

THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE MET IN SPECIAL SESSION ON THE 13TH DAY OF FEBRUARY 2024 AT THE TOWN OF BARTONVILLE TOWN HALL, LOCATED AT 1941 E JETER ROAD, BARTONVILLE, TEXAS WITH THE FOLLOWING COUNCIL MEMBERS PRESENT, CONSTITUTING A QUORUM:

Jaclyn Carrington, Mayor
Matt Chapman, Mayor Pro Tem/Place 2
Jim Roberts, Council Member Place 1
Clay Sams, Council Member Place 3
Keith Crandall, Council Member Place 4
Margie Arens, Council Member Place 5

Town Staff Present:

Shannon Montgomery, Town Secretary
Ed Voss, Town Attorney
Kirk Riggs, Chief of Police
Andrea Carpenter, Deputy Town Secretary
Ryan Wells, Town Planning Consultant

A. CALL MEETING TO ORDER

Mayor Carrington called the Special Session to order at 6:30 pm.

B. PLEDGE OF ALLEGIANCE

Mayor Carrington led the Pledge of Allegiance.

There was a brief pause due to technical difficulties; meeting resumed without the meeting being recorded.

C. PRESENTATIONS

1. Salvation Army Mayors Red Kettle Challenge.

Major Dwayne Durham, Corps Officer, and Bridget McIntosh, Volunteer Specialist, with the Salvation Army presented a Certificate of Appreciation to the Town for participating in the 2023 Red Kettle Challenge to raise funds for the Salvation Army's programs. The Town ranked second in the amount of dollars raised during the Saturday, December 9th event, raising \$1613. Mayor Carrington thanked the Salvation Army for all that they do.

2. Introduction of and Administer Oath of Office to New Chief of Police Kirk Riggs.

Mayor Carrington introduced new Chief of Police Riggs and administered his Oath of Office.

D. PUBLIC PARTICIPATION

If you wish to address the Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

There were no Public Presentations made.

E. APPOINTED REPRESENTATIVE/LIAISON REPORTS**1. Upper Trinity Regional Water District Report.**

Del Knowler provided an Upper Trinity Regional Water District Report and addressed questions from Council.

2. Denton County Emergency Services District #1.

Chief Vaughn of Denton County Emergency Services District No. 1 provided an update and addressed questions from Council.

3. Police Department – January 2024 Statistics/Activities and 2023 Racial Profiling Report.

Chief of Police Riggs reviewed the monthly statistics, the 2023 Racial Profiling Report, and addressed questions from Council.

4. Town Administrator – January 2024 Reports: Financial, Animal Control, Code Enforcement, Engineering, Municipal Court, Permits, and Board Member Attendance.

Town Secretary Montgomery reviewed the January 2024 financials and addressed questions from Council.

5. 2023 Traffic Study.

Town Secretary Montgomery reviewed the 2023 Traffic Study and addressed questions from Council.

F. CONSENT AGENDA

This agenda consists of non-controversial, or “housekeeping” items required by law. Items may be approved with a single motion. Items may be removed from the Consent Agenda by any Councilmember by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of the January 16, 2024, Regular Meeting Minutes.**2. Consider acceptance of the 2023 Racial Profiling Report.**

Motion made by Council Member Roberts, seconded by Council Member Sams, to approve Consent Agenda Items #1 and #2 as presented.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

G. PUBLIC HEARINGS AND REGULAR ITEMS**1. First Reading of a Resolution concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation and Ucryo & Recovery, LLC.**

Town Secretary Montgomery provided the first reading of the Resolution.

2. First Reading of a Resolution concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation and Marty B's, LLC.

Town Secretary Montgomery provided the first reading of the Resolution.

