

The Town Council of the Town of Bartonville met in a Budget Workshop and Regular Meeting on the 15th Day of August 2023 at the Town of Bartonville Town Hall, located at 1941 E Jeter Road, Bartonville, Texas with the following Council Members present:

Jaclyn Carrington, Mayor
Jim Roberts, Council Member Place 1
Mayor Pro Tem Matt Chapman, Place 2
Clay Sams, Council Member Place 3
Keith Crandall, Council Member Place 4
Margie Arens, Council Member Place 5

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

A. CALL WORKSHOP TO ORDER

Mayor Carrington called the Workshop to order at 6:00pm.

1. Discussion of Proposed Budget for Fiscal Year 2023-2024 and all things related thereto.

Town Administrator Chambers stated that the draft budget includes the priorities expressed by the Council at the July 25, 2023 Workshop, including annual Tree Trimming to increase visibility and improve safety adjacent to public rights-of way, purchasing a new Police Cruiser to replace one of the aging units in the fleet, and funding for Special Events.

Council discussed the tax rate, Police Department salaries, and benefits.

B. ADJOURN WORKSHOP

Mayor Carrington adjourned the work session at 6:39pm.

C. CALL REGULAR SESSION TO ORDER IMMEDIATELY FOLLOWING WORKSHOP

Mayor Carrington called the Regular Session to order at 6:45pm.

D. PLEDGE OF ALLEGIANCE

Mayor Carrington led the pledge of allegiance.

E. PROCLAMATIONS

1. Proclamation proclaiming September 2023 as Live United Month.

Mayor Carrington presented the Proclamation proclaiming September 2023 as Live United Month to Board Member April Cain and Marketing Director Marci Pritts.

2. Proclamation proclaiming August 15, 2023 as Annemarie Moore Day.

Mayor Carrington presented long-time resident Annemarie Moore with a Proclamation celebrating August 15, 2023 as Annemarie Moore Day in the Town of Bartonville.

F. 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 none.

G. APPOINTED REPRESENTATIVE/LIAISON REPORTS**1. Police Chief Report - Department Statistics/Activities July 2023.**

Police Chief Dowell reviewed the July 2023 statistics and addressed questions from Council.

2. Town Administrator – Monthly Reports July 2023: Financial, Animal Control, Code Enforcement, Engineering, Municipal Court, Permits and Denton County Emergency Services District #1.

Chief Vaughn, ESD #1, provided an update and addressed questions from Council.

Del Knowler, Town of Bartonville Upper Trinity Regional Water District representative, provided an update on the SH 34 North Sulphur Bridge Project and addressed questions from Council.

Town Administrator Chambers reviewed the July 2023 financials and addressed questions from Council.

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 July 25, 2023 Workshop and Special Meeting Minutes.

Motion made by Council Member Roberts, seconded by Council Member Crandall, to approve the July 25, 2023, Workshop and Special Meeting Minutes as presented.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

I. ACTION ITEMS

- 1. Public hearing to receive comment and consider approval of 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 12, Village Center District (VC), Article 12.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of an Event Center use located at 1001 I.T. Neely Road. (The Planning & Zoning Commission recommended approval by a vote of 5 to 0 at its August 2, 2023 meeting.)**

Town Administrator Chambers stated that the only change to the Site Plan is the addition of the Chapel, and that action is only for the Conditional Use Permit, the Site Plan will come before Council at a later date. Chambers also stated that the Planning & Zoning Commission recommended approving with the same conditions as the previous Conditional Use Permit.

Applicant Representative provided a brief presentation of the concept plan and addressed questions from Council.

Mayor Carrington opened the Public Hearing at 7:19pm.

No one spoke in favor or opposition.

Mayor Carrington closed the Public Hearing at 7:19pm.

