

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

The regular monthly meeting of the Bartonville Town Council was held on May 19, 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, May 15, 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
James Ashburn

Absent:

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 7:00 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: April 21, 2009, Regular Monthly Meeting; *B) Election/Appointment of Mayor Pro-Tem, Council Liaisons, and Representatives. Councilmember Wayne Hoyt seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Approve
Consent Agenda**

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

Citizens' Appearances

Chief of Police, Dave Howell, presented Police Department statistics for April 2009. No action was called for or taken.

Reports

Mayor Robertson presented Certificate of Elections to James Ashburn, Bill Reaves and Carla Anderson congratulated each of them for their unopposed re-election to the Town Council. Mayor Robertson administered the Statement of Elected Official Oath and the Oath of Office to the newly elected officials.

Oaths' of Office

The Town Council conducted a hearing to hear comments and to consider an 8.625” diameter steel pipeline that will run from the Willis/Dickinson pad site off of McMakin Road, heading in a general north direction approximately 2,400 feet to FM 407, turning east and running parallel with FM 407 to the Town limits and continuing through the Town of Double Oak a distance of approximately 3,800 feet then heading south parallel with Simmons Road approximately 550 feet and terminating at the Meece pad site within the Town of Double Oak.

Public Hearing: Gas Pipeline

Mayor Robertson opened the hearing to public comment and asked to hear from the applicant. Joseph Calva, representing Barnett Gathering, briefly reviewed the details of the pipeline applicant and stated that he would be happy to answer any questions from the Council.

**Hearing Opened
Applicant**

Town Engineer, Gary Vickery, stated that he, along with town staff and the Planning and Zoning Commission, recommended that the Town Council approve the pipeline permit.

**Staff
Recommendations**

Mayor Robertson asked to hear from those in favor and those in opposition to the pipeline permit. No one spoke in favor.

In Favor: None

Tom Plichta, 205 Coyote Court, stated that he was opposed to the location of the pipeline for safety reasons. Mr. Plichta asked that the Town require the pipeline to be installed on the west side of McMakin Road. He further stated that the Senate had just passed a bill allowing the placement of pipelines in the TxDOT right-of-way. Mr. Plichta stated that the pipeline was dangerous for the nearby residences and would lower property values.

Opposed

Lee Lazarus, 258 Wolfe Run, stated that although the pipeline was not located on his property, it was proposed to be up against two sides of his property line. He asked that Barnett Gathering route the pipeline down McMakin Road and then east down FM 407.No one else chose to speak.

Mayor Robertson asked if the applicant had a rebuttal to the comments. Mr. Calva stated that easements had already been purchased and the pipeline had already been designed as requested by the Lantana Fellowship Church. Larry Nunn, a church trustee stated that the church suggested the east boundary line to keep the pipeline from dissecting their property. He said there were no immediate plans to build on the east side, so it was suggested that the pipeline go there.

Rebuttal

Mayor Robertson declared the hearing closed to public comment. Councilmembers discussed whether or not the Town had the authority to dictate the location of a pipeline. Mayor Robertson asked Mr. Calva if he would go back to Barnett Gathering and explore the possibility of relocating the pipeline as suggested by the concerned neighbors. Mr. Calva agreed to look into it, although he thought it would be too costly at this point.

Discussion

Mayor Pro Tem Anderson moved to reopen the hearing and continue it to the next Town Council meeting in order to get a legal opinion regarding the extent of the Town's jurisdiction with respect to locating a natural gas pipeline. Ryan Litherland seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION: Hearing Continued.

Councilmembers considered Ordinance 474-09, an Ordinance of The Town of Bartonville, Texas, amending the Bartonville Code of Ordinances by amending Chapter 14, Zoning, Exhibit "A," Zoning Ordinance, by amending Chapter 20, Section 20.3 -Fences in Residential areas, providing for the prohibition of privacy or solid fences within the front yard setback in residential areas. (*Public Hearings were held on April 1 and April 21 with consideration continued until May 19.*) Councilmember Litherland stated that he was not comfortable with amending the zoning ordinance based on one case. He stated that it was a knee jerk reaction to one specific situation and if passed could affect other properties in a negative way. Councilmembers expressed concerns of over regulating. Councilmember Ashburn stated that in the specific case he was referring to, the adjacent neighbor had not made any complaints, and that the new regulations would have no effect on any existing fences.

Discussion: Ordinance 474-09

Councilmember Litherland moved to deny adoption of Ordinance 474-09. Mayor Pro Tem Anderson seconded the motion. For: Litherland, Anderson, Hoyt and Ashburn. Against: Reaves. The motion carried by a vote of 4 to 1.

ACTION: Deny Approval Ord 474-09

Councilmembers considered Ordinance 475-09, an ordinance of the Town of Bartonville, Texas, amending the Town of Bartonville Code of Ordinances, Chapter 6, Health, and Sanitation, by adding Article 6.600, prohibiting the act of defecating or urinating in public areas or any place that may be seen from a private residence. Police Chief Howell presented a brief history and reasoning for the proposed ordinance and recommended approval.

Discussion: Ordinance 475-09

Councilmember Ashburn moved to approve Ordinance 475-09, as presented. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION: Approve Ordinance 475-09

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 475-09, 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, CHAPTER 6, HEALTH AND SANITATION, BY ADDING ARTICLE 6.600, PROHIBITING THE ACT OF DEFECATING OR URINATING IN PUBLIC AREAS OR ANY PLACE THAT MAY BE SEEN FROM A PRIVATE RESIDENCE; PROVIDING A FINE UPON CONVICTION NOT TO EXCEED \$500.00 FOR EACH VIOLATION; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES OF THE TOWN BARTONVILLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR

Engross and Enroll: Ordinance 475-09

SAVINGS; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN; 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.

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 8:15 p.m.

Adjournment

APPROVED this the 16th day of June 2009.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Administrator