

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

The regular monthly meeting of the Bartonville Town Council was held on September 21, 2010, at 7:00 p.m., in the Council Chambers of 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 Friday, September 17, 2010, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Carla Anderson, Mayor Pro Tem
James Ashburn
Bill Reaves (7:23pm)
Jim Farrell
Gracie Egan

Absent:

None

Also present: Debbie E. Millican, Town Administrator
Dave Howell, Chief of Police
Kristi Gilbert, Town Secretary
Bob Hager, Town Attorney
Gary Vickery, Town Engineer

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

Councilmember Egan asked that the August 17, 2010, minutes be discussed and considered separate from the consent agenda. Councilmember Ashburn made a motion to approve the consent agenda as presented, save and except the August 17, 2010, Regular Monthly Meeting Minutes. Mayor Pro Tem, Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

**ACTION:
Approve Consent**

Councilmember Egan identified a typographical error in the August 17, 2010, minutes and moved to approve the minutes as corrected. Councilmember Ferrell seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

**ACTION: Approve
Minutes**

Mayor Pro Tem, Carla Anderson reported on the status of the Old Town Bartonville Entrance Project and Chief of Police, Dave Howell briefed the Council on Department Statistics for August 2010. No action was called for or taken.

Reports

No one chose to speak.

Citizens' Speak

The Town Council considered a variance to the sign regulations requested by Denmiss, L.L.C. for a variance to Section 3.405(B)(3) to allow the installation of a lighted, perpendicular sign mounted vertically to the building façade with a size not to exceed three (3) feet wide and seven (7) feet high. Town Administrator Debbie Millican stated that after the agenda was posted, the applicant called to withdraw the variance request.

Discussion: Sign Variance

Annemarie Moore stated that this was not the first time that the Bartonville Town Center had asked for variances. She stated further, that the majority of the people in Bartonville did not want large lighted signs. No action taken.

ACTION: None Taken, Variance

Councilmembers conducted a public hearing and considered Ordinance 504-10, an ordinance of the Town of Bartonville, Texas, amending the Code of Ordinances by amending Chapter 14, Zoning, Exhibit "A," Zoning Ordinance, amending Chapter 2, Section 2.2., Definitions, to provide for the definition of "Sport Court, Private" (176a); amending Section 20.3, Fences in Residential Districts, to provide for the fencing of private sport courts.

PUBLIC HEARING: Ord 504-10

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

Hearing Opened

Karrie Sasich of 1112 Triple Crown Court stated that she had requested a text amendment to provide for ten foot (10') fences. Ms. Sasich said the United States Tennis Association requires fences to be no less than ten feet in height and in most cases twelve feet is more appropriate. She stated further that considering that basketball goals are set at ten (10) feet, having a taller fence made sense.

Applicant

Mayor Robertson asked to hear from those in favor and those opposed to the new regulations. No one chose to speak.

In Favor/Opposed

Mayor Robertson closed the hearing to public comment.

Hearing Closed

The Mayor directed the Councilmembers to the Planning and Zoning's recommendation to approve the request.

Councilmember Egan recommended approval of fencing that graduates from ten feet to a maximum of twelve feet. Mayor Pro Tem recused herself from the deliberations, stating that she lives within 200' of the applicant's proposed tennis court.

Discussion

Councilmember Ashburn moved to approve proposed Ordinance 504-10, as amended to provide for a definition of Sport Court, Private and to provide for fencing that graduates from ten feet to a maximum of twelve feet. Councilmember Ferrell seconded the motion. For: Ashburn, Egan and Ferrell. Against: None. Abstain: Anderson. The motion carried by a vote of 3-0-1.

ACTION: Approve Ord 504-10

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 504-10, is hereby engrossed and enrolled by copying the exact Caption and the

Engross/Enroll Ord 504-10

Effective Date Clause into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, AMENDING CHAPTER 2, SECTION 2.2., DEFINITIONS, TO PROVIDE FOR THE DEFINITION OF "SPORT COURT, PRIVATE" (176A); AMENDING SECTION 20.3 FENCES IN RESIDENTIAL DISTRICTS TO PROVIDE FOR THE FENCING OF PRIVATE SPORT COURTS; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE. SECTION 7. EFFECTIVE DATE. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

Councilmembers conducted a public hearing to hear comment and consider Ordinance 505-10, an ordinance of the Town of Bartonville, Texas, amending Town of Bartonville Code of Ordinances, Chapter 14, Article 14.300, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, by granting a conditional use permit to allow an elevated water tank and related facilities on a tract of land of approximately 4.735 acres known as Lot 1, Block A of the Bartonville water supply addition. Councilmember Egan recused herself from the deliberations, citing that she was a BWSC Board Member.

