

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

The regular monthly meeting of the Bartonville Town Council was held on April 21, 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, April 17, 2009, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Carla Anderson, Mayor Pro Tem
Bill Reaves
Wayne Hoyt
Ryan Litherland

Absent:

James Ashburn

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

This constituting a quorum, the following business took place:

Mayor Robertson called the meeting to order at 7:04 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

Mayor Pro Tem Anderson moved to approve the following consent agenda, as presented: *A) Approval of Minutes: March 17, 2009, Regular Monthly Meeting; *B) Approval of Ordinance 471-09, an ordinance of the Town Council of the Town of Bartonville, Texas declaring the unopposed candidates for the office of Alderman as elected; providing that the May 9, 2009, General Election shall not be held.*C)Approval of Ordinance 472-09, an Ordinance declaring all property to be subject to 2009 Ad Valorem taxation unless exempted by law; adopting a value for age 65 or older and disabled person exemptions. *D) Approval of the 2009-2010 Council Meeting Schedule. Councilmember Wayne Hoyt seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

**ACTION: Approve
Consent Agenda**

No one chose to speak during the Citizens' Appearances portion of the meeting.

Citizens' Appearances

Mayor Robertson announced that Chief of Police, Dave Howell, had to step out to answer a call for service and would present his report upon his return.

Reports

Councilmembers discussed Ordinance 473-09, an ordinance reducing the speed limit within the Saddlebrook Estates Addition from 30 mph to 25 mph and providing for the installation of appropriate speed limit signs. Mayor Robertson stated that consideration of Ordinance 473-09 was the result of the Homeowners Association requesting that the speed limit be reduced. He stated that several years ago the residents expressed concerns regarding speeding in their neighborhood and requested speed bumps and/or the closing of Saddlebrook Way and Noble Champions in an effort to reduce cut through traffic and speeding. Mayor Robertson stated that these requests were denied for safety reasons. He said that they had also requested a lower the speed limit of 25 mph. However, the Texas Transportation Code, at that time, required municipalities to do engineering studies in order to justify changing a speed limit on any street. Town Administrator Debbie Millican stated that due to legislative changes in 2005, cities may lower speed limits within subdivisions to 25 mph without having to commission an engineering study. Ms. Millican stated that Town Staff including the Chief of Police recommended approval of the Ordinance.

Discussion: Ordinance 473-09, 25mph Speed Limit in Saddlebrook

Councilmember Reaves moved to approve Ordinance 473-09, as presented. Councilmember Hoyt seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Ordinance 473-09

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 473-09 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 TOWN OF BARTONVILLE CODE OF ORDINANCES, ARTICLE 12.400, SECTION 12.401, SPEED LIMITS ON IMPROVED ROADS, BY ADDING SUBSECTION (e), THE PRIMA FACIE MAXIMUM SPEED LIMIT FOR ALL MOTOR VEHICLES TRAVELING ON THE STREETS WITHIN THE SADDLEBROOK ESTATES ADDITION, AN ADDITION TO THE TOWN OF BARTONVILLE, DENTON COUNTY, TEXAS, SHALL BE 25 MPH; PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR VIOLATIONS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES OF THE TOWN BARTONVILLE; PROVIDING FOR SEVERABILITY; PROVIDING SAVINGS; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE. SECTION 9.: This Ordinance shall be in full force and effect from and after its date of passage.

Engross and Enroll: Ordinance 473-09

Councilmembers considered authorization for the Mayor to enter into a License and Use Agreement with the Saddlebrook Estates Homeowner's Association for the installation of Radar Speed Display signs within the

Discussion: Install Radar Signs in Saddlebrook

Saddlebrook Estates Addition. Town Administrator Debbie Millican stated that staff recommended approval of the ROW License and Use Agreement to allow for the installation of radar speed limit signs. Ms. Millican stated that the Agreement provides for the HOA to bear all costs associated with purchase and installation of the radar signs. She further stated that precautions had been taken within the text of the agreement to protect the Town and reduce any risk of future maintenance expenditures.

Councilmember Litherland moved to authorize for the Mayor to enter into a License and Use Agreement with the Saddlebrook Estates Homeowner's Association for the installation of Radar Speed Display signs within the Saddlebrook Estates Addition. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

ACTION: Authorize Radar Signs

Councilmembers conducted a hearing to hear public comment and consider approval of a gas pipeline permit for a proposed natural gas pipeline 6.6 inches in diameter running from the Fuller Family Unit west, crossing under Badminton and Blenheim and terminating on Mary Hager's property to tie in with a Gulftex pipeline. The applicant is Barnett Gathering.

Public Hearing: Gas Pipeline

Mayor Robertson opened the hearing to public comment and asked to hear from the applicant. Town Administrator Debbie Millican stated that the applicant was not present. Town Engineer Gary Vickery stated that the pipeline application had met all the requirements of the town's ordinance and that the Planning and Zoning Commission had recommended approval.

