ordinances and has no impact from the changes within the Site Plan.

Mayor Pro Tem Lessner made a motion to approve the Final Plat for the Crossroads at Fairview. Councilwoman Price seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT ROBERT'S SECOND ADDITION: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 5.09 acre tract of land situated in the Calvin Boles Survey-Abstract No. 28, that is zoned Two-Acre Ranch Estate (RE-2) and is generally located north of Stacy Road and 2,000 feet west of Orr Road.

Mr. Schmidt stated that this subject property is zoned Two-Acre Ranch Estate (RE-2) and has very limited vegetation. The property was originally part of a larger tract of land that has been subdivided numerous times and divided so that platting requirements were avoided. Mr. Schmidt stated that due to the configuration of the property, it has access, utility and public service issues. Mr. Schmidt stated the property owner would like to subdivide into two lots that conform to the RE-2 zoning district, which would also create 0.018 acres of public ROW adjacent to Stacy Road. Mr. Schmidt stated although this property has a complex development scenario, staff is recommending approval of the Preliminary Plat so long as the town council adopts a developer's agreement to account for emergency services and water utility system issues.

Mayor Israeloff opened discussion to council. No comments were made.

Councilman Cunningham made a motion to approve the Preliminary Plat for the Roberts Second Addition. Councilman Culbertson seconded that motion and the motion was unanimously approved.

VACATING PLAT FAIRVIEW RANCH ESTATES, PHASE I: Discuss, consider, and take any necessary action on a request for approval of a Vacating Plat for the Fairview Ranch Estates, Phase I subdivision that is generally located at the southwest corner of Hart Road and Country Club Road.

Mr. Schmidt stated that a plat for a subdivision by M. Christopher Homes had been previously approved by council. Since that time, the applicant was able to purchase a portion of land that was located between the two subdivisions that has been approved and recorded with the county. Mr. Schmidt stated that the applicant would like to vacate the plat in order to allow for the review of a zoning change and preliminary plat application for the entirety of the property.

Mayor Pro Tem Lessner made a motion to approve the Vacating Plat for the Fairview Ranch Estates, Phase I subdivision. Councilman Culbertson seconded that motion and the motion was unanimously approved.

VACATING PLAT FAIRVIEW RANCH ESTATES, PHASE II: Discuss, consider, and take any necessary action on a request for approval of a Vacating Plat for the Fairview Ranch Estates, Phase II subdivision that is generally located west of Country Club Road and 625 feet south of Hart Road.

Mr. Schmidt stated that same issue applies to Phase II as was stated in the previous item for Phase I.

Councilwoman Price made a motion to approve the Vacating Plat for the Fairview Ranch Estates, Phase II subdivision. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

REZONING FAIRVIEW RANCH ESTATES: Conduct a public hearing, consider, and take any necessary action and approve an ordinance on a request to change the zoning boundaries of a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1) and One-and-One-Half Acre Ranch Estate (RE-1.5), and is generally located at the southwest corner of Hart Road and Country Club Road.

Mr. Schmidt stated that this subject property consists of 16.835 acres and is currently categorized as Residential Estate (RE-1) on the Future Land Use Plan. The applicant is requesting a zoning change on this subject property to RE-1.5 and has made an effort to conform to the existing zoning on the property by shifting the zoning boundaries. With only two lots proposed to be zoned RE-1.5, rezoning to RE-1.5 would only impact two of the fourteen proposed lots. Mr. Schmidt stated they appreciate the applicant's consideration for the zoning map, but staff feels it would be appropriate for the entire subdivision to be zoned RE-1 or Planned Center (PC) in order to provide uniformity and consistency with surrounding land uses. Mr. Schmidt stated that at the Planning and Zoning Commission meeting, the commissioners unanimously recommended PC zoning as well as recommending adopting a 25' setback for all lots in the subdivision, regardless of the lot size. Mr. Schmidt stated that with council's guidance, town staff recommends approval of the rezoning of this subject property to the Planned Center (PC) district or as requested by the applicant to the RE-1.5 zoning district.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council. Councilman Culbertson stated that he feels it's more appropriate to be zoned to the PC zoning district.

Councilman Cunningham asked if this would change any park dedication requirements. Mr. Schmidt replied that the staff would recommend to the Park Advisory Board to increase the dedication since there are four additional lots, but otherwise, there are no changes.

Councilman Culbertson made a motion to approve an ordinance to rezone 16.835 acres of land known as Fairview Ranch Estates to the Planned Center (PC) zoning district with 25' setbacks for all lots. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT FAIRVIEW RANCH ESTATES: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 16.835 acre tract of land situated in the Samuel Sloan Survey- Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1) and One-and-One-Half Acre Ranch Estate (RE-1.5), and is generally located at the southwest corner of Hart Road and Country Club Road.

Mr. Schmidt stated this Preliminary Plat is optional due to the approval of the Planned Center (PC) zoning. It would act as a duplicate at this point since the Site Plan is equivalent to the Preliminary Plat.

No action taken by council.

UTILITY RATES: Hear presentation and discuss water rate study and consider action on an ordinance adjusting utility rates and take any necessary action.

Mrs. Couch stated that during the budget process she planned for a rate study to evaluate the need for any rate adjustments in the utility fund. She indicated that North Texas Municipal Water District (NTMWD) increased their rates again this year and that cumulatively the District had raised their rates by 51% increase since 2007. She also indicated that the town has only raised rates by 5% since 2010. Mrs. Couch stated that the town contracted with McLain Decision Support Systems to review rates and recommend adjustments. Mr. McLain's review reflects a five year projection and a recommended 6% rate increase.

. Mr. McLain stated over the years, the town has only seen a 5% increase in rates; however, NTMWD continues to increase their rates yearly. Mr. McLain indicated that the town needed to consider raising rates in response to the increasing costs, including the NTMWD rate increases, and the goal of shifting utility debt to the utility fund. He indicated that even with the recommended increase the town is still the 5th lowest city out of 37 that were surveyed. Mr. McLain stated that he recommends adopting a six percent increase to the existing rate structure.

Councilman Cunningham asked what the increase from NTMWD would be this year. Mr. McLain responded they are looking at roughly a 10% increase.

After considerable discussion, Mayor Pro Tem Lessner made a motion to approve an ordinance amending the utility fees with a six percent across the board increase. Councilman Culbertson seconded that motion and the motion was unanimously approved.

PRO RATA FEES: Consider an amendment to the town's code regulations governing pro rata fee and reimbursement for oversizing.

Mr. Chancellor stated that the cost to acquire public easements as part of the construction of the utility extension should also be reimbursable on a pro-rata basis. Mr. Chancellor stated that the proposed amended ordinance would allow land acquisition costs to be reimbursable if a pro-rata ordinance is approved.

Councilman Cunningham asked in regards to acquiring easements, does the developer or town acquire them, how do they actually attain the easements, and are appraisals needed. Mr. McCoy responded that it could require a town and/or city and the developer to enter into an inter-local agreement.

Mayor Pro Tem Lessner made a motion to approve an ordinance amending the town's code regulations governing pro-rata fees and reimbursement for oversizing. Councilman Culbertson seconded that motion and the motion was unanimously approved.

SALARY CLASSIFICATION PLAN/BENEFITS: Receive an update regarding the town's salary classification plan/benefits plan study and consider and take any necessary action.

Mr. Weatherly stated that they developed a set of criteria to be used to identify the cities to be used for a basis of comparison. Mr. Weatherly stated that they looked at proximity, growth, population, services offered, location and demographics, which included household income and values. The cities that have been recommended for consideration are Addison, Allen, Colleyville, Coppell, Frisco, Heath, Highland Park, McKinney, Murphy, Plano, Prosper, and Southlake.

Council discussed the various cities and why they made the list based with the fit in size and scope to the town.

Mayor Pro Tem Lessner made a motion to approve the ratification of the outlined cities to be used for the compensation and benefit survey to be completed by the consultant. Councilman Culbertson seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

Bill Nicol, 422 Long Cove, suggested extending the 35mph speed limit from the end of Stacy Road to Thompson Springs where it transitions from concrete to asphalt. Mr. Nicol stated that cars tend to speed through this area making it dangerous.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mrs. Couch stated that the council received an updated project report.

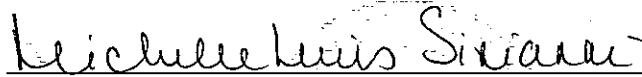
Mr. Dunlap stated the Fairview Half Marathon is April 6th.

Mayor Pro Tem Lessner invited everyone to the free Dan Fogelberg concert on February 16th at the Allen High School Performing Arts Center.

Mayor Israeloff adjourned the meeting at 10:03 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
March 5, 2013**

The Town Council met in regular session on Tuesday, March 5, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:42 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and Pledge to the Texas State Flag.

PRESENTATION: Receive presentation for the State Fire Marshal regarding the town's ISO rating.

Jesse Williams from the Texas State Fire Marshal's office awarded the town for their recently acquired class two rating and acknowledged what an accomplishment it is for the town to receive and the hard work done by the various departments of the town that went into receiving the new classification rating.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 considered separately. A) Approve minutes of the February 5, 2013 regular council meeting. B) Approve an amending Plat for Lot 17R, Block P, Phase 7 of the Heritage Ranch subdivision. C) Approve an interlocal agreement and resolution for purchasing with TCPN.

Councilwoman Price requested to pull item A. Councilman Fraser requested to pull item B.

Councilman Culbertson made a motion to approve item C. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

Councilwoman Price made a correction to page three of the minutes. Councilman Price made a motion to approve item A as amended. Councilman Culbertson seconded that motion and the motion was approved with a 6-0 vote. Councilman Fraser abstained from the vote.

Councilman Fraser asked in regards to item B is there a lot dedicated to open space. Mr. Schmidt responded that there is dedicated open space.

Mayor Pro Tem Lessner made a motion to approve item B. Councilman Fraser seconded that motion and the motion was unanimously approved.

EMERGENCY ACCESS EASEMENT: Consider and take action regarding an agreement with property owners concerning emergency access easement and easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that the council’s subcommittee has been in discussion with the lot owner and they were working toward a solution that could include a possible public easement. Councilman Kasian made a motion to authorize the council subcommittee to schedule a public town hall meeting should a signed commitment be reached with the land owner. Councilman Fraser seconded that motion and the motion was unanimously approved.

VILLAGES OF FAIRVIEW PARKING: Hear presentation from Villages of Fairview regarding parking and traffic issues and take any necessary action.

Mrs. Couch stated that town staff met with homeowners of the Villages of Fairview to discuss the narrow streets and the ongoing problem with on-street parking, as well as issues with emergency vehicles. She indicated that the town actively enforces the ‘no parking’ signs that are currently within the neighborhood. The homeowners would like to explore and evaluate option(s) with the council in order to find additional parking in phase II and resolve the ongoing issues.

Councilwoman Price stated that due to living in the neighborhood, she will not participate in the discussion and abstain from any voting.

Mr. Ricardo Doi, 561 Spring Meadow Drive, and Mel Chapman, 5608 Emerson Court, reviewed the history of the parking issues in the neighborhood and outlined the results of a survey taken of the residents and their concerns. Mr. Doi explained the concerns of the homeowners which include safety, life restriction issues, and the possibility of affecting their property values.

Mr. Doi and Chapman stated their request is for the town to help with alternate parking by assisting with the design, materials, labor and construction, while the HOA would provide any adjustments to the landscaping. Mr. Doi and Chapman requested council to consider contributing financially to this plan for providing additional parking within their neighborhood.

Council discussed reasoning behind the parking situation within the neighborhood and the need to find a solution. Council discussed the addition of parking spaces and how many would make sense, as well as the use of the 'no parking' signs. The council expressed their concern regarding public safety and that improving the problem was a valid town expense. The council also discussed the possibility of a Public Improvement District (PID), but came to an agreement that it was unfair to pass the cost along to the homeowners within this neighborhood. It was pointed out that the HOA would have to dedicate easements to the town in order for any off street parking to be added.

Councilman Fraser made a motion requesting town staff to prepare a parking and traffic design working with the HOA to maximize the number of spaces that could be added, in accordance with the concepts discussed, with the understanding that the town would bear the expense of constructing the parking; to include striping the no parking areas in red to indicate where parking is not allowed and shifting no parking areas to gain additional spaces; and to consider the addition of 'no outlet' signs if appropriate. Councilman Cunningham seconded that motion, and the motion passes with a 6-0 vote. Councilwoman Price abstained.

CUP 833 DEWBERRY LANE: Conduct a public hearing and take any necessary action on a request for approval of an ordinance granting Conditional Use Permit (CU) Zoning in order to allow for a sports court on a property that is zoned One-acre Ranch Estate (RE-1) and is specifically located at 833 Dewberry Lane, being Lot 3, Block B of the Tranquility Farms subdivision.

Mr. Schmidt stated that the subject property is 1.054 acres in size and currently zoned One-Acre Ranch Estate (RE-1). The subject property is within the Tranquility Farms subdivision. Mr. Schmidt stated the applicant, Mr. Greg Alford is applying on behalf of the homeowners and is requesting to construct a sports court that is 27'x55' and will have one basketball hoop, no lighting, and evergreen in color. The construction of the sports court will not exceed the town's impervious surface requirements of 25%. Mr. Schmidt stated that at the January Planning and Zoning Commission meeting, the commissioners requested a line-of-sight analysis for additional screening. The applicant performed the requested analysis and was able to demonstrate that the screening hedge would provide adequate screening. Town staff received five letters in support and four in opposition to this request. The Heritage Ranch HOA requested additional landscaping and a removable basketball hoop. Mr. Schmidt recommended approval for the construction of a sports court as submitted.

Greg Alford, applicant, stated that they have met all requirements by the town, received approval from the neighbors, and the Planning and Zoning Commission. Mr. Alford requested approval as submitted.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council. Councilwoman Price asked what size the court will be and if it is standard size. Mr. Schmidt replied that it is not a full size sports court; it will be approximately 1500 square feet, which is half of the size of a regulation court.

Councilwoman Price made a motion to approve the Conditional Use Permit for construction of a sports court as submitted. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

REZONING 6.256 ACRES STODDARD/FM 1378: Conduct a public hearing, consider, and take any necessary action on a request for approval of an ordinance granting One-and One Half-acre Ranch Estate (RE-1.5) Zoning for a 6.256-acre portion of a tract of land that is approximately 22.928 acres, zoned Three-acre Ranch Estate (RE-3) and is generally located at the southeast corner of Stoddard Road and Country Club Road.

Mr. Schmidt stated that due to a scheduling conflict, Mr. Kelly could not be in attendance and has requested that the review of this item be postponed to the April council meeting. Mr. Schmidt requested council to open the public hearing and leave the hearing open until the next regular meeting in April.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was left open.

Councilman Kasian made a motion to continue the public hearing of this rezoning request until the next regular meeting. Councilman Fraser seconded that motion and the motion was unanimously approved.

AVERAGE DENSITY PLANNED CENTER DEVELOPMENT POLICY: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02, Division 11 (Planned Center Zone), in order to establish additional requirements and guidelines for Planned Center (PC) zoning requests.

Mr. Schmidt stated that the Planning and Zoning Commission and council have both reviewed and provided input for this policy. Mr. Schmidt stated that at the February, 2013 commission meeting, the commissioner's recommended approval without any conditions. Therefore, staff recommends approval as submitted.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council. Councilman Kasian stated that is the ordinance was very well put together, that it has safeguards in place to help regulate the uses and that he was in favor of the change.

Councilman Fraser stated that it maintains the vision of the town while allowing flexibility; therefore, he was in favor.

Mayor Pro Tem Lessner stated that his concern all long was maintaining the same lot density while allowing flexibility and that he was also in favor of the change.

Councilman Culbertson agreed with Council members Fraser and Lessner and asked if there were any parcels of property within the town where this change would be applicable. Mr. Schmidt responded that there are a few undeveloped tracts left within the town where this amendment could be considered in the development of those parcels.

Councilman Kasian requested to include the word ‘maintaining’ under section 14.02.459 (c)(1), so that is reads ‘installing/constructing/establishing/maintaining’.

Councilman Kasian made a motion to approve amending the Planned Center (PC) zoning district in order to establish the town’s Average Density (AD) development policy and to include the word ‘maintaining’ under section 14.02.459 (c)(1), so that is reads ‘installing/constructing/establishing/maintaining’. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

AVERAGE DENSITY POLICY PLANNED DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02, Division 13 (Planned Development Zone), in order to establish additional requirements and guidelines for Planned Development (PD) zoning requests.

Mr. Schmidt indicated that this request is the same as the previous item and would amend the Planned District (PD) zoning district. The PD district is differentiated from the PC district in that there is a minimum area requirement that ranges from 250 to 500 acres in areas of low-density residential development. He indicated that while it is unlikely to be used given the state of development in the town, the amendment would provide consistency in the town’s policy.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to the council. No comments were made.

Councilman Fraser made a motion to approve amending the Planned Development (PD) zoning district in order to establish the town’s Average Density (AD) development policy and to include the word ‘maintaining’ under section 14.02.625 (c)(1), so that it reads ‘installing/constructing/establishing/maintaining’. Councilwoman Price seconded that motion and the motion was unanimously approved.

DEVELOPER’S AGREEMENT ROBERTS SECOND ADDITION: Discuss, consider, and take any necessary action on a request for approval of a Developer’s Agreement governing the development of a 5.09 acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Two-acre Ranch Estate (RE-2) and is generally located north of Stacy Road and 2,000 feet west of Orr Road.

Mr. Schmidt stated that this developer’s agreement is necessary due to development issues that exist on this property. Some of the acknowledgements/requirements within the proposed agreement include an acknowledgement and agreement by the applicant that until improvements are made to the water system the applicant may not hold the town responsible for any property damage; requirements to acquire all necessary easements and dedication of required ROW; requirements to construct an emergency access drive and installation of a fire hydrant; and, requirements to install sprinkler systems to serve each primary residential structure. Mr. Schmidt stated that while there is minor risk associated with the development of this property, staff is confident that the provisions of the developer’s agreement mitigate that risk. Therefore, recommend approval as submitted.

Councilman Kasian made a motion to approve the Developer’s Agreement for the Roberts Second Addition. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

FINAL PLAT ROBERTS SECOND ADDITION: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 5.09 acre tract of land situated in the Calvin Boles Survey – Abstract No. 28, that is zoned Two-acre Ranch Estate (RE-2) and is generally located north of Stacy Road and 2,000 feet west of Orr Road.

Mr. Schmidt stated that the owner of this subject property is proposing to create two lots that fully conform to the RE-2 Zoning District. This subdivision will create a 2.287 acre lot, a 2.789 acre lot, and 0.018 acres of public ROW adjacent to Stacy Road. Mr. Schmidt stated that with the approval of the Developer’s Agreement, the applicant has acknowledged the emergency services and water utility provision issues that exist on the property. Upon staff’s request, the applicant has submitted construction plans that depict location of the required emergency access drive and water utility infrastructure, as well as a landscape plan that has no additional conditions placed on the applicant. Upon the recommendation from the Parks Advisory Board, the applicant will be submitting cash in lieu of land for the park dedication requirements in the amount of \$2,244. Mr. Schmidt stated the Planning and Zoning

Commission unanimously recommended approval. Therefore, staff recommends approval of this Final Plat.

Councilman Cunningham made a motion to approve a Final Plat for the Roberts Second Addition. Councilman Culbertson seconded that motion and the motion was unanimously approved.

FINAL PLAT FAIRVIEW RANCH ESTATES: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned Planned Center (PC), and is generally located at the southwest corner of Hart Road and Country Club Road.

Mr. Schmidt stated that this Final Plat for the proposed development will provide for two additional public streets, as well as linking an 8” water main to eliminate maintenance issues. A tree removal plan has been submitted that identifies existing trees that would need to be removed. The applicant has located the lots, pad sites, ROW, and easements in a manner that seeks to preserve trees, but due to a few lots being heavily treed, some trees will need to be removed in order to build. Mr. Schmidt stated that the applicant also submitted a sign plan for town monument signs. The signs will have no lighting, but the staff’s concern is the landscaping associated with the signs. The applicant desires not to pass on maintenance cost to the HOA and is requesting that no landscaping be required with the signs, but staff recommends that there should be landscaping included. Upon recommendation of the Parks Advisory Board, the applicant will pay cash in lieu of land for the park dedication requirements. Mr. Schmidt stated that town staff recommends approval of the Final plat for Fairview Ranch Estates conditioned upon the adoption of council recommendations for the subdivision entryway features.

Council discussed various options regarding the landscaping to the monument signs. The council requested staff to work with the developer and to place a note on the Landscape Plan that if vegetation dies that it must be replaced.

Council member Price made a motion to approve a Final Plat for the Fairview Ranch Estates Addition with the provision that town staff approve a landscape plan with the median signage with provisions added to the landscape plan that the median would be maintained by the HOA; and that necessary documents be provided, to be approved by the town attorney, ensuring such action. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

TOWN’S STRATEGIC PLAN: Discuss and consider draft Town Strategic Plan and take any necessary action.

Mrs. Couch stated that council received a draft of the 2013 Strategic Plan with the initiatives as discussed at the retreat. The initiatives are broken down into six Focus

Areas and outline items including the CIP and Planning updates. Some of these initiatives will be achievable in a short time frame, while others will take some time to complete. Mrs. Couch recommended council to approve or amend the plan as presented.

Councilman Culbertson made a motion to approve the 2013 Strategic Plan as submitted. Councilman Fraser seconded that motion and the motion was unanimously approved.

LOT COVERAGE REQUIREMENTS: Discuss and consider recommendations regarding the town's current lot coverage requirements for residential under the zoning ordinance and take any necessary action.

Ms. Gregory stated that the town currently does not require permits for flat work, but that a driveway and other flat work is included within the town's 25% impervious cover requirement. Upon researching other cities, the majority of other cities only consider buildings and/or structures within their lot coverage calculation and only one out of nine added driveways into their calculation. Ms. Gregory stated that the town has the option to begin permitting flat work, but that it would require educating the public, could result in a potential increase in staff since the town would be responsible for inspections and permitting, and the engineering/surveying fees would be added to construction costs for residents. Ms. Gregory asked council to consider leaving the 25% impervious cover for buildings/structures only and to remove flatwork for the total lot coverage percentage.

The council discussed ways this would and would not be abused and if adjusting the percentage would seem sensible...

Mayor Israeloff suggested increasing the maximum amount to 40%, which would include flatwork. Staff agreed that 40-45 % would be appropriate.

The consensus of council was to leave the impervious cover requirement as is within the town's ordinance, but changing the One-Acre Ranch Estate lots (RE-1) to 45% and the Two-Acre Ranch Estate lots (RE-2) to 40%. Staff will proceed with amendments to the zoning ordinance.

BUDGET UPDATE:

Mr. Wilbourn presented the council with a mid-fiscal year budget report. The report touched on the town's revenues and expenditures. Revenues are projected to stay within the current budget and expenditures are projected to stay within budget at the conclusion of the second quarter.

POLICE DEPARTMENT ANNUAL REPORT:

Chief Tolliver presented his annual overview of the department including the state-required racial profiling report. Chief Tolliver indicated that the data for the racial profiling report was compiled from traffic stops made between January 1, 2012 and December 31, 2012. The final analysis reveals no concern of racial profiling action on the part of the Fairview Police Department officers.

Chief Tolliver also provided comparisons from 2011 to 2012. The police incident activity reflects a 3.2% increase in actual calls for police service; less than 1% increase in citations issued; and an increase in custody arrests by 8.5%. The town continues to provide an SRO officer at Sloan Creek Middle School during the school year, which shares the cost with LISD. Chief Tolliver also indicated that the town's warrant officer has been able to collect additional monies for the town by clearing a total of 610 warrants in 2012 resulting in a grand total of \$137,660.00 monies collected.

TOWN ELECTION UPDATE:

Mrs. Couch provided council with an update regarding election dates relevant to council. Mrs. Couch indicated that once the election is held and the council can canvass; it only requires two people. If the council desires to have a special meeting they may do so or designate two to three people.

Councilman Kasian, Fraser, and Lessner volunteered to meet to canvass the election once the election is final.

