

**TOWN COUNCIL
MINUTES
March 6, 2007**

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

Mayor Israeloff called the meeting to order at 6:30, declared a quorum was present, and recessed into executive session.

EXECUTIVE SESSION: At 6:33 pm the council recessed into executive session to discuss: Lawler v Fairview, McKinney v. Fairview, economic development, Real Estate and the Prosecuting attorney.

At 7:43 pm Mayor Israeloff convened into 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) Approve minutes of the February 6, 2007 council meeting. B) Approve an Ordinance calling the regular town council election; making provision for the conduct of the election; and containing other provision incidental thereto. C) Approve an Ordinance calling a bond election; making provision for the conduct of the election; containing other provisions incidental thereto. D) Approve a contract with Collin County to manage municipal elections. E) Approve an inter-local agreement with the City of Allen to operate the new outdoor warning system. F) Approve an agreement with McRoberts & Associates to advertise and sell certain town-owned real estate. G) Approve an inter-local agreement with the City of Allen and the Lovejoy I.S.D. to permit Allen to provide sewer service to the LISD middle school. H) Approve a Resolution requesting that the Texas Transportation Commission remove that portion of FM 2786 (Stacy Road) between US 75 and SH 5 from the state highway system. I) Approve a Resolution adopting an inter-local agreement with the City of Plano for cooperative purchasing. J) Approve a Resolution continuing participation with the Atmos Cities Steering Committee. K) Approve a Resolution authorizing the mayor to endorse the Mayors' Climate Protection Agreement. L) Authorize the town engineer to accept the public improvements for the Villas in the Park, phase 1 subdivision. M) Approve an amended plat of Lots 77A and 78A, in the River Oaks subdivision, located north of and adjacent to Creekwood Drive North. N) Approve an amended plat of Lot 9A, Block B of the Oakwood Estates subdivision, Phase II, located at the northeast corner of Foxdale Drive and Parkdale Drive. Items B through N were voted on noting that Item B will have revisions made to Ordinance calling the regular town council election to meet all the

provisions of the election and Item F will not be included in the vote due to not having an appraisal on the property. Motion was made by Carolyn Sommers to approve Items B-N noting changes to Items B and F. Seconded by Mary Price with all in favor.

Councilwomen Mary Price noted changes to the February 6, 2007 minutes. Noted changes include on page 2, second paragraph that the name is not Curtis Smith, but Kerschield Smith and on page 3, second paragraph that Mary was quoted that the tennis courts should not be a resident concern, when it should have read that she was concerned that the courts did impose on the neighbors and those in the Farmstead community and it was a representative from Lovejoy ISD that stated that the tennis courts should not be a concern. A motion was made by Jim Cunningham to approve the minutes noting the revisions made by Councilwomen Mary Price. Seconded by Carolyn Sommers with all in favor.

PUBLIC HEARING: The annexation of approximately 19.2953 acres at the northeast corner of Hart Road and Stoddard Road and owned by the Lovejoy ISD. The annexation request has been made through a Resolution approved by the Lovejoy ISD Board. The adopting ordinance that actually annexes this property will be acted upon at the April 3, 2007 council meeting.

AFFIRMED LANE DRAINAGE: Town staff recommends continuing the discussion regarding Affirmed Lane to allow more time to review the project. Town council agreed with this recommendation and no action was taken.

KNOX BOX REVISIONS: Continuation of discussion of the Knox Box Ordinance. On February 6, 2006, council discussed the need for ordinance provisions to ensure clarity. John Godwin, Town Manger, stated that three items were notably changed and Fire Marshal, Jeff Bell assisted in drafting the new ordinance. The aspects of the ordinance restructured were the commercial versus residential properties and item 3.6 and 3.7 of the ordinance. Town staff recommends that the verbal language be changed from 'may' to 'shall' in both items as well as modifying the requirements for the exemptions. A notarized affidavit will be needed for all submissions.

Due to the changes in the ordinance, Town Council and Fire Chief, Dick Price, agrees that no action will be taken until the revised ordinance is submitted at the next council meeting.

SIGNS AND BILLBOARDS: Amendment to Ch. 152 of the Signs and Billboards ordinance to update the size requirement to the temporary real estate signs and the use of internally illuminated cabinet signs. John Godwin stated that the sign size with Planning and Zonings approval be changed from five square feet to six square feet and noted the use of internally illuminated cabinet signs are prohibited anywhere in the Town.