Mayor Carrington and Council Member Sams recused themselves from the dais at 7:11 pm; Mayor Pro Tem Chapman presided over the meeting for agenda item #3:

3. Discuss and consider a Preliminary Plat for a 101.467-acre property situated in the Daniel Cook Survey, Abstract Number 230, and A.M. Feltus Survey, Abstract Number 1594, in the Town of Bartonville, Denton County, Texas. The property is located on the north side of E Jeter Road, approximately 2,185 feet east of the intersection of E Jeter Road and Country Court, in Bartonville, Texas. The applicant is Mycoskie & Associates, Inc., on behalf of Knight's Landing West. [Town of Bartonville PP-2023-004.] *(The Planning & Zoning Commission recommended approval, with conditions, by a vote of 5-0 at its February 7, 2024, meeting.)*

Town Planning Consultant Ryan Wells provided a presentation of the application and addressed questions from Council.

Motion made by Council Member Crandall, seconded by Council Member Arens, to recommend approval of PP-2023-004, a Preliminary Plat for a 101.467-acre property situated in the Daniel Cook Survey, Abstract Number 230, and A.M. Feltus Survey, Abstract Number 1594, in the Town of Bartonville, Denton County, Texas, with the following conditions:

1. Prior to recordation of the final plat, the two "Offsite Drainage Easements" depicted on the preliminary plat shall be recorded as separate instruments. The recording number for the easements added to the plat prior to recording. Alternately, the easements can be established via the Knight's Landing West plat by revising the label to read 'by this plat.' Be advised that the timing of the easement dedication is also a condition of approval for the Knight's Crest plat (Town File No. PP-2023-003).
2. On the final plat, the drainage easement labels located in Block 2, Lot 3 shall be adjusted so they do not overlap.
3. Prior to recordation of the final plat, the plat and accompanying planning materials shall be reviewed and approved by the registered sanitarian for the Town of Bartonville, in accordance with Title 30, Texas Administrative Code, Chapter 285, Section 285.4(c).
4. A complete engineering/construction plan set shall accompany the final plat application, in accordance with Bartonville Development Ordinance Section 2.7.d.
5. The engineering/construction plan set shall show fire hydrant spacing that meets the Denton County ESD No. 1 spacing standards.
6. Accompanying the final plat application shall be copies of letters from applicable local utility companies stating that each utility company has reviewed the preliminary plat and stating any requirements (including easements) they may have, in accordance with Bartonville Development Ordinance Section 2.5.h.

7. On the final plat, the Notes on sheet 1 and General Notes on sheet 2 shall be consolidated onto sheet 2. Note 1 in each case shall be combined or corrected to reflect the correct references.
8. On the final plat, the Town approval signature box shall be updated to read “Final Plat.”
9. On the final plat all signature lines shall be dated 2024.
10. The final plat shall include a note stating that the point where the new public street named “Wiesen Way” meets “Hat Creek Court” shall be gated, closed, and accessible for emergency vehicles only. Basis: Town Ordinance No. 750-23, Town’s Comprehensive Plan, Section 4, Thoroughfare Plan.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Crandall, and Arens

NAYS: None

VOTE: 4-0

Mayor Carrington and Council Member Sams returned to the dais at 7:26 pm.

4. **Second Reading of a Resolution concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation and Ucryo & Recovery, LLC.**

Town Secretary Montgomery provided the second reading of the Resolution.

5. **Second Reading of a Resolution concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation and Marty B’s, LLC.**

Town Secretary Montgomery provided the second reading of the Resolution.

Council discussed agenda items #6 and #7 together, making separate motions.

6. **Discuss and consider a Preliminary Plat for a 14.722-acre tract or parcel of land situated on Lot 1R, Block A, of the Yeti Addition, in the Town of Bartonville, Denton County, Texas. The subject property is located on the south side of IT Neely Road, approximately 200 feet west of its intersection with FM 407. The property address is 1001 IT Neely Road. The applicant is Cara King of the John R. McAdams Company, Inc. on behalf of The Reserve at Marty B’s. [Town of Bartonville PP-2024-001.] *(The Planning & Zoning Commission recommended approval, with conditions, by a vote of 5-0 at its February 7, 2024, meeting.)***

Town Planning Consultant Ryan Wells provided a presentation of the application and addressed questions from Council.

Applicant Cara King also provided a presentation and addressed questions from Council.

