

**TOWN COUNCIL
MINUTES
FEBRUARY 6, 2007**

The Town Council met in regular session on Tuesday, February 6, 2007 at 6:30 P.M. at Town Hall, 500 S. Highway 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers, Jim Cunningham, Michael Pezzulli and Mary Price and Town Manager John Godwin. Mayor Pro Tem John Fraser was absent.

Mayor Israeloff called the meeting to order at 6:30, declared a quorum was present, and convened the work session to discuss the sale of town-owned land. The council discussed the possible bond election for a fire station and certain road improvements. The council discussed the need for an ordinance restricting the hours and locations in which trash and recycling carts may be left out and the council discussed the intersection of Fairview Parkway and SH 5.

At 7:35 Mayor Israeloff convened the regular meeting and requested everyone to stand for the Pledge of Allegiance.

CONSENT AGENDA: All items listed under Consent Agenda are considered to be routine by the Council and will be acted on by one motion. The following items were on the consent agenda: A) Appoint interim Town Secretary. B) Approve minutes of the December 5, 2006 council meeting. C) Approve minutes of the January 9, 2007 council meeting. D) Approve an Ordinance amending fees and other requirements contained in the fire code. A motion was made by Mike Pezzulli to approve. Seconded by Mary Price, with all in favor.

DRAINAGE ON AFFIRMED LANE: Major Israeloff stated that anyone at this time wishing to speak to state their name and address for the record and discuss action being taken by the residents in regards to Affirmed Lane. Charles Marks, 81 Affirmed Lane, stated that they like to be able to extend their time frame two weeks due to having their own survey done. James Chancellor, Town Engineer, responded that it was not a problem and was willing to work with them until they had their remaining information ready. Richard Martin, 70 Affirmed Lane, stated that he would like them to put the item back on the agenda for the March meeting due to time restrictions.

Mayor Israeloff turned discussion over to council for further discussion. Councilwomen Carolyn Sommers stated that the interaction between Town Staff and residents seemed to be working and was serving its purpose. Councilman Mike Pezzulli was impressed with the hydraulic analysis compiled by James Chancellor. He stated that in addressing his concerns, he walked every drain and culvert and did not have any problems. He believes we should be able to balance out all concerns for everyone. Mayor Israeloff stated that it is a hard situation, but believes a resolution can be found between all. Council was in agreement to place the item on next month's agenda with no action taken at this time.

KNOX BOX ORDINANCE: Mayor Israeloff requested Chief Price to discuss and clarify the Knox box requirements. Chief Price stated that the Knox Box ordinance allows a uniform way to access gates. The box and padlock that would be used has a unique key given only to the Town of Fairview. This would allow the Fire Department to have access to any gate in any given emergency. The Chief stated that any waiver that had been given prior to current date would be recognized and held to. The bottom line in regards to the Knox boxes is that it is a safety concern when responding to an emergency call.

Mayor Israeloff turned discussion over to the public. At this time, Wayne Hinton, 1201 Farmstead stated that his gate door is off and can not be locked due to a burnt motor. He understands the concerns, but thinks they should only be fined if they are in violation. Kevin McCarthy, 481 Homeplace, noted that he does have a waiver and it's not worth spending time on his gate. Tim Dunn, 1181 Farmstead, stated that he will never lock his gate and that he had put it in writing and was also granted a waiver. Kerschield Smith, 470 Country Club Rd, stated the statues in the ordinance were vague and burdensome. They were many definitions that need clarification. For instance, Mechanical vs. Manual. He reiterated that the ordinance need to be re-written so there was no ambiguity on all matters pertaining to the gates and property lines and have them reviewed by legal council.

Mayor Israeloff turned discussion over to Council. Councilwomen Carolyn Sommers stated the ordinance needs reviewed by Town Staff and legal council. Mayor Israeloff agreed that many of the amendments go too far and bring up "what ifs" to be considered. Councilmen Mike Pezzulli stated that more discussion is needed and that all waivers will be honored. Mayor Israeloff asked John Godwin to work with town staff and put it back on next months agenda upon review by the attorney. No action taken at this time.

PUBLIC HEARING: Conditional Use Permit for the proposed Lovejoy ISD middle school, comprising of 25.0 acres, east of and adjacent to Country Club Rd (FM 1378), north of Stacy Road, and south of Farmstead Street, and zoned Two-Acre Ranch Estate Zone. Town Manger, John Godwin, explained that schools have unique state laws in that public schools in Texas have certain rights that limit the application of some of the town's CUP requirements. He highlighted various components of the schools development that have been extensively considered. Some of the components consisted of: lighting, landscaping, fencing and buffering, drainage, sidewalks, traffic and the right-of-way, which will be up to TXDOT for the improvements to the road. The final plat has been approved by the Planning and Zoning Committee.

Mayor Israeloff opened up discussion to the public. Bob Roder, representative for Lovejoy ISD, requested approval and that was here to help answer any questions and/or concerns. Wayne Hinton, 1201 Farmstead, expressed his concern for the possible drainage issue.

Council discussed the traffic study and drainage concerns were being addressed and were believed to improve once the school was built. Councilwoman Carolyn Sommers would like to see the speed limit reduced in the near future. Councilman Jim Cunningham commented on the lighting and traffic concerns and that the sewer will be pumped into The City of Allen, which would not help drainage concerns. Councilwoman Mary Price asked if there was a possibility of moving the tennis courts due to their location. The tennis activity raised concerns of imposing on their neighbors in the Farmstead community. A representative from the Lovejoy ISD commented that the courts will not be lighted and will be secure, which in turn should not create too much vandalism.

