

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

The regular monthly meeting of the Bartonville Town Council was held on December 14, 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, December 10, 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
Jim Farrell
Gracie Egan

Absent:

None

Also present: Debbie E. Millican, Town Administrator
Bob Hager, Town Attorney
Gary Vickery, Town Engineer
Brownie Browning, Police Officer

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 Ashburn moved to approve the following consent agenda item as presented:
*A) Approval of the minutes: 1) November 11, 2010, Special Called Meeting, 2) November 16, 2010, Regular Monthly Meeting, 3) November 30, 2010, Special Called Meeting; *B) Approval and final acceptance of improvements for the 2010 Street Reconstruction Project; *C) Approval of Resolution 2010-23, Opposing Legislative Curtailment of Municipal Regulatory Authority Over Mineral Production, Exploration and Development Within Its Corporate Limits. Councilmember Ferrell seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION:
Approve Consent
Agenda**

There were no reports given.

Liaison Reports

No one chose to speak.

Citizens' Speak

Councilmembers considered Ordinance 509-10, an ordinance annexing approximately 167+ acres located south of Rockgate Road and west of Porter Road near Hawk Road to enlarge and extend the boundary limits of the Town of Bartonville. Public Hearings were held on November 16 and November 30, 2010.

**Discussion: Ord.
509-10, Annexation**

Mayor Robertson presented Ordinance 509-10, and stated that he wanted to clear up the rumor that the new residents would have to pay \$2,000 a year in Bartonville taxes. He said that the taxes on a \$100,000 home would only be \$192.94 per year. Sean Patterson of 1331 Bridle Bit Road stated that he was in favor of being annexed into Bartonville. Nancy Wilton of 1361 Bridle Bit suggested that the Council annex those that wanted to be annexed and enter into annexation agreements with those that wanted to remain in the ETJ. Caleb Chawonski stated that he was against being annexed and having to pay Bartonville taxes. Councilmember Reaves stated that the annexation was not about tax revenues.

Councilmember Ashburn moved to approve Ordinance 509-10, annexing approximately 167 acres and to approve the service plan for the area. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION: Approve Ordinance 509-10

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 509-10, is hereby engrossed and enrolled by copying the exact Caption and the Effective Date Clause into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 167 ACRES OF LAND SITUATED IN THE TALL OAKS ADDITION AS FILED IN THE PLAT RECORDS OF DENTON COUNTY; THE LAZY B ADDITION AS FILED IN THE PLAT RECORDS OF DENTON COUNTY; TRACTS 4 THRU 18; TRACT 20; TRACT 20A; TRACT 21; TRACTS 23 THRU 51 AND TRACT 53 OF THE M.E.P. & P.R.R. SURVEY, ABSTRACT 928; DENTON COUNTY, TEXAS, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, TO THE TOWN OF BARTONVILLE, TEXAS; PROVIDING FOR AN ANNEXATION SERVICE PLAN AND THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF BARTONVILLE, TEXAS TO INCLUDE THE ANNEXED TRACT; PROVIDING FOR THE AMENDMENT OF ORDINANCE 361-05; THE COMPREHENSIVE ZONING ORDINANCE FOR THE TOWN OF BARTONVILLE, AS AMENDED, BY DESIGNATING THE ZONING CLASSIFICATION OF SAID ANNEXED TRACT OF LAND AS "RE-2"- RESIDENTIAL ESTATES (2 ACRES); PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN AND PROVIDING AN EFFECTIVE DATE. SECTION 12. EFFECTIVE DATE: This Ordinance shall be in full force and effect immediately upon passage.

