

**THE BARTONVILLE TOWN COUNCIL REGULAR MEETING HELD ON THE 15<sup>th</sup> DAY OF SEPTEMBER 2020, AT 1941 E. JETER ROAD, BARTONVILLE, TEXAS, AND VIA VIDEOCONFERENCE AT 6:30 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

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 6:31 p.m. pursuant to Texas Government Code Chapter 551, Sections 551.071 and 551.074 and reconvened into open session at 7:27 p.m. to discuss matters relating to consultation with Town Attorney and personnel as follows:

- a. Consultation with Town Attorney regarding Ordinance 693-20 declaring a local state of disaster due to a public health emergency.

Councilmember Carrington moved to approve Ordinance No. 695-20 extending declaring a local state of disaster due to a public health emergency. Councilmember Melson seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCED 695-20**

**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. 693-20; 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 related to the Town’s Extraterritorial jurisdiction (ETJ). **No Action Taken.**
- c. Consultation with Town Attorney regarding legal issues related to the Professional Consulting Services Agreement with Pacheco Koch Consulting Engineers, Inc. for Hilltop Road Improvements from Spring Creek Drive to FM 407. **No Action Taken.**
- d. Consultation with Town Attorney regarding legal issues related to the contractor services agreement with Leslie Freeman for Sanitarian and Food Establishment Inspection Services. **No Action Taken.**
- e. Deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officers or employees; to wit: Town Secretary. **No Action Taken.**
- f. Consultation with Town Attorney regarding legal issues concerning a Change in Zoning Designation, Conditional Use Permit, and Site Plan for Hemphill, LLC, and related matters. **No Action Taken.**

**D. PLEDGE OF ALLEGIANCE**

Mayor Scherer led the pledge of allegiance.

**E. PUBLIC PARTICIPATION**

There were none.

**F. APPOINTED REPRESENTATIVE/LIAISON REPORTS**

- 1. Denton County Emergency Services District #1. Mr. Strange provide an update of the last meeting and stated it would be his last report as the Argyle Fire Board would no longer be meeting.
- 2. Police Chief Report - Department Statistics/Activities for August 2020. Chief Dowell provided the statistic report for August.

## 3. Town Administrator

- Monthly Reports for August: Financial Statement; Engineering Report; Animal Control Report; Building Permit Report

Ms. Ordeman reported 2019-2020 Revenues have surpassed the budgeted amount by approximately 7%; Sales Tax for August 2020 was up approximately 26% compared to August of last year; Aside from Municipal Court, all Revenue categories exceeded their budgeted amount.

**G. CONSENT AGENDA**

Mayor Pro Tem 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 a resolution designating the Denton Record Chronicle as the official newspaper for the Town of Bartonville.

**RECOMMENDATION:** Approve Resolution 2020-15 designating the Denton Record Chronicle as the official newspaper for the Town of Bartonville.

2. Consider approval of a contractor services agreement with Steve Koehler for building inspection and code enforcement services beginning October 1, 2020, through September 30, 2021; and authorization for the Town Administrator to execute same on behalf of the Town.

**RECOMMENDATION:** Approve a contractor services agreement with Steve Koehler for building inspection and code enforcement services beginning October 1, 2020, through September 30, 2021; and authorize the Town Administrator to execute same on behalf of the Town.

3. Consider approval of a contractor services agreement with Brad Hodges for Gas Well Inspection Services beginning October 1, 2020, through September 30, 2021; and authorization for the Town Administrator to execute same on behalf of the Town.

**RECOMMENDATION:** Approve a contractor services agreement with Brad Hodges for Gas Well Inspection Services beginning October 1, 2020, through September 30, 2021; and authorize the Town Administrator to execute same on behalf of the Town.

