

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

The regular monthly meeting of the Bartonville Town Council was held on March 15, 2011, at 6:00 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, March 11, 2011, 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
Kristi Gilbert, Town Secretary
Dave Howell, Police Chief
Gary Vickery, Town Engineer

Mayor Robertson called the meeting to order at 6:04 p.m.

Call to Order

At 6:05 p.m., pursuant to Section 551.071(2) of the Texas Government Code the Town Council and Town Attorney, Bob Hager, entered into a closed session for the Council to seek advice from the Town Attorney on a matter in which the duty of the Attorney to the Town of Bartonville under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas requires confidentiality regarding a proposed elevated water storage facility. Councilmember Egan recused herself from the proceedings at 6:05 p.m., citing a conflict of interest as a sitting member of the Bartonville Water Supply Corporation Board of Directors. Councilmember Reaves arrived to the meeting at 6:07 p.m. At 6:31 p.m., Councilmember Egan returned to the closed session as the Council was seeking legal advice regarding moratoriums and pending litigation.

Executive Session

The Town Council adjourned the Executive Session and resumed the open session of the meeting at 6:45 p.m.

Open Session

After a fifteen minute break the Council resumed the meeting at 7:00 p.m.

Break

Mayor Robertson reconvened the open meeting at 7:00 p.m. and led the recitation of the Pledge of Allegiance to the American Flag.

Reconvene

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 to consider consent agenda item numbers B) and C-2), separately. Councilmember Reaves moved to approve the following consent agenda items as presented *A) Approval of the February 15, 2011, Regular Monthly Meeting Minutes, *C-1) Resolution 2011-08, Appointment of Del Knowler as Alternate to BOA. Mayor Pro Tem Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION:
Approve
Consent
Agenda, A and
C-1**

The Council considered Consent Agenda Item *B) Acceptance of Kathy Bradham's resignation as an Alternate Member of the Planning & Zoning Commission. Councilmember Egan asked if Ms. Bradham's vacated position could be posted on the Town's Website. With respect to consent agenda item *C-2), Resolution 2011-09, Appointment of Debbie Millican as Alternate Municipal Court Judge, Councilmember Egan expressed concern for a possible conflict of interest and also asked if there would additional pay involved. In response to a question from Ms. Egan, Town Attorney Bob Hager stated that a Town Administrator could also serve as the Alternate Municipal Court Judge. Town Administrator, Debbie Millican, stated that she would not accept any additional pay should her services be required.

**Discussion:
Agenda items B
& C-2**

Councilmember Ashburn moved to approve consent agenda items *B) Acceptance of Kathy Bradham's resignation as an Alternate Member of the Planning & Zoning Commission and *C-2), Resolution 2011-09, Appointment of Debbie Millican as Alternate Municipal Court Judge. Councilmember Ferrell seconded the motion. For: agenda item *B): Unanimous. The motion to accept of Kathy Bradham's resignation carried by a vote of 5 to 0. For: Agenda item C-2): Ashburn, Farrell, Anderson, and Reaves. Against: Egan. The motion to approve Resolution 2011-09, Appointing Debbie Millican as Alternate Municipal Court Judge carried by a vote of 4 to 1.

**ACTION:
Approve
Consent, B and
C-2**

Mayor Robertson briefed the Council on the Bartonville Business Association's filing of incorporation. Councilmember Egan announced Presbyterian Hospital's offer of free heart screenings for young athletes. Town Administrator, Debbie Millican, reminded everyone of the April 2nd Annual Spring Clean Up and Recycle Day directed and them to the Town website for more information. Chief Howell reported on Department activities for the month of February 2011 and reported that there would be a bike rally would be held on the streets of Bartonville on March 26.

Liaison Reports

No one chose to speak during the Citizens' Appearance portion of the meeting for non-agenda items.

Citizens' Input

PUBLIC HEARING and consideration regarding Ordinance 514-11, an ordinance 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 Lot 1, Block A of the Bartonville Water Supply Addition, an approximately 4.735 acre tract

**Public Hearing:
BWSC -CUP**

of land otherwise known as 1250 I.T. Neely Road. Councilmember Gracie Egan recused herself from deliberations relative to the BWSC's request for CUP approval.

