

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

The regular monthly meeting of the Bartonville Town Council was held on March 20, 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 March 16, 2007 at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Carla Anderson, Mayor Pro-Tem
James Ashburn
Wayne Hoyt
Ryan Litherland
Vacant

Absent:

None

Also present: Kristi Gilbert, Deputy Town Secretary
Gary Vickery, Town Engineer
Bob Hager, Town Attorney

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

James Ashburn moved to approve the following Consent Agenda, as revised: *A) Approval of Minutes: February 20, 2007, Regular Monthly Meeting and March 9, 2007, Special Called Meeting; *B) Approval of Ordinance No. 420-07 authorizing a Code Enforcement Officer and giving them authority to issue citations for ordinance violations; *C) Approval of 7:00p.m., April 24, 2007, as the time/date for the "Meet the Candidates Night" regarding the May 12, 2007, General Election. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 4 to 0.

**ACTION: Approve
Consent Agenda**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 420-07 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows:
AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9, PERSONNEL, ARTICLE 9.200, CODE ENFORCEMENT OFFICER, BY ADDING SECTION 9-203 TO PROVIDE THAT CODE ENFORCEMENT OFFICERS HAVE THE AUTHORITY TO ISSUE

**Engross and Enroll:
Ordinance 420-07**

CITATIONS; PROVIDING CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. SECTION 6. This Ordinance shall be in full force and effect upon passage as provided by law.

Annemarie Moore, 1394 Post Oak Lane - Ms. Moore stated that she still had questions regarding the 380 Development Agreement the Town entered into with the developers of Lantana. Ms. Moore inquired as to whether the Town would allow condominiums and how the Town would regulate the signs. Ms. Moore stated that she felt the Town was at risk of losing its identity and suggested the placement of "Welcome to Bartonville" signs near the proposed commercial area. Ms. Moore stated that she was grateful that a citizen of the Town was appointed as Chief of Police.

The Town Council received reports from appointed representatives. No action was taken.

The Town Council held a hearing to hear comments and consider the proposed Ordinance 417-07; AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, AMENDING CHARTS 4.5, 12.1 AND 13.1 BY AMENDING THE HEIGHT STANDARD FROM A MAXIMUM OF FIFTY FEET (50') TO A MAXIMUM OF THIRTY FIVE FEET (35') IN THE VC-VILLAGE CENTER AND GC-GENERAL COMMERCIAL ZONING DISTRICTS.

Mayor Robertson opened the hearing for public comment and stated that the Planning and Zoning Commission had continued their public hearing until April 4, 2007 and asked the Council to continue the public hearing until April 17, 2007.

Mayor Robertson asked to hear from those in favor of or in opposition to the proposed ordinance. Annemarie Moore, 1394 Post Oak Lane, spoke in favor of the proposed ordinance and asked that the Council follow through and approve the ordinance.

Carla Anderson moved to continue the public hearing until the April 17, 2007 Council meeting at 7:00 p.m. James Ashburn seconded the motion. For: Unanimous. The motion carried 4 to 0.

The Town Council held a hearing to hear comments and consider the proposed Ordinance 418-07; AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, AMENDING CHAPTER 2, SECTION 2.2., DEFINITIONS, TO PROVIDE FOR THE DEFINITION OF "FARMERS MARKET"(72A); AMENDING SECTION 17.6 PARKING REQUIREMENTS TO PROVIDE FOR A FARMERS MARKET; AMENDING CHAPTER 30, SPECIAL

Citizen Input

**Appointed
Representatives**

**Public Hearing:
Ordinance 417-07**

Hearing Opened

In Favor/Opposed

**ACTION: Continue
Public Hearing**

**Public Hearing:
Ordinance 418-07**

REGULATIONS FOR CERTAIN TYPES OF USES TO PROVIDE FOR A FARMERS MARKET; AMENDING APPENDIX C, LAND USE TABLE TO PROVIDE FOR A FARMERS MARKET TO SAID TABLE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Robertson opened the hearing for public comment and asked to hear from the applicant. Bruce Monroe stated that he would appreciate the Council considering modifications to the staff prepared ordinance. Mr. Monroe asked for clarification regarding Item A requiring a permit; Item L prohibiting the sale of meat and fish; and, Item M prohibiting the sale of plants. Mr. Monroe stated that he would like to be able to sell meat, fish and small potted plants of one gallon or less.

