

**TOWN COUNCIL
MEETING MINUTES
February 10, 2011**

The Town Council met in regular session on Thursday, February 10, 2011 at 7:00 P.M. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Ron Kasian, Jim Cunningham, Henry Lessner, Anton Mattli, and Mary Price. Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni, and Town Attorney, Clark McCoy. Mayor Pro Tem Carolyn Sommers Erickson was absent.

Mayor Israeloff called the meeting to order at 7:01 p.m. and declared a quorum was present.

SEXUALLY ORIENTED BUSINESSES WORK SESSION: Conduct a joint work session with the Planning and Zoning Commission regarding updating and amending the Code of Ordinances, Chapter 4: Business Regulations, Article 4.04 Sexually Oriented Businesses.

Mr. McCoy introduced this item stating that he would like to present legal/planning issues involved with Sexually Oriented Businesses and discuss and provide feedback regarding the proposed draft ordinance updating and amending the code.

Mr. McCoy stated that the town has to designate an area within town limits to provide SOB's. Mr. McCoy stated that with the First Amendment protection, the town cannot regulate content of speech, but can regulate the secondary effects, which include regulating time, place and manner. Mr. McCoy stated that the unique challenge for Fairview is its size and establishing a location where allowable. Mr. McCoy stated that licensing is required along with fees set by the council; all being subject to Site Plan approval and conducting Background Information on all parties. Mr. McCoy talked about areas of town where SOB's normally will be and discussed with town council and planning and zoning commissioners an area of town to consider for SOB's based on zoning criteria and distance from land use(s) and/or other zoning districts.

No action was taken.

WEST SIDE WATER TOWER: Conduct a joint work session with the Planning and Zoning Commission regarding possible use of the old west side water tower for certain advertising.

Item passed over. No action was taken.

ANNEXATION PUBLIC HEARING LOVEJOY ISD: Conduct a public hearing regarding the annexation of property commonly known as the Lovejoy Independent School District administration building property, consisting of 11.05± acres, and generally located south of Stacy Road, west of and adjacent to Country Club Road (FM 1378), east of Mossbrook Land, and north of Teasbend Lane.

Mr. Godwin introduced this item stating that two public hearings are required in order to proceed with an annexation; this is the first public hearing.

Mayor Israeloff opened the public hearing. Dennis Womack, 259 Country Club Road stated that he is representing Lovejoy ISD and supports the annexation.

Mayor Israeloff closed the first public hearing.

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 an ordinance calling the May 2011 general election. B) Approve a resolution suspending a rate increase by Oncor electric. C) Approve an amending plat for the Blue Grass Farms subdivision. D) Approve a resolution regarding a service plan for the annexation of property composed of FM 1378 and property adjacent to the Lovejoy Independent School District Administration Building, and to the Summerhill Farms subdivision. E) Approve a resolution regarding a service plan for the annexation of property bound by County Road 317 on the north and east sides, north of Fitzhugh Mill Road and adjacent to and east of the town's current city limits.

Councilwoman Price made a motion to approve items A, B, C, D and E. Seconded by Councilman Kasian, with all in favor. Councilman Lessner abstained from the vote.

WEIGHT LIMITS TO TRUCKS ON EAST STACY ROAD: Discuss and take possible action regarding an ordinance to add weight limits to trucks on East Stacy Road.

Councilman Mattli stated that he had asked for this to be back on the agenda and that the council should implement an ordinance with a weight limit as soon as possible since the roads are continuing to worsen.

Joe Stankiewicz, Deputy Director of NTMWD, stated that he oversees the water system, which provides two services to the Town of Fairview. Mr. Stankiewicz stated that the main water source comes out of Lake Lavon and currently serves 1.7 billion gallons of water to Collin County a day. Mr. Stankiewicz briefed the council of the history of the town since 1998 and the town's request for an increase in water and sewer distributed to the town. Mr. Stankiewicz stated that resolution 99-03-01 passed by the town council states that the town supports the district in the proposed expanded capacity of Wilson Creek wastewater treatment facility and the will meet state and federal regulations with the TNRCC. Mr. Stankiewicz stated taking into account the previous actions by NTMWD and the support of the previous council that the current council take this into consideration before passing the proposed ordinance, which would restrict their trucks heavily. Mr. Stankiewicz stated that he is willing to work with staff and council on this issue.

Mayor Israeloff asked what route the sludge trucks were taking prior to December 6, 2010. Mr. Stankiewicz responded that the trucks were taking FM 1378 south continuing to East Stacy Road to US 75. Mayor Israeloff asked since the city of Lucas has restrictions on using their roads, if there has been any repercussions and if their ordinance is valid in their opinion. Mr. Stankiewicz replied that there have been no repercussions and in his opinion the ordinance is not valid due to arguable language within the ordinance. Mr. Stankiewicz stated that if the town of Fairview places restrictions, there will be no north or south route and in that case, the district will be forced to take legal action.

Mayor Israeloff asked if the proposal by NTMWD would include financial contributions for the roads and if the town is being threatened. Mr. Mark Walsh, attorney representing NTMWD, responded that he understands that the trucks tear up the roads and that they are not trying to threaten the town, but the district needs access to the roads for the north route.

Councilman Mattli stated that Stacy Road west of FM 1378 already has a weight limit and that the district is breaking the law by continuing to use these roads. Councilman Mattli stated that the town has spent a huge amount of money on the repair of this road and that the town carries a big burden to service Collin County. Mark Walsh responded that this is the first he's heard of the weight limit sign already in place.

Mayor Israeloff asked if a resolution can be reached between now and July 2011 with NTMWD. Mr. Stankiewicz responded that they are willing to work with the town and staff to reach an agreement. Mayor Israeloff directed staff to place the item back on the agenda for the March meeting.

FM 2786 (STACY ROAD): Discuss and take possible action on FM 2786 (Stacy Road).

Mr. Godwin introduced this item stating that the following two items were asked to be placed on the agenda by Mayor Pro Tem Sommers Erickson. Mr. Godwin and council

discussed the future plans of Stacy Road and that a member of council should submit a copy of the Master Thoroughfare Plan at the next public hearing meeting by TXDOT.

No action was taken.

EASTERN STACY ROAD: Discuss and take possible action on eastern Stacy Road.

Discussion only. No action was taken.

ANNEXATION PUBLIC HEARING LOVEJOY ISD: Conduct a second public hearing regarding the annexation of property commonly known as the Lovejoy Independent School District administration building property, consisting of 11.05± acres, and generally located south of Stacy Road, west of and adjacent to Country Club Road (FM 1378), east of Mossbrook Land, and north of Teasbend Lane.

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

No further action was taken.

CITIZENS INPUT:

No comments were made.

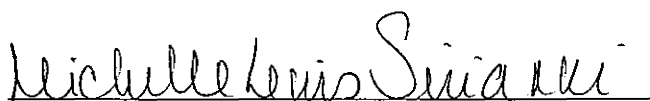
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mayor Israeloff read letter from Chief Tolliver regarding Officer Waldron and Officer Flournoy going above and beyond their duties in helping a citizen(s).

Mayor Israeloff adjourned the meeting at 9:48 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

