

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

The regular monthly meeting of the Bartonville Town Council was held on June 16, 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, June 12, 2009, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Carla Anderson, Mayor Pro Tem
Wayne Hoyt
James Ashburn

Absent:

Ryan Litherland
Bill Reaves

Also present: Debbie E. Millican, Town Administrator
Dave Howell, Chief of Police
Kim Lafferty, Assistant Town Attorney
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 Ashburn moved to approve the following consent agenda, as presented: *A) Approval of Minutes: May 19, 2009, Regular Monthly Meeting; *B) Approval of Contracts and/or ICAs: 1) Animal Control Services with Brian Hall d/b/a Brian the Animal Guy; 2) Building Inspection/Code Enforcement Services with Steve Koehler; 3) Registered Sanitarian and Food Service Inspections Contract with Bailey Environmental Services. Councilmember Wayne Hoyt seconded the motion. For: Unanimous. The motion carried by a vote of 3 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 May 2009. No action was called for or taken.

Reports

The Town Council reopened the continued 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, stated that he had studied the feasibility of moving the location of the pipeline to the west side of the property and stated that CoServ already had a pipeline in the Right-of-way and that purchasing any additional private easements along FM 407 and McMakin would be cost prohibitive.

Hearing Opened

Applicant

Mayor Robertson asked to hear staff comments. In response to a question from the Mayor, Assistant Town Attorney Kim Lafferty, stated that the Town did not have the authority to limit the gas pipeline companies to locate in a specific area or prohibit them from locating in a specific area. She stated that the Town’s authority to regulate pipelines, other than safety issues, was usurped by the Texas Railroad Commission rules and federal regulations. Town Engineer, Gary Vickery, stated that the pipeline application had met all the ordinance conditions for approval.

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

Former Bartonville Mayor, 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. Mr. Lazarus stated that he had stepped out of the Town’s business several years ago, however, he felt compelled to speak up now. He asked that Barnett Gathering route the pipeline down McMakin Road and then east down FM 407. Mr. Lazarus stated that the adjacent landowners had no options but that the pipeline company had the option to relocate the pipeline.

Opposed

Blair Barclay, 210 Coyote Court, stated that he could not understand why the town had right-of-way easements if it was not going to use them for these purposes. Mr. Barclay stated that he was opposed to the location of the proposed pipeline.

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 referred to recent newspaper accounts of earthquakes near Cleburne and the possible relationship to gas well drilling. Mr. Plichta reiterated his previous stated concerns that pipelines pose a danger to nearby residences and would lower

property values. No one else chose to speak in opposition.

Mayor Robertson asked the applicant if the proposed pipeline could be relocated further away from adjacent properties within the confines of the current easements rather than be placed in the middle of the easement. Tom Caldwell of Barnett gathering stated that the easement was thirty feet wide and that it was possible to locate the pipeline twenty feet from the adjacent properties. In response to a question by the Mayor, Mr. Caldwell stated that he could lower the pipeline to a depth of up to six-feet (6') instead the typical four-foot (4') depth.

Rebuttal

Mayor Robertson declared the hearing closed to public comment.

Hearing Closed

Mayor Pro Tem Anderson moved to approve the Willis-Dickinson Pipeline conditioned on the pipeline being located within the proposed easements but as far away as possible (20') from adjacent properties and to place the pipeline at a depth of six-feet (6'). James Ashburn seconded the motion. For: Unanimous. The motion carried by a vote of 3 to 0.

ACTION: Approve Willis-Dickinson Pipeline

Councilmembers considered the proposed gas well development plat for the Frenchtown 2H wellhead proposed to be located on the same pad site as the Frenchtown 1H well. The pad site is located in the Newton Allsup Survey, Abstract No. 3, Town of Bartonville, Denton County, Texas, approximately 2,100 feet east of W. Jeter Road and measures approximately 280' by 310'. The applicant is Gulftex Operating, Inc. The surface owner is Mary Hager. Town Engineer Gary Vickery stated that the Planning and Zoning Commission had recommended approval.

