

THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE MET IN REGULAR SESSION ON THE 19TH DAY OF DECEMBER 2023 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:

Thad Chambers, Town Administrator
Shannon Montgomery, Town Secretary
Ed Voss, Town Attorney
Wendell Mitchell, Interim Chief of Police

A. CALL MEETING TO ORDER

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

B. PLEDGE OF ALLEGIANCE

Mayor Carrington led the Pledge of Allegiance.

C. 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 was no public participation.

D. APPOINTED REPRESENTATIVE/LIAISON REPORTS

1. Upper Trinity Regional Water District Report - No Report

2. Denton County Emergency Services District #1.

Chief Vaughn provided an update and addressed questions from Council.

3. Police Department Statistics/Activities - November 2023.

Chief Wendell provided an update and addressed questions from Council.

4. Town Administrator – November 2023 Reports: Financial, Animal Control, Code Enforcement, Engineering, Municipal Court, Permits, and Board Member Attendance.

Town Administrator Chambers provided an update and addressed questions from Council.

E. 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 November 21, 2023, Regular Meeting Minutes.

Motion made by Council Member Sams, seconded by Council Member Arens to approve the November 21, 2023, Regular Meeting Minutes as amended at the dais.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

F. PUBLIC HEARINGS and ACTION ITEMS

Mayor Carrington and Council Member Sams recused themselves from the dais at 6:55 pm; Mayor Pro Tem Chapman provided over the meeting for agenda item #1:

- 1. Discuss and consider a Preliminary Plat for an 81.789-acre tract of land situated in the A.M. Feltus Survey, Abstract Number 1594, and the Daniel Cook Survey, Abstract No. 230, in the Town of Bartonville, Denton County, Texas. The tract of land is located on the north side of E Jeter Road, approximately 2,063 feet north of its intersection with Porter Road, in Bartonville, Texas. The applicant is Mycoskie Associates, Inc., on behalf of Rob Knight. *(The Planning & Zoning Commission recommended approval by a vote of 5-0 at its December 6, 2023, meeting.)***

Town Administrator Chambers provided a brief presentation, stating that this item meets the criteria, the Planning and Zoning Commission recommended approval with conditions, and listed the conditions.

Motion made by Council Member Crandall, seconded by Council Member Arens, to approve the Preliminary Plat for an 81.789-acre tract of land situated in the A.M. Feltus Survey, Abstract Number 1594, and the Daniel Cook Survey, Abstract No. 230, in the Town of Bartonville, Denton County, Texas. The tract of land is located on the north side of E Jeter Road, approximately 2,063 feet north of its intersection with Porter Road, in Bartonville, Texas, with the following conditions:

1. Prior to recordation of the final plat, the two “Offsite Drainage Easements” depicted on the Preliminary Utility Plan shall be recorded as separate instruments.
2. Prior to recordation of the final plat, all easements to be established via the plat shall be labeled “by this plat.”
3. Prior to recordation of the final plat, the front, side, and rear yard setbacks (building lines) shall be set at 50 feet, as established by Chart 4.2 of the Bartonville Zoning Ordinance. These setbacks shall apply to all property lines of each lot, including both portions of Lot 3.
4. Prior to recordation of the final plat, any existing buildings located within a regulatory setback shall be removed or relocated such that no existing buildings are located within any new yard setbacks to be established by the plat.

5. The final plat shall include an approval block as depicted in Section 2.7.c. of the Bartonville Development Ordinance.
6. Prior to submittal of a final plat, the proposed location and design of the on-site septic facilities (OSSF) for each proposed lot shall be approved by the Town of Bartonville, in accordance with Bartonville Development Ordinance Section 2.6.c.
7. A complete engineering/construction plan set shall accompany the final plat application, in accordance with Bartonville Development Ordinance Section 2.7.d.
8. The final plat shall depict a 10-foot-wide utility easement along one side and along the entire length of the private road.

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 7:04 pm.

2. **Discuss and make a recommendation regarding a Preliminary Plat for a 99.744-acre tract of land situated in the A.R. Loving Survey, Abstract Number 0736A, Tracts 5, 5A, 6, and 7A in the Town of Bartonville, Denton County, Texas. The tract of land is located on the west side of FM 407, directly opposite the intersection of FM 407 and Rayzor Road, in Bartonville, Texas. The applicant is CCM Engineering, on behalf of the Education Leads to Success Foundation. *(The Planning & Zoning Commission recommended approval by a vote of 5-0 at its December 6, 2023, meeting.)***

Town Administrator Chambers provided a brief presentation, stating that this item meets the criteria, the Planning and Zoning Commission recommended approval with conditions, and listed the conditions.

Motion made by Council Member Arens, seconded by Council Member Crandall, to approve the Preliminary Plat for a 99.744-acre tract of land situated in the A.R. Loving Survey, Abstract Number 0736A, Tracts 5, 5A, 6, and 7A in the Town of Bartonville, Denton County, Texas. The tract of land is located on the west side of FM 407, directly opposite the intersection of FM 407 and Rayzor Road, in Bartonville, Texas, with the following conditions:

1. On the final plat, the fire lane easement shall be a minimum of 24 feet in width and all internal turn radii shall be a minimum of 30 feet.
2. The final plat shall show Driveway #2 and the associated drive aisle, as indicated in the August 10, 2023, Traffic Impact Analysis. The drive aisle may be labeled as "Private Access Road." It is recommended that this also be identified as a fire lane since it will offer direct turning access from FM 407.
3. Driveway #2 shall be served by a left turn bay cut in the median. Prior to construction of any public improvements in the TxDOT right-of-way, a TxDOT construction permit shall be obtained by the applicant.