4. Consider approval of an agreement with William C. Spore, P.C. for external auditing services the fiscal year ending September 30, 2019, and authorization for the Town Administrator to execute same on behalf of the Town. **NO ACTION TAKEN**

**VOTE ON THE MOTION**

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

**H. REGULAR ITEMS**

5. 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, to change the zoning designation of Kincade Lot 2R, Block A, approximately 10.09 acres, from Agriculture District (AG) to Public/Semi-Public (P/SP). The tract of land is located at 2200 E. Jeter Road, Bartonville, Texas. **(The Town Council moved to postpone this item by a vote of 5 to 0 at its August 18, 2020, meeting). (The Planning and Zoning Commission moved to continue this item to November 4, 2020, at its September 2, 2020 meeting.)**

Mayor Pro Tem Traylor moved to postpone this item to the November 17, 2020 meeting. Councilmember Carrington seconded the motion.

**VOTE ON THE MOTION**

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

6. 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 12 located at 2200 E. Jeter Road, Bartonville, Texas. The property to be considered for the Conditional Use Permit is the same property for which the zoning change from Agriculture (AG) to Public/Semi-Public (P/SP) is being requested. **(The Town Council moved to postpone this item by a vote of 5 to 0 at its August 18, 2020, meeting). (The Planning and Zoning Commission moved to continue this item to November 4, 2020, at its September 2, 2020 meeting.)**

Mayor Pro Tem Traylor moved to postpone this item to the November 17, 2020 meeting. Councilmember Sams seconded the motion.

**VOTE ON THE MOTION**

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

7. Public hearing to consider a Site Plan for Hemphill, LLC 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 south side of East Jeter Road, more commonly known as 2200 E. Jeter Road, Bartonville, Texas. **(The Town Council moved to postpone this item by a vote of 5 to 0 at its August 18, 2020, meeting). (The Planning and Zoning Commission moved to continue this item to November 4, 2020, at its September 2, 2020 meeting.)**

Mayor Pro Tem Traylor moved to postpone this item to the November 17, 2020 meeting. Councilmember Phillips seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

**VOTE:** 5/0

8. 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, to change the zoning designation of Westend Development Lot 3(PT), approximately 12 acres, from Agriculture District (AG) to Residential Estates 5 (RE-5). The tracts of land are located at 408 Country Court, Bartonville, Texas. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its September 2, 2020, meeting.)*

Ms. Ordeman stated the applicant was requesting a zoning change from Agriculture (AG) to Residential Estates 5 (RE-5) and is in compliance with the Land Use Map. She explained the applicant intends to sell a portion of land to the neighbor to the west and would no longer meet the 10-acre minimum for Agriculture zoning. The applicant and her neighbor are in the process of conducting a minor re-plat that would be done administratively.

Mayor Scherer opened the public hearing at 7:46 p.m.

No one spoke in favor or opposition

Mayor Scherer closed the public hearing at 7:46 p.m.

Councilmember Sams moved to approve Ordinance 696-20 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, to change the zoning designation of Westend Development Lot 3(PT), approximately 12 acres, from Agriculture District (AG) to Residential Estates 5 (RE-5). Councilmember Phillips seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 696-20**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02, EXHIBIT “A,” THE ZONING ORDINANCE, BY CHANGING THE ZONING DESIGNATION OF, APPROXIMATELY 12 ACRES OF LAND SITUATED IN WESTEND DEVELOPMENT LOT 3(PT), DENTON COUNTY, TEXAS, LOCATED AT 408 COUNTRY COURT WITHIN THE LIMITS OF THE TOWN OF BARTONVILLE, DENTON COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, FROM A ZONING DESIGNATION OF "AG" AGRICULTURE TO A ZONING DESIGNATION OF "RE-5" RESIDENTIAL 5-ACRE ESTATES, AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; PROVIDING FOR NO VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

9. Discuss and consider approval of the FY 2020-2019 Annual Work Plan and Budget for the Bartonville Community Development Corporation.

Ms. Dixon stated the Bartonville Community Development Corporation approved its Annual Plan and Annual Budget on September 3, 2020 and provided the following summary:

**ANNUAL PLAN**

The FY 2020-21 Goals for the Board are as follows:

1. Assist with any CARES ACT Business Grant Programs offered by the Town of Bartonville; and
2. The Board has contracted with the Retail Coach Consulting Team to review the existing Development Agreement and 380 Agreement with NewQuest to help the Council/Board better understand the structure of the agreement and how this structure might apply to future; and review the 380 agreement and make recommendations on how to potentially restructure future deals to generate greater benefit to the town; and Retail Coach will also provide the following some market assistance and work with the board to assist in attracting businesses to existing commercial locations.

