

**THE BARTONVILLE TOWN COUNCIL REGULAR MEETING HELD ON THE 15<sup>TH</sup> DAY OF NOVEMBER 2022, AT 1941 E. JETER ROAD, BARTONVILLE, TEXAS 6:30 P.M.**

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

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

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; 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 6:30 p.m.

**B./C. CLOSED SESSION/OPEN SESSION**

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 6:30 p.m. and reconvened into open session at 7:11 p.m. in accordance with the Texas Government Code regarding:

1. 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, issues related to amending the Town's Development Ordinance, and any and all legal issues related thereto. **No Action Taken**

**D. PLEDGE OF ALLEGIANCE**

Mayor Carrington led the pledge of allegiance.

**E. PUBLIC PARTICIPATION**

No one addressed the Council.

**F. APPOINTED REPRESENTATIVE/LIAISON REPORTS**

2. Denton County Emergency Services District #1

Mr. Strange was not in attendance; however, he submitted the report prior to the meeting as a handout.

3. October Police Update

Chief Dowell provided the Department Statistics/Activities for October 2022 and answered questions from the Town Council.

Chief Dowell announced the Blue Santa Program was underway and gift tag tree would be ready on Thursday, November 17<sup>th</sup>.

4. Town Administrator Monthly Reports October 2022; Financial Statement; Animal Control; Engineering; Code Enforcement; Permits; Municipal Court.

Mr. Chambers stated the October financial report would be presented at a later date, due to the majority of revenues received would actually be booked to the prior fiscal year.

#### **G. CONSENT AGENDA**

5. Consider approval of the October 18, 2022, regular meeting minutes.

Councilmember Crandall moved to approve consent agenda item. Councilmember Chapman seconded the motion.

#### **VOTE ON THE MOTION**

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

#### **H. REGULAR ITEMS**

6. Discussion on the 2022 Comprehensive Land Use Survey results.

Mr. Chambers provided an overview of the survey and a discussion ensued regarding the results. He explained the first step of an update is gathering community feedback, which was achieved through the community survey. He stated most questions in the 2022 survey closely mirrored those in the 2016 survey so that potential changes in community input could be tracked.

He stated the preliminary analysis of the survey data indicated that 79.49% of respondents agree with the Comprehensive Land Use Plan in its current state and, other responses further reinforced the current plan's rural density and country feel much as it did in the 2016 survey.

He stated staff would present this information to P&Z at the December 5, 2022, meeting to receive recommendations for moving forward.

7. Discuss and consider approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 5, "Fire Prevention and Protection," Article 5.04, "Fireworks," to prohibit the sale and use of fireworks.

Mr. Chambers explained as part of the Comprehensive Plan Survey a question was posed regarding favoring an ordinance that prohibits fireworks in Bartonville. Due to the survey results this item was placed on the agenda by Mayor Carrington for consideration.

He stated 54.82% of respondents indicated "Yes" for favoring such an ordinance, three comments were submitted in favor of banning fireworks submitted under question 5; and 40.61% of respondents indicated "No" for favoring such an ordinance. He stated there was one comment opposing a ban on fireworks submitted under question 10; and 4.57% of respondents indicated "No Opinion" regarding the issue.

Mayor Carrington called those who signed up to speak on the item.

The following spoke in opposition of banning fireworks:

Leslie Freeman, 843 Dyer Road

The following spoke in support of banning fireworks:

Pat Adams, 1221 Glenview Lane  
Nancy Butler, 1550 Gibbons Rd. S  
Diane Golden, 1261 E. Jeter  
Del Knowler, 739 Seals

Mayor Carrington stated the Council received seven emails supporting the ban of fireworks.

A long discussion ensued regarding fireworks, including the enjoyment of use and the dangers of fireworks. The consensus of the Council was great concern for the safety of residents and property.

