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Court hears objections to proposed changes in road weight limits

A discussion-only agenda item regarding a possible increase in weight limits on Arrowhead Road, adjacent to the property commonly referred to as the Superconducting Super Collider, brought a large and concerned, but respectful, crowd to Monday's regularly scheduled meeting of the Ellis County Commissioners' Court.

"We welcome you here," said Ellis County Judge Carol Bush. "I know you are passionate about this topic, and I respect that."

Commissioner Heath Sims, pct. 2, told citizens that the law requires the county to follow a certain procedure in order to entertain a weight limit increase, which includes a public hearing, as well as posting legal notice of the public hearing in a newspaper of general circulation at least seven days in advance.

The weight limit change in this case was requested by Magnablend Corporation, a chemical manufacturing company that experienced a catastrophic fire at one of its Waxahachie locations on October 3, 2011. Magnablend has entered negotiations for purchase of the former SSC property from the current owner, Collider Data, LLC.

Assistant County Attorney Lee Auvenshine explained to the audience that the county does not have zoning authority over the SSC property. The county only has the authority to regulate those specific businesses called out in the statutes, namely sexually oriented businesses, outdoor recycling, salvage yards, and slaughterhouses.

As a prior owner of the SSC complex, the County did have discretion to amend deed restrictions that were put in place when the property was sold to the current owner in 2006. One of the deed restrictions was amended at the request of Data Collider, LLC during the December 12, 2011 meeting of the Court.

"Restriction number three was so broadly worded as to be unenforceable if it were taken to Court," Auvenshine said. "I truly believe the change in the deed restriction is better for the county, and better for the taxpayer, because it gives us a document that can be enforced if there is a violation."

Some 20 area residents spoke out against increasing the weight limit on Arrowhead Road. They cited concerns about safety, noise, and air quality. Many said they were aware that an overweight truck permit can be obtained annually from the Texas Department of Transportation if the limit is not increased, but urged the Court to “make them work for it.”

One participant advocated for the proposed weight limit increase.

If the request to change the weight limits for Arrowhead Road moves forward, the next step will be to hold a public hearing, likely to be included in the next regular meeting of the Court on Monday, January 23, 2012, beginning at 6 p.m.

Also during this morning’s meeting, Commissioners voted unanimously to appoint Joe Stewart, recently of Vernon, Texas, as the Ellis County Fire Marshal, effective today.

“Ellis County has never had a Fire Marshal,” said Bush. “We have had fire and arson investigators, but not a Fire Marshal. We look forward to seeing what you can do with the office.” Stewart will also serve as the Emergency Management Coordinator.

In other business, Commissioners:

- Took no action on a proposal to close a portion of Bluebonnet Drive;
- Approved an equivalent match project with TXDOT;
- Discussed plans to consolidate stored items and dispose of surplus to reduce the need for leased storage space; and
- Took no action on a proposed burn ban, with Bush quipping that the item will remain on the agenda so that rains will continue.