Motion made by Mayor Pro Tem Chapman, seconded by Council Member Sams, to approve 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 12, Village Center District (VC), Article 12.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of an Event Center use located at 1001 I.T. Neely Road, with the following conditions:

Security personnel for all events occurring at the Event Center approved by this Ordinance shall be provided by the owner/operator of the Event Center at no cost to the Town of Bartonville, as follows:

1. One (1) peace officer shall be provided as security for any event containing up to 50 persons in attendance;
2. Two (2) peace officers shall be provided as security for any event containing 51 to 200 persons in attendance;
3. Two (2) peace officers shall be provided as security for any event that utilizes the lawful service of alcoholic beverages to event attendees through the use of two (2) bar areas notwithstanding if the number of persons in attendance is less than 51 persons;
4. Three (3) peace officers shall be provided as security for any event containing in excess of 201 persons in attendance;
5. Coordination and scheduling of peace officers required hereunder shall occur between the Chief of Police of the Bartonville Police Department, or his designee, and the owner/operator of the Event Center in sufficient time ahead of all events to ensure compliance with these conditions;
6. Each peace officer providing security at any event shall be paid a standard hourly rate as agreed upon between the Chief of Police of the Bartonville Police Department and the owner/operator of the Event Center, with a two (2)-hour minimum payment required, and payment to each peace officer shall be made by the owner/operator of the Event Center before the beginning of the event in sufficient monetary amount to pay each peace officer for the minimum payment amount required hereunder, or for the entire event time period, whichever is greater;

7. The term “peace officer” as used herein means a person elected, employed, or appointed as a peace officer under Article 2.12, Texas Code of Criminal Procedure, or other law; and
8. The failure to comply with the above security personnel requirements, including the under-payment of a peace officer, will result in the prohibition/termination of the event until such time as the above security personnel requirements are satisfied.

The caption of the Ordinance approving CUP reads as follows:

**TOWN OF BARTONVILLE
ORDINANCE NO. 754-23**

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 12, VILLAGE CENTER DISTRICT (VC), ARTICLE 12.2, USES PERMITTED, BY GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN EVENT CENTER USE LOCATED ON A 14.722 ACRE-SITE THAT IS PART OF LOT 1R, BLOCK A, YETI ADDITION, LOCATED AT 1001 I.T. NEELY ROAD; PROVIDING FOR REPEAL OF ORDINANCE NO. 734-22; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

2. Discuss and consider awarding a contract for the E Jeter Road and Stonewood Boulevard Reconstruction Project.

Town Administrator Chambers summarized the E Jeter Road and Stonewood Boulevard Reconstruction Project in two parts: **E. Jeter Rd. Phase 1:** Approximately 1700’ LF along E. Jeter Rd beginning at a point 400’+/- west of the intersection of E. Jeter Rd. and Porter Rd. and continuing west and north for approximately 1700’. The limits of the survey will extend to the apparent right-of-way line on each side of the roadway; and **Stonewood Blvd.:** Approximately 1000’ LF along Stonewood Blvd. beginning at the intersection of Stonewood Blvd. and Porter Rd and continuing west approximately 1000’. The limits of the survey will extend to the apparent right-of-way line on each side of the roadway.

Town Engineer Cha stated that the Town received one bid and listed the options and costs.

Motion made by Council Member Roberts, seconded by Council Member Crandall, to award the contract for the E Jeter Road and Stonewood Boulevard Reconstruction Project to SPI Asphalt, LLC in an amount not to exceed \$999,444.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

3. Discuss and consider a Resolution suspending the September 1, 2023 Effective Date of CoServ Gas, LTD's requested Rate Change to permit the Town time to study the request and to establish reasonable rates and provide an effective date.

Town Attorney Voss stated that CoServ Gas is petitioning to raise their rates and this Resolution allows the Town to join others in suspending the rate increase to allow time for review.

Motion made by Council Member Crandall, seconded by Council Member Roberts, to approve a Resolution suspending the September 1, 2023 Effective Date of CoServ Gas, LTD's requested Rate Change to permit the Town to study the request and establish reasonable rates.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

4. Public hearing to receive public comment and consider approval of the Bartonville Crime Control and Prevention District FY 2023-2024 proposed budget.

Police Chief Dowell stated the Bartonville Crime Control and Prevention District held a Public Hearing on June 21, 2023 and adopted its FY 2023-20234 budget. Dowell provided a brief overview of the proposed budget and addressed questions from the Council.

Mayor Carrington opened the Public Hearing at 7:35pm.

No one spoke in favor or opposition.

Mayor Carrington closed the Public Hearing at 7:36pm.

