

THE BARTONVILLE TOWN COUNCIL REGULAR MEETING HELD ON THE 18th DAY OF APRIL 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

with the following member absent: Josh Phillips, Councilmember Place 5

constituting a quorum with the following members of the Town Staff participating: Thad Chambers, Town Administrator; Tammy Dixon, Town Secretary; Chris Cha, Town Engineering Firm; 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. Proclamation - Sexual Assault Awareness Month

Mayor Carrington read aloud the proclamation and presented it to Jennifer Torres, an advocate for Denton County Friends of the Family.

D. PUBLIC PARTICIPATION

There were none.

E. APPOINTED REPRESENTATIVE/LIAISON REPORTS

1. Denton County Emergency Services District #1 (DCESD#1)

Sheldon Gilbert, President; Chief Ricky Vaughn; and Sam Johnson, President of the Argyle Firefighters Association gave the following presentation and answered questions from the Town Council.



SHELDON GILBERT

Board President, Denton County ESD No. 1

- Resolution effective April 1st
- Update on Audits and Financial Status
- Short and Long Term Funding Gap Options

November 17th-18th, 2022
Arrest & Indictment of Former Fire Chief



December 2022
- Resolution from Denton County, Towns of Argyle & Northlake
- Replacement of 1 Board Member



January 2023
- Replacement of 2 Board Members
- Fire Chief Swearing In Ceremony



April 2023
Employee Transition from AVFD to ESD

RICKY VAUGHAN

Fire Chief, Denton County ESD No. 1

- ESD Transition
 - Handbook
 - Fidelity & TCDRS
 - Consolidated Budget
- Next Steps
 - Balance Budget
 - Strategic Planning
 - Preparations for Election

April 2023
Employee Transition from AVFD to ESD



June 2023
Balance FY23 Budget Deficit



July 2023
Develop Strategic Plans



November 2023
Elections – Lantana, ETJs, and EMS District Overlay

SAM JOHNSON

President, Argyle Professional Firefighters Association Local 5190

- Morale of Employees
- Handbook, Benefits, and Pay
- Corrections & Recovery
- November Election



2. Police Chief Report - Department Statistics/Activities March 2023.

Chief Dowell reviewed the March statistics and answered questions from the Town Council. He reminded everyone the DEA drug take back day event was scheduled for April 25th and a blood drive event was scheduled for May 20th.

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

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

F. CONSENT AGENDA

1. Consider approval of the March 21, 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 2022-2023 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 termination of the October 2022 Agreement with William C. Spore for bookkeeping professional services.

Councilmember Crandall moved to approve consent agenda items 1-3. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, Roberts

NAYS: None

ABSENT: Phillips

VOTE: 4/0/1

G. PUBLIC HEARINGS

4. **LP-2023-001/ZC-2023-001** Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2); and an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its April 5, 2023 meeting.)***

Mr. Chambers stated the applicant/owner of a 10.076-acre tract of land located on the southeast corner of East Jeter Rd and McMakin Road was requesting an amendment of the Land Use Plan for the subject property from Rural Business (RB) to Residential (RE-2) and if approved, concurrently requesting a change in the zoning designation of the subject property from Rural

Business (RB) to Residential Estates 2-Acre Lots (RE-2).

Mr. Chambers further stated the property was currently vacant and the applicant has indicated he was requesting the changes in order to pasture livestock and to construct a barn.

Alex Wacker, applicant, reiterated Mr. Chambers comments.

Mayor Carrington opened the public hearing at 7:54 p.m.

No one spoke in favor or opposition.

Mayor Carrington closed the public hearing at 7:54 p.m.

Land Use Plan Amendment

Councilmember Chapman moved to approve Ordinance 743-23 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations, to change the land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision from Rural Business (RB) to Residential (RE-2) Councilmember Crandall seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 743-23

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE LAND USE MAP OF THE BARTONVILLE COMPREHENSIVE MASTER PLAN TO REFLECT A CHANGE IN THE ZONING DESIGNATION FOR THE APPROXIMATELY 10.076 ACRES LOCATED AT THE SOUTHEAST CORNER OF McMAKIN AND EAST JETER ROADS, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF "RB" RURAL BUSINESS TO A ZONING DESIGNATION OF "RE-2" RESIDENTIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; PROVIDING FOR NO VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, Roberts

NAYS: None

ABSENT: Phillips

VOTE: 4/0/1

Zoning Change

Councilmember Crandall moved to approve Ordinance 744-23 amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). Councilmember Chapman seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 744-23

