

**THE BARTONVILLE TOWN COUNCIL HELD A REGULAR MEETING ON THE 16<sup>th</sup> DAY OF APRIL 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  
Jaelyn Carrington, Mayor Pro Tem, Place 2  
Jeff Traylor, Councilmember Place 1  
Clay Sams, Councilmember Place 3  
Josh Phillips, Councilmember Place 5

*Note: Place 4 Vacant*

**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 6:30 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.**

**D. PLEDGE OF ALLEGIANCE**

Mayor Scherer led the pledge of allegiance.

**E. PRESENTATIONS**

Children's Advocacy Center for Denton County – Matt Haltom

Mr. Haltom with the Children's Advocacy Center for Denton County explained the mission of the Center was to bring justice and healing for abused children through interagency collaboration and community education. He shared the statistics of abused children and stated they assisted with five clients in 2018 that reside in Bartonville. He encouraged citizens to take a tour of the facility in Lewisville and to consider volunteering with this special organization.

**F. PUBLIC PARTICIPATION/CITIZEN APPEARANCES**

Marty Bryan, 2664 FM 407, spoke in reference to the parking ordinance and the impact of parking at his business.

**G. APPOINTED REPRESENTATIVE/LIAISON REPORTS**

1. Argyle Fire District – Jim Strange provided a summary of the district’s March meeting.
2. Planning and Zoning Commission – Mr. Montgomery stated the Commission was reviewing the regulations and locations pertaining to Farmer’s Markets.
3. Community Development Corporation – Mr. Rock stated there were two agreements approved by the Board on the agenda for Town Council consideration 1) Blue Pup Pub (Bartonville Store); and 2) Cloud 9 Salon & Spa.

Mr. Rock stated Cloud 9 Management, LLC (Kim Cloud) was a 1-acre piece of property located within the Village Center to build an 8000 plus square foot two-story building to relocate her business, Cloud 9 Salon and Spa. He stated the agreement proposes a total incentive of \$32,000. He stated the Board budgeted \$150,000 in grants for FY 2018-19.

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

Chief Dowell distributed the departments statistics for March. He stated the department had 283 calls, of that 79 were from dispatch, 94 were self-initiated (close patrol/vacation watch), and 110 were traffic stops which included 51 citations and 59 warnings.

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

6. Town Secretary – Ms. Dixon stated early voting would begin on April 22<sup>nd</sup> and run through April 30<sup>th</sup>. She stated the election would be canvassed on Tuesday, May 14, 2019, at 6:30 p.m.

**H. CONSENT AGENDA**

Mayor Pro Tem Carrington moved to approve consent items 1 - 2. Councilmember Phillips 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 March 19, 2019, meeting minutes.

**RECOMMENDATION:** Approve the March 19, 2019, meeting minutes.

2. Consider approval of an Interlocal Cooperation Agreement between Denton County and the Town of Bartonville for Shared Governance Communications & Dispatch Services System for Fiscal Year 2018-2019 in the amount of \$5399.00; and authorization for the Town Administrator to execute same on behalf of the Town.

**RECOMMENDATION:** Approve of an Interlocal Cooperation Agreement between Denton County and the Town of Bartonville for Shared Governance Communications & Dispatch

Services System for Fiscal Year 2018-2019 in the amount of \$5399.00; and authorization for the Town Administrator to execute same on behalf of the Town.

**VOTE ON THE MOTION**

**AYES:** Traylor, Carrington, Sams, Phillips  
**NAYS:** None  
**VACANT:** Place 4  
**VOTE:** 4/0

**I. REGULAR ITEMS**

- 1. Discuss and consider approval of Work Order #7 with SPI Asphalt, LLC, for spot repairs and crack sealing throughout the Town; and authorization for the Town Administrator to execute same on behalf of the Town.

Mr. Vickery discussed the work included in Work Order #7 which included the following:

*Crack Sealing* - Mobilization and 23,650 LF of crack sealing in the amount of \$49,232.50. Mr. Vickery stated this was exclusively on the main streets – Jeter, Gibbons, Porter, McMakin, Broome and is far more extensive than we have done in the past.