BOARDS/COMMISSIONS: Discuss Boards and Commissions and take any necessary action.

Mayor Pro Tem Lessner stated that due to the Technology Advisory Committee having difficulty getting a quorum due to vacancies, the subcommittee has reviewed applications of residents who have expressed interest in serving on this board.

Mayor Pro Tem Lessner nominated Roger Boivin and Darryl Besemer to the Technology Advisory Committee with their terms expiring in 2014. Councilwoman Price seconded the nomination and it was unanimously approved.

CITIZENS INPUT:

No comments were made.


REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mrs. Couch stated that council will receive an updated project tracking report at their next meeting.

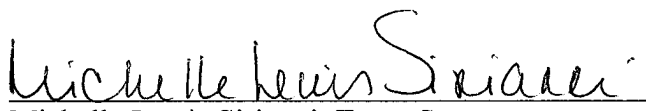
Council requested staff to research other municipalities and their placement of citizens input section(s) in the council meeting agendas.

Mayor Pro Tem Lessner stated the Allen Philharmonic Chorus will be performing on April 27th at the Performing Arts Center at the Allen High School.

Mayor Israeloff adjourned the meeting at 10:55 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
April 2, 2013**

The Town Council met in regular session on Tuesday, April 2, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, , Darion Culbertson, and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session to consult with legal counsel regarding pending or contemplated litigation, real property and personnel matters.

At 7:38 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and Pledge to the Texas State Flag.

RECOGNITIONS: Recognize Officer Ricardo Hernandez and Officer Rachel Warner Sanchez.

Ms. Lewis Sirianni swore in Officer's Hernandez and Sanchez to the town's Police Department.

Chief Tolliver congratulated and presented the newly sworn in officers with their badges, pins, and hats.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 March 5, 2013 regular council meeting. B) Approve a drainage easement on Lot1R, Block B of the Village at Fairview subdivision.

Councilman Culbertson made a motion to approve items A and B. Councilman Kasian seconded that motion and the motion was unanimously approved.

PRESENTATION: Hear presentation from Christian Kelly regarding Eagle Scout Project.

Christian Kelly, local Boy Scout, presented the council with a plaque that goes along with a flag disposal drop box that he designed and constructed and provided to the town as part of his Eagle Scout project.

Mr. Dunlap commented that the flag disposal drop box will be located at Fire Station #1.

PRESENTATION: Hear presentation form GCEC.

Mr. Mike McGinnis, GCEC, provided council with an update regarding recent happenings as well as current activities since his last update. Mr. McGinnis provided information regarding the Parker and North Allen sub-stations including the amount of outages and cause of outages. Mr. McGinnis described certain advancements GCEC has made in their system.

Mayor Israeloff asked if they had new plans for any efficiency programs. Mr. McGinnis responded that most rebates are funded by the state, so they do not currently have a price structure for them, but they are trying a product.

CUP 530 KENTUCKY LANE: Conduct a public hearing, consider, and take any necessary action on a request for approval of an ordinance for a Conditional Use Permit (CU) Zoning in order to allow for an accessory building on a property that is zoned Planned Center (PC) and is specifically located at 530 Kentucky Lane, being Lot 21 of the Blue Grass Farms subdivision.

Mr. Schmidt stated that the subject property is 2.01 acres in size and zoned Planned Center (PC). The applicant, Mr. Schepers is requesting to build a 2,100 square foot metal barn on his property to provide for storage of his RV and a workshop. In order to construct, the applicant asked for the following variations: An encroachment into the setback of the property line, which was denied by the Zoning Board of Adjustments, exceeding the 1,800 square footprint requirement(s) for an accessory building, and providing a roof pitch that does not match the roof pitch of the primary structure. Mr. Schmidt stated that the Site Plan submitted by the applicant displays the structure to face north with additional driveway, and also adheres to the town's setback requirements. The Planning and Zoning Commission recommended approval of the reduced roof pitch and denial of the size increase. Mr. Schmidt stated the applicant communicated that he does not want to provide additional landscaping due to the financial burden and feels the structure is already substantially screened with existing vegetation. Mr. Schmidt stated that many of the Heritage Ranch subdivision had initially been opposed to request due to

the landscaping and orientation of the structure. The berm that separates the subdivision with Mr. Schepers has had trees die, which have been replaced with smaller trees, but leaving spots that are less screened. Mr. Schmidt stated that the town staff recommends approval of the accessory structure with a reduced roof pitch.

Mayor Israeloff opened the public hearing.

Ron Samuels, 949 Scenic Ranch, stated that he talked with several neighbors within the Heritage Ranch subdivision and the initial opposition was due to lack of foliage along the berm. Mr. Samuels stated that the neighbors have no issue with the extra 300 square feet since it faces the applicant's house.

Mayor Israeloff closed the public hearing and opened discussion to council.

The council discussed the additional square footage requested by the applicant and location requested by applicant versus initial location and orientation of the structure. The council all agreed that the reduced roof pitch would be more appealing.

Councilman Culbertson made a motion to approve the Conditional Use Permit for the installation of an accessory structure being 2,100 square foot in size and with a reduced roof pitch. Councilman Kasian seconded that motion. The motion passed with a six to one (6-1) vote. Councilman Cunningham opposed.

REZONING 6.256 ACRES KELLY PROPERTY: Continue a public hearing, consider, and take any necessary action on a request for approval of an ordinance granting One- and One Half- acre Ranch Estate (RE-1.5) Zoning for a 6.256-acre portion of a tract of land that is approximately 22.928 acres, zone Three-acre Ranch Estate (RE-3) and is generally located at the southeast corner of Stoddard Road and Country Club Road.

Mr. Schmidt stated that the subject property currently contains one single-family residence and various accessory structures at the rear of the property. The subject was voluntarily annexed in June, 2000 and was zoned Three Acre Ranch Estate (RE-3), which are a minimum of lots two acres in size or larger. Mr. Schmidt stated that the applicant, Mr. Bruce Kelly is requesting a zoning change to One and One Half Acre (RE-1.5) for 6.256± acre portion of his property, which would be to provide for four future lots, which would conform to the RE-1.5 zoning district while the remainder of the lot would conform to the RE-3 zoning district. Mr. Schmidt indicated that if the property were to redevelop, there would be no negligible impact on the existing site, and no additional right-of-way would need to be acquired. The adjacent properties are also developed in a manner that is not consistent with the current zoning prescribed for the applicant's property. Mr. Schmidt stated that the Planning and Zoning Commission recommended denial without prejudice. They expressed that the applicant's request was consistent with the zoning and existing development, but since it is not what the town's Future Land Use

Plan calls for, they were not comfortable with recommending approval of a zoning change that does not conform to the plan.

Mayor Israeloff continued the public hearing.

Bruce Kelley, applicant and property owner, stated that he feels the zoning of his property is inconsistent with what has transpired over the last thirteen years and would like council to consider the current situation. Mr. Kelley stated that he would like council to consider the request to rezone a portion of his lot to RE-1.5 in order to develop four lots.

Mayor Israeloff closed the public hearing and opened discussion to council.

Mayor Israeloff asked Mr. Kelley if he had thoughts on RE-2 zoning. Mr. Kelly responded that he feels that zoning would still be inconsistent. Mr. Kelley commented that he respects keeping low density and if the west side of Stoddard Road had developed differently he probably would be requesting something different.

Councilman Culbertson asked Mr. Kelley if he had any plans with remaining 16 acres and if he wanted to keep it zoned RE-3. Mr. Kelley stated that the advantage would be to have his whole property zoned RE-1.5, but as long as he continues to live in the residence, he will remain there and is not sure what the future will hold.

Councilman Cunningham asked if there the setback requirements are different between RE-1.5 and RE-2. Mr. Schmidt responded that they are the same.

Mayor Israeloff commented that he would be uncomfortable with going against the Future Land Use Plan, especially with the worry being future requests. Mayor Israeloff stated that he is willing to look at the Future Land Use Plan as a whole, but would be reluctant to go below RE-2 zoning. Mayor Israeloff suggested doing a review of the Future Land Use Plan and looking at a larger scale view. Councilman Kasian commented that the plan should be reevaluated before zoning Mr. Kelley's property.

Councilman Fraser made a motion to deny without prejudice the zoning change request. Councilman Kasian seconded that motion and the motion was unanimously approved.

MINOR AMENDMENT TO REMINGTON PARK DEVELOPMENT PLAN:

Discuss, consider, and take any necessary action on a request for approval of a minor amendment to a Development Plan for a 33.28 acre tract of land situated in the Calvin Boles Survey, Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 west of Orr Road.

Mr. Schmidt stated that the purpose of this minor amendment is to modify the development plan to reflect changes to the applicant's parkland dedication to the town, to

establish an additional common area lot between Lots 7 & 8, and a parkland dedication at the southeast corner of the subdivision. Mr. Schmidt stated that the trail development options of using decomposed granite versus concrete went before the Park Board and they recommended the best solution was to use concrete, which would be maintained by the town and the option would be included within the Developer's Agreement.

Councilman Culbertson made a motion to approve the minor amendment as submitted with using concrete only for the trail. Councilwoman Price seconded that motion and the motion was unanimously approved.

DEVELOPER'S AGREEMENT REMINGTON PARK: Discuss, consider, and take any necessary action on a request for approval of a Developer's Agreement for a 33.28-acre tract of land situated in the Calvin Boles Survey, Abstract No. 28.

Mr. Chancellor stated that the developer's agreement will establish the developer's and town's responsibilities for the construction of this subdivision. The impact fees and park dedication requirements are included along with trail plan specifying the use of concrete for the trails. He indicated that the agreement provides for the extension of water lines to the property and an allocation of the cost. The staff also intends to bring a pro-rata ordinance to the council to provide for reimbursements of some of the town cost as private property develops adjacent to this new water main.

Mayor Pro Tem Lessner made a motion to approve the Developer's Agreement for a 33.28 acre tract of land. Councilman Fraser seconded that motion and the motion was unanimously approved.

FINAL PLAT REMINTON PARK: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 33.28 acre tract of land situated in the Calvin Boles Survey-Abstract No. 28, that is zoned Planned Center (PC), and is generally located south of Stacy Road and 200 feet west of Orr Road.

Mr. Schmidt stated that the Final Plat application provides for 15 single-family residential lots, two common area lots, and one lot that is to be dedicated to the town in order to allow for the future extension of the town's trail plan. The addition will provide for numerous easements, two additional public streets, and the applicant is dedicating right-of-way within and adjacent to Stacy Road. Mr. Schmidt recommended approval of a Final Plat for the Remington Addition.

Councilman Kasian made a motion to approve the Final Plat for the Remington Addition. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

EMERGENCY ACCESS EASTMENT: Consider and take any necessary action regarding property owners' letter of intent concerning emergency access easement and public pedestrian access easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that the town received a letter of intent regarding the public access way and are continuing the process with a town hall meeting in the future.

No action taken.

WEST NILE VIRUS PREPAREDNESS: Discuss and consider a mosquito control plan and contract and take any necessary action.

Mr. Dunlap stated that most counties and surrounding municipalities are being proactive this year. As a result, proactive programs include public education, mosquito surveillance, and larvaciding. Mr. Dunlap stated that he researched several options and the better option resulted in looking for a third party source that has expertise and could manage a program. Two companies were researched. He reported on the evaluation of services and staff recommendations to use a full service from Municipal Mosquito. Mr. Dunlap stated that the cost will be roughly \$18,700. A representative from Municipal Mosquito was in attendance to answer any questions.

Councilman Culbertson asked if there was different treatment if the virus is prevalent and how is it located. Mike Swan, representative with Municipal Mosquito responded that they test various possible breeding sites until they can zero in on an area. There are different levels of treatment based on results, but they use natural/organic products such as mineral oils. Mr. Swan stated that they would treat town owned land such as ponds, storm sewers, areas with standing water, parks, creeks, etc.

Councilman Fraser asked how many confirmed cases were found last year and if there was citizen concern from the town last year regarding a push to facilitate treatment. Mrs. Couch responded that there were two confirmed cases within Fairview, but they do not know where they originated.

After considerable discussion and questions from Councilmembers Mayor Pro Tem Lessner made a motion to authorize staff to enter into an agreement with Municipal Mosquito for 2013 Mosquito testing and prevention. Councilwoman Price seconded that motion. The motion passed with a 5-2 vote. Councilmen Cunningham and Fraser were opposed.

TOWN HALL GRASS: Discuss and consider the installation of additional grass and irrigation at Town Hall and take any necessary action.

Mr. Dunlap stated that when town hall was built, grass was not put all the way to the property line. With Noah's opening in May, there will be a strip of land that has weeds and is not irrigated. Two out of the three companies asked gave the town price quotes for putting down sod and irrigating the land that is between town hall and Noah's. One quote came from Hadden Landscaping who did the original landscaping and the second quote came from Greener Pastures. Mr. Dunlap stated that Greener Pastures came in with the lowest quote per square foot at \$1.030 versus \$1.255 per square foot from Hadden Landscaping. Mr. Dunlap stated while this is an unbudgeted expense, the Community Development Funds can be used for this project.

Councilman Kasian made a motion to approve staff to authorize staff to enter into an agreement with Greener Pastures for landscaping and irrigation totaling \$8,348.91. Councilwoman Price seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

Bruce Kelley, 800 Country Club Road, asked what the timeframe would be in updating the Future Land Use Plan. Ms. Couch responded it would be a six to nine month process starting in April-May with a completion sometime in the first quarter of next year.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mr. Dunlap stated that the town's half marathon is Saturday, April 6th with almost 1,000 runners. Mayor Israeloff suggested stick signs to notify residents of event as well as an email blast.

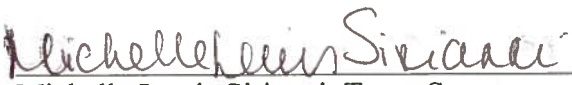
Mrs. Couch recognized the Public Works Department for helping a lady in a wheel chair that was causing traffic issues along Highway 5 by going into incoming traffic. The department was able to secure her safety until public safety could arrive.

Mayor Pro Tem Lessner stated the Allen Philharmonic and Chorus will be performing April 27th at the Allen High School Performing Arts facility.

Mayor Israeloff adjourned the meeting at 10:16 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
May 10, 2013**

The Town Council met in special session on Friday, May 10, 2013 at 4:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Pro Tem Henry Lessner, Council Members Ron Kasian, Darion Culbertson, and Mary Price; Town Manager, Julie Couch and Town Secretary, Michelle Lewis Sirianni. Council members Sim Israeloff, John Fraser, and Jim Cunningham were absent.

Mayor Pro Tem Lessner called the meeting to order at 4:33 p.m. and declared a quorum was present.

The council did not have an executive session.

EMERGENCY ACCESS EASTMENT: Consider and take any necessary action regarding an agreement with property owners concerning an emergency access way and public access way between Meandering Way and Creekwood North.

No action taken. Action was taken at the May 7, 2013 council meeting.

FINAL PLAT CALDWELL FAIRVIEW ADDITION: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 2.13 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1), and is generally located east of Meandering Way and south of Creekwood Drive.

Mrs. Couch stated that this Final Plat combines the two lots into one single lot, adds a variable width access, drainage and utility easement on and adjacent to Meandering Way, and dedicates Tract 1, a 4' wide, 1,086 SF strip of land adjacent to the northern property boundary to the town.

Councilman Culbertson asked if the agreement has been executed. Mrs. Couch responded that it has been executed and filed with the county.

Councilman Culbertson made a motion to approve the Final Plat for the Caldwell Fairview Addition. Councilwoman Price seconded that motion and the motion was unanimously approved with a 4-0 vote.

AMENDING PLAT RIVER OAKS LOT 84R-A: Discuss, consider, and take any necessary action on a request for approval of an Amending Plat for a 1.044 acre tract of land that is located at 496 North Meandering Way, being Lot 84R of the River Oaks subdivision, is zoned One-Acre Ranch Estate (RE-1), and is generally located east of Meandering Way and north of Rushing Water Court.

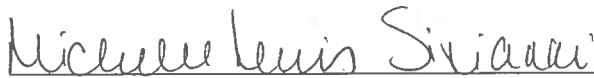
Mrs. Couch stated that this is amending for easement language on the plat.

Councilman Culbertson made a motion to approve the Amending Plat for Lot 84R-A for the River Oaks subdivision. Councilwoman Price seconded that motion and the motion was unanimously approved with a 4-0 vote.

Mayor Pro Tem Lessner adjourned the meeting at 4:38 p.m.


HENRY LESSNER, MAYOR PRO TEM

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
May 21, 2013**

The Town Council met in special session on Tuesday, May 21, 2013 at 4:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Pro Tem Henry Lessner, Council Members Jim Cunningham, Ron Kasian, Darion Culbertson, and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor, and Town Secretary, Michelle Lewis Sirianni. Council members Sim Israeloff and John Fraser were absent.

Mayor Pro Tem Lessner called the meeting to order at 7:08 p.m. and declared a quorum was present.

CONSTRUCTION PLANS OF PUBLIC WALKWAY: Hold a public meeting to review the town plans for construction of a public walkway from Meandering Way to Creekwood Drive North and take any necessary action.

Mr. Chancellor described to the council the process for the construction of the walkway. Mr. Chancellor indicated it would be wheelchair accessible and be clearly identified.

Councilman Cunningham asked for clarification if there would be a crosswalk across Meandering. Mr. Chancellor responded that there is no crosswalk.

Mrs. Couch added that construction will start within the next day with it taking thirty to forty-five days maximum to complete, and be maintained by the town.

Council had no other comments and no formal action taken.

CANVASSING MAY 11, 2013 ELECTION RESULTS: Consider approving an ordinance canvassing returns and declaring results of the May 11, 2013 General Election and take any necessary action.

Mayor Pro Tem Lessner stated the following are results for the general election:

Darion Culbertson, Mayor received 781 votes (56.51%)
Ron Samuels, Seat One received 949 votes (100%)
Frank O'Reilly, Seat Three received 836 votes (100%)
Paul Hendricks, Seat Five received 735 votes (58.43%)

Mayor Pro Tem Lessner made a motion to approve the ordinance canvassing of the general election as stated. Councilwoman Price seconded that motion and the motion was unanimously approved.

Mayor Pro Tem Lessner adjourned the meeting at 7:16 p.m.

Henry Lessner
HENRY LESSNER, MAYOR PRO TEM

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
May 7, 2013**

The Town Council met in regular session on Tuesday, May 7, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, Darion Culbertson, and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:32 p.m. and declared a quorum was present. The council then adjourned into executive session to consult with legal counsel regarding pending or contemplated litigation, real property, personnel, and economic development.

At 7:53 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and Pledge to the Texas State Flag.

RECOGNITIONS: Remembrance for Brayton Campbell.

Mayor Israeloff read aloud a plaque honoring Mr. Campbell's years of service and contributions made to the town.

Councilman Kasian offered his thanks and appreciation on behalf of the family and kind words of remembrance regarding Mr. Campbell.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 April 2, 2013 regular council meeting. B) Approve a resolution authorizing continued participation with the Steering Committee of Cities Served by Oncor and payment of dues associated with membership. C) Approve a tower lease license agreement with Rhino Communications. D) Approve easements with Oncor for underground electrical lines servicing Noah's of Fairview located at 351 Southwind Lane.

Councilwoman Price asked to pull item C.

Councilman Culbertson made a motion to approve items A, B, and D. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

Councilwoman Price asked a question in regards to the agreement and the town's new water tower. Mayor Pro Tem Lessner asked if the Technology Committee has reviewed the agreement. Mrs. Couch replied that this is simply a renewal contract versus a lease.

Councilman Fraser made a motion to approve item C. Councilman Kasian seconded that motion and the motion was unanimously approved.

2011-12 AUDIT: Hear presentation for auditors and consider accepting the 2011-12 Audit.

Kirk Evans, CPA with Evans, Pingleton and Howard, PLLC, reviewed the town's audit and highlighted areas within the audit including the General Fund, expenditures, revenues, assets, the water/sewer fund, and noted the change within the upcoming year regarding retirement systems.

Mayor Pro Tem Lessner made a motion to accept the 2011-12 audit. Councilwoman Price seconded that motion and the motion was unanimously approved.

CONCEPT PLAN EXPIRATION FIVE TO THREE YEARS: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to reduce the five-year expiration to three-years for the preliminary plan in the Planned Center Zone and the concepts plans in the Planned Development and Commercial Planned Development District Zones.

Mr. Schmidt stated that the town has reduced the concept plan expiration timeframe from 12 years to five years. Town staff believes that in order to better position the town to capitalize on new development opportunities within the CPDD, that reducing the concept plan (and preliminary plan) expiration timeframe to a maximum of three years for all newly approved concept plans; therefore, recommends approval as submitted.

Mayor Israeloff opened the public hearing.

Jim Rushing, 421 Varnum Way, stated that the City of Allen's expiration is one year. Mr. Rushing indicated that that this time period would allow developers to tie up property for long periods of time. He requested that the town consider taking it from three years to one year.

Mayor Israeloff closed the public hearing and opened discussion to council.

Mayor Israeloff asked the staff their thoughts on three versus one. Mr. Schmidt stated that three is reasonable. Only one large parcel is impacted. Mr. Schmidt stated from a

developers stand point, he was not sure it would be business friendly to consider a one year time period.

Councilman Culbertson asked if the staff has received any feedback from the developers. Mr. Schmidt replied that he has not received feedback.

Councilman Cunningham stated that one year seems like it could be a burden to come back with expenses, process, etc.

Mayor Israeloff stated that one year seems short when considering acquiring financing, but three is better than five or twelve years.

Councilman Fraser stated that tying of land for three years seems problematic.

Mrs. Couch stated that staff will need to re-advertise if the council prefers the one year; therefore, would recommend making the change and then come back with an amendment recommending the two year expiration with one year renewal.

Councilwoman Price made a motion to approve an ordinance amending the Commercial Planned Development District (CPDD), Planned Center (PC), and Planned Development (PD) Zoning Districts in order to reduce the Concept Plan and Preliminary Plan expiration timeframe from five years to three. Councilman Fraser seconded that motion and the motion was unanimously approved.

EMERGENCY ACCESS EASTMENT: Consider and take any necessary action regarding an agreement with property owners concerning an emergency access way and public access way between Meandering Way and Creekwood North.

Mayor Israeloff stated that a settlement agreement between the property owners and the town had been reached.

Councilman Culbertson made a motion to adopt the compromised settlement agreement and mutual release between the town and the owners of Lot 84R-A in the River Oaks subdivision and to authorize the Town Manager to execute said agreement on behalf of the town, subject to final approval as to form by the Town Attorney. Councilman Cunningham seconded that motion and the motion was unanimously approved.

MULLIGAN WATER:

Mayor Israeloff stated that they have also had conversations with Milligan Water Supply Corporation about acquiring segments of their service area with town limits.

Mayor Pro Tem Lessner made a motion to authorize the Town Manager to prepare a contract for the acquisition of service areas from Milligan Water Supply Corporation for areas and customers that are currently within the town limits of Fairview. Councilman Kasian seconded that motion and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss Boards and Commission and take any necessary action.

Mayor Pro Tem nominated Jim Rushing to the Planning and Zoning Commission for a one year term. Councilman Fraser seconded that motion and the motion was unanimously approved.

US 75 CORRIDOR STUDY UPDATE: Discuss US 75 corridor study and provide an update on US 75 construction.

Mr. Chancellor updated council with the US 75 construction job being done by TxDot. Mr. Chancellor stated that TxDot is seeking input from adjacent municipalities and the general public on various alternatives. The primary issues are how to separate commuter traffic from pass through, maintain a viable economic development corridor, acquire the funding for transportation improvements and make the improvements in a reasonable timeframe. Mr. Chancellor stated that there will be a series of meetings including meetings open to the public to discuss the options, which he will keep council apprised of as he receives the information. Mr. Chancellor stated with the current time frame, they are looking at a completion date of September, 2015.

VILLAGES OF FAIRVIEW PARKING UPDATE: Receive an update regarding the Villages of Fairview parking and consider and take any necessary action.

