

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

The regular monthly meeting of the Bartonville Town Council was held on September 18, 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, September 14, 2007 at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Carla Anderson, Mayor Pro-Tem
Wayne Hoyt
Ryan Litherland
Bill Reaves

Absent:

James Ashburn

Also present: Kristi Gilbert, Deputy Town Secretary
Dave Howell, Chief of Police

This constituting a quorum, the following business took place:

Mayor Robertson 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

Carla Anderson moved to approve the following Consent Agenda as presented: *A) Approval of Minutes: August 21, 2007, regular monthly meeting. *B) Approval of Resolutions: 1) Resolution 2007-20, Designating the Denton Record Chronicle as the Official Newspaper; 2) Resolution 2007-21, Appointing Kristin Gilbert as the Town Secretary; 3) Resolution 2007-22, Appointment of James Ashburn to the Bartonville Community Development Corporation (BCDC); 4) Resolution 2007-23, Appointment of Bill Reaves to the BCDC; 5) Resolution 2007-24, Appointment of Carla Anderson to the BCDC; 6) Resolution 2007-25, Appointment of Stacy Ehlers to the Board of Adjustment (BOA); 7) Resolution 2007-26, Appointment of Alan Lavender to the BOA; 8) Resolution 2007-27, Appointment of Gracie Egan to BOA; 9) Resolution 2007-28, Appointment of Norma Harrington as an Alternate to BOA; *C) Approval of Other Items: Authorize the Mayor to grant a leave of absence with pay for the Town Administrator for a cumulative period not to exceed three months, and,

**ACTION: Approve
Consent Agenda**

authorize the Mayor to appoint an Interim Town Administrator during any such leave. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4 to 0.

Annemarie Moore – 1394 Post Oak Lane – Presented her concerns regarding code enforcement throughout the Town, specifically with regard to the recent adoption of the high grass and weeds ordinance.

The Town Council received reports from appointed representatives.

Michael Savoie introduced himself and presented the Council with a presentation on behalf of the Concerned Members for Accountability. Mr. Savoie requested that the Council consider supporting and independent management study of the Upper Trinity Regional Water District (UTRWD).

Kevin Mercer, President of UTRWD and General Manager of Lantana, provided the Council with a report on the status of the UTRWD. Mr. Mercer stated that the current rates reflect the Board’s policy. Tom Taylor stated that the Board sets policies based on the members needs.

The Town Council held a public hearing to hear comments and consider Ordinance 435-07; an ordinance changing the zoning of a 3.00 acre tract of land in the B.B.B. & C.R.R Survey, Abstract No. 152, Denton County, Texas from “AG”- Agriculture to “RE-2”- Residential Estates – 2 acre lot minimum.

Mayor Robertson opened the hearing to public comment and asked to hear from the applicant.

Town Secretary Kristi Gilbert reviewed the staff comment letter with the Council.

Mayor Robertson asked to hear from those in favor of or in opposition to the proposed ordinance. No one chose to speak.

Mayor Robertson closed the hearing to public comment.

Ryan Litherland moved to approve Ordinance 435-07, as recommended by the Planning and Zoning Commission. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 4 to 0.

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 435-07 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**

Citizen Input

Appointed Representatives

Presentation by the Concerned Members for Accountability

UTRWD Member Report

Public Hearing: Ordinance 435-07

Hearing Opened

Applicant/Staff

In Favor/Opposed

Hearing Closed

ACTION: Approve Ordinance 435-07

Engross and Enroll: Ordinance 435-07

DESIGNATION OF AN APPROXIMATELY 3.00 ACRE TRACT OF LAND SITUATED IN THE B.B.B. & C.R.R SURVEY, ABSTRACT NO. 152, DENTON COUNTY, TEXAS BEING A PART OF A CALLED 20.253 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM MARGIE CROCKER, ET AL, TO R. SMITH, AS RECORDED IN COUNTY CLERK'S FILE NO. 96-R0004472 OF THE REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO, FROM A ZONING DESIGNATION OF "AG"- AGRICULTURE TO A ZONING DESIGNATION OF "RE-2"- RESIDENTIAL ESTATES (2 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.

The Town Council convened into Executive (closed) Session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property of which the discussion in an open meeting would have a detrimental effect on the position of the Town of Bartonville in negotiations with a third party at 8:13 p.m.

Executive Session

The Council reconvened into open session at 8:35 p.m.

Open Session

The Council considered any appropriate action relative to the Executive Session. Ryan Litherland moved to authorize the Mayor to make an offer on the purchase of real property. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Make Offer on Real Property

The Council considered IESI TX Corporations request for a rate adjustment for solid waste services in accordance with the approved franchise agreement. Bill Osweiler, Division Manager with IESI TX Corporation requested that the Council approve the rate increase. Mr. Osweiler stated that they would provide dumpsters for the Bartonville Clean Up day.

