

**THE FLOWER MOUND TOWN COUNCIL WORK SESSION MEETING HELD ON THE 21ST DAY OF NOVEMBER 2013, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.**

The Town Council met in a work session with the following members present:

Steve Dixon	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Michael Walker	Councilmember Place 1
Mark Wise	Councilmember Place 3 (arrived 7:05 p.m.)
Jean Levenick	Councilmember Place 5

With the following members absent:

Tom Hayden	Mayor
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constituting a quorum with the following members of the Town Staff participating:

Anne Carnes	Administrative Assistant
Jimmy Stathatos	Town Manager
Tracy Knierim	Executive Director, Community Relations
Matt Woods	Director of Environmental Services
Chuck Russell	Planning Manager

**A. CALL WORK SESSION TO ORDER**

Mayor Pro Tem Dixon called the work session to order at 6:05 p.m.

**B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Mayor Pro Tem Dixon gave the invocation and led the pledges.

**D. WORK SESSION ITEM**

1. Presentation and discussion with Representatives from Moore, Oklahoma related to emergency management practices as a result of their experience with an EF5 tornado on May 20, 2013.

Deidre Ebrey, Economic Development Director, Moore, Oklahoma

Ms. Ebrey gave a presentation identifying or noting:

- Background information about how the relationship between the Town and Moore, Oklahoma began and the benefits derived from the gift card drive the Town of Flower Mound had on their behalf
- Visited with the Town staff today and was made aware of several things that the Town has in place for emergency management that will be very beneficial should there ever be a need to deploy those resources
- Played a video demonstrating the devastation and recovery efforts that transpired as a result of the tornado disaster

- recovery and rebuilding update

Staff from Moore, Oklahoma responded to questions from the Council regarding:

- Volunteer resources
- Immediacy of roadway clearing
- Resource management
- Availability of storm shelters
- Level of control that existed
- How they handled the media
- Building codes relative to strengthening structures to handle higher wind speeds

Tracy Knierim, Executive Director of Community Relations

Ms. Knierim provided an overview regarding the various topics Town of Flower Mound staff discussed with the Moore, Oklahoma staff related to communications, stray animals, and debris management. She also pointed out it was reassuring that the Town has a good emergency management plan in place.

Members of Council expressed appreciation for the Moore, OK staff coming to Flower Mound to share their experience.

Walker: Interested in seeing the after action report because it captures that experience when it's fresh and it would help us if ever we were hit by something that devastating.

2. Receive presentations on the proposed Farmers Market.

Brian Leek, Realty Capital Management, 909 Lake Carolyn Parkway, Irving, TX

Mr. Leek indicated Realty Capital is interested in providing the location of Lakeside DFW for a farmers market in Flower Mound. He further explained how the farmers market would add value to the development and fits into the overall Lakeside DFW concept plan, such as their commitment for gathering places within the development. He pointed out the proposed location and other amenities that would make Lakeside DFW a nice place to have a farmer's market. He also pointed out they would be willing to be a sponsor for the farmer's market.

He offered the following benefits of having the farmer's market at the Lakeside DFW site:

- it would add value to the project overall
- Interaction and municipal support examples and the approval process
- Sponsor of the event

Mr. Leek responded to questions from members of Council regarding:

- How firm they were on the designated location within the development
- Whether any designs have been established
- Would there be any permanent structures, or was it just temporary

- Has there been interest from potential users
- Whether there is a cost to the Town
- How much of an area would it take
- Would there be a limit regarding the number of vendors
- Who will manage the activity

Mr. Stathatos clarified the process to date, and outreach efforts to developers relative to identifying their interest in having a farmers market at their site.

Levenick: Expressed interest in knowing what the committee has done to date (what has the committee talked about, what do they want to see, what is their course of action, and what kind of things have they talked about with the Town). She indicated she would rather hear from the committee first to understand what they want instead of hearing from the developer as to what they want and think it should be.

Dixon: Requested further clarification relative to the process.