Mrs. Couch stated that the staff held an open house and invited the residents within the Villages of Fairview to see three different options for parking. There were approximately 35 residents who attended. Based on comments and feedback that staff received, a revised plan was developed to address their concerns. The plan was submitted to the HOA Board and their HOA management company is in the process of developing a process to hold a vote of the residents. Mrs. Couch stated that staff will continue to work with the subdivision until completion.

STAGE 3 DROUGHT: Discuss Stage 3 drought implementation and consider approval or an ordinance amending the Drought Contingency and Water Conservation Plan and take any necessary action.

Mrs. Couch stated that lake levels are down and the NTMWD has voted to initiate Stage 3 effective June 1, 2013. One of the major changes is that residents can only water once

a week. NTMWD has issued a modified Stage 3, so handouts will be given out to help educate residents and the community. She reviewed recommendations for implementing Stage 3, including basing the watering day on the last number of the address. Mrs. Couch stated that also for council consideration is an amending ordinance updating the Drought Contingency and Water Conservation Plan, which is being updated to coincide with the NTMWD current model plan and the town's new water rate structure.

Council discussed how the watering will be enforced, ways to educate the residents as well as the system to know when to water. Council agreed that using the town's website, mailing out a flyer along with roadside signs and magnetic signs for the town trucks were effective ways to educate the residents. Council consensus was also to divide the watering by geographic areas rather than using the street address.

Councilman Kasian made a motion to approve an ordinance amending the Water Conservation Plan and adding the Drought Contingency and Water Emergency Response Plan as submitted and modifying the watering schedule to be done in quadrants. Councilwoman Price seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mayor Pro Tem Lessner announced the Spirit of Fairview award that was given by the Allen/Fairview Chamber of Commerce to Mayor Israeloff.

Mr. Dunlap announced that Noah's of Fairview is now open and will be hosting an Open House on May 18th and a Ribbon Cutting on May 23rd.

Mayor Pro Tem Lessner stated that on May 27th, the Allen Philharmonic will be performing outside.

Mayor Israeloff adjourned the meeting at 9:25 p.m.

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

Henry Lessner
~~SIM ISRAELOFF, MAYOR~~
Henry Lessner, Mayor PROTEM



**TOWN COUNCIL
AND THE
PLANNING AND ZONING COMMISSION,
SPECIAL JOINT
MEETING MINUTES
June 18, 2013**

The Town Council and Planning and Zoning Commission met in special session on Tuesday, June 18, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Paul Hendricks, Henry Lessner, and Mary Price; Planning and Zoning Commissioners present were Debbie Flood, Brad Northcutt, Renee Powell, Jim Rushing, and Pat Friend. Town Manager, Julie Couch; Town Engineer, James Chancellor; Economic Development Director, Ray Dunlap; Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Town Attorney, Pete Eckert, and Town Secretary, Michelle Lewis Sirianni. Planning and Zoning Commissioner Ricardo Doi was absent.

Mayor Culbertson called the council meeting to order at 6:41 p.m. and declared a quorum was present.

Vice Chairman Northcutt called the Planning and Zoning Commission to order at 6:41 p.m. and declared a quorum was present.

Mayor Culbertson invited everyone to stand for the Pledge of Allegiance.

CONCEPT PLAN - HOTEL: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Concept Plan for a proposed hotel development on an 8.480± acre tract of land that is zoned Commercial Planned Development District (CPDD), Zone K, and is generally located east of Convention Drive and north of Murray Farm Road, being Lot2R, Block A, of the Village at Fairview – North Addition.

Mr. Schmidt stated that the applicants for this Concept Plan are Ajay Desai and Sanjay Naik of Lowen Hospitality management, LLC. The project architect is David Powyszynski. The Concept Plan is to provide for a Marriot Residence Inn (extended stay) hotel. The subject property is 2.73± acres in size and is located next to the existing apartments in the commercial district. The proposed hotel is a six story structure comprised of 119 guest rooms and a gross floor area of 112,000 SF. The proposed hotel will include a pool, guest laundry area, a study with computer access, fitness center, meeting space, and a dining area. The dining area will not serve as a public restaurant, but will offer a complimentary breakfast, dinner, and social hour for guests. Mr. Schmidt added that the typical client will stay 5-7 nights, with some staying several months. If

approved, the project will proceed in 2016. Mr. Schmidt stated that this use is permitted by right in Zone K. Upon approval of the Concept Plan, the applicant obtains rights to move forward, and would be required to submit a Site Plan, which would require public hearings. Mr. Schmidt discussed the staff review of the proposed Concept Plan and there have been no concerns raised. However, the applicant has requested a variation request on the 90% masonry requirement. The building provides for 83% masonry coverage as submitted and the applicant is willing to provide for a metal material or another satisfactory non-masonry material in lieu of the stucco. Mr. Schmidt commented that most if not all of the existing adjacent development is well below this requirement, which was permitted at that time. Mr. Schmidt stated that staff has received no public feedback, and recommends approval.

Mr. Naik, applicant, stated that he believes this will be a great asset to the community. He added that their designs are similar to the Courtyard Marriot, but is an extended stay hotel. Mr. Naik stated that this hotel will complement the community.

Mayor Culbertson and Vice Chairman Northcutt opened the public hearing. No comments were made and the public hearing portion of the meeting was closed.

Vice Chairman Northcutt opened discussion to commission members.

Commissioner Friend questioned the the start date of 2016. Mr. Naik replied that they have a number of projects being developed and they are a small family business. He stated that the estimated time for completions allows time for them to handle the land contract, which has a timeframe and would rather project out so that they meet their expectations.

Commissioner Powell asked what the actual timeframe to build the hotel is. Mr. Naik replied it is normally twelve to sixteen months.

Commissioner Rushing stated he likes the location and asked if the height of the building is an issue for public safety vehicles. Mr. Schmidt replied that Assistant Fire Chief Bell has reviewed the plans and the trucks can accommodate the size of the structure.

Vice Chairman Northcutt asked why they chose the particular parcel to build on and if there were any water drainage concerns. Mr. Naik responded that in their opinion it is better to have an inside lot so that other entities can have a corner lot, which is more marketable. Mr. Chancellor stated in regards to the drainage, the water flows northeast and is designed to flow into the detention pond; therefore, are no concerns.

Commissioner Friend made a motion to approve a Concept Plan for a hotel with a variation request that provides for 83% masonry coverage. Commissioner Rushing seconded that motion and the motion was unanimously approved.

Mayor Culbertson opened discussion to council members.

Councilman Samuels asked if the access points affect the other parcel(s). Mr. Schmidt replied they will not affect the other parcels and will in turn help provide improvements for future development.

Councilman O'Reilly asked if there will be signage on the side fronting US 75. Mr. Naik replied yes there will be signage there.

Councilman Hendricks asked if there was sufficient parking for guests as well as staff. Mr. Naik replied that parking is more than sufficient and added that they build to Marriot specifications; therefore, they inspect their plans and standards.

Council discussed the stucco color of the building within the renderings and asked if there were other prototypes or preferences by the applicant. Mr. Naik responded that he likes neutral colors such as beige, but input and suggestions from the council is encouraged.

Councilman Hendricks made a motion to approve a Concept Plan for a hotel as submitted with the 83% masonry requirement. Councilwoman Price seconded that motion and the motion was unanimously approved.

The Planning and Zoning Commission adjourned at 7:21 p.m.

The council then adjourned into executive session at 7:23 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and economic development.

The council reconvened back into regular session at 8:24 p.m.

ECONOMIC DEVELOPMENT PROGRAM: Discuss and consider approving staff recommendations regarding an economic development program in the CPDD.

Councilman O'Reilly made a motion to authorize the town staff to negotiate and prepare agreements with the Lowen Hospitality Group in accordance with the terms negotiated by staff and previously reviewed by the council. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

SALARY CLASSIFICATION PLAN: Discuss and consider approving the town's salary classification plan/benefits study and take any necessary action.

Matt Weatherly, Public Sector Personnel Consultants, presented to council their findings regarding the salary and benefits survey. Mr. Weatherly touched on the principal project components, tasks, and results of the classification process, as well as the methodology behind the salary survey and the implementation process. He touched briefly on the benefits survey and stated that the town is very competitive except in the area of premium cost for group health insurance. The other is the town's retirement. The town is currently at a 25 year retirement, while most others are at 20 years, which he understands the town has previously discussed changing this, and was awaiting their findings for confirmation.

Council discussed how and the timeframe for the implementation of the plan as well as discussed the tables provided by the consultant.

Councilwoman Price made a motion to approve the classification and compensation plan and authorize the Town Manager to proceed with the implementation of the plan. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

UPDATING CPDD MASTER PLAN: Discuss the proposed request for qualifications for an update of the CPDD Master Plan, and the proposed process for review of submittals and take any necessary action.

Mrs. Couch stated that one of the goals that came out of the Council retreat as the need to update the town's CPDD Master Plan. A Request for Qualifications has been prepared by Mr. Schmidt and the document summarizes the discussions and concerns that were addressed at the council retreat. Mrs. Couch stated that staff is recommending establishing a process so that both staff and council are involved as well as any property owners. The staff will receive and conduct the initial review of all submittals. The council will appoint a subcommittee of three members who will work with staff to narrow the scope to one or two firms to interview with the full Council. The council will then interview the finalist(s) as recommended by the subcommittee and approve the contract that would be developed. Once a contract is approved, the Council can decide if the subcommittee has a continuing role in the completion of the project. Mrs. Couch stated that staff is recommending council consider approving the form of the RFQ and authorize staff to move forward with the project and to consider appointing three members to a subcommittee to work with staff on the RFQ selection process.

Councilman Samuels made a motion to approve the appointment of a subcommittee of which includes: Councilman Hendricks, O'Reilly, and Mayor Pro Tem Lessner, to work with staff on the RFQ selection process. Councilwoman Price seconded that motion and the motion was unanimously approved.

Councilman Samuels made a motion to authorize staff to move forward and approve the form of the RFQ. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

STACY ROAD CONSTRUCTION: Discuss and consider authorizing the Town Manager to execute an agreement with Collin County for construction of Stacy Road and take any necessary action.

Mr. Chancellor stated that plans are now complete for the construction of the widening of Stacy Road from SH5 to FM 1378. The project is now set for December of 2014 with TxDOT waiting for utilities to be moved out of the way. The funding of the project includes a split between Collin County, the City of Allen, and the town. Fairview is only expected to cost share on the original middle section from SH5 to Angel Pkwy. This amount comes out to \$650,000.00. The county will approve an ILA with TxDOT for the

entire \$3,000,000 and Fairview would approve an ILA with Collin County for the \$650,000. Mr. Chancellor stated to date, the town has entered into an agreement with TxDOT to participate in the right of way and obligated \$89,000 for the Town's share. There was a partial trade off with the acquisition of some town owned property for the project. The town has paid a total of \$26,160 plus the right of way dedication to TxDOT. Mr. Chancellor stated that the county is ready to finalize the costs for the local match and ready to proceed with the ILA.

Mayor Pro Tem Lessner asked if the plan was still only for four lanes. Mr. Chancellor replied yes it is.

Mayor Culbertson asked what the recommendation was in order to pay for these costs. Mrs. Couch responded that there were funds in the reserves but that the costs could be included in an upcoming debt issue for the next phase of road improvements and would recommend including these costs in that and reimburse at a later date.

The council discussed median openings along Stacy Road, the hike/bike trail on the north side, and if any pedestrian crossings would be done.

Councilman Cunningham expressed his difficulty in approving and the town providing additional funding. Councilman Cunningham commented on the history of this project from the plan not matching initially the town's Master Thoroughfare Plan to the City of Allen wanting to fund the whole project.

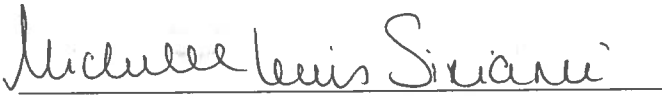
Council requested the Town Manager to have additional conversations expressing council concerns regarding the project funding with the County related to the purchase of excess right of way adjacent to Stacy Road.

No action taken.

Mayor Culbertson adjourned the meeting at 10:25 p.m.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
June 4, 2013**

The Town Council met in regular session on Tuesday, June 4, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Management Intern, Tyler Brewer; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:32 p.m. and declared a quorum was present.

RECOGNITIONS: Administer Oaths to newly elect council members.

The Town Secretary administered the Oath of Office to Ron Samuels, Frank O'Reilly, and Paul Hendricks.

PRESENTATIONS: Sim Israeloff, Ron Kasian, and John Fraser.

Mayor Culbertson recognized outgoing council members Ron Kasian and John Fraser by presenting them with a plaque and gift.

Mayor Culbertson requested that since former Mayor Israeloff could not be in attendance, he would like to wait to honor him until he could be in attendance.

The council adjourned into executive session at 6:43 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and economic development.

At 8:17 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

PRESENTATIONS: Police Department

Mr. Dunlap recognized the members of the Police Department who completed the Fairview Half Marathon by awarding them with their medals.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 May 7, 2013 regular council meeting. B) Approve minutes of the May 10, 2013 special council meeting. C) Approve minutes of the May 21, 2013 special council meeting. D) Approve an Amending Plat of Lot 3R, Block C, of the Montecito Estates Addition in order to combine Lots 3 and 4 into a single lot. E) Approve a request to deed town-owned property to TxDOT in order to satisfy right-of-way acquisition requirements for the Stacy Road re-construction project.

Mayor Pro Tem Lessner made a motion to approve items A-E. Councilwoman Price seconded that motion and the motion was unanimously approved.

AMENDED CONCEPT PLAN-DAVIS DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on a request for approval of an Amended Concept Plan for a proposed multi-family residential development on a 24.40± acre tract of land that is situated in the Joseph Dixon Survey, Abstract No. 275 zoned Commercial Planned Development District (CPDD), Zone D, and is generally located west of SH 5 and north of Meandering Way.

Mr. Schmidt stated that at the May Planning and Zoning Commission meeting, this item generated a substantial amount of input from residents of the adjacent Ranchette Estates subdivision, as well as from the commission itself. The commission recommended denial without prejudice. As a result, Mr. Hazel, VP of the Davis Development, requested deferment in order to work with residents regarding their concerns. Mr. Schmidt stated in order to avoid re-advertisement, staff requests that the council open the public hearing and continue it at the next meeting.

Mayor Culbertson opened the public hearing.

Fred Hazel, Vice President of the Davis Development, stated that he would like the opportunity to put more thought into the plan.

The public hearing was left open.

Councilman Cunningham made a motion to continue the public hearing on the Amended Concept Plan for a proposed multi-family residential development to July 2, 2013. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

CUP 111 SUMMER HILL LANE: Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for an accessory structure on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 111 Summer Hill Lane, being Block 3, Lot 21 of the Summer Hill Farms subdivision.

Mr. Brewer stated that the subject property is located at 111 Summer Hill Lane and is 1.8 acres in size. The property is zoned One-Acre Ranch Estate (RE-1) and contains a residence with a swimming pool and a 1,622 SF detached garage. The applicant and property owners are Mr. and Mrs. Korona. The applicants have requested to build a 15' x 15' patio structure on the western edge of the swimming pool and will be equipped with an outdoor fireplace, stone seating walls, cedar framing, and a 5:12 pitched roof with composite shingles. Mr. Brewer stated that their request is consistent with accessory structures and is below the town's impervious surface requirement at 11.8%; therefore, staff recommends approval.

Councilman Cunningham asked if the applicant has received HOA approval. Mrs. Korona replied they have received approval from their HOA.

Mayor Culbertson opened the public hearing. Jennifer Korona, 111 Summer Hill Lane, applicant and owner stated that they would just like a structure to help block the view.

Mayor Culbertson closed the public hearing and opened discussion to council.

No additional comments were made.

Councilman Samuels made a motion to approve an application for Conditional Use Permit (CU) zoning for the installation of a patio structure at 111 Summer Hill Lane. Councilman Hendricks seconded that motion and the motion was unanimously approved.

ZONING DISTRICT AMENDMENTS: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to amend the definitions, the principle uses of the One-Acre Ranch Estate Zone (RE-1) and the specific zone requirements for the One-Acre (RE-1), One-and-One-Half Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.

Mr. Schmidt stated that there have been several development review applications involving maximum impervious surface coverage. The town's current 25% maximum

applies to all lots within RE-1, RE-1.5, RE-2, RE-3, and the low-density subdivisions zoned Planned Center (PC). Staff and the Planning and Zoning Commission have reviewed whether the same maximum 25% should apply in each of these districts and if it would be beneficial to define impervious surfaces. Mr. Schmidt stated in discussions with home builders and developers, staff has received feedback that the town is stricter both with how lot coverage is defined as well as how much of the lot may be covered with impervious surface. Town staff and the Planning and Zoning Commission have recommended the following for maximum percentage of impervious cover:

- One-Acre (RE-1): 35%
- One-and-One-Half-Acre (RE-1.5): 30%
- Two-Acre (RE-2): 25% (no change)
- Three-Acre (RE-3): 25% (no change)

In reviewing, staff also identified other issues for amendment consideration to the zoning ordinance. Those changes include:

1. Amend the definitions section in order to define impervious surface and lot coverage;
2. Amend the One-Acre Ranch Estate Zone (RE-1) in order to make crop and tree farming an accessory use;
3. Remove the statement referencing deed restrictions in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.
4. Remove the statement referencing accessory building height in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.
5. Amend the RE-1.5 district to allow for reduced lot widths on cul de sac lots.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council members. Mayor Pro Tem Lessner asked if the Planning and Zoning Commission had any concerns. Mr. Schmidt replied no.

Councilwoman Price asked if a building permit would be required. Mrs. Couch stated the town currently does not permit flatwork or driveways, so by proposing a higher percentage, the town would continue not to require a permit.

Councilman Cunningham asked percentage of lots is over current maximum. Ms. Gregory replied that 44% of the One-Acre (RE-1) lots are over. After considerable discussion, Mayor Pro Tem Lessner made a motion to approve an amendment to the zoning ordinance to 1) Amend the definitions section in order to define impervious surface and lot coverage. 2) Amend the impervious surface and lot coverage requirements for the One-Acre (RE-1) and One-and-One-Half-Acre (RE-1.5) Ranch Estate Zones as recommended. 3) Amend the One-Acre Ranch Estate (RE-1) Zone in order to make crop and tree farming an accessory use. 4) Remove the statement

referencing deed restrictions in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones. 5) Remove the statement referencing accessory building height in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones; and, 6) Amend the RE-1.5 district to allow for reduced lot widths on cul de sac lots. Councilwoman Price seconded that motion and the motion was unanimously approved.

BLUE GRASS FARMS AMENDING ORD. #2005-62: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2005-62, the Planned Center District for the Blue Grass Farms Subdivision, in order to amend the planned center zoning regulations that govern this subdivision.

Mr. Schmidt stated that with changes being proposed to the traditional low-density zoning districts, staff wanted to also make these changes to the low-density residential subdivisions zoned Planned Center (PC). The Blue Grass Farms subdivision, initially zoned in 2005, consists of 24 single-family lots, all of which are 1.92 acres or larger. The subdivision is largely built out, except for one 14 acre-lot, and three lots that range from 1.945 to 3.0 acres. Mr. Schmidt stated that the residents in this subdivision have expressed wanting to retain larger lots in this subdivision. With a majority of the existing lots most closely conforming to the Two-Acre Ranch Estate (RE-2) Zone, staff is not recommending any changes to the impervious surface lot coverage. Mr. Schmidt stated that staff would however, like the council to address the following: (1) Amending limitations placed on accessory uses. Accessory uses should be considered in the same manner as other residential districts. (2) Establish a minimum lot size and lot width for all newly established lots. If a replat is done on an existing lot, staff believes it should be no less than 1.92 acres, which is the size of the smallest existing lot within the subdivision. It would also meet setbacks provided for the RE-2 district. (3) Remove all referenced to deed restrictions in the ordinance.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council.

Council discussed establishing the minimum lot size along with the impervious surface requirement. No consensus was reached..

Councilman Samuels made a motion to table amending Ordinance #2005-62 to July 2, 2013. Councilwoman Price seconded that motion and the motion was unanimously approved.

MONTECITO ESTATES AMENDING ORD. #2008-6-3E: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2008-6-3E, the Planned Center District for the Montecito Estates Subdivision, in order to amend the planned center zoning regulations that govern this subdivision.

Mr. Schmidt stated that this subdivision was zoned Planned Center (PC) due to being platted and in existence prior to being zoned by the town. The lots are of varying lot sizes ranging from 0.9-3.0 acres in size and consist of 52 single-family residential lots. The subdivision is largely built out and several lots ranging from 2-3 acres. Staff recommends the following: (1) Increase the maximum impervious lot coverage requirements. Lots less than 1.50 acre in size: 35% maximum; Lots 1.50-1.99 acres in size: 30% maximum; and, lots equal to or greater than 2.0 acres in size: 25% maximum (no change). (2) Amend limitations placed on special/conditional uses. (3) Establish a minimum lot size and lot width for all newly established lots. Staff believes 1.5 acres will preserve the intended character of the subdivision. (4) Amend the sideyard setback requirements; and (5) Remove all references to deed restrictions in the ordinance.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to commission members.

Mayor Pro Tem Lessner made a motion to approve an amendment to Ordinance 2008-6-3E as submitted. Councilman Samuels seconded that motion and the motion was unanimously approved.

COLLINWOOD ACRES/NORTH AMEND ORD. #2010-8-3A: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2010-8-3A, the Planned Center District for the Collinwood Acres and the Collinwood Acres North Subdivision, in order to amend the planned center zoning regulations that govern these subdivisions.

Mr. Schmidt stated that this subdivision consists of 38 single-family residential properties ranging from 0.9-10.0 acres in size. The subdivision is not built out and some of the larger properties are significantly underdeveloped. There are several properties adjacent to Collinwood Drive and FM 1378 that could be easily subdivided to produce additional lots. Mr. Schmidt stated that with these subdivisions possessing a wide range of lot sizes, staff is recommending different impervious surface lot coverage requirements for different ranges of lot sizes. Those recommendations are: Lots less than 1.50 acre in size: 35%; Lots 1.50-1.99 acres in size: 30%; and, Lots that are equal to or greater than 2.0 acres in size: 25%. Mr. Schmidt stated that staff would also like council to address establishing a minimum lot size of 1.50 acres for all newly established lots, so that any new lots that are created shall have to meet a minimum size and will best preserve the

intended character of the subdivision. Staff recommends approval of the amendment to Ordinance No. #2010-8-3A as submitted.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to commission members. Mayor Pro Tem Lessner asked if staff has received any feedback regarding the setting a minimum lot size. Mr. Schmidt replied that he has received one call in opposition with a property owner who believes it places limitations on redeveloping his land, but otherwise the vast majority is satisfied with proposed changes.

Councilman Hendricks made a motion to approve an amendment to Ordinance No. #2010-8-3A as submitted and stated above. Councilman Cunningham seconded that motion and the motion was unanimously approved.

ACCESSORY BUILDING HEIGHT: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02, Section 14.02.011, in order to clarify the maximum building height for accessory buildings.

Mr. Schmidt stated that there are still a few items that need clarification within the accessory building ordinance. Within each of the traditional, low-density residential zoning districts, there are conflicting height requirement(s) for accessory buildings. Mr. Schmidt recommended the following changes: maximum height of accessory buildings is 30 feet or a maximum wall height of fourteen feet measured from the finished first floor; having a minimum 4:12 roof pitch, except when the roof pitch of the primary structure is less than 4:12, otherwise, it shall match the roof pitch of the primary structure. Flat roofs shall only be permitted on patio structures and other structure that maintain open façades.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to commission members. No additional comments were made.

Councilman O'Reilly made a motion to approve an amendment to the accessory building ordinance amending the height and roof pitch requirements. Councilman Samuels seconded that motion and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss Boards and Commission and take any necessary action.

No action taken.

BUDGET UPDATE: Receive quarterly budget update.

Mr. Brewer updated the council on the town's revenues and expenditures projected by the end of the third quarter. Mr. Brewer touched on the town's Utility Funds, Debt Service Fund, Stormwater Fund, EDC Fund, Special Revenue Funds, and Technology Funds. Mr. Brewer stated that all funds are currently on track as budgeted and no major items to report at this time.