Engross/Enroll: Ordinance 509-10, Annexation of 167+ acres

Exhibit "A"

R #	Description	R #	Description
36871	A0928a Mep & Prr, Tr 27, 1.5 Ac	241673	A0928a Mep & Prr, Tr 18a, 2.07 Ac
36789	A0928a Mep & Prr, Tr 16, 2.47 Ac	224400	A0928a Mep & Prr, Tr 16a, 2.47 Ac
36806	A0928a Mep & Prr, Tr 41, 2.28 Ac	36787	A0928a Mep & Prr, Tr 10, 3.0 Ac
36790	A0928a Mep & Prr, Tr 14, 2.47 Ac	242020	Lazy B Addition Block A, Lot 1, 3.5 Ac
36783	A0928a Mep & Prr, Tr 23, 1.0 Ac	231650	A0928a Mep & Prr, Tr 20a, 5.0 Ac
37279	A0928a Mep & Prr, Tr 21, 20.794 Ac	100836	A0928a Mep & Prr, Tr 38, 2.0 Ac
36801	A0928a Mep & Prr, Tr 9, 4.94 Ac	36856	A0928a Mep & Prr, Tr 33a & 34, 2.217 Ac

36807	A0928a Mep & Prr, Tr 33, 2.067 Ac	36791	A0928a Mep & Prr, Tr 15, 2.47 Acr
99928	A0928a Mep & Prr, Tr 25, .016 Ac	36798	A0928a Mep & Prr, Tr 18, 1.615 Acr
121924	A0928a Mep & Prr, Tr 24, 5.139 Ac	98740	A0928a Mep & Prr, Tr 53(outside City), 4.18 Ac
98843	A0928a Mep & Prr, Tr 50, 2.0 Ac	209155	A0928a Mep & Prr, Tr 53(in City), 2.82 Ac
99539	A0928a Mep & Prr, Tr 28, 2.0 Ac	82780	A0928a Mep & Prr, Tr 39, 2.0 Ac
179408	A0928a Mep & Prr, Tr 29(e Pt), 1.0 Ac	36874	A0928a Mep & Prr, Tr 45, 2.0878 Ac
36868	A0928a Mep & Prr, Tr 40, 2.292 Ac	36859	A0928a Mep & Prr, Tr 44, 2.094 Ac
36878	A0928a Mep & Prr, Tr 46, 2.0 Acres	98845	A0928a Mep & Prr, Tr 43, 2.5 Ac
98835	A0928a Mep & Prr, Tr 47, .5 Ac	164917	A0928a Mep & Prr, Tr 42a, .5028 Ac
98840	A0928a Mep & Prr, Tr 48, 1.5 Ac	98841	A0928a Mep & Prr, Tr 49, 2.0 Ac
100834	A0928a Mep & Prr, Tr 37, .4494 Ac	36800	A0928a Mep & Prr, Tr 4,5,6, 11.32 Ac
281365	Tall Oaks Addn Blk 1 Lot 2, 2.26 Ac	36776	A0928a Mep & Prr, Tr 8, 2.433 Ac
111338	Tall Oaks Addn Blk 1 Lot 1, 1.713 ac	36862	A0928a Mep & Prr, Tr 29(w Pt), 1.0 Ac
36775	A0928a Mep & Prr, Tr 7, 2.47 Ac	36866	A0928a Mep & Prr, Tr 30, 1.0 Ac
98844	A0928a Mep & Prr, Tr 51, 2.0 Ac	99139	A0928a Mep & Prr, Tr 26, 11.198 Ac
36876	A0928a Mep & Prr, Tr 31, 3.0 Ac	36774	A0928a Mep & Prr, Tr 13, 4.94 Ac
36881	A0928a Mep & Prr, Tr 32, 2.0 Ac	36854	A0928a Mep & Prr, Tr 42, 2.0 Ac
36786	A0928a Mep & Prr, Tr 12, 5.0 Ac	100835	A0928a Mep & Prr, Tr 35, 4.2079 Ac
36788	A0928a Mep & Prr, Tr 11, 2.0 Ac	101857	A0928a Mep & Prr, Tr 36, 1.7853 Ac
36799	A0928a Mep & Prr, Tr 17, 9.88 Ac	36777	A0928a Mep & Prr, Tr 20, 3.733 Ac

The Town Council considered appropriate action relative to a request by Gulftex Operating, Inc., to amend the gas well development plat for the Frenchtown pad site to add a compressor. Susan Knoll of 104 Burghley Court stated that the Town may not be able to stop fracing, but could prohibit the use of chemicals. Jean Underwood of 841 Badminton stated that David York of Gulftex Operating had assured her that there would not be a compressor on the Frenchtown site and expressed concern for excessive noise. Jerah Hutchinson of Gulftex Operating stated that if the compressor exceeds the maximum allowable noise level then it will be shut down. She said they are using a low horsepower compressor with adequate muffling to meet the noise standards.