4. Prior to submittal of a final plat, the proposed location and design of an on-site septic facility (OSSF) shall be approved by the Town of Bartonville, in accordance with Bartonville Development Ordinance Section 2.6.c.
5. Prior to any construction on the site within the Zone AE floodplain or floodway, a Conditional Letter of Map Revision (CLOMR) shall be submitted to and approved by FEMA.
6. The final plat shall contain an additional note under General Notes that reads, "The Zone AE floodplain and floodway shall be maintained and shall remain free of obstructive debris by the property owner, in accordance with the Bartonville Code of Ordinances.
7. A complete engineering/construction plan set shall accompany the final plat application, in accordance with Bartonville Development Ordinance Section 2.7.d.
8. Include, as part of the construction plan set, a turning exhibit for a WB 50 vehicle.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

3. Conduct a Public Hearing and consider a Resolution adopting and ratifying plat application submittal list posting requirements set forth by new legislation HB 3699.

Town Administrator Chambers stated that this is required by House Bill 3699, requiring municipalities to adopt and make publicly available a complete written list of all documentation and other information that is required to submit a plat application, including publication on the Town's website.

Mayor Carrington opened the Public Hearing at 7:16 pm. After recognizing that no one was present to speak on this agenda item, closed the Public Hearing at 7:16 pm.

Motion made by Council Member Roberts, seconded by Council Member Crandall, approving a Resolution adopting and ratifying plat application submittal list posting requirements set forth by new legislation HB 3699 as presented.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

4. Discuss and consider approval of a Resolution accepting the Town's Investment Policy for Fiscal Year 2023-2024.

Town Administrator Chambers that this is the mandated annual review of the Town's Investment Policy, and that Staff does not recommend any changes.

Motion made by Council Member Chapman, seconded by Council Member Crandall, to approve a Resolution accepting the Town's Investment Policy for Fiscal Year 2023-2024 as presented.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

5. Discuss and consider appointment(s) to the Bartonville Community Development Corporation, including the consideration of removing a member due to absenteeism.

Town Secretary Montgomery stated one of her duties is to notify Council of appointed officials' absences and referred to Section 1.04.003, Attendance at Meetings, of the Town's Code of Ordinances.

Motion made by Crandall, seconded by Council Member Chapman, to remove James Kennemer from the Bartonville Community Development Corporation immediately due to his three consecutive absences.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

6. Discuss and consider approval of a Resolution appointing new member(s) to the Bartonville Community Development Corporation.

Town Secretary Montgomery stated that during the annual appointment process, a vacancy was left on the Bartonville Community Development Corporation Board and Staff has advertised the vacancy with a deadline of Friday, December 8, 2023. Montgomery stated that two applications were received.

Motion made by Council Member Crandall, seconded by Council Member Roberts, to appoint Jennifer Buck to the position expiring September 2025.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

Motion made by Council Member Sams, seconded by Council Member Arens, to appoint Lacy Burrhus to the position expiring September 2024.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

7. Discuss and consider an agreement with MWH Group for external auditing services for the Fiscal Year ending September 30, 2023, and authorize the Town Administrator to execute same on behalf of the Town.

Town Administrator Chambers stated we have received the proposal and engagement letter from our past Auditors, MWH Group, and addressed questions from Council.

Motion made by Council Member Arens, seconded by Council Member Robers, to approve the agreement with MWH Group for external auditing services for the Fiscal Year ending September 30, 2023, and authorize the Town Administrator to execute same.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

8. Discuss and consider a Master Services and Purchasing Agreement with Axon Enterprise, Inc. for the purchase of tasers and associated equipment in an amount not to exceed \$17,526.00; and authorize the Town Administrator to execute same on behalf of the Town.

Police Chief Mitchell provided a summary of the Purchasing Agreement with Axon Enterprise, Inc and addressed questions from Council.

Motion made by Council Member Crandall, seconded by Council Member Sams, to approve the Master Services and Purchasing Agreement with Axon Enterprise, Inc for the purchase of tasers and associated equipment in an amount not to exceed \$17,526.00 and authorize the Town Administrator to execute same on behalf of the Town.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

G./H. 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 7:37 pm and reconvened into open session at 8:13 pm in accordance with the Texas Government Code regarding:

Council Member Crandall recused himself from the Executive Session Agenda Item #1 discussion.

1. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney regarding legal issues related to the Town's Extraterritorial Jurisdiction (ETJ), issues related to the Furst Ranch Development, and any and all legal issues related thereto.

No action taken.

Council Member Crandall attended Executive Session Agenda Item #2 discussion.

2. 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.

I. FUTURE ITEMS

Discussion only; no action taken.

J. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 8:15 pm.

APPROVED this the 16th day of January 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary

DRAFT