

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

The regular monthly meeting of the Bartonville Town Council was held on August 16, 2005 at 7:00 p.m., in the Bartonville Town Hall. 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 August 12, 2005, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Dave Howell, Mayor Pro Tem (Left Mtg. at 7:25p.m.)
Carla Anderson
Wayne Hoyt
James Ashburn

Absent:

Ryan Litherland

Also present: Debbie E. Millican, Town Secretary
Gary Vickery, Town Engineer

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 consent agenda, as presented: *A) Approval of Minutes: July 9, 2005, Special Called Work Session and Meeting; July 9, 2005, Joint Work Session with P&Z Commission; July 19, 2005, Regular Monthly Meeting;*B) Resolutions: 1) Resolution 2005-15, Adopting the National Incident Management System (Nims) as the Standard for Incident Management; and 2) Resolution 2005-16, Appointing Carla Anderson to the Board of Directors of the Bartonville Community Development Corporation. Wayne Hoyt seconded the motion. The motion carried 3-0. *(Dave Howell was not present in the room when the vote was taken. Councilmember Howell returned to the meeting after the motion carried.)*

**ACTION: Approve
Consent Agenda**

No one chose to speak regarding non agenda items.

Citizen Input

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

**Appointed
Representatives**

The Council considered approval of an Oil and Gas Drilling/Production Permit for a proposed Green Lease #1-H gas well to be located on the east side of West Jeter Road. The proposed well is located on an approximate 59.099 acre tract of land in the N. Allsup Survey, Abt # A-3, Town of Bartonville, Denton County, Texas. The well site is described as being located in the southeast portion of the 59.099 acre tract of land and being approximately 2700 feet south of Frenchtown Road and approximately 2350 feet east of West Jeter Road. The applicant is Gulftex Operating, Inc. The surface and mineral owner of the property is Charles Green. The property is Zoned "AG"-Agriculture and is not located within a platted subdivision. Town Engineer presented the Planning and Zoning Commission's recommendation to approve the permit with certain conditions. David York of Gulftex Operating appeared before the Council and asked that the Council approve the permit. Mr. York stated that he would comply with the conditions set forth by the Planning and Zoning Commission.

Discussion: Green Lease #1-H Drilling Permit

James Ashburn moved to approve the permit with the following conditions, as recommended by the Planning and Zoning Commission: 1) that the cancellation clause on the insurance certificate be changed to reflect the required wording in Section 21.09(a)(2) of the Oil and Gas Well Drilling ordinance; 2) that the operator verifies the A+ AM Best rating for the liability insurance and that a copy of the policy be submitted to the Town showing the endorsement that the Town was named as additionally insured; 3) that the operator enter into a road maintenance agreement with the Town and submit a surety bond in the minimum amount of \$50,000; and 4) that the operator correct Item #29 in the Hazardous Materials Plan submitted on July 28, 2005, to read as follows: "Firewall must have a minimum capacity of 1 ½ times the volume of the tanks it encloses. A Secondary containment is also required to contain 1 ½ times the tank volume and is to have an impervious lining." Carla Anderson seconded the motion. For: Unanimous. The motion carried 3-0. *(Dave Howell was called away from the meeting at 7:25 p.m., prior to the vote being taken.)*

ACTION: Approve Green Lease #1-H Permit

The Council considered options for the design and construction of the East Jeter Road Loving Branch Culvert Project. Town Engineer Gary Vickery presented recommendations and options for the design of the culvert and drainage improvements for the Loving Branch on E. Jeter Road just west of FM 407. Mr. Vickery stated that if the channel and culverts were designed to accommodate a 100 year flood, there would be a considerable loss of very large trees on the south side of E. Jeter Road, if the improvement could even be built in the space available. He stated that by using two 12' x 6' culverts, the area would withstand a ten-year flood and greatly improve the surrounding fifty and 110 year flood plain areas. He further stated that in addition to saving the old trees it would substantially decrease any topping of the road.

Discussion: Loving Branch Improvements

Wayne Hoyt moved to direct the Town Engineer to use his best judgment for the design of the drainage improvements with respect to protecting trees

ACTION: Direction to Town Engineer

and appropriate drainage improvements. James Ashburn seconded the motion. For: Unanimous. The motion carried 3 to 0.

