

THE BARTONVILLE TOWN COUNCIL REGULAR MEETING HELD ON THE 18TH DAY OF OCTOBER 2022, AT 1941 E. JETER ROAD, BARTONVILLE, TEXAS 6:30 P.M.

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

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

with the following members absent: Jim Roberts, Councilmember Place 1

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 REGULAR MEETING TO ORDER

Mayor Carrington called the regular meeting to order at 6:30 p.m.

B./C. CLOSED SESSION/OPEN SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 6:30 p.m. and reconvened into open session at 7:11 p.m. in accordance with the Texas Government Code regarding:

Government Code Section 551.071, Consultation with Town Attorney

To seek legal advice of its attorney regarding:

- a. Cell phone and email policies and related legal issues. **No Action Taken.**
- b. Traffic and Street Design legal issues and all matters related thereto. **No Action Taken.**
- c. Agenda Item 9 Conditional Use Permit and Site Plan – Whataburger. **No Action Taken.**

D. PLEDGE OF ALLEGIANCE

Mayor Carrington led the pledge of allegiance.

E. PUBLIC PARTICIPATION

Del Knowler, 739 Seals Road spoke in reference to Upper Trinity Regional Water District Project Update

APPOINTED REPRESENTATIVE/LIAISON REPORTS

1. Denton County Emergency Services District #1

Mr. Strange distributed and reviewed a report of the District's September 21, meeting and provided the response calls for August. He also announced that the new Fire Chief, Chief Vaughan was introduced during that meeting.

2. Police Chief Report

a. Department Statistics/Activities for September 2022

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

Chief Dowell provided a summary of National Night Out and thanked those that organized the event including staff members and Crime Control District members and thanked all those that supported the event with donations and by participating. Chief Dowell stated the Police Department would be participating in the DEA National RX Prescription Takeback Day to be held on Saturday, October 29.

3. Town Administrator – Monthly Reports September 2022 and 3rd quarter investment report; Financial Statement; Animal Control; Engineering; Code Enforcement; Permits; Municipal Court.

Mr. Chambers provided an overview of the quarterly investment report and September financial report.

F. CONSENT AGENDA

1. Consider approval of the August 16, 2022, work session and regular meeting minutes.

2. Consider approval of the September 6, 2022, special meeting minutes.

3. Consider approval of the September 20, 2022, regular meeting minutes.

4. Consider approval of the September 26, 2022, special meeting minutes.

5. Consider approval of a Professional Services Agreement with America's Code Enforcement for code enforcement services beginning October 1, 2022, through September 30, 2023; and authorization for the Town Administrator to execute same on behalf of the Town.

6. Consider approval of an addendum amending the 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 authorization for the Town Administrator and Chief of Police to execute same on behalf of the Town.

7. Consider approval of an agreement with William C. Spore, P.C. for bookkeeping services the fiscal year ending September 30, 2022, and authorization for the Town Administrator to execute same on behalf of the Town.
8. Consider approval of an agreement with MWH Group for external auditing services for the fiscal year ending September 30, 2022, and authorization for the Town Administrator to execute same on behalf of the Town.

Mayor Pro Tem Sams moved to approve consent items 1 - 8. Councilmember Chapman seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Chapman, Sams, Crandall
 NAYS: None
 ABSENT: Roberts
 VOTE: 4/0/1

G. REGULAR ITEMS

9. *Conditional Use Permit and Site Plan – Whataburger*
 Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Ordinance 361-05, Zoning Ordinance, by amending Chapter 13, General Commercial District (GC), Article 13.2, Uses Permitted, by granting a Conditional Use Permit, and for approval of a site plan, to allow for the operation of a Drive-Through use located on a 1.9589 acre-site that is part of Lot 1, Block 1, Phase II of Lantana Town Center. The site is generally located on the northern side of FM 407/Justin Road. The property to be considered for the Conditional Use Permit is zoned General Commercial District (GC) with Drive-Through as a permitted use by Conditional Use Permit only. ***The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its October 5, 2022, meeting.***

Staff Presentation

Mr. Chambers provided a summary of the application. He stated the accompanying Site Plan had been reviewed against the land use regulations stipulated in General Commercial regulations, the subdivision regulations and development standards of Denton County that were in effect upon the adoption of Ordinance 411-06, and the Town of Bartonville's General Commercial standards.

He stated the Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its October 5, 2022, meeting with conditions:

1. One peace officer for the drive-through business if it is open between 12:00am midnight up to and including 4:00am on a Saturday and/or Sunday.
2. The menu speakers at the drive-through shall not exceed two feet in height.

