

THE BARTONVILLE TOWN COUNCIL REGULAR MEETING HELD ON THE 21st DAY OF JULY 2020, AT 1941 E. JETER ROAD, BARTONVILLE, TEXAS, AND VIA VIDEOCONFERENCE AT 6:00 P.M.

In accordance with order of the Office of the Governor issued March 31, 2020, and in accordance with subsequent orders issued by the Office of the Governor after that date, the Bartonville Town Council conducted a regular meeting in person and by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The Town Council met in a regular meeting in person and via videoconference with the following members present:

Bill Scherer, Mayor
Jeff Traylor, Mayor Pro Tem
Jaclyn Carrington, Councilmember, Place 2
Clay Sams, Councilmember Place 3
Bridget Melson, Councilmember Place 4
Josh Phillips, Councilmember Place 5 (via video)

constituting a quorum with the following members of the Town Staff participating Sylvia Ordeman, Town Administrator; Tammy Dixon, Town Secretary; Robert Dowell, Chief of Police; and Ed Voss, Town Attorney (via video).

A. CALL 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, Sections 551.071 and reconvened into open session at 7:03 p.m. to discuss matters relating to consultation with Town Attorney as follows:

- a. Consultation with Town Attorney regarding Ordinance 689-20 declaring a local state of disaster due to a public health emergency.

Councilmember Carrington moved to approve Ordinance No. 690-20 extending declaring a local state of disaster due to a public health emergency. Councilmember Sams seconded the motion. The caption of the ordinance reads as follows:

ORDINANCED 690-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, DECLARING A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY AND INCORPORATING BY REFERENCE THE APPLICABLE REGULATIONS CONTAINED IN GOVERNOR ABBOTT’S EXECUTIVE ORDER(S) AND DENTON COUNTY’S ORDER(S); MAKING FINDINGS RELATED THERETO; REPEALING ORDINANCE NO. 689-20;

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

VOTE ON THE MOTION

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

- b. Consultation with Town Attorney regarding legal issues concerning fire code and septic system requirements for Site Plan for First Church Nazarene/Lantana Community Church/Harvest Christian Academy, and related matters. **No Action Taken.**
- c. Consultation with Town Attorney regarding legal issues related to police operations. **No Action Taken.**
- d. Consultation with Town Attorney regarding legal issues concerning equestrian center at 1200 Rockgate and related matters. **No Action Taken.**
- e. Consultation with Town Attorney regarding legal issues related to the Town’s Extraterritorial jurisdiction (ETJ). **No Action Taken.**

D. PUBLIC PARTICIPATION

There was none.

E. PRESENTATION

Eagle Scout Project, Little Libraries – Justin Lineberger – This item was postponed to the August meeting.

F. APPOINTED REPRESENTATIVE/LIAISON REPORTS

- 1. Denton County Emergency Services District #1. Mr. Strange provided a handout to the Town Council and provided an updated from the District’s last meeting.
- 2. Upper Trinity Regional Water District Report. Mr. Knowler provided a handout and gave an update on Lake Ralph Hall.
- 3. Police Chief Report - Department Statistics/Activities for June 2020. Chief Dowell provided the statistic report for June. Chief Dowell stated the Department was hosting a Blood Drive in conjunction with the Bartonville Store on Saturday, August 1st.
- 4. Town Administrator
 - Monthly Reports for June: Financial Statement; Engineering Report; Animal Control Report; Building Permit Report

Ms. Ordeman stated the Finance Statement included the quarterly investment report. She reported sales tax for June was up 19.22% compared to June of last year. She advised Independent Bank notified staff they were in the process of reviewing interest rates and there

could be an additional reduction on August 1st. She explained the interest rates had already reduced from 1.41% to 0.55% due to economic conditions as a result of the pandemic.

Ms. Ordeman stated the 2019 Streets project was nearing completion, Glenview was paved last week, and only cleanup and punch list items throughout the project remained.