Mayor Robertson opened the hearing to public comment and asked to hear from the applicant, Bartonville Water Supply Corporation (BWSC).

Hearing Opened

Kerry Maroney, of the Biggs & Matthews engineering firm, spoke on behalf of the BWSC. Mr. Maroney reviewed a printed copy of a power point presentation regarding the proposed elevated water tank (Exhibit 1). Mr. Maroney stated that BWSC is a rural water supply corporation that has held a Superior rating since 1973. He said that BWSC could not use pressurized tanks as back up capacity. He said that even though they had an emergency interconnect agreement with Lantana, it could not be used for a 3-4 month period of time while the Double Oak tower was down for maintenance. Mr. Maroney asked that the Conditional Use Permit be approved, as requested.

Applicant

Mayor Robertson asked to hear from staff. Town Engineer, Gary Vickery stated that, from a technical point of view, the elevated tank was good sound water system planning and management. With respect to the requested location, Mr. Vickery stated that it was technically and cost effective the most advantageous location.

Staff

A letter of support from resident, James Price, was entered into the record (Exhibit 2). No one chose to speak in favor of the proposed elevated tank.

In Favor

Norma Harrington, a Realtor with Keller Williams and 10-year resident, stated she was opposed to the proposed site. Ms. Harrington stated that it would negatively impact adjacent and nearby property values. She had a client that had backed out of a purchase upon finding out that he would have a line of sight with a water tower. Ms. Harrington stated that land values are important here. She said that it would be to our detriment to allow the tower to be erected on this location when it would service a twenty square mile area. She said BWSC could find a more suitable location.

Opposed

Richard Arme, a Bartonville resident, stated that he was very much opposed to the elevated tank. He said that he had watched the presentation several times and read the literature very carefully and yet they (BWSC) proceed as if the 500,000 gallon tank in Double Oak did not exist. Mr. Arme said that the Double Oak tower provides compliance with the state agencies. He said they just want an abundant water supply so they can sell to gas well operators. Mr. Arme said that the state does not require another elevated tank; it only required a minimum of 35psi when maintenance is performed on the other elevated tower. He said that 35psi could be achieved with pressure tanks. Mr. Arme said that he and his wife moved to Bartonville because they wanted a rural, bucolic setting for their home. He stated that the Town only constitutes 16% of connections for BWSC and most of the growth was coming from outside the Bartonville community. Mr. Arme stated that BWSC was asking for a tower they wanted, not needed. He discussed a letter from August of 2001, referencing an application by BWSC to build a pumping/well/portable water storage facility (Exhibit 3). He said that elevations were not mentioned only pictures of ground storage tanks had been included in the 2001 application. He said the application had noted that the existing tree line would protect all adjacent property owners. Mr. Arme said that they had been assured by BWSC that there would never

be anything above the tree line. He said he would not have purchased their property if they had known that there was an elevated tank in future. Mr. Armeý stated adjacent landowner, Bruce Monroe, would not have provided a road easement for BWSC had he known they planned to build an elevated tank. He said that destruction of property could not be measured in dollars and cents. He asked that the Town Council understand that the water company serves a population that is mostly suburban crawl outside of Bartonville. Mr. Armeý asked, "Why do they want it in our community against the commitment to the Town and the residents?" He asked the Council to deny the request.

Rex Tillerson, a Bartonville resident, stated that he had been a resident of Bartonville for nearly 10 years and had just recently purchased the property formerly known as Stargate Sport Horses. He asked, "What does Bartonville want?" Mr. Tillerson delivered a quote from TCEQ Rules, "Alternate methods may be considered and approved; elevated storage is the preferred method, it is recognized that alternative methods may be used," (Exhibit 4). He said that there as an alternative allowing them to keep their superior rating. Mr. Tillerson stated that he believed BWSC had done a thorough job of reviewing alternative sites for an elevated tank. He asked that the Council not deny a permit; but approve a permit allowing them to build what they originally requested to build. Mr. Tillerson said he had no problem with ground storage, pumps, and generators. He asked the Council, that with this much at stake emotionally, and financially to do the right thing for the residents of Bartonville.