Woods: Summarized the process associated with the idea of a farmer's market to date and responded to questions from Council related to:

- Current zoning code and regulations
- Examples and options of municipality involvement

Mike Wallace, 2913 Trailwood Ln, Flower Mound, TX

Mr. Wallace provided background information as to how he became involved in setting up a farmer's market citizen committee. He highlighted various information and ideas that came about from those meetings with Town staff. He noted that the purpose and intent of tonight's meeting was for those who were interested in having a farmers market at their location to come forward and share with the Town what they could offer. He summarized next steps which include writing up a recommendation in the next week or two, and then to submit it to Town staff to write up a Council communication hopefully in December. At that point it is up to Council how they move forward.

Wise: Given 3 of the 4 entities that were given a letter to come and present tonight didn't, does that mean they are no longer interested?

Wallace: The fact that they are not here leads us to believe that and it will be taken into consideration with respect to a recommendation for the location.

Walker: Indicated he would prefer to have it in writing from the other entities whether they are interested or not so we don't go down the road and someone would have wished they would have been asked.

Dixon: Also requested an official written response from those entities that were invited to participate relative to their interest.

There was some discussion regarding the permitting process for vendors and the Town's overall involvement.

Walker: Suggested that going forward it would be helpful if the Town could find the best farmers market in Texas and see how they run that so it runs efficiently with minimal government involvement, and free enterprise is very much involved, so that the farmer that wants to sell his products at the farmer's market can't wait to get here.

Dixon: Offered his insight as to how the farmer's market might look, such as with pop ups (so at a distance it presents a nice uniform look).

Wallace: We have not gotten to that level of detail yet.

Members of Council expressed appreciation for the work of the committee and research that has been done.

3. Receive presentation, hold a discussion and provide direction regarding possible amendments to the Town's Land Development Regulations to incorporate standards regarding the use of solar panels for on-site residential use, including review of benchmark cities regulations with an emphasis on the City of Allen's solar panel regulations.

Mr. Russell gave a presentation identifying or noting:

- Purpose of the presentation is to take a look at the Town's development code to see if there needs to possibly be some amendments made that would introduce regulations for residential solar panels
- Defined what solar panels are
- Described how solar panels work and how many panels are needed on a typical house
- Benchmark survey of cities that do or don't have regulations in place for solar panels
- Specifics relative to regulations for solar panels in the following cities: Allen, Carrollton, Southlake
- He listed issues that exist relative to durability, cost, incentives, efficiency, technology, glare, and visual

Dixon: Pointed out there are people in the audience from the Wellington HOA and he invited them to come and speak.

Sean May, Wellington HOA Board Member, 2705 Native Oak, Flower Mound, TX  
Mr. May provided background information about their situation with a homeowner in Wellington who wanted to put solar panels on his roof and their limitations with respect to dictating where the panels could be placed. He pointed out that there were legislative changes with respect to what HOAs can do, and as a result they have a homeowner who has installed solar panels on his home and around his yard. He summarized the legal process they were engaged in. When mediation was completed he reached out to Councilmember Dixon so he could address this

issue with Council for the purpose of possibly coming up with a fair way to incorporate restrictions on the visibility of solar panels, whether or not they can be in a backyard, or the need for a whole roof to be covered with solar panels. He stated they are here today to encourage Council to take serious look at it and help us out. There are a lot of HOA's in Flower Mound that don't have the resources and staff to help through this long process we went through.

Levenick: For the person that already has the solar panels, even if Council created an ordinance today it wouldn't apply to that person because it's already in effect, correct?

Russell: Correct. There were three different permits issued for the current homeowner with the solar panels. He summarized content staff looks for in the permitting process relative to what is required by code.

Webb: What were the permits issued for?

Russell: Miscellaneous (accessory).

Webb: And today we have no restrictions on where they can be located and how they need to be screened, correct?

Russell: Correct.

Webb: For the residents that you have had conversations with, what are the areas that the residents feel we need to have some kind of regulations or restrictions.

Russell: For the situation in Wellington questions came up relative to location (where can they be - such as the front of the house), visibility from the street, and how much of the roof can be covered. It was mainly a visual aesthetic and glare issue.

