

STATE OF TEXAS §
COUNTY OF DENTON §
TOWN OF BARTONVILLE §

The regular monthly meeting of the Bartonville Town Council was held on August 21, 2007 at 7:00 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted at 3:00 p.m., on Friday, August 17, 2007 at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Carla Anderson, Mayor Pro-Tem
Wayne Hoyt
James Ashburn
Ryan Litherland
Bill Reaves

Absent:

Ron Robertson, Mayor

Also present: Debbie E. Millican, Town Administrator
Dave Howell, Chief of Police
Gary Vickery, Town Engineer

This constituting a quorum, the following business took place:

Mayor Pro-Tem Anderson called the meeting to order at 7:00 p.m. and led the recitation of the Pledge of Allegiance to the American Flag.

Call to Order

The Town Council considered the Consent Agenda. Agenda items were marked with a single asterisk as a part of a Consent Agenda requiring no deliberation by the Council and could be approved with a single motion. Councilmembers were given the prerogative of removing an item from the Consent Agenda for separate discussion and consideration.

Consent Agenda

James Ashburn moved to approve the following Consent Agenda as presented: Approval of Minutes: 1) July 10, 2007, Special Called Work Session and Meeting; 2) July 17, 2007, Regular Monthly Meeting; 3) August 7, 2007, Special Called Work Session and Meeting; James Ashburn made the motion to approve the minutes as corrected. Bill Reaves seconded the motion. For: Unanimous. The motion carried 4 to 0.

**ACTION: Approve
Consent Agenda**

No one chose to speak during the citizens' appearances for non agenda items portion of the meeting.

Citizen Input

The Town Council received reports from appointed representatives.

**Appointed
Representatives**

The Town Council held a public hearing to hear comments and consider Ordinance 432-07; an ordinance changing the zoning of a 5.353 tract of land in the A.M. Feltus Survey, Abstract No. 1595, Denton County, Texas from "AG"- Agriculture to "RE-5"- Residential Estates.

**Public Hearing:
Ordinance 432-07**

Mayor Pro-Tem Anderson opened the hearing to public comment and asked to hear from the applicant.

Hearing Opened

The applicant/owner, Johnnie Neeley stated that she would be available to answer any questions. Town Administrator, Debbie Millican reviewed the staff recommendation with Council.

Applicant/Staff

Mayor Pro-Tem Anderson asked to hear from those in favor of or in opposition to the proposed ordinance. No one chose to speak.

In Favor/Opposed

Mayor Pro-Tem Anderson closed the hearing to public comment.

Hearing Closed

Wayne Hoyt moved to approve Ordinance 432-07, as recommended by the Planning and Zoning Commission. James Ashburn seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Ordinance 432-07

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 432-07 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: **AN ORDINANCE AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.300, ORDINANCE 361-05, ZONING REGULATIONS FOR THE TOWN OF BARTONVILLE, SO AS TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 5.353 ACRE TRACT OF LAND SITUATED IN THE A.M. FELTUS SURVEY, ABSTRACT NUMBER 1595, DENTON COUNTY, TEXAS AND BEING PART OF A CALLED SECOND TRACT OF LAND DESCRIBED IN A DEED FROM EDGAR GARRISON AND WIFE, BETTHA GARRISON, HARDY GARRISON AND WIFE, EULA GARRISON, WALTER GARRISON AND WIFE, MATTIE GARRISON, GRADY GARRISON AND WIFE, NELL GARRISON, LENA BEATY, BASIL GARRISON AND WIFE, MAY GARRISON AND CECIL GARRISON, AND WIFE, JANIE GARRISON, CHARLIE GARRISON, AND WIFE MAUDE GARRISON, TO IRELEE T. NEELY AND WIFE, LORENE M. NEELY AS RECORDED IN VOLUME 347, PAGE 116 OF DEED RECORDS, DENTON COUNTY, TEXAS AND BEING A PART OF A CALLED 8.00 ACRE TRACT OF LAND DESCRIBED IN A QUIT CLAIM DEED FROM MARY LYNN NEELY TO THOMAS JAMES NEELY AS RECORDED IN VOLUME 793, PAGE 12, OF DEED RECORDS, IN SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO, FROM A ZONING DESIGNATION OF "AG"- AGRICULTURE TO A ZONING DESIGNATION OF "RE-5"- RESIDENTIAL ESTATES (5 ACRES) AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND NAMING AN EFFECTIVE DATE. SECTION 9. EFFECTIVE DATE** This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

Engross and Enroll: Ordinance 432-07

The Town Council considered authorizing the Mayor to execute the Ratification of Additional Wells document with Braden Exploration, LLC for the purpose of adding additional leased area to the Rachwal Gas Unit lease agreement previously approved by the Town Council. John Diebel, representing Braden Exploration, explained the details of the document with the Town Council. Mr. Diebel stated that the agreement required 100% approval by all mineral owners involved in the lease area. Mr. Diebel stated that there were several agreements that still needed to be executed and that he would not be opposed to the Council tabling action until more signatures had been received.