3. The menu boards at the drive-through locations shall not be pointed towards Blanco Drive.
4. Trash receptacles shall be placed at each drive-through location and at each exit.
5. No outdoor music is allowed.

Application Presentation

Kevin Murphy, Engineer Consultant for Whataburger, provided a rendering of the Whataburger and stated Whataburger was with the proposed conditions except for the requirement of a peace officer due to Whataburger's research of crime statistics in the area.

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

The following spoke in favor:

Jim Strange, 995 Dyer Road, Bartonville
Kevin Murphy, 201 Main Street, Ft. Worth

The following spoke in opposition:

Rudy Garcia, 9740 Blanco Drive, Lantana
Steve Timm, 9451 Blanco Drive, Lantana
Robin Householder, 9347 Blanco Drive, Lantana
John Reece, 9420 Blanco Drive, Lantana
Charles Nuber, 410 Jackson Circle, Lantana
Ray Peltier, 431 Copper Circle, Lantana
Christopher Wilie, 9130 Blanco Drive, Lantana
Linda Nuber, 410 Jackson Circle, Lantana
Daryl Cain, 9611 Blanco Drive, Lantana

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Kevin Murphy answered questions pertaining to the comments made and answered questions from the Town Council.

Mayor Carrington closed the public hearing at 8:08 p.m.

Mayor Carrington requested to consult with the Town Attorney. Pursuant to the Open Meetings Act, Chapter 551.071 the Town Council convened into a Closed Session at 8:14 p.m. and reconvened into open session at 8:52 p.m.

The Council held a discussion with the applicant regarding the location of the speakers and menu board in relation to the rear of the building facing the berm towards the golf course.

Mr. Murphy reiterated Whataburger's objection to the requirement of a peace officer.

Councilmember Chapman stated the Council had concerns for the Town's health, safety and welfare.

Councilmember Crandall moved to approve Ordinance No. 737-22 amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Ordinance 361-05, Zoning Ordinance, by amending Chapter 13, General Commercial District (GC), Article 13.2, Uses Permitted, by granting a Conditional Use Permit, and for approval of a site plan, to allow for the operation of a Drive-Through use located on a 1.9589 acre-site that is part of Lot 1, Block 1, Phase II of Lantana Town Center with the following conditions for the Town's health, safety and welfare:

1. Security personnel shall be provided by the owner/operator of the drive-through use business at no cost to the Town of Bartonville, as follows:
 - a. If the drive-through use business is open for business from 12:00 a.m. midnight up to and including 4:00 a.m. on a Saturday and/or Sunday, then a single peace officer shall be provided to be present on-site as security during the hours the business is open from 12:00 a.m. to 4:00 a.m.;
 - b. The term "peace officer" as used herein means a person elected, appointed or employed as a peace officer under Article 2.12, Texas Code of Criminal Procedure, or other law;
 - c. Each peace officer providing security shall be paid a standard hourly rate as agreed upon between the Chief of Police of the Bartonville Police Department and the owner/operator of the drive-through use business, with a two (2)-hour minimum payment required, and payment to each peace officer shall be made by the owner/operator of the drive-through use business at the beginning of the time the peace officer arrives on-site in sufficient monetary amount to pay said peace officer for the minimum payment amount required hereunder, or for the entire security time period, whichever is greater; and
 - d. The failure to comply with the above security personnel requirements, including the under-payment of a peace officer, will result in the closure of the drive-through use business until such time as the above security personnel requirements are satisfied.
2. The menu speakers at the drive-through locations on the property shall not exceed two feet (2') in height, and shall be located on the eastern side of the building and positioned at the area of car location number 7 as shown on the inside drive-through lane indicated on the site plan, page C 7.0, entitled "Site and Dimension Control Plan," and shall be pointed toward the golf course and landscaping berm on the adjacent property.
3. The menu boards at the drive-through locations on the property shall not be pointed towards the direction of Blanco Drive, and shall be located on the eastern side of the building and positioned at the area of car location number 7 as shown on the inside drive-through lane indicated on the site plan, page C 7.0, entitled "Site and Dimension Control Plan," and shall be pointed toward the golf course and landscaping berm on the adjacent property.
4. Trash receptacles shall be placed at each drive-through location and at each exit drive from the property and shall be added and designated on the approved site plan.