Mayor Pro Tem Sams moved to approve Ordinance No. 739-22 amending the Town of Bartonville Code of Ordinances, Chapter 5, "Fire Prevention and Protection," Article 5.04, "Fireworks," to prohibit the sale and use of fireworks. Councilmember Roberts seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 739-22**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 5, "FIRE PREVENTION AND PROTECTION," ARTICLE 5.04 "FIREWORKS," TO PROHIBIT THE SALE AND USE OF FIREWORKS IN THE TOWN, WITH EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; 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

8. Discuss and consider approval of a Development Agreement between the Town of Bartonville, Texas and Deer Hollow of Bartonville, LLC; and authorization for the Mayor to execute same on behalf of the Town.

Mr. Chambers provided an overview of the item and explained the development agreement was required to detail certain aspects of the negotiated issues as related to cul-de-sac lengths and to alleviate concerns expressed by Denton County ESD#1, the developer has agreed that all primary residences will include fire suppression systems regardless of square footage.

Councilmember Crandall moved to approve a Development Agreement between the Town of Bartonville, Texas and Deer Hollow of Bartonville, LLC; and to authorize the Mayor 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

9. Discuss, consider, and act regarding a Final Plat for the proposed Deer Hollow subdivision, consisting of approximately 81.397 acres generally located east of Seals Rd., west and south of Dove Creek Rd., and north of Jeter Rd. ***The Planning and Zoning Commission recommended approval with by a vote of 5 to 0 at its July 6, 2022, meeting.***

Mr. Chambers stated the Town Council approved the zoning change for this subdivision in May of this year and the developer has submitted proof that all required documents have been filed.

Councilmember Roberts moved to approve a Final Plat for the proposed Deer Hollow subdivision, consisting of approximately 81.397 acres generally located east of Seals Rd., west and south of Dove Creek Rd., and north of Jeter Rd. Councilmember Crandall seconded the motion.

**VOTE ON THE MOTION**

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

10. Discuss and consider approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 12, "Traffic and Vehicles," Article 12.02, "Traffic-Control Devices," and Article 12.03, "Operation of Vehicles."

Mr. Chambers stated the Town Council accepted the Ad Hoc Traffic Committee recommendations during the October 18, 2022, meeting and the proposed ordinance addresses those recommendations which included 1) new stop sign locations which would create 3-way stop conditions at the following intersections at Porter Road/E. Jeter, South Gibbons/E. Jeter, Dove Creek/South Gibbons/Frenchtown, and Broome Road/Porter; 2) no parking zones located on McMakin Road between E. Jeter and FM 407; 3) the elimination of the 40MPH speed for McMakin Road; 4) and the addition of reduced speed limits of 25MPH to the new roads in Hudson Hills, Eagle Ridge, and Trifecta Estates.

Councilmember Chapman moved to approve Ordinance No. 740-22 amending the Town of Bartonville Code of Ordinances, Chapter 12, "Traffic and Vehicles," Article 12.02, "Traffic-Control Devices," and Article 12.03, "Operation of Vehicles." Mayor Pro Tem Sams seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 740-22**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 12, "TRAFFIC AND VEHICLES," ARTICLE 12.02, "TRAFFIC-CONTROL DEVICES," AND ARTICLE 12.03, "OPERATION OF VEHICLES"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

11. Discuss and consider directing the Development Review Committee to review and provide recommendations on an ordinance amending Division IV, Special Requirements, Chapter 20 Fencing, Walls, and Screening Requirements, and any other related sections of the Zoning Ordinance for the Town of Bartonville related to fencing, walls, and screening.

Mr. Chambers stated this item has been discussed since March 2022 with public hearings held by the Planning and Zoning Commission as well as Town Council. He stated due to the nature of the discussions, trying to balance the originally stated desire to prevent subdivisions from building large stretches of solid fences and walls along major thoroughfares with the ability of individual property owners to still build privacy fences, he was recommending this item be sent to Development Review Committee for review with the goal of recommending a solution that balances the competing concerns.

The Council directed Mr. Chambers to take this item to the Development Review Committee to review and provide recommendations.

12. Discuss and consider approval of a resolution approving an extension of the Annual Contract for Miscellaneous Pavement Repair and Drainage Improvements between the Town of Bartonville and SPI Asphalt, LLC., and authorizing the Town Administrator to execute contract extension documents.

