

**THE BARTONVILLE TOWN COUNCIL HELD A REGULAR MEETING ON THE 13<sup>th</sup> DAY OF AUGUST 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:

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

with the following member absent: Bill Scherer, Mayor

**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 Pro Tem Murphy 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 7:09 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 noise ordinance. **No Action Taken.**
2. Consultation with Town Attorney regarding legal issues concerning drainage at 511 Mulberry, Bartonville, TX. **No Action Taken.**

**D. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Murphy led the pledge of allegiance.

**E. PRESENTATIONS**

Proclamation – Annemarie Moore

Mayor Pro Tem Murphy recognized Annemarie Moore and read aloud a proclamation proclaiming Wednesday, August 15, 2018, "Annemarie Moore Day" in the Town of Bartonville for her recognition by the Great Lakes Terrier Association in June 2018 for her vision and Terrier tenacity that launched the organization that has thrived for more than 50 years of shows, friendships, and the love of Terriers; and in recognition of her 93<sup>rd</sup> birthday.

**F. PUBLIC PARTICIPATION/CITIZEN APPEARANCES**

There were none.

**G. APPOINTED REPRESENTATIVE/LIAISON REPORTS**

1. Argyle Fire District – Jim Strange provided a summary of the July 26, 2018, meeting. He stated there were 12 calls in Bartonville during July as follows: EMS calls excluding accident with injury (6), vehicle accident without injury (1), natural vegetation fire (2), electrical arc shorted electrical equipment (1), smoke scare/odor of smoke (1), and service call other (1).

2. Planning and Zoning Commission – Mr. Montgomery stated the items on the last Planning and Zoning Commission agenda were on this council agenda for public hearings and consideration.

3. Community Development Corporation – Jim Langford stated the board met on August 6, 2018, and approved its FY 2018-19 Annual Plan and FY 2018-19 Budget. He stated the Board would present both items to the Town Council at their annual meeting on September 4, 2018, for review and consideration.

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

Chief Dowell distributed the departments statistics for July. He stated the department had 276 calls, of that 66 were from dispatch, 87 were self-initiated (close patrol/vacation watch), and 123 were traffic stops (65 citations, 58 warnings). He further stated there were five arrests which consisted of 2 felony drug arrests, 1 misdemeanor drug arrest, 1 warrant, and 1 DWLI.

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

Mr. Montgomery stated the third of five payments was made on the 2015 Tax Note in the amount of \$116,331. He further stated the Lacey Oaks Substation Legal Fees liability was created and credited with \$50,000. He explained this would allow the Town to earmark funds without having to budget for it every year since the project was on an indefinite hold.

**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 recommendations, for the record.

1. Consider approval of the July 17, 2018, budget work session and regular meeting minutes.

**RECOMMENDATION:** Approve the July 17, 2018, budget work session and regular meeting minutes.

2. 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.

3. Consider approval of a resolution approving an agreement between the Town of Bartonville and Waste Connections, Inc. to extend the term of the exclusive franchise agreement for residential and commercial solid waste collection and recycling services.

**RECOMMENDATION:** Approve Resolution 2018-12 approving an agreement between the Town of Bartonville and Waste Connections, Inc. to extend the term of the exclusive franchise agreement for residential and commercial solid waste collection and recycling services.

**VOTE ON THE MOTION**

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

**I. REGULAR ITEMS**

4. Discussion on Town speed limits.

Mayor Pro Tem Murphy accepted public comment on this item.

The following individuals spoke in opposition of increasing any speed limits:

Jim Lieber, 800 Stonewood Blvd.  
Kimberly Zahorik, 1222 Appaloosa Ct.  
Diane Gulden, 1261 E. Jeter Road  
Helen Stewart, 1491 Land Fall Circle