CITIZENS INPUT:

No comments were made.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mrs. Couch reminded council of the special meeting on June 18th, as well as the boards and commissions banquet on June 6th at Noah's.

Mr. Dunlap stated that Wednesday is National Running Day and there will be a run from Town Hall beginning at 6:30 p.m.


Councilwoman Price stated that the Friends of Fairview Fire Department will be having their annual pancake breakfast on Saturday, June 29th.

The council adjourned back into executive session at 10:11 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and economic development.

Mayor Culbertson recessed back into regular session and adjourned the meeting at 11:50 p.m.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
July 2, 2013**

The Town Council met in regular session on Tuesday, July 2, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Henry Lessner, Paul Hendricks and Mary Price; 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; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and real property.

At 7:52 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

PRESENTATIONS: Lifesaving awards by the Fire Department

Chief Price and Assistant Chief Bell recognized the following individuals for a lifesaving call that they were respondents' to: Heather Hancock, Travis Green, Nathan White, Jason Ashmore, Shane Beach, Glenn Francisco, and Nick Lovren.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 4, 2013 regular council meeting. B) Approve minutes of the June 18, 2013 special council meeting. C) Approve an ordinance adopting a tariff that authorizes the continuance of a rate review mechanism for any rate increases by Atmos Energy Corporation, Mid-Tex Division.

Councilman Samuels requested to pull item B.

Councilman Hendricks made a motion to approve items A and C. Councilwoman Price seconded that motion and the motion was unanimously approved.

Councilman Samuels stated that in regards to item B that Mayor Pro Tem Lessner was left off as being in attendance and to add his name.

Councilman Samuels made a motion to approve item B. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

CUP RELIGIOUS INSTITUTION: Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for a religious institution on a 5.818± acre property that is zoned One-Acre Ranch Estate (RE-1) and is generally located north of Stacy Road and 950 feet west of Meandering Way.

Mr. Schmidt stated that the applicant, Mr. Don Vandiver is applying on behalf of the Corporation of the Presiding Bishop of the Church of Jesus Christ of the Latter-Day Saints. The CUP application is to provide for a religious institution and a 19,400 SF meeting house that would provide for a 242 seat sanctuary, cultural center for recreational activities, classrooms, and office and storage space. Mr. Schmidt stated that the church organizes congregations by geographic region and each facility is designed to serve 2-3 congregations. The applicant is not proposing any educational, daycare, or other ancillary uses as part of the application. Activities will primarily take place at the church on Sundays, but the applicant also intends to use the building during the evenings for 1-2 days per week for youth auxiliary services and on weekday mornings for youth bible study.

Mr. Schmidt stated that the CUP process permits the applicant to develop the church use within a residential zoning district. The property would retain a base zoning of RE-1 and the CUP would act as an overlay zone that conditionally permits the proposed use on the subject property. Mr. Schmidt gave a brief background of the other religious institutions within the town and how they also used the CUP process.

Mr. Schmidt provided background regarding vehicle access, traffic impact, and right-of-way requirements with the project with emphasis that a traffic study will be done as part of the Final Plat and all being subject to TxDOT approval. Mr. Schmidt indicated that the applicant is pursuing to tie into Allen's sanitary sewer line on the south side of Stacy. If that request is denied, the applicant will install a low pressure dosing septic system that allows for the underground storage of treated effluent, a gradual release of treated effluent through a drip irrigation system. The Town Engineer will be reviewing all drainage requirements during the platting process. Mr. Schmidt indicated that parking, lighting and landscape requirements have also been met and conform to the town's requirements with more details at the Final Plat stage. A monument sign is also being proposed within the landscape setback adjacent to Stacy Road.

Mr. Schmidt stated that at the Planning and Zoning Commission meeting, there was substantial opposition communicated during the public hearing from residents within River Oaks and Bridalgate subdivisions; however, there was also substantial support from

residents who are members of the LDS church. The Planning and Zoning Commission recommended approval with a 3-1-1 vote. Mr. Schmidt stated town staff recommends approval with conditions set forth in the proposed ordinance as submitted.

Mayor Culbertson opened the public hearing.

Don Vandiver, applicant, stated that they have worked with town staff. The plans have been reviewed by the town and they meet or exceed the requirements; therefore, if approved they would look forward to continuing the process.

Wes Balakian, 431 Oakridge Drive, expressed many concerns against this request including commercial east of Hwy 5, that the council not change the zoning until an agreement is reached whereby the subject property is connected to nearby existing sewer facilities, and a traffic safety report is completed by TxDOT.

John Funk, 200 Horseshoe Bend, stated as a member of the church, it is used primarily on Sundays with the meetings staggered so that people are not coming and going at the same time. Mr. Funk added that the facilities are not used during business hours.

Greg Smith, 751 Timerwood Lane, stated he would welcome the church in a commercial area only, but not residential.

Scott Ballard, 130 Horseshoe Bend, stated he does not want in a residential area. He commented that he understands the government restrictions, but don't put under burden when there is plenty of other land available.

Mary Johnson, 510 Country Club Road, stated she does not see where religious institutions devalue property values. She supports the request.

Jay Jones, 360 Collinwood, stated that the church would be a positive addition to the town.

Mike Burkhart, 620 Forest Oaks, stated that precedence is being set and is in opposition to the request.

Kerry Johnson, 530 Cottonwood, stated that the biggest issue brought up with the Planning and Zoning Commission was traffic. Mr. Johnson commented that Stacy Road is a public road which equals public use and the church would be located off a thoroughfare; therefore, is in favor of the request.

Debbie Flood, 431 Forest Oaks Drive, stated that as a Planning and Zoning Commissioner, they were told to approve. She commented that she abstained from the vote. She stated that the traffic and turn lanes have not been addressed, as well as the blind spot on the hill needs to be considered prior to TxDOT widening. She feels the safety of the citizens need to be considered and requests the item go back to the Planning and Zoning Commission for further consideration.

Joanna Harkins, 411 Oakridge, stated that Stacy Road cannot handle the traffic and main concern is not the church, but the septic system.

John Harkins, 411 Oakridge, stated main concern is traffic and the septic/sewer issue. Mr. Harkins disagrees with the zoning change.

Tony Pavia, 740 Creekwood Drive South, requested that the town look at other options for the property such as the town purchasing and turning into a park.

Howard Rouse, 71 Seattle Slew, stated he is in favor and believes it is a positive influence and an asset to the community.

Jerry James, 840 Quail Rise, stated he is in favor. He believes it brings opportunity to residents to serve in the community where they live.

Devika Dandona, 411 Palomino Way, stated her concern is location and traffic. She believes it will set precedence and does not agree with the rezoning.

Helen Dunham, 151 Horseshoe Bend, stated her concerns are traffic and the location. She believes the traffic will be a dangerous situation. She is opposed to the request.

Gordon Wright stated he is an Allen resident, but is in favor of the request.

Feza Buyukdura, 150 Horseshoe Bend, prefers to have the church on the west side of Hwy 5 with other concerns being traffic safety. He is opposed to the request.

Carolyn Camp, 761 Timberwood Lane, commented that she does not want Stacy to become a six lane road.

Mayor Culbertson closed the public hearing and opened discussion to council.

Mayor Pro Tem Lessner asked if there was a height limit on the steeple and if it will be lit, as well if the applicant could provide an update on trying to obtain city sewer from the City of Allen. Mr. Schmidt replied that there is flexibility on the height within a CUP. Mr. Vandiver responded that there will be no lighting and they are going through the process with the City of Allen and going through with NTMWD and TxDOT to get approved. Mr. Vandiver stated if they do not receive the approval, then they will use a low dosage aerobic system with no effluent dispensed above grade; it is pumped through drain fields.

Councilman O'Reilly asked how many people per congregation and about the size of the water line. Mr. Schmidt responded that they are tying into a 16" water line and there are 250 people per congregation.

Councilman Hendricks asked in regards to traffic what the state policy is and at what stages the surveys, traffic studies, etc. are done. Mr. Chancellor gave council a briefing

on what is actually done within a traffic study that the town receives and the study would need to be done prior to receiving the construction drawings from the applicant.

Councilman Cunningham asked for confirmation from town staff that if the request is approved, that there are additional steps that must be undertaken. Mr. Schmidt replied that is correct. They will still be going through the plat application process and council would see this item again.

Councilman Samuels asked if there was a drainage concern. Mr. Chancellor replied that the applicant will be required to detain storm water and that the Town would have the opportunity to review those plans.

Councilwoman Price asked if there were challenges with septic systems and any requirements to keep records. Mr. Chancellor responded that whatever company they use will keep maintenance records to ensure its being maintained.

Mayor Culbertson with the Town Attorney's advisement, provided council with options on if the request is approved, denied, and/or if the item would be returned back to the P&Z Commission.

Mayor Culbertson read the conditions within the proposed ordinance to council that is being considered as part of the request for approval.

Mayor Pro Tem Lessner made a motion to approve the Conditional Use Permit application as submitted. Councilman Samuels seconded that motion and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss Boards and Commission and take any necessary action.

Mayor Culbertson stated based on the review of applicants by the sub-committee; the following recommendations are being made for each board/commission as follows:

Board of Adjustments:

Gene Harrington, Joe Barton King (Alternate), Glenn Messner (Alternate), and Donna Cunningham to two year terms expiring in 2015, and Ed Hayes moving from alternate to permanent with a one year term expiring in 2014.

Economic Development:

Warren Westburg, Virginia Fisher, and John Adler to two year terms expiring in 2015.

Environmental Committee:

Rick Zampino, Steven Peacock, and William Lynd to two year terms expiring in 2015, and adding Gary Carter and Roger Taylor with a one year term expiring in 2014.

Parks and Recreation Board:

Andrea Faulkner, Donna Pekarek, and John Brown to two year terms expiring in 2015 and Carol Sutton to a one year term expiring in 2014.

Planning and Zoning Commission:

Renee Powell, Brad Northcutt, and Matthew Faulkner to two year terms expiring in 2015, and adding Heather Hager to a one year term expiring in 2014. Council electing Brad Northcutt as Chairman.

Public Arts Committee:

Joyce Bryan to a two year term expiring in 2015.

Technology Committee:

Stephen Davis, Bill Baxter, and Gil Stevens to two year terms expiring in 2015, and Paul Myers to a one year term expiring in 2014.

Councilman O'Reilly made a motion to approve these nominations. Councilwoman Price seconded the motion and the motion was unanimously approved.

AMENDED CONCEPT PLAN-DAVIS DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on a request for approval of an Amended Concept Plan for a proposed multi-family residential development on a 24.40± acre tract of land that is situated in the Joseph Dixon Survey, Abstract No. 275, zoned Commercial Planned Development District (CPDD), Zone D, and is generally located west of SH 5 and north of Meandering Way.

Mr. Schmidt stated that the applicant is Mr. Fred Hazel, Vice President of Davis Development, which had previously developed the Colonial Grand apartment complex in Fairview. The purpose of this amended concept plan is to provide for the development of

a 267 unit multi-family development. Mr. Schmidt stated that the applicant is requesting two variances which include the minimum dwelling size be 660 SF, and $\frac{3}{4}$ split buildings are permitted as indicated on the Concept Plan. Mr. Schmidt provided history on the property and the current approved concept plan that is retained on this subject property, as well as vehicle access, traffic impact, right-of-way requirements, utilities, parking, and parkland. The developer has proposed to construct a trail that is part of the town's master trail plan, as well as a bridge linking property to the west side of Sloan Creek, with a picnic area overlooking Bush Springs Dam, which is a historical landmark for the town.

Mr. Schmidt indicated that at the May Planning and Zoning Commission meeting, there was substantial opposition to this project by residents. The commission voted to recommend denial without prejudice based on traffic impact concerns, lack of children's play areas, lack of visitor parking adjacent to the trail, disapproval of variation requests for unit size reduction, $\frac{3}{4}$ split buildings, SH 5 building setback, and trash compactor setbacks. Mr. Schmidt stated as a result of this vote, council will require a supermajority to approve the plan.

Mr. Schmidt commented since that time, the applicant has adjusted the plan to conform to the town's setback requirements from SH 5, and they have also re-positioned their compactor and recycling facilities in order to meet the setback requirements. The applicant has also addressed the traffic impact concerns. Town staff recommends approval of the Amended Concept Plan for the Davis Development multi-family development.

Mayor Culbertson opened the public hearing.

Mr. Hazel, Vice President of Davis Development, stated that since the Planning and Zoning Commission meeting, they met with two groups of residents to address their concerns that were raised at that meeting. Mr. Hazel stated that changes were made to the plan based on these meetings and they feel like they are working with the residents within their limits to be as accommodating as possible to their concerns. Mr. Hazel stated based on the variety of units, the market, and what people want, they felt it necessary to ask for the variance on the dwelling size. Mr. Hazel added that they will provide a berm along SH 5 along with additional landscaping with staff's guidance.

Frank Moore, 412 Plumwood, stated his concern is the additional traffic and pollution caused by adding more people. He is opposed.

Ralph Thompson, 420 Windmill Lane, does not agree in having a four story building and feels the slope of the land has no significance.

Chris Williams, 409 Braddock, stated his concerns are traffic, property values, and the gas line that exists on the property. Mr. Williams opposes the plan and the requested variances.

Keith Lovelace, 441 Horseshoe Trail, stated that the town failed to look at changing town requirements within the CPDD when major changes took place; therefore, opposes the

variance requests and the plan. Mr. Lovelace handed the major a petition of 34 signatures all in opposition to the plan.

Paul Palmer, 5139 Stream Crest Way, asked about access to park and stated unless there is parking, it will be considered private and not public.

Mike Vannatta, 5141 Stream Crest Way, stated that his concerns include traffic, public safety, and access to the trail.

Chris Fry, 420 Horseshoe Bend, stated he is opposed and feels SH 5 is not a ceremonial road like Fairview Parkway.

Rod Towns, 5136 Stream Crest Way, is opposed to the variances being requested and stated that a public space in a gated community is not public.

Chris Whiteley, 428 Sloan Creek Pkwy, stated that his concern is the impact on property values, and questioned if there are any other type of plans for this property.

Charles Cheek, 406 Rosemont Lane, is opposed to the variance on the dwelling unit size.

Mayor Culbertson closed the public hearing and opened discussion to council.

Mayor Culbertson asked the developer to address the access to the trail. Mr. Hazel responded that the trail will be outside of the properties fencing with multiple access points so that the public as well as the residents of the complex will have access to the trail.

Mayor Pro Tem Lessner asked if they had an idea of the unit rent levels. Mr. Hazel stated that they inquired with the adjacent property next to town hall and units 660 SF are \$900-1,050, units 768 SF are \$980-1,125, two bedrooms starting at \$1,285, and three bedrooms starting at \$1,580.

Councilman Samuels stated they are comparing a plan consisting of a proposed 267 units versus the current approved plan with 281 units with the traffic being the main concern. Between the two plans he questions why the town would want the plan with more units if this was the primary concern.

Councilman Cunningham asked if they deny the plan they can build the 281 units at 850 SF.

Councilman Hendricks asked what the long term plans were for ownership of the property. Mr. Hazel stated they intend to own for many years before selling. The maintenance of the property is a priority, especially if they desire to be successful.

Mayor Culbertson asked about the slope on the property and if they considered reducing the number of units to have the increased size in SF. Mr. Hazel responded that the topography is not always felt just by walking it, but it is definitely a factor on this parcel.

Councilman Cunningham asked who owned the additional six acres that was previously approved. Mr. Schmidt responded CW Kendall is the owner.

Councilman Hendricks made a motion to approve the amended Concept Plan for the Davis Development multi-family development with the following variations: a minimum dwelling unit size shall be 660 SF; and ¾ split buildings are permitted as indicated on the Concept Plan. Councilman O'Reilly seconded that motion. The motion passes with a 6-1 vote. Councilman Cunningham opposed based on the current ordinance requiring the minimum dwelling unit size at 850 SF, but did indicate he likes their plan.

BLUE GRASS FARMS AMENDING ORD. #2005-62: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2005-62, the Planned Center District for the Blue Grass Farms Subdivision, in order to amend the planned center zoning regulations that govern this subdivision.

Mr. Schmidt stated that staff initially recommended that the minimum lot size for future lots be 1.92 acres (the size of the smallest existing lot), and that the impervious lot coverage should remain at a maximum of 25%. The council had made a recommendation to establish the minimum lot size for future lots at 2.0 acres with the maximum impervious lot coverage to be 25%, but asked for staff to analyze the impact on the property owners with the smaller lot sizes before making a final approval. Mr. Schmidt stated the outcome showed no negative impact on either scenario. Therefore, recommends establishing a minimum lot size at 2.0 acres with a 25% maximum impervious lot coverage, as well as removing all references to deed restriction in the ordinance.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council. No comments were made.

Councilman Samuels made a motion to approve the amendment to Ordinance 2005-62 as stated above. Councilwoman Price seconded that motion and the motion was unanimously approved.

EXPIRATION OF CONCEPT & PRELIMINARY PLANS: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to reduce the expiration timeframe for the preliminary plan in the Planned Center Zone and the concept plan in the Planned Development and Commercial Planned Development District Zones.

Mr. Schmidt stated at the May council meeting, council approved a reduction in the expiration timeframe from five to three years. It was recommend by Mr. Rushing to consider a one year expiration. Upon further discussion, council decided that a two year expiration timeframe with an option to request a one year extension would be the most appropriate action. Mr. Schmidt stated the Planning and Zoning Commission unanimously approved this item; therefore, staff is also recommending approval.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council.

Councilwoman Price asked what the process would be to request the one year extension. Mr. Schmidt replied the applicant would go through the public hearing process through the Planning and Zoning Commission and to the Town Council for final approval.

Councilman Samuels made a motion to approve an amendment to reduce the Concept Plan and Preliminary Plan expiration timeframe to two years with an option for a one year extension. Councilwoman Price seconded that motion and the motion was unanimously approved.

ALLIED WASTE RATE ADJUSTMENT: Discuss and consider approval of an annual rate adjustment by Allied Waste.

Mr. Dunlap stated that the annual CPI rate adjustment has a net increase of 1.27%. The increase would equal an average increase of \$0.18 per month per home for trash and recycling. There were no additional requests for diesel fuel and landfill use for consideration. Mr. Dunlap stated that Mr. Reid Donaldson with Allied Waste was in attendance to answer any questions and provide an annual overview.

Reid Donaldson, Allied Waste, provided an overview from the past year regarding trash pickup, recycling, bulk trash pickup including the town's annual trash off, and customer service calls.

Councilman Cunningham made a motion to approve the rate adjustment as requested. Councilman Samuels seconded that motion and the motion was unanimously approved.

STREET IMPROVEMENT PROGRAM: Discuss and consider the town's street improvement program, and take any necessary action.

Mr. Chancellor stated that 13 miles of asphalt streets were identified for repairs and maintenance. These streets are either showing signs of subgrade problems due to wet

weather and/or drought conditions, or the age of the asphalt itself is causing a significant amount of cracking. Mr. Chancellor stated since the initial estimate in February 2012, the cost was just over \$3,000,000. The initial plan was to complete this work over the period of three years. The first year has been completed and came in under budget. Since that time, a more detailed analysis of the remaining streets has been done along with associated costs. Estimated costs have gone up and the costs to complete all the remaining streets, including the widening of Stacy Road are \$3,670,000.00. Mr. Chancellor presented council with three bid package options for council to review and identify based on their priority, location, and construction costs.

Mayor Culbertson commented that he would like to see the town get as many done as soon as possible with prioritizing the streets with those in the worst condition to be done first.

Mayor Pro Tem Lessner suggested bringing this item to the budget work session if didn't delay any further. Council all agreed.

2013-2014 ANNUAL BUDGET: Discuss 2013-2014 annual budget and take any necessary action.

Mrs. Couch proposed Thursday, August 1st in the morning at Noah's for a council budget work session with the regular council meeting being Tuesday, August 6th. Council agreed with this day and time.

CCART UPDATE: Receive an update regarding CCART and take any necessary action.

Mr. Wilbourn stated that CCART now focuses mainly on their Meals-On-Wheels Program and the CCART transportation users will now be served by a company called TAPS. TAPS will provide residents with curb-to-curb rides when scheduled at least 24 hours in advance. They will pick people up, take them to their destination, and take them home. NCTCOG has agreed to fully fund the TAPS program through the remainder of the current fiscal year, but is seeking funding through the next two years. The NCTCOG does not think it would be fair to expect communities to immediately absorb costs associated with TAPS when they have never incurred these cost before. Mr. Wilbourn stated if the town would ever have to contribute; it would be minimal based on what has been discussed in transportation meetings and not until FY 2016-17.

Council requested to place information regarding TAPS into the upcoming newsletter to notify residents.

TOWN HALL MEETING: Discuss process of establishing a Town Hall meeting and take any necessary action.

Mayor Culbertson stated that he wanted to discuss the possibility of having some Town Hall meetings. Council discussed possible locations such as Heritage Ranch, Sloan Creek Middle School, and Noah's of Fairview. Council asked staff to check dates with possible locations to narrow down options.

CITIZENS INPUT:

No comments were made.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

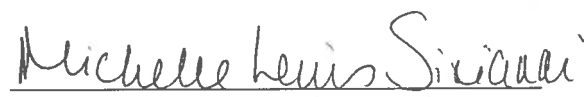
Mayor Pro Tem Lessner stated that there is a Rotary meeting in the morning at 7 a.m. and on July 24th with County Commissioner Chris Hill as a speaker.

Mrs. Couch commented that since breaking the town into four quadrants for Stage 3 watering restrictions, the town has had to divide Heritage Ranch into two sections due to the amount of water demand. Otherwise, the town has had no other issues.

Mayor Culbertson adjourned the meeting at 12:42 a.m.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL
MEETING MINUTES
August 1, 2013**

The Town Council met in special session on Thursday, August 1, 2013 at 8:00 a.m. at the Noah's of Fairview, 351 Southwind Lane, Fairview, Texas. Those present were Council Members Ron Samuels, Frank O'Reilly, Henry Lessner, Paul Hendricks, Darion Culbertson, and Mary Price. Town Manager, Julie Couch; Town Engineer, James Chancellor; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Accounting Manager, Brenda Bowman; Police Chief, Granver Tolliver; Fire Chief, Dick Price; Assistant Fire Chief/Fire Marshal, Jeff Bell; Public Works Manager, Aron Holmgren; and Town Secretary, Michelle Lewis Sirianni.

Mayor Culbertson called the meeting to order at 8:08 a.m. and declared a quorum was present.

Mrs. Couch provided council with a briefing on the proposed budget including that the town is proposing to keep the tax rate the same as last year. Mrs. Couch also discussed the tax collection and rates.

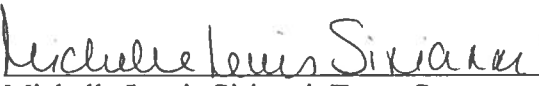
The council and town staff discussed the following within the proposed budget: General Fund, Water Fund, Debt Service Fund, Capital Projects Fund, Storm Water Fund, Economic Development Fund, Community Development Fund, Special Revenues Fund, and the Technology Fund.

Mayor Culbertson adjourned the meeting at 4:07 p.m.



 DARION CULBERTSON, MAYOR

ATTEST:



 Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
August 6, 2013**

The Town Council met in regular session on Tuesday, August 6, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Henry Lessner, Paul Hendricks and Mary Price; 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; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and real property.

At 8:10 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

ELECTING MAYOR PRO TEM:

Councilman O'Reilly nominated Henry Lessner. No further nominations were made.

Councilman O'Reilly made a motion to appoint Henry Lessner to Mayor Pro Tem. Councilman Samuels seconded that motion and the motion was unanimously approved. Mayor Pro Tem Lessner abstained from the vote.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 July 2, 2013 regular council meeting.

Councilman Hendricks made a motion to approve item A. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

430 S. HWY 5 – AMEND PC DISTRICT: Conduct a public hearing, consider, and take any necessary action on an ordinance amending the Planned Center Zoning District for 430 S. State Highway 5, a 0.5-acre property specifically defined as Lot 1, LA Caldwell's Dreamland Addition – 1st Installment, in order to add boutique retail as a permitted use.