**FY 2020-21 ANNUAL BUDGET**

The annual budget includes a new line item to pay for its share of the annual audit; increased line items for Personnel Overhead to the Town's General Fund; Old Town Maintenance to include mowing of FM 407 medians; Consulting Fees with Retail Coach to assist with review of the 380 Agreement with NewQuest and other programs. The Board is currently contracting with the Retail Coach to review the Development Agreement with NewQuest which expires on August 3, 2021.

Mayor Scherer inquired about the increase in the consulting fees line item. Following discussing her and requested the Council approve the budget with a decrease in that line item to \$25,000.

Mayor Pro Tem Traylor moved to approve the FY 2020-2019 Annual Work Plan and Budget, with the reduction of the consulting fee line item to \$25,000. Councilmember Sams seconded the motion.

**VOTE ON THE MOTION**

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

- 10. Discuss and consider ratification of a Professional Consulting Services Agreement with Pacheco Koch Consulting Engineers, Inc. for Hilltop Road Improvements from Spring Creek Drive to FM 407, in the amount of \$19,147.

Councilmember Carrington moved to ratify a Professional Consulting Services Agreement with Pacheco Koch Consulting Engineers, Inc. for Hilltop Road Improvements from Spring Creek Drive to FM 407, in the amount of \$19,147. Councilmember Sams seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Phillips, Melson, Sams, Carrington  
**NAYS:** Traylor  
**VOTE:** 4/1

- 11. Discuss and consider approval of a contractor services agreement with Leslie Freeman or Analisa Griffith for Sanitarian Services beginning October 1, 2020, through September 30, 2021; and authorization for the Town Administrator to execute same on behalf of the Town.

Mayor Scherer provided an opportunity for both Mr. Freeman and Ms. Griffith (via video) to speak to the Town Council and answer questions.

Mayor Pro Tem Traylor moved to approval of a contractor services agreement with Analisa Griffith for Sanitarian Services beginning October 1, 2020, through September 30, 2021; and authorize the Town Administrator to execute same on behalf of the Town. Councilmember Phillips seconded the motion.

**VOTE ON THE MOTION**

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

- 12. Discuss and consider approval of a contract services agreement with Leslie Freeman or a Professional Services Agreement with Bureau Veritas North American, Inc. for Health Services beginning October 1, 2020, through September 30, 2021; and authorization for the Town Administrator to execute same on behalf of the Town.

Mayor Scherer provided an opportunity for both Mr. Freeman and Ms. Pomroy with Bureau Veritas to speak to the Town Council and answer questions.

Mayor Pro Tem Traylor moved to approval of a Professional Services Agreement with Bureau Veritas North American, Inc. for Health Services beginning October 1, 2020, through September 30, 2021; and authorize the Town Administrator to execute same on behalf of the Town. Councilmember Phillips seconded the motion.

**VOTE ON THE MOTION**

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

- 13. Discuss and consider options to fill the court clerk position.

Councilmember Carrington moved fill the court clerk position, part-time, 25 hours/week. Councilmember Melson seconded the motion.

**VOTE ON THE MOTION**

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

- 14. Discuss and consider approval of a resolution of the Town Council of the Town of Bartonville, Texas, repealing and replacing Resolution 2020-10, adopting a Revised Compensation Policy for Town Employees; and providing an effective date.

Mayor Scherer stated Exhibit A in the original resolution relating the Sergeants salary range was inadvertently listed too high.

Mayor Pro Tem Traylor moved to approve Resolution 2020-16 of the Town Council of the Town of Bartonville, Texas, repealing and replacing Resolution 2020-10, adopting a Revised Compensation Policy for Town Employees; and providing an effective date. Councilmember Carrington seconded the motion.