IESI Request for Rate Adjustment

Carla Anderson moved to approve the rate adjustment. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Rate Adjustment

The Council considered Ordinance 437-07, an ordinance approving and adopting the Town of Bartonville Budget for Fiscal Year 2007-2008.

Discuss Ordinance 437-07

Carla Anderson moved to approve Ordinance 437-07, an ordinance approving and adopting the Town of Bartonville Budget for Fiscal Year 2007-2008. Bill Reaves seconded the motion. For: Anderson, Hoyt, Litherland and Reaves. Against: None. The motion carried 4 to 0.

**ACTION: Approve
FY 07-08 Budget**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 437-07 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: **AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 2007-2008; APPROPRIATING AMOUNTS TO THE INDIVIDUAL LINE ITEMS OF THE GENERAL FUND, STREET IMPROVEMENT FUND, WASTEWATER FUND, DEBT SERVICE FUND AND CAPITAL IMPROVEMENT 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. SECTION 9. EFFECTIVE DATE** This Ordinance shall be in full force and effect from and after its date of passage.

**Engross and Enroll:
Ordinance 437-07**

Carla Anderson moved to ratify the adoption of the Fiscal Year 2007-2008 Budget and acknowledge that it raises taxes by \$46,473, a 12.45% increase, and of that amount, \$21,152 is tax revenue to be raised from new property added to the tax roll this year. Wayne Hoyt seconded the motion. For: Anderson, Hoyt, Litherland and Reaves. Against: None. The motion carried 4 to 0.

**ACTION: Ratify
Budget &
Acknowledge Tax
Increase**

The Council considered Ordinance 438-07, an ordinance accepting the 2007 Certified Tax Roll for the Town of Bartonville and approving the 2007 Ad Valorem Property Tax Rate and levy of \$0.19294 per \$100.00 valuation.

**Discuss Ordinance
438-07**

Carla Anderson moved that the property taxes in Bartonville, Texas, be increased by the adoption of a tax rate of \$0.19294 per \$100 valuation, by adopting Ordinance 438-07, an ordinance accepting the 2007 ad valorem tax roll and approving the 2007 ad valorem tax rate and levy. Bill Reaves seconded the motion. For: Anderson, Hoyt, Litherland and Reaves. Against: None. The motion carried 4 to 0.

**ACTION: Approve
Ordinance 438-07
2007 Ad Valorem
Property Tax Rate**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 438-07 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: **AN ORDINANCE ACCEPTING THE 2007 CERTIFIED TAX ROLL FOR THE TOWN OF BARTONVILLE; APPROVING THE 2007 AD VALOREM PROPERTY TAX RATE AND LEVY OF \$0.19294 PER**

**Engross and Enroll:
Ordinance 438-07**

\$100.00 VALUATION; PROVIDING FOR A DUE DATE AND DELINQUENCY DATE FOR THE PAYMENT OF PROPERTY TAXES; PROVIDING FOR THE COLLECTION AND USE OF PENALTY AND INTEREST ON DELINQUENT TAXES; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS AND COLLECT AD VALOREM PROPERTY TAXES IN ACCORDANCE WITH THIS ORDINANCE; 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. SECTION 11. EFFECTIVE DATE This Ordinance shall be in full force and effect from and after its date of passage.

The Council considered action regarding Ordinance 434-07, an ordinance amending the On-Site Sewage Facility Regulations. Annemarie Moore told the Council that she thought it was important to require annual maintenance in order to prevent being forced to install a sewer system.

Discuss Ordinance 434-07 Amending On-Site Sewage Facility Regulations

Bill Reaves moved to approve Ordinance 434-07 utilizing Option B. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Ordinance 434-07

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 434-07 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 AMENDING CHAPTER 13, ARTICLE 13.200 ON-SITE SEWAGE FACILITIES REGULATIONS BY AMENDING SECTION 13.205 AMENDMENTS TO PROVIDE FOR ADDITIONAL AMENDMENTS; 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 9. EFFECTIVE DATE** This Ordinance shall be in full force and effect from and after its date of passage.

Engross and Enroll: Ordinance 434-07

There being no further business to come before the body, the Mayor declared the meeting adjourned at 8:47 p.m.

ADJOURNMENT

APPROVED this the 16th day of October 2007.

Approved:

Carla Anderson, Mayor Pro Tem

(Seal)

Attest:

Kristi Gilbert, Town Secretary, TRMC, CMC