

THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE MET IN REGULAR SESSION ON THE 16TH DAY OF JANUARY 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
Clay Sams, Council Member Place 3
Keith Crandall, Council Member Place 4
Margie Arens, Council Member Place 5

Council Members Absent:

Jim Roberts, Council Member Place 1

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 6:00 pm.

B/C. 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 6:00 pm and reconvened into open session at 6:35 pm in accordance with the Texas Government Code regarding:

- 1. Section 551.074 Personnel Matters to deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Chief of Police.**

No Action Taken.

D. PLEDGE OF ALLEGIANCE

Mayor Carrington led the Pledge of Allegiance.

E. 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.

F. PROCLAMATION**1. Proclamation of Appreciation to Interim Chief of Police Wendell Mitchell.**

Mayor Carrington presented Interim Chief of Police Mitchell with a Proclamation of Appreciation for his tenure as Interim Chief of Police.

G. 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 - December 2023.

Chief Wendell provided an update and addressed questions from Council.

4. Town Administrator – December 2023 Reports: Financial – including quarterly investment report, Animal Control, Code Enforcement, Engineering, Municipal Court, Permits, and Board Member Attendance.

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

5. 2023 Traffic Study

Town Administrator Chambers requested that this item be moved to the next meeting.

H. 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 December 19, 2023, Regular Meeting Minutes.**2. Discuss and consider approval of a Resolution of the Town Council of the Town of Bartonville ordering a General Election to be held on May 4, 2024, for the purpose of electing one Mayor and two Council Members Place 2 and 4, for two-year terms each; providing for a joint services contract with Denton County and authorizing the Town Administrator to execute the joint services contract on behalf of the Town.**

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

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 4/0

I. PUBLIC HEARINGS AND REGULAR ITEMS**1. Conduct a Public Hearing and 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 establish a Conditional Use Permit for a restaurant with drive-through and approving an accompanying Site Plan on a 1.34-acre tract or parcel of land situated in Lot 3, Block A, of DCFWSD #7 Retail Center Addition, in**

the Town of Bartonville, Denton County, Texas. The subject property is located west of the intersection of Justin Road and E Jeter Road, in Bartonville, Texas. The applicant is Jennifer Gansert of Kimley-Horn and Associates, Inc. on behalf of Andy's Frozen Custard. [Town File #CUP-2023-006 and SP-2023-003]. *(The Planning & Zoning Commission recommended approval, with conditions, by a vote of 5-0 at its January 3, 2024, meeting.)*

Town Administrator Chambers provided a brief presentation, stating that this item meets the criteria, the Planning and Zoning Commission recommended approval of the CUP as presented and the Site Plan with conditions, and listed the conditions. The Applicant was present and addressed questions from Council.

Mayor Carrington opened the Public Hearing at 7:09 pm. After recognizing that no one was present to speak on this agenda item, closed the Public Hearing at 7:09 pm.

Motion made by Council Member Crandall, seconded by Council Member Arens, to approve 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 establish a Conditional Use Permit for a restaurant with drive-through and approving an accompanying Site Plan on a 1.34-acre tract or parcel of land situated in Lot 3, Block A, of DCFWSD #7 Retail Center Addition, in the Town of Bartonville, Denton County, Texas, with the following conditions to the Site Plan:

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.
2. The trash receptacle shall be screened with an eight-foot-tall screen constructed of masonry materials of like and similar materials to those of the primary structure.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 4/0

The caption of Ordinance 761-24 reads as follows:

TOWN OF BARTONVILLE ORDINANCE NO. 761-24

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02, EXHIBIT "A," ORDINANCE NO. 361-05, THE ZONING ORDINANCE, BY AMENDING CHAPTER 13, GENERAL COMMERCIAL DISTRICT (GC), ARTICLE 13.2, USES PERMITTED, BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A RESTAURANT WITH DRIVE-THROUGH USE, AND APPROVING AN ACCOMPANYING SITE PLAN, ON AN APPROXIMATELY 1.34-ACRE SITE SITUATED IN LOT 3, BLOCK A, OF DCFWSD #7 RETAIL CENTER ADDITION, IN THE LANTANA TOWN CENTER, LOCATED WEST OF THE INTERSECTION OF JUSTIN ROAD AND E. JETER ROAD IN BARTONVILLE; PROVIDING FOR THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; 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.