Mr. Schmidt stated that Mr. Robert Camacho is applying for Kim-Loan McDuffie, current Fairview resident. The purpose of this application is to amend the permitted uses and update the development plan and development standards for the existing Planned Center Zoning District. Mr. Schmidt stated that the applicant is proposing to utilize the existing structure on the subject property in order to provide office space for client-based clothing and accessories business and a sales office for a custom made-to-order furnishings business. Mrs. McDuffie would utilize 40% of the 1,700 SF building for her clothing and accessories business. The business caters to clients who do not have time to shop; therefore, Mrs. McDuffie's work is done primarily offsite and appointment-based. She takes her goods to clients, thereby will minimize the amount of traffic generated. The remaining 60% of the existing structure would be used as a sales office for a custom made-to-order furnishings business. The space is primarily used as a pick-up point for local customers and a place to conduct transactions; therefore, again, the traffic generated would be minimal. Mr. Schmidt stated the applicant has met all the requirements for this request including parking spaces and landscaping. Mr. Schmidt stated that he received four responses with three opposing and one in favor of this request. The Planning and Zoning Commission unanimously recommended approval at their July meeting. Staff recommends approval.

Mayor Culbertson opened the public hearing.

Mrs. McDuffie, owner, stated that she needed a small place to put her business and this was a perfect location. She stated that everything will be in compliance with the town's requirements.

Robert Camacho, applicant, stated that since April 2013, he has received various inquiries regarding this property with proposals to use this space as a band rehearsal space, a candy store, daycare, a restaurant, a church, a landscape/flooring/roofing company, and a medical facility. Mr. Camacho stated that his client's proposed use is low impact and the use will be invisible to residents. Mr. Camacho added that his clients have a strong willingness to meet the town's requirements.

Leland Payne, 398 Park Village, stated that his concern his if the use would change overtime and if there are signage restrictions. Mr. Schmidt responded that the signage requirements will be the same as in the Commercial Planned Development District.

Mayor Culbertson closed the public hearing and opened discussion to council.

Councilman Samuels and Mayor Pro Tem Lessner believe that the paved surface area should be minimized.

Councilman Samuels made a motion to approve an ordinance amending the 430 S. State Hwy 5 Planned Center District in order to add boutique retail as a permitted use and update the development plan and development standards for the district conditioned upon staff working with the applicant to meet the minimum parking space while minimizing the use of the paved surface area. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

AMENDING TREE BOARD REQUIREMENTS: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 3 (Building Regulations), Article 3.15 (Natural Resources Management and Tree Protection), Section 3.15.104 (Tree Board) in order to amend the meeting requirements for the Tree Board.

Mr. Schmidt stated that the town's Tree Board is currently served by the members of the Planning and Zoning Commission. The Tree Board is currently required by ordinance to meet four times annually. When tree protection issues do come up, the landscape administrator, commission, or town council could then request the tree board to address those issues accordingly. As a result, staff is requesting that the meeting schedule be amended to require at least one meeting per calendar year, with any additional meetings at the request of the landscape administrator.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council. No comments were made.

Councilman Hendricks made a motion to approve the ordinance reducing the number of mandatory tree board meetings. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT 1036 HART ROAD: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 3.00± acre tract of land situated in the Samuel Sloan Survey- Abstract No. 28, that is zoned One-and-One-Half- Acre Ranch Estate (RE-1.5) and is generally located 1,600 feet south of Hart Road and east of the Oakwood Estates subdivision.

Mr. Schmidt stated the owner and applicant is Mr. Pat Hickey. Mr. Hickey would like to subdivide his 3.0 acre property into two 1.5 acre lots. The property is currently zoned RE-1.5; therefore the lots would conform to the use and are requirements of the RE-1.5 zoning district. Mr. Hickey would like to subdivide his property in order to build a house for his daughter. Mr. Schmidt indicated that due to access and water utility issues on the property, the subject property does not conform to the subdivision regulations or zoning ordinance. Mr. Schmidt stated that much like other properties the council has seen in

recent months having similar emergency access and water utility shortcomings, the town will require Mr. Hickey to enter into a developer's agreement with the town in order to mitigate the risk associated with these conditions, and will continue to work with the applicant in regards to the developer's agreement; staff recommends approval.

Mr. Hickey, applicant and owner stated his only request is that council provides latitude if anything changes down the road within the developer's agreement.

Councilwoman Price made a motion to approve a Preliminary Plat for a 3.0 acre tract of land known as the Hickey addition. Councilman Cunningham seconded that motion. The motion passes with a 6-1 vote. Councilman O'Reilly opposed.

CONCEPT/PRELIMINARY PLANS: Receive a report from staff on the status of existing Concept Plans and Preliminary Development Plans throughout the town.

Mr. Schmidt updated the council on the following plans addressing the property history, the current expiration date, and feasibility of each plan.

- Fairview Concept Plan – initially approved in January, 2003 and expiring in January, 2015 consisting of 224 acres for multi-family units, office and retail space, 20 acres of open public space, and DART transit station. The plan is currently being marketed to developers.
- Sakar Concept Plan – initially approved in March, 2005 and expiring in March, 2017 consisting of 11.39 acres for mixed-use structures that consist of office, retail, and townhome uses. The plan is currently being marketed to developers and applications. .
- Kharrat Concept Plan – initially approved in September, 2004 and expiring in September, 2016 with an SUP existing until revoked by the town. The plan consists of 7.39 acres for mixed-use structures that consist of office, retail, and townhome uses. The SUP approved a 1.5 acre tree farm/greenhouse complex in the NE corner of the land. The plan is currently being marketed to developers and applications.
- CW Kendall Concept Plan – initially approved in November, 2001 and expiring in October, 2015. A Major Amendment was approved in October, 2009 and a Minor Amendment in May, 2012. The plan accommodates for 36 townhomes on a 6.5 acre tract.

- Residence Inn Concept Plan – initially approved in June, 2013 and expiring in June, 2016. The plan consists of 2.76 acres and accommodates for a 119 room extended stay hotel. The developer intends to construct this facility in 2016.
- Davis Development Concept Plan – initially approved in July, 2013 and expiring in July, 2016. The plan consists of 24.4 acres and accommodates for 267 multi-family units. The developer intends to begin construction in early 2014.

STREET IMPROVEMENT PROGRAM: Discuss street improvement program, including Town's participation in Stacy Road widening and take any necessary action.

Mr. Chancellor presented council with options in terms of funding for the road projects. He indicated that staff is asking council to provide direction as to the level of street improvements to be funded.

The council discussed the package options provided by staff including life expectancy once the improvements are done, maintenance on the streets, the asphalt versus concrete streets, and affect concerning the interest rates, as well as the impact on the water rates.

Mayor Pro Tem Lessner made a motion to approve the complete bid package cost of 3.7 million, which includes street improvements and the town's participation in the Stacy Road widening. Councilman Samuels seconded that motion, and the motion was unanimously approved.

CERTIFICATES OF OBLIGATION: Consider a resolution directing publication of notice of intention to issue certificates of obligation; and resolving other matters relating to the subject.

Mrs. Couch stated that once initiated, the debt will be issued in October. She indicated that staff was recommending that the debt be issued over a 15 year period.

Mayor Pro Tem Lessner made a motion to approve a resolution directing publication of notice of intent to issue certificates of obligation. Councilman Samuels seconded that motion, and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss Boards and Commission and take any necessary action.

No action taken.

COMMUNITY EVENTS COMMITTEE: Discuss creating an ad hoc committee to create community event(s), and take any necessary action.

Mrs. Couch stated that the council had requested discussing the creation of an ad hoc committee to create community events. Mrs. Couch suggested council consider the scope of the committee, what they will develop, placing a time certain for completion of the scope of work, and number of members that should be on the committee.

Mayor Culbertson stated his thoughts were that the committee would be resident led with council providing direction for them with staff recommendations. Starting around September or October and finishing up by March or April of next year.

Councilman Samuels stated that in his opinion, assigning tasks will not work, and that they need to find ways to generate more traffic into the center.

Councilman O'Reilly suggested using members of the subdivision HOA boards as participants.

Councilwoman Price stated they should get the word out to see who is interested.

The council asked staff to bring back a resolution creating the committee at the next meeting. No formal action taken.

2013-2014 ANNUAL BUDGET: Discuss 2013-2014 annual budget and take any necessary action.

Mrs. Couch provided council with an update along with the revisions based on council's feedback from the budget worksession in order to confirm all changes had been made as requested.

CITIZENS INPUT:

No comments were made.

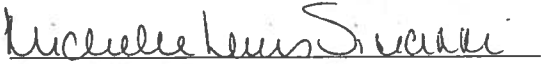
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mr. Dunlap stated there is a social run on Thursday, August 8th at 7:00 p.m. meeting at Fairview Down Under since there is a P&Z meeting that night in Town Hall.

Mayor Culbertson adjourned the meeting at 11:06 p.m.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
September 3, 2013**

The Town Council met in regular session on Tuesday, September 3, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Henry Lessner, Paul Hendricks and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Economic Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Management Inter, Tyler Brewer; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, real property, and economic development.

At 7:50 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

DAR PROCLAMATION: Proclamation presented to the Daughters of the American Revolution.

Mayor Culbertson presented a Proclamation to Nancy Ross of the Texas Chapter of the Daughters of the American Revolution to recognize their contributions, dedication, and preservation of the Texas Chapter.

COSERVE GRANT: Recognition of a grant to the Fire Department.

Chief Price made a presentation regarding the vehicle that they will be purchasing with the grant monies from Coserve as well as describing what and how it will be used within the town.

Dennis Engelke, Executive Director of Coserve, commented on how the company collects and assembles their grant funding along with how they distribute the funds. He then presented Chief Price with a grant for \$20,000.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 August 1, 2013 worksession meeting. B) Approve minutes of the August 6, 2013 regular council meeting. C) Approve a prorata ordinance to reimburse town for 12" water main installation along Stacy Road. D) Approve an amendment to Ordinance 2003-0035 amending Article 4.05, Alarm Systems, related to tracking periods and court costs.

Councilman O'Reilly made a motion to approve items A-D. Councilwoman Price seconded that motion and the motion was approved with Councilman Cunningham abstaining on item A due to being absent at this meeting.

CUP 981 BRIARDALE COURT: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit in order to allow for an accessory structure on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 981 Briardale Court, being Block A, Lot 8 of the Fairview Meadows subdivision.

Mr. Schmidt stated that Mr. Kooda, the applicant is applying on behalf of the property owner, Mr. Tod Hanna. The applicant is requesting to construct a 444 SF cabana. The subject property currently contains a single-family residence and a 673 SF accessory building. A Conditional Use Permit would be needed in order to exceed the 900 SF maximum requirement in a RE-1 zoning district. Mr. Schmidt stated that the property is heavily landscaped; therefore, will have adequate screening of the accessory building. Mr. Schmidt commented that staff has received four statements of support and two in opposition to the proposed accessory structure, and was unanimously approved by the Planning and Zoning Commission at its August meeting. Town staff recommends approval of the Conditional Use Permit in order to exceed the accessory building footprint requirements for the One-Acre Ranch Estate (RE-1) zoning district.

Councilwoman Price asked what the reasons were for the two opposing letters. Mr. Schmidt replied that they were not fond of having an additional accessory structure on the property. This subject property would be the first with two in the subdivision.

Councilman O'Reilly asked if the HOA had approved their request. Mr. Schmidt replied the HOA has approved their request.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council. No additional comments were made.

Councilwoman Price made a motion to approve a Conditional Use Permit at 981 Briardale Court. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

SUP VILLAGE AT FAIRVIEW: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Special Use Permit in order to allow for the establishment of a Farmer's Market on a property that is zoned Commercial Planned Development District (CPDD) - Zone K, being Block A, Lot 5C of the Village at Fairview Addition.

Mr. Schmidt stated that the applicant for this request is Ms. Wendy Ellis of the MG Herring Group. The purpose of this request is to hold a European style farmer's market within the Village at Fairview on Saturday's and Sunday's. The proposed hours of operation being 8:00 am -3:00 pm on Saturday and 9:00 am – 2:00 pm on Sunday. The market will have 20-50 vendors depending on the season and all vendors will be required to have proper permits at their booth including health, food service, and sales and use permit(s). These will be coordinated with the town's economic development manager and health inspector to ensure all regulatory requirements are met. Mr. Schmidt stated that the event staff with the Village will help with traffic control as well as placing trash receptacles throughout the event center. The staff has received no negative feedback and was unanimously approved by the Planning and Zoning Commission. Staff recommends approval of a Special Use Permit to provide for a temporary farmer's market.

Councilman O'Reilly asked how the surrounding restaurant owners are with this request. Ms. Ellis responded that the restaurant owners are in favor and are excited about the prospect of bringing in people. Ms. Ellis added that there will be no prepared foods allowed within the market in order to sway people to eat at the restaurants within the Village. Ms. Ellis also addressed vendor parking. She stated that they will have a designated area that they will use.

Mayor Culbertson opened the public hearing.

Roy Serpa, 412 Saddleback Drive, asked if the event would be open-ended or limited. Mr. Schmidt replied that it is currently open-ended, but will be two days a week to start.

Mayor Culbertson closed the public hearing and opened discussion to council.

Councilman Cunningham asked if they will have the event once a month or more. Ms. Ellis responded that they are looking to do a six week test run having it every weekend beginning as soon as they are able to notify vendors and get the word out. Councilman Cunningham asked if coolers and/or alcohol are permissible within the volleyball court area. Ms. Ellis responded that no alcohol is allowed in this area.

Councilman O'Reilly asked how they anticipate communicating the event to the community. Ms. Ellis stated that they will use social media, their website, email, etc. Councilman O'Reilly requested that the town place it on the website and within the newsletter.

Councilman Samuels made a motion to approve a Special Use Permit for a temporary farmer's market. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

2013-2014 BUDGET PUBLIC HEARINGS: Conduct a public hearing regarding amending the 2012-13 fiscal year budget, the 2013-14 budget including the 2013-14 ad valorem tax rate, and take any necessary action.

Mrs. Couch provided a brief summary of items of changes within the General Fund, Water and Sewer Fund, and Debt Service Fund.

Councilman Cunningham asked if the discussions regarding a second polling location for elections would be for the town election held in May only and what the expenses would be to do so. Mrs. Couch responded yes it would be during the town's May election and currently does not have a figure of how much due to discussions currently taking place with County as well discussions that will need to take place with the City of McKinney. Councilman Cunningham expressed that he doesn't see the need for the added expense.

Mayor Culbertson opened the public hearing.

Roy Serpa, 412 Saddleback Drive, asked if the proposed budget was online. Mrs. Couch responded it is currently not online, but the budget will be online. Mayor Culbertson added that he anticipates having a few town hall meetings to address the budget for the residents.

Councilman Cunningham states that he preferred having the budget worksession at Town Hall for the public rather than offsite.

Councilwoman Price commented that the worksession was offsite, but at Noah's of Fairview, which is across the street from Town Hall, which is nearby.

Mayor Culbertson closed the public hearing.

TMRS RETIREMENT POLICY: Hold a Public Hearing and consider approving an ordinance modifying the town's TMRS retirement eligibility policy from 25 years to 20 years.

Mrs. Couch stated the town's current retirement period is after 25 years of service with comparator cities being 20 year cities. The cost for the changes has been included in the budget and proposed to be effective October 1, 2013.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council. No additional comments were made.

Councilman Cunningham made a motion to approve an ordinance granting a service retirement after 20 years of credited service with TMRS. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

FINAL PLAT HICKEY ADDITION: Discuss, consider, and take any necessary action on a Developer's Agreement and a request for approval of a Final Plat for a 3.00± acre tract of land situated in the Samuel Sloan Survey – Abstract No. 28, that is zoned One-and-One-Half Acre Ranch Estate (RE-1.5) and is generally located 1,600 feet south of Hart Road and east of the Oakwood Estates subdivision.

Mr. Schmidt stated that Mr. Pat Hickey is the property owner and applicant for this Final Plat. The purpose of the plat is to subdivide a 3.0 acre property into two 1.5 acre lots. The property is currently zoned One-and-One-Half-Acre Ranch Estate District (RE-1.5) and these lots would conform to this zoning district. Mr. Schmidt stated the property does contain access and utility issues and would require a developer's agreement to be established between the town and Mr. Hickey to help mitigate the risk associated with these development conditions. The developer's agreement would run with the land and require the property owner to install: a fire apparatus hammerhead turnaround point, to extend an 8" water line and install at least one fire hydrant on the property, and install a fire sprinkler system in all new residential structures. This agreement would bind Mr. Hickey to perform this work prior to receiving a building permit approval from the town. Mr. Schmidt stated town staff recommends approval of the Final Plat conditioned upon the establishment of a developer's agreement that accounts for the items referenced within the developer's agreement.

Council discussed the options Mr. Hickey will have to extend the water line.

Councilman Hendricks made a motion to approve a Developer's Agreement and Final Plat for a 3.0 acre tract. Councilwoman Price seconded that motion and the motion was unanimously approved.

CPDD MASTER PLAN: Receive a presentation, discuss, and consider a request from Jacobs to serve as the town's planning consultant for an update of the CPDD Master Plan, and take any necessary action.

Mr. Schmidt stated that the update of the CPDD Master Plan would include the consultant, which will be chosen by council to work with the town to conduct a market study and update the land use, thoroughfare, pedestrian linkage, and park and open space plans. Recently, the town staff along with the council subcommittee interviewed selected participants for the project. The Jacobs firm led by its project manager, Mark Bowers was selected to be the best fit for the town. Jacobs submitted a preliminary project budget that accounts for a range of services that, depending on the level of service, could cost between \$151,000 - \$310,000. Mr. Schmidt stated that this cost is consistent with those provided by other firms.

Mark Bowers, Director of Planning, gave council a presentation that included an overview of roles by those that will be involved with the project, project components, plan components, implementation, and a timeline.

Council discussed the process that would take place with the consultant, using a market analysis, along with funds that will be used for the project. Mayor Pro Tem Lessner stated that while interviewing, he was very pleased with Jacobs knowledge of area development, financial, and community planning.

Mayor Pro Tem Lessner made a motion to select Jacobs as the consultant for the update of the CPDD Master Plan, and to grant the town staff permission to begin contract negotiations with Jacobs. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

Councilmember Price made a motion to continue using a subcommittee comprised of Councilmembers O'Reilly, Hendricks, and Lessner to continue to assist and work with staff, council and the consultant on the project. Councilman Cunningham seconded that motion and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss Boards and Commission and take any necessary action.

Mayor Pro Tem Lessner made a nomination to appoint Amy Adler to the Public Arts Committee.

No further nominations were made.

Mayor Pro Tem Lessner made a motion to appoint Amy Adler to the Public Arts Committee for a two year term. Councilwoman Price seconded that motion and the motion was unanimously approved.

TOWN INSURANCE: Discuss and consider awarding a proposal for town insurance and take any necessary action.

Mrs. Couch stated that the town recently requested proposals for employee group health, dental, and vision. The town received a reduction from BCBS, which is the current company being used by the town. Mrs. Couch stated that the town also requested the broker, The Reaves Agency, which has been the town's broker for approximately ten years, to look at options for dependent coverage based on the council's comments from previous meetings. In response, BCBS recommended two options in addition to the in force plan. These plans have lower premiums for dependent coverage, making it more affordable with quality coverage. The High Deductible Health Plans are Health Savings Account qualified plans. The HSA account will allow the employee to save money on a pre-tax basis for qualified medical expenses. The town will also contribute \$100 per month to an HAS for each employee that enrolls. Mrs. Couch stated that Sun Life came in with lower rates versus Ameritas, the town's current company for dental coverage. The town would only see a slight increase in rates with Sun Life. Town is not recommending any changes to the vision insurance, which is held with Ameritas.

Mayor Culbertson asked if the town would see rate changes next year with BCBS, would they still offer all three plans. Mrs. Couch replied yes and that the town also currently pays 100% for the employee. She indicated that the Town contribution was not guaranteed but would be looked at each year.

Councilman Cunningham notated the high deductibles on options two and three.

Councilman O'Reilly made a motion to renew the in force with Blue Cross Blue Shield medical insurance at the grandfathered status rates; offer two additional BCBS plans contributing \$100 per month to an HSA for this year; change from Ameritas to Sun Life Financial for the town's dental insurance; and, renew the in force Ameritas vision plan. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

COMMUNITY EVENTS COMMITTEE: Discuss creating an ad hoc committee to create community event(s), and take any necessary action.

Mrs. Couch stated that the resolution outlines the committee including the number of members, timeline, and general scope. Mrs. Couch requested council to review and discuss any changes they would like within the resolution.

Council discuss the options of having the committee as an ad hoc committee versus an on-going committee, execution of the event(s) once created, and receiving monthly updates versus periodic.

The council's consensus was to add the following recommended changes to the resolution: two interim reports shall be made to the EDC/CDC commission with option to

report to council as needed, committee to work with the CDC, change ending date to June 2014, and committee to have an additional on-going role in implementing the event(s). Council also agreed to use current subcommittee to help find individuals for the committee.

Councilman Samuels made a motion to approve a resolution creating an ad hoc committee to create community event(s) as amended with above recommendations. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

2013-14 AD VALOREM TAX RATE: Discuss and consider an ordinance on the proposed 2013-14 ad valorem tax rate, and take any necessary action.

Mr. Wilbourn stated that the public hearing requirement for this item has been met and the council can formally adopt the ad valorem tax rate of \$0.360 on each one hundred dollars (\$100.00) assessed value of taxable property.

Mayor Pro Tem Lessner made a motion to adopt the ordinance setting the 2013-14 ad valorem tax rate at \$0.360 on each one hundred dollars (\$100.00) valuation. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

2013-14 PROPERTY TAX RATE: Discuss and consider a resolution ratifying the 2013-14 property tax rate and take any necessary action.

Mr. Wilbourn stated that the fiscal year 2013-2014 budget will raise more revenue from property taxes than the previous year because, despite no change in the actual property tax rate, the revenue from the assessment of property taxes will create more revenue than last year due to improvements placed on the tax rolls and increased assessments.

Councilman Cunningham made a motion to approve a resolution ratifying the 2013-2014 property tax revenue increase reflected in the fiscal year 2013-2014. Councilman Samuels seconded that motion and the motion was unanimously approved.

AMEND 2012-13 BUDGET: Discuss and consider an ordinance amending the 2012-13 fiscal year budget, and take any necessary action.

Mr. Wilbourn requested council to approve the amended fiscal year 2012-2013 budget as submitted.

Councilman Hendricks made a motion to approve the ordinance amending the fiscal year 2012-2013 budget. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

2013-2014 ANNUAL BUDGET: Discuss and consider an ordinance approving the proposed 2013-14 budget, and take any necessary action.

Mr. Wilbourn requested council to approve the 2013-2014 budget as submitted.

Councilman Cunningham stated that he was displeased with this year's procedure, but pleased with result of the final product.

Councilman Cunningham made a motion to approve the 2013-2014 budget. Councilwoman Price seconded that motion and the motion was unanimously approved.

TOWN'S FACILITIES PLANNING: Discuss and consider a RFQ regarding the town's facilities planning and take any necessary action.

Mr. Wilbourn stated that staff has put together a request for qualifications (RFQ) to begin the process of seeking out qualified firms for the future facilities planning study. Once submittals are received, an evaluating process would take place. Mr. Wilbourn stated that staff requests that the council form a subcommittee comprised of three members to take part in the evaluation process. Town staff would assist the council subcommittee in evaluating qualified firms and help them make a recommendation that would be taken back to council. Mr. Wilbourn requested approval for staff to send out the RFQ to qualified firms and appoint a council subcommittee.

Councilmembers Samuels, O'Reilly, and Hendricks volunteered to serve as the subcommittee in this process.

Mayor Pro Tem Lessner made a motion to approve staff to send out RFQ's to qualified firms as well as appointing councilmembers Samuels, O'Reilly, and Hendricks to the subcommittee to assist staff with recommendations. Councilman Samuels seconded that motion and the motion was unanimously approved.

