

**THE BARTONVILLE TOWN COUNCIL WORK SESSION AND REGULAR MEETING
HELD ON THE 16TH DAY OF AUGUST 2022, AT 1941 E. JETER ROAD,
BARTONVILLE, TEXAS 6:30 P.M.**

The Town Council met in a work session and regular meeting with the following members present:

Jaclyn Carrington, Mayor
Clay Sams, Mayor Pro Tem
Jim Roberts, Councilmember Place 1
Matt Chapman, Councilmember Place 2
Keith Crandall, Councilmember Place 4
Josh Phillips, Councilmember Place 5

constituting a quorum with the following members of the Town Staff participating Thad Chambers, Town Administrator; Tammy Dixon, Town Secretary; Bobby Dowell, Chief of Police; and Ed Voss, Town Attorney.

A. CALL BUDGET WORK SESSION TO ORDER

Mayor Carrington called the work session to order at 6:30 p.m.

1. Review and discussion on the proposed Fiscal Year 2022-23 Budget.

B. ADJOURN WORK SESSION

Mayor Carrington adjourned the budget work session at 7:11p.m.

C. CALL REGULAR MEETING TO ORDER

Mayor Carrington called the special meeting to order at 7:15 p.m.

D. PLEDGE OF ALLEGIANCE

Mayor Carrington led the pledge of allegiance.

E. PRESENTATIONS

Proclamation – United Way Live Month

Mayor Carrington read aloud and presented the proclamation to April Cain, United Way Denton County Board Member.

Ms. Cain thanked the Mayor and the community for supporting United Way.

F. PUBLIC PARTICIPATION

Del Knowler, 739 Seals Road spoke in reference to Annemarie Moore's birthday.

G. APPOINTED REPRESENTATIVE/LIAISON REPORTS

1. Police Chief Report

- Department Statistics/Activities for July 2022

Chief Dowell reviewed the statistics and calls for the month of July and answered questions from the Town Council.

2. Town Administrator – Monthly Reports July 2022: Financial Statement; Animal Control; Engineering; Code Enforcement; Permits; Municipal Court; Denton County Emergency Services District

Mr. Chambers provided the June Financial Report

H. CONSENT AGENDA

Councilmember Roberts moved to approve consent items 1- 3. Councilmember Crandall 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 26, 2022, work session and special meeting minutes.

RECOMMENDATION: Approve the July 26, 2022, work session and special meeting minutes.

2. Consider approval of a resolution appointing Cathy Welborn and Andrea Carpenter as Deputy Municipal Court Clerks.

RECOMMENDATION: Approve Resolution 2022-13 appointing Cathy Welborn and Andrea Carpenter as Deputy Municipal Court Clerks.

3. Consider approval of a resolution amending the Personnel and Administrative Regulations Manual, Chapter 5, Section 5.03 Sick Leave.

RECOMMENDATION: Approve Resolution 2022-14 amending the Personnel and Administrative Regulations Manual, Chapter 5, Section 5.03 Sick Leave.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, Phillips
NAYS: None
VOTE: 5/0

I. PUBLIC HEARINGS

4. *Public Hearing – Zoning Change (ZC-22-03: Fuller, 1000 S. Gibbons)*
Public hearing and consideration of an ordinance amending the Code of Ordinances,

Zoning Regulations, to change the zoning designation for an approximate 58.334-acre area of land, generally located on the west side of Gibbons Road, south of Frenchtown Road, and east of Dyer Road, from Agricultural District (AG) to Residential Estates 2 (RE-2). *The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 6, 2022, meeting.*

Mr. Chambers stated an application was received from David Fuller for a zoning change from AG to RE-2, which is consistent with the Town's Future Land Use Plan. He explained the Mr. Fuller initially submitted a minor plat, which would subdivide the property into four lots; however, upon review, it was determined two of the proposed lots were below 10-acres, which led to the application for a change in zoning.

Mr. Chambers stated the Planning and Zoning Commission held the first public hearing on July 6, 2022, and unanimously recommended approval. He also stated the public hearing was readvertised and the zoning change signs have remained in place on the property due to the canceled July 19, 2022, Regular Meeting.