James Ashburn moved to approve Ordinance 370-05, An Ordinance of the Town of Bartonville, Texas finding, after reasonable notice, that certain rate case expenses of CoServ Gas Ltd. are reasonable; Providing for recovery of rate case expenses; Providing for repeal of conflicting Ordinances. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 3 to 0.

ACTION: Approve Ordinance 370-05

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 370-05, is hereby engrossed and enrolled by copying the exact Caption and Effective Date into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS FINDING, AFTER REASONABLE NOTICE, THAT CERTAIN RATE CASE EXPENSES OF COSERV GAS LTD. ARE REASONABLE; PROVIDING FOR RECOVERY OF RATE CASE EXPENSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES. EFFECTIVE IMMEDIATELY.

Engross and Enroll: Ordinance 370-05, CoServ Gas Rate Expenses

The Town Council considered Ordinance 368-05, an Ordinance of the Town of Bartonville, Texas, amending the Town of Bartonville Code of Ordinances, Article 12.400, Section 12.401, Speed Limits on Improved Roads, by adding Subsection (D), the Prima Facie Maximum Speed Limit for Motor Vehicles Traveling within the corporate limits of the Town of Bartonville on Farm-to-Market Road 407 shall be 55mph. The Council discussed the traffic study conducted by the TxDOT, which recommended that the maximum speed limit on FM 407 be established at 55mph and eliminate the 45 mph limit near the intersection of McMakin Road and E. Jeter Road. Councilmembers voiced the following concerns: an entrance into a subdivision with an elementary school with no traffic control warning devices, signals or turn lanes; entrances to four subdivisions with no turn lanes; entrances to a commercial retail center and a convenience store; a four-way intersection with stop signs; entrance to a church; numerous curves, hills and street entrances; and ever increasing traffic.

Discussion: Speed Limit on FM 407

James Ashburn moved to deny approval of Ordinance 368-05 and to request that TxDOT conduct further traffic studies based on the concerns discussed. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 3 to 0.

ACTION: Ord-368 Not Approved

The Town Council considered approval of Ordinance 369-05, an Ordinance ordering a Special Election to be held on Tuesday, November 8, 2005, to reauthorize The Town of Bartonville Street Maintenance Sales and Use Tax in the amount of one fourth of one percent. Town Secretary, Debbie Millican stated that in 2002, the citizens voted to establish a 1/4 of one percent sales tax for street maintenance and repair and that the tax must be reauthorized every four years or the sales tax is repealed.

Discussion: Ord-369

Wayne Hoyt moved to approve Ordinance 369-05, calling for an election to reauthorize the sales and use tax for street maintenance. James Ashburn seconded the motion. For: Unanimous. The motion carried 3-0.

ACTION: Approve Ordinance 369-05

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 369-05, is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2005, TO REAUTHORIZE STREET MAINTENANCE SALES AND USE TAX. SECTION X. EFFECTIVE DATE: That this ordinance shall take effect immediately from and after its passage, as the law in such cases provides

Engross and Enroll: Ordinance 369-05, Election Order

The Town Council considered Ordinance 371-05, an Ordinance of the Town of Bartonville, Texas, amending the Code of Ordinances of the Town of Bartonville, Texas, by amending Chapter 4 of the Code of Ordinances by adding Article 4.400, Providing for the Regulation of Parades and Special Events. Annmarie Moore, Jeanette Walker, Mike Walker and Ray Cook expressed grave concern regarding safety, traffic, property values and the level of noise emanating from the tent revival located at 3216 FM 407. They each expressed concern for use of loud speakers to extent that the music and speakers were creating a noise nuisance on their adjoining and nearby properties. Concern was also expressed for the lack of regulations, allowing persons to gather so near a residential neighborhood without knowledge of the background of the individuals involved. James Ashburn stated that the ordinance before the Council would not only regulate revivals and concerts, it would also regulate horse shows, private parties and any other event involving the use of a tent. The consensus of the Council was to conduct a close review of the new ordinance in a work session to be held prior to the next Council meeting. No action was taken on the adoption of Ordinance 371-05.

Discussion: Ord-371, Special Events

No action taken

No requests were made for future agenda items.

Future Agenda

There being no further business to come before the body, Mayor Robertson declared the meeting adjourned at 8:10 p.m.

ADJOURNMENT

PASSED AND APPROVED this the 20th day of September 2005.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Secretary