Discussion:
Frenchtown Well Amended Plat

Councilmember Reaves moved to approve the amended gas well development plat as recommended by the Planning and Zoning Commission. Mayor Pro Tem Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION: Approve Amended Plat

The Town Council considered appropriate action relative to a request by Gulftex Operating, Inc for a Fracing Permit for the Frenchtown 2H gas well. Zoe Nance of 890 Noble Champions Way expressed concern for water contamination and presented information on Barnett Shale water well contamination cases. Jerah Hutchins of Gulftex Operating discussed the chemicals used in the fracing process and stated that because the chemicals were so diluted and were injected so far below the water table, there should be little concern. Councilmember Ashburn shared some his research on the toxicity of the chemicals used to frac a well.

Discussion:
Frenchtown Fracing Permit

Mayor Pro Tem Anderson moved to continue action on the Frenchtown Fracing permit until the next Council meeting. Councilmember Egan seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION:
Continued to Next Meeting

The Town Council considered Ordinance 506-10, an ordinance amending the Town of Bartonville Code of Ordinances, Article 14.300, Comprehensive Zoning Ordinance, Exhibit A,” Chapter 30, Section 30.3, Oil and Gas Drilling and Production.

**Discussion:
Ordinance 506-10**

Mayor Pro Tem Anderson moved to send the ordinance back to the Planning and Zoning Commission for further review. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: P&Z for
Further Review**

The Town Council considered appropriate action relative to Ordinance 508-10, an Ordinance amending Town of Bartonville Code of Ordinances, by Repealing Chapter 3, Article 3.400, Sign Regulations, Section 3.404, General Regulations, Subsection 3.404(K-W) in its Entirety, to renumber and provide for new regulations for Overhead Ranch Identification Signs and Monument Ranch Identification Signs, and by amending Section 3.405(a)(4), Center Identification Monument Signs to provide for an increase in the size of signs with a Conditional Use Permit. Councilmember Reaves expressed concerns for limiting Ranch Identification signs to lots of 10 acres or more. Councilmember Ashburn expressed concern with adding additional regulations to the current ordinance.

**Discussion:
Amendments to
Sign Regulations**

Councilmember Egan moved to approve Ordinance 508-10, as presented. Councilmember Ferrell seconded the motion. For: Egan, Ferrell and Anderson. Against: Ashburn and Reaves. The motion carried by a vote of 3 to 2.

**ACTION: Approve
Ordinance 508-10**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 508-10, is hereby engrossed and enrolled by copying the exact Caption and the Effective Date Clause into these official minutes as follows: AN ORDINANCE AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, BY REPEALING CHAPTER 3, ARTICLE 3.400, SIGN REGULATIONS, SECTION 3.404, GENERAL REGULATIONS, SUBSECTION 3.404(k-w) IN ITS ENTIRETY, TO RENUMBER AND PROVIDE FOR NEW REGULATIONS FOR OVERHEAD RANCH IDENTIFICATION SIGNS AND MONUMENT RANCH IDENTIFICATION SIGNS, BY AMENDING SECTION 3.405(a)(4), CENTER IDENTIFICATION MONUMENT SIGNS TO PROVIDE FOR AN INCREASE IN THE SIZE OF ALLOWABLE SIGNS WITH A CONDITINAL USE PERMIT; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR SAVINGS; 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.

**Engross/Enroll:
Ordinance 508-10,
Amendments to
Sign Regulations**

Pursuant to Section 551.071 of the Texas Government Code the Town Council entered into a closed session at 8:10 p.m., regarding pending litigation: Cause No. 2010-30336-211; Mockingbird Pipeline, L.P. vs the Town of Flower Mound and the Town of Bartonville, pending in the 211th Judicial District Court, Denton County, Texas.

Executive Session

The Town Council adjourned the Executive Session and resumed the open session of the meeting at 8:23 p.m.

Open Session

No action was taken regarding the Executive Session.

No action

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 8:24 p.m.

Adjournment

APPROVED this the 18th day of January 2011.

Approved:

(Seal)

Ron Robertson, Mayor

Attest:

Debbie E. Millican, Town Administrator