Mr. Fuller stated he and his siblings were subdividing the property amongst themselves.

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

Leslie Freeman, 843 Dyer Road, spoke in reference to Dyer Road being a private road and stated there was no access to the property from Dyer Road.

No one spoke in favor or opposition.

Mayor Carrington closed the public hearing at 7:40 p.m.

Councilmember Crandall moved to approve Ordinance 731-22 changing the zoning designation for an approximate 58.334-acre area of land, generally located on the west side of Gibbons Road, south of Frenchtown Road, and east of Dyer Road, from Agricultural District (AG) to Residential Estates 2 (RE-2). Councilmember Chapman seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE 731-22

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 58.334 ACRES OF LAND OUT OF THE NEWTON ALLSUP SURVEY, ABSTRACT NUMBER 3, THE ROBERT KEITH SURVEY, ABSTRACT NUMBER 1643, AND THE J.R. CHAMBERS SURVEY, ABSTRACT NUMBER 1518, LOCATED IN BARTONVILLE, DENTON COUNTY, TEXAS FROM A ZONING DESIGNATION OF "AG" AGRICULTURE TO A ZONING DESIGNATION OF "RE-2" RESIDENTIAL 2-ACRE ESTATES; 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.

5. Public Hearing and consideration of the Bartonville Crime Control and Prevention District's proposed budget for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023.

Mr. Chambers stated the Bartonville Crime Control and Prevention District (BCCPD) held a public hearing June 15, 2022, and adopted its budget. On June 16, 2022, the BCCPD submitted its budget to the Town in accordance with State Law. He explained the Budget included a line item of \$30,000 to transfer to the Town in the event the Town Council approved an additional police officer position in FY 2022-2023.

Mayor Carrington opened the public hearing at 7:42 p.m.

No one spoke in favor or opposition.

Mayor Carrington closed the public hearing at 7:43 p.m.

Councilmember Chapman moved to approve the Bartonville Crime Control and Prevention District's proposed budget for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023. Mayor Pro Tem Sams seconded the motion.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, Phillips

NAYS: None

VOTE: 5/0

J. REGULAR ITEMS

6. Discuss and consider acceptance of Trifecta Estates Subdivision Public Improvements.

Mr. Chambers explained the public improvements, roads and drainage in Trifecta Estates Subdivision was complete and advised the Town's Engineering firm, Teague, Nall & Perkins conducted the construction inspections to ensure the public improvements matched the construction plans approved by the Town Council.

Mr. Chambers stated all outstanding items had been addressed as outlined by the Engineer's Construction Acceptance letter.

Mayor Pro Tem Sams moved to accept the Trifecta Estates Subdivision Public Improvements. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, Phillips

NAYS: None

VOTE: 5/0

7. Discuss and consider acceptance of Hudson Hills Subdivision Public Improvements.

Mr. Chambers explained the public improvements, roads and drainage in the Hudson Hills

Subdivision was complete and advised the Town's Engineering firm, Teague, Nall & Perkins conducted the construction inspections to ensure the public improvements matched the construction plans approved by the Town Council.

Mr. Chambers stated all outstanding items had been addressed as outlined by the Engineer's Construction Acceptance letter.

Councilmember Phillips moved to accept the Hudson Hills Subdivision Public Improvements. Councilmember Crandall seconded the motion.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, Phillips
NAYS: None
VOTE: 5/0

8. Discuss McMakin Road and related alignment and development issues.

Mayor Carrington advised the Town Council that she had a discussion with Judge Eads after she notified him that the Town was not interested in participating in the County's bond package with respect to expansion or resurfacing of McMakin Road. She stated they discussed future assistance (three to five years) in resurfacing and agreed if that were to happen, there would need to be a series of Town Hall meetings to educate the residents.

9. Discuss and consider approval of a request from the owners of the Bartonville Store and Guidance Preparatory Academy for inclusion in the Town's approved sewer service area.
This item was withdrawn by the applicant. No discussion or action taken.
10. Discuss and consider approval of the Comprehensive Plan Review process and citizens survey.

