

**THE BARTONVILLE TOWN COUNCIL REGULAR MEETING HELD ON THE 16<sup>th</sup> DAY OF MAY 2023, AT 1941 E. JETER ROAD, BARTONVILLE, TEXAS 7:00 P.M.**

The Town Council met in a regular meeting with the following members present:

Jaclyn Carrington, Mayor  
Clay Sams, Mayor Pro Tem  
Jim Roberts, Councilmember Place 1  
Matt Chapman, Councilmember Place 2  
Keith Crandall, Councilmember Place 4  
Josh Phillips, Councilmember Place 5

And with the newly elected member Margie Arens, Place 5 (after canvassing)

constituting a quorum with the following members of the Town Staff participating: Thad Chambers, Town Administrator; Tammy Dixon, Town Secretary; Bobby Dowell, Chief of Police; and Ed Voss, Town Attorney.

**A. CALL REGULAR MEETING TO ORDER**

Mayor Carrington called the regular meeting to order at 7:00 p.m.

**B. PLEDGE OF ALLEGIANCE**

Mayor Carrington led the pledge of allegiance.

**C. PRESENTATIONS**

1. Issue Certificates of Election, Statement of Elected Official, and provide the Oath of Office to newly elected Officials.

Mayor Carrington distributed the Certificates of Election and administered the Oaths of Office to Jim Roberts, Clay Sams, and Margie Arens.

2. Recognition of Outgoing Town Councilmember Josh Phillips.

Mayor Carrington provided Josh Phillips with a personalized street sign and thanked him for his six years of service on the Town Council.

Mayor Carrington recessed the meeting at 7:05 p.m. and reconvened the meeting at 7:08 p.m.

3. Announcement from newly elected Town Councilmember Margie Arens.

Councilmember Arens stated she was honored to serve as an elected official and would do her best to serve the citizens of Bartonville.

4. Recognition of Tammy Dixon, Town Secretary.

Mayor Carrington thanked Tammy Dixon for her 11 ½ years of service to the Town and presented her with a personalized street sign.

**5. Proclamations**

Mayor Carrington invited Del Knowler to the lectern and read aloud a Proclamation in celebration of his 90<sup>th</sup> birthday.

Mayor Carrington invited Chief Dowell to the lectern and read aloud a Proclamation in observance of Police Week.

**D. PUBLIC PARTICIPATION**

Rusty Rice, 1086 Broome Road, spoke about allowing fireworks under special conditions.

**E. APPOINTED REPRESENTATIVE/LIAISON REPORTS**

1. Denton County Emergency Services District #1 (DCESD#1) – No Report.
2. Police Chief Report - Department Statistics/Activities April 2023.

Chief Dowell reviewed the April statistics and answered questions from the Town Council. He reminded everyone the department was sponsoring a blood drive event for May 20<sup>th</sup> at the Bartonville Store. Chief Dowell also stated he would be participating in the DCESD#1 Carry The Load walk on May 20<sup>th</sup> to honor and remember fallen military and first responders.

3. Town Administrator - Monthly Reports April 2023: Financial, Animal Control, Code Enforcement, Engineering, Municipal Court, Permits.

Mr. Chambers reviewed the April financials and answered questions from the Town Council.

**F. CONSENT AGENDA**

1. Consider approval of the April 18, 2023, regular meeting minutes.
2. Consider approval of an Interlocal Cooperation Agreement between Denton County and the Town of Bartonville for Shared Governance Communications & Dispatch Services System for Fiscal Year 2023-2024 in the amount of \$6343.00; and authorize the Town Administrator and Chief of Police to execute same on behalf of the Town.
3. Consider approval of Resolution 2023-07 nominating Sue Tejml to a slate of nominees for the Board of Managers of the Denco Area 9-1-1 District.
4. Consider approval of Resolution 2023-08 approving and adopting the 2023 Denton County Hazard Mitigation Plan.

Councilmember Roberts moved to approve consent agenda items 1-4. Councilmember Crandall seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Arens, Crandall, Chapman, Sams, Roberts  
**NAYS:** None  
**VOTE:** 5/0

**G. REGULAR ITEMS**

5. 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 Cloud 9 Management LLC.

Ms. Dixon provided the first reading.

6. 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 Sakhouser Investments, LLC.

Ms. Dixon provided the first reading.

7. Discuss and consider approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 6, "Health and Sanitation," Article 6.05 "Refuse, Garbage, Rubbish and Junk," to establish regulations as to placement time of waste and recycling receptacles, and other amendments.

Councilmember Crandall stated this item was discussed at the April meeting regarding the placement and removal times of waste and recycling receptacles.

Councilmember Crandall moved to approve Ordinance No. 747-23 amending the Town of Bartonville Code of Ordinances, Chapter 6, "Health and Sanitation," Article 6.05 "Refuse, Garbage, Rubbish and Junk," to establish regulations as to placement time of waste and recycling receptacles, and other amendments. Councilmember Roberts seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 747-23**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 6, "HEALTH AND SANITATION," ARTICLE 6.05 "REFUSE, GARBAGE, RUBBISH AND JUNK," TO ESTABLISH REGULATIONS AS TO PLACEMENT TIME OF WASTE AND RECYCLING RECEPTACLES, AND OTHER AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

**NAYS:** None

**VOTE:** 5/0

8. 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 Cloud 9 Management LLC.

Ms. Dixon provided the second reading.