Susan Armeý presented an email of opposition she had received from Carter and Peggy Ghrist (Exhibit 5). Ms. Armeý stated that she wanted to follow up her husband, Dick Armeý's, comments. Ms. Armeý stated that it was clear from BWSC's August 2001, application (Exhibit 3) that there would not be an elevated storage tank. In reference to the applications, Ms. Armeý asked for the Council to notice the photos they had submitted. She expressed real concern about misinformation from BWSC. Ms. Armeý stated that the water company was saying that the tower would be the same height as the current electrical towers. She said this was not accurate in that Oncor Energy had said that the towers were 115-120' high with the proposed tower being approximately 165' high. She further asserted that the distances on the site plan were incorrect because their house was not depicted on the aerial photograph. Ms. Armeý said the Tillerson's barn was approximately 150' from the proposed tower location. She said the BWSC had criteria of remoteness when it is not a TCEQ requirement. Ms. Armeý referenced an email from Isaac Jackson with the TCEQ dated 11/10/10, (Exhibit 6). She quoted the email as saying, "they (BWSC) were in compliance with 30 TAC 290.45." She stated further that the state only required 35 psi when performing maintenance on the other tower therefore they do not need an additional water tower. Ms. Armeý stated that the Fire Flow requirements cited by BWSC were only applicable for cities of a population in excess of 1,000,000. She stated that she had seen the BWSC financial records and they had over \$5,000,000 set aside for capital improvements. Ms. Armeý presented a letter from Realtor, Cammy Turgon, (Exhibit 7) who had a house on market that sits beneath an Argyle water tower and the last offer on the property was in 2007. She said that the issue was not about money because you could never compensate them enough for the view that they enjoy.

Town Secretary, Kristi Gilbert, entered into the record letters of opposition from NorthStar Bank of Texas, (Exhibit 8); Gary and Suzanne Bryant (Exhibit 9); the Mathis' (Exhibit 10); and Bruce Monroe (Exhibit 11).

Mike Pucciarello, of 1000 Roadrunner Road, said he and his wife owned a real estate company that specialized in preparing Broker's Price Opinions. He said that in the last year he had offered opinions on over 1,000 homes. Mr. Pucciarello stated that Mr. Maroney was an engineer and not a real estate expert. He said that when they had purchased their property they had already taken into consideration the power lines being there. He stated that the value of the nearby homes would decline by 5% to 20%. Mr. Pucciarello stated that just on Roadrunner Road alone, approximately \$2,000,000 of value would be lost. He concluded by saying he was strongly opposed to the proposed tower.

Tim Bowman, of 1032 Roadrunner, stated that he agreed with those who had spoke before him in opposition.

Mr. Maroney spoke in rebuttal by saying that BWSC could not maintain 35 psi without an elevated storage tank. He said that Lantana typically used 200 gallons per connection and could not sustain the pressure during maintenance on the other tower. Mr. Maroney said that BWSC was not required by the state to furnish fire demand. However, he said that BWSC customers needed fire demand infrastructure. He said that 16% of their current customer base lived in Bartonville with area of about 43% of the CCN. Mr. Maroney said setting aside redundancy, there was a need for the elevated tower.

Rebutal

Mayor Robertson closed the hearing to public comment.