Mr. Chambers explained the Annual Contract for Miscellaneous Pavement Repair and Drainage contract was awarded to SPI Asphalt, LLC in November of 2021 and the agreement provides the option to extend the agreement for two (2) consecutive one-year terms. He stated the extension also includes a proposed amendment that creates unit pricing for items not listed in the original agreement, such as striping and backfill for structures.

Councilmember Crandall moved to approve Resolution No. 2022-22 approving an extension of the Annual Contract for Miscellaneous Pavement Repair and Drainage Improvements between the Town of Bartonville and SPI Asphalt, LLC., and authorizing the Town Administrator to execute contract extension documents. Councilmember Roberts seconded the motion.

**VOTE ON THE MOTION**

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

13. Discuss and consider approval of an ordinance amending the Town's Budget for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022, as adopted by Ordinance No. 715-21 and amended by Ordinance 720-21 and by Ordinance 724-22 by providing for adjustments to the General Fund.

Mr. Chambers explained due to numerous staffing changes and unexpected needs during the 2021-22 budget year, adjustments were required to balance various general fund accounts. Overall general fund expenditures did not exceed the overall budgeted funds, so this action simply cleans up the line items within each category so that negative balances are not shown as part of the audit process.

Councilmember Chapman moved to approve Ordinance No. 741-22 amending the Town's Budget for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022, as adopted by Ordinance No. 715-21 and amended by Ordinance 720-21 and by Ordinance 724-22 by providing for adjustments to the General Fund. Councilmember Crandall seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 741-22  
AMENDING THE FISCAL YEAR 2021-2022 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, 2021, AND ENDING SEPTEMBER 30, 2022, AS ADOPTED BY ORDINANCE NO. 715-21 AND AMENDED BY ORDINANCE 720-21 AND BY ORDINANCE 724-22 BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL 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:** Chapman, Sams, Crandall, Roberts  
**NAYS:** None  
**ABSENT:** Phillips  
**VOTE:** 4/0/1

14. Discuss and consider approval of an ordinance amending Section 3.1.k. regarding street centerline offsets, and by amending Section 3.1 of Part III of the Town's Development Ordinance, contained in Chapter 10 of the Town's Code of Ordinances, Exhibit A, by adding a new section regarding road and street extensions and connections from areas outside of the Town and associated procedures.

Town Attorney, Ed Voss, provided an overview of this item and answered questions from the Town Council.

Councilmember Roberts moved to approve Ordinance No. 742-22 amending Section 3.1.k. regarding street centerline offsets, and by amending Section 3.1 of Part III of the Town's Development Ordinance, contained in Chapter 10 of the Town's Code of Ordinances, Exhibit A, by adding a new section regarding road and street extensions and connections from areas outside of the Town and associated procedures. Mayor Pro Tem Sams seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 742-22**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING SECTION 3.1.k REGARDING STREET CENTERLINE OFFSETS, AND BY AMENDING SECTION 3.1 OF PART III OF THE TOWN'S DEVELOPMENT ORDINANCE, CONTAINED IN CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES, EXHIBIT A, AS AMENDED, BY ADDING A NEW SECTION 3.1.x REGARDING ROAD AND STREET EXTENSIONS AND CONNECTIONS FROM AREAS OUTSIDE OF THE TOWN, AND APPLICATION AND ASSOCIATED PROCEDURES AND REQUIREMENTS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

**I. FUTURE ITEMS**

Special Meeting to canvass the election, Monday, November 21, 2022, at 9:00 a.m.  
Agenda Item to discuss Bartonville's 50<sup>th</sup> anniversary of incorporation.

**J. ADJOURNMENT**

Mayor Carrington declared the meeting adjourned at 8:11 p.m.

**APPROVED this the 20<sup>th</sup> day of December 2022.**

Approved:

\_\_\_\_\_  
Jaclyn Carrington, Mayor

Attest:

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Tammy Dixon, Town Secretary