

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

The regular monthly meeting of the Bartonville Town Council was held on February 17, 2004, 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 February 13, 2004, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

**Present:** **Absent:**

Ron Robertson, Mayor  
Dave Howell, Mayor Pro Tem  
Ryan Litherland  
Wayne Hoyt  
Carla Anderson  
Barry Gray

Also present: Debbie E. Millican, Town Secretary  
David Dodd, Assistant Town Attorney  
Todd Parton, Town Planner

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. Certain agenda items were marked with a single asterisk were 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.

Dave Howell moved to approve the following consent agenda, as presented:  
A) Approval of the January 20, 2004, regular monthly meeting minutes. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 5-0.

**ACTION: Consent Agenda Approved**

No one chose to speak.

**Citizen Appearances**

The Town Council received reports from Appointed Representatives. No action was taken.

**Appointed Representatives**

Mayor Robertson stated that the Council would delay consideration of the Planning and Zoning Commission's recommendations regarding the Oil and Gas Well Drilling Permit Application and Road Maintenance Agreement by Cortez Operating Company for the Furst Ranch G-1 Well Site after the consideration regarding Ordinance 341-04, an Ordinance Establishing Oil and Gas Pipeline Regulations.

**Agenda Item Delayed**

Ryan Litherland moved to approve the contract for professional engineering services with Teague, Nall and Perkins, Inc. for design of Phase Two Improvements of the 5-year Pavement Maintenance Program to include improvements to Broome Road as well as McMakin Road. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 5-0.

**ACTION: Approve Road Improvement Project**

The Council received a report from Dave Howell regarding warrant service for outstanding traffic citations. Councilmember Howell stated that no formal agreement would be needed in order for Denton County Constable's Office Precinct #4 Deputies to serve warrants issued by the Bartonville Municipal Court. He informed the Council that a letter from the Town would be all that would be necessary for the warrants to be served. No action was taken.

**Discussion: Outstanding Warrants**

Dave Howell moved to approve Ordinance No. 341-04, an ordinance adopting Oil and Gas Pipeline Regulations, as revised to provide for the collection of fees for the extraction of oil and gas. Barry Gray seconded the motion. For: Unanimous. The motion carried 5-0.

**ACTION: Approve Ordinance 341-04**

Ordinance 341-04 is hereby engrossed and enrolled by copying the exact Caption, Penalty Clause and Effective Date into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, ADOPTING OIL AND GAS PIPELINE REGULATIONS FOR THE TOWN OF BARTONVILLE, TEXAS; PROVIDING GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS; PROVIDING FOR NEW PIPELINES; PROVIDING FOR PUBLIC EDUCATION; PROVIDING FOR PIPELINE INFORMATION REPORTING REQUIREMENTS; PROVIDING FOR PIPELINE MARKERS; PROVIDING FOR A ONE CALL SYSTEM; PROVIDING FOR INACTIVE AND IDLED PIPELINES; PROVIDING FOR EMERGENCY RESPONSE PLANS AND EMERGENCY INCIDENT REPORTING; PROVIDING FOR PIPELINE REPAIRS AND MAINTENANCE; PROVIDING FOR NO GRANT OF TOWN EASEMENT; PROVIDING FOR NO ASSUMPTION OF RESPONSIBILITY BY THE TOWN; PROVIDING FOR PROTECTION AND PAINTING OF STRUCTURES; PROVIDING FOR A WAIVER/HOLD HARMLESS AGREEMENT FOR ERECTION, CONSTRUCTION, RECONSTRUCTION OR EXPANSION OF ANY STRUCTURE PERMIT REQUIRED; PROVIDING FEES FOR THE EXTRACTION OF GAS, LIQUID OR SOLIDS; PROVIDING FOR THE COMPUTING OF STREET AND RIGHT-OF-WAY USE FEES; PROVIDING A PENALTY TO NOT EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR BOND AND INSURANCE REQUIREMENTS; PROVIDING DEFINITIONS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN NOT

**Engross and Enroll: Ordinance 341-04, Pipeline Regulations**

IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING SAVINGS; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN AND PROVIDING AN EFFECTIVE DATE. SECTION 3. PENALTY Any person, firm or corporation, violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined, except as otherwise provided herein, a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. SECTION 8. EFFECTIVE DATE This Ordinance shall be in full force and effect upon passage.

Barry Gray moved to approve, as recommended by the Planning and Zoning Commission, the Oil and Gas Well Drilling Permit Application and Road Maintenance Agreement by Cortez Operating Company for the Furst Ranch G-1 Well Location located in the A.M. Feltus Survey, Abstract No. 1595, Denton County, Texas. Carla Anderson seconded the motion. For: Unanimous. The motion carried 5-0.