UTILITY RATES AND CHARGES: Discuss and consider an ordinance amending Appendix A of the town's fee schedule regarding utility rates and charges, and take any necessary action.

Mrs. Couch stated that as part of the current budget, it was determined that it would be necessary to increase water rates. These rates would be effective November 1, 2013.

Mayor Pro Tem Lessner made a motion to approve an ordinance amending the town's utility rates and charges effective November 1, 2013. Councilman Samuels seconded that motion and the motion was unanimously approved.

MILLIGAN WATER SUPPLY: Discuss and consider an agreement with Milligan Water Supply Corporation, and take any necessary action.

Mrs. Couch stated the Milligan Water Supply Corporation has approved the contract and the town is prepared to move forward. If the contract is approved, the town would be taking over the residents who currently receive water from Milligan. The town will notify the residents and work with them regarding their meters and any pressure reducing devices that may be needed as the transition is made. The water rates to these residents will be lower than they are currently paying, as well as being able to provide them fire protection. Mrs. Couch stated the cost of the acquisition will be \$40,000 and was included in the amended budget for this year and would be recovered in approximately two and a half years.

Councilman Samuels made a motion to approve an agreement with Milligan Water Supply Corporation as submitted. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:


No comments were made.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.


Mayor Pro Tem Lessner reminded council of the event for Ken Paxton being held and the tax ratification election being held by the McKinney ISD.

The council adjourned back into executive session at 10:53 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, real property, and economic development.

At 12:30 p.m. Mayor Culbertson reconvened back into regular session and adjourned the meeting with no further actions made.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
October 1, 2013**

The Town Council met in regular session on Tuesday, October 1, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Henry Lessner, Paul Hendricks and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, real property, and economic development.

At 7:51 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

ARBOR DAY PROCLAMATION:

Mayor Culbertson read the Arbor Day Proclamation proclaiming November 2, 2013 Arbor Day in the Town of Fairview and urging all citizens to plant and care for trees in order to nourish the soul and promote the well-being of this and future generations.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 3, 2013 regular council meeting. B) Consider an ordinance renewing a franchise agreement with Oncor. C) Consider an ordinance adopting Atmos Mid-Tex natural gas rates.

Councilwoman Price requested to pull item A.

Councilman O'Reilly made a motion to approve items B and C. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

Councilwoman Price requested to add to the budget public hearing item that she commented that the even though the worksession was held offsite, it was done at Noah's, which is located across the street from Town Hall.

Councilman Hendricks made a motion to approve item A as amended. Councilman Samuels seconded that motion and the motion was unanimously approved.

REPLAT VILLAGE AT FAIRVIEW - NORTH ADDITION: Conduct a public hearing, consider, and take any necessary action on a request to Replat an 8.480± acre tract of land that is zoned Commercial Planned Development District (CPDD), Zone K, and is generally located east of Convention Drive and north of Murray Farm Road, being Lot 2R, Block A, of the Village at Fairview – North Addition.

Mr. Schmidt stated that the applicant for this request is Mr. Ajay Desai. The purpose of the Replat application is to subdivide the existing lot into two lots in order to facilitate the sale of real property. Mr. Schmidt commented that this subject property is related to the land where the Concept Plan for the hotel was approved. Mr. Schmidt stated that when land is sold and subdivided in this manner, the plat will serve as the legal instrument in order to facilitate and carry out the transaction; therefore, staff recommends approval.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council. No comments were made.

Councilman Samuels made a motion to approve the Replat for Lot 2R, Block A, North Addition. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

REPLAT BLUE GRASS FARMS SUBDIVISION: Conduct a public hearing, consider, and take any necessary action on a request for approval of an amendment to the Blue Grass Farms Subdivision Zoning Development Plan and a Replat of Lot 17R of the Blue Grass Farms Subdivision, a 14.3516 ± acre property that is zoned Planned Center (PC), generally, to subdivide the property in order to create four single-family residential lots.

Mr. Schmidt stated that the applicant, Mr. Mark McGuire is applying on behalf of the property owners. The purpose of the Replat is to subdivide Lot 17R in order to create four single-family residential lots. Mr. Schmidt stated the subject property is undeveloped and contains a substantial amount of trees with approximately six acres of land within the FEMA floodplain, and eight acres of developable land. The applicant is proposing that each lot be at least two acres in size. Mr. Schmidt identified surrounding zoning and subdivisions to the subject property as well as providing an overview of the subdivision requirements for the Replat including the Park Board recommendation of accepting cash in lieu of land for the parkland conveyance. Mr. Schmidt stated that he received only one statement in opposition while the others received were all in favor of the request. The

development conforms to the town's subdivision regulations and the zoning requirements, and the timing of the development will potentially allow NTMWD to route their waterline in a manner that minimizes tree removal; therefore, staff recommends approval.

Councilwoman Price asked if the letter of opposition stated why. Mr. Schmidt replied it was from a Heritage Ranch resident, but no reason was given.

Councilman Samuels asked if this property was located on the north side of Sloan Creek. Mr. Schmidt replied that the property line is north of Sloan Creek, but there is no development on the north side.

Councilman Cunningham asked who would be responsible to maintain Kentucky Lane if extended. Mr. Schmidt replied that the town will maintain since it will be public right-of-way.

Mayor Culbertson opened the public hearing. A question was asked if concrete or asphalt would be used. The applicant at this time is unsure which one will be used.

Mayor Culbertson closed the public hearing and opened discussion to council. No additional comments were made.

Councilwoman Price made a motion to approve an amendment to the Blue Grass Farms Subdivision Zoning Development Plan and a Replat of Lot 17R of the Blue Grass Farms Subdivision, a 14.3516 ± acre property that is zoned Planned Center (PC), generally, to subdivide the property in order to create four single-family residential lots. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

REZONING MOLODOW/TOLLE PROPERTIES: Conduct a public hearing, consider, and take any necessary action on a request to adopt an ordinance amending the land use designation and zoning for three tracts of land comprised of 57.018± acres and situated in the Robert Fitzhugh Survey, Abstract No. 317, and generally located north of Stacy Road and 450' west of Kentucky Lane, which are currently zoned Agriculture (AG) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, to the Residential Estate (RE) land use designation and the Planned Center (PC) Zoning District, generally, in order to initiate a development comprised of thirty-four (34) single-family residential lots.

Mr. Schmidt stated the applicant for this request is Mr. Michael Dewers and is applying on behalf of the property owners. The purpose of this zoning change application is to amend the land use designation and zoning for three tracts of land comprised of 57.018± acres, which are currently zoned Agricultural (AG) and categorized as Residential Estate Country on the Future Land Use Plan, to the Residential Estate land use designation and the Planned Center Zoning District (PC), generally, in order to initiate a development comprised of thirty-four single-family residential lots. Mr. Schmidt stated that of the

proposed 57.018± acres, a 27.874 acre tract and a 1.065 acres tract are owned by Mrs. Tolle, and a 28.065 acre tract owned by Mr. Molodow. The proposed development would provide for lots that are at least 1.5 acres in size or greater, with a landscaped common area at the subdivision entryway. The proposed development would also provide for 50' of public ROW, extending north from Stacy Road and west to Farmstead Road. Mr. Schmidt indicated the surrounding properties and zonings and added that if the town were to approve this application, it would require an amendment to the Future Land Use Plan and would reduce the side yard setbacks from 50' to 25'. Mr. Schmidt also discussed vehicle access, right-of-way requirements, utilities, landscaping, associated with this development. Mr. Schmidt stated that the Park Board recommended a land dedication of 1.0 acres, but the concern by staff is what to do with one acre of land. The town staff has received opposition from the Countryside and Blue Grass Farms subdivisions regarding the connection of Farmstead to the new road and the size of lots including the setbacks. Mr. Schmidt indicated that there were policy questions for the Council related to the access to Farmstead, the Park and Recreation Board recommendation on land dedication, and their recommendation on this zoning change application.

Councilman Samuels asked if the NTMWD east easements have been granted. Mr. Schmidt replied currently they have not, but will be.

Councilwoman Price asked about potential right-of-way from Kentucky to Lot 8. Mr. Schmidt stated that this was a private driveway, therefore, would not be an option.

Mayor Culbertson asked if the Park and Recreation Board have an intention for the land dedication. Mr. Schmidt replied that they would use the one acre for a potential neighborhood park facility.

Councilman Cunningham asked if two acre lots were considered or using a two acre average density. Councilman Cunningham stated his concern is that the Master Plan calls for RE-2 zoning and the size of the setbacks. He also commented that a one acre lot for a park is too small.

Mayor Pro Tem Lessner asked if there was any flood plain and if the applicant did have two acre lots, how many would there be versus the thirty four 1.5 acre lots. Mr. Schmidt replied that there is no flood plain and if the lots were two acres in size, it would yield 25-27 two acre lots.

Councilman O'Reilly stated that he does have concern with Farmstead being considered as a thru road due to traffic. He prefers an emergency access or gated access and believes council needs more information regarding this issue.

Mayor Culbertson opened the public hearing.

Jim Reilly with K. Hovnanian Homes stated that they are proposed 34 lots with 35' front yard setbacks and 25' side yard setbacks. The homes will range from 3400 SF to 5000 SF

And will have an average price of \$700,000. Mr. Reilly stated that they met with the Farmstead home owners and are not opposed to an access gate and added that the construction traffic will use Stacy Road.

Mayor Culbertson asked why they did not consider two acre lots. Mr. Reilly responded that the economics do not work.

Mike Weaver, 481 Homeplace, stated that Countryside would like to see two acre properties on the subject property. He is not opposed to an emergency access exit with a Knox box and is all for safety, but the more traffic put onto Country Club, the more dangerous it is.

Mark Molodow, 431 Kentucky Lane, does not see an issue with one and one-half acre lots and is in favor of the request. Mr. Molodow commented that the town is changing.

Guy Wormald, 926 Medina Drive, stated that he serves as Vice Chairman on the Park and Recreation Board. Mr. Wormald stated that the reasoning behind their vote was that they wanted the proposed neighborhood to have a park. Mayor Pro Tem Lessner asked if the Board had identified the area. Mr. Wormald replied no they had not. Councilwoman Price commented that she does not know of any parks that are just one acre in size.

Edward McGee, 520 Homeplace, stated that he borders the proposed development and would like to see two acre lots. Mr. McGee admires the town's long-range plan. He added that an emergency access gate would be sufficient on Farmstead.

Kirsh Smith, 470 Country Club Road, stated that his concern is traffic, safety, and tree preservation.

Mayor Culbertson closed the public hearing and opened discussion to council.

The council agreed that they would like to have additional research on the emergency access easement as well as park land clarification from the Park and Recreation Board.

Councilman O'Reilly made a motion to continue the public hearing to the November 5th council meeting

Councilman Samuels requested that the developer look at the plan to see if there was any other way to reconfigure the land use. Mayor Pro Tem Lessner requested to have the park area depicted on the plan. Councilman Hendricks added to include the Park and Recreation Boards intentions for the land as well as the town's additional research on the emergency access easement.

Mayor Pro Tem seconded that motion including the requests listed above. Motion passes with a 4-3 vote. Council members Price, Cunningham, and Samuels were opposed.

SITE PLAN DAVIS DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Site Plan for a proposed multi-family residential development on a 24.40± acre tract of land that is situated in the Joseph Dixon Survey, Abstract No. 275, zoned Commercial Planned Development (CPDD) District, Zone D, and is generally located west of SH 5 and north of Meandering Way.

Mr. Schmidt stated that the applicant for this request is Mr. Fred Hazel, Vice President of Davis Development. The proposed Site Plan contains 267 multi-family units on a 24.40 acre development. The plan provides for nearly 11 acres of open space, with just over 4.5 acres within the FEMA 100-year floodplain. The proposed development would consist of 10 buildings, four of which are two stories and front SH 5, two three story buildings which are situated in the middle of the development, and four ¾ split buildings bordering the west side of the proposed development. Mr. Schmidt stated that the development would contain a wide array of amenities including a clubhouse with a gym, game room, and other common areas along with a swimming pool and playground. Mr. Schmidt commented on the land use and zoning of the surrounding properties, as well as requirements pertaining to the Site Plan including utilities, right-of-way, parking, parkland, open space, and landscaping. The applicant is seeking a variance from the town's requirements that all buildings within the CPDD provide for facades that are comprised of 90% masonry. The Site Plan submitted provides for 75% masonry with over 20% being comprised of stone. Mr. Schmidt stated that the applicant is requesting this variance because they feel that the design would look more appealing than a conforming design.

At the September Planning and Zoning Commission meeting, the commission recommended conditional approval of this application. The commission requested the following: the two-story building must conform to the 90% masonry requirement while all other residential buildings must generally provide for at least 75% masonry on all facades; continue to work with staff to identify modifications to the façade plan that would provide additional architectural relief and enhanced features that will make this a more unique product with emphasis on the 4-story of the ¾ split building; work with the town engineer to identify any trees that could be preserved that are currently projected to be removed to accommodate development; and, upsize proposed tree planting at SH 5 streetscape, project entryway, and the southern property boundary. Based on these recommendations, the developer provided for increased sizes in canopy trees; additional architectural relief with modifications made including overhangs and roof features. Mr. Schmidt stated that this Site Plan submittal and associated documents conforms to the recommendations of the commission and staff; therefore, recommend approval of the Site Plan and variances requested.

Council briefly discussed the masonry requirements, buildings related to and location of these buildings. Mayor Pro Tem asked if there would be a berm along SH 5. Mr. Schmidt replied yes there is a berm along SH 5. Councilman Cunningham asked about street parking and if the plans have been reviewed for the bridge. Mr. Schmidt replied that there will be no street parking and the bridge will be a pedestrian style bridge that will not be

for vehicle use, but bicycles will be able to cross with the width being consistent with the trail as well as ADA compliant.

Mayor Culbertson opened the public hearing. Fred Hazel, VP of Davis Development addressed the council with changes made on the Site Plan at the Planning and Zoning Commissioners request.

Mayor Culbertson closed the public hearing and opened discussion to council. No additional comments were made.

Councilman Samuels made a motion to approve a Site Plan for a multi-family residential development. Councilwoman Price seconded that motion and the motion was unanimously approved.

CERTIFICATES OF OBLIGATION, SERIES 2013: Consider an ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates Of Obligation, Series 2013; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving an official statement; authorizing the execution of purchase agreement; providing an effective date; and enacting other provisions relating to the subject.

Mrs. Couch stated that the town has received an upgrade on their rating from Moody's from AA- to AA+, which is a two level increase. Mrs. Couch introduced Mr. Boyd London with First Southwest to discuss the bonds and rating.

Mr. London discussed with council the town's ratings over the past few years. The town has seen a low of 3.27% with an average of 4.53%. Mr. London added to Mrs. Couch comment on the ratings upgrade and stated that very few towns/cities have this occur; therefore, is a very good reflection on the town. Mr. London briefed council on the two bonds that will be issued and their savings based on the new rating.

Councilman Samuels made a motion to approve an ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates Of Obligation, Series 2013; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving an official statement; authorizing the execution of purchase agreement; providing an effective date; and enacting other provisions relating to the subject. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013: Consider an ordinance authorizing the issuance of Town of Fairview, Texas, General Obligation Refunding Bonds, Series 2013; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving an official statement; authorizing the

execution of purchase agreement and escrow agreement; providing an effective date; and enacting other provisions relating to the subject.

Mayor Pro Tem Lessner made a motion to approve an ordinance authorizing the issuance of Town of Fairview, Texas, General Obligation Refunding Bonds, Series 2013; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving an official statement; authorizing the execution of purchase agreement and escrow agreement; providing an effective date; and enacting other provisions relating to the subject. Councilwoman Price seconded that motion and the motion was unanimously approved.

AWARD BID TO PEACHTREE CONSTRUCTION: Discuss and consider awarding bid to Peachtree Construction for the 2013 residential street improvements, and take any necessary action.

Mr. Chancellor stated the engineering staff prepared a bid package and advertised for a publicly held, sealed-bid opening. Peachtree Construction was the low bid at \$2,009,795.00. They have performed past work experience and demonstrated their capability to complete this type and scope of paving work. Mr. Chancellor added that they are also a prequalified contractor by TxDOT to work on state projects.

Councilman Samuels made a motion to award the bid on the 2013 residential street paving project to Peachtree Construction in the amount of \$2,009,795.00. Councilman O'Reilly seconded that motion and the motion unanimously passes with a 6-0 vote. Mayor Pro Tem Lessner had left the room when the vote was made.

NTMWD WATER MAIN EASEMENTS: Discuss and consider approving water main easements to NTMWD for distribution lines on town owned properties, and take any necessary action.

Mrs. Couch stated that town staff recommends approval subject to legal form by the town attorney.

Mayor Pro Tem Lessner made a motion to approve water main easements to NTMWD, subject to approval of legal form by the town attorney. Councilman Hendricks seconded that motion and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss Boards and Commission and take any necessary action.

Mayor Pro Tem Lessner made a nomination and motion to appoint Hal Bryan, Robert Herrema, Chris Hendricks, and Pennie Beauchamp to the Destination Fairview Ad Hoc Committee. Councilwoman Price seconded that motion and the motion was unanimously approved.

CREDIT CARD PROCESSING FEES- UTILITIES: Discuss and consider an ordinance establishing credit card processing fees to utility accounts, and take any necessary action.

Mrs. Couch stated that the town does not charge a fee to use a credit card in utility billing and permits. The town is essentially losing revenue because of the cost incurred for customer convenience and those credit card customers are being subsidized by those who pay by cash and check. Mrs. Couch recommended council approve the ordinance which would authorize the town to recover cost by adding a 3% processing fee.

Councilman O'Reilly made a motion to approve an ordinance authorizing the town to assess a processing fee of three percent. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

RESIDENCE INN HOTEL AGREEMENT: Discuss and consider an agreement with Lowen Fairview, LP regarding the Residence Inn Hotel.

Mrs. Couch stated that hotel occupancy tax (HOT) money is rebated to Lowen over the 11 years of the agreement. The HOT is restricted in how it can be used, therefore, the town would have to spend the money in the same manner as Lowen. Mrs. Couch stated that there are accountability standards and a reporting process in the agreement. Mrs. Couch stated the council will need to take two actions on this item. The first action would be to approve the HOT agreement between the town and Lowen and the second one would be to authorize EDC to enter into an agreement with Lowen.

Councilman Samuels made a motion to approve the hotel development agreement with Lowen Fairview, LP. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

Mayor Pro Tem Lessner made a motion to authorize the Economic Development Committee to enter into an incentive grant performance agreement with Lowen Fairview, LP. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

INTER-LOCAL AGREEMENT WITH CITY OF WYLIE - DISPATCH SERVICES: Discuss and consider an inter-local agreement with the City of Wylie regarding dispatch services with the town, and take any necessary action.

Mrs. Couch stated the town is moving forward with coordinating dispatch services with the City of Wylie as part of the budget process. The inter-local agreements will allow the Fire Department to be dispatched by the City of Wylie and since Wylie is on the City of Plano's radio system, an inter-local agreement must be established between the town and the Cities of Plano and Allen. The contract with Allen and Plano will begin in October to allow the town to begin the transition to their system and the contract with Wylie would begin in December in order for them to staff up for the January startup date. Mrs. Couch recommended approval of these agreements subject to final legal form and review by the town council.

Mayor Pro Tem Lessner made a motion to authorize the Town Manager to enter into an inter-local agreement with the City of Wylie for dispatch services subject to final legal form and review by the Town counsel. Councilwoman Price seconded that motion and the motion was unanimously approved.

INTER-LOCAL AGREEMENT WITH CITY OF ALLEN & PLANO - DISPATCH SERVICES: Discuss and consider an inter-local agreement with the City of Allen and Plano regarding dispatch services with the town, and take any necessary action.

Mrs. Couch stated same comments apply.

Councilman Samuels made a motion to authorize the Town Manager to enter into and inter-local agreement with the City of Allen and Plano for communication services. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

REPORTS FROM STAFF: Receive reports from Staff, including any updates on Stage 3 watering and/or water conservation, project tracking reports, and an update on roadway construction schedules.

Mrs. Couch stated that since the town has been in Stage 3 watering, there has been a reduction of 10% in usage, but more information will be provided once the town receives additional information.

Mr. Chancellor provided updates on the Hwy 5 and Stacy Road project.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from staff or the Town Council about items of community interest.

Mrs. Couch stated Jason Weeks, the towns newly hired Finance Director will be starting on October 21st, and the town recently held their employee appreciation at Splitsville, which had very good attendance.

Town Hall meetings will be held on October 22nd and 30th.

Town Council will be holding a joint session with the Planning and Zoning Commission on October 24th.

A meet and greet with the town's churches will be held on October 3rd.

Pancake Breakfast at Fire Station #1 will be October 5th from 9:00-12:00 pm.

The Fairview Showdown Half Marathon will be October 12th.

Day of Service/Clean Up Day to occur on October 26th.

Mr. Wilbourn stated the Mr. Stephen Davis resigned from the Technology Committee.

October is Breast Cancer Awareness month.

At 11:12 p.m. Mayor Culbertson adjourned the meeting.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL TOWN HALL
MEETING MINUTES
October 22, 2013**

The Town Council met in special session on Tuesday, October 22, 2013 at 7:00 p.m. at 440 Country Club Road, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Jim Cunningham, Ron Samuels, Frank O'Reilly, Paul Hendricks, Henry Lessner, and Mary Price; Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Town Engineer, James Chancellor; Economic Development Director, Ray Dunlap; Planning Manager, Ken Schmidt; Assistant Fire Chief, Jeff Bell, and Town Secretary, Michelle Lewis Sirianni.

Mayor Culbertson welcomed everyone for attending the Town Hall Meeting and introduced the members of council.

Mayor Culbertson welcomed and introduced Ms. Payton Harvey, a third grader, that he had the pleasure in speaking with at a recent event. Ms. Harvey had expressed to him her interest in local government as well as seeing how it all works.

Mayor Culbertson stated that the council will be providing an outline regarding the town's growth, economic development efforts, budget overview, new communication initiatives, strategic plan, infrastructure update, and ways to enhance the quality of life in Fairview.

Mayor Culbertson provided a review of the growth of Fairview and new development that is planned. He reviewed the Town's adopted vision, mission, core values, and focus areas.

Councilman O'Reilly spoke about the town's economic development initiatives.

Mayor Pro Tem Lessner covered fiscal responsibility including the state of the Town's finances. He also outlined the reasoning for the recent increase in water rates.

Councilman Hendricks continued the overview on fiscal responsibility by reviewing current town staffing, the transition to the City of Wylie for fire dispatching, the update to the CPDD Plan and the completion of a planning study for the town's future facility needs to accommodate for future build out.

Councilwoman Price talked about the town's communication initiatives, including the updated newsletter, a citizen perception survey, the initiation of a Nixle notification service that will send either a text or email alert regarding emergency and advisory alerts to residents, and an update to the Shop Fairview Texas Website.

Councilman Samuels focused on community events designed to enhance quality of life within Fairview including an upcoming Christmas event on December 7th that will

include tree lighting, an ice skating rink, and children's activities, the recently held Showdown Half Marathon that took place over Texas OU weekend and the Fairview Half Marathon coming in April. Councilman Samuels also discussed the recently formed Ad Hoc Committee on special events titled Destination Fairview. He indicated the goal of this committee is to recommend enhancements or additions to community events.

Councilman Cunningham addressed the town's infrastructure including a review of the Town road improvement program that was started last year and will be completed this upcoming year. He also reviewed the Highway 5 improvements, which is a TxDOT project scheduled for a February 2014 completion and that the widening of Stacy Road from Highway 5 to FM 1378, which is scheduled to begin in 2014 with the relocation of utilities.

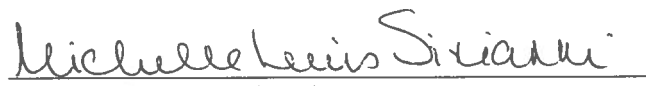
Mayor Culbertson also reviewed upcoming changes to US 75 in Fairview and the upcoming construction of a 54 inch water pipeline that will be routed through Fairview.