**VOTE ON THE MOTION**

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

- 15. Discuss and consider approval of an ordinance amending the Town’s Budget for the Fiscal Year beginning October 1, 2019, and ending September 30, 2020, as adopted by Ordinance No. 672-19 providing for adjustments to the General Fund, Reserve Fund, Wastewater Fund, Street Maintenance Fund, Interest & Sinking Fund, Court Security Fund, and creating the COVID-19 Fund.

Ms. Ordeman explained several items in the FY 2019-2020 needed to be amended due to excess revenue and expenses. Due to excess revenues, an additional \$206,385 would be transferred to the I&S Fund from the General & Street Maintenance Fund, and a line item needed to be created for the receipt of the COVID grant funds.

Mayor Pro Tem Traylor moved to approve Ordinance 697-20 amending the Town’s Budget for the Fiscal Year beginning October 1, 2019, and ending September 30, 2020, as adopted by Ordinance No. 672-19 providing for adjustments to the General Fund, Reserve Fund, Wastewater Fund, Street Maintenance Fund, Interest & Sinking Fund, Court Security Fund, and creating the COVID-19 Fund. Councilmember Carrington seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 697-20**  
**AMENDING THE FISCAL YEAR 2019-2020 BUDGET**  
**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE,**  
**TEXAS AMENDING THE TOWN’S BUDGET FOR THE FISCAL YEAR BEGINNING**  
**OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, AS ADOPTED BY**



**ORDINANCE NO. 672-19 BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, RESERVE FUND, WASTEWATER FUND, STREET MAINTENANCE FUND, INTEREST & SINKING FUND, COURT SECURITY FUND, AND CREATING THE COVID-19 FUND PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; PROVIDING SAVINGS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES OF THE TOWN BARTONVILLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

- 16. Discuss and consider approval of an ordinance approving and adopting the budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021.

Councilmember Carrington moved to approve Ordinance 698-20 adopting the budget for the fiscal year beginning on October 1, 2020 and ending on September 30, 2021. Councilmember Sams seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 698-20**

**ORDINANCE 698-20 ADOPTING THE FISCAL YEAR 2020-2021 BUDGET AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 2020-2021; APPROPRIATING AMOUNTS TO THE INDIVIDUAL LINE ITEMS OF THE GENERAL FUND, STREET IMPROVEMENT FUND, WASTEWATER FUND, CAPITAL IMPROVEMENT FUND, VEHICLE REPLACEMENT FUND, RESERVE FUND, I&S FUND, AND COVID-19 FUND IN ACCORDANCE WITH SAID BUDGET; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**ROLL CALL VOTE ON THE MOTION**

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

Councilmember Carrington moved to ratify the property tax revenue increase as reflected in the FY 2020-2021 budget. Councilmember Sams seconded the motion.

**ROLL CALL VOTE ON THE MOTION**

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

- 17. Discuss and consider approval of an ordinance fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2020, and ending on September 30, 2021, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.192940 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Bartonville as of January 1, 2020; and adopting the 2020 tax rolls.

Councilmember Carrington moved to approve Ordinance No. 699-20 fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2020, and ending on September 30, 2021, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.192940 per \$100 assessed valuation, a rate which is not greater than the no-new revenue rate or the voter-approval rate, on all taxable property within the corporate limits of the Town of Bartonville as of January 1, 2020; and adopting the 2020 tax rolls. Councilmember Melson seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 699-20**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.192940 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2020; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR APPROVAL OF THE 2020 TAX ROLLS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE**

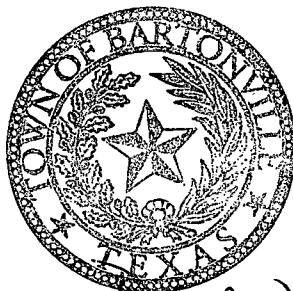
**ROLL CALL VOTE ON THE MOTION**

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

**I. ADJOURNMENT**

Mayor Scherer declared the meeting adjourned at 8:54 p.m.

**APPROVED this the 20<sup>th</sup> day of August 2020.**



Approved:

*[Handwritten signature of Bill Scherer]*

Bill Scherer, Mayor

Attest:

*[Handwritten signature of Tammy Dixon]*  
 Tammy Dixon, Town Secretary