

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

The regular monthly meeting of the Bartonville Town Council was held on January 18, 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. January 14, 2005, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:
Ron Robertson, Mayor
Dave Howell, Mayor Pro Tem
Carla Anderson
Wayne Hoyt
Ryan Litherland
(Vacant Seat)
Also present: Debbie E. Millican, Town Secretary
Karen Nelson, Assistant Town Attorney

Absent:
None

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

Dave Howell moved to approve the following consent agenda as presented:
*A) Approval of Minutes:1) November 16, 2004,Regular Monthly Meeting;
2) December 10, 2004, Special Meeting; *B) Resolutions:1) Resolution 2005-01, Election Order for the May 7, 2005, General Election; 2) Resolution 2005-02, Appreciation of Kristi Gilbert; Deputy Town Secretary;
3) Resolution 2005-03, Appreciation of Gracie Egan, Brazos Electric Substation Protest; 4) Resolution 2005-04, Appreciation of Gloria McDonald, Brazos Electric Substation Protest; 5) Resolution 2005-05, Appointing Mary Plunkett as Court Clerk; 6) Resolution 2005-06, Denying Atmos Energy’s Request for an Interim Rate Adjustment. Carla Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

**ACTION: Approve
Consent Agenda**

No one chose to speak during the Citizen’s Appearance for Non-agenda Items portion of the meeting.

Citizen Input

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

**Appointed
Representatives**

Mr. Spore, of William C. Spore, P.C., Certified Public Accountants, presented the Fiscal Year 2003-2004 Audit. He briefly outlined the new accounting procedures required for municipal audits and presented the final financial statement and audit to the Council. Mr. Spore advised the Council that the Town Secretary should be commended with respect to the management and accounting of the Town funds.

**Presentation of
the FY 03-04 Audit**

Dave Howell moved to accept the Fiscal Year 2003-2004 Audit as presented. Ryan Litherland seconded the motion. The motion carried 4-0.

**ACTION: Approve
the FY 03-04 Audit**

The Council held a public hearing and considered the proposed Re-Plat of Lots 2 & 3 of the Kincade Addition, more commonly known as the site of the Lantana Community Fellowship Church. The stated purpose of the Re-Plat was to combine Lots 2 & 3 the Kincade Subdivision, to create one 10.009 acre tract of land. On a motion by Wayne Hoyt and a second by Carla Anderson, the Council voted unanimously to approve the re-plat of Lots 2 & 3 of the Kincade Addition.

**Public Hearing:
Re-Plat Kincade
Addition**

Mayor Robertson opened the hearing and asked to hear from the applicant. Bobby Dollak of G&A Consultants spoke on behalf of the applicants. Mr. Dollak stated that all requirements had been met and that the Planning and Zoning Commission had recommended approval.

**Hearing Opened &
Applicant**

Mayor Robertson asked to hear staff recommendations. Town Engineer, Jerry Clark, recommended approval.

**Staff
Recommendations**

Mayor Robertson asked to hear from those in favor or in opposition. Tommy Jackson, Chairman of the Building Committee, spoke in favor and asked the re-plat be approved. No one spoke against the re-plat.

In Favor/Opposition

Mayor Robertson closed the hearing to public comment.

Hearing Closed

Wayne Hoyt moved to approve the re-plat of Lots 2 & 3 of the Kincade Addition. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4-0.

**ACTION: Approve
Re-Plat, Kincade**

The Council held a public hearing and considered Ordinance No. 361-05, an ordinance of the Town of Bartonville, Texas, amending Chapter 14 of the Code of Ordinances of the Town of Bartonville, Article 14.300, by repealing Ordinance 214-94, the Zoning Ordinance, as Amended, in its entirety and by Adopting Ordinance 361-05, Town of Bartonville Zoning Regulations, Zoning Map and all appendices thereof.

**Public Hearing:
Ordinance 361-05,
Zoning Ordinance**

Mayor Robertson opened the hearing and asked to hear staff recommendations. Town Planner, Dan Sefko, briefly outlined the provisions of the new regulations. Mr. Sefko stated that the Planning and Zoning Commission had been working on the ordinance for the past six months and after conducting a public hearing on January 5, 2005, the Commissioners recommended approval of the new zoning regulations.