Motion made by Council Member Arens, seconded by Council Member Crandall to approve the Bartonville Crime Control and Prevention District FY 2023-2024 proposed budget as presented.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

5. 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 Ordinances 738-22 and 748-23, providing for adjustments to the General Fund and Bartonville Community Development Corporation Fund.

Town Secretary Montgomery provided an overview of the proposed FY 2022-2023 Budget Amendments and addressed questions from Council.

Motion made by Council Member Crandall, seconded by Council Member Arens, to approve 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 Ordinances 738-22 and 748-23, providing for adjustments to the General Fund and Bartonville Community Development Corporation Fund as presented.

VOTE ON THE MOTION

Town Secretary Montgomery conducted a roll call vote of the motion:

Council Member Roberts	AYE
Mayor Pro Tem Chapman	AYE
Council Member Sams	AYE
Council Member Crandall	AYE
Council Member Arens	AYE

Motion carried unanimously.

The caption of the Ordinance approving FY2022-2023 Budget Amendment #3 reads as follows:

**TOWN OF BARTONVILLE
ORDINANCE NO. 755-23**

FISCAL YEAR 2022-2023 BUDGET AMENDMENT #3

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 ORDINANCES 738-22 AND 748-23 BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND AND BARTONVILLE COMMUNITY DEVELOPMENT CORPORATION 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.

- 6. Discuss and consider accepting of the submission of the no-new revenue and voter-approval tax rate calculations; take action to consider a proposed tax rate for public input and consideration at the September 19, 2023 Regular Town Council meeting.**

Town Administrator Chambers provided the Council with the following rates:

Currente Rate	\$0.173646
No-new-revenue Rate	\$0.150525
Voter-approval Rate	\$0.187639
De minimis Rate	\$0.241878

and stated that a public hearing is required if the proposed tax rate exceeds the no-new revenue rate or the voter-Approval Rate.

Motion made by Mayor Pro Tem Chapman, seconded by Council Member Roberts, to propose a maximum tax rate of \$0.173646 per \$100 valuation for the fiscal year beginning October 1, 2023, and ending September 30, 2024; and to schedule September 19, 2023 for the public hearing on the tax rate and for the adoption of said tax rate.

VOTE ON THE MOTION

Town Secretary Montgomery conducted a roll call vote of the motion:

Council Member Roberts	AYE
Mayor Pro Tem Chapman	AYE
Council Member Sams	AYE
Council Member Crandall	AYE
Council Member Arens	AYE

Motion carried unanimously.

7. Discuss and consider a Development Agreement between the Town of Bartonville and Hines Acquisitions, LLC.

Council Member Crandall excused himself from the dais prior to this agenda item's discussion.

Hines Acquisitions, LLC's representative, Steve Robison, provided a brief overview of the proposed changes to the development agreement.

Town Attorney Voss requested that Council move into Executive Session for future discussion.

J./K. CLOSED SESSION/OPEN SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 7:58pm and reconvened into open session at 8:43pm in accordance with the Texas Government Code regarding:

- 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, issues related to amending the Town's Development Ordinance, and any and all legal issues related thereto.**

Motion made by Mayor Pro Tem Chapman, seconded by Council Member Sams, to authorize approval of the development agreement between the Town of Bartonville and Hines Acquisitions, LLC with the acceptance of the edits proposed by Hines Acquisitions, LLC, except to modify the height of the landscape berm to be a minimum of five (5) feet in height and authorize the Mayor to sign same agreement on behalf of the Town and to instruct Staff to prepare and bring back a Resolution to the September 19, 2023 Town Council Meeting for consent of the creation of the Municipal Utility District.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, and Arens

NAYS: None

VOTE: 4/0

- 2. 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: Town Administrator and Deputy Town Secretary/Court Clerk.**

Motion made by Council Member Roberts, seconded by Council Member Crandall, to provide salary increases and increase the monthly vehicle reimbursement to \$300, as discussed in Executive Session, effective October 1, 2023.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5/0

L. FUTURE ITEMS

Future Items requested included:

- Standing water at Jeter Road and Porter Road
- Fence Ordinance

M. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 8:48pm.

APPROVED this the 5th day of September 2023.

APPROVED:



Jaclyn Carrington
Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery
Shannon Montgomery, TRMC, Town Secretary