A motion was made by councilmen John Fraser to approve the change in size of standard temporary real estate signs from five square feet to six square feet and to emphasize the

prohibition against the use of internally illuminated cabinet signs in residential zones. Seconded by Jim Cunningham, with all in favor.

LOVEJOY ISD: Final plat proposal to the Lovejoy ISD middle school comprising 25.0 acres, east of and adjacent to Country Club Road (FM 1378), north of Stacy Road, and south of Farmstead Street. John Godwin stated the final site plan has been approved by Planning and Zoning and does meet all requirements, and that traffic concerns are still be addressed by Town Staff and Lovejoy ISD.

Mayor Israeloff turned discussion over to council. Jim Cunningham expressed his continuing concern regarding the left turn lane coming from the north. Mayor Israeloff agreed with his concern and noted that it is a safety matter that needs to be considered. Councilwoman Carolyn Sommers questioned TX- Dot's participation in the matter. It was expressed by John Godwin that the Town staff or any members of council can send letters to TX-Dot recommending changes to the roads. A representative from Lovejoy ISD expressed their ongoing support of the project with the Town, as well as willing to work with Town staff on any recommendations that are being requested.

A motion was made by Mary Price to approve the final plat for the proposed Lovejoy ISD middle school, comprising 25.0 acres, east of an adjacent to Country Club Road (FM 1378), north of Stacy Road, and south of Farmstead Street. Seconded by Carolyn Sommers, with all in favor.

BAILEY PROPERTY: The zoning of property that is annexed but un-zoned commonly known as the Bailey property, consisting of 3.31 acres, generally located north of and adjacent to Stacy Road, west of and adjacent to Country Club Road (FM 1378), and east of and adjacent to the Wellington Park Estates subdivision, to the One-Acre Ranch Estate Zone (RE-1).

Matt Donnell, Special Projects Coordinator stated the next six properties are properties that are annexed but un-zoned. The properties were recommended by the Planning and Zoning committee at their February 22, 2007 meeting to zone these properties as RE-1. Alan Efrussy, director of Planning, stated that he has had several discussions with Mr. Bailey regarding the uses of this property and received an e-mail from Mr. Bailey that he was okay with the recommended zoning of RE-1.

Mayor Israeloff requested any public discussion. No comments were made.

Mayor Israeloff turned discussion over to council. A motion was made by Mary Price to approve the zoning of the Bailey property to RE-1. Seconded by Michael Pezzulli, with all in favor.

KIRKWOOD PROPERTY: The zoning of property that is annexed but un-zoned, known as the Kirkwood property, consisting of 3.02 acres, generally located north of and

adjacent to Stacy Road, south of and adjacent to Old Stacy Road, and west of and adjacent to the Wellington Park Estates subdivision, to the One-Acre Ranch Estate Zone (RE-1).

Mayor Israeloff requested any public discussion. No comments were made.

Mayor Israeloff turned discussion over to council. A motion was made by Mary Price to approve the zoning of the Kirkwood property to RE-1. Seconded by Michael Pezzulli, with all in favor.

KIGHT PROPERTY: The zoning of property that is annexed but un-zoned, commonly known as the Clifford Kight property, consisting of 1.0 acres, generally located west of and adjacent to Country Club Road (FM 1378), north of and adjacent to the Wynford Chace subdivision, east of Maple Creek, and south of Hart Road, to the One-Acre Ranch Estate Zone (RE-1).

Mayor Israeloff requested any public discussion. Clifford Kight, owner of the property, stated that he agrees with the zoning.

Mayor Israeloff turned discussion over to council. A motion was made by John Fraser to approve the zoning of the Kight property to RE-1. Seconded by Jim Cunningham, with all in favor.

KIGHT PROPERTY: The zoning of property that is annexed but un-zoned, commonly known as the Clifford Kight property, consisting of 1.0 acre, generally located west of and adjacent to Country Club Road (FM 1378), north of the Wynford Chace subdivision, east of Maple Creek Drive, and south of Hart Road, to the One-Acre Ranch Estate Zone (RE-1).

Mayor Israeloff requested any public discussion. No comments were made.

Mayor Israeloff turned discussion over to council. A motion was made by Carolyn Sommers to approve the zoning of the Kight property to RE-1. Seconded by Michael Pezzulli, with all in favor.