Hearing Closed

Councilmember Ashburn said the council had been given two numbers for Bartonville, 16% and 43%. He asked how many gallons of water Bartonville customers used. Mr. Maroney responded that he did not have that information. Councilmember Ashburn asked Mr. Maroney if it was correct that TCEQ regulations did not require elevated storage until there were 2,500 connections. Mr. Maroney said that BWSC currently met the requirement because they had not yet achieved connections. He further stated that BWSC had adopted alternative minimum requirements. Councilmember Ashburn asked how do other water systems deal with down time for maintenance if they only had one tower. Mr. Maroney responded that typically they did not have the large demand and they let their variable frequency drive pumps constantly. He added that if the system became over pressurized by the pumps, the line could blow out. Councilmember Ashburn stated that the various numbers presented seemed in question due to discrepancies in the presentation. BWSC General Manager, Jim Leggieri, stated that when they collect the capital fees, a portion of it is committed to those lots. He said that several years ago when gas drilling started in Bartonville, they (BWSC) tried to protect water reserves whether the drillers purchased water from BWSC or drilled their own well. Mr. Leggieri stated that the North Texas Groundwater Conservation District was established or the state would have come in to implement, and enforce water conservation. He said that if BWSC had excess capacity they would sell it to the driller to keep them from drilling their own wells. In response to a question by Councilmember Ashburn, Mr. Leggieri said that the sale of water for

Discussion

fracking was not used in their water usage calculations. He added that there was a legal agreement with the AVFD and the DVFD to provide fire fill for the fire department trucks that allows them to piggyback on the fire department's insurance. Councilmember Ashburn asked why the AVFD Chief had not commented on the proposed tank. Mr. Leggieri said that he was out of town for Spring Break.

Mayor Pro Tem Anderson inquired about how much water had been sold to gas companies in the last five years and at what rate. Mr. Leggieri stated that he did not know the total gallons, but said that there was a bulk rate for contractors for road and bridgework, hydro mulching by landscapers, and gas well operators. Ms. Anderson stated she wanted Bartonville to stay rural, not build water towers. She asked for the numbers that they had not received. Ms. Anderson asked where the breakdown of customers and the calculations from Land Use Plans for other areas was located in the application. She stated that BWSC's presentation erroneously claimed to be the sole provider of potable water in Bartonville in that AWSC served a portion of Bartonville residents. She questioned if they had taken that into consideration when calculating a population growth based on the Bartonville Land Use Plan. Ms. Anderson questioned the accuracy of the calculations because the Land Use Plan included several AWSC customers. She asked the location of the new subdivision that was used in the calculations. Mr. Leggieri replied that the proposed subdivision of 100 lots was to be located in Flower Mound. He said BWSC did not solicit the additional lots, but they had to plan for them. Ms. Anderson asked if Flower Mound would extend the limits of their CCN into BWSC's CCN, would they release it to Flower Mound. Mr. Leggieri replied that yes they could, however the loss of that potential revenue would raise rates in Bartonville. Ms. Anderson asked if BWSC was a non-profit organization, why they were concerned with revenues. Mr. Leggieri stated that the only difference between the BWSC and a rural co-op was that they did not pay dividends. Ms. Anderson asked if there was a time limit for them to use up any excess money. Mr. Leggieri said they were required to have reserve funds for capital improvements and to meet debt requirements. He added that BWSC had a policy of Pay-as-you-go. He offered that, besides the outstanding original debt with FHMA, they had no debt. He said they were trying to do the same thing any other responsible business would do. Ms. Anderson said she was at the same meetings the Arney's and Shelton's attended when BWSC had sought approval for ground storage at this location. She said she had read letters from Mr. Monroe and others stating the same. Mr. Leggieri said he purchased the property for the corporation and had tried to find the most remote site with the needed elevation, near the UTRWD lines, power lines, etc. He said that BWSC's former engineer had said they would never need a second elevated tank. Ms. Anderson said that the economy had taken a down turn since that time which was even more reason not to need additional elevated storage. She expressed concerns that BWSC was making the Town and its residents suffer when we were trying to stay rural. Mr. Leggieri said he purchased the most remote site ten years ago because he did not want to go through the same as the water tower issues they had had with Double Oak. Ms. Anderson responded, "So you are saying that you purchased it with the intent of constructing an elevated tank." Ms. Anderson asked if 2,500 connections triggered the need for an elevated tower and there is one in Double Oak, are you asking for a second one just to meet the redundancy requirement. Mr. Maroney responded that when there were 2,500 connections combined with Bartonville's usage, 500,000 gallons of elevated storage was needed. Mr. Maroney referred to the City of Austin's study

indicating little, if no, effect on land values (Exhibit 12). Ms. Anderson responded that, for the record, the study BWSC was citing was from the City of Austin and she was not familiar with that area