9. 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 Sakhouser Investments, LLC.

Ms. Dixon provided the second reading.

10. Discuss and consider approval of an ordinance amending the Town's Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, as adopted by Ordinance No. 735-22; and amended by Ordinance 738-22 providing for adjustments to the General Fund, Vehicle Computer Fund, and creating an Opioid Abatement Fund.

Ms. Dixon stated the budget amendment provided revenue and expenditure adjustments for the following:

- \$50,000 transfer from the Bartonville Community Development Corporation for the Denton County Interlocal Agreement for construction improvements associated with the Hilltop Road project approved last year.
- The reimbursable grant provided by North Central Texas Council of Governments (NCTCOG) for tire recycling event.
- The vehicle that was approved and budgeted in Fiscal Year 2021-2022 but was not received until the current Fiscal Year and to identify the annual replacement of two computers (administration and police). Computers are on a three-year replacement cycle.
- The creation of an Opioid Abatement Fund (restricted funds) for revenues received for the Town's participation in the Opioid settlements brought by the State of Texas (Resolution No. 2021-18).

Mayor Pro Tem Sams moved to approve Ordinance No. 748-23 amending the Town's Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, as adopted by Ordinance No. 735-22; and amended by Ordinance 738-22 providing for adjustments to the General Fund, Vehicle Computer Fund, and creating an Opioid Abatement Fund. Councilmember Chapman seconded the motion. The caption of the ordinance reads as follows:

#### ORDINANCE NO. 748-23

#### AMENDING THE FISCAL YEAR 2022-2023 BUDGET

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, AS ADOPTED BY ORDINANCE NO. 735-22; AND AMENDED BY ORDINANCE 738-22 BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND AND VEHICLE COMPUTER FUND PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; PROVIDING SAVINGS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES OF THE TOWN BARTONVILLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

#### VOTE ON THE MOTION

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

**NAYS:** None

**VOTE:** 5/0

11. Discuss and consider appointments to the ad hoc Special Events Advisory Committee.

Councilmember Crandall stated Margie Arens had applied to be a member; however, at the time, since she would become a councilmember, he would step down at this time to allow her to be the second Council appointed member.

Councilmember Crandall moved to appoint Margie Arens as a regular member and Keith Crandall as an alternate member to the Special Events Advisory Committee. Councilmember Roberts seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

**VOTE:** 5/0

- 12.** Consider approval 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 Cloud 9 Management LLC.

Ms. Dixon stated On May 10, 2023, the Bartonville Community Development Corporation Board approved a Performance Agreement for Cloud 9 Management LLC to provide financial assistance for Cloud 9 Salon and Spa, in the amount of \$45,000. She explained the agreement provided for \$22,500 to be paid within 30 days of commencing construction on the property and \$22,500 paid within 30 days after the issuance of a Certificate of Occupancy. The agreement includes a five-year claw back provision in the event of default.

Ms. Latham, BCDC Chair, summarized the Board's decision to approve the Performance Agreement.

Kim Skidmore stated she was looking forward to her business opening in the Town and answered questions from the Town Council.

Councilmember Chapman moved to approve Resolution No. 2023-09 concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation and Cloud 9 Management LLC. Mayor Pro Tem Sams seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

**VOTE:** 5/0

- 13.** Consider approval 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 Sakhouse Investments, LLC.

Ms. Dixon stated On May 10, 2023, the Bartonville Community Development Corporation Board approved a Performance Agreement for Sakhouse Investments, LLC. (aka Trios Italian Bistro) to provide financial assistance for Trios Bistro, in the amount of \$20,000. She explained the agreement provides for \$10,000 to be paid within 30 days of the effective date of the agreement and in accordance with State Law; and half when the Developer's receipt of invoices and or receipts for the Qualified Expenditures made to the property in a minimum amount of \$55,000 are submitted to the Corporation.

Ms. Latham, BCDC Chair, summarized the Board's decision to approve the Performance Agreement.

Tim House explained the construction additions and answered questions from the Town Council.

Councilmember Roberts moved to approve Resolution No. 2023-10 concerning the approval of a Type B Economic Development Project and Performance Agreement by and between the Bartonville Community Development Corporation and Sakhouse Investments, LLC. Councilmember Crandall seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

**VOTE:** 5/0

**H./J. CLOSED SESSION/OPEN SESSION**

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 7:54 p.m. and reconvened into open session 7:51 p.m. in accordance with the Texas Government Code regarding:

1. Section 551.074 Personnel Matters to deliberate and consider the appointment and employment of public officers or employees; to wit: Mayor Pro Tem.

Councilmember Crandall moved to appoint Matt Chapman as Mayor Pro Tem. Councilmember Roberts seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

**VOTE:** 5/0

2. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney regarding solar energy device regulations, and any and all legal issues related thereto.

**No Action Taken.**

3. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney regarding an Economic Development Agreement between the Town of Bartonville and NewQuest Properties and related matters.

**No Action Taken.**

4. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney regarding a funding request from the Denton County Emergency Services District #1, and any and all legal issues related thereto.

**No Action Taken.**

**J. FUTURE ITEMS**

**There were none.**

**K. ADJOURNMENT**

Mayor Carrington declared the meeting adjourned at 8:54 p.m.

APPROVED this the 20<sup>th</sup> day of June 2023.

Approved:

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Jaclyn Carrington, Mayor

Attest:

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, Town Secretary