KIGHT PROPERTY: The zoning of property that is annexed, but un-zoned, commonly known as the Steve Kight property consisting of 1.0 acre, generally located west of and adjacent to Country Club Road (FM 1378), north of the Wynford Chace subdivision, east of Maple Creek Drive, and south of Hart Road, to the One-Acre Ranch Estate Zone (RE-1).

Mayor Israeloff requested any public discussion. Matt Donnell commented that Mr. Kight appeared at the Planning and Zoning meeting held on February 22, 2007 and was in agreement with the RE-1 zoning.

Mayor Israeloff turned discussion over to council. A motion was made by to approve the zoning of the Kight property to RE-1. Seconded by Carolyn Sommers, with all in favor.

TEMPLIN PROPERTY: The zoning of property that is annexed but un-zoned, commonly known as the Templin property consisting of 1.0 acre, generally located west of Country Club Road (FM 1378), north of the Wynford Chace subdivision, east of Maple Creek Drive, and south of Hart Road, to the One-Acre Ranch Estate Zone (RE-1).

Mayor Israeloff requested any public discussion. No comments were made.

Mayor Israeloff turned discussion over to council. A motion was made by Carolyn Sommers to approve the zoning of the Templin property to RE-1. Seconded by John Fraser, with all in favor.

TRASH AND RECYCLING CARTS: John Godwin, Town Manager, drafted an ordinance that would restrict carts from being placed out prior to 8:00 p.m. the night before a collection day, and further requiring them to be removed back behind the building line no later than 6:00 a.m. the morning after the collection day.

Mayor Israeloff turned discussion over to council. Mayor Israeloff asked council members for their suggestions on both times. Councilmen John Fraser stated the 8:00 p.m. seemed to later and that 5:00 p.m. seemed more reasonable and would not interrupt other family responsibilities and would still be early enough in the day when residents are likely to put their carts out. Jim Cunningham expressed his concerns with the residents who work a midnight shift. Council agreed that they could place carts out when they arrived back home from work. Mary Price stated that the 6:00 a.m. seemed acceptable to people who work late as well as for most people. Councilman Jim Cunningham also questioned the enforcement of this ordinance. John Godwin commented that hopefully they will not have to and will not result in a violation unless they continually do not comply with the ordinance. The ordinance only refers to the trash and recycle carts. The concerns for the brush and bulk pick up are not addressed in this ordinance and would require a separate amendment if requirements are set.

A motion was made by John Fraser to approve an ordinance that would restrict carts from being placed out prior to 5:00 p.m. the night before a collection day, and further requiring them to be removed back behind the front building line no later than 6:00 a.m. the morning after the collection day. Seconded by Mary Price, with all in favor.

KIOSK DIRECTION SIGN: Councilman Michael Pezzulli stated that the use of another directional sign was needed be placed on the SH 5/ Country Club Sign in order to

make the first one worthwhile. Mr. Pezzulli commented that he has spoken with Bruce Kelly and he approves the sign on the property and seeking approval from council.

Mayor Israeloff turned discussion over to council. Carolyn Sommers commented that the proposed action makes sense and Mayor Israeloff requested larger lettering on the sign.

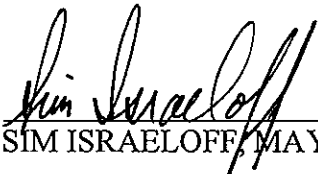
A motion was made by Jim Cunningham to approve the use of the directional sign. Seconded by Carolyn Sommers, with all in favor.

DEVELOPMENT PROJECTS AND ORDINANCES: John Godwin commented on a few of the developments that are taking place with the town. The Villages of Fairview are moving along quickly and are optimistic on completing in 2008. The Grenadier townhouses have permitted several units and are under construction. The intersection of Meandering at Stacy road is zoned residential and looking at possible development. The property owner at Stoddard Road has taken out a building permit for commercial establishment on un-zoned acreage. Councilman Pezzulli commented that he has spoken with a neighbor in that area and there is rumor of a Landscaping company that will be occupied on that property. The status of the Stacy road construction was discussed, acknowledging that the bid will be in April and will be awarded in May by the City of Allen, whom will be managing the project. It is projected to start June 1st and will take approximately twelve months to complete.

CITIZEN'S INPUT: 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. No comments were made.

ACTION NECESSARY FROM EXECUTIVE SESSION: John presented Amanda C Murphy as the new prosecuting attorney. A motion was made by Mary Price to approve that motion. Seconded by John Fraser, with all in favor.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 8:30 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Rinehart, Interim Town Secretary