Councilmember Farrell said he had been told there would be a follow up when he had asked the same question. He said that he had yet to receive a response. He stated that he would like to see the detail on the amount of water sold to drillers and frackers. Mr. Farrell stated that, at the actual rate of growth Bartonville has had over the years, it would take until 2087 for the Town achieve a population in excess of 5, 000.

Councilmember Reaves stated he had spent a lot of time on the phone researching and now had more questions than answers. He said going back to the original application, BWSC had calculated a demand of 200 gallons water, per connection when the TCEQ only required a minimum of 100 gallons. Mr. Maroney replied that he did not use the TCEQ standard but had used actual usage data to determine BWSC's demand.

With respect to peak demand, Town Administrator Millican asked what had caused the peak demand in 2006 to be so much higher than other years. She asked if was just one day of extreme high usage due to a catastrophic event or some other reason. Mr. Maroney responded that 2006 was a very dry year compared to other years.

Councilmember Farrell asked if the unincorporated area shown on the chart (reference Exhibit 13) included lots within Flower Mound. Mr. Leggieri said that it did not. Mr. Leggieri stated that the numbers associated with the unincorporated area of Denton County included the Canyon Oaks subdivision. Mr. Farrell asked to be shown the lots located in Flower Mound. Mr. Leggieri stated that those numbers had been mistakenly been left off. Mr. Leggieri stated that the committed Flower Mound connections included the proposed Terracina and lots near FM 407 in the Parks Mobile Home Park and the Lakewood Village Mobile Home Park. It also included the soccer fields and animal adoption center at the intersection of FM 407 and Chinn Chapel. Councilmember Ashburn stated he had spoke with an appraiser and was told that the Bartonville was different from every other community around it, and could not be compared the same way.

Mayor Robertson stated, using the 2020 projected census, Bartonville would have 1,000 home sites in the next ten years.

Town Attorney, Bob Hager advised the council of their options to approve, deny, or to continue. He cautioned that it would take a super a majority to approve the CUP because of the protests submitted by more than 20% of the adjacent property owners.

Councilmember Ashburn moved to continue the public hearing and consideration granting a Conditional Use Permit to allow construction of an elevated water tank and related facilities on Lot 1, Block A of the Bartonville Water Supply Addition, an approximately 4.735 acre tract of land otherwise known as 1250 I.T. Neely Road. Councilmember Reaves seconded the motion. For: Ashburn, Reaves, Farrell, and Anderson. Against: None. Abstain: Egan. The motion carried by a vote of 4 to 0.

**ACTION:
Continued CUP
Consideration**

The Council resumed the meeting at 9:37 p.m., after taking a ten- minute break.

Break

Mayor Robertson moved the agenda item pertaining to issuing a gas well drilling or fracking permit. He said that in the past 18 months there had not been a gas-drilling permit submitted in the Town. He offered that, to place a moratorium on permitting would not hurt anything because there was nothing on the horizon. He said he might have a concern with not issuing fracking permits in that some could consider it a taking. The Mayor said that the town had been told that fracking could be done without chemicals. He asked to hear from those that wished to speak.

**Agenda Item
Moved**

Sharon Wilson of 1121 N Locust in Denton, stated that she worked with Earthworks oil and gas accountability project. She said that through an open records request to UTRWD, of metered sources, 1.2 billion gallons of water had been used by the gas industry for fracking. She added that a great deal of water had also been used from non-metered sources, which was against the rules; however no violations had been issued. Ms. Wilson said that the water injected into salt-water injection wells, would never be used again in the hydrologic cycle. She said that the Argyle/Bartonville area had the most populated area in the Barnett Shale. Ms. Wilson referred to a statement from the ABC Alliance regarding the House and Senate passing the FRAC Act requiring gas well operators to tell the public what chemicals are using. She commended the Council for considering the moratorium.

