

**TOWN COUNCIL
MINUTES
April 3, 2007**

The Town Council met in regular session on Tuesday, April 3, 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 6:35 pm the council recessed into executive session to discuss: Lawler v Fairview, McKinney v. Fairview, economic development, and Real Estate.

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 March 6, 2007 council meeting. B) Approve an Ordinance amending fire inspection fees. C) Approve an Ordinance amending regulations revising Knox box requirements. D) Approve an Ordinance annexing approximately 19.2953 acres at the northeast corner of Hart Road and Stoddard Road owned by the Lovejoy ISD. E) Approve a new franchise agreement with Atmos Energy.

Town Manager, John Godwin noted wording change to item C. In Section 1., Item 3.7 of the Ordinance amending regulations revising Knox box requirements was re-worded per staff and fire chief approval to say "other locking device". Consent agenda item E was skipped and will be added to next month's agenda. Motion was made by Carolyn Sommers to approve Items A-D noting changes to Items C and E. Seconded by Mike Pezzulli with all in favor.

AFFIRMED LANE DRAINAGE: Town Manager, John Godwin, commented that there is nothing new to report at this time on the Affirmed Lane drainage project. The town did receive an alternative design, but have not had the opportunity to review nor comment on it. Town Staff has also not had the opportunity to estimate the costs of re-bidding the project in order to do it over. Town Engineer, James Chancellor stated that the new design is outside the original easement and would like to stake the area and re-bid the cost equated with the new design.

Council members discussed the resident expectations on any additional cost of the project as well as that the new design indicated a shallower ditch. Councilwoman Mary Price expressed her concern with the cost involved in this project. She stated that the time that has been spent on it as well as any additional cost to repair Affirmed Lane has taken away time and financing from other projects that need attention and repairs. Councilwoman Carolyn Sommers agreed with letting the residents see solutions for the project by staking the street according to the new design. Councilman John Fraser stated that closure is needed on the project so that the town may move on to other projects. Mayor Sim Israeloff stated that by next council meeting, they would like to have all new information to be presented so that action may be taken. James Chancellor agreed this would be prepared and ready for the next meeting. No action taken.

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

Matt Donnell, Special Projects Coordinator stated that the next five properties are properties that are annexed but un-zoned. The properties were recommended by the Planning and Zoning committee at their March 8, 2007 meeting to zone the properties as RE-1 except for item 10, which requested zoning is RE-1.5.

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

Mayor Israeloff turned discussion over to council. Councilwoman Carolyn Sommers stated for the record that the next several actions were properties that were annexed several years ago and they are zoning these properties in order to provide more efficient zoning and to make sure the properties are used the way they are being used today. A motion was made by John Fraser to approve the zoning of the Rickert property to RE-1. Seconded by Carolyn Sommers, with all in favor.

HEAD PROPERTY: The zoning of property that is annexed but un-zoned, known as the Head property, consisting of 1.0 acres, generally located west of and adjacent to Country Club Rd. (FM 1378), north of Wynford Chace subdivision, and south of Hart Rd., 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 Head property to RE-1. Seconded by Carolyn Sommers, with all in favor.

WATKINS PROPERTY: The zoning of property that is annexed but un-zoned, commonly known as the Watkins property, consisting of .5 acres, generally located west

of and adjacent to Country Club Rd. (FM 1378), north of the Wynford Chace subdivision, and south of Hart Rd., 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. Mayor Israeloff questioned how you zone a property that is .5 acres on a 1.0 acre lot. Alan Efrussy, Planning Director, stated that the zoning is compatible for the appropriate use of an RE-1 zoning. The RE-1 zoning is the lowest zoning district and will protect the land use of the method to the public. A motion was made by Mike Pezzulli to approve the zoning of the Head property to RE-1. Seconded by John Fraser, with all in favor.

WATKINS PROPERTY: The zoning of property that is annexed but un-zoned, commonly known as the Watkins property, consisting of 2.23 acres, generally located west of and adjacent to Country Club Road (FM 1378), north of the Wynford Chace subdivision and south of Hart Road, to the One-Acre Ranch Estate Zone (RE-1.5).