Mr. Chambers distributed an updated copy of the draft citizen survey as recommended by the Planning and Zoning Commission which adheres to prior surveys for comparison.

A discussion was held regarding the survey process and the consensus was to allow one survey per household, add Hay Crop production to Agriculture Uses; change the wording under the fireworks question to read "favor" an ordinance rather than "support" and to add a section for property address to allow for verification of survey responses.

Councilmember Crandall moved to approve the Comprehensive Plan Review process to include the Citizens Survey as amended by the Town Council. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, Phillips
NAYS: None
VOTE: 5/0

- 11. Discuss and consider approval of a resolution disapproving the Denton Central Appraisal District 2023 budget.

Mr. Chambers stated the Denton County Commissioners Court voted to disapprove the Denton Central Appraisal District 2023 budget and Judge Eads sent a request to area leaders requesting they consider taking similar action.

Councilmember Phillips moved to approve Resolution 2022-15 disapproving the Denton Central Appraisal District 2023 budget. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, Phillips
NAYS: None
VOTE: 5/0

- 12. Discuss and consider approval of the Bartonville Community Development Corporation’s proposed budget for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023.

Ms. Dixon provided a summary of the Bartonville Community Development Corporation’s budget and answered questions from the Town Council.

Councilmember Crandall moved to approve the Bartonville Community Development Corporation’s proposed budget for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, Phillips
NAYS: None
VOTE: 5/0

- 13. Discuss and consider scheduling September 6, 2022, for the public hearing on the proposed Fiscal Year 2022-2023 budget; and scheduling September 20, 2022, for the adoption of said budget.

Ms. Dixon explained State law requires the Town Council to fix the time and place of the public hearing on the budget and to publish a notice in the official newspaper of the Town, as required by law. She further explained the public hearing must take place before the date of the adoption of the tax rate.

Mayor Pro Tem Sams moved to schedule September 6, 2022 for the public hearing on the proposed fiscal year 2022-2023 budget; and schedule September 20, 2022, for the adoption of said budget. Councilmember Crandall seconded the motion.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, Phillips
NAYS: None
VOTE: 5/0

14. Discuss and consider accepting the submission of the No-New-Revenue and Voter-Approval tax rate calculations; take action to consider a proposed tax rate; and schedule September 20, 2022, for the public meeting to consider the proposed tax rate.

Mr. Chambers stated the purpose of this item was to vote on a preliminary maximum tax rate for the 2022 Tax year as required by State law. He noted that during the final tax rate adoption process in September, the Town Council could approve a lower rate at that time, however, would not be able to adopt a higher rate.

Mr. Chambers stated the Town received the No-New-Revenue and Voter-Approval Tax Rate Calculations from the Denton County Appraisal District for the 2023 Tax Year as follows:

Property Tax Rate Per \$100 of valuation:

Current Rate	\$0.173646
No-New-Revenue Rate	\$0.152691
Voter-Approval Rate	\$0.205172

Mr. Chambers explained the No-New-Revenue rate was a calculated rate that would provide the town with about the same amount of revenues it received the year before on properties taxed in both years. The Voter-Approval Rate was a calculated maximum rate allowed by law without voter approval.

Mayor Pro Tem Sams moved to approve a maximum tax rate of \$0.173646 per \$100 valuation for the fiscal year beginning October 1, 2022, and ending September 30, 2023; scheduling September 20, 2022 for the public hearing on the tax rate and for the adoption of said tax rate. Councilmember Crandall seconded the motion.

ROLL CALL VOTE ON THE MOTION

AYES: Phillips, Crandall, Chapman, Sams, Roberts
NAYS: None
VOTE: 5/0

15. Consider approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 3, Building Regulations, Article 3.02, Section 3.02.006, subsection (c) related to the expiration, renewal or extension of building permits.