AN ORDINANCE AMENDING ORDINANCE NO. 361-05, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF BARTONVILLE, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 10.076 ACRES LOCATED AT THE SOUTHEAST

CORNER OF McMAKIN AND EAST JETER ROADS, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF "RB" RURAL BUSINESS TO A ZONING DESIGNATION OF "RE-2" RESIDENTIAL ESTATE, AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, Roberts

NAYS: None

ABSENT: Phillips

VOTE: 4/0/1

5. **CUP-2023-001** Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Ordinance 361-05, Zoning Ordinance, by amending Chapter 5, Agricultural District (AG), Article 5.2, Uses Permitted, by granting a Conditional Use Permit to authorize equestrian uses and special education services with equine therapy located at 2700 FM 407 East. ***(The Planning and Zoning Commission recommended approval with conditions by a vote of 5 to 0 at its April 5, 2023 meeting.)***

Mr. Chambers stated the applicant has applied for a Conditional Use Permit to authorize equestrian uses and special education services with equine therapy located at their existing facility located at 2700 FM 407 East.

He further stated the Education Leads to Success Foundation entered into a lease partnership with Universal Academy, an open-enrollment charter school, to establish a new school facility on their 100-acre site which is also known as "CJ's Legacy Ranch."

He explained because the existing equestrian center was an existing legal nonconforming use under the current Bartonville Zoning Ordinance, the applicant was required to first acquire the Conditional Use Permit for the existing use before adding any new uses to the site. In addition, Universal Academy is an equestrian-based charter school which is expected to have a close operational relationship with the existing equestrian facility which would be considered an expansion of a legal nonconforming use, prohibited in the Zoning Ordinance Section 1.11.

Janice Blackman, applicant, provided a handout (on file with the Town Secretary) and provided a summary of their operation. She stated they did not have any issues with the recommended conditions.

Mayor Carrington opened the public hearing at 8:03 p.m.

No one spoke in favor or opposition.

Mayor Carrington closed the public hearing at 8:04 p.m.

Councilmember Crandall moved to approve Ordinance 745-23 amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Ordinance 361-05, Zoning Ordinance, by amending Chapter 5, Agricultural District (AG), Article 5.2, Uses Permitted, by granting a Conditional Use Permit to authorize equestrian uses and special education services

with equine therapy located at 2700 FM 407 East with the following conditions recommended by the Planning and Zoning Commission:

1. Soil in the equestrian arenas is to be kept in a dust-free condition.
2. Lights in the equestrian arena and all outside equestrian operations shall cease at 10:00PM nightly.
3. All amplified sound in any equestrian accessory building or outdoor equestrian arena shall comply with the Town's noise ordinance, as amended, or the terms of this Ordinance, whichever is more restrictive. Any amplified sound in any equestrian accessory building or outdoor equestrian arena shall comply with the following sound level when measured at the property boundary of the receiving land: 62 decibels as measured on a sound level meter using the A-weighting network. Notwithstanding any provision herein, any amplified sound in any equestrian accessory building or outdoor equestrian arena shall not unreasonably disturb or interfere with the peace, comfort, and repose of neighboring persons of ordinary sensibilities. This provision applies between the hours of 8:00AM to 7:00PM. Amplified sound in an equestrian accessory building or outdoor equestrian arena outside of stated hours is prohibited.
4. If manure is not spread on the property, manure must be contained in a compost structure at least 250 feet from any property line and removed weekly or composted.
5. There shall be no more than 6 horse training clinics per year, and no more than 4 horse show events and/or additional horse training clinics per year, at a rate of no more than 2 of such events per month and events may not occur on consecutive weekends. A horse training clinic shall include no more than 30 participants per day not to exceed 2 days. A horse show event is defined as including more than 30 participants per day not to exceed 2 days.

Councilmember Roberts seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 745-23

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN EQUESTRIAN CENTER AND SPECIAL EDUCATION SERVICES WITH EQUINE THERAPY LOCATED AT 2700 FM 407 EAST, BARTONVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, Roberts
NAYS: None
ABSENT: Phillips
VOTE: 4/0/1

H. REGULAR ITEMS

6. Discuss and consider approval of an ordinance amending Attachment “A” of Section 10 entitled “Rate Adjustment” of the Exclusive Franchise Agreement for Solid Waste Collection authorizing an 8.8 % CPI increase for solid waste and a 3.88% increase on the disposal and recycling processing on residential, commercial, and roll off services.

Ms. Dixon stated the Town received a request from Waste Connections for an increase in rates effective June 1, 2023, and the new rates would be \$13.31 for trash and \$8.14 for recycle, a total of \$21.45 which would be an increase of \$2.19 per home.