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 Watkins property to RE-1.5. Seconded by Michael Pezzulli, with all in favor.

WATKINS PROPERTY: The zoning of property that is annexed, but un-zoned, commonly known as the Watkins property consisting of 1.18 acre, generally located west of and adjacent to Country Club Road (FM 1378), north of the Wynford Chace subdivision, 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 Mary Price to approve the zoning of the Watkins property to RE-1. Seconded by Jim Cunningham, with all in favor.

BULK AND BRUSH WASTE: Discussion was prompted as last council meeting regarding the bulk and brush time placement due to the passing of the new ordinance restricting the hours during which polycarts and recycling containers can be left out. John Godwin, Town Manager stated that there appears to be no common or generally-accepted methodology to what other municipalities do. He also commented that there have not been many complaints regarding the bulk pick up items being left out.

Councilwoman Mary Price started the discussion by commenting that miscellaneous items are included in the bulk pick up as well as tree brush and/or limbs. She stated that there should be some sort of time restrictions put on the residents. Councilman Mike Pezzulli stated that any heavy or large items could be placed out the weekend before allowing residents time to get items to the curb. Councilwomen Carolyn Sommers stated that the town should be proactive if it could become a potential problem. Mayor Israeloff concluded the discussion stating that a possible weekend before deadline be placed for large items not including brush and would like the Town to seek out the cost for an additional Bulk/Brush pickup during each month. No action taken at this time.

DEVELOPMENT PROJECTS AND ORDINANCES: John Godwin commented on a few of the developments that are taking place with the town. The middle school construction has begun. The school is set to open in 2008. The Herring group is an ongoing project. The plans for the elementary school have been submitted. There is a parcel of land located off Hwy 5 close to Cotten Concrete that may have a possible retail slot. There are twenty acres on south side of Hart Rd., near FM 1378; proposed residential development to occur. The developer is being proactive in obtaining a zoning of 1.0 acre lots. The homeowner on Stoddard Rd. is trying to take out building permit for commercial establishment on un-zoned acreage. The building permit submitted was not valid due to errors on the permit. This item will be on the P&Z agenda for the April 26, 2007 meeting.

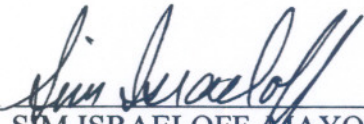
John Godwin also commented that there will likely be two Council meetings in May. On May 17, 2007 meeting they will have a special meeting to canvas the election as well as add any additional items. On June 15, 2007, the Town will hold its annual Awards banquet at Heritage Ranch, and on April 14, 2007 the town will hold its Trash off from 8:00 am to 2:00 pm and that council should be thinking of a citizen of the year for the next meeting. Councilwoman Carolyn Sommers commented that the Lovejoy ISD marching band was looking to participate in our annual Christmas parade. Councilman Jim Cunningham stated that there has been no conversation regarding the Stover tract.

Mayor Israeloff asked for updates regarding the County Thoroughfare Plan. John Godwin stated that there were two changes made, but the plan closely mirrors the Town's initial plan. The two changes included: changing FM 1378 to a four lane road from Stacy road to Hwy 5 versus the Town's initial plan to have the four lane road from Stacy to Farmstead. The other change to the plan was that Stacy Rd. east of FM 1378 be four lanes with no loop. The hearings will be held in May with adopting the plan in either June or July.

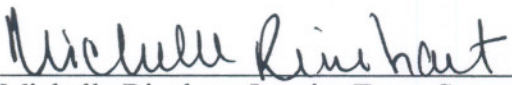
CITIZEN'S INPUT: Mayor stated that anyone wishing to speak at this time to state their name and address for the record and to remember that no formal discussion or action may be taken on these items at this meeting. No comments were made.

ACTION NECESSARY FROM EXECUTIVE SESSION: Mayor Israeloff made a motion to authorize the purchase of real estate per the discussion in the executive meeting. The motion was made by Mary Price to approve that motion. Seconded by Jim Cunningham, with all in favor.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 8:36 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Rinehart, Interim Town Secretary