**PUBLIC
HEARING
BWSC CUP for
Water Tower**

Mayor Robertson opened the hearing to public comment and asked to hear staff recommendations. Town Secretary Kristi Gilbert stated that the Planning and Zoning Commission had conducted a public hearing on September 1, and had continued consideration for further study and review.

Hearing Opened

Mayor Robertson asked to hear from the applicant. The applicant was not in attendance.

Applicant

Councilmember Reaves arrived to the meeting at 7:23 p.m.

Reaves Arrives

Mayor Robertson asked to hear from those in favor and those opposed. Kathy Bradham, Richard Armey, Susan Armey and Stewart Welch spoke in opposition and expressed the following concerns: the proposed 155' water tower was not necessary for gravity flow; there was no immediate need or emergency for an additional well and storage; a decrease in property values; was assured by BWSC that only ground storage tanks would be located on the land; an elevated tank would detract from the rural atmosphere and give a look and feel of Plano or Frisco; all of the computer generated photos submitted in the application depicted views from Lantana and did not reflect the altered view from within the immediate and most affected area. No one else chose to speak.

In Favor/Opposed

Mayor Robertson stated that without a recommendation from the Planning and Zoning Commission, the Council could not take action to approve or deny the

Hearing Continued

request. He continued the public hearing until the next regular monthly meeting of the Council.

In response to a question by Mayor Robertson, the Town Engineer Gary Vickery stated that an engineering review to determine the necessity of an additional elevated storage facility would cost an estimated \$2,000. Councilmember Ashburn and Mayor Pro Tem Anderson stated that they would support obtaining an engineering review. Mayor Robertson directed the Town Administrator to arrange for the review. In response to a question from the Mayor, the Town Attorney stated that the BWSC's powers of eminent domain limited the Town's authority to oppose the proposed tank. No action was taken.

**Discussion
No Action Taken**

Mayor Robertson stated that the Planning and Zoning Commission had continued the public hearing and consideration of Ordinance 506-10, an ordinance amending the Oil and Gas Drilling and Production regulations. The Mayor continued the public hearing until the next regular monthly meeting. No action was taken.

**Ord 506-10
Hearing Continued**

The Town Council considered appropriate action regarding Ordinance 499-10, an ordinance approving and adopting the Town of Bartonville Budget for Fiscal Year 2010-2011. Mayor Robertson presented the budget and stated that a public hearing had been held on August 17, 2010.

**FY 2010-2011
Budget**

Mayor Pro Tem Anderson moved to approve Ordinance 499-10, an ordinance approving and adopting the Town of Bartonville Budget for Fiscal Year 2010-2011, dated July 27, 2010. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Approve
FY 2010-2011
Budget**

Mayor Pro Tem Anderson moved to ratify the adoption of the Fiscal Year 2010-2011 Budget and acknowledged that it raises taxes by \$1,756.00 a .0069% increase, and of that amount, \$1,756 is tax revenue to be raised from new property added to the tax roll this year. Councilmember Ashburn seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Ratify
Adoption of
Budget**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 499-10, is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 2010-2011; APPROPRIATING AMOUNTS TO THE INDIVIDUAL LINE ITEMS OF THE GENERAL FUND, STREET IMPROVEMENT FUND, WASTEWATER FUND, DEBT SERVICE FUND AND CAPITAL IMPROVEMENT FUND IN ACCORDANCE WITH SAID BUDGET; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE. SECTION 9. EFFECTIVE DATE This Ordinance shall be in full force and effect from and after its date of passage.

**Engross/Enroll:
Ord 499-10**

Councilmember Anderson moved to approve Ordinance 500-10, an Ordinance accepting the 2010 Certified Tax Roll for the Town of Bartonville; approving the 2010 Ad Valorem Property Tax Rate and Levy of \$0.12166 Per \$100.00 Valuation for Maintenance and Operation of the Town and a Levy of \$0.07128 per \$100.00 Valuation for the repayment of debt for a total Ad Valorem Property Tax Rate of \$0.19294 per \$100.00 Valuation. Councilmember Ferrell seconded the motion. Mayor Robertson polled the Councilmembers individually for their vote. Mayor Pro Tem Anderson voted in favor. Councilmember Reaves voted in favor. Councilmember Ashburn voted in favor. Councilmember Egan voted in favor. Councilmember Ferrell voted in favor. There were no votes against passage of Ordinance 500-10 and the 2010 tax rate. The motion carried by a vote of 5 to 0.