**ACTION: Approve Furst G-1 Gas Well Drilling Permit**

Ryan Litherland moved to set the "2004 Meet the Candidates Night" for April 27, 2004. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 5-0.

**ACTION: Set Date for Candidates Night**

Wayne Hoyt moved to approve Ordinance 342-04, an Ordinance of the Town of Bartonville, Texas, Amending Ordinance 321-03, Sign Regulations for the Town of Bartonville, Texas, by Amending Section 7, General Regulations, Subsection "M." Political Signs. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 5-0.

**ACTION: Approve Ordinance 342-04**

Ordinance 342-04 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 ORDINANCE 321-03, SIGN REGULATIONS FOR THE TOWN OF BARTONVILLE, TEXAS, BY AMENDING SECTION 7, GENERAL REGULATIONS, SUBSECTION "M." POLITICAL SIGNS; PROVIDING SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENROLLMENT AND ENGROSSMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE. SECTION 7. EFFECTIVE DATE That this ordinance shall take effect immediately from and after its date of passage and publication in the official newspaper of the Town.

**Engross and Enroll: Ordinance 342-04, Amend Sign Regs.**

Carter Ghrist stated that he had arrived late to the meeting and missed the citizen appearance portion of the agenda. He asked that he be allowed to speak to the Council regarding the possibility of gating of the Saddlebrook Subdivision. Mayor Robertson stated that unless there were no objections

**Citizen Appearances**

from Council that Mr. Ghrist be allowed to speak. After thanking the Mayor, Mr. Ghrist stated that in the past year vandalism of bar ditches and landscaping had resulted in more than \$60,000 in repairs. He stated that the Saddlebrook HOA was in the process of compiling cost estimates for gating the subdivision. Mr. Ghrist said he would keep the Council informed as to the progress of the project.

The Town Council considered Ordinance 344-04, an Ordinance Providing for the Licensing and Regulation of Sexually Oriented Businesses in the Incorporated Areas of Bartonville, Texas. Mayor Robertson briefly explained that the Town currently had no regulations regarding sexual oriented businesses and that Ordinance 344-04 would give the Town the authority to regulate and restrict certain sexual oriented activities within Bartonville. Town Attorney, David Dodd, stated that the majority of cities have sexually oriented business regulations and without them, the Town would have no control whatsoever. He further stated that the proposed ordinance was based on the Dallas ordinance that had been recently upheld by the United States Supreme Court. Ruth Dyer stated that after hearing the explanation for the ordinance, she was satisfied that it was a good decision to approve it. Vern Dyer applauded the Council for their efforts to protect the Town and stated that he had received misinformation about the intent of the proposed ordinance. Gracie Egan stated that she was pleased with the ordinance. However, Ms. Egan suggested that, if possible, the ordinance be made even more restrictive.

Dave Howell moved to approve Ordinance 344-04 as presented. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 5-0.

Ordinance 344-04 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF SEXUALLY ORIENTED BUSINESSES IN THE INCORPORATED AREAS OF BARTONVILLE, TEXAS. § 1-120. ENFORCEMENT. (a) Except as provided by Subsection (b) of this section, any person violating § 1-112 of this Ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00 for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs. (b) If the sexually oriented business involved is a nude model studio or sexual encounter center, then violation of § 1-103(a) or § 1-112 of this Ordinance is punishable as a Class A misdemeanor. (c) Except as provided by Subsection (b) of this section, above, any person violating a provision of this Ordinance other than § 1-112, upon conviction, is punishable by a fine not to exceed \$2,000 for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs. § 1-126. TIME OF EFFECT. This Ordinance takes effect at 12:01 a.m. on the day following its adoption.

**Discussion: Sexually Oriented Businesses**

**ACTION: Approve Ordinance 344-04**

**Engross and Enroll: Ordinance 344-04, Sexual Oriented Business Regs.**

The Mayor asked the Councilmembers if they were any items that they wished to see on the next agenda. There were no requests made by Councilmembers. Gracie Eagan asked that the vehicles parked at the Bartonville Store be addressed. Ruth Dyer asked that bar ditch maintenance in the Saddlebrook Addition be addressed.

**Agenda Items**

There being no further business to come before the body, Mayor Robertson declared the meeting adjourned at 7:40 p.m.

**ADJOURNMENT**

**PASSED AND APPROVED this the 16<sup>th</sup> day of March 2004.**

Approved:

-----  
Ron Robertson, Mayor

(Seal)

Attest:

-----  
Debbie E. Millican, Town Secretary