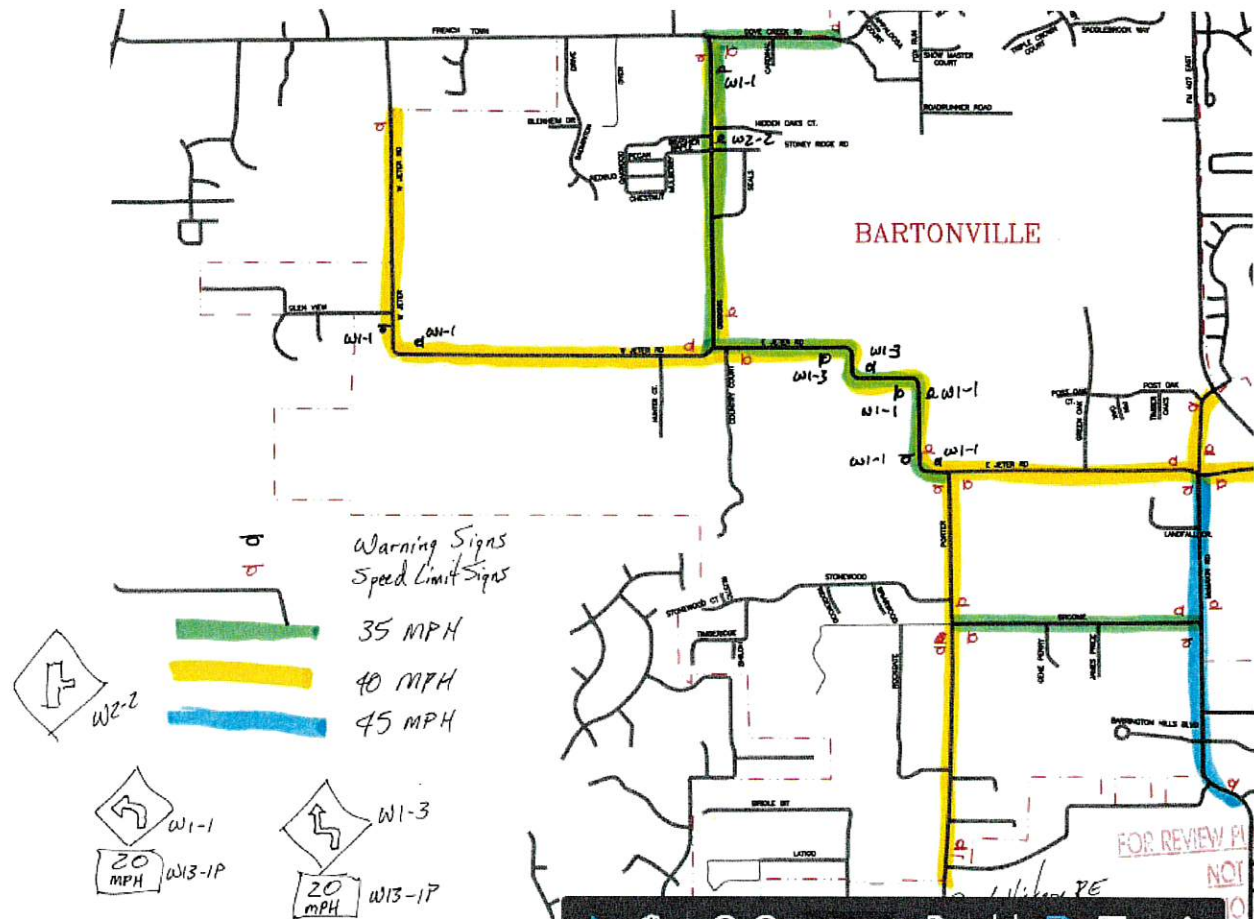
The following spoke in favor of increasing speed limits:

Van Hall, 1664 Bridle Bit  
Kathy Daum, 1590 Post Oak

Mr. Montgomery explained the Town Council would be budgeting to purchase new speed limit signs to replace the existing signs throughout the Town next fiscal year. He stated staff was seeking input on the current speed limits in Bartonville prior to the expenditure.

Mr. Montgomery stated Gary Vickery, Town Engineer, based on the American Association of State Highway and Transportation Officials guidelines, the Texas Manual on

Uniform Traffic Control Devices, and the Bartonville Police Stealth Traffic Study data, prepared a draft speed zone change for discussion as depicted below.



A discussion ensued and the consensus of the Council was to not increase any speed limits.

- 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 Appendix C, Land Use Table, Equestrian Center. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at their August 1, 2018, meeting.)*

Mr. Montgomery stated an Equestrian Center is allowed by a Conditional Use Permit in in the AG and RE-5 zoning districts. The Planning and Zoning Commission recommended adding Equestrian Center to the RE-2 zoning district by a Conditional Use Permit with a minimum lot size of five acres.

Mayor Pro Tem Murphy opened the public hearing at 7:46 p.m.

Jim Fay, 1672 Barrington Hills Blvd., spoke in favor of this item.

No one spoke in opposition.

Mayor Pro Tem Murphy closed the public hearing at 7:48 p.m.

