

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

The regular monthly meeting of the Bartonville Town Council was held on March 16, 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 March 12, 2004, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:	Absent:
Ron Robertson, Mayor	Wayne Hoyt
Dave Howell, Mayor Pro Tem	Carla Anderson
Ryan Litherland	
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 Minutes: 1) February 17, 2004, regular monthly meeting minutes 2) March 10, 2004 Joint Work Session with Planning and Zoning Commission; *B) Consideration of entering into an Agreement for Animal Control Services with Brian The Animal Guy, a private contractor, d/b/a/ Brian The Animal Guy Consulting; *C) Consideration of Ordinance 346-04, an Ordinance Declaring All Property to Be Subject to 2004 Ad Valorem Taxation Unless Exempted by Law and Adopting a Value for Age 65 or Older and Disabled Person Exemptions. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 3-0.

ACTION: Consent Agenda Approved

Rose Mead stated that she represented her neighbors on Glenview Lane, who along with her family, were concerned with the impact of the proposed Liberty Christian School Development. She said the primary concerns were regarding increased traffic, road maintenance and vandalism. Ms Mead asked that the Council consider limiting access to the school from Hwy 377 with no access to and from Glenview Lane. She stated that Glenview Lane,

Citizen Appearances

in its current condition and design, could not withstand the additional traffic that a school would produce. No one else chose to speak.

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

**Appointed
Representatives**

The Town Council held a public hearing and considered Planning and Zoning Commission recommendations regarding Ordinance No. 345-04, an Ordinance amending Ordinance No. 214-94, the Comprehensive Zoning Ordinance of the Town of Bartonville, as amended, by changing the zoning classification of approximately 39.969 acres being comprised of Tract 8 of the R. Keith Survey, Abstract No. 1643 and Tract 19 of the Newton Allsup Survey, Abstract No. 3., from a zoning designation of "AG" Agriculture to a zoning designation of "RE-2" Single Family Residential-2 acre lots. The property considered for re-zoning is generally described as a rectangular shaped tract of land having approximately 595 feet of frontage on the South side of Frenchtown Road approximately 950 feet west of Dyer Road in Bartonville, Texas.

**Public Hearing:
Zoning Change
Frenchtown Road**

Mayor Robertson opened the hearing and asked to hear from the applicant. Bobby Dollak of G&A Consultants stated that he represented the applicants, Peter and Janice Walling. He stated that the request was in keeping with the recently adopted Land Use Plan and the surrounding land uses.

Hearing Opened

Mayor Robertson asked to hear staff recommendations regarding the request. Town Planner Todd Parton described the surrounding area and stated that the request was in compliance with the adopted Land Use Plan for the Town. Mr. Parton informed the Council of the Planning and Zoning Commission's recommendation to approve the zoning change.

**Staff
Recommendations**

Mayor Robertson asked to hear from those in Favor or Opposition to the request. No one spoke in favor of the zoning change. Dennis Clark of 923 Frenchtown stated that he lived in Argyle, across the street from the subject property and that he was opposed to the zoning change. Mr. Clark stated that the Argyle Land Use Plan called for a more rural area comprised of larger acreage. He said the proposed density was not in keeping with the surrounding area and that an island of dense housing would be created in a rural horse country area. Mr. Clark further stated that there were drainage concerns in the area that would be compounded by such a dense zoning district. He suggested five acre minimums as a more appropriate density. Rita Strange of 995 Dyer Road stated that she was also opposed to the zoning change. Ms. Strange stated that the Land Use Plan was to be used as a guide not as an absolute. Joanie Portz of 1015 Dyer Road stated that she was also in opposition. Ms. Portz said that the long and narrow configuration of the property made it not suitable for two acre lot development.

**Those in Favor and
Opposed**

Mayor Robertson asked if the applicant had a rebuttal statement. Mr. Dollak stated that the land use in the developed areas such as Dyer Road was already as dense as the proposed RE-2 zoning designation and was identified as RE-2 on the adopted Land Use Plan. He said that the lots would not all be two acre lots. He explained that they would range in size up to almost four acres. Mr. Dollak stated that the applicants owned a larger tract of land to the south and had no problem with the five acre tracts as indicated in the Land Use Plan for that property.

Rebuttal

The Mayor closed the hearing to public comment.

Hearing Closed

In response to a question from Councilmember Barry Gray, each of the opposition speakers indicated where they lived in relationship to the proposed zoning change. Councilmember Ryan Litherland stated that he would be more comfortable making a decision with the whole Council present and after receiving more information. He said that he had not had time enough time to review the application. Mayor Robertson stated that the P&Z Commission and the Council, along with much community input, had worked on the Land Use Plan for nine months.

Discussion

Mayor Robertson called for an Executive Session to consult with the Town Attorney. The Town Council suspended the open meeting to convene into Executive Session at 7:35 p.m. pursuant to Texas Government Code Annotated Statutes, Subchapter 551, Section 551.071, to consult with the Town Attorney.

Executive Session

The Town Council adjourned the Executive Session and resumed the open session of the meeting at 7:42 p.m. Town Attorney, David Dodd, stated that in order to approve the request, three affirmatives votes would be necessary. He further advised that to deny the request, health and safety issues must be cited.

Open Session

Dave Howell moved to approve Ordinance 345-04, as presented and recommended by the Planning and Zoning Commission. Barry Gray seconded the motion. For: Unanimous. The motion carried 3-0.

