

THE BARTONVILLE TOWN COUNCIL HELD A REGULAR MEETING ON THE 20th DAY OF FEBRUARY 2018, 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
Jeff Traylor, Mayor Pro Tem
Jaclyn Carrington, Councilmember Place 2
Clay Sams, Councilmember Place 3
Jim Murphy, Councilmember Place 4 (*arrived at 6:32 p.m.*)
Josh Phillips, Councilmember Place 5

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

A. CALL REGULAR MEETING TO ORDER

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

B./C. CLOSED/OPEN SESSION

The Town Council convened into a closed meeting at 6:30 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 related to police operations. **No Action Taken.**
2. Consultation with Town Attorney regarding legal issues related to the Town's Land Use Table. **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 distributed a copy of the District's new report. He reviewed the number of calles and discussed response times.
2. Planning and Zoning Commission – No report.
3. Community Development Corporation. – Ms. Dixon reported the Board met on February 12, 2018 and authorized a traffic count study that would be conducted after spring break.

- 4. Police Chief Report - Department Statistics/Activities for January 2018.

Chief Dowell provided the statistics for January which included 127 traffic stops.

Mayor Scherer asked Chief Dowell to provided year-to-year and year-to-date comparisons for future reports.

- 5. Town Administrator
Monthly Reports: Financial Statement-January 2017; Animal Services Report;
Engineering Report

Mr. Montgomery stated 84% (\$580,708) of the budgeted property taxes had been collected for the fiscal year noting the Town receives most all payments in the months of December, January and February. He also stated per the approved budget amendment in January, \$20,000 was transferred to the Reserve Fund and \$25,780 was transferred to the Street Maintenance Fund.

- 6. Town Secretary – May 5, 2018, General Election.

Ms. Dixon stated all incumbants filed and were running unopposed. She explained she would bring forward a Certification of Unopposed Candidates and an order to cancel the May 5, 2018 election at the March meeting. She stated the last time a general election was cancelled was in 2009.

G. CONSENT AGENDA

Councilmember Carrington moved to approve consent items 1 and 2. Councilmember Sams seconded the motion. The items, as approved by consent, are restated below along with the approved recommendations, for the record.

- 1. Consider approval of the January 16, 2018, regular meeting minutes.

RECOMMENDATION: Approve the January 16, 2018, regular meeting minutes.

- 2. Consider approval to accept the Fiscal Year 2016-2017 Audit as prepared and presented by William C. Spore, P.C., Certified Public Accountant.

RECOMMENDATION: Approve to accept the Fiscal Year 2016-2017 Audit as prepared and presented by William C. Spore, P.C., Certified Public Accountant.

VOTE ON THE MOTION

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

H. REGULAR ITEMS

- 3. Discuss and consider acceptance of the 2017 Racial Profiling Report.

Chief Dowell explained the Texas Code of Criminal Procedure requires law enforcement agencies to collect specific data on traffic stops, and report that data to the Texas Commission on Law Enforcement (TCOLE) and their governing body on an annual basis. The report further details the number of stops resulting in arrest, citation, or both, breaks down the race or ethnicity of drivers stopped, whether race or ethnicity was known prior to the stop, whether a search was conducted, and the number of searches that would be considered as consensual. No analysis of the data is required, and none is provided in the report.

Chief Dowell stated the department received no racial profiling complaints in 2017.

Councilmember Carrington moved to accept the 2017 Racial Profiling Report. Mayor Pro Tem Traylor seconded the motion.

VOTE ON THE MOTION

AYES: Traylor, Carrington, Sams, Murphy, Phillips

NAYS: None

VOTE: 5/0

4. Public hearing to hear public comment and 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 amending, Chapter 11, Article 11.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for the operation of a Restaurant and Retail Store located at 96 McMakin Road, Bartonville Texas. The property to be considered for the Conditional Use Permit is zoned Rural Business (RB) with Restaurant and Retail Store as permitted uses by Conditional Use Permit only. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at their February 7, 2018, meeting.)*

Mr. Montgomery stated the applicant, Tim House, was requesting approval of a Conditional Use Permit to allow for the operation of a restaurant and retail store on the 1.173 - acre subject property.

He further stated this was the applicant's second request for a conditional use permit and first application was denied at the December 12, 2017, regular Town Council meeting.

Mr. Montgomery stated the Planning and Zoning Commission recommended approval of this request by a vote of 5-0 at its February 7, 2018, meeting with the following conditions:

- 1) Removal of the existing gas service island and canopy.
- 2) Repair the existing front sidewalk canopy, which extends six feet (6') from the east side of the building, and further extend same to a total depth not to exceed twelve feet (12').
- 3) Add rear (west) covered patio area of approximately forty feet (40') x twenty-four feet (24').