*Spot Repairs* - Mobilization and 581 SY of spot repairs in the amount of \$24,919.60 on Jeter, McMakin, and Stonewood.

Mr. Vickery also recommended fog sealing on Broome and Stonewood in the amount of \$18,221 as an extra alternative for the Town Council to consider.

Mr. Montgomery explained per the 20 Year Road Plan the goal of the Town was to spend \$75,000 annually on maintenance. He stated excess Street Sales Tax could cover the additional work.

A discussion ensued on fog sealing and prior repairs completed on Jeter Road.

Councilmember Phillips moved Work Order #7 with SPI Asphalt, LLC, for spot repairs and crack sealing throughout the Town to include the fog sealing in an amount not to exceed \$92,373.10; and authorize the Town Administrator to execute same on behalf of the Town. Mayor Pro Tem Carrington seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Traylor, Carrington, Sams, Phillips  
**NAYS:** None  
**VACANT:** Place 4  
**VOTE:** 4/0

- 2. Continue Public hearing to consider an ordinance 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 17, Off-Street

Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions, and by adding Appendix F, Off-Street Parking Technical Design Standards. (*The Planning and Zoning voted April 4, 2019, meeting.*)

Mr. Montgomery stated Division IV, Special Requirements, Chapter 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions of the Town’s Zoning Ordinance currently stated:

“C. All off-street parking, maneuvering, fire lane, loading and storage areas shall be paved in accordance with the Town's current technical design standards.”

Mr. Montgomery stated the Town Engineer drafted the proposed technical standards which included recommendations from the Planning and Zoning Commission. He recommended the standards be added as Appendix F to the zoning ordinance.

No one spoke in favor or opposition.

Mayor Scherer closed the public hearing at 7:42 p.m.

Councilmember Sams moved to approve Ordinance No. 655-19 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 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions, and by adding Appendix F, Off-Street Parking Technical Design Standards.. Mayor Pro Tem Carrington seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 655-19**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02, EXHIBIT A, ZONING ORDINANCE, BY AMENDING CHAPTER 17, ENTITLED “OFF-STREET PARKING AND LOADING REQUIREMENTS,” SECTION 17.3, AND ADOPTING APPENDIX F, ENTITLED “OFF-STREET PARKING TECHNICAL DESIGN STANDARDS”; 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:** Traylor, Carrington, Sams, Phillips  
**NAYS:** None  
**VACANT:** Place 4  
**VOTE:** 4/0

*Note: Mayor Scherer moved to item 16.*

16. Discussion on Annual Spring Clean Up Event, Household Hazardous Waste Collection, and Green Waste Disposal.

Mr. Montgomery stated the Town provides an annual clean up event program free to all Bartonville residents which provides the residents an opportunity to dispose of excess garbage and electronics, shred documents, donate items to Good Will, and properly dispose Hazardous Waste. He stated the items to discuss were 1) a new date for event; 2) Household Hazardous Waste; and 3) Green Waste Disposal.

**New Date:** Mr. Montgomery stated the first available date for all vendors was June 1<sup>st</sup>. The Town Council directed staff to move the event to June 1<sup>st</sup>.

**Household Hazardous Waste** Mr. Montgomery explained each year the Town contracts with Upper Trinity Regional Water District (UTRWD) for collection of HHW during the event. UTRWD fees are based on the number of households that participate. Over the past five years the average number of households is 50 at an expense of \$4900.00.

Mr. Montgomery stated an alternative to providing HHW service during the event would be to provide HHW service on a monthly basis to all residents in Bartonville.

Dick Demein with HHW addressed the Town Council and provided an overview of the services his company provides which includes monthly curb-side pickup for household hazardous waste items. He stated HHW Solutions currently contracts with Boyd, Crandall, Decatur, Godley, Justin, Kaufman, Watauga, and Westover Hills.