Councilmember Sams moved to approve Ordinance 637-18 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, by amending Appendix C, Land Use Table, Equestrian Center. Councilmember Carrington seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 637-18**

**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 CONCERNING EQUESTRIAN CENTER USES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

*Councilmember Carrington left the meeting at 7:49 p.m. due to a Conflict of Interest with Item 6. An affidavit is on file with the Town Secretary.*

6. 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, Chapter 5, Article 5.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for the operation of an Equestrian Center (training facility) located at 1440 E. Jeter Road, Bartonville Texas. The property to be considered for the Conditional Use Permit is zoned Agricultural (AG) with Equestrian Center as a permitted use by Conditional Use Permit only. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at their August 1, 2018, meeting.)*

Mr. Montgomery stated the applicants, Josh & Christina Coleman, were requesting approval of a Conditional Use Permit (CUP) to allow for the operation of an equestrian center located at 1440 E Jeter. The property is zoned AG and an Equestrian Center is permitted by CUP; however, the property is land used at RE-2 which prior to approval of the previous agenda item, an Equestrian Center was not permitted. He explained now that the council has amended the Land Use Table this item could be considered.

Mr. Montgomery stated the Planning and Zoning Commission recommend approval of the application with the following conditions:

- Manure on the property be removed every 2 weeks
- Soil in the arena be kept in a dust free condition

- No amplification of sound within the arena
- Lights in the arena be turned off at 10:00 p.m. nightly

Councilmember Traylor expressed concerns regarding the smell of manure. The applicant, Mrs. Coleman, stated she owns two horses and boards two horses. She further stated she has someone scheduled to remove the manure on a regular basis; she stated she also spreads manure in her pastures. A discussion ensued on the topic.

Councilmember Traylor suggested the condition be amended so that the manure on the property be removed every two weeks if there were any complaints.

No one spoke in favor or opposition.

Mayor Pro Tem Murphy closed the public hearing at 7:55 p.m.

Councilmember Traylor moved to approve Ordinance 638-18 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A”, Article 14.02, Ordinance 361-05, Zoning regulations, by amending, Chapter 5, Article 5.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for the operation of an Equestrian Center (training facility) located at 1440 E. Jeter Road, Bartonville Texas with the following conditions:

1. Manure on the property be removed every two weeks upon complaints.
2. Soil in the arena be kept in a dust free condition.
3. No amplification of sound within the arena.
4. Lights in the arena be turned off at 10:00 p.m. nightly.

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

**ORDINANCE NO. 638-18**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN EQUESTRIAN CENTER (TRAINING FACILITY) LOCATED AT 1440 EAST JETER 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:** Traylor, Sams, Murphy, Phillips  
**NAYS:** None  
**VOTE:** 4/0/1

*Councilmember Carrington returned to the meeting at 7:58 p.m.*

7. 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 adding Appendix C, Land Use Table, Event Center and Division I, General Requirements, Chapter 2, Definitions, Event Center. *(The Planning and Zoning Commission recommended denial by a vote of 3 to 2 at their August 1, 2018, meeting.)*

Mr. Montgomery stated Marty Bryan, 2664 FM 407, was requesting that a definition “Event Center” and use be added to the Town of Bartonville zoning regulations; however, he has requested the Town Council postpone his request at this time.

Mr. Montgomery explained the use is not defined in the zoning ordinance. He stated the proposed definition was:

*Event Center: A space to facilitate weddings, galas, banquets, conferences, and any other use for large groups.*

Mr. Montgomery stated the Planning and Zoning Commission recommended denial by a vote of 3 to 2 at their August 1, 2018, meeting. He further stated if the definition and use were approved, that it be permitted only in the Village Center District by a Conditional Use Permit.

Mr. Bryan stated after listening to the concerns of the residents he was requesting the Town Council postpone this item to allow him time to address those concerns. He further stated he was in the process of purchasing 1.2 acres of land for more parking at Marty Bs. He stated he wanted to build a venue for the community to enjoy without disrupting the rural lifestyle.

Mayor Pro Tem Murphy opened the public hearing at 8:06 p.m.

The following spoke in favor:

Rick Hopper, 1911 E. Jeter Road

The following spoke in opposition:

Evan Bloom, 8101 Tyler Drive, Lantana

Kathy Daum, 1590 Post Oak Lane

Annemarie Moore, 1394 Post Oak Lane

Peggy Parks, 1480 Post Oak Lane

Tim Miller, 1309 Palomino

Olivia Robinson, 1240 Saddlebrook Way, did not speak in favor or opposition, she inquired as to why the item was on the agenda if the applicant had asked for it to be removed.