5. Town Secretary
 - Boards and Commissions
 - Clean Up Day

Ms. Dixon requested to extend the application deadline for Board and Commission applications to August and requested the Town sponsor a Shred Day event at Town Hall (since the annual Clean Up Day was cancelled) to allow for the annual destruction of Town records.

Councilmember Sams requested that electronic recycling be added to the event.

The Town Council did not object to either request.

G. CONSENT AGENDA

Councilmember Carrington moved to approve consent items 1-6. Councilmember Sams 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 June 16, 2020, Town Council regular meeting minutes.

RECOMMENDATION: Approve the June 16, 2020, Town Council regular meeting minutes

2. Consider approval of the July 1, 2020, Town Council emergency meeting minutes.

RECOMMENDATION: Approve the July 1, 2020, Town Council emergency meeting minutes.

3. Consider approval of a resolution appointing Jim Carter to the Board of Managers of the Denco 9-1-1 District.

RECOMMENDATION: Approve Resolution 2020-07 appointing Jim Carter to the Board of Managers of the Denco 9-1-1 District.

4. 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 2020-2021 in the amount of \$5267.00; and authorization for the Town Administrator to execute same on behalf of the Town.

RECOMMENDATION: Approve an Interlocal Cooperation Agreement between Denton County and the Town of Bartonville for Shared Governance Communications & Dispatch Services System for Fiscal Year 2020-2021 in the amount of \$5267.00; and authorize the Town Administrator to execute same on behalf of the Town

- 5. Consider approval of an agreement with the Plan of Operations division for the State of Texas allowing police department participation in the excess Department of Defense (DOD) personal property transfer program; and authorize the Town Administrator to execute same on behalf of the Town.

RECOMMENDATION: Approve an agreement with the Plan of Operations division for the State of Texas allowing police department participation in the excess Department of Defense (DOD) personal property transfer program; and authorize the Town Administrator to execute same on behalf of the Town.

- 6. Consider approval of an Interlocal Agreement with the Texas Department of Public Safety (TDPS) to participate in the state’s “Failure to Appear Program,” and authorization for the Town Administrator to execute same on behalf of the Town.

RECOMMENDATION: Approve an Interlocal Agreement with the Texas Department of Public Safety (TDPS) to participate in the state’s “Failure to Appear Program,” and authorize the Town Administrator to execute same on behalf of the Town.

VOTE ON THE MOTION

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

H. REGULAR ITEMS

- 7. Discuss and consider approval of Change Order No. 6 to the 2019 Residential Streets Contract with Rock Solid, Inc. increasing the contract amount by \$2,500.00; and authorization for the Town Administrator to execute same on behalf of the Town.

Ms. Ordeman stated the change order was needed to better prevent erosion around the drop inlet at the culvert on Timberidge as there were steep slopes and considerable runoff. She explained they attempted to use sod to stabilize the area, but it had not been successful. She stated the change order would consist of placing grouted rock riprap around the north and west side of the drop inlet, along the fence, and at the downstream outfall of the culvert.

Councilmember Sams moved to approve Change Order No. 6 to the 2019 Residential Streets Contract with Rock Solid, Inc. increasing the contract amount by \$2,500.00; and authorize the Town Administrator to execute same on behalf of the Town. Councilmember Melson seconded the motion.

VOTE ON THE MOTION

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

- 8. Discuss and consider a request for Lots 2R-1 and 2R-2 of Replat LOT 2, Block C Barrington Hills, Phase II Addition, Town of Bartonville, Denton County, Texas known as Plat No. 2016-49 to be vacated and the previous plat, recorded in Cabinet W, Pages 43

and 44 to be the effective plat of the subject property. The subject property is commonly known as 875 Porter Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 1, 2020, meeting.)*

Ms. Ordeman explained the property owner was requesting to vacate the current plat to return two lots back into one lot. The prior property owners did a minor replat in 2016 creating one lot into two. She stated the property was zoned RE-2 and the property included a house and an equestrian facility.