Hyon Cho, Site Manager, explained the requested increase which included increased tipping fees from the landfill.

Councilmember Sams moved to approve Ordinance No. 746-23 amending Attachment “A” of Section 10 entitled “Rate Adjustment” of the Exclusive Franchise Agreement for Solid Waste Collection authorizing an 8.8 % CPI increase for solid waste and a 3.88% increase on the disposal and recycling processing on residential, commercial, and roll off services. Councilmember Roberts seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE 746-23

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING ATTACHMENT “A” OF SECTION 10, ENTITLED “RATE ADJUSTMENT” OF THE EXCLUSIVE FRANCHISE AGREEMENT FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF MUNICIPAL SOLID WASTE, CONSTRUCTION AND DEMOLITION WASTE, AND RECYCLABLE MATERIALS IN THE TOWN OF BARTONVILLE, TEXAS, ADOPTED BY ORDINANCE 555-13, AUTHORIZING A 8.8% CPI INCREASE IN SOLID WASTE DISPOSAL RATES AND A 3.88% INCREASE IN THE DIPSOSAL RATES FOR RESIDENTIAL AND COMMERCIAL SERVICES; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, Roberts
NAYS: None
ABSENT: Phillips
VOTE: 4/0/1

7. Discuss and consider acceptance of Eagle Ridge Subdivision Public Improvements.

Mr. Chambers stated the public improvements, roads and drainage at Eagle Ridge subdivision was now complete and the Town Engineer’s firm, Westwood, conducted the construction inspections to ensure that the public improvements match the construction plans approved by the Town Council. He further stated all outstanding items had been addressed as outlined in the Town Engineer’s Construction Acceptance letter.

Councilmember Roberts moved to accept Eagle Ridge Subdivision Public Improvements. Councilmember Crandall seconded the motion.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, Roberts
NAYS: None
ABSENT: Phillips
VOTE: 4/0/1

8. Discuss and consider approval of Work Order #4 with SPI Asphalt Pavement Repair in the amount of \$96,914.50; and authorization for the Town Administrator to execute same on behalf of the Town.

Mr. Chambers stated this item was for the spring work authorization for SPI Asphalt. Chris Cha stated the work order included includes crack sealing, pothole repair and spot repair at Rustic Court, Country Court, Seals Road, and McMakin Road. He further stated there were some other potholes noted which were included under miscellaneous pothole repair. He explained the work order would also fix the barricades at the end of Badminton along with adding pavement markings on Bridle Bit and address a washout at Kentucky Derby near the entrance into Eagle Ridge subdivision which will include excavation to fully understand the extent of the washout to determine whether culvert/pipe repair was needed or just fill in.

A discussion ensued regarding the cost and work included.

Councilmember Chapman moved to approve Work Order #4 with SPI Asphalt Pavement Repair in the amount of \$96,914.50; and to authorize the Town Administrator to execute same on behalf of the Town. Councilmember Crandall seconded the motion.

VOTE ON THE MOTION

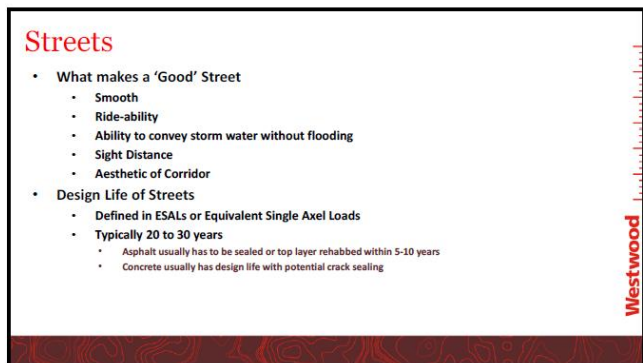
AYES: Chapman, Sams, Crandall, Roberts
NAYS: None
ABSENT: Phillips
VOTE: 4/0/1

9. Discuss and consider approval of work authorization for Westwood Professional Services in the amount of \$78,000 for bid phase services and oversight of the reconstruction of E. Jeter Road (Phase 1) and repairs on Stonewood Boulevard; and authorization for Town Administrator execute same on behalf of the Town.