Mr. Montgomery explained the item, by law and noticing requirements, was required to be on the agenda and it was a decision of the Town Council if they wanted to postpone the public hearing to a specific date and time.

Del Knowler, 739 Seals Road, did not speak in favor or opposition. He stated the Town Council needed a super majority vote to pass this item.

Mr. Montgomery responded that the item was only a text amendment and therefore only needed a simple majority.

Councilmember Carrington moved to close the public hearing and deny 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, Event Center and Division I, General Requirements, Chapter 2, Definitions, Event Center. The motion was seconded by Councilmember Phillips.

**VOTE ON THE MOTION**

**AYES:** Carrington, Sams, Phillips

**NAYS:** Traylor, Murphy

**VOTE:** 3/2

- 8. Public Hearing on the proposed annual budget for the Town of Bartonville, for the fiscal year October 1, 2018, through September 30, 2019.

Mr. Montgomery stated the proposed budget was filed with the Town Secretary on July 27, 2018.

Mayor Pro Tem Murphy opened the public hearing at 8:25 p.m.

No one spoke in favor or opposition.

Mayor Pro Tem Murphy closed the public hearing at 8:25 p.m.

Councilmember Carrington moved to direct staff to prepare an ordinance to adopt the budget for consideration at the September 18, 2018, regular meeting. Councilmember Phillips seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

**VOTE:** 5/0

- 9. First Public Hearing on the proposed tax rate for FY 2018-2019.

Mr. Montgomery explained the Denton County Tax Office had calculated the Town’s rollback rate as \$0.198359 per \$100 valuation and the effective rate as \$0.183666 per \$100 valuation. The Fiscal Year 2018-2019 proposed budget recommends a proposed tax rate of \$0.192940 per \$100 valuation.

Mayor Pro Tem Murphy opened the public hearing at 8:27 p.m.

No one spoke in favor or opposition.

Mayor Pro Tem Murphy closed the public hearing at 8:27 p.m.



Mayor Pro Tem Murphy made the following announcement: “The second public hearing on the proposed tax rate will be held on Tuesday, September 4, 2018, at 7:00 p.m., and the Town Council will take final action on the 2018 tax rate on Tuesday, September 18, 2018, at 7:00 p.m. Both meetings will be held at Town Hall, 1941 E. Jeter Road, Bartonville, Texas.”

- 10. Public Hearing to consider the Bartonville Crime Control and Prevention District’s proposed budget for the fiscal year beginning on October 1, 2018 and ending on September 30, 2019.

Mr. Montgomery stated the Bartonville Crime Control and Prevention District (BCCPD) held a public hearing on Tuesday, June 7, 2018, and adopted its budget. On June 8, 2018, the BCCPD submitted its budget to the Town.

Mayor Pro Tem Murphy opened the public hearing at 8:28 p.m.

No one spoke in favor or opposition.

Mayor Pro Tem Murphy closed the public hearing at 8:28 p.m.

Councilmember Phillips moved to approve the Bartonville Crime Control and Prevention District’s proposed budget for the fiscal year beginning on October 1, 2018, and ending on September 30, 2019. Councilmember Traylor seconded the motion.

**VOTE ON THE MOTION**

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

- 11. Discuss and consider approval of a resolution appointing a member to the Board of Managers of the Denco 9-1-1 District

Mr. Jim Carter addressed the council and spoke about the history and mission of Denco 9-1-1 Board of Directors.

Councilmember Carrington moved to approve Resolution 2018-13 appointing Jim Carter to Denco 9-1-1 Board of Directors seconded the motion.

**VOTE ON THE MOTION**

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

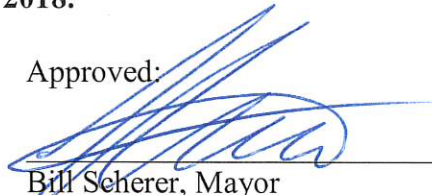
**J. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA**

**K. ADJOURNMENT**

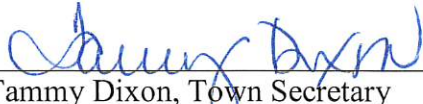
Mayor Pro Tem Murphy declared the meeting adjourned at 8:36 p.m.

APPROVED this the 18<sup>th</sup> day of September 2018.

Approved:

  
\_\_\_\_\_  
Bill Seherer, Mayor

Attest:

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

