

**TOWN COUNCIL
MEETING MINUTES
April 5, 2011**

The Town Council met in regular session on Tuesday, April 5, 2011 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Ron Kasian, Jim Cunningham, Henry Lessner, and Mary Price. Town Manager John Godwin; 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. Council members Carolyn Sommers Erickson and Anton Mattli were absent.

Mayor Israeloff called the meeting to order at 6:32 p.m. and declared a quorum was present.

County Commissioner, Joe Jaynes presented the town with a check for \$276,235.00 for Collin County's portion from a county bond program that will help fund the engineering and R-O-W fees for the construction along FM 1378.

The council then adjourned into executive session.

At 8:03 p.m. Mayor Israeloff reconvened back into regular session and requested everyone to stand for the Pledge of Allegiance.

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 minutes of the March 1, 2011 regular council meeting. B) Award bid for landscaping on Stacy Road. C) Approve correcting scrivener's error to Tranquility Farms plat. D) Approve a resolution regarding a service plan for the annexation of 11± acres composed of the Lovejoy Independent School District Administration Building and Elementary School. E) Approve a resolution regarding a service plan for the annexation of property bounded 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. F) Approve an Interlocal Agreement with the City of Allen to amend adjoining boundaries.

Mayor Israeloff stated that the council will pull item B and take no action; this item is not ready.

Councilwoman Price made a motion to approve items A, C, and E. Seconded by Councilman Lessner, with all in favor.

Councilman Kasian requested to pull items D and F.

Councilman Kasian stated in Exhibit A of item D it states Denton County Texas versus Collin County, Texas. Councilman Kasian made a motion to approve item D. Seconded by Councilman Cunningham, with all in favor.

Councilman Kasian stated on page one of item F that it should be reflected at 1,000 versus 1.000 feet and on page four the Town Hall address is incorrect. Councilman Kasian made a motion to approve item F as amended. Seconded by Councilman Lessner, with all in favor.

AMEND CHAPTER 4: BUSINESS REGULATIONS, SOB'S: Conduct a public hearing and take action regarding updating and amending the Code of Ordinances, Chapter 4: Business Regulations, Article 4.04 Sexually Oriented Businesses, with further restrictions and prohibitions and otherwise regulating sexually oriented businesses.

Mr. Efrussy introduced this item stating that the proposed amended ordinance will add further protection to the town with updating uses and also by considering first amendment rights. Mr. Efrussy stated the basis for the update is to add locational requirements. Mr. Efrussy stated that all recommendations have been accounted for that the Planning and Zoning Commission and Town Council have submitted in the prior work session and public hearing meetings.

Clark McCoy, Town Attorney, stated that they have discussed all legal issues in executive session.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed. Mayor Israeloff suggested that council table this item to the next meeting and/or work session.

Councilman Cunningham made a motion to table the updating and amending of the Code of Ordinances, Chapter 4: Business Regulations, Article 4.04 Sexually Oriented Businesses, with further restrictions and prohibitions and otherwise regulating sexually oriented businesses until the next work session. Seconded by Councilwoman Price, with all in favor.

SPECIAL OVERLAY DISTRICT: Conduct a public hearing and take action regarding amending the Commercial Planned Development District (CPDD) by including a Special Entertainment Overlay Zoning District; said Overlay District comprising approximately 5.013± acres, and located within subzone F: Western Office/Commercial Zone.

Mr. Efrussy introduced this item stating that the Special Entertainment Overlay Zoning District is the locational criteria to the SOB ordinance. Mr. Efrussy stated that the current uses and requirements of the base underlying zone remain the same, in addition to the uses and requirements of the overlay zone which conform to the SOB requirements.

Mayor Israeloff opened the public hearing. Michael Vannatta, 5141 Stream Crest, asked where the five acres is located. Mr. Godwin responded that the general area is located west of Hwy 5; north of Old Bush Road, south of Frisco Road, and east of U.S. 75.

Mayor Israeloff closed the public hearing and opened discussion to council. Mayor Israeloff suggested tabling this item to the next meeting and/or work session.

Councilman Kasian made a motion to table to amend the Commercial Planned Development District (CPDD) by including a Special Entertainment Overlay Zoning District; said Overlay District comprising approximately 5.013± acres, and located within subzone F: Western Office/Commercial Zone. Seconded by Councilman Cunningham, with all in favor.

GOVERNMENT/INDUSTRIAL ZONING: Conduct a public hearing and take action regarding amending the Code of Ordinances, Chapter 14: Zoning; whereby the Governmental Zoning District (G) is changed to the Government/Industrial Zoning District (G/I).