Mayor Pro Tem Traylor moved to approve a request for Lots 2R-1 and 2R-2 of Replat LOT 2, Block C Barrington Hills, Phase II Addition, Town of Bartonville, Denton County, Texas known as Plat No. 2016-49 to be vacated and the previous plat, recorded in Cabinet W, Pages 43 and 44 to be the effective plat of the subject property. Councilmember Carrington seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Melson, Sams, Carrington, Traylor

NAYS: None

VOTE: 5/0

9. 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 Division I, General Requirements, Chapter 2 Definitions, Section 2.2, by amending subsections (166), *Schools, Private*, and (167) *Schools, Public*, and by amending Appendix C, Land Use Table, by amending the Schools - public kindergarten, elementary school, middle school or high school by adding preschool. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 1, 2020, meeting.)*

Ms. Dixon stated the Town received an inquiry for a charter school as well as a request for a Site Plan for the operation of a school located at Lantana Community Church. She explained under the Town’s Code, preschools were not included in the Schools definitions. She further stated, if approved, this item would add preschool to the School and Private School definitions and to the Land Use Table by adding preschool to public school use designation.

Mayor Scherer opened the public hearing at 7:26 p.m.

No one spoke in favor or opposition.

Mayor Scherer closed the public hearing at 7:26 p.m.

Mayor Pro Tem Traylor moved to approve Ordinance No. 691-20 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 Division I, General Requirements, Chapter 2 Definitions, Section 2.2, by amending subsections (166), *Schools, Private*, and (167) *Schools, Public*, and by amending Appendix C, Land Use Table, by amending the Schools - public kindergarten, elementary school, middle school or high school by adding preschool. Councilmember Carrington seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE 691-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, 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 DIVISION I, “GENERAL REQUIREMENTS,” CHAPTER 2 “DEFINITIONS,” SECTION 2.2, “DEFINITIONS” BY AMENDING SUBSECTIONS (166) AND (167) BY ADDING “PRESCHOOL”; AND BY AMENDING APPENDIX C, LAND USE TABLE BY ADDING “PRESCHOOL” TO PUBLIC SCHOOL USE DESIGNATION; 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: Phillips, Melson, Sams, Carrington, Traylor
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, Zoning regulations, by amending, Chapter 7, Article 7.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for the operation of an Equestrian Center and Animal- Assisted Therapy located at 875 Porter Road, Bartonville, Texas. The property to be considered for the Conditional Use Permit is zoned Residential Estates 2 (RE-2) with Equestrian Center and Animal-Assisted Therapy as permitted uses by Conditional Use Permit only. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 1, 2020, meeting.)*

Ms. Ordeman stated the property is approximately a 16.94-acre site located at 875 Porter Road, with a residence and an existing equestrian facility that includes a horse stable, an open arena and other buildings. She stated this is the same property that vacated the plat in item 8. The applicant was proposing to construct an 80’ x 200’ covered arena on the south side of the property. Ms. Ordeman stated no one spoke in favor or opposition at the Planning and Zoning Commission meeting. The Planning and Zoning Commission recommended approval with the following conditions:

- Arena not to exceed the minimum 50’ rear setback and the 20’ side yard setback
- The eastern portion of the existing gravel loop drive to be relocated to the east of the new covered arena
- Driveway reconfiguration to continue to meet the turn radius for a fire truck and applicant shall obtain Fire Department approval
- Soil in the arena will be kept in a dust free condition.
- LED lights in the arena will be directed downward and cease before 9:00 pm
- No amplified sound will be installed in the arena
- No horse shows or outside events that will bring outside participation or visitors other than current users or client base is permitted
- An updated site plan must be submitted that shows driveway reconfiguration

Mayor Scherer opened the public hearing at 7:32 p.m.

No one spoke in favor or in opposition.