5. No outdoor music is allowed to be broadcast on the property or from the property.

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

ORDINANCE NO. 737-22

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02, EXHIBIT "A," ORDINANCE NO. 361-05, THE ZONING ORDINANCE, BY AMENDING CHAPTER 13, GENERAL COMMERCIAL DISTRICT (GC), ARTICLE 13.2, USES PERMITTED, BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A DRIVE THROUGH USE ON AN APPROXIMATELY 1.9589 ACRE-SITE THAT IS PART OF LOT 1, BLOCK 1, PHASE II OF LANTANA TOWN CENTER, LOCATED ON THE NORTHERN SIDE OF FM 407 AND JUSTIN ROAD AT BLANCO DRIVE; 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, Chapman, Sams, Crandall
NAYS: None
ABSENT: Roberts
VOTE: 4/0/1

10. Discuss, consider, and act on safety recommendations from the Traffic Ad Hoc Committee.

Mr. Chambers explained on July 19, 2022, the Town Council created an Ad Hoc Traffic Committee (Committee) to discuss traffic safety and the issue of dangerous cut through traffic within town. He stated the committee's focus was on "improving road safety for Bartonville, while taking into consideration emergency service needs." He stated safety related topics discussed included speeding, cut through traffic, and dangers to cyclists, pedestrians, and horses along with pros and cons of various mitigation measures.

He stated the Committee recommended the following for Town Council consideration:

- 8 New "Stop" signs
- 8 "Stop Sign Ahead" signs
- 6 "No Parking" signs (for McMakin shoulder behind Kroger)
- 3 Radar speed limit signs (with posted speed and "Your Speed" numbers)
- 30 Rumble strip locations
- 6 Livestock signs (with cow images)
- 6 Machinery signs (with tractor image)
- 6 "Town Speed Limit" plaques (to add to 30MPH signs as you enter town)
- 16 New "Speed Limit 30MPH" signs

- 20 Reflective chevron signs (for sharp curves)
- 12 Miscellaneous signs (No passing, S-Curve, intersection ahead, etc.)
- Striping as needed for no passing zones
- Reducing the speed on McMakin to 30MP

Mr. Chambers provided a map showing the approximate locations of the recommended items and answered questions from the Town Council. He stated the estimated expense for the signage and installation was approximately \$70,000, and if the recommendations were approved, the appropriate ordinances for signage and speed would be brought forward to the Town Council for consideration.

Councilmember Chapman moved to approve safety recommendations from the Traffic Ad Hoc Committee and directed staff to include the reduction of speed in the following subdivisions: Hat Creek Estates, Trifecta Estates, Hudson Hills, and Eagle Ridge. Mayor Pro Tem Sams seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Chapman, Sams, Crandall
NAYS: None
ABSENT: Roberts
VOTE: 4/0/1

11. Discuss and consider approval of an ordinance amending the Town's Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, as adopted by Ordinance No. 735-22 providing for adjustments to the General Fund and Street Improvement Fund.

Mr. Chambers stated the budget amendment was prepared to incorporate the safety recommendations from the Ad Hoc Street Committee. He explained \$70,000 would be transferred from the Fund Balance increase the General Fund Revenues and \$70,000 would be added to the General Fund expenditures, leaving a Fund Balance of \$292,322.

Councilmember Phillips moved to Ordinance No. 738-22 amending the Town's Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, as adopted by Ordinance No. 735-22 providing for adjustments to the General Fund. Councilmember Crandall seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 738-22

AMENDING THE FISCAL YEAR 2022-2023 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, 2022, AND ENDING SEPTEMBER 30, 2023, AS ADOPTED BY ORDINANCE NO. 735-22 BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL 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, Chapman, Sams, Crandall
NAYS: None
ABSENT: Roberts
VOTE: 4/0/1

12. Discuss and consider approval of a resolution accepting the Town's investment policy.

Ms. Dixon stated the Investment Policy was adopted in 2019 and explained in accordance with State Law, the Town was required to review the policy annually. She further stated the policy had been reviewed by staff and the Town Attorney and no changes were proposed.

Councilmember Crandall moved to approve Resolution 2022-21 accepting of the Town's investment policy. Councilmember Phillips seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Chapman, Sams, Crandall
NAYS: None
ABSENT: Roberts
VOTE: 4/0/1

13. Discuss and provide direction on Town issued cell phones and emails.

Ms. Dixon explained this item was to discuss providing the option of Town issued cell phones to Town Council members and to discuss the addition of town issued email accounts to the members of the Planning and Zoning Commission.

Following discussion, staff was directed to provide cell phones to those Council members that request one and directed to establish email accounts for the members of the Planning and Zoning Commission.

H. FUTURE ITEMS

- Comp Plan Community Survey Results

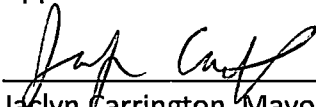
I. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 9:43 p.m.

APPROVED this the 15th day of November 2022.



Approved:



Jaclyn Carrington, Mayor

Attest:



Tammy Dixon, Town Secretary