Discussion: Execution of Ratification of Additional Wells document with Braden Exploration

James Ashburn moved to table action on the Ratification document. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Table Ratification

The Town Council held a public hearing regarding the Proposed Fiscal Year 2007-08 Budget.

Public Hearing: FY 2007-2008 Budget - no action taken

Mayor Pro-Tem Anderson opened the hearing to public comment. Mayor Pro-Tem Anderson stated that the proposed budget did not increase the overall tax rate from the previous year. Town Administrator Debbie Millican stated that the proposed budget was based on a tax rate of .19294 per \$100 of valuation. The 2007 certified values were \$198,567,892 which included a few properties that were still under protest. The general fund included \$43,000 for road repairs, in addition to the \$300,088 already in the street fund. The budget also included funding for an additional police officer starting on October 1, 2007.

Hearing Opened

Mayor Pro-Tem Anderson asked to hear from those in favor or opposed to the proposed Fiscal Year 2007-2008 Budget. Annemarie Moore stated that she would like to see repairs to Green Oaks added to the road projects.

In Favor/Opposed

Mayor Pro-Tem Anderson closed the hearing to public comment. No action was taken.

Hearing Closed

Bill Reaves moved to set September 18, 2007, as the date for the adoption of the Fiscal Year 2007-2008 Budget and the 2007 Ad Valorem Tax Rate of .19294/\$100. Wayne Hoyt seconded the motion. For: Ashburn, Hoyt, Litherland and Reaves. Against: None. The motion carried 4 to 0.

ACTION: Set Date for Adoption of Budget and Tax Rate

James Ashburn moved to approve Ordinance 430-07, providing new regulations for Outdoor Burning. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Ordinance 430-07

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 430-07 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: **AN ORDINANCE AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, BY REPEALING CHAPTER 5, ARTICLE 5.300**

Engross and Enroll: Ordinance 430-07

OUTDOOR BURNING IN ITS ENTIRETY AND PROVIDING NEW REGULATIONS ENTITLED OUTDOOR BURNING; 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. SECTION 8 EFFECTIVE DATE This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

Town Engineer, Gary Vickery, updated the Council with regard to road and drainage projects. Mr. Vickery stated that Anderson Paving was still working on some minor projects on Gibbons, Dove Creek and Lakeside. He stated that repairs to Rockgate were on hold to try to get public disaster assistance from FEMA. No action was taken.

The Council discussed Ordinance 433-07, an Ordinance amending Town of Bartonville Code of Ordinances, by repealing Chapter 6, Article 6.100 - High Grass and Weeds, in its entirety and providing new regulations entitled High Grass and Weeds. Discussion was held with regard to replacing Section 6.102(a) with Section 6.103.

Bill Reaves moved to approve Ordinance 433-07, providing new high grass and weeds regulations with replacing the verbage from Section 6.102(a) with Section 6.103. Wayne Hoyt seconded the motion. For: Hoyt, Litherland and Reaves. Against: Ashburn. The motion carried 3 to 1.

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 433-07 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows:
AN ORDINANCE AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, BY REPEALING CHAPTER 6, ARTICLE 6.100 HIGH GRASS AND WEEDS IN ITS ENTIRETY AND PROVIDING NEW REGULATIONS ENTITLED HIGH GRASS AND WEEDS; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); 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. SECTION 8 EFFECTIVE DATE This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

James Ashburn stated that he would like to continue review of the high grass and weeds regulations at the next Council meeting.

There being no further business to come before the body, the Mayor declared the meeting adjourned at 8:18 p.m.

Receive Update on Road and Drainage Requirements

Discussion: High Grass & Weeds Ordinance

ACTION: Approve Ordinance 433-07

Engross and Enroll: Ordinance 433-07

Future Agenda Items

ADJOURNMENT

APPROVED this the 18th day of September 2007.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Kristi Gilbert, Deputy Town Secretary