ACTION: Approve Ordinance 345-04

Ordinance 345-04 is hereby engrossed and enrolled by copying the exact Caption and Effective Date into these official minutes as follows: AN ORDINANCE AMENDING ORDINANCE NO. 214-94, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF BARTONVILLE, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 39.969 ACRES BEING COMPRISED OF TRACT 8 OF THE R. KEITH SURVEY, ABSTRACT NO. 1643 AND TRACT 19 OF THE NEWTON ALLSUP SURVEY, ABSTRACT NO. 3 LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF BARTONVILLE, DENTON COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED

Engross and Enroll: Ordinance 345-04, Zoning Change Frenchtown Road

HERETO, FROM A ZONING DESIGNATION OF "AG" AGRICULTURE TO A ZONING DESIGNATION OF "RE-2" SINGLE FAMILY RESIDENTIAL-2 ACRE LOTS, 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.

The Town Council held a public hearing and considered Planning and Zoning Commission recommendations regarding Ordinance 343-04, an amending Ordinance 214-94, as amended, the Comprehensive Zoning Ordinance by amending Article 21, Oil and Gas Well Drilling and Production Regulations.

Mayor Robertson opened the hearing and asked to hear from the applicant.

Town Planner Todd Parton briefly reviewed the Ordinance and stated that the Town had initiated the amendments to the Oil and Gas Regulations. He further stated that the Planning and Zoning Commission recommended approval.

The Mayor asked to hear from those in Favor or in Opposition. No one chose to speak.

Barry Gray moved to approve Ordinance 343-04, as presented and recommended by the Planning and Zoning Commission. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 3-0.

Ordinance 343-04 is hereby engrossed and enrolled by copying the exact Caption, Penalty Clause and Effective Date into these official minutes as follows: AN ORDINANCE AMENDING ORDINANCE 214-94, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE BY ARTICLE 21, OIL AND GAS WELL DRILLING AND PRODUCTION REGULATIONS; PROVIDING FOR PURPOSE; PROVIDING DEFINITIONS; PROHIBITING EXPLORATION AND PRODUCTION IN CERTAIN ZONING DISTRICTS; PROVIDING FOR OIL AND GAS WELL DRILLING AND PRODUCTION "BY RIGHT"; PROVIDING FOR OIL AND GAS WELL DRILLING AND PRODUCTION BY SPECIFIC USE PERMIT, APPLICATION AND REQUIREMENTS; PROVIDING STANDARDS FOR OIL AND GAS WELL DRILLING AND PRODUCTION; REQUIRING OIL AND GAS PERMITS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR SECURITY; PROVIDING FOR REVIEW OF APPLICATIONS FOR OIL

**Public Hearing:
Ordinance 343-04,
Amending Oil/Gas
Regulations**

Hearing Opened

Staff

**Those In Favor and
Opposed**

**ACTION: Approve
Ordinance 343-04**

**Engross and Enroll:
Ordinance 343-04,
Amendments to Oil
and Gas Regulations**

AND GAS PERMITS; PROVIDING FOR PERIODIC REPORTS; PROVIDING FOR NOTICE OF ACTIVITIES; PROVIDING FOR AMENDED OIL AND GAS PERMITS; PROVIDING FOR TRANSFER OF OIL AND GAS PERMITS; PROVIDING REMEDIES FOR THE TOWN; PROVIDING FOR ENFORCEMENT AND RIGHT OF ENTRY; PROVIDING FOR A PENALTY IN THAT ANY VIOLATION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000) PER DAY, SUBJECT TO THE APPLICABLE STATE LAW AND EACH DAY A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN OF BARTONVILLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN AND PROVIDING AN EFFECTIVE DATE. Sec. 21.18 Penalty: (a) It shall be unlawful and an offense for any person to do the following: (1) engage in any activity not permitted by the terms of an Oil/Gas Well Permit issued under this Ordinance; (2) fail to comply with any conditions set forth in an Oil/Gas Well Permit issued under this Ordinance; or (3) violate any provision or requirement set forth under this Ordinance. (b) Any violation of this Ordinance shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) per day, subject to applicable State law. Each day a violation occurs constitutes a separate violation. SECTION 9. (EFFECTIVE DATE) This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

Ryan Litherland moved to approve, as recommended by the Planning and Zoning Commission, the Oil and Gas Well Drilling Permit application by Cortez Operating Company for the Furst Ranch G-2 Well Location located in the A.M. Feltus Survey, Abstract No. 1595, Denton County, Texas. Dave Howell seconded the motion. For: Unanimous. The motion carried 3-0.

**ACTION: Approve
G-2 Gas Well Permit**

Barry Gray moved to approve, as recommended by the Planning and Zoning Commission, the Development Plat Application for the Furst Ranch "I-1" Well Site Location, situated in the I.N. Denson Survey, Abstract No. 359 and the P. Wiles Survey, Abstract No. 1339, Denton County, Texas. Dave Howell seconded the motion. For: Unanimous. The motion carried 3-0.

**ACTION: Approve
I-1 Gas Well Plat**

The Town Council discussed financing options for the refinancing of current debt and for future capital improvements. Leon Johnson of Southwest Securities presented information to the Council regarding current rates and the resultant savings achieved by refinancing the Town's current 1997 Series General Obligation Bonds. Mr. Johnson stated that by taking advantage of the low interest rates now available, the Town could save up to \$141,642 over the life of the debt.

**Discussion: Bond
Refinancing**

Dave Howell moved to authorize Southwest Securities to pursue refinancing and reducing the number of years for repayment of the Town of Bartonville 1997 Series General Obligation Bonds. Barry Gray seconded the motion. For: Unanimous. The motion carried 3-0.

ACTION: Authorize Financing Options

Bond Counsel, Dave Petruska of Andrews and Kurth, L.L.P., briefly presented information regarding options for financing the acquisition of land and/or facilities and the issuance of Tax Notes. No action was taken.

Discussion: Tax Notes

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 April 2004.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Secretary