

**THE BARTONVILLE TOWN COUNCIL HELD A REGULAR MEETING ON THE 15<sup>th</sup> DAY OF JANUARY 2019, AT BARTONVILLE TOWN HALL, 1941 E. JETER RD, IN THE TOWN OF BARTONVILLE, COUNTY OF DENTON, TEXAS AT 6:30 P.M.**

The Town Council met in a regular meeting with the following members present:

Bill Scherer, Mayor  
Jim Murphy, Mayor Pro Tem  
Jeff Traylor, Councilmember Place 1  
Jaclyn Carrington, Councilmember Place 2  
Josh Phillips, Councilmember Place 5

With the following member absent:

Clay Sams, Councilmember Place 3

**Also present:** Michael Montgomery, Town Administrator; Tammy Dixon, Town Secretary; Bobby Dowell, Chief of Police; Gary Vickery, Town Engineer; and Ed Voss, Town Attorney.

**A. CALL REGULAR MEETING ORDER**

Mayor Scherer called the meeting to order at 6:30 p.m.

**B./C. CLOSED/OPEN SESSION**

The Town Council convened into a closed meeting at 6:31 p.m. pursuant to Texas Government Code Chapter 551, Section 551.071 and reconvened into open session at 7:00 p.m. to discuss matters relating to consultation with Town Attorney as follows:

1. Consultation with Town Attorney regarding legal issues concerning the Town's gas well ordinance. **No action taken.**
2. Consultation with Town Attorney regarding legal issues concerning various drainage issues in the Town. **No action taken.**
3. Consultation with Town Attorney regarding legal issues related to police operations. **No action taken.**

**D. PLEDGE OF ALLEGIANCE**

Mayor Scherer welcomed Boy Scout Troop 1171 who were in attendance as part of earning their citizen badge and asked them to led the pledge of allegiance.

**E. PRESENTATIONS**

1. Fiscal Year 2017-2018 Audit presentation - William C. Spore, P.C., Certified Public Accountant

Mr. Spore provided a review of the 2017-2018 annual audit and answered questions from the Council. He Stated he did not identify any deficiencies in the internal control over financial reporting and overall the Town was in good shape. He further stated staff was doing a good job. The audit will be submitted for approval at the February meeting.

**F. PUBLIC PARTICIPATION/CITIZEN APPEARANCES**

Del Knowler, 739 Seals, spoke in reference to a Veteran’s yard sign recognition program that he and a few other residents were going to fund. Mr. Knowler will provide information to staff regarding the project.

**G. APPOINTED REPRESENTATIVE/LIAISON REPORTS**

1. Argyle Fire District – No report.
2. Planning and Zoning Commission – Mr. Montgomery stated two items reviewed by the P&Z were on the agenda for consideration.
3. Community Development Corporation – No report.
4. Police Chief Report - Department Statistics/Activities for December 2018.

Chief Dowell distributed the departments statistics for December. He stated the department had 253 calls, of that 84 were from dispatch, 43 were self-initiated (close patrol/vacation watch), and 126 were traffic stops (44 citations, 71 warnings, and 3 arrests).

5. Town Administrator  
Monthly Reports: Financial Statement- December 2018; Animal Services Report; Engineering Report.

Mr. Montgomery stated the building permit for Tractor Supply was approved and they expect construction to be completed within six months.

**H. CONSENT AGENDA**

Councilmember Carrington moved to approve consent items 1 - 3. Councilmember Traylor seconded the motion. The items, as approved by consent, are restated below along with the approved recommendation, for the record.

1. Consider approval of the December 18, 2018, meeting minutes.

**RECOMMENDATION:** Approve the December 18, 2018, meeting minutes.

2. Consider approval of a resolution of the Town Council of the Town of Bartonville ordering a General Election to be held on May 4, 2019, for the purpose of electing three Councilmembers Places 1, 3, and 5, for two-year terms each; and providing for a joint services contract with Denton County.

A. In accordance with Appendix C Land Use Table, the placement of a well for the exploration for or the production of gas or oil is prohibited in the following zoning districts unless otherwise specifically excepted herein:

1. RE-1 Single-family residential, one (1) dwelling unit per net acre
2. RE-2 Single-family residential, 2-acre lots
3. RE-5 Single-family residential, 5-acre lots
4. MH Manufactured Home
5. RB Rural Business
6. VC Village Center
7. RLI Rural Light Industrial
8. P/SP Public/Semi-Public
9. **RC Rural Services**

Councilmember Traylor moved to approve Ordinance No. 651-19 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning regulations, by amending, Division IV Special Requirements, Chapter 32 Gas Well Drilling and Production, Section 32.3 Zoning District and Provisions for Conditional Use Permits. Councilmember Phillips seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 651-19**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, EXHIBIT A, ARTICLE 14.02, ZONING ORDINANCE, BY AMENDING CHAPTER 32, GAS WELL DRILLING AND PRODUCTION, SECTION 32.3, ZONING DISTRICTS AND PROVISIONS FOR CONDITIONAL USE PERMITS, BY AMENDING SUBSECTION A; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES:** Murphy, Traylor, Carrington, Phillips  
**NAYS:** None  
**ABSENT:** Sams  
**VOTE:** 4/0/1

6. Public hearing to consider approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning regulations, by adding Appendix C, Land Use Table, Therapy and Division I, General Requirements, Chapter 2, Definitions, Therapy. *(The Planning and Zoning Commission recommended approval of "Animal-Assisted Therapy" by a vote of 5 to 0 at their January 9, 2019, meeting.)*

Mr. Montgomery stated Dan & Crystal Crabill, 654 Country Court, have requested "Therapy" to be added to the Town of Bartonville Zoning regulations. Currently, the use is undefined.