Motion made by Council Member Sams, seconded by Council Member Crandall, to recommend approval of PP-2024-001, a Preliminary Plat for a 14.722-acre tract or parcel of land situated on Lot 1R, Block A, of the Yeti Addition, in the Town of Bartonville, Denton County, Texas, with the following conditions:

1. The proposed utility easement shall be relocated adjacent and south of the proposed drainage easement that runs along IT Neely Drive.
2. The final plat shall contain Owner’s Declaration and Surveyor’s Certificate language that matches that listed under Bartonville Development Ordinance Section 2.5.18.f.
3. On the final plat, an additional clause under the Owner’s Declaration (NOW, THEREFORE...) shall read as follows, in accordance with Bartonville Development Ordinance Section 2.5.6:
 - The undersigned does hereby covenant and agree that they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the Town of Bartonville’s paving standards for fire lanes, and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating “Fire Lane, No Parking.” The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.
4. On the final plat, the floodplain language in note 13 shall be moved to the NOTES section and not be associated with the UTRWD easement section.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

7. **Discuss and consider a Final Plat for a 14.722-acre tract or parcel of land situated on Lot 1R, Block A, of the Yeti Addition, in the Town of Bartonville, Denton County, Texas. The subject property is located on the south side of IT Neely Road, approximately 200 feet west of its intersection with FM 407. The property address is 1001 IT Neely Road. The applicant is Cara King of the John R. McAdams Company, Inc. on behalf of The Reserve at Marty B’s. [Town of Bartonville FP-2024-001.] *(The Planning & Zoning Commission recommended approval, with conditions, by a vote of 5-0 at its February 7, 2024, meeting.)***

Motion made by Council Member Chapman, seconded by Council Member Arens, to recommend approval of FP-2024-001, a Final Plat for a 14.722-acre tract or parcel of land situated on Lot 1R, Block A, of the Yeti Addition, in the Town of Bartonville, Denton County, Texas, with the following conditions:

1. Prior to final plat recordation, the proposed utility easement shall be relocated adjacent and south of the proposed drainage easement that runs along IT Neely Drive.
2. Prior to recordation, the final plat shall contain Owner’s Declaration and Surveyor’s Certificate language that matches that listed under Bartonville Development Ordinance Section 2.5.18.f.

3. Prior to recordation, an additional 20-foot-wide building line shall be located along the shared property line with Lot 2, Block A, Yeti Addition.
4. Prior to recordation, there shall be placed an additional clause under the Owner’s Declaration (NOW, THEREFORE...) shall read as follows, in accordance with Bartonville Development Ordinance Section 2.5.6:
 - The undersigned does hereby covenant and agree that they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the Town of Bartonville’s paving standards for fire lanes, and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating “Fire Lane, No Parking.” The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.
5. The final plat shall not be recorded without a signature from CoServ assenting to the proposed easement vacations.
6. In accordance with BDO Section 2.6.5., the final plat shall not be recorded until either:
 - 1) All required public improvements have been constructed and accepted by the Town; or
 - 2) The Town has received an appropriate surety from the applicant guaranteeing the construction of the required public improvements.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

8. **Conduct a Public Hearing and consider a Resolution approving a Site Plan on a 14.722-acre tract or parcel of land situated on Lot 1R, Block A, of the Yeti Addition, in the Town of Bartonville, Denton County, Texas. The subject property is located on the south side of IT Neely Road, approximately 200 feet west of its intersection with FM 407. The property address is 1001 IT Neely Road. The applicant is Cara King of the John R. McAdams Company, Inc. on behalf of The Reserve at Marty B’s. [Town of Bartonville SP-2023-005.] *(The Planning & Zoning Commission recommended approval, with conditions, by a vote of 5-0 at its February 7, 2024, meeting.)***

Town Planning Consultant Ryan Wells provided a presentation of the application and addressed questions from Council.

Applicant Cara King also provided a presentation and addressed questions from Council.

Mayor Carrington opened the Public Hearing at 8:02 pm. After recognizing there was no one wishing to speak, Mayor Carrington closed the Public Hearing at 8:03 pm.