- 4) Adjust existing limits of parking area as may be needed to allow for new on-site septic system.
- 5) Allow food trucks, including a snow cone stand, to provide food service to customers in the restaurant and on site. A food truck will not stay on the premise any longer than 14 days at a time.
- 6) Outside music or other sound shall not exceed sixty (60) decibels measured at the property line, and if this condition is violated, the Town will cause the violation to come into immediate compliance. Additionally, should the Town receive complaints of excessive noise, as verified by the Town Administrator or his designee, the property shall cease all outdoor noise. Should the Town receive more than two complaints in a single calendar month, the property shall be prohibited from having outside music the rest of that calendar month plus the following calendar month.
- 7) Hours of operation shall be from 6:00 a.m. to 12:00 midnight. No outside business operations or outside activities shall occur after 10:00 p.m. on Friday and Saturday. No outside business operations or outside activities shall occur after 9:00 p.m. on Sundays through Thursdays.
- 8) All food cooking operations and preparation shall be enclosed and inside the building, unless conducted with equipment approved by the Town Council that is non-offensive to the neighboring properties. All odors, smells and cooking emissions shall comply with state law air quality standards and will be enforced in accordance with state law by the Texas Commission on Environmental Quality and/or the Town.
- 9) The Town Council shall review and approve improvements to the building elevations and building layout to ensure compliance with conditions set forth within the approved Conditional Use Permit.

A discussion ensued regarding the regulation of food trucks. Mr. Montgomery stated regulations already exist in the Town's code. The consensus was to review guidelines for food trucks at a future meeting.

Mr. House stated he was going to partner with Michael Scott, a Corporate Chief for Rosewood Ranches and needed the ability to utilize food trucks for food preparation to lessen the load on the septic system. He further stated if the request was approved he would begin the first phase of the environmental study for the property.

Another discussion ensued regarding the Green Oaks neighborhood residents concerns and odors.

Mayor Scherer opened the public hearing at 7:27 p.m.

No one spoke in favor or opposition.

Mayor Scherer closed the public hearing at 7:28 p.m.

Councilmember Carrington moved to approve Ordinance No. 632-18 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A”, Article 14.02, Ordinance 361-05, Zoning regulations, by amending, Chapter 11, Article 11.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for the operation of a Restaurant and Retail Store with the recommended conditions excluding #5 (food trucks and snow cone stand) located at 96 McMakin Road, Bartonville Texas. Mayor Pro Tem Traylor seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE 632-18

AN ORDINANCE AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02 ZONING ORDINANCE, EXHIBIT “A” ZONING ORDINANCE BY AMENDING CHAPTER 11, ARTICLE 11.2 USES PERMITTED, FOR THE TOWN OF BARTONVILLE BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A RESTAURANT AND RETAIL STORE LOCATED AT 96 MCMAKIN ROAD, BARTONVILLE, TEXAS; PROVIDING FOR CONDITIONS AS DESCRIBED HERIN AND ATTACHED HERETO AS EXHIBIT “A”. PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Traylor, Carrington, Sams, Murphy, Phillips

NAYS: None

VOTE: 5/0

5. Public hearing to hear public comment and 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 amending, Chapter 4, Zoning Districts, Section 4.9 Area Standards for Nonresidential Districts, Chart 4.4 by amending the Village Center (VC) Side Yard Setbacks and Rear Yard Setbacks; and Section 4.10 Nonresidential Development Standards, Chart 4.5 by amending the Village Center (VC) Minimum Lot Width and Minimum Lot Depth; and by Amending Chapter 12, Village Center District (VC), Section 12.3 Development and Performance Standards, Chart 12.1 by amending the side yard setback; and by amending Sections (B) 4., Minimum Lot Width and (B) 5. Minimum Lot Depth. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at their February 7, 2018, meeting.)*

Mr. Montgomery explained when the Village Center Zoning District ordinance was written it lacked provisions for the tracts of lands within the district being subdivided. There are now smaller tracts of land within the district being subdivided therefore revisions to the setbacks and lot dimensions need to be made.

Staff was recommending that a 20-foot setback on the side and rear yards would be sufficient for tracts of land that do no border residential uses. Additionally, the lot dimensions should be changed to reflect a one-acre lot reduceing it to 150 feet wide by 250 feet in depth.

He futher stated staff received a request from Denimss for a further reduction in order for its existing property to be in compliance. Lot 1R-1 which consists of prime development acreage

on FM 407 frontage currently has a depth of 234.94'. In order to facilitate the development of Denmiss's remaining portion of Bartonville Town Center and prevent the need for a future variance request, they requested that the Town revise the proposed minimum lot depth to be 230'.

Mr. Montgomery stated the Planning and Zoning Commission recommended approval an ordinance with a minimum lot depth of 225'.