A number of questions were asked during and after the presentations including questions regarding DART, the town's crime rate, and the McKinney airport.

Mayor Culbertson thanked everyone for coming and adjourned the meeting at 8:12 p.m.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL JOINT
MEETING MINUTES
October 24, 2013**

The Town Council and Planning and Zoning Commission met in special session on Thursday, October 24, 2013 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Jim Cunningham, Ron Samuels, Frank O'Reilly, Paul Hendricks, Henry Lessner, and Mary Price; Planning and Zoning Commission members Brad Northcutt, Debbie Flood, Matt Faulkner, Jim Rushing, Renee Powell, Heather Hager, and Pat Friend; Town Manager, Julie Couch; Town Engineer, James Chancellor; Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory, and Town Secretary, Michelle Lewis Sirianni.

Mayor Culbertson called the Town Council portion of the meeting to order at 7:02 p.m. and declared a quorum was present.

SERVICE AGREEMENT JACOBS ENGINEERING GROUP: Discuss, consider, and take any necessary action on a request to approve a Service Agreement authorizing Jacobs Engineering Group, Inc. to serve as the town's planning consultant for an update of the CPDD Master Plan.

Mr. Schmidt stated that council selected Jacobs to be the planning consultant for the update of the CPDD Master Plan. The staff has worked with Mr. Mark Bowers to refine the scope of services and project timeline, and to negotiate an appropriate service fee. Mr. Schmidt stated that they have divided the project into six phases with the first two phases being mostly data collection and analysis; the third phase initiating the vision process, phase four and five will be developing and drafting the plan components and implementation, and phase six being the adoption of the plan. Mr. Schmidt stated that there will be five public meetings, with four joint meetings and one community open house. Mr. Schmidt stated that the proposed service agreement has a completion date of June, 2014 unless a project timeline extension is provided by the town, but if pursued efficiently, this would allow for a completion date of April, 2014. The agreement has been negotiated between the town staff and Jacobs at a proposed cost not to exceed \$250,000. Mr. Schmidt added the attorneys are still reviewing minor details, but recommends council to allow the Town Manager to approve the final draft subject to legal form.

Mrs. Couch added that the funds for the project would be 50% from the General Fund and 50% from EDC funds, and the town would be billed monthly based on hours, expenses, and work completed. Councilwoman Price asked if the EDC had voted on the funding of the project. Mrs. Couch responded that they have not yet voted.

Councilman O'Reilly asked if the council would get to review each phase. Mr. Schmidt replied that council would get to review each phase and they plan on involving the subcommittee as much as possible to have lots of intervention. Mr. Bowers added that there will be several check points with each step refined based on comments as each phase is completed with a presentation each time.

Councilwoman Price made a motion to approve a service agreement authorizing Jacobs Engineering Group, Inc. to serve as the town's planning consultant for an update of the CPDD Master Plan at a cost not to exceed \$250,000, subject to legal form. Councilman O'Reilly seconded that motion and the motion was approved with a 6-0 vote. Councilman Cunningham was not present for this item.

Mayor Culbertson called for a break at 7:20 p.m. to allow the Planning and Zoning Commissioners to take their seats.

At 7:30 pm, Mayor Culbertson called the council into a joint session with all members present.

At 7:30 pm, Chairman Northcutt called the Planning and Zoning Commission into a joint session and declared a quorum was present.

LAND US PLAN WORKSHOP: Receive a presentation from staff and conduct a workshop in order to discuss potential updates to the town's Future Land Use Plan and take any necessary action.

Mr. Schmidt stated that current events have driven staff to begin engaging council for further guidance concerning the land use component to the Comprehensive Plan. Mr. Schmidt stated largely due to substantial upswing in the residential market, and the desirability to be in Fairview, current property owners and developers have been pursuing development opportunities within the town. Current known development proposals are conflicting with the current zoning on these properties. Mr. Schmidt provided the council and commission with population projections along with current land development and "underdeveloped" land within the town as well as current development and population. Mr. Schmidt provided examples of feedback he has received from property owners and developers, as well as, existing resident feedback, and outlined the different points of view from their perspective.

Mr. Schmidt reviewed the elements of the Comprehensive Plan and the history of the development and updates to the plan. He indicated that the town council has identified that the Comprehensive Plan needs to be revisited with a review of the Land Use Plan as well as updates of the CPDD Mater Plan, Parks and Recreation Plan, Transportation Plan, Utilities Plan, and the development of a Municipal Facilities Master Plan. Mr. Schmidt stated that staff is seeking direction from the council and commission on how they would like to determine the process to update the Land Use Plan. Option A would undertake a full update of the Plan including a full update of the Vision, Values, Goals, and

Objectives along with an update of the Land Use Map. Option B would be concurrent with the update of the CPDD portion of the Plan, undertake a review of the remaining undeveloped land outside of the CPDD to determine if changes to land use designations are appropriate. This review would include a review of density and preservation goals for remaining parcels. Mr. Schmidt outlined a density analysis for individual remaining tracts and the adjacent land uses/zoning for each, as well as considering any additional impacts such as infrastructure, transportation, utilities, etc. Mr. Schmidt stated that based on how the council and commission would like to proceed; town staff would develop a review process to accomplish the review.

Chairman Northcutt asked what the timeline would be on Option A versus Option B. Mr. Schmidt stated Option A would be 6 to 12 months and Option B would be approximately six months.

Mayor Culbertson stated that he was in favor of Option B. Mayor Culbertson believes that the vision set in 2005 is clear and that Fairview is a unique town, and that for any change(s) to be granted, a compelling reason would need to be given. Commissioner Powell agreed along with Councilman Cunningham adding that they shouldn't change what's not broken.

Commissioner Rushing stated that he doesn't see the need to make any changes.

Mayor Pro Tem Lessner stated that he is in favor of Option B and reminded everyone of the flow of density within the town having the higher density on the west side of town moving east to maintaining low density. Councilman Samuels commented that residents like to migrate within the town. People like to stay in Fairview.

Commissioner Friend stated he likes Option B and believes that they should put more emphasis on hike and bike trails so that residents can enjoy their community.

Councilwoman Price commented that as roads are being widened, they are adding trails to the park plans. Mayor Culbertson added that the council is planning on doing a workshop with the Parks and Recreation Board.

Councilwoman Price would like to maintain everything as is. She believes that they should look at development plans based on merit and uniqueness, essentially on a case by case basis.

Councilman O'Reilly stated that he is in favor of Option B. He stated that they should keep the vision, but should review it and provide any tweaks.

Councilman Hendricks is also in favor of Option B and allowing citizens to speak.

Commissioner Hager stated between the two options, she would choose Option B. She suggested strengthening some of the language within the goals and visions.

Commissioner Powell made a motion recommending a joint P&Z and Council review of the goals and objectives, and reviewing the remaining undeveloped land outside of the

CPDD to determine if changes to land use designations are appropriate. Commissioner Rushing seconded that motion and the motion was unanimously approved.


Councilman O'Reilly made a motion to approve a joint P&Z and Council review of the goals and objectives, and reviewing the remaining undeveloped land outside of the CPDD to determine if changes to land use designations are appropriate. Mayor Pro Tem Lessner seconded that motion. The motion was unanimously approved.

Chairman Northcutt adjourned the Planning and Zoning Commission at 9:14 p.m.

Mayor Culbertson adjourned the Town Council at 9:14 p.m.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL TOWN HALL
MEETING MINUTES
October 30, 2013**

The Town Council met in special session on Wednesday, October 30, 2013 at 3:30 p.m. at 465 Scenic Ranch Circle, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Jim Cunningham, Ron Samuels, Frank O'Reilly, Paul Hendricks, and Henry Lessner; Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Town Engineer, James Chancellor; Economic Development Director, Ray Dunlap; Planning Manager, Ken Schmidt; Police Chief, Granver Tolliver; Assistant Fire Chief, Jeff Bell; Chief Financial Officer, Jason Weeks, and Town Secretary, Michelle Lewis Sirianni. Councilwoman Mary Price was absent.

Mayor Culbertson welcomed everyone for attending the Town Hall Meeting and introduced the members of council.

Mayor Culbertson stated that the council will be providing an outline regarding the town's growth, economic development efforts, budget overview, new communication initiatives, strategic plan, infrastructure update, and ways to enhance the quality of life in Fairview.

Mayor Culbertson provided a review of the growth of Fairview and new development that is planned. He reviewed the Town's adopted vision, mission, core values, and focus areas.

Councilman O'Reilly spoke about the town's economic development initiatives.

Mayor Pro Tem Lessner covered fiscal responsibility including the state of the Town's finances.

Councilman Hendricks continued the overview on fiscal responsibility by reviewing current town staffing, the transition to the City of Wylie for fire dispatching, the update to the CPDD Plan and the completion of a planning study for the town's future facility needs to accommodate for future build out.

Mayor Culbertson talked about the town's communication initiatives, including the updated newsletter, a citizen perception survey, the initiation of a Nixle notification service that will send either a text or email alert regarding emergency and advisory alerts to residents, and an update to the Shop Fairview Texas Website.

Councilman Samuels focused on community events designed to enhance quality of life within Fairview including an upcoming Christmas event on December 7th that will include tree lighting, an ice skating rink, and children's activities, the recently held Showdown Half Marathon that took place over Texas OU weekend and the Fairview Half

Marathon coming in April. Councilman Samuels also discussed the recently formed Ad Hoc Committee on special events titled Destination Fairview.


Councilman Cunningham addressed the town's infrastructure including a review of the Town road improvement program that was started last year and will be completed this upcoming year. He also reviewed the Highway 5 improvements, which is a TxDOT project scheduled for a February 2014 completion and that the widening of Stacy Road from Highway 5 to FM 1378, which is scheduled to begin in 2014 with the relocation of utilities, and the upcoming construction of a 54 inch water pipeline that will be routed through Fairview.

A number of questions were asked during and after the presentations including questions regarding DART and the McKinney airport.

Mayor Culbertson thanked everyone for coming and adjourned the meeting at 5:15 p.m.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
November 5, 2013**

The Town Council met in regular session on Tuesday, November 5, 2013 at 5:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Henry Lessner, Paul Hendricks and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Economic Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Chief Financial Officer, Jason Weeks; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 5:31 p.m. and declared a quorum was present.

The council then adjourned into executive session at 5:32 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and real property.

At 7:43 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 October 1, 2013 regular council meeting. B) Approve minutes of the October 22, 2013 special council meeting. C) Approve minutes of the October 24, 2013 joint council and planning and zoning commission meeting. D) Consider an ordinance approving the 2013-14 fiscal year tax roll. E) Approve a resolution amending authorized representatives with Texpool. F) Approve an agreement with Wells Fargo renewing the town's depository services. G) Approve an interlocal agreement with Collin County regarding the widening of Stacy Road.

Councilman Cunningham asked to pull items E and F.

Councilwoman Price made a motion to approve items A, B, C, D and G. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

Councilman Cunningham stated that he understood the change was to account for new staff, but asked for accounting principles should there be two signatures. Mr. Weeks replied that the Texpool account are for wire transfers only and has dual controls in place and the Wells Fargo account currently requires two signatures.

Councilman Cunningham made a motion to approve items E and F. Councilman Samuels seconded that motion and the motion was unanimously approved.

ENVIRONMENTAL COMMITTEE: Receive a report from the Environmental Committee and take any necessary action.

Paul Westbrook the Chairman for the Environmental Committee provided a committee report highlighting their past year with the following:

- Plans included reviewing existing ordinances and environmental codes, proposing new programs to town council, monitoring data, and educating through environmental and town newsletters.
- Progress included updating storm water ordinance, recommended additional protected trees, reviewed gas drilling ordinance, and lighting ordinance. Proposed and implemented the electric vehicle charging stations, and discussed options for bulk tree trimming.
- Reviewed and discussed the town's water use and waste management data.
- Discussed and proposed educating residents regarding the Dark Skies Ordinance and how to bring everyone into compliance. The committee proposed recommendations and solutions to council to help further educate.

Council agreed that furthering educating residents and entities within the town should continue through working with the HOA's, the companies themselves, and town newsletters.

CUP CHASE OAKS CHURCH: Conduct a public hearing, consider, and take any necessary action on an ordinance for approval of a Conditional Use Permit (CUP) in order to allow for a religious institution on a 10.672± acre property located within the John A. Taylor Survey – ABS No. 909, that is zoned One-Acre Ranch Estate (RE-1) and is generally located north of Stacy Road and 1,400 feet west of Meandering Way.

Mr. Schmidt stated that Mr. Glen Brechner is the applicant and Executive Director of Chase Oaks Church. The purpose of this application is to allow for a religious institution. Chase Oaks has currently been leasing Sloan Creek Intermediate School in order to hold

two Sunday services each week. The proposed facility would be comprised of a 37,000 SF worship center and education building, and a 3,000 SF recreation building. The proposed worship center would provide for a 500 seat sanctuary, classrooms, administrative offices, common area/event space, and a café. Mr. Schmidt stated that the applicant intends to utilize the proposed facility during the week for various group activities, but not for any educational, daycare, or other accessory or non-accessory uses.

Mr. Schmidt stated the subject property is currently undeveloped and zoned One-Acre Ranch Estate (RE-1). The surrounding properties were identified along with their land use and zoning districts. Mr. Schmidt also discussed vehicle access, utilities, parking, landscaping, and the building façade associated with this development. Mr. Schmidt stated that the staff received three letters in opposition and two letters of support from those who received the public notice. Staff also received multiple letters of support from Chase Oaks members. The Planning and Zoning Commission unanimously recommended approval of this CUP application with the conditions recommended by staff. The commission also requested that the applicant look for opportunities to enhance landscaping at the southern and northern property boundaries, while also looking to move the fire land further away from the northern property boundary. Mr. Schmidt stated town staff recommends approval with conditions as outlined within their memo as well as requests by the P&Z commission.

Councilwoman Price asked for clarification on the number of parking spaces, the detention pond area, and if any feedback was included within the letters of opposition staff had received. Mr. Schmidt responded that 167 parking spaces being provided is based on one spot per three sanctuary seats; therefore the applicant conforms to the requirement. The detention pond is a site amenity and gathering space only and there were no specifics within the letter of opposition received.

Mayor Culbertson opened the public hearing.

Glen Brechner, 420 Fox Trail, stated that the church is trying to find a permanent home. They have used Sloan Creek Intermediate School for two and ½ years and would like to hopefully make Fairview their permanent home.

Stephen Pickard, Architect for Good Fulton & Farrell, stated that they have been working with staff and they feel they have a design that meets or exceeds the town's development requirements. Mr. Pickard stated in regards to the buffering to the North, it is their intent to create a necessary buffer.

Mike Burkhart, 620 Forest Oaks, requested additional landscaping and a berm since his property backs up to subject property along with asking about the fire lane.

Bob Scott, 640 Forest Oaks, stated his concerns are the fire lane, the outdoor seating and/or detention pond area turning into an amphitheater, and the lighting. Mr. Brechner addressed the detention pond use by stating that the intent is to make it a nice open green space area where people can gather. There is no intent to turn into an outdoor amphitheater or any related uses of that nature.

JP Bains, 600 Forest Oaks, stated his objection is on principle. Mr. Bains stated that in his opinion due diligence was not done and issues not discussed at the P&Z meeting. Mr. Bains would in favor of this request if there was a buffer zone.

Russ Monroe, 630 Maple Creek, stated that he believes this will be a minimal impact to the community, and is in support of the request.

Dave Davenport, 651 Lakeridge Drive, stated that he has been a member of the project development team for this project and believes they are building a quality building. He is in favor of the request.

John Goodman, 571 Stacy Road, property owner, stated that his family fielded various purchasing offers and believes that a church would be a good memorial to his family as well as good neighbors to the community. He is in favor of the request.

Bourdon Barfield, 791 Creekwood Drive North, supports this CUP request.

Dewey Leggett, 391 Oakwood Trail, stated that he understands traffic concerns, but believes friendships with the church are something the town should support.

Mayor Culbertson closed the public hearing and opened discussion to council.

Councilman Hendricks asked if there have been conversations between the neighbors. Mr. Brechner replied no, but would be happy to discuss with the neighbors.

The council discussed possible buffer solutions between the residential properties and the church.

Councilman O'Reilly made a motion to approve a Conditional Use Permit (CUP) for the provision of a religious institution with the conditions as outlined in the ordinance including the condition that the applicant provides for the construction of a berm at the northern property boundary, in accordance with town standards and best engineering practices. Councilwoman Price seconded that motion and the motion was unanimously approved.

REZONING TOLLE/MOLODOW PROPERTIES: Continue a public hearing, consider, and take any necessary action on a request to adopt an ordinance amending the land use designation and zoning for three tracts of land comprised of 57.018± acres and situated in the Robert Fitzhugh Survey, Abstract No. 317, and generally located north of Stacy Road and 450' west of Kentucky Lane, which are currently zoned Agriculture (AG) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, to the Residential Estate (RE) land use designation and the Planned Center (PC) Zoning District, generally, in order to initiate a development comprised of thirty-four (34) single-family residential lots.

Mr. Schmidt stated that the applicant is Mr. Michael Dewers and is applying on behalf of the current property owners Marilyn Tolle and Marvin Molodow. The request for this application is to amend the land use designation and zoning for three tracts of land comprised of 57.018 acres, which are currently zoned Agricultural (AG) to Residential Estate (RE) and Planned Center (PC) Zoning District. The proposed development was initially proposed as a development comprised of 34 single-family residential lots that are at least 1.5 acres in size or greater. The applicant has since reduced their lot yield to 32 single-family lots with a price point at \$700,000. Mr. Schmidt outlined the land use and zoning of surrounding properties and indicated that the Park and Recreation Board have recommended cash in lieu of land for the park land dedication. Mr. Schmidt also discussed right-of-way, utilities, and landscaping. The staff has received two letters of support and eleven letters of opposition including all of Countryside. The Planning and Zoning Commission recommended to deny without prejudice being that the proposed development did not conform to the town's Future Land Use Plan. Mr. Schmidt stated if council wished to approve, a supermajority of consenting votes will be required.

Mayor Culbertson opened the public hearing.

Jim Riley, K. Hovnanian, stated that they reduced the lot size by two lots which increased the average lot size to 1.62 acres and increased side yard setbacks from 25' to 35'.

Mayor Pro Tem Lessner asked if there were issues on connection to Farmstead being public versus private. Mr. Riley responded that they are willing to do on whatever the town decides.

Jake Seale, 480 Homeplace, stated his concern is the access through Farmstead. Mr. Seale stated there is currently a Knox box there and sees no reason to move it and would like the gate to remain there to protect it from being a cut through.

Chris Smith, 470 Country Club, stated that people wanted RE-2 versus RE-1.5 zoning, and unless a gate stays at Farmstead, he believes it will create a lot of traffic. Mr. Smith stated that he is not against the development of the property, but would rather see two acre lots there.

Mayor Culbertson closed the public hearing and opened discussion to council.

Councilman O'Reilly asked if the developer agreed to have a gate on Farmstead and if so, what type of gate would it be. Chief Price addressed the public safety concern and options for property solutions. Chief Price stated grass-crete would be their preference and would be a good solution for residents of Countryside. There would also be signage indicating that it is for public safety vehicles only and that it would be monitored.

Councilman O'Reilly and Samuels liked the idea of a gate.

Councilman Cunningham stated that the council agreed to stay with two acre lots on the east side of town and he would not be in favor of anything less than that. Councilman Samuels commented that the council also discussed handling each case individually based on the property.

Mayor Pro Tem Lessner made a motion to approve an amendment to the land use designation and zoning for three tracts of land from Agricultural and categorized as Residential Estate Country (REC) to the Residential Estate (RE) land use designation and the Planned Center (PC) Zoning District with the condition that an emergency access easement with restricted access at Farmstead. Councilman O'Reilly seconded that motion.

Councilwoman Price commented that there are no special existing amenities on this land and the average density is still not two acres.

Council voted 4-3 with council members Cunningham, Culbertson, and Price opposed; therefore, due to there not being a super majority, the vote did not pass.

CUP 261 WYNDHAM COURT: Conduct a public hearing, consider, and take any necessary action on an ordinance for approval of a Conditional Use Permit (CUP) in order to allow for an accessory building on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 261 Wyndham Court, being Lot 14, Block 3 of the Summer Hill Farms subdivision.

Mr. Schmidt stated that the applicant and property owner, Mr. Pavelock is requesting to construct a detached garage for hobby and storage use. The proposed accessory building footprint is 1,240 SF and therefore would exceed the permitted accessory building footprint area by 340 SF. Other than the size the structure conforms to the towns requirements and he recommended approval.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to the council. No comments were made.

Councilman Hendricks made a motion to approve a Conditional Use Permit (CUP) for the construction of a detached garage at 261 Wyndham Court. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

CUP 1011 YOUNG TRAIL: Conduct a public hearing, consider, and take any necessary action on an ordinance for approval of a Conditional Use Permit in order to allow for an accessory structure on a property that is zoned Planned Center (PC) and is specifically located at 1011 Young Trail, being Lot 12 of the Collinwood Acres subdivision.

Mr. Schmidt stated that the applicant and property owner is Mr. David Holloway. Mr. Holloway is requesting to construct a building a workshop and additional storage

accessory building. The proposed building is 1,170 SF metal building with a 780 SF attached carport, which would occupy a combined accessory building footprint of 1,950 SF. The accessory building is twice what is permitted by right. Mr. Holloway is also requesting a reduction in the side and rear yard setbacks from 30' to 15'. Mr. Schmidt stated that this structure is similar in stature with others in this subdivision and would not stick out. His neighbors are in support of his request. The Planning and Zoning Commission recommended approval at their October meeting. Mr. Schmidt stated that town staff recommends approval as submitted.

Mayor Culbertson opened the public hearing. No comments were made.

Mayor Culbertson closed the public hearing and opened discussion to council.

Councilman Hendricks made a motion to approve a Conditional Use Permit (CUP) for the construction of a metal building with attached carport in order to exceed the accessory building area and setback requirements. Councilman Samuels seconded that motion and the motion was unanimously approved.

FINAL PLAT MEANDERING WAY ESTATES: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for a 2.00± acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1) and is generally located east of the Shady Brook Lane and Meandering Way intersection.

Mr. Schmidt stated the 2.0 acre subject property is undeveloped and the property owner is proposing to subdivide the property for two 0.82 acre lots in order to provide for two single family residences. The town has asked for right-of-way in order to maintain the roadways. Mr. Schmidt stated that the proposed subdivision creates fewer than four new lots and does not create any new public streets. The applicant will also be submitting cash in lieu of land for the parkland dedication fees. Mr. Schmidt stated that since this plat conforms to the town's zoning requirements and subdivision regulations, the town recommends approval.

Councilman Cunningham made a motion to approve a Final Plat for the Meandering Way Estates Addition. Councilman Hendricks seconded that motion and the motion was unanimously approved.

CITIZEN PERCEPTION SURVEY: Receive a presentation from Ray Turco regarding the citizen perception survey and take any necessary action.

Mrs. Couch stated at the council retreat, the council expressed their desire to conduct a town wide survey. This survey would provide valuable data related to current services

offered and provided by the town and it can also be used to gauge the level of support of lack thereof for a number of items.

Mr. Ray Turco from Raymond Turco and Associates gave a presentation to council regarding the types of surveys they have conducted and their methodology in constructing a survey. Mr. Turco described types of surveys that can be used whether they are telephone, self-administered direct mail, or internet-based surveys and how accuracy is related to each one, as well as the advantages and disadvantages to each one. Mr. Turco provided the council with a timetable and cost depending on which type of survey they choose.

Mrs. Couch commented that her target goal would be to send out in December and have council assist in formulating questions.

The council consensus was to conduct a mail survey and have a draft of questions brought back to the December council meeting for review.

TOWN'S NEWSLETTER: Discuss the town's newsletter and proposed contract and take any necessary action.

Ms. Nancy Pacheco from the Community News Connection is the publishing company that will be producing the town's new newsletter. The contract if approved would begin in January.

