

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

The regular monthly meeting of the Bartonville Town Council was held on March 21, 2006, at 7:00 p.m., in the 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 17, 2006, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Dave Howell, Mayor Pro Tem
Carla Anderson
Ryan Litherland
James Ashburn

Absent:

Wayne Hoyt

Also present: Debbie E. Millican, Town Secretary
Gary Vickery, Town Engineer
David Dodd, Assistant Town Attorney

This constituting a quorum, the following business took place:

Mayor Robertson called the meeting to order at 6:30 p.m.

The chambers were cleared as the Council, Town Attorney David Dodd, suspended the open meeting to convene into Executive Session at 6:31 p.m., pursuant to Section 551.087 of the Texas Government Code, the Town Council entered into a closed session to: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; and (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subsection (1).

Executive Session

The Town Council adjourned the Executive Session and resumed the open session of the meeting at 6:59 p.m.

Open Session

The Council took a five minute break and reconvened the meeting at 7:04 p.m.

Break

Mayor Robertson called the regular session to order at 7:04 p.m., and led the recitation of the Pledge of Allegiance to the American Flag.

Call to Order

Ryan Litherland moved to authorize the Mayor to enter into negotiations for a "380 Agreement" and to pursue the annexation of approximately 20.37 acres located near the northeast corner of FM 407, East Jeter Road and McMakin Road. James Ashburn seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Authorize Negotiations

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 items, as presented: *A) Approval of Minutes: February 21, 2006, Regular monthly meeting minutes; *B) Approval of Resolution 2006-06, A Resolution Establishing New Office Hours for Town Hall to allow for closing for lunch. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Consent Agenda

Annemarie Moore expressed concern over a recent article in the Argyle Messenger that quoted Karl Raymond as saying that Argyle was in the process of negotiating cooperative agreements with other cities like Bartonville and Flower Mound for sewer service. Ms. Moore asked if the Town Council was in negotiations with Argyle. Mayor Robertson stated that the first he had heard of any negotiations was when he read the same article. He assured Ms. Moore that no such negotiations had taken place or even been suggested and that he did know who Karl Raymond was. Cal Harberson, a bicyclist, expressed concern with the recent discussions regarding traffic safety with respect to bicyclists. Mr. Harberson stated that bicyclists do run stop signs because at speeds of 15 to 20 mph, they have a better view of upcoming intersections. He stated that he has seen as many or more motorists running stop signs and disobeying traffic laws. Mr. Harberson asked that the Council be even handed with the installation of signs. No one else chose to speak.

Citizen Input

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

Appointed Representatives

James Ashburn moved to approve Resolution 2006-07, A Resolution of Appreciation of and Commendation for the 2005-2006 Argyle High School Girls Varsity Basketball Team. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Resolution 2006-07

Mayor Robertson read the Resolution aloud and presented the resolution to Head Coach Steve Schmidt and congratulated him and the Lady Eagles for their 34-4 season and State Championship Title.

Presentation to AISD Coach Schmidt

The Town Council conducted the second of two public hearings and considered Ordinance 384-06, 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 designation of an approximately 19.998 acre tract of land situated in the N. Alsup Survey, Abstract No. A-3, located within the corporate limits of the Town of Bartonville, Denton County, Texas, described as all that certain tract of land conveyed by deed from Roger Benyon and Dianne Benyon to

PUBLIC HEARING: Zoning Change - 774 West Jeter Road

Jeffrey H. Ehlers and Stacy R. Ehlers Recorded under Clerk’s File Number 02R-0056986, Real Property Records, Denton County, Texas, and being more particularly described in Exhibit “A,” from a zoning designation of "AG"-Agriculture to a zoning designation of "RE-5"- Residential Estates (5 Acres) and by amending the Official Zoning Map to reflect such change.

Mayor Robertson opened the hearing and stated that the request was in conformance with the adopted Land Use Plan and that the Planning and Zoning Commission had recommended approval of the zoning change.

Mayor Robertson asked to hear from the applicant. Stacy Ehlers stated that the purpose of the zoning change was to allow for the sale of her home and the construction of their new home near the back of the property.

Mayor Robertson asked to hear from those that wished to speak in favor of or in opposition to the zoning change. No one chose to speak.

Mayor Robertson closed the hearing to public comment.

Dave Howell moved to approve Ordinance 384-06, as recommended by the Planning and Zoning Commission. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4 to 0.