- 2. Conduct a Public Hearing and 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 establish a Conditional Use Permit for a restaurant with drive-through and approving an accompanying Site Plan on a 0.75-acre tract or parcel of land situated in Lot 3, Block A, of DCFWSD #7 Retail Center Addition, in the Town of Bartonville, Denton County, Texas. The subject property is located west of the intersection of Justin Road and E Jeter Road, in Bartonville, Texas. The applicant is Rama Madanat of Bowman Engineering & Consulting, Inc. on behalf of Swig Bartonville. [Town File #CUP-2023-007 and SP-2023-004]. *(The Planning & Zoning Commission recommended approval, with conditions, by a vote of 5-0 at its January 3, 2024, meeting.)***

Town Administrator Chambers provided a brief presentation, stating that this item meets the criteria, the Planning and Zoning Commission recommended approval of the CUP as presented and the Site Plan with conditions, and listed the conditions. The Applicant was present and addressed questions from Council.

Mayor Carrington opened the Public Hearing at 7:17 pm. After recognizing that no one was present to speak on this agenda item, closed the Public Hearing at 7:17 pm.

Motion made by Council Member Arens, seconded by Council Member Sams, to approve 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 establish a Conditional Use Permit for a restaurant with drive-through and approving an accompanying Site Plan on a 0.75-acre tract or parcel of land situated in Lot 3, Block A, of DCFWSD #7 Retail Center Addition, in the Town of Bartonville, Denton County, Texas, with the following conditions to the Site Plan:

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.
2. The trash receptacle shall be screened with an eight-foot-tall screen constructed of masonry materials of like and similar materials to those of the primary structure.
3. Prior to issuance of a Certificate of Occupancy, the applicant shall either 1) provide a shared parking agreement between the two lease areas for Swig and Andy's Frozen Custard to the Town of Bartonville, or 2) add one parking space to address the one space shortage.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 4/0

The caption of Ordinance 762-24 reads as follows:

**TOWN OF BARTONVILLE
ORDINANCE NO. 762-24**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02, EXHIBIT “A,” ORDINANCE NO. 361-05, THE ZONING ORDINANCE, BY AMENDING CHAPTER 13, GENERAL COMMERCIAL DISTRICT (GC), ARTICLE 13.2, USES PERMITTED, BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A RESTAURANT WITH DRIVE-THROUGH USE AND APPROVING AN ACCOMPANYING SITE PLAN, ON AN APPROXIMATELY 0.75-ACRE TRACT OR PARCEL OF LAND SITUATED IN LOT 3, BLOCK A, OF DCFWSD #7 RETAIL CENTER ADDITION IN THE LANTANA TOWN CENTER, LOCATED WEST OF THE INTERSECTION OF JUSTIN ROAD AND E. JETER ROAD IN BARTONVILLE; PROVIDING FOR THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; 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.

3. Discuss and consider approval of a Resolution appointing new member(s) to the Bartonville Crime Control and Prevention District.

Town Secretary Montgomery stated Jennifer Buck resigned from the Bartonville Crime Control and Prevention District upon her appointment to the Bartonville Community Development Corporation leaving a vacancy on the Bartonville Crime Control and Prevention District. Staff advertised the vacancy and received one application prior to the application deadline of Friday, January 5, 2024.

Motion made by Council Member Crandall, seconded by Council Member Chapman, to appoint Steven Weiss to the Bartonville Crime Control and Prevention District, with a term expiring September 2024.

VOTE ON THE MOTION

AYES: Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 4/0

J./K. 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 7:21 pm and reconvened into open session at 7:58 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.

L. FUTURE ITEMS

Discussion only, no action taken.

M. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 7:59 pm.

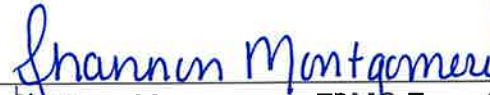
APPROVED this the 13th day of February 2024.

APPROVED:



Jacklyn Carrington, Mayor

ATTEST:



Shannon Montgomery, TRMC, Town Secretary