Mr. Efrussy stated that since this item ties into the previous two items that for consistency he recommends tabling until the next meeting and/or work session.

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

Mayor Israeloff opened discussion to council. No additional comments were made.

Councilman Lessner made a motion to table the amending of the Code of Ordinances, Chapter 14: Zoning; whereby the Governmental Zoning District (G) is changed to the Government/Industrial Zoning District (G/I). Seconded by Councilman Cunningham, with all in favor.

ANNEXATION 0.95± ACRES NEAR LOVEJOY ISD BLDG: Consider and take action regarding the annexation of property composed of FM 1378 that is adjacent to the Lovejoy Independent School District Administration Building and Lovejoy Elementary School, and adjacent to the Summerhill Farms subdivision. South of Stacy Rd., North of Forest Grove Road, and east of Versailles Avenue, consisting of 0.95± acres.

Mr. Wilbourn introduced this item stated that in March two required public hearings were held regarding this annexation. Mr. Wilbourn stated that the 0.95± acres is a strip of roadway east of the Lovejoy ISD Administration Building and on FM 1378. Mr. Wilbourn stated that the intent of this annexation is so that the Fairview police can enforce traffic laws.

Mayor Israeloff asked if the roadway was the north or southbound lane. Mr. Godwin responded that it is both.

Councilman Kasian made a motion to approve the annexation of property composed of FM 1378 that is adjacent to the Lovejoy Independent School District Administration Building and Lovejoy Elementary School, and adjacent to the Summerhill Farms subdivision. South of Stacy Rd., North of Forest Grove Road, and east of Versailles Avenue, consisting of 0.95± acres. Seconded by Councilwoman Price, with all in favor.

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.

Mr. Godwin stated that he's had continued talks with NTMWD, but nothing new to report.

Mayor Israeloff recommended taking no action and bringing back to the next meeting.

SPEED LIMIT/VILLAGE AT FAIRVIEW: Discuss and take possible action regarding the speed limits on certain roads in The Village at Fairview.

Mr. Godwin introduced this item stating that some roads within the Village at Fairview are private and some are public easements, and speed limits are inconsistent with the town's normal 25 mph. Chief Tolliver stated that from the police department's standpoint it should be consistent; not just for speed limits, but for the enforcement of stop signs, etc.

Council agreed and directed staff to bring back an ordinance to next month's meeting.

QUARTERLY BUDGET REPORT: Receive quarterly budget report.

Mr. Wilbourn gave a presentation of the town's quarterly budget standings including the following items: Revenues, franchise fees, permits, utilities, and expenditures. Mr.

Wilbourn stated to date, overall the town is seeing an increase in revenue and with the conservative spending and more economic development the town is estimated to have an overall increase at the end of the budget year.

PLANNING DEPARTMENT ANNUAL REPORT: Receive Planning Department annual report.

Mr. Efrussy presented his annual report stating that within the last year the planning department has collected \$24,887.00 in fees and held eleven meetings. Mr. Efrussy stated that they have zoned four properties as well as assisting with the amendments to the Master Thoroughfare Plan and updating the parks, recreation, and open space chapter within the comprehensive plan. Mr. Efrussy stated that they've had several Conditional Use Permits which are mostly for accessory buildings as well as Special Use Permits which included the Temporary Beach Volleyball and Community Garden within the Village at Fairview. Mr. Efrussy stated that other projects included vertical structures related to setbacks within Heritage Ranch, assisting with the establishment of the Veteran's Day Celebration and many discussion items that allows applicants and/or developers to go before the planning and zoning commission regarding a potential item.

CITIZENS INPUT:

Michael Vannatta, 5141 Stream Crest Way, stated in regards to the speed limits on certain roads in The Village at Fairview that his concern is the U-turns that people continue to make and asked if the City of Allen shares this part of the road or are concerned about this and also if a safety issue study has been done. Mr. Godwin responded that the City of Allen recently held a meeting and a study is being done. Councilman Lessner added that he recently met with the Allen Chamber of Commerce and they are just as concerned and they are trying to figure out a solution.

Mr. Vannatta also stated that he believes that if the SOB location should be moved closer to US 75 so that it keeps it away from the center and away from the residents.

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

Mayor Israeloff stated the town was recognized for its military park and received an award from the Military Order of World Wars.

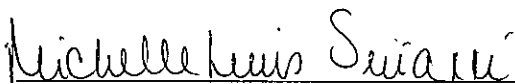
April 30th is the Allen Orchestra event.

No further items were discussed.

Mayor Israeloff adjourned the meeting at 9:05 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