Following discussion, the Town Council directed staff to bring forward a contract to the next meeting for consideration.

**Green Waste Disposal** Mr. Montgomery stated in the past the Town has provided a tree chipping service during the event at a separate location due to the high level of noise impact. Now that the Town no longer owns the property located at 96 McMakin, there was not a feasible location to provide this service. He stated staff was requesting this service no longer be provided during the event as residents have three alternatives for disposal of green waste through Waste Connections Bulk Pickup, Controlled Burning, and disposal for a fee at Living Earth located in Flower Mound.

The Town Council directed staff to remove the service from Clean Up Day and provide the residents with the alternative information.

5. Discuss and consider approval of a resolution approving the Town's investment policy.

Mr. Montgomery explained the Texas Government Code, Chapter 2256, the Public Funds Investment Act, mandates that all municipalities engaging in investment activities have a formal investment policy and that it be reviewed annually. He stated the draft investment policy was in compliance with Texas Government Code, Chapter 2256, the Public Funds Investment Act and only allows for investment in AAA-rated, constant-dollar Local Government Investment Pools such as TexSTAR and LOGIC.

Mr. Montgomery further explained the investment pools would allow the Town’s idle cash to earn a higher interest rate and could be liquidated within 24 hours. He stated currently the Town was earning 1.4% interest while the investment pools were currently earning 2.4% to 2.6% interest.

Mayor Pro Tem Carrington moved to approve Resolution No. 2019-05 approving the Town’s investment policy. Councilmember Sams seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Traylor, Carrington, Sams, Phillips  
**NAYS:** None  
**VACANT:** Place 4  
**VOTE:** 4/0

- 6. Discuss and consider approval of a resolution approving an application for participation in the Local Government Investment Cooperative Pool (LOGIC).

Mr. Montgomery stated this item authorizes signatory authority for bank accounts, ACH and Wires, and investments for LOGIC, a local government investment pool. He explained in an effort to increase interest earnings; staff was requesting to add LOGIC to the Town’s public funds investment pool. LOGIC is a AAA rated local government investment pool that provides government entities solid investment returns, portfolio liquidity, and diversification.

Councilmember Phillips moved to approve Resolution No. 2019-06 an application for participation in the Local Government Investment Cooperative Pool (LOGIC). Mayor Pro Tem Carrington seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Traylor, Carrington, Sams, Phillips  
**NAYS:** None  
**VACANT:** Place 4  
**VOTE:** 4/0

- 7. Discuss and consider approval of a resolution approving and application for participation in the Texas Short Term Asset Reserve Program (TexSTAR).

Mr. Montgomery stated this item, the same as the previous item authorizes signatory authority for bank accounts, ACH and Wires, and investments for LOGIC, a local government investment pool.

Councilmember Sams moved to approve Resolution No. 2019-07 an application for participation in the Local Government Investment Cooperative Pool (LOGIC). Councilmember Phillips seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Traylor, Carrington, Sams, Phillips  
**NAYS:** None  
**VACANT:** Place 4  
**VOTE:** 4/0

8. First Reading of a resolution concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation, and Cloud 9 Management LLC.

Ms. Dixon provided the first reading of the resolution. **No action was taken.**

9. First Reading of a resolution concerning the approval of a Type B Economic Development Project and Amended and Restated Performance Agreement by and between the Bartonville Community Development Corporation, and Blue Pup Pub, LLC.

Ms. Dixon provided the first reading of the resolution. **No action was taken.**

10. Second Reading of a resolution concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation, and Cloud 9 Management LLC.

Ms. Dixon provided the second reading of the resolution. **No action was taken.**

11. Second Reading of a resolution concerning the approval of a Type B Economic Development Project and Amended and Restated Performance Agreement by and between the Bartonville Community Development Corporation, and Blue Pup Pub, LLC.

Ms. Dixon provided the second reading of the resolution. **No action was taken.**

12. Consider and act on a resolution concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation, and Cloud 9 Management LLC.

