

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

The regular monthly meeting of the Bartonville Town Council was held on August 17, 2010, 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, August 14, 2010, 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
Dave Howell, Chief of Police
Bob Hager, Town Attorney

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

Mayor Pro Tem Anderson moved to approve the following consent agenda items as presented *A Approval of Minutes: 1) July 20, 2010, Regular Monthly Meeting; 2) July 27, 2010, Budget Work Session. *B Approval of Resolution 2010-17, a Resolution establishing a Building Use Policy for Bartonville Town Hall. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION: Approve Consent

Mayor Pro Tem, Carla Anderson reported on the status of the Old Town Bartonville Entrance Project; Councilmember Gracie Egan gave the AISD and DISD start days and times; and Chief of Police, Dave Howell briefed the Council on Department Statistics for July 2010. No action was called for or taken.

Reports

Michael Knoll of 104 Bourghly Court read aloud from a list of prepared technical questions related to gas drilling. Susan Knoll wanted to publically acknowledge the Planning and Zoning Commission's willingness to listen to their concerns regarding gas drilling in the area.

Citizens' Appearances

Councilmember Ashburn moved to approve the Fracing Permit application by XTO Energy for the Ginger Hackle 2H well located on Gibbons Road South. Councilmember Egan seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Approve
Frac Permit**

Councilmembers conducted a Public Hearing to hear comment and consider an Ordinance of the Town of Bartonville, Texas, amending the Code Of Ordinances by amending Article 14.300, Exhibit "A," the Town Of Bartonville Comprehensive Zoning Ordinance, as amended, by repealing in its entirety Chapter 30, Section 30.3, Oil and Gas Drilling and Production and replacing it with a new Section 30.3 to be entitled "Oil And Gas Well Drilling and Production".

**PUBLIC
HEARING**

Mayor Robertson opened the hearing and asked to hear from those in favor and those opposed to the new regulations.

Hearing Opened

Susan Knoll expressed concerns regarding the air quality and other toxins from drilling in Bartonville. She asked that the Council take the health of the residents into consideration when considering amendments to the gas drilling regulations. Annemarie Moore stated she had lived in Bartonville for 20 years and the air quality was just fine. No one else chose to speak.

In Favor/Opposed

Town Secretary, Kristi Gilbert, stated that the Planning and Zoning Commission had continued action regarding the proposed amendments until such time that they had more information and time for review.

Staff

Mayor Robertson closed the hearing to public comment and stated that no action could be taken until a recommendation had been submitted.

Hearing Closed

Councilmember Ashburn moved to reopen the hearing and continue it until the next Council meeting. Mayor Pro Tem Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Reopen
Hearing**

The Council considered Ordinance 498-10, 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 to provide landscaping requirements for all above ground appurtenances.

**Amendments to
Oil and Gas Regs**

Mayor Robertson asked for a closed Session to confer with the Town Attorney.

**CLOSED
SESSION**

Mayor Robertson suspended the open meeting to convene into Executive Session at 7:30 p.m. Pursuant to Section 551.071 of the Texas Government Code the Town Council and staff left the meeting room and entered into a closed session 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.

The Town Council adjourned the Executive Session and resumed the open session of the meeting at 8:00 p.m.

Open Session

Town Secretary, Kristi Gilbert reviewed the proposed amendments and stated that the Planning and Zoning Commission recommended approval. Councilmember Egan asked for consistency in the ordinance with respect to owner, operator, and applicant.

Councilmember Ashburn moved to approve Ordinance 498-10, 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 to provide landscaping requirements for all above ground appurtenances, as recommended by the Planning and Zoning Commission and revised to reflect the owner of the property on the application. Councilmember Ferrell seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION: Approve Ordinance 498-10

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 498-10 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 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. 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 and Enroll Ord 498-10

Councilmember conducted a PUBLIC HEARING regarding the Proposed Fiscal Year 2010-11 Budget and considered a date for adoption of the FY 2010-2011 Budget and Ad Valorem Tax Rate. *(Please note that no action to adopt the proposed budget was taken. The Council will consider adoption at the next regularly scheduled meeting.)*

Public Hearing FY 2010-11 Budget

Mayor Robertson opened the hearing for public comment and asked to hear from those in favor or opposed. No one chose to speak.

**Hearing Opened
In Favor/Opposed**

Town Administrator, Debbie Millican, reviewed the proposed budget and possible tax rate.

Mayor Robertson closed the hearing to public comment. No action was taken.

Hearing Closed

Councilmember Ashburn moved to set September 21, 2010, as the date for the adoption of the Fiscal Year 2010-2011 Budget and the 2010 Ad Valorem Tax Rate. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Set Date
for Tax Rate
Adoption**

The council discussed entering into an ICA providing for the Town of Bartonville to pay for a prorated share for road improvements that portion of Frenchtown Road located within Bartonville’s Town Limits *OR* releasing that portion of Frenchtown Road located within Bartonville’s Town Limits to the Town of Argyle for annexation into Argyle.

Frenchtown ICA

Councilmember Reaves moved to enter into an ICA with the Town of Argyle for road improvements to Frenchtown Road in an amount not to exceed \$21,411. Mayor Pro Tem Anderson seconded the motion. For: Reaves, Anderson, Ferrell, and Ashburn. Against: Egan. The motion carried by a vote of 4 to 1.

**ACTION: Enter
into ICA to pave
Frenchtown Road**

Mayor Pro Tem Anderson moved to table action making contact with all owners of property within the Town’s ETJ to solicit petitions for annexation. Councilmember Reaves seconded the motion. For: Anderson, Reaves, Ferrell, and Egan. Against: Ashburn. The motion carried by a vote of 4 to 1.

**ACTION: ETJ
Solicitation Tabled**

Councilmember Ferrell moved to approve a resolution casting a ballot in favor of Harlan Jefferson for appointment to the DENCO Area 9-1-1 Board of Managers. Councilmember Egan seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: DENCO
9-1-1 Board
Jefferson**

There were no requests for future agenda items.

Agenda Items

There being no further business to come before the Council, Mayor Robertson declared the meeting adjourned at 8:29 p.m.

Adjournment

APPROVED this the 21st day of August 2010.

Approved:

Ron Robertson, Mayor

Attest:

(Seal)

Debbie E. Millican, Town Administrator