Speakers

Michael Wolfe of 831 Indian Trail said he had lived there for 15 years. He estimated that six years ago when the gas wells first appeared, was about that time that they could no longer drink well water. Mr. Wolfe said his friends' fathers now had brain cancer and leukemia. He said that two years ago Argyle Central was built about 500 to-1,000 feet from his property line. He expressed concerns for loss of chickens and dogs in the neighborhood and stated that he had breathing problems when he came home.

Annemarie Moore stated that she had been a resident of Bartonville for 23 years. She said she was not surprised to have such a large crowd in attendance because it was election season. Ms. Moore said that the Council should not issue a moratorium out of fear of lawsuits. She suggested the Council refrain from imposing a moratorium.

Marilyn Addison of 568 Seals Road, said her parents had owned the property where she now lived since 1953 and that she was opposed to the moratorium.

Steve Addison of 568 Seals Road, said he also was opposed to the moratorium. He said there were legal issues that were involved that the Town did not want to get involved in.

Alan Seals, a resident of Denton and Bartonville landowner, said his main concern was that that the Council would find it hard to refrain from extending the moratorium.

Michael Knoll, of 104 Burghley Court, said that it was a big step the council had taken and he voted a big yes to the moratorium. He said that Bartonville had made the EPA's short list on study for hydraulic fracturing. He asked that the Council say no to fracking until study results come out. He said that Bartonville residents had been living in a science experiment for the past six years.

Town Attorney, Bob Hager, stated that, for a point of clarification, the reference to the FRAC Act, speaks to the current exemption for the gas industry has under the Clean Water Act. He said the ACT would require drilling operations to comply with Clean Water Act. He said the EPA has named the Town of Bartonville as a potential investigation site. Mr. Hager said that the Council's consideration of a moratorium would start a process with mandates from state law.

Councilmember Egan expressed concern that Bartonville would be removed from the study if a moratorium were implemented.

Councilmember Ashburn moved to approve a resolution (later numbered as Resolution 2011-10) of the Town of Bartonville, Texas, finding a need to protect the health safety and welfare of its citizens; establishing a moratorium on oil and gas drilling fracking activities, with or without chemicals, as public health issue of introducing chemical agents in the ground drinking water supply is studied by the US EPA and TCEQ and the current regulatory ordinance and procedures heretofore adopted are inadequate to protect the public health, safety, and welfare due to the proliferation of oil and gas drilling and fracing activities in the Barnett Shale formation pose a potential significant health issue; providing that the Town Administrator and Town Secretary implement the procedures to establish a moratorium by ordinance pursuant to Subchapter E of Chapter 212 of the Texas Local Government Code to adopt a moratorium regarding such activity. Councilmember Farrell seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION:
Approve
Resolution to
Begin Process
for a Gas Well
Moratorium**

The Town Council conducted a public hearing and considered Ordinance 513-11, an Ordinance of the Town of Bartonville, Texas, amending the Code of Ordinances by amending Chapter 14, Zoning, Exhibit "A," Zoning Ordinance, by amending Chapter 2, Section 2.2., Definitions, to provide for the Definition of "Contractors' Yards" (47a) and Light Manufacturing (107a); by amending Chapter 3, Section 3.2 General Site Plan, to Provide for a RLI – Rural Industrial Zoning District; by amending Chapter 4, Section 4.1, to establish the RLI – Rural Light Industrial Zoning District; by amending Chart 4.4, to add area standards for the RLI – Rural Light Industrial Zoning District; by amending Chapter 4.5, to add Development and Performance Standards for the RLI – Rural Light Industrial Zoning District; by adding a new Chapter 10., Rural Light Industrial; providing for a Purpose; providing for Uses Permitted; providing for Development and Performance Standards; and providing for Special Requirements; by amending Chapter 8, Section 18.6, Minimum Landscaping Requirements for Nonresidential Developments; by amending Chapter 19, Section 19.4, Accessory Building; and by amending Chapter 30, Section 30.3, Oil and Gas Well Drilling Regulations, Subsection C., Prohibition Against Exploration and Production in Certain Zoning Districts and provisions for Conditional Use Permits and amending Subsection F., Standards for Oil and Gas Well Drilling and Production.