Ms. Dixon stated the Bartonville Community Development Corporation Board held a public hearing and approved a request from Cloud 9 Management LLC to provide financial assistance for the construction of Cloud 9 Salon and Spa, in the amount of \$32,000.

Mayor Pro Tem Carrington moved to approve Resolution No. 2019-08 concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation, and Cloud 9 Management LLC. Councilmember Phillips seconded the motion.

**VOTE ON THE MOTION**

**AYES:** T aylor, Carrington, Sams, Phillips  
**NAYS:** None  
**VACANT:** Place 4  
**VOTE:** 4/0

13. Consider and act on a resolution concerning the approval of a Type B Economic Development Project and Amended and Restated Performance Agreement by and between the Bartonville Community Development Corporation, and Blue Pup Pub, LLC.

Ms. Dixon explained a Performance Agreement between the Board and Blue Pup Pub, LLC (Tim House) was approved in November 2018, to provide funding for the exterior improvements which included removal of the gas canopy, repair to the building, parking area improvements, landscaping and patio enclosure addition.

Although Mr. House expects to obtain a Certificate of Occupancy on or before April 30<sup>th</sup>; he anticipates that the exterior improvements will not be completed until the end of June and was requesting Section 4 of the agreement be amended to extend the dates.

Councilmember Sams moved to approve Resolution No. 2019-09 concerning the approval of a Type B Economic Development Project and Amended and Restated Performance Agreement by and between the Bartonville Community Development Corporation, and Blue Pup Pub, LLC. Councilmember Phillips seconded the motion.

#### **VOTE ON THE MOTION**

**AYES:** Traylor, Carrington, Sams, Phillips  
**NAYS:** None  
**VACANT:** Place 4  
**VOTE:** 4/0

14. Discussion on nomination of a candidate to represent municipalities on the Denco Area 9-1-1 Board of Managers.

Ms. Dixon stated State Law provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district. Each year on September 30<sup>th</sup>, the term of one of the two members appointed by participating municipalities expires and this year Mayor Sue Tejml's term expires. Mayor Tejml has expressed her desire to serve another term.

She explained if the Town Council desired to nominate a candidate to represent the municipalities, a letter of nomination, through council action, must be submitted to the District by June 15<sup>th</sup>. She further stated on June 16, 2019, the Denco staff would send the slate of nominees to each city/town for consideration which would occur in July or August.

The Town Council expressed their desire to support Mayor Sue Tejml.

15. Discuss and consider authorizing the Town Administrator to hire a temporary part-time office assistant.

Mr. Montgomery explained the Court Clerk position was budgeted to work up to 25 hours per week and that the current clerk requested reduced hours to a maximum of 15 hour per week due to other obligations. He stated the Court Clerk has been completing "court only" duties in an average of 10 hours per week. Due to her efficient performance with the court duties, staff believes it would be beneficial to keep the current clerk and hire an additional temporary part-time office assistant position to perform the other necessary office duties and to assist with office coverage. The new hire would be limited to 15 hour per week. He further stated there would not be a negative impact on the budget.



Councilmember Sams moved to authorize the Town Administrator to hire a temporary part-time office assistant. Mayor Pro Tem Carrington seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Traylor, Carrington, Sams, Phillips  
**NAYS:** None  
**VACANT:** Place 4  
**VOTE:** 4/0

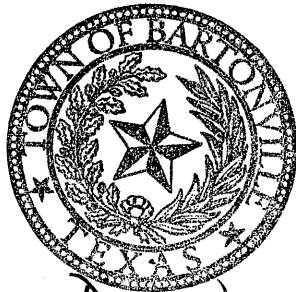
**J. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA**

There were none.

**K. ADJOURNMENT**

Mayor Scherer declared the meeting adjourned at 8:06 p.m.


**APPROVED** this the 21<sup>st</sup> day of May 2019.



Attest:

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

Approved:

  
\_\_\_\_\_  
Bill Scherer, Mayor