Walker: Asked for confirmation that it has to do with the architectural aesthetics in which the Town has no regulations on.

Russell: Correct. If it passes the test of the building code, there is nothing that says it has to be on the back, side, or front of the house.

There was some discussion relative to what HOAs are allowed to do or not do in accordance with the Texas Property Code and how it could be an argument that ends up in court with respect to definitions.

Walker: I think it makes sense for the Town to further investigate new language in the Ordinance that would consider the non-permitting aesthetics piece and transfer the best practices from those cities that were discussed, such as with Allen.

Webb: For me it comes down to there is a conflict. For example, me being able to enjoy my property the way I want to and my neighbors being able to enjoy their property the way they want to, and something I may do might impinge upon that. I would like for us to explore drafting regulation that would place some screening requirements for any ground mounted systems and that they be restricted to back yards (i.e. back wall of the house), and that they be screened from their neighbors view. I can see a problem with a full panel in someone's backyard. As far as roof mounted systems, I don't think I'm ready to go to restrictions to the rear of the house only. How I get there is if you restrict it from the front of the house you are basically saying okay, visually they are an eyesore and unappealing, but if they are on the back of the house, my back door neighbors is still going to see them because I don't have a fence that is 30 feet high. So we're saying it's okay to have something visual and unappealing in the backyard, but not the front yard, then when we talk about placing the regulation I think in terms of where it can be viewed from a street. For some of our neighborhoods around Native Oak in the Wellington area you can see the roof two streets over, especially with some of the slopes. So I'm good with doing some type of limits on ground systems to where they are not viewable to the neighbors, but I wouldn't be comfortable going to restrictions to where roof mounted systems could be placed. I'm okay with having restrictions such as they must be parallel to the roof, or within so many inches of the roof, or so many inches removed from the roof peak. All of that makes sense and is probably somewhat standard. Another reason for it is because many of the residents have a house that faces south and that is the direction you would want the roof panel to go. So if my front door faces south, if we restrict them from the front of the house, then we are basically saying you can't have it. At some point in time they will become economically viable, but I don't think they are now. The upfront is a 20 year payback and that's if there are no hailstorms.

Wise: When we're talking about the ground mount systems it seems like there needs to be a significant amount of property to even look at that. I would think that there are a lot of areas in Town it shouldn't even be permitted at all, but in western areas of Town where people have more land it makes more sense. I think we should look at it a little deeper and determine what that size would be. On the other items I liked what I saw in Allen.

Walker: The best solution would be if the Town can develop regulations beyond what I call code and more about aesthetics. There is a lot of information and guidance that was developed for HOAs after the recent law was enacted (HB 362). If we can look at ways in which HOAs are permitted to regulate what I call look, feel, and appearance, I think it would be great if we could incorporate that in our Town regulations.

Stathatos: Offered appreciation for the direction and indicated staff will come forward with an item for review that hopefully meets Council's expectations.

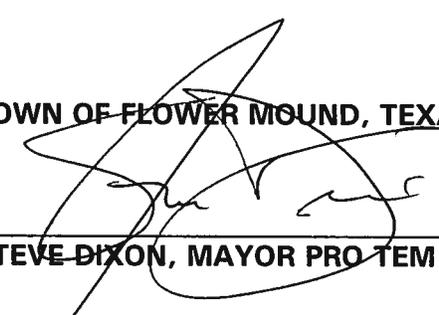
Dixon: Let's keep up the good work and continue to reach out to Wellington, as well as the other HOAs to see if they have input. It might be a good idea for the Town to speak with contractors who actually do this and find out if any of these municipalities have a vetting process in which they will approve certain contractors to come into their city and build. He summarized his involvement with the Wellington situation with respect to a review of the issue and comments made.

He indicated the option of screening would be important as a component for any proposed regulations.

**E. ADJOURN WORK SESSION**

Mayor Pro Tem Dixon adjourned the work session at 8:04 p.m. on Thursday, November 21, 2013, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**



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**STEVE DIXON, MAYOR PRO TEM**

**ATTEST:**



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**THERESA SCOTT, TOWN SECRETARY**

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