Discussion: Dev. Plat Frenchtown 2H

Mayor Pro Tem Anderson moved to approve the Frenchtown #2H Gas Well Development Plat as recommended by the Planning and Zoning Commission. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried by a vote of 3 to 0.

ACTION: Approve Gas Well Plat

Councilmembers conducted a Public Hearing to hear comments and to consider Ordinance 476-09, an ordinance of the Town of Bartonville, Texas, amending the Bartonville Code of Ordinances by amending Chapter 14, Zoning, Exhibit "A," Zoning Ordinance, by adding a definition for recreational vehicles; by amending said ordinance to provide for additional regulations for recreational vehicles and swimming pools and to add regulations for water storage tanks

Public Hearing: Ordinance 476-09

Mayor Robertson opened the public hearing and asked to hear staff recommendations. Town Administrator Debbie Millican stated that the Town had been conducting code enforcement inspections throughout Town over the past two months. She said that in the course of the inspections, a consistent issue has been the use of recreational vehicles as living quarters. Ms. Millican expressed concern the difficulty of proving that an individual is actually "living" in a recreational vehicle. She stated that the amendment attempts to

Hearing Opened Staff Recommendations

establish clear guidelines that are more easily enforceable. Ms. Millican reviewed the amendments establishing setback regulations for both swimming pools and above ground water storage tanks. She expressed concern that the current ordinance leaves a lot of room for interpretation. Ms. Millican stated that the Planning and Zoning Commission had recommended approval of the ordinance as presented. Councilmember Ashburn expressed concern for limiting private property rights.

No one spoke in favor or in opposition to the proposed ordinance.

Mayor Robertson declared the hearing closed to public comment.

Mayor Pro Tem Anderson moved to approve Ordinance 476-09 as recommended by the Planning and Zoning Commission. Wayne Hoyt seconded the motion. For: Anderson and Hoyt. Against: Ashburn. The motion carried by a vote of 2 to 1.

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 476-09 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 BARTONVILLE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, BY AMENDING CHAPTER 2, SECTION 2.2., DEFINITIONS, BY ADDING A DEFINITION FOR RECREATIONAL VEHICLES; BY AMENDING CHAPTER 5. AGRICULTURAL DISTRICT (AG), SECTION 5.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES, SWIMMING POOLS, AND TO ADD REGULATIONS FOR WATER STORAGE TANKS; BY AMENDING CHAPTER 6. RESIDENTIAL ESTATES 5 (RE-5), SECTION 6.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES, SWIMMING POOLS, AND TO ADD REGULATIONS FOR WATER STORAGE TANKS; BY AMENDING CHAPTER 7. RESIDENTIAL ESTATES 2 (RE-2), SECTION 7.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES, SWIMMING POOLS, AND TO ADD REGULATIONS FOR WATER STORAGE TANKS; BY AMENDING CHAPTER 8, SINGLE FAMILY RESIDENTIAL 1 (R-1), SECTION 8.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES, SWIMMING POOLS, AND TO ADD REGULATIONS FOR WATER STORAGE TANKS; AND BY AMENDING CHAPTER 9. MANUFACTURED HOME (MH), SECTION 9.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES AND SWIMMING POOLS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN OF

In Favor/Opposed

Hearing Closed

ACTION: Approve Ordinance 476-09

Engross and Enroll: Ordinance 476-09, Amending the Zoning Regulations

BARTONVILLE; PROVIDING SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR CONFLICTS WITH OTHER ORDINANCES; 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; AND PROVIDING AN EFFECTIVE DATE. SECTION 14. That this Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

Councilmember Ashburn moved to authorize sealed bids for an Annual Drainage and Street Maintenance Contract. Mayor Pro Tem Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 3 to 0.

ACTION: Authorize Annual Street Contract

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 7:55 p.m.

Adjournment

APPROVED this the 21st day of July 2009.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Administrator