Hearing Opened

Deputy Town Secretary Kristi Gilbert stated that, in preparing the ordinance, staff visited with the Town Sanitarian Tom Bailey who is also a licensed health inspector. Staff inquired as to what types of activities would be allowed without requiring health inspections as the Town does not currently have the capabilities of handling health inspections that this time. Ms. Gilbert stated that the Town provided provisions of prohibiting plants, trees and shrubs, as those items are indicative of nursery related activities which is currently prohibited in the VC-Village Center zoning district.

Staff Recommendation

Annemarie Moore, 1394 Post Oak Lane, stated that she was glad to see the Council was being cautious in allowing this type of activity.

In Favor/Opposed

Mayor Robertson closed the hearing to public comment.

Hearing Closed

James Ashburn moved to approve Ordinance 418-07 utilizing Option A and amending Section 30.4L to include “except as otherwise permitted under the Code of Ordinances and the Town Health Code” and amending Section 30.4M to allow the sale of potted and hanging plants of one gallon or less. Ryan Litherland seconded the motion. For: Ashburn, Hoyt and Litherland. Against: Anderson. The motion carried 3 to 1.

ACTION: Approve Ordinance 418-07

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 415-07 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT “A,” ZONING ORDINANCE, AMENDING CHAPTER 2, SECTION 2.2., DEFINITIONS, TO PROVIDE FOR THE DEFINITION OF “FARMERS MARKET” (72A); AMENDING SECTION 17.6 PARKING REQUIREMENTS TO PROVIDE FOR A

Engross and Enroll: Ordinance 418-07

FARMERS MARKET; AMENDING CHAPTER 30, SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES TO PROVIDE FOR A FARMERS MARKET; AMENDING APPENDIX C, LAND USE TABLE TO PROVIDE FOR A FARMERS MARKET TO SAID TABLE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE. SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

James Ashburn moved to approve a permit fee of \$150 for a farmers' market permit. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Amendment to Fee Schedule

The Town Council considered approval of an amended gas well development plat for the Walling #1H well. Town Engineer Gary Vickery stated that the applicant was submitting the amended plat to indicate all of the structures related to the well that are on the property in compliance with the Town's regulations. Mr. Vickery stated that the applicant had addressed all of his concerns from the July 2006 inspection letter with the exception of installing an eight foot (8') high fence.

Walling #1H Amended Gas Well Plat

Wayne Hoyt moved to approve the amended Walling #1H Gas Well Plat contingent on installing an eight foot (8') high fence as required by the Town's ordinance. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Walling #1H Amended Plat

The Town Council considered approval of the Walling #2H Gas Well Development Plat. Town Engineer Gary Vickery stated that his requirements for the Walling #2H plat and permit were nearly identical to that of the Walling #1H in that they shared the same site. Ryan Litherland moved to approved the Walling #2H Gas Well Development plat contingent on the operator meeting the sound requirements of the current ordinance (Ordinance No 415-07) as agreed by the operator. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Walling #2H Gas Well Plat

The Town Council considered approval of the Walling #2H Gas Well Permit and Road Damage Remediation Agreement. James Ashburn moved to approve the Walling #2H Gas Well Drilling permit and the Road Damage Remediation Agreement contingent upon submittal of correct bond information. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Walling #2H Gas Well Permit

The Town Council considered the placement of additional fire hydrants within the Town limits. Carla Anderson stated that she had visited with several other water supply corporations to ascertain how they handle fire

ACTION: Approve Installation of Fire Hydrants

hydrants. Mayor Pro Tem Anderson stated that about half of the companies indicate that they will install and pay for the fire hydrants when they are upgrading the lines. She stated that Bartonville Water Supply was willing to pay for the labor to install the hydrants if the Town would pay for the hydrants themselves. James Ashburn moved to approve the installation of three fire hydrants on Rockgate Road in an amount not to exceed \$6,300. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4 to 0.

Requests for future agenda items: Mayor Robertson asked that a health code ordinance be placed on the next agenda.

Future Agenda Items

There being no further business to come before the body, the Mayor declared the meeting adjourned at 8:23 p.m.

ADJOURNMENT

APPROVED this the 17th day of April, 2007.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie Millican, Town Administrator/Secretary