

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

The regular monthly meeting of the Bartonville Town Council was held on February 17, 2009, 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, February 13, 2009, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Bill Reaves
Wayne Hoyt
Ryan Litherland

Absent:

Carla Anderson, Mayor Pro Tem
James Ashburn

Also present: Dave Howell, Chief of Police
Debbie E. Millican, Town Administrator

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

Councilmember Litherland moved to approve the following consent agenda, as presented: *A) Approval of Minutes: January 20, Regular Monthly Meeting; *B) Acceptance of the 2008 Bartonville Police Department Racial Profiling Report. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 3 to 0.

APPROVE: Consent Agenda

Annemarie Moore expressed concern for the appearance of the little yellow house at the intersection of McMakin, East Jeter and FM 407. She stated that it had been allowed to fall into a state of disrepair and had become a vacant eyesore at the entrance to the Town. No one else chose to speak during the Citizens' Appearances portion of the meeting.

Citizens' Appearances

The Town Council received police department statistics for January 2009, from Chief of Police, Dave Howell. No action was taken.

Reports

The Fiscal Year 2007-2008 Audit was presented by William C. Spore, P.C., Certified Public Accountants. Mr. Spore stated that the Town was in good financial shape and he complimented the Town Administrator for a job well done. Mayor Robertson thanked Mr. Spore for his presentation.

Presentation of Audit

Councilmember Litherland moved to accept the 2007-2008 Audit as presented. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 3 to 0.

ACTION: Approve and Accept Audit

The Town Council considered a request by Gulftex Gathering, L.P. to amend the Gas Well Pipeline Permit #2008-01 for the pipeline connecting the Greene 1H well and the Frenchtown 1H well to relocate the temporary work space to an adjacent property owned by Carmen Blankenship and relocate an approximately 240 foot length of pipe to the northern edge of the Mary Hager property. David York of Gulftex Gathering, LP, stated that in moving the bore pit site further north, fewer trees would have to be removed in that the new site would also be the site for two other pipeline connections.

Discussion: Amend Amendment to Pipeline Permit 2008-01

Ryan Litherland moved to approve the request to amend Pipeline Permit 2008-01 as recommended by the Planning and Zoning Commission. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 3 to 0.

ACTION: Approve Pipeline Amendment

The Town Council considered extending XTO Energy Inc's deadline for performing a site specific maximum source noise level for the Ginger Hackel 1H well site until March 4, 2009.

Discussion: Extend Sound Study

Ryan Litherland moved to extend the deadline for the site-specific noise study for the Ginger Hackel 1H well site as requested by XTO Energy. Bill Reaves seconded the motion. For: Unanimous. The motion carried 3 to 0.

ACTION: Approve Sound Study Extension

The Town Council considered Ordinance 469-09, An Ordinance amending Chapter 4 of the Code of Ordinances by repealing Article 4.200, Oil and Gas Pipeline Standards, in its entirety and replacing it with a new article 4.200, to provide for a more streamlined permitting process and eliminating signed affidavits for residences to be built within 100' of an existing pipeline. The proposed ordinance included the following amendments: Clarification regarding how the right-of-way is to be used and by what methods it may be used (right-of-way permit or license). Remove requirements for a "hold harmless" statement for properties within one hundred (100) feet of a pipeline. Remove the ten-day public review period and the requirement of holding a second DRC meeting. Gloria McDonald presented the Planning and Zoning Commission's recommendation to approve the ordinance amending the pipeline regulations conditioned upon leaving in Section 4.221(e)(1) and Section 4.232 relating to acknowledgment and hold harmless statements. Ms. McDonald stated that the purpose of the hold harmless statement was to notify potential property owners that a pipeline was within 100' of the property

Discussion: Ordinance 469-09, Amending Pipeline Standards

before they expended funds to buy the property. Councilmembers discussed the proposed ordinance and determined that the notification at the time of a building permit would not accomplish the objective of notifying people before they purchased property. It was further determined that requiring a note on the face of any plat would be the best way to notify potential owners. Town Administrator Debbie Millican presented a legal opinion stating that the Town would incur no liability in removing the language from the ordinance because there was no law that required notification.

Ryan Litherland moved to approve Ordinance 469-09 as written and as recommend by Town Staff. Bill Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 3 to 0.

ACTION: Approve Ordinance 469-09

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 469-09 is hereby engrossed and enrolled by copying the exact Caption and the Effective Date Clause into these official minutes as follows:

Engross and Enroll: Ordinance 469-09, Amending Pipeline Standards

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES BY REPEALING ARTICLE 4.200, OIL AND GAS PIPELINE STANDARDS, IN ITS ENTIRETY AND REPLACING WITH A NEW ARTICLE 4.200, SECTIONS 4.201 THROUGH 4.237, OIL AND GAS PIPELINE STANDARDS; PROVIDING FOR GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS; PROVIDING FOR NEW PERMITS; PROVIDING FOR PUBLIC EDUCATION; PROVIDING FOR PIPELINE INFORMATION REPORTING REQUIREMENTS; PROVIDING FOR PIPELINE MARKERS; PROVIDING FOR THE ONE CALL SYSTEM; PROVIDING FOR INACTIVE AND IDLED PIPELINES; PROVIDING FOR EMERGENCY RESPONSE PLANS AND EMERGENCY INCIDENT REPORTING; PROVIDING FOR PIPELINE REPAIRS AND MAINTENANCE; PROVIDING FOR STREET AND RIGHT-OF-WAY USE; PROVIDING A REQUIREMENT FOR BOND AND INSURANCE; PROVIDING FOR TERMINATION OF THE PERMIT; PROVIDING FOR DEFINITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. SECTION 6. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

The Town Council considered amendments to the Town's fence regulations. At the request of Councilmember Ashburn this item was placed on the agenda. Councilmember Ashburn was not present at the meeting.

Councilmember Reaves moved to table any action on amendments to the fence regulations. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried by a vote of 3 to 0.

**ACTION: Tabled re:
Fence Regulation
Amendments**

There were no requests for future agenda items.

Future Agenda Items

There being no further business to come before the Council, Mayor Robertson declared the meeting adjourned at 7:40 p.m.

Adjournment

APPROVED this the 17th day of March 2009.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Administrator