Mr. Montgomery stated during the January 9, 2019 Planning and Zoning Commission meeting, the Commission worked with the applicants to modify their definition as follows:

*Animal-assisted therapy - An outdoor business or non-residential use of animal-assisted relaxation techniques and animal-assisted mental and/or physical therapy techniques using instructors or therapists.*

The Planning and Zoning Commission recommended this amended definition by a vote of 5-0 as well as following designations in the Land Use Table:

Use	Zoning District										
	AG	RE-5	RE-2	R-1	RLI	RB	RS	VC	GC	MH	P/SP
Animal-Assisted Therapy	C	C	C*	*	*	*	*	*	*	*	*

\*Must have more than 5 acres to apply for a Conditional Use Permit

Mayor Scherer opened the public hearing at 7:46 p.m.

No one spoke in favor or opposition.

Mayor Scherer closed the public hearing at 7:46 p.m.

The applicants, Dan and Crystal Crabill explained their son was diagnosed at an early age with High Functioning Autism and through many different types of treatments found that animal assisted therapy provided a significant reduction of his symptoms. For this reason, they want to open an animal assisted therapy program of help others with special needs in the community. The animal therapy would be Goat Yoga to assist many medical conditions such as Veterans with PTSD as well as children and adults with disabilities, including Autism, Aspergers, and ADHD.

Mr. and Mrs. Crabill answered questions from the Town Council.

Mr. Montgomery explained this item was to add a definition only and if the council approved the ordinance with the Planning and Zoning Commissions recommendations, the applicants would then need to submit an application for a Conditional Use Permit for the use.

Councilmember Traylor moved to approve Ordinance No. 652-19 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, by adding Appendix C, Land Use Table, Therapy and Division I, General Requirements, Chapter 2, Definitions, Therapy. Councilmember Carrington seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 652-19**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, EXHIBIT “A,” THE ZONING ORDINANCE, BY AMENDING APPENDIX C, LAND USE TABLE, AND RELATED PROVISIONS TO ADD ANIMAL-ASSISTED THERAPY USE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING NO VESTED RIGHTS;**

**PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES:** Murphy, Traylor, Carrington, Sams, Phillips

**NAYS:** None

**VOTE:** 4/0/1

7. Discuss and consider approval of a Shared Parking Lot Agreement between the Town of Bartonville, Texas, and Blue Pup Pub, LLC, located at 96 McMakin Road, Bartonville, Texas.

Mr. Montgomery stated in the the contract for the sale of 96 McMakin, it specified that the buyer must enter into a shared parking lot agreement prior to the issuance of a certificate of occupancy. Both the Town Attorney and buyer, Blue Pup Pub, LLC, have reviewed the proposed agreement.

Mr. House addressed the Town Council and provided an update on the opening of the business. He stated the name would be “The Bartonville Store.”

Councilmember Traylor requested there be a distinction between normal restaurant operations and restaurant-related activities listed under Section A. A discussion ensued.

Councilmember Carrington moved to approve a Shared Parking Lot Agreement between the Town of Bartonville, Texas, and Blue Pup Pub, LLC, located at 96 McMakin Road, Bartonville, Texas, with additional language under Section A. noting that normal restaurant operations do not constitute “restaurant-related or other activities” as referenced in that section. Councilmember Traylor seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Murphy, Traylor, Carrington, Phillips

**NAYS:** None

**ABSENT:** Sams

**VOTE:** 4/0/1

8. Discussion on Veteran’s Memorial.

Ms. Dixon stated During the November 14<sup>th</sup> Council meeting it was the consensus of the Town Council to have a program to honor Bartonville residents that have lost their lives during their service by creating a Wall of Honor in the Bartonville Town Hall lobby. Ms. Dixon presented suggested criteria, wording, estimated costs, and options for funding.

Following discussion, it was the consensus that plaques be permitted to those that lost their lives while serving in the armed forces and that were at the time, or had previously been, a Bartonville resident; and that funding would be provided by donations.

Staff was directed to work with the Mayor on the proposed inscription for the main plaque to be inscribed with a dedication of the wall honoring those who have lost their lives during their

service; and to bring forward a resolution adopting the policy for the program to include the criteria and funding as discussed.

**J. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA**

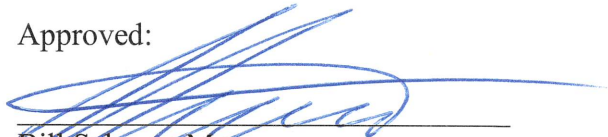
None

**K. ADJOURNMENT**

Mayor Scherer thanked Boy Scout Troop 1171 for attending the meeting and declared the meeting adjourned at 8:13 p.m.

**APPROVED this the 19<sup>th</sup> day of February 2019.**

Approved:

  
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Bill Scherer, Mayor

Attest:

  
\_\_\_\_\_  
Tammy Dixon, Town Secretary