On online comment form was submitted in opposition from Charles Gross, 703 Stonewood.

Mayor Scherer closed the public hearing at 7:34 p.m.

Applicant Siobhan O'Brien stated in addition to boarding, breeding and training, Horselife Farm partners with Helping on Horseback providing therapeutic riding opportunities for terminally ill children and their families. Ms. O'Brien answered questions from the Town Council.

Councilmember Carrington moved to approve Ordinance No. 692-20 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning regulations, by amending, Chapter 7, Article 7.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for the operation of an Equestrian Center and Animal-Assisted Therapy located at 875 Porter Road, Bartonville, Texas with the following conditions:

1. Arena not to exceed the minimum 50' rear setback and the 20' side yard setback
2. The eastern portion of the existing gravel loop drive to be relocated to the east of the new covered arena
3. Driveway reconfiguration to continue to meet the turn radius for a fire truck and applicant shall obtain Fire Department approval
4. Soil in the arena will be kept in a dust free condition.
5. LED lights in the arena will be directed downward and cease before 9:00 pm
6. No amplified sound will be installed in the arena
7. No horse shows or outside events that will bring outside participation or visitors other than current users or client base is permitted
8. An updated site plan must be submitted that shows driveway reconfiguration

Councilmember Melson seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE 692-20

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN EQUESTRAIN CENTER (TRAINING FACILITY) WITH ANIMAL ASSISTED THERAPY LOCATED AT 875 PORTER ROAD, BARTONVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON THE MOTION

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

11. Public hearing to consider a Site Plan for First Church Nazarene/Lantana Community Church/Harvest Christian Academy being all of a tract of land being described as Kincade Lot 2R, Block A, Town of Bartonville, Denton County, Texas. The property is generally described as a 10.09-acre tract of land located on the north side of East Jeter Road, more commonly known as 2200 E. Jeter Road, Bartonville, Texas. *(On July 1, 2020, the Planning and Zoning Commission (P&Z), after closing the public hearing, postponed consideration and action on their recommendation until a special meeting on July 13, 2020; On July 13, 2020, the P&Z again postponed their recommendation until another special meeting on July 20, 2020). Due to the date of the special meeting, recommendation is not available at the time of posting this agenda.)*

Ms. Ordeman stated this request was for the addition of a Christian school use to the existing church facilities. She stated representatives from the town staff, consulting planner, consulting engineer, town sanitarian, fire department, Planning & Zoning Commission and Town Council attended a DRC meeting to discuss/review the site plan and the proposed school use on the church property and the discussion focused on three main issues which included traffic circulation, the septic system, and the fire code/sprinkler system. She explained since the initial meeting and two subsequent meetings the traffic circulation and septic system have met the Town's requirements. She stated an automated sprinkler system would be required if there were to be more than a combined total of 100 students and staff on site per the fire code.

Pastor Calvary Callender stated the church wanted to have a school included in their ministry and partnered with Harvest Christian Academy.

Terry Caywood, Headmaster of Harvest Christian Academy main campus, stated they began the journey to partner with Lantana Fellowship Church in November and apologized for any misguidance. He requested consideration be given to help them find a way to add an additional 50 students without being required to add the automated fire sprinklers as they have already have over 100 people committed when staff and students were counted together. He requested they be allowed to begin the school year on August 19, 2020, with 150 people in the building, Monday – Friday. He stated this request was being made since the church was allowed to have more than 150 people in the building on a regular basis and since their commitment to the families already exceeded 100.

Mayor Scherer opened the public hearing at 7:45 p.m.

The following spoke in favor:

Calvary Callendar, 2200 E. Jeter Road
Dee Hayden, 454 Frankie Lane, Lewisville

Mayor Scherer closed the public hearing at 7:48 p.m.

The Town Council convened into a closed meeting at 7:49 p.m. pursuant to Texas Government Code Chapter 551, Sections 551.071 for consultation with the Town Attorney on this item and reconvened into open session at 8:15 p.m.