**ACTION: Record
Vote – Tax Rate
Approved**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 500-10, is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: AN ORDINANCE ACCEPTING THE 2010 CERTIFIED TAX ROLL FOR THE TOWN OF BARTONVILLE; APPROVING THE 2010 AD VALOREM PROPERTY TAX RATE AND LEVY OF \$0.19294 PER \$100.00 VALUATION; PROVIDING FOR A DUE DATE AND DELINQUENCY DATE FOR THE PAYMENT OF PROPERTY TAXES; PROVIDING FOR THE COLLECTION AND USE OF PENALTY AND INTEREST ON DELINQUENT TAXES; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS AND COLLECT AD VALOREM PROPERTY TAXES IN ACCORDANCE WITH THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE. SECTION 11. EFFECTIVE DATE This Ordinance shall be in full force and effect from and after its date of passage.

**Engross/Enroll:
Ordinance 500-10,
Tax Rate Levy**

The Council considered appropriate action regarding the Town’s Extraterritorial Jurisdiction (ETJ) adjacent to the southernmost Town limits and the west side of Porter Road. Mayor Robertson presented a brief history of the events surrounding the release of 167+ acres from Bartonville’s ETJ.

**Discussion Re:
Southern ETJ**

Dave Carlton stated that he had lived on 20+ acres on Porter Road just south of the Bartonville town limits for forty-one years. He stated he would prefer to not be annexed but realized that he may not get to stay in County. He expressed concern for being able to hunt on his land in the event that he was annexed.

Dave Carlton

Michael Ayers stated that he and several others had worked hard to collect a majority of the registered voters annexation votes. He asked that the 167+ be annexed as soon as possible and thanked the town for giving them the opportunity to be annexed into Bartonville.

Mike Ayers

Annemarie Moore stated that when she was the Town Secretary, the Town had tried to persuade the residents south of the Town limits to be annexed. She stated

Annemarie Moore

that she was in favor of closing the boundaries between adjacent towns. Ms. Moore urged the Council to approve the Resolution for annexation and eliminate the ETJ.

Pat Hall stated that he lived on Bridle Bit and asked that the residents in his neighborhood be granted 90 days to get 100% of the residents to agree to an annexation agreement.

Pat Hall

Councilmember Ashburn moved to approve Ordinance 502-10, an ordinance repealing Ordinance 497-10, an ordinance disannexing and relinquishing approximately 167 + acres of real property located within the Town's Extraterritorial Jurisdiction adjacent to the southernmost Town limits and the west side of Porter Road; Resolution 2010-20, a resolution of the Town Council accepting the Certificate of the Mayor of the Town of Bartonville, certifying the affidavit testifying that at least fifty one percent (51%) of the qualified voters of approximately 167+ acres within such extraterritorial jurisdiction have voted in favor of annexing into the Town of Bartonville; initiating annexation proceedings; and providing for establishment of an inventory of services and service plan for such area to be annexed. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Approve
Ord 502-10 &
Resolution 2010-20**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 502-10, 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 COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, REPEALING ORDINANCE NO.497-10, WHICH PROVIDED FOR THE DISANNEXATION AND RELINQUISHMENT OF 167+ACRES OF REAL PROPERTY LOCATED IN ITS EXTRATERRITORIAL JURISDICTION AS DEPICTED ON EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, AND DECLARING TOWN BOUNDARIES DEPICTED ON EXHIBIT A FOR THE TOWN OF BARTONVILLE AND ITS EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EFFECTIVE DATE. SECTION 3. EFFECTIVE DATE: This Ordinance shall be in full force and effect upon passage as provided by law.

**Engross/Enroll
Ord 502-10**

Councilmember Ashburn moved to approve Resolution 2010-21, a resolution setting a date, time and place for a public hearing on the proposed voluntary annexation of land (R156158) located in the southern portion of the Town's extraterritorial jurisdiction, adjacent and contiguous to the Town's corporate limits, and authorizing and directing the Mayor to publish notice of such public hearing and Ordinance. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Approve
Resolution 2010-21**

No action was taken on the adoption of Ordinance 503-10, an ordinance releasing all or part of the Town's extraterritorial jurisdiction, generally located south of the corporate limits of Bartonville, north of the corporate limits of the Town of Flower Mound, west of Porter Road, and east of the Tour 18 development in Flower Mound.

**No Action:
Ord 503-10**

There were no requests for future agenda items.

Agenda Items

There being no further business to come before the Council, Mayor Robertson declared the meeting adjourned at 8:14 p.m.

Adjournment

APPROVED this the 19th day of October 2010.

Approved:

(Seal)

Ron Robertson, Mayor
Attest:

Debbie E. Millican, Town Administrator