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 384-06 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 DESIGNATION OF AN APPROXIMATELY 19.998 ACRE TRACT OF LAND SITUATED IN THE N. ALSUP SURVEY, ABSTRACT NO. A-3, LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF BARTONVILLE, DENTON COUNTY, TEXAS, DESCRIBED AS ALL THAT CERTAIN TRACT OF LAND CONVEYED BY DEED FROM ROGER BENYON AND DIANNE BENYON TO JEFFREY H. EHLERS AND STACY R. EHLERS RECORDED UNDER CLERK’S FILE NUMBER 02R-0056986, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A,” FROM A ZONING DESIGNATION OF "AG"-AGRICULTURE TO A ZONING DESIGNATION OF "RE-5"- RESIDENTIAL ESTATES (5 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.

Hearing Opened

Applicant

In Favor/Opposed

Hearing Closed

ACTION: Approve Ord. 384-06

Engross and Enroll: Ordinance 384-06

The Town Council considered approval of a Gas Well Drilling and Operation Permit and Authorization to enter into a Road Maintenance Agreement for the Trowell Lease #1H, a proposed gas well to be located on the north side of West Jeter Road approximately 4200' west of South Gibbons Road. The proposed well site is located on an approximately 19.705 acre tract of land in the N. Alsop Survey, Abt. # 3, Town of Bartonville, Denton County, Texas. The well head site is proposed to be centrally located on the tract of land approximately 1000' north of West Jeter Road. The applicant is Gulftex Operating, Inc. The surface owner of the property is Marvin W. Trowell, et ux. The property is located within the Town limits and is zoned "AG"-Agriculture and is not located within a platted subdivision. Gary Vickery presented the Planning and Zoning Commission's recommendation to approve the Trowell 1H Gas Well Permit with the following stipulations: 1) that the local contact list in the emergency response plan be revised with current information per Town staff; 2) that the emergency response plan to include an audible alarm to be installed per Ordinance 361-05, as amended; and 3) that the revised gas well plat be approved.

Discussion: Trowell Lease #1H

Dave Howell moved to approve the Trowell Lease 1H Gas Well Drilling and Operation Permit as recommended by the Planning and Zoning Commission and authorized the Mayor to execute a road maintenance agreement with the operator as recommended by the Town Engineer. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Trowell Lease #1H

The Council considered the Site Plan, including Architectural Plan, Civil Site Plans and Landscape Plan for the proposed Bartonville Veterinarian Clinic, Lot 1, Block A, of the Acklie Addition, to be located on the southern most lot of the Acklie Addition, otherwise known as 3220 FM 407. The property is zoned RB-Rural Business. The owner of the property is Leo Wehkamp-Tri Star. Town Engineer, Gary Vickery presented staff and P&Z Commission recommendations to approve the revised site plan for the Bartonville Vet Clinic to be located at 3220 FM 407 with the stipulation that the plans reflect "RB" zoning and that it they be labeled "Small Animal Veterinary Clinic.

Discussion: Bartonville Vet Clinic

James Ashburn moved to approve the Bartonville Vet Clinic Site Plan as recommended by the Planning and Zoning Commission. Dave Howell seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Bartonville Vet Clinic

The Council considered Ordinance 387-06, An ordinance of the Town of Bartonville, Texas, declaring a State of Emergency and Prohibiting Outdoor Burning for a thirty (30) day period and providing exceptions. Mayor Robertson stated that the Commissioner's Court had lifted the County wide Burn Ban due to the recent rains and recommended that denial of Ordinance 387-06.

Discussion: Burn Ban

Dave Howell moved to deny approval of Ordinance 387-06. Dave Howell seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Deny Ordinance 387-06

The Council considered traffic enforcement with respect to bicyclists. The Councilmembers discussed safety issues, enforcement of existing traffic laws, contacting local bicycle clubs to ask for cooperation and signs for both motorists and bicyclists. James Ashburn stated that he had not been successful in locating area clubs to obtain cooperation in getting the word out to obey all traffic laws. Dave Howell and Carla Anderson stated that it is an enforcement issue. Dave Howell stated that enforcement would be difficult without a police department patrolling on a regular basis. Ryan Litherland stated that he had no problem with warning signs.

Discussion: Bicycle Traffic Enforcement

Dave Howell moved to authorize signs at the four main entrances to Bartonville on McMakin, Porter, Gibbons and Jeter warning motorists and bicyclists to obey traffic laws. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Traffic Signs

There were no requests for future agenda items.

Future Agenda

There being no further business to come before the body, the Mayor declared the meeting adjourned at 8:00 p.m.

ADJOURNMENT

PASSED AND APPROVED this the 18th day of April 2006.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Secretary