**Public Hearing:
RLI Zoning
District**

Mayor Robertson opened the public hearing and asked to hear from staff. Ms. Gilbert briefly reviewed the details of the ordinance. She explained that the purpose of the new zoning district was to provide regulations for that area targeted for possible annexation along Porter, and Hawk Road. Ms. Gilbert explained that there were several properties located in that area that would need to be zoned to reflect what businesses were already in operation.

Hearing Opened

Mayor Robertson asked to hear from those in favor or opposed. No one chose to speak. The Mayor then closed the hearing to public hearing.

**In Favor/
Opposed**

Mayor Pro Tem Anderson moved to approve Ordinance 513-11, amending the adopted zoning regulations to provide for a Rural Light Industrial District. Councilmember Ashburn seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION:
Approve Ord
513-11**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 513-11, 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, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, BY AMENDING CHAPTER 2, SECTION 2.2., DEFINITIONS, TO PROVIDE FOR THE DEFINITION OF "CONTRACTORS' YARDS" (47A) AND LIGHT MANUFACTURING (107A); BY AMENDING CHAPTER 3, SECTION 3.2 GENERAL SITE PLAN, TO PROVIDE FOR A RLI – RURAL INDUSTRIAL ZONING DISTRICT; BY AMENDING CHAPTER 4, SECTION 4.1 TO ESTABLISH THE RLI – RURAL LIGHT INDUSTRIAL ZONING DISTRICT; BY AMENDING CHART 4.4 TO ADD AREA STANDARDS FOR THE RLI – RURAL LIGHT INDUSTRIAL ZONING DISTRICT; BY AMENDING CHAPTER 4.5 TO ADD DEVELOPMENT AND PERFORMANCE STANDARDS FOR THE RLI – RURAL LIGHT INDUSTRIAL ZONING DISTRICT; BY ADDING A NEW CHAPTER 10. RURAL LIGHT INDUSTRIAL; PROVIDING FOR A PURPOSE; PROVIDING FOR USES PERMITTED; PROVIDING FOR DEVELOPMENT AND PERFORMANCE STANDARDS; AND PROVIDING FOR SPECIAL REQUIREMENTS; BY AMENDING CHAPTER 8, SECTION 18.6 MINIMUM LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL DEVELOPMENTS; BY AMENDING CHAPTER 19, SECTION 19.4 ACCESSORY BUILDING; AND BY AMENDING CHAPTER 30, SECTION 30.3 OIL AND GAS WELL DRILLING REGULATIONS, SUBSECTION C. PROHIBITION AGAINST EXPLORATION AND PRODUCTION IN CERTAIN ZONING DISTRICTS AND PROVISIONS FOR CONDITIONAL USE PERMITS AND AMENDING SUBSECTION F. STANDARDS FOR OIL AND GAS WELL DRILLING AND PRODUCTION; PROVIDING A REPEALING CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN; 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 16. 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.

**Engross/Enroll:
Ord. 513-11,
Providing for
RLI Zoning
District**

Councilmember Reaves moved to authorize the Town Administrator to seek sealed bids for Landfall Circle Drainage Improvements. Mayor Pro Tem Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION:
Authorize
Drainage
Project**

Mayor Pro Tem Anderson moved to authorize the Town Administrator to accept sealed bids for the purchase and removal of the Town owned Greenhouse at 2001 East

**ACTION:
Authorize Sale**

Jeter Road. Councilmember Farrell seconded the motion. For: Unanimous. The **of Green House** motion carried by a vote of 5 to 0.

There were no requests for future agenda items.

Agenda Items

There being no further business to come before the Council, Mayor Robertson **Adjournment** declared the meeting adjourned at 10:18 p.m.

APPROVED this the 19th day of April 2011.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Administrator