**Hearing Opened &
Staff Report**

Mayor Robertson asked to hear from those in favor or in opposition. Barbara Morgan expressed concern with the fence regulations; Del Knowler read aloud several concerns and suggestions; Lee Lazarus expressed concerns for changing the current ordinance; Susan Randolph complimented the Planning and Zoning Commission and staff on the new ordinance. She read aloud concerns with commercial zoning regulations; Annemarie Moore expressed opposition to planned developments and the sale of live animals in retail districts; Julie Neill read aloud her concerns and asked for clarification on several provisions; Danny Mims voiced concerns for the limitations on arena lighting; Susan Johnson asked questions regarding sexually oriented businesses. *(See Attachment I for the written comments of Del Knowler, Julie Neill, Danny Mims and Susan Randolph)*. Planning and Zoning Commission Vice Chairman, Gloria McDonald stated that she was very pleased to see that people had taken the time to read the ordinance and that many of the suggestions were worthy of looking into. Planning and Zoning Chairman Ralph Arment recommended that the Council send the ordinance back to Planning and Zoning for further review. Mayor Robertson thanked everyone for their comments and the Planning Commission for their hard work and dedication. He recommended that the Council vote to leave the hearing open to allow for a joint meeting with the Planning and Zoning Commission to go over the ordinance.

In Favor/Opposed

Ryan Litherland moved to remand the ordinance back to the Planning and Zoning Commission for clarification/further review and to hold the hearing open until the March Council meeting. Dave Howell seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Continue Public Hearing

The Town Council took a ten minute break and reconvened at 8:37 p.m.

Break

Ryan Litherland moved to direct the Town Attorney to draft an Interlocal Cooperative Agreement with the Bartonville Water Supply Corporation for the installation of Fire Hydrants in the Stonewood Addition area and to authorize the Mayor to execute the agreement on behalf of the Town. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Authorize ICA w/BWSC for Fire Hydrants in Stonewood

Dave Howell moved to approve Ordinance 362-05, an ordinance approving the Settlement Agreement reached between CoServ Gas Ltd., and the Coalition of Cities Served by CoServ and Revised CoServ Gas Ltd., Tariffs. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Ordinance 362-05

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 362-05 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, FINDING THAT THE CURRENT RATES OF COSERV GAS LTD. ARE UNREASONABLE; APPROVING COSERV GAS LTD.'S REVISED AND UNCONTESTED TARIFFS; APPROVING A RATE PHASE-IN;

Engross and Enroll Ordinance 362-05, CoServ Gas Rates

AUTHORIZING CONTINUATION OF DEFERRAL OF CARRYING CHARGES ON PLANT HELD FOR FUTURE USE; RECOGNIZING COSERV'S RIGHT TO SURCHARGE FOR FACILITY RELOCATION REQUIRED BY THE TOWN; SETTING THE EFFECTIVE DATE OF NEW TARIFFS AS FEBRUARY 1, 2005; FINDING CITIES' RATE CASE EXPENSES REASONABLE; SEVERING THE DETERMINATION OF THE REASONABLENESS OF COSERV GAS LTD.'S RATE CASE EXPENSE FROM APPROVAL OF THE REVISED TARIFFS; RETAINING JURISDICTION OVER THE DETERMINATION OF THE REASONABLENESS OF COSERV GAS LTD.'S RATE CASE EXPENSE ISSUE UNTIL MARCH 1, 2005; ADOPTING A BASE RATE CASE MORATORIUM; FINDING THAT ANY RELIEF REQUESTED BY COSERV GAS LTD. NOT SPECIFICALLY GRANTED HEREIN IS DENIED; ADOPTING A MOST FAVORED NATIONS PROVISION; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO COSERV GAS LTD. SECTION 4. That the effective date of the new tariffs is February 1, 2005.

The Council received a cost estimate from the Town Engineer for conducting a traffic study in the Saddlebrook Estates Addition. Dave Howell moved to not commission a traffic study for the Saddlebrook Estates Addition and to direct the Town Secretary to forward the cost estimate for the study onto the Saddlebrook Homeowner's Association. Ryan Litherland seconded the motion. For: Howell, Litherland, and Anderson. Against: Hoyt. The motion carried 3 to 1.

**ACTION: Deny
Traffic Study for
Saddlebrook**

There being no further business to come before the body, Mayor Robertson declared the meeting adjourned at 9:07 p.m.

ADJOURNMENT

PASSED AND APPROVED this the 15th day of February, 2005.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Secretary