Councilman O'Reilly made a motion to approve the agreement with Community News Connection subject to legal review . Councilman Samuels seconded that motion and the motion was unanimously approved.

AD HOC COMMITTEE ON SPECIAL EVENTS: Discuss and consider an amendment to resolution 2013-9-3R1 regarding an Ad Hoc Committee on Special Events, and take any necessary action.

Mrs. Couch stated that the resolution currently designates the committee with up to seven members. The council can consider changing this number based on the number of individuals they wish to appoint to the committee.

Mayor Pro Tem Lessner stated that they would like to add more than the seven.

Mayor Pro Tem Lessner made a motion to increase the committee members from seven to twelve. Councilwoman Price seconded that motion and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss appointments to Boards and Commission and take any necessary action.

Mayor Pro Tem Lessner made a motion to nominate and appoint Clayton Barnes, Jonathan Cocks, Brenda Fakheri, Dottie Gandy, Artie Goldman, Stace Hunt, Nancy Lewis, and Frank Moore to the Special Events Ad Hoc Committee. Councilwoman Price seconded that motion and the motion was unanimously approved.

CCAD BOARD: Discuss the Central Appraisal Board Elections, and take any necessary action.

Mrs. Couch stated the town has thirteen votes to cast for the CCAD Board. The City of Allen has requested the town to support Gary Rodenbaugh. The council may cast all thirteen votes to one candidate or distribute the votes amongst the candidates listed.

Mayor Pro Tem Lessner made a motion to cast the town's thirteen votes to Gary Rodenbaugh. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

STAGE 3 WATERING: Receive an update regarding water conservation efforts and Stage 3 watering restrictions, and take any necessary action.

Mrs. Couch stated that the town has met and exceeded the goals set by North Texas Municipal Water District. The town continues to be active in educating and getting information out to the public. Beginning November 1st, the town officially started Stage 3 seasonal water restrictions. The only difference between seasonal and non-seasonal is that customers will be restricted to watering once every other week instead of once every week. Mrs. Couch stated the town plans to keep the same day of the week that residents currently water and will continue to push the information out to residents.

TOWN HALL CHRISTMAS EVENT: Discuss the upcoming Town Hall Christmas Event, and take any necessary action.

Mr. Dunlap stated the town's Christmas event will take place Saturday, December 7th and will be filled with a variety of activities including an ice skating rink, children's activities, and local choirs. The event will conclude with the lighting of the Christmas tree.

TOWN'S FINANCIAL POLICIES: Discuss the town's financial policies and take any necessary action.

Mr. Weeks stated that the adoption of the GASB 54 changes how the fund balances are reported. Another aspect includes clarifying the existing governmental fund type definitions to improve the comparability of financial statements and help users to better understand the purposes which governments have chosen to use particular funds. Mr. Weeks stated that governments are also required to disclose more information in the notes to the financial statements about amounts reported in fund balancing. Mr. Weeks stated that council had agreed to consider amending the current fund balance policy to provide for the shifting of a portion of unallocated fund balance into a fund that would expressly used for capital and one-time expenses. The current fund balance portion(s) of the town's financial policies have been revised to reflect this request.

Councilman Samuels made a motion to approve amending the town's Fund Balance Policy. Councilman Cunningham seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

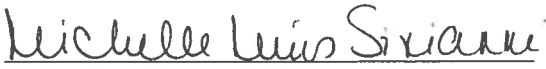
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mrs. Couch commented that the Volunteer Clean-Up Event on October 26th was successful and had a great turnout. On November 9th the Village will be hosting a Fine Arts event along with the Farmer's Market, and on November 16th Lovejoy will be having an electronics recycling event.

At 11:52 p.m. Mayor Culbertson adjourned the meeting.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
MEETING MINUTES
December 3, 2013**

The Town Council met in regular session on Tuesday, December 3, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Henry Lessner, Paul Hendricks and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Economic Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory; Chief Financial Officer, Jason Weeks; Management Intern, Tyler Brewer; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and real property.

At 7:49 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be 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 October 30, 2013 special council meeting. B) Approve minutes of the November 5, 2013 regular council meeting. C) Consider and approve a resolution appointing the town's health inspector. D) Approve a license agreement with Verizon Wireless. E) Approve an agreement making TXU the town's retail electric provider. E) Approve an agreement making TXU the town's retail electric provider.

Councilwoman Price requested to pull items A and D.

Councilman Samuels made a motion to approve items B, C, and E. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

Councilwoman Price stated in regards to item A, she was not in attendance, and item D has a possible conflict of interest.

Councilman Hendricks made a motion to approve items A and D. Mayor Pro Tem Lessner seconded that motion and the motion was approved with a 6-0 vote. Councilwoman Price abstained.

The Town Secretary swore in new Police Officer, Shaun Tomlinson and Police Chief, Granver Tolliver presented him with his badge, peaked hat, and one bullet.

TOWN'S FACILITIES PLANNING: Hear presentation and consider authorizing staff to negotiate an agreement with Brinkley Sargent for the town's facilities planning and take any necessary action.

Mrs. Gina Irwin with Brinkley Sargent Architects gave council a presentation regarding the town's facilities planning study. Mrs. Irwin outlined their approach of defining the goals, needs of assessment methodology, building analysis, and site evaluation for the study process that would lead to the town's master plan. Mrs. Irwin addressed what they include in the budgeting process including buildings costs, owner costs, and indirect costs, as well as indicating that the planning would be about an eleven week process. The town would have someone from the firm in direct contact with them through the entirety of the process.

Councilman O'Reilly made a motion to authorize town staff to begin negotiations for an agreement with Brinkley Sargent Architects for the purpose of completing a Future Facilities Planning Study. Councilman Hendricks seconded that motion and the motion was unanimously approved.

STODDARD PROPERTY REZONING: Conduct a public hearing, consider an ordinance, and take any necessary action on a request to amend the land use designation and zoning for a 32.668± acre tract of land situated in the Samuel Sloan Survey, Abstract No. 791, and is generally located north of Hart Road and 500' west of Beachwood Lane, which is currently zoned Three Acre Ranch Estate (RE-3) and categorized as Residential Estate Country (REC) on the Future Land Use Plan, to the Residential Estate (RE) land use designation and the One Acre Ranch Estate (RE-1) Zoning District, generally, in order to initiate a development that would be generally comprised of twenty-five (25) single-family residential lots.

Mr. Schmidt stated that the applicant is Martin Raymond of Martin Raymond Custom Homes. Mr. Raymond is applying on behalf of current property owner's Mark and Morgan Stoddard. Mr. Schmidt stated that the purpose of the zoning change application is to amend the land use designation and zoning tract of land comprised of 32.668± acres, which is currently zoned Three Acre Ranch Estate (RE-3) and categorized as Residential Estate Country (REC) to One Acre Ranch Estate (RE-1) categorized as Residential Estate (RE) in order to develop a twenty-five (25) single-family residential lots. Mr. Schmidt

stated that the applicant has revised the plan and it now reflects eighteen (18) single-family residential lots. The subject property is currently underdeveloped and contains a single-family residence and various accessory buildings. Mr. Schmidt provided the council with a brief history of this property including the initial designation when the Comprehensive Plan was initially adopted in 1995 as well as when the property was finally annexed and zoned by the town. Mr. Schmidt also noted that the northern portion of the property (~9 acres) was annexed when the town was incorporated in 1958 and the remaining 23 acres was annexed and zoned in 2007. Mr. Schmidt outlined the land use and zoning of the surrounding properties and discussed right-of-way, utilities, drainage, and landscaping.

Mr. Schmidt stated that staff received numerous letters of opposition, which included a petition from Fairview Meadows residents that included 55 signatures. Their concerns included traffic, and their desire to maintain the town's Land Use Plan. Mr. Schmidt stated that resident, Mr. Pezzulli who could not attend, wanted the council to know of his opposition to the request due to drainage concerns that directly affect his property. Mr. Schmidt stated that the Planning and Zoning Commission recommended denial without prejudice with a 6-0 vote because the proposed zoning did not conform to the town's Future Land Use Plan. Due to the commissioner's vote and the opposition from adjacent property owners, the council would require a super majority by the council in order to approve.

Mayor Culbertson opened the public hearing.

Martin Raymond, applicant stated that he is a custom home builder. Mr. Raymond stated that he has built in several neighborhoods and builds larger quality homes. Mr. Raymond stated he took the feedback from the commissioners and residents and created a different layout based on those comments. The average lot size is 1.5 acres with the lots that back up against the adjacent subdivision being close to two acres. They also created a greenbelt area and cul-de-sacs within the proposed development. The pond that currently exists would be maintained along with a common area, which backs up to Mr. Pezzulli's property and takes away the drainage concern. Mr. Raymond stated the average price point of the homes will be \$800,000 to \$900,000. Mr. Raymond requested council to deny in order to come back to council with a Planned Center (PC) development.

Dan Gremillion, 851 Beechwood, stated that he is the VP of the Fairview Meadows HOA. They are strongly opposed. Their concerns are high density plan, the close proximity to houses, and the current infrastructure does not support the traffic on Hart Road. Mr. Gremillion requested the council to consider something more binding for drainage and more open/green space.

Mark Stoddard, 431 Court of Pompei, Princeton, TX, property owner, stated that his dad was a founding father for the town and was initially zoned for one acre lots. The property is currently surrounded by a school and one acre lots. Mr. Stoddard asked the council to consider the history on the property and everything his family did for the town. He feels that the request fits in with surrounding properties.

Ron Kasian, 1241 Red Oak Trail, stated that the town should not change the character of the land and should keep the remaining large lots and focus on expanding the CPDD. The council does not represent the builder. He is opposed to the request and requests denial of the proposed development.

Wynn Allen, 1021 Hart Road, stated he is opposed to the request. He would like to diversity of neighborhoods and has concerns regarding traffic on Hart Road.

Elise Robinson, 821 Beechwood, urged council to deny the application and consider the impact on the school district.

Tom Greenwald, 871 Beechwood, reminded council of Mr. Kelly's property and his request of 1.5 acre lots, which was denied. Mr. Greenwald stated the property should remain RE-3.

Mayor Culbertson closed the public hearing and opened discussion to council.

Councilman Samuels stated they should give the applicant a chance to re-do the plan, but need to evaluate intensively.

Mayor Culbertson stated he is still concerned about density and that the council will be conducting meetings to evaluate the town's land use plan further. Mayor Pro Tem Lessner added that the council is working through a process, but will be addressing these issues in the upcoming months.

Mayor Pro Tem Lessner made a motion to deny without prejudice a request to amend the land use designation and zoning from Three Acre Ranch Estate (RE-3) to One Acre Ranch Estate Zoning (RE-1). Councilwoman Price seconded that motion and the motion was unanimously approved.

CONCEPT PLAN M CHRISTOPHER OFFICE DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Concept Plan for a proposed office development on a 3.4± acre tract of land situated in the John Taylor Survey – Abstract No. 909, that is zoned Commercial Planned Development District (CPDD), Zone N, and is generally located at the northeast corner of the State Highway 5 and Lakeridge Drive intersection.

Mr. Schmidt stated that the applicant is Mr. Bryon Reid, President of M. Christopher Homes. The applicant is proposing a four building office development, which is a land use that is permitted by right under the current zoning. The applicant is proposing to build two two-story buildings and two one-story buildings. M Christopher Homes intends to occupy the Phase I building. The proposed development would provide for direct access to SH 5 and also provides for secondary public and emergency access from the north through the former Cotton Concrete property, and from the south off of Lakeridge Drive.

Mr. Schmidt stated that town staff has received two responses in support and one in opposition to the request. At the November, 2013 Planning and Zoning Commission meeting, the commission recommended approval by a 5-1 vote with conditions that were provided for in the submittal council received and conforms to town requirements.

Mayor Culbertson opened the public hearing.

Bryon Reid, applicant, stated that they would like to relocate the corporate building to Fairview and service their needs/efforts within the town.

Mayor Culbertson closed the public hearing and opened discussion to council.

Councilman O'Reilly asked if they would be in building one. Mr. Reid responded that Phase I will be M. Christopher employees and the other buildings would have other tenants. Councilman O'Reilly asked Mr. Reid to consider working with EDC on the other buildings.

Mayor Pro Tem Lessner asked what kind of tenants would be the other buildings. Mr. Reid replied they would be office type.

Councilwoman Price asked if TxDot has limitations for the driveway access and if they could do a median cut on Lakeridge. Mr. Reid stated that they will submit a driveway permit application. Mr. Chancellor added that the town will look at the common areas and see who owns the median.

Councilman Hendricks made a motion to approve a Concept Plan for a proposed four building office development. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

CUP 330 KENTUCKY LANE: Conduct a public hearing, consider an ordinance, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) in order to allow for an accessory structure on a 2.00± acre property that is zoned Two Acre Ranch Estate (RE-2) and is specifically located at 330 Kentucky Lane, being Lot 3 of the Roberts Addition to the Town of Fairview.

Mr. Brewer stated that the applicant and property owner is Mr. Rob Ficken. The subject property is two acres in size and zoned Two Acre Ranch Estate (RE-2). The applicant is requesting to exceed the maximum accessory building footprint by 600 SF for the subject property by building a 60' x 40' workshop/storage building and is also requesting a reduced roof pitch of 2:12. The 2400SF metal building will match the primary structure, be 17 feet in height, and be located 25' from the primary structure. Mr. Brewer stated the Planning and Zoning Commission recommended approval with the condition that the applicant provides for new landscaping on the west side of the proposed accessory building in order to provide a landscape buffer between the building and Kentucky Lane.

Mayor Culbertson opened the public hearing.

Mr. Ficken, applicant and property owner stated the building requested would give him a place to work and play. The building would also match the neighborhood as there are others that are very similar.

Commissioner Hendricks asked where Mr. Fickens house was in relation to Stacy Road. Mr. Ficken replied that they were the 3rd house in near Stacy.

Mayor Culbertson asked about the proposed landscaping. Mr. Ficken responded that he plans on placing some trees/shrubs to soften the corners of the building.

Councilman Cunningham asked what the intended use of the building was. Mr. Ficken replied that he likes to restore old cars and tractors and would like to have a place to store supplies such as lawn mower and such also. After a brief discussion regarding items the council would prefer not visible to the street, Mr. Schmidt noted that the council can place a condition within the request addressing this issue if they so wish.

Mayor Culbertson closed the public hearing and asked council if they had any further discussion. No additional comments were made.

Councilman Samuels made a motion to approve a Conditional Use Permit for the installation of a workshop conditioned upon the following: no parts of vehicles, cars or equipment to be stored outside unless they are licensed and subject to landscaping. Councilwoman Price seconded that motion and the motion was unanimously approved.

CITIZEN PERCEPTION SURVEY: Discuss the citizen perception survey and take any necessary action.

Mrs. Couch stated the survey will divided into three areas of town and will be color coded. The goal is to complete the survey prior to the next staff/council retreat so that the outcomes of the survey can be discussed in conjunction with the town's strategic plan. The survey deadline is January 14, 2014.

Council discussed the survey and possible changes or addtions to the survey. The Council was ultimately in agreement with the form of the survey and indicted staff should move forward in the process.

INTERLOCAL CITY OF SEAGOVILLE: Discuss and consider entering an Interlocal Agreement with the City of Seagoville, Texas as it relates to the purchase of goods and services, and take any necessary action.

Mr. Weeks stated that this interlocal agreement allows the town to cooperate with the City of Seagoville to purchase various goods and services commonly utilized by the participants through bids, auctions or sources in accordance with state law. The town would also be able to exchange with the City of Seagoville good or services by conveyance, sale or like-kind, and provides an opportunity to work with another city. Mr. Weeks stated the town currently has an obsolete server that the City of Seagoville can utilize and they would like to purchase it, and with this interlocal, it would allow town to sell it to them.

Mayor Pro Tem Lessner made a motion to authorize the Town Manager to enter into an Interlocal Agreement with the City of Seagoville for the purchase of goods and services. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

INTERLOCAL CITY OF ALLEN: Discuss and consider authorizing the town manager to execute an interlocal agreement with the City of Allen for future sanitary sewer discharge into Fairview, and take any necessary action.

Mr. Chancellor stated that the City of Allen in an area just SW of Ridgeview and US 75 is having a sewer problem due to the cemetery and other utility conflicts in the area. The developer of the land, along with the City of Allen has proposed an 8" gravity sewer line to cross under US 75 and tie into the existing 12" sewer line installed with the Village at Fairview mall development. The town would charge impact fees for providing the maintenance and use the interlocal agreement to outline the sewer metering requirements, maintenance responsibilities, and other requirements.

Councilman Samuels made a motion to authorize the Town Manager to negotiate and execute an interlocal agreement with the City of Allen to discharge sanitary sewer into Fairview's sewer system. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

INTERLOCAL CITY OF ALLEN: Discuss and consider authorizing the town manager to execute an interlocal agreement with the City of Allen pertaining to the completion and implementation of a traffic light timing study, and take any necessary action.

Mr. Wilbourn stated that the town has an opportunity to submit an application to the North Central Texas Council of Governments (NCTCOG) for a funded grant for transportation related projects. Mr. Wilbourn stated that the town has met with the engineering department with the City of Allen to discuss the potential for submitting

jointly, which would include a traffic analysis. The analysis would be used to create models for each desired intersection. The town is looking at four intersections with a cost estimate of \$5,500 per intersection totaling \$22,000; however, NCTCOG pays 80% of the project cost if approved and the town would split the remaining cost with the City of Allen.

Councilman Cunningham asked what happens if the town does not receive the grant. Mr. Wilbourn stated that the town would continue efforts and talks with the City of Allen.

Councilman Hendricks asked if the light at Meandering and Stacy Road is one of the four. Mr. Wilbourn responded that it will be done later due to reconstruction of the road, but that staff would confirm that to be the case.

Councilman O'Reilly made a motion to authorize the Town Manager to execute an interlocal agreement with the City of Allen pertaining to the completion and implementation of a traffic light study of four intersections on Stacy Road and the possibility of adding traffic light at Meandering Way and Angel Pkwy. Councilman Hendricks seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mrs. Couch stated the town's Christmas Event is Saturday, December 7th. They will continue to monitor weather.

Town Council has a joint meeting with the Planning and Zoning Commission on Monday, December 16th. Other meeting dates have been confirmed including joint meeting with the EDC and Parks and Recreation Board, which will be after Christmas, and the council retreat slated for February.

Mayor Pro Tem Lessner stated the Allen-Philharmonic Chorus will be performing on December 20th.

Councilman Hendricks noted that the Allen Rotary Christmas Parade will be Sunday, December 8th.

Mr. Chancellor provided brief construction update on SH 5.

At 10:39 p.m. Mayor Culbertson adjourned the meeting.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary



**TOWN COUNCIL
SPECIAL JOINT
MEETING MINUTES
December 16, 2013**

The Town Council and Planning and Zoning Commission met in special session on Monday, December 16, 2013 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Jim Cunningham, Ron Samuels, Frank O'Reilly, Paul Hendricks, Henry Lessner, and Mary Price; Planning and Zoning Commission members Brad Northcutt, Debbie Flood, Matt Faulkner, Jim Rushing, Renee Powell, Heather Hager, and Pat Friend; Town Manager, Julie Couch; Town Engineer, James Chancellor; Planning Manager, Ken Schmidt; Engineer in Training, Danielle Gregory, and Town Secretary, Michelle Lewis Sirianni.

Mayor Culbertson called the meeting to order at 7:00 p.m. and declared a quorum was present.

Chairman Northcutt stated the Planning and Zoning Commission have a quorum.

TOWN'S FUTURE LAND USE PLAN: Receive a presentation and discuss and consider potential updates to the town's Future Land Use Plan, and take any necessary action.

Mr. Schmidt stated that the commission and council had expressed a desire to review the town's Vision, Values, Goals, and Objectives section of the Comprehensive Plan. Mr. Schmidt stated that staff's assessments of these are that most still appear to be relevant, but would like feedback from both council and the commission on any of these that may need to be revised, potential additions, and/or deletions.

The commission and council discussed the various sections and goals within the document including the Parks and Recreation section, Transportation, Historic Preservation, Environmental Stewardship, and the public service provision-oriented sections. Both agreed that the document is still a very solid and sound document that needs some minor revisions or changes.

The commission and council agreed to address further or make the following recommended changes to the Vision, Values, Goals, and Objectives section of the Comprehensive Plan.

- An alternate word other than 'rural' within all sections of this document.
- Strike the words 'outdoor appliances' from objective 2f within Goal 2.
- Revising or removing Goal 4, as this goal may not realistically reflect Fairview's status as an equestrian-oriented community, thus, it may need to be de-emphasized.
- Revising language on Goal 6 to say 'works with property owners and their rights'.

- Add to 'Environmental Overlay' within Goal 7 including strengthening tree preservation, in addition to looking at opportunities to strengthen the town's tree protection ordinance
- Evaluate the town's desire to implement Objective 1d
- Revising or removing from Goal 8, Economic Development 'create a new and unique Town Center'.
- Remove Goal 10.
- Re-wording objective 12a within Goal 12 depending upon survey outcome.
- Re-evaluate the Parks, Recreation, and Open Space Master Plan as defined in Goal 13.
- Revising or removing objective 15g regarding minimizing the amount of impervious surface.
- Address pedestrian and bike trails by furthering defining within the objectives of Goal 22.
- Update the Master Thoroughfare Plan.
- Consider establishing a defined timeline for periodic review of the Comp Plan, CIP, and other long-term planning documents.

Mr. Schmidt stated that the second discussion includes reviewing the town's Future Land Use Plan with a focus on low density residential. Mr. Schmidt provided a review of the supply and demand of the current regional housing trends within DFW area as well as within Fairview. Mr. Schmidt stated that the purpose of the meeting is to either confirm the plan as it is today or to consider realigning the plan to meet current goals, if the commission and council believe changes need to be made.

Mr. Schmidt provided an overview of adjacent land use issues, the school districts impact on development, expansion of higher density single family land uses, and the Stover property. Mr. Schmidt also discussed conservation development and the differences between density neutral and density positive conservation development, as well as how the town can use zoning implementation tools to accomplish town goals.

Mr. Schmidt stated that there are some focus areas that they would like feedback on from the commission and council in order to provide direction moving forward. The first focus area that was discussed was the Stoddard tract. The commission and council expressed their thoughts, which included keeping the plan the same and the possibility of allowing for more flexibility and creativity. There was discussion regarding the use of density rather than lot size to design development. The council requested town staff to provide scenarios of what this would look like if used in order to get a better understanding of the differences.

The next focus area that was discussed is adjacent to the Commercial Planned Development District (CPDD) boundary and Sloan Creek Estates Subdivision. Mr. Schmidt stated that with the current update of the CPDD Master Plan and Zoning Ordinance, the commission and council can consider evaluating this area as part of that revision in order to consider additional higher density single family residential development.

There was general consensus among the commission and the council that it would make sense to have this area included in the CPDD and developed in a manner similar to Sloan Creek. There was discussion about transitioning from adjacent properties and how that would be handled.

Michael Pezzulli, 880 Country Club Road, requested an opportunity to approach the commission and council. Mr. Pezzulli addressed the Stoddard tract. He stated that he is not opposed to development, but asks that when any development occurs, that they look at the impact on surrounding property owners, especially the terrain. Mr. Pezzulli commented that his property is affected heavily by rain and any development could impact his property; therefore he has concerns about drainage.

The last focus area the commission and council discussed is commonly known as the Goodman property. Mr. Schmidt stated that the properties to the west of this property as well as the southern portion of this property, are designated as commercial mix and the property to the northwest is designated as residential suburban. Mr. Schmidt stated that this area contains heavy tree cover, providing some natural buffering. Mr. Schmidt asked the commission and council if the Residential Estate Land Use was still their vision for this area or if they would like to consider other land uses more consistent with what exists in the CPDD. The unanimous consensus of both the commission and council was to leave this area as it is currently designated.

Staff indicated that they would develop some alternatives for the commission and council to consider based on the discussion and would plan for a future joint meeting to discuss those options.

Chairman Northcutt adjourned the Planning and Zoning Commission at 10:25 p.m.

Mayor Culbertson adjourned the Town Council at 10:25 p.m.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