Mayor Scherer opened the public hearing at 7:37 p.m.

No one spoke in favor or opposition.

Mayor Scherer closed the public hearing at 7:38 p.m.

Councilmember Phillips moved to approve Ordinance No. 633-18 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A", Article 14.02, Ordinance 361-05, Zoning regulations, by amending, Chapter 4, Zoning Districts, Section 4.9 Area Standards for Nonresidential Districts, Chart 4.4 by amending the Village Center (VC) Side Yard Setbacks and Rear Yard Setbacks; and Section 4.10 Nonresidential Development Standards, Chart 4.5 by amending the Village Center (VC) Minimum Lot Width and Minimum Lot Depth; and by Amending Chapter 12, Village Center District (VC), Section 12.3 Development and Performance Standards, Chart 12.1 by amending the side yard setback; and by amending Sections (B) 4., Minimum Lot Width and (B) 5. Minimum Lot Depth. Councilmember Sams seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE 633-18

AN ORDINANCE AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, EXHIBIT "A," ARTICLE 14.02 ZONING ORDINANCE BY AMENDING CERTAIN AREA STANDARDS AND SETBACK STANDARDS IN THE VILLAGE CENTER (VC) ZONING DISTRICT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Traylor, Carrington, Sams, Murphy, Phillips

NAYS: None

VOTE: 5/0

6. Discuss and consider approval of a resolution approving a Municipal Maintenance Agreement between the Town of Bartonville and the Texas Department of Transportation.

Mr. Montgomery stated the Texas Department of Transportation (TxDOT) requested that the Town of Bartonville approve a Municipal Maintenance Agreement. This agreement is made with all municipalities having TxDOT right-of-way in their jurisdictions. He explained the agreement would allow the Town of Bartonville to install and maintain Wayfinding Signs installed along FM 407.

Councilmember Sams moved to approve Resolution 2018-02 approving a Municipal Maintenance Agreement between the Town of Bartonville and the Texas Department of Transportation. Councilmember Carrington seconded the motion.

VOTE ON THE MOTION

AYES: Traylor, Carrington, Sams, Murphy, Phillips

NAYS: None

VOTE: 5/0

7. Discuss and consider approval of an Interlocal Cooperation Contract between the Texas Department of Public Safety (DPS) Reprographics & Distribution Services; and authorize the Town Administrator to execute same on behalf of the Town.

Chief Dowell stated the DPS stocks certain products such as gunshot residue kits and supplies for the Intoxilyzer Breath Testing Program for all Texas cities and counties. DPS performs this service to facilitate the use of uniform and consistent procedures, paperwork, and supplies. The agreement would allow the Police Department to purchase necessary supplies from DPS. All purchases require a current contract on file before DPS could process an order.

Councilmember Carrington moved to approve an Interlocal Cooperation Contract between the Texas Department of Public Safety (DPS) Reprographics & Distribution Services; and authorize the Town Administrator to execute same on behalf of the Town. Councilmember Phillips seconded the motion.

VOTE ON THE MOTION

AYES: Traylor, Carrington, Sams, Murphy, Phillips

NAYS: None

VOTE: 5/0

8. Discussion regarding family cemeteries on residential property.

Mr. Montgomery stated a resident requested permission to place a family cemetery on his residential lot. He stated that State Law has specific guidelines and cities could adopt regulations.

Following discussion the consensus of the council was to not create any regulations.

9. Discussion on conducting a citizen survey.

Mr. Montgomery distributed information that forecasted future expenses for administration, roads and police; pavement costs and comparisons; and examples of issuance of tax notes and certificates of obligation to cover future road expenses.

Mayor Pro Tem Traylor stated the documents were created to show how much money funding would be required in the future years to fund the roads and how much property taxes would need to be increased to expand the size of the police department.

Following a discussion staff was directed to continue to work with Mayor Pro Tem Traylor on a draft a citizen survey to seek input regarding staffing levels within the Bartonville Police Department.

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

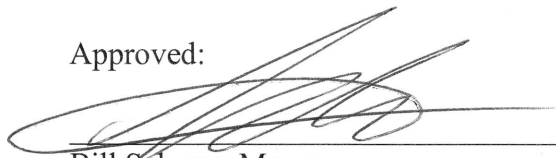
None

J. ADJOURNMENT

Mayor Scherer declared the meeting adjourned at 8:25 p.m.

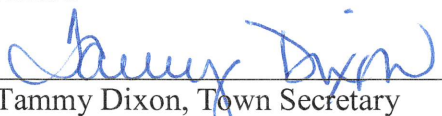
APPROVED this the 20th day of March 2018.

Approved:



Bill Scherer, Mayor

Attest:



Tammy Dixon, Town Secretary