Mayor Pro Tem Traylor stated that it was explained the maximum number for the educational use without a sprinkler system is 100 which includes all occupants in the building.

He stated he does not agree with how the numbers are calculated and expressed his apologies to the applicant.

Councilmember Melson stated she agreed with Mayor Pro Tem Traylor.

Councilmember Carrington moved to approve a site plan for First Church Nazarene/Lantana Community Church/Harvest Christian Academy, including the updated traffic plan submitted to the Town on July 1, 2020, and note that the Applicant must comply with Town health and safety codes as may be applicable and as may be determined by the Town Building Official, Fire Marshal, and Town Sanitarian. Councilmember Sams seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Sams, Carrington

NAYS: Traylor, Melson

VOTE: 3/2

12. Discuss and consider approval of a Professional Services Agreement with Cheryl Davenport, relating to financial management support; and authorization for the Town Administrator to execute same on behalf of the Town.

Ms. Dixon stated due to the new Truth In Taxation legislation the assistance of a financial consultant was necessary for the assistance with the 20-21 Property Tax Calculations. She further stated staff needed training on the budget module of the Town's accounting software and Ms. Davenport not only had many years of experience with municipal finances and but also with the Town's budget software. Ms. Dixon further stated her rate of service was less than half of what the software vendor charged for training.

Mayor Pro Tem Traylor moved to approve a Professional Services Agreement with Cheryl Davenport, relating to financial management support, not to exceed \$2,000; and authorize the Town Administrator to execute same on behalf of the Town. Councilmember Sams seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Sams, Carrington, Traylor, Melson

NAYS: None

VOTE: 5/0

13. Discuss and consider approval of a resolution of the Town of Bartonville, Texas, directing the Denton County Tax Office to calculate the Voter-Approval Tax Rate of the Town of Bartonville in the manner provided for a special taxing unit due to the Governor's State-wide Declaration of Disaster in response to the COVID-19 Pandemic.

Ms. Dixon stated as a result of the declaration of disaster, the Texas Tax Code authorizes the Town Council to direct the designated officer or employee to calculate the voter-approval tax rate in the manner special taxing unit, which is 8%. This action does not adopt a tax rate or require adoption at a specific rate. This action only provides direction for the calculation of a rate up to 8% for Town Council's future consideration.

Councilmember Sams moved to approve Resolution 2020-08 of the Town of Bartonville, Texas, directing the Denton County Tax Office to calculate the Voter-Approval Tax Rate of the Town of Bartonville in the manner provided for a special taxing unit due to the Governor's State-wide Declaration of Disaster in response to the COVID-19 Pandemic. Mayor Pro Tem Traylor seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Sams, Carrington, Tralor, Melson
NAYS: None
VOTE: 5/0

- 14. Discuss and consider a proposed maximum tax rate for FY 2020-2021; scheduling August 18, 2020, for public hearings on the budget and tax rate; and scheduling September 15, 2020, for the adoption of said budget and tax rate.

Councilmember Melson moved to approve a maximum tax rate of \$0.192940 per \$100 valuation for the fiscal year beginning October 1, 2020, and ending September 30, 2021; scheduling August 18, 2020, for public hearings on the Fiscal Year 2020-21 budget and tax rate; and scheduling September 15, 2020, for the adoption of said budget and tax rate. Councilmember Carrington seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Sams, Carrington, Tralor, Melson
NAYS: None
VOTE: 5/0

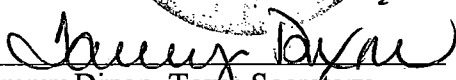
I. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA

J. ADJOURNMENT

Mayor Scherer declared the meeting adjourned at 8:27 p.m.


APPROVED this the 20th day of August 2020.

Attest:


Tammy Dixon, Town Secretary



Approved:


Bill Scherer, Mayor