Mr. Cha, with the Town's Engineering firm, Westwood, gave the following presentation and answered questions from the Town Council:



1



2

Perfect Roadway

- Perfect Roadway
 - No Trees
 - Wide Open Field
 - Drainage Ditches 1' below subgrade and away as far as possible from Street
 - Wide Shoulders

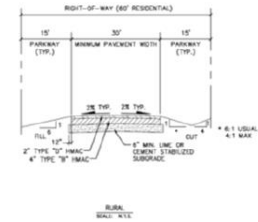


Westwood

3

Streets

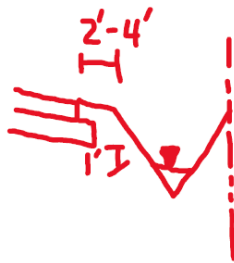
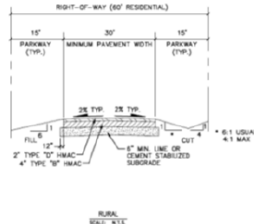
- Rural Roadway Structure and Characteristics
 - Pavement
 - Subgrade
 - Subbase
 - Shoulders
 - Ditch



Westwood

4

Streets



Westwood

5

Streets

- Risks to the Design Life of Streets
 - Trees
 - Roots typically extend below roadway and take moisture from roadway subgrade introducing heaving/movement
 - Moisture introduced into subgrade
 - Goal of the surface coat or Asphalt/Concrete is to seal subgrade
 - Subgrade failure
 - Excessively heavy loads compared to design of the roadway
 - Garbage trucks, construction vehicles, etc.
 - Installation of Roadways
 - Improper compaction
 - Density control

Westwood

6

Street Rehabilitation

- Rehabilitation of Asphalt Roadways
 - Crack Sealing – Fixes Surface Cracks
 - Microsurfacing/Emulsion Treatment
 - Mill and Overlay – New Roadway Surface – does not fix subgrade
 - Pulverize, Concrete Stabilize and Overlay – New Roadway Surface
 - Does not fix high PI/clay subgrade
 - Subgrade has to be in relatively good condition
 - Reconstruction
 - Most Expensive
 - Needs to effectively treat subgrade
 - Lime Stabilization PI < 15
 - Concrete Stabilization – PI < 15
 - Geogrid Stabilization
 - Roads to be installed on ground so pavement/milling would have to be removed
 - Cost effective in reconstruction or new construction
 - Address drainage/ditches or will adversely affect design life of roadway

Westwood

7

E. Jeter and Stonewood

STONWOOD BLVD AND JETER RD STREET IMPROVEMENTS LIMITS



Westwood

8

E. Jeter and Stonewood



Westwood

9

E. Jeter and Stonewood



Westwood

10



11

12

Mr. Cha explained the subgrade treatments including cement stabilization, lime stabilization and geogrid on compacted subgrade and stated the anticipated course of action was to design and bid the project with these alternatives to see what kind of cost benefit could be given.

Councilmember Crandall moved to approve work authorization for Westwood Professional Services in the amount of \$78,000 for bid phase services and oversight of the reconstruction of E. Jeter Road (Phase 1) and repairs on Stonewood Boulevard; and authorization for Town Administrator to execute same on behalf of the Town. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, Roberts
NAYS: None
ABSENT: Phillips
VOTE: 4/0/1

10. Update on Ramhill Transmission Lines meetings.

Mayor Carrington provided an update on the Mayoral meeting she attended regarding the transmission lines. She stated the line locations have been moved closer to FM 1171 and should not have an impact on the Town.

11. Discussion on nomination to slate of nominees to Denco 9-1-1 District Board of Managers.

Ms. Dixon explained that each year the term of one of the two members appointed by participating municipalities expires and this year it was the term of Sue Tejml and she has expressed her desire to serve another term. Members are eligible for consecutive terms.

Mr. Jim Carter addressed the Town Council and spoke on behalf of Ms. Tejml.

Staff was directed to prepare a resolution nominating Ms. Tejml for the May agenda for consideration.

12. Discussion on placement times of waste and recycling receptacles.

Mayor Carrington stated she had received some complaints regarding trash receptacles being left out on the street several days after collection. Councilmember Crandall distributed a handout (on file with the Town Secretary) which provided suggested language for trash receptacles.

Following a discussion, the Town Attorney was asked to draft a proposed ordinance as discussed, providing a timeframe for when trash receptacles must be removed from the street, for the May meeting.

H./J. CLOSED SESSION/OPEN SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 9:01 p.m. and reconvened into open session 9:20 p.m. in accordance with the Texas Government Code regarding:

1. Section 551.071 Consultation with Town Attorney, and Section 551.072 Deliberation regarding real property, and any and all legal issues related thereto.
No Action Taken.

J. FUTURE ITEMS

- Medal of Honor Parade participation

K. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 9:23 p.m.

APPROVED this the 16th day of May 2023.

Approved:

Jaclyn Carrington, Mayor

Attest:

Tammy Dixon, Town Secretary