Hearing Opened

No one spoke in Favor or in Opposition. Mayor Robertson declared the hearing closed to public comment.

Hearing Closed

Mayor Pro Tem Anderson moved to approve the permit for a natural gas pipeline 6.6 inches in diameter running from the Fuller Family Unit west, crossing under Badminton and Blenheim and terminating on Mary Hager's property to tie in with a Gulftex pipeline. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

ACTION: Pipeline Permit Approved

Councilmembers conducted a hearing to hear public comment and consider Ordinance 474-09, 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 20, Section 20.3 -Fences in Residential Areas.

Public Hearing: Ordinance 474-09

Mayor Robertson opened the hearing to public comment and asked to hear staff recommendations. Town Administrator Debbie Millican stated that the ordinance before them came initially as the result of a request by Councilmember Ashburn to prohibit, what he referred to as "spite fences." Ms. Millican stated that she had prepared the ordinance, at the direction of the Mayor, to eliminate neighbors using an eight-foot privacy fence in a neighborhood dispute. She stated that the Planning and Zoning Commission

Hearing Opened

had recommended approval.

No one spoke in Favor or in Opposition. Mayor Robertson declared the hearing closed to public comment.

Hearing Closed

Councilmember Litherland expressed concern that persons with homes set at the rear of flag lots” would not be able to construct a privacy fence along their driveway. He cautioned that the Council avoid a “knee-jerk” reaction to one instance that could lead to hardship when enforced unilaterally throughout the Town. Councilmembers discussed options including the option of requiring a minimum set back of fifty feet (50’) from the front property line for all privacy or solid fences.

Discussion: Fence Regulations

Mayor Pro Tem Anderson moved to continue consideration regarding Ordinance 474-09 until the next regularly scheduled meeting. Councilmember Litherland seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

ACTION: Continue Consideration of Ordinance 474-09

Councilmembers considered the proposed site plan including civil plans, architectural plans, parking easement agreement, landscape plans and an irrigation plan for the Bartonville Professional Building to be located on Lot 3 of the Acklie Addition. Planning and Zoning Commission Vice Chairperson, Gloria McDonald, stated that only outstanding issue was that the applicant had opted to utilize a provision in the Town’s zoning ordinance that, upon approval, allows for off-site parking. Ms. McDonald stated that the applicant had entered into a twenty year parking easement agreement for seven parking spaces with the owner of the Day Care Center adjacent to the north side of his property. She further stated that should the Commission and/or Council decide not to approve the use of off-site parking, the site plan would have to be revised to indicate a smaller building or different uses that require less parking. Ms. McDonald stated that the Commissioners were not comfortable with a lease to achieve the minimum number of parking spaces. She further stated the deficiency was not created by the Ordinance in that it was a self imposed problem created by the applicant in an effort to accommodate a building that was too large for the lot. Ms. McDonald stated that the Commission had voted to recommend denial of the parking easement and denial, without prejudice, of the site plan. The applicant, Keith Acklie, stated that lowering the square footage of the proposed two-story building would not alter the actual footprint of the building. Mayor Robertson stated that shared parking and leased parking spaces was a very common practice in most cities. Wayne Hoyt and Ryan Litherland each stated that if the actual size the building would not be decreased by eliminating square footage, then they could not see what the problem would be. Mayor Pro Tem Anderson stated that applicant was trying to put too large of a building on too small of a lot. She expressed concern over adequate space for the septic system and for a future change of use in the building. Councilmember Reaves expressed concern that the office space areas would be used for medical facilities in the future and therefore would not meet the parking space requirements.

Discussion: Bartonville Professional Bldg

Councilmember Litherland moved to approve the site plan including civil plans, architectural plans, parking easement agreement, landscape plans, and an irrigation plan for the Bartonville Professional Building to be located on Lot 3 of the Acklie Addition. Wayne Hoyt seconded the motion. For: Litherland and Hoyt. Against: Anderson and Reaves. Mayor invoked his right to vote in the case of a tie vote and voted for approval. The motion carried by a vote of 3 to 2.

ACTION: Approve Bartonville Prof Bldg Site Plan

Councilmembers considered awarding the bid for 2009 General Street Maintenance Project with an alternate bid for Jeter Road 2009 Paving Repairs. Town Engineer, Gary Vickery, stated that the lowest responsible bid was submitted by Advanced Paving Company in the amount of \$35,608.00 for the base bid and \$16,812.5 for the alternate bid, for a total bid of \$52,420.50. Mr. Vickery stated that he had checked the company’s references and that he recommended the contract be awarded to Advanced Paving Company for the base bid and the alternate bid in the amount of \$52,420.50.

Discussion: Street Maintenance Contract

Councilmember Litherland moved to award the 2009 General Street Maintenance Project contract to Advanced Paving Company in the amount of \$52,420.50. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

ACTION: Award Street Bid

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

Reports

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 8:23 p.m.

Adjournment

APPROVED this the 19th day of May 2009.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Administrator