Ms. Dixon stated per the Town’s Code, building permits were valid for one year from the date of issuance and were only permitted to be renewed for six months at one-half of the original fee paid. She explained building permit fees for a single-family residence range between \$4,000 – \$16,000. She further explained that due to the size of homes being constructed in the Town and ongoing issues with builders unable to obtain materials and products, the time frame to construct a new home averages 18 to 24 months.

She stated staff was proposing to amend the section to mirror the International Building Code which would allow an extension, if requested in writing and approved by the Building Official at no fee. She explained the original fee covers the expenses of inspections regardless of

the time frame of the permit.

Councilmember Phillips moved to approve Ordinance No. 732-22 amending the Town of Bartonville Code of Ordinances, Chapter 3, Building Regulations, Article 3.02, Section 3.02.006, subsection (c) related to the expiration, renewal or extension of building permits. Councilmember Crandall seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 732-22

AN ORDINANCE AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, BY AMENDING CHAPTER 3, BUILDING REGULATIONS, ARTICLE 3.02, TECHNICAL AND CONSTRUCTION CODES AND STANDARDS, SECTION 3.02.006, BUILDING PERMITS, BY AMENDING SUBSECTION (C) EXPIRATION; RENEWAL OR EXTENSION; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR SAVINGS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND NAMING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Phillips, Crandall, Chapman, Sams, Roberts
NAYS: None
VOTE: 5/0

- 16. Discuss and consider an ordinance of the Town Council of the Town of Bartonville ordering a Special Election to be held on November 8, 2022, to submit a proposition on the questions of reallocating sales and use tax revenue by reducing the rate of sales and use tax for the purposes authorized by Chapters 501, 502, and 505, Texas Local Government Code (formerly Section 4B of the Development Corporation Act of 1979) and increasing the sales and use tax to provide revenue for maintenance and repair of municipal streets; approving a joint election contract with Denton County; and authorizing the Town Administrator and Town Secretary to execute said contract.

Ms. Dixon stated during a recent Town Council budget work session, staff was directed to bring forward an ordinance calling a special election to submit a proposition on the question of reallocating dedicated sales and use tax revenues for discussion.

Ms. Dixon explained in 2016, an election was held, and the voters of Bartonville approved a proposition to decrease the sales and use tax of the Bartonville Community Development Corporation (BCDC) from the rate of one-half of one percent to the rate of one-fourth of one percent; and increased the dedicated Street Maintenance Sales Tax from one-quarter of one percent to one-half of one percent.

She further explained, the proposed proposition, if passed, would reduce the BCDC from one-quarter of one percent to the rate of one-eighth of one percent and increase the Street Maintenance from one-half of one percent to five-eighths of one percent.

Ms. Dixon stated the next uniform election date was November 8, 2022 and the last day to call a special election was August 22, 2022. She further stated if an election was called and the

proposition passed, it would go into effect on April 1, 2023 with the first new allocation to be received in June 2023.

Councilmember Roberts moved to approve Ordinance No. 733-22 ordering a Special Election to be held on November 8, 2022, to submit a proposition on the questions of reallocating sales and use tax revenue by reducing the rate of sales and use tax for the purposes authorized by Chapters 501, 502, and 505, Texas Local Government Code (formerly Section 4B of the Development Corporation Act of 1979) and increasing the sales and use tax to provide revenue for maintenance and repair of municipal streets; approving a joint election contract with Denton County; and authorizing the Town Administrator and Town Secretary to execute said contract. Councilmember Crandall seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 733-22

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, TO SUBMIT A PROPOSITION ON THE QUESTION OF REALLOCATING SALES AND USE TAX REVENUE BY REDUCING THE RATE OF SALES AND USE TAX FOR THE PURPOSES AUTHORIZED BY CHAPTERS 501, 502, AND 505, TEXAS LOCAL GOVERNMENT CODE (FORMERLY SECTION 4B OF THE DEVELOPMENT CORPORATION ACT OF 1979) AND INCREASING THE SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; APPROVING A JOINT ELECTION CONTRACT WITH DENTON COUNTY; AUTHORIZING THE TOWN ADMINISTRATOR AND TOWN SECRETARY TO EXECUTE SAID CONTRACT; PROVIDING FOR NOTICE; FIXING THE TIME, PLACE AND MANNER OF HOLDING SAID ELECTION; AND PROVIDING AN EFFECTIVE DATE.