Motion made by Council Member Crandall, seconded by Council Member Roberts, to recommend approval of SP-2023-005 with the following conditions:

1. All parking area lighting shall be installed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in BZO Section 13.3.7 and Chapter 28.
 - i. In accordance with BZO Section 12.3.5.5., lights shall be fully shielded to minimize light trespass onto any residential zoning district. “Fully shielded” means a technique or method of construction or manufacture that does not allow any light dispersion to shine above the horizontal plane from the lowest light-emitting point of the light fixture. Any structural part of the light fixture providing this shielding shall be permanently affixed to the light fixture.
 - ii. All parking lot light poles shall be set back from shared boundaries with residential uses (i.e., Lot 5, Block D, Hudson Hills) equal to their height, in accordance with BZO Section 28.2.A. Light intensity at the shared property line shall not exceed 0.25 foot candles.
2. A landscape buffer shall be located on the site along the concrete and gravel parking areas adjacent to Lot 5, Block D, Hudson Hills. Said landscape plan shall be subject to the following standards, in accordance with the Bartonville Zoning Ordinance Section 12.3.C.11:
 - i. A brick or masonry wall with stucco or mortar wash finish, both exterior finishes being the same, shall be constructed along the property line. Said wall shall be a minimum of six feet (6’) in height, except that the first twenty-five feet (25’) in from the street line may be stepped down to a minimum height of four feet (4’).
 - ii. The landscaped setback shall consist of a minimum twenty-five-foot (25’) landscape buffer. Understory plants of species included in the approved plant list contained in Chapter 31 shall be provided in order to achieve a continuous dense six-foot (6’) screen.
 - iii. Native shade trees, a minimum of three inches (3”) in trunk diameter as measured four feet (4’) above the ground and of a species included in Chapter 31 shall be provided at a ratio of one (1) tree per four hundred (400) square feet of buffer area. Native shade trees shall not be planted closer than thirty feet (30’) on center.
3. Prior to issuance of any building permit for the site, the final plat for the property shall be recorded with the Denton County Clerk’s office.
4. The future accessory building shall comply with Bartonville Zoning Ordinance (BZO) section 12.2.B.
5. In order to protect the flood capacity and natural resource values of the floodplain area, a floodplain easement shall be established to encompass the entire 100-year floodplain. This shall be established as part of the recorded plat for the property.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

9. Discuss and consider approval of a Resolution concerning the approval of a Type B Economic Development Corporation Development Project and Performance Agreement by and between the Bartonville Community Development Corporation and Ucryo & Recovery, LLC.

Town Secretary Montgomery provided a summary of the terms and conditions of the Performance Agreement between the Bartonville Community Development Corporation and Ucryo & Recovery, LLC and addressed questions from Council.

Motion made by Council Member Sams, seconded by Council Member Arens, to approve the Resolution concerning the approval of a Type B Economic Development Corporation Project and Performance Agreement by and between the Bartonville Development Corporation and Ucryo & Recovery, LLC as presented.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

10. Discuss and consider approval of a Resolution concerning the approval of a Type B Economic Development Corporation Development Project and Performance Agreement by and between the Bartonville Community Development Corporation and Marty B's, LLC.

Town Secretary Montgomery provided a summary of the terms and conditions of the Performance Agreement between the Bartonville Community Development Corporation and Marty B's, LLC and addressed questions from Council.

Motion made by Council Member Arens, seconded by Council Member Roberts, to approve the Resolution concerning the approval of a Type B Economic Development Corporation Project and Performance Agreement by and between the Bartonville Development Corporation and Marty B's, LLC as presented.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

H./I. CONVENE INTO CLOSED SESSION and RECONVENE INTO OPEN MEETING

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 8:15 pm and reconvened into open session at 8:56 pm in accordance with the Texas Government Code regarding:

- 1. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney concerning pending or contemplated litigation regarding the sanitary sewer nuisance at 1287 Gibbons Road, Town of Bartonville, Texas v. Paula Harvey, Cause No. 23-11429-467 pending in the 467th District Court of Denton County, Texas.**

No Action Taken.

J. FUTURE ITEMS

Discussion only, no action taken.

K. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 8:56 pm.

APPROVED this the 19th day of March 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary

DRAFT