

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, JANUARY 25, 2021**

MINUTES

In response to the coronavirus pandemic, effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location. Due to social distancing requirements, in person attendance was limited to Town Council members and staff only.

Call to Order

Mayor Clark called the meeting to order at 6:02 p.m.

Roll Call

The following members were present:

Mayor Lynn Clark

Councilmember Tracee Elrod participated remotely

Councilmember Richard DuPree

Councilmember Chris Gordon

Mayor Pro Tem Paul Kenney

Councilmember Ian Theodore arrived at 6:14 p.m.

Also in attendance:

John M. Smith, Jr., Town Administrator

Kristi K. Rogers, Town Secretary

Trey Sargent, Town Attorney

Pledge of Allegiance to the U.S. And Texas Flags

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

Invocation

Mayor Pro Tem Kenney gave the invocation.

Items of Community Interest

Denton County Public Health is a COVID-19 vaccination hub provider. If you have not registered and are eligible for phase 1A or 1B visit the county's website to be added to the list.

Public Comment

William Faraoni, 205 Oak Tree Lane, stated his concerns regarding residential properties used as Airbnb rentals. The property next door to him was recently purchased and is an Airbnb rental. He researched the town's ordinances and believes using a property as a business in a residential community is not allowed.

He has witnessed suspicious activity, possibly illegal drugs, with thirty or forty cars stopping at the rental for a few minutes and then leaving. He has experienced increased noise levels, including people talking loudly, playing music loudly and dogs left outside that bark all night. He would like the council to take action and prohibit Airbnb rentals.

John Grosskopf, 131 Oakwood Lane, stated he cares deeply about the town and wants to help make it a better place. He served on the Parks and Recreation Board for two years. He attended the January 11, 2021 Parks and Recreation Board meeting held at the Pratt Property to discuss future implementation. As an environmental professional, he has concerns regarding environmental hazards he noticed on the property including a transformer, tiles on old foundations, gas lines and unmarked containers possibly containing hazardous materials and several piles of debris of unknown origin. He suggested an environmental assessment of the property be completed prior to public use. Driving through the new housing development across from Walmart, Mr. Grosskopf stated there was an unbelievable amount of mud, debris and construction items in the roads. The runoff from the subdivision flows into his subdivision. He has photos of probable violations of the Stormwater Pollution Prevention Plan.

Consent Agenda

1. December 2020 Council Meeting Minutes
2. December 2020 Financial Statements
3. Consider and act on allocating an additional \$10,000.00 for the secure parking area located at 1075 Ronald Reagan Avenue approved on December 28, 2020.
4. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas ordering an election to be held on May 1, 2021 for the purpose of electing Town Council Members to Place 1, Place 3 and Place 5.

Motion made by Councilmember DuPree to approve consent agenda items 1-4 as presented, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Regular Agenda

5. Presentation of the 2019-2020 Fiscal Year Audit from Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay.

Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay presented the audited financial statements for the fiscal year ending September 30, 2020. The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities at September 30, 2020 by \$15,003,161. Of this amount \$3,144,750 may be used to meet the government's ongoing obligations to citizens and creditors. The Town's total net position increased by \$517,485 during the fiscal year from the results of current year operations.

As of September 30, 2020, the Town of Hickory Creek's governmental funds reported combined ending fund balance of \$4,844,240, a decrease of \$125,829 in comparison with the beginning of the period. Approximately 70 percent of this total amount, \$3,398,946 is available for spending at the government's discretion. At the end of the current period, unassigned fund balance for the general fund was \$3,398,946 or 68.25 percent of total general fund expenditures. The audit is required to include the activity of the Economic Development Corporation, Public Improvement District No. 1, Public Improvement District No. 2 and Hickory Farms Public Improvement District. The EDC total fund balance was \$1,699,889. The Public Improvement District No. 1 total fund balance was \$263,434. The Public Improvement District No. 2 total fund balance was \$435,477. Hickory Farms Public Improvement District total fund balance was \$1,081,870.

6. Conduct a public hearing regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Article XIV: C-2 Commercial District; Section 3 (2), Building Regulations and Chapter 14: Zoning, Article XV: LI-1 Industrial District, Section 4 (2), Building Regulations to alter the allowable height of fences within the districts and consider and act on an ordinance for the same.

Mayor Clark called the public hearing to order at 6:35 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:35 p.m.

Motion made by Councilmember Theodore to approve agenda item 6, an ordinance amending the Town's Code of Ordinances, Chapter 14: Zoning, Article XIV: C-2 Commercial District; Section 3 (2), Building Regulations and Chapter 14: Zoning, Article XV: LI-1 Industrial District, Section 4 (2), Building Regulations to alter the allowable height of fences within the districts, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

7. Consider and act on an ordinance ordering a special election to be held on May 1, 2021 to submit a proposition on decreasing the sales and use tax of one-half (1/2) to one-fourth (1/4) of one percent for the benefit of the Type B Economic Development Corporation; increasing the local sales and use tax from the rate of one and one fourth (1 1/4) percent to a rate of one and one half (1 1/2) percent.

Motion made by Councilmember Gordon to approve an ordinance ordering a special election to be held on May 1, 2021, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

8. Discussion regarding future implementation of Pratt Property.

John Smith, Town Administrator, stated the 7.7 acres was purchased by the town in 2014 for recreational sports fields and it was determined the project would be too costly due to the topography of the property. Discussions were held regarding potential uses and amenities for the property.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 7:18 p.m. to discuss the following matters.

Section 551.074

Personnel matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

9. Review of individual employees' performance.

Reconvene into Open Session

The Town Council reconvened into open session at 9:28 p.m.

10. Discussion and possible action regarding matters discussed in executive session.

Motion made by Mayor Pro Tem Kenney to direct the town administrator to take necessary steps as discussed in executive session, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Adjournment

Motion made by Mayor Pro Tem Kenney to adjourn the meeting, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously

The meeting did then stand adjourned at 9:29 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek