

THE BARTONVILLE TOWN COUNCIL HELD A REGULAR MEETING ON THE 19th DAY OF FEBRUARY 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
Clay Sams, Councilmember Place 3
Josh Phillips, Councilmember Place 5

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 conditional use permit for 2670 FM 407. **No action taken.**

D. PLEDGE OF ALLEGIANCE

Mayor Scherer led the pledge of allegiance.

E. PUBLIC PARTICIPATION/CITIZEN APPEARANCES

There were none.

F. APPOINTED REPRESENTATIVE/LIAISON REPORTS

1. Argyle Fire District – Jim Strange provided a summary of the January 24th district's meeting and distributed a summary of Bartonville EMS calls for the 4th quarter (October – December).
2. Planning and Zoning Commission – Mr. Montgomery stated three items reviewed by the P&Z were on the agenda for consideration.
3. Community Development Corporation – Mr. Langford stated the Board received a funding application from Cloud 9 Salon and Spa and expected the agreement would be approved

and brought to council in April or May. He further stated Board continues to research programs to assist businesses with marketing. He also advised that Bernice Pardue resigned from the Board since she moved out of Bartonville.

4. Police Chief Report - Department Statistics/Activities for January 2019.

Chief Dowell distributed the departments statistics for January. He stated the department had 208 calls, of that 59 were from dispatch, 9 were self-initiated (close patrol/vacation watch), and 140 were traffic stops which included 51 citations and 78 warnings.

5. Town Administrator
Monthly Reports: Financial Statement- January 2019; Animal Services Report; Engineering Report.

Mr. Montgomery stated he and Mayor Scherer met with Dianne Edmondson, the new County Commissioner for Precinct 4. He also reported that the development in Argyle on 377 between Frenchtown and FM 407 will have 290 lots.

6. Town Secretary – Ms. Dixon stated the Town’s General Election would be held on Saturday, May 4, 2019. She stated all incumbents filed in addition to two other citizens who filed for Places 1 and 5.

G. CONSENT AGENDA

Councilmember Traylor moved to approve consent items 1 - 3. Councilmember Carrington 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 January 15, 2019, meeting minutes.

RECOMMENDATION: Approve the January 15, 2019, meeting minutes.

2. Consider approval to accept the Fiscal Year 2017-2018 Audit as prepared and presented by William C. Spore, P.C., Certified Public Accountant.

RECOMMENDATION: Approve to accept the Fiscal Year 2017-2018 Audit as prepared and presented by William C. Spore, P.C., Certified Public Accountant.

3. Consider acceptance of the 2018 Racial Profiling Report.

RECOMMENDATION: Approve acceptance of the 2018 Racial Profiling Report.

VOTE ON THE MOTION

AYES: Murphy, Traylor, Carrington, Sams, Phillips
NAYS: None
VOTE: 5/0

H. REGULAR ITEMS

4. Update on 2018 Rockgate Road and Dove Creek Road Construction Project.

Mr. Vickery advised the paving on Rockgate Road and Dove Creek Road was complete. He stated due to the rain it had been too wet to finish the grading and cleanup of the bardiches; however, he hoped it would be completed within the next 30 days

5. Discussion on intersection of Hilltop and FM 407.

Mr. Montgomery stated there had been two accidents within the past two months at the intersection of Hilltop and FM 407 and the Town received several phone calls concerning the need of a traffic signal at this location.

Mr. Vickery explained FM 407 was a Texas Department of Transportation (TxDOT) road and they have specific criteria when considering traffic signal installation and location does not meet the criteria which is based off of the following:

- amount of traffic on major and minor streets
- pedestrian activity
- number of school children crossing the site
- crash history of the site – must be at least 5 accidents
- delay to existing traffic flow
- speed of traffic approaching intersection
- size of the community

Mr. Montgomery also stated the right turn lane off of FM 407 onto Hilltop did not have a wide enough radius for an 18-wheeler or a school bus. The estimated cost to widen would be approximately \$30,000. He stated he had been exploring options to cover the cost which included discussions with the county and he was also submitting a funding request to the Denton County Development District.

6. Discuss and consider ratification of Change Order No. 2 to the 2018 Rockgate Road and Dove Creek Road Reconstruction Contract with Rock Solid, Inc., in the amount of \$4190.00.

Mr. Montgomery explained Change Order No. 2 was needed on Dove Creek for additional rock riprap and flowable fill at the new installed culvert between Gibbon and Cardinal Road.

Councilmember Carrington moved to ratify Change Order No. 2 to the 2018 Rockgate Road and Dove Creek Road Reconstruction Contract with Rock Solid, Inc., in the amount of \$4190.00. Councilmember Traylor seconded the motion.

VOTE ON THE MOTION

AYES: Murphy, Traylor, Carrington, Sams, Phillips
NAYS: None
VOTE: 5/0

- 7. Discuss and consider approval of an ordinance amending Attachment “A” of Section 10 entitled “Rate Adjustment” of the Exclusive Franchise Agreement for Solid Waste Collection authorizing a 2.3% increase in solid waste disposal rates.

Mr. Montgomery stated on January 23, 2019, the Town received a request from Waste Connections successor-in-interest to Progressive Waste Solutions for a 2.3 % increase in rates effective March 1, 2018.

Marty Grant, District Manager for Waste Connections, answered questions from the Town Council regarding the on-going issues with recycling.

Councilmember Traylor moved to approve Ordinance 653-19 amending Attachment “A” of Section 10 entitled “Rate Adjustment” of the Exclusive Franchise Agreement for Solid Waste Collection authorizing a 2.3% increase in solid waste disposal rates. Councilmember Murphy seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 653-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING ATTACHMENT “A” OF SECTION 10, ENTITLED “RATE ADJUSTMENT” OF THE EXCLUSIVE FRANCHISE AGREEMENT FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF MUNICIPAL SOLID WASTE, CONSTRUCTION AND DEMOLITION WASTE, AND RECYCLABLE MATERIALS IN THE TOWN OF BARTONVILLE, TEXAS, ADOPTED BY ORDINANCE 555-13, AUTHORIZING A 2.3% INCREASE IN SOLID WASTE DISPOSAL RATES; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Murphy, Traylor, Carrington, Sams, Phillips
NAYS: None
VOTE: 5/0

- 8. Discuss and consider, pursuant to Town Code Section 3.04.016(7)(A), a major site plan amendment for a variance request from Chapter 3, Building Regulations, Article 3.04, Signs, Section 3.04.14, Signs in nonresidential districts, subsection (a)(2), Detached signs (on-premises), Number of signs, for three (3) signs; and from Chapter 3, Building Regulations, Article 3.04, Signs, Section 3.04.14, Signs in nonresidential districts, subsection (a)(3), Detached signs (on-premises), Monument signs, to exceed four feet in overall height desired to be located at 2670 FM 407, Bartonville, Texas. *(The Planning and Zoning Commission recommended denial of the request for increased number of signs, and recommended approval of the height of sign request, with conditions, by a vote of 5 to 0 at their February 6, 2019, meeting.)*

Mr. Montgomery explained 7-Eleven was requesting a variance to have three price display signs on the existing canopy; and to exceed the four-foot height restriction for the monument sign as it sits approximately two feet below the grade of pavement at FM 407.

He stated the Planning and Zoning Commission recommended approval to allow the base of the existing monument sign (digital price display) be raised to match the same height as the base of pavement of FM 407 directly beside the sign.

He further stated the Planning and Zoning Commission recommended denial to add three price display signs to the existing fuel canopy.

Councilmember Traylor moved to approve a major site plan amendment for the variance request from Chapter 3, Building Regulations, Article 3.04, Signs, Section 3.04.14, Signs in nonresidential districts, subsection (a)(3), Detached signs (on-premises), Monument signs, to allow the base of the existing monument sign to be raised to match the same height as the base of pavement on FM 407 directly beside the sign; and further moved to deny the variance request to add three price display signs to the existing canopy. Councilmember Phillips seconded the motion.

VOTE ON THE MOTION

AYES: Murphy, Traylor, Carrington, Sams, Phillips

NAYS: None

VOTE: 5/0

9. Discuss and consider, pursuant to Town Code Section 3.04.016(7)(A), approval of a site plan for a variance request from Chapter 3, Building Regulations, Article 3.04, Signs, Section 3.04.14, Signs in nonresidential districts, subsection (a)(6), Detached signs (on-premises), Pole Signs, for a sign located at 96 McMakin Road, Bartonville, Texas. (*The Planning and Zoning Commission recommended approval with conditions by a vote of 5 to 0 at their February 6, 2019, meeting.*)

Mr. Montgomery stated Tim House, owner of the Bartonville Store, LLC, located at 96 McMakin, was requesting a variance from the Town's Code to allow him to install a sign on the existing pole located at the southeast corner of the store.

He stated the Planning and Zoning Commission recommended approval to allow a pole sign with the following conditionals:

- Not to exceed 17 feet in height
- Not to exceed 32 square feet per side
- No flashing lights
- Not to be illuminated between 12:00 a.m. – 6:00 a.m.

Mr. House stated his intent was to keep the historical preservation of the building and the sign would be an emphasis of the "meat shop" as the building will more than a store.

Councilmember Traylor moved to approve a site plan for a variance request from Chapter 3, Building Regulations, Article 3.04, Signs, Section 3.04.14, Signs in nonresidential districts, subsection (a)(6), Detached signs (on-premises), to allow the installation of a sign on the existing pole. Councilmember Carrington seconded the motion.

VOTE ON THE MOTION

AYES: Murphy, Traylor, Carrington, Sams, Phillips
NAYS: None
VOTE: 5/0

10. Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending, Chapter 6, Residential Estates 5 (RE-5), Article 6.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of Animal-Assisted Therapy located at 654 Country Court, Bartonville, Texas. The property to be considered for the Conditional Use Permit is zoned Residential Estates 5 (RE-5) with Animal-Assisted Therapy as a permitted use by Conditional Use Permit only. *(The Planning and Zoning Commission opened the public hearing at their February 6, 2019, meeting and continued it to their March 6, 2019, meeting, meeting.)*

Mr. Montgomery stated on January 24, 2019, the Town received a request from the applicant to postpone his request to the March 6, 2019, Planning and Zoning Commission meeting. He explained since the public hearing had already been noticed the Planning and Zoning opened the public hearing and continued it to their March 6, 2019, meeting. He recommended the Town Council do the same.

Mayor Scherer opened the public hearing at 7:41 p.m.

Councilmember Carrington moved to continue the public hearing the March 19, 2019, at 7:00 p.m. Councilmember Sams seceded the motion.

VOTE ON THE MOTION

AYES: Murphy, Traylor, Carrington, Sams, Phillips
NAYS: None
VOTE: 5/0

11. Discuss and consider approval of a resolution of the Town of Bartonville, Texas, approving a policy for a Veteran’s Memorial recognition program; providing a process to fund the program; and providing an effective date.

Ms. Dixon stated at the January 22, 2019, meeting, staff was directed to bring forward a resolution adopting the policy for a Veteran’s Memorial recognition program. The policy provides the following:

The Wall of Heroes will be located on the east wall inside the Town Hall. Plaques will be permitted for those that lost their lives while serving in the armed forces and that were at the time, or had previously been, a Bartonville resident. The 8 x 10 plaque will include a 5 x 7 photo with three lines of print to include the service person’s name, branch of service, and years of service. To apply, an application must be submitted along with a copy of the veteran’s DD214, and a color portrait photo (if available), preferably in uniform, to the Town Administrator or his designee. Funding for this program is provided by donations.

Councilmember Sams moved to approve a Resolution 2019-02 of the Town of Bartonville, Texas, approving a policy for a Veteran’s Memorial recognition program; providing a process to fund the program; and providing an effective date. Councilmember Traylor seconded the motion.

VOTE ON THE MOTION

AYES: Murphy, Traylor, Carrington, Sams, Phillips
NAYS: None
VOTE: 5/0

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


None

J. ADJOURNMENT

Mayor Scherer declared the meeting adjourned at 7:48 p.m.

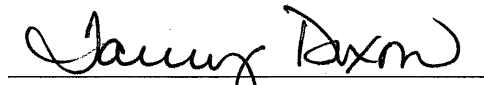
APPROVED this the 19th day of March 2019.

Approved:



Jaclyn Carrington, Mayor Pro Tem

Attest:



Tammy Dixon, Town Secretary