17. Discuss and consider appointment of members to the ad hoc traffic committee.

Ms. Dixon stated at the July 29th Special Town Council Meeting, the Town Council adopted a resolution approving an ad-hoc traffic committee and appointed the resident members. She explained this item was to ratify the appointment of Mayor Pro Tem Sams and Councilmember Crandall.

Councilmember Phillips moved to ratify the appointment of Mayor Pro Tem Sams and Councilmember Crandall to the ad hoc traffic committee. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Crandall, Chapman, Sams, Roberts
NAYS: None
VOTE: 5/0

18. Discuss and consider Boards and Commissions applications; and consider approval of resolutions appointing members to the Board of Adjustment; Planning and Zoning Commission; Bartonville Community Development Corporation; and the Crime Control District.

Ms. Dixon provided a summary of the members that applied to be reappointed and the list of new applicants.

Board of Adjustment

Councilmember Chapman moved to approve Resolution 2022-16 appointing members to the Board of Adjustment, effective October 1, 2022, as follows: Kathy Daum and Donna Baumgarner, regular members; and Siobhan O'Brien, Alternate 1, to a two-year term each expiring September 30, 2024. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Crandall, Chapman, Sams, Roberts
NAYS: None
VOTE: 5/0

Planning and Zoning Commission

Councilmember Roberts moved to approve Resolution 2022-17 appointing members to the Planning and Zoning Commission as follows: Ralph Arment, Gloria McDonald, and Brenda Hoyt-Stenovitch, for a two-year term each expiring September 30, 2023; Move Margie Arens from the Alternate 1 position to the unexpired regular position with a term expiring September 30, 2023; Move Larry Hayes from the Alternate 2 position to the Alternate 1 position with a term expiring September 30, 2024; and appoint Pat Adams to the Alternate 2 position with term expiring September 30, 2023. Councilmember Chapman seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Crandall, Chapman, Sams, Roberts
NAYS: None
VOTE: 5/0

Community Development Corporation

Councilmember Crandall moved to approve Resolution 2022-18 appointing members to the Community Development Corporation effective October 1, 2022, as follows: Jim Foringer, Terry Rock, Brenda Latham and James Kennemer to each serve a two-year term expiring September 30, 2024. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Crandall, Chapman, Sams, Roberts
NAYS: None
VOTE: 5/0

Crime Control & Prevention District

Councilmember Chapman moved to approve Resolution 2022-19 appointing members to the Crime Control & Prevention District effective September 1, 2022, to serve a two-year term each expiring August 31, 2024: Lori Van Alstine, Johnny Jones, Kevin Oldham, and Jennifer Buck. Councilmember Crandall seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Crandall, Chapman, Sams, Roberts
NAYS: None
VOTE: 5/0

J./K. CLOSED/OPEN SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 8:30 p.m. and reconvened into open session at 8:52 p.m. in accordance with the Texas Government Code:

Government Code Section 551.071, Consultation with Town Attorney

To seek legal advice of its attorney regarding:

- a. Pending litigation - *Jessica Tolliver et. al vs. the Town of Bartonville et. al.*, Civil Action No. 4:21-CV-350, United States District Court, Eastern District of Texas, Sherman Division.

No Action Taken.

L. FUTURE ITEMS

There were none.

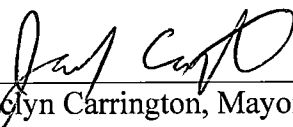
M. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 8:52 p.m.

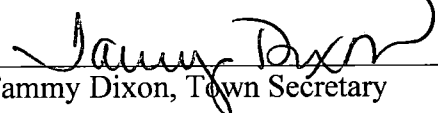
APPROVED this the 18th day of October 2022.



Approved:


Jaclyn Carrington, Mayor

Attest:


Tammy Dixon, Town Secretary