A motion was made by Mike Pezzulli to approve the Conditional Use Permit for the proposed Lovejoy ISD. Seconded by Jim Cunningham, with all in favor.

PUBLIC HEARING: The zoning of property that is annexed but unzoned, known as the Back Acres subdivision, generally located south of Meandering Way, adjacent to and west of Meandering Way, and east of Cabernet Court, to the One-Acre Ranch Estate Zone. Matt Donnell stated this property is part of a series of staff recommendations to zone property that is annexed but unzoned. This property consists of 3.0± acres and contains one house. The property is not platted and contains no flood plain.

A motion was made by Carolyn Sommers to approve the zoning of the Back Acres subdivision. Seconded by Jim Cunningham, with all in favor.

MILLER PROPERTY: The zoning of property that is annexed but unzoned commonly known as the Miller property, consisting of 2.99 acres, generally located adjacent to and south of the Back Acres Subdivision, west of Meandering Way, and east of Cabernet Court, to the One-Acre Ranch Estate Zone.

A motion was made by Jim Cunningham to approve the zoning of the Miller property. Seconded by Mike Pezzulli, with all in favor.

CROFT PROPERTY: The zoning of property that is annexed but unzoned, commonly known as the Croft property, consisting of 3.718 ± acres, generally located west of Country Club Road (FM 1378), north of Hart Road and east of the Fairview Meadows subdivision to the One-Acre Ranch Estate Zone.

Councilwomen Mary Price voiced her concern of how the future land use plan shows as residential. Alan Efrussy, Planning Director, outlined the RE-1 and RE-2 properties. The recommendations were based on the future land use plan and the Comprehensive Plan.

Legal council confirmed that as long as it is consistent with the Comprehensive Plan than the property outlined is in compliance.

A motion was made by Mike Pezzulli to approve the zoning of the Croft property. Seconded by Mary Price, with all in favor.

MOLODOW PROPERTY: The zoning of property that is annexed but unzoned, commonly known as the Molodow property, consisting of 8.36 ± acres, generally located west of Country Club Road (FM 1378), north of Hart Road, and east of the Fairview Meadows subdivision to the One-Acre Ranch Estate Zone.

A motion was made by Mike Pezzulli to approve the zoning of the Molodow property. Seconded by Carolyn Sommer, with all in favor.

FRY PROPERTY: The zoning of property that is annexed but unzoned, commonly known as the Fry property, consisting of 2.14 ± acres, generally located west of Meandering Way, north of and adjacent to Stacy Road, south of River Oaks II subdivision, and east of the Hawks Wood subdivision, to the One-Acre Ranch Estate Zone.

A motion was made by Jim Cunningham to approve the zoning of the Fry property. Seconded by Mary Price, with all in favor.

GOODMAN PROPERTY: The zoning of property that is annexed but unzoned, commonly known as the Goodman property consisting of 1.00 ± acres, generally located west of Meandering Way, north of and adjacent to Stacy Road, south of River Oaks II subdivision, and east of the Hawks Wood Subdivision, to the One-Acre Ranch Estate Zone. Council confirmed with the Planning department that the property owner had been notified and have had no response.

A motion by Carolyn Sommers was made to approve the zoning of the Goodman property. Seconded by Jim Cunningham, with all in favor.

GOODMAN PROPERTY: The zoning of property that is annexed but unzoned, commonly known as the Goodman property consisting of 5.9 ± acres, generally located west of Meandering Way, north of and adjacent to Stacy Road, south of River Oaks II Subdivision, and east of Hawks Wood Subdivision, to the One-Acre Ranch Estate Zone.

A motion was made by Carolyn Sommers to approve the zoning of the Goodman property. Seconded by Jim Cunningham, with all in favor.

ACCOUNTING MANAGER'S DEVELOPMENT REPORT: Teresa Ramirez made a brief report on the technology updates that have been made to streamline the Utility Billing and Permit departments, which have in turn allowed for increasing support to the

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residents. The Town's cash management has increased its revenue by as much as 4.6% by setting up multiple accounts and lowering fees by as much as 3%.

TOWN MANAGER'S DEVELOPMENT REPORT: John Godwin made a brief report on zoning and developments advising council of activity relevant to Tranquility Farms, Grenadier townhouses, 1100 & 1102 SH 5, LISD, and Hart Rd.

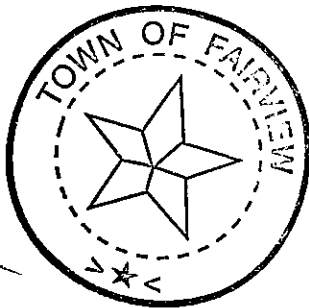
CITIZEN'S IMPUT: Mayor stated that anyone wishing to speak at this time to state their name and address for the record and to remember that no formal discussion or action may be taken on these items at this meeting. Maureen Clary, Farmstead, verifying that the ISD ordinance will apply when construction begins. Council confirmed.

EXECUTIVE SESSION: At 9:19 pm the council recessed into executive session to discuss: Lawler v Fairview, McKinney v. Fairview, and economic development. The council reconvened into open session at 10:18 pm.

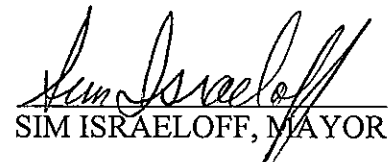
ACTION NECESSARY FROM EXECUTIVE SESSION:

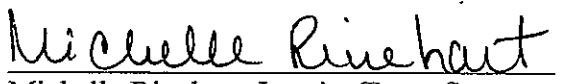
No action required or taken.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 10:18 p.m.



ATTEST:


SIM ISRAELOFF, MAYOR


Michelle Rinehart, Interim Town Secretary