

**SPECIAL MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, MAY 11, 2026**

MINUTES

Call to Order

Mayor Clark called the meeting to order at 6:04 p.m.

Roll Call

The following members were present:

Mayor Lynn Clark

Mayor Pro Tem Paul Kenney

Councilmember Nick Wohr

Councilmember Chris Gordon

Councilmember Ian Theodore

The following member was absent:

Councilmember Randy Gibbons

Also in attendance:

John M. Smith, Jr., Town Manager

Kristi K. Rogers, Town Secretary

Carey Dunn, Chief of Police

Matthew C.G. Boyle, 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

Councilmember Theodore gave the invocation.

Presentation of Awards

1. 2025 Business of the Year

Mayor Clark presented the 2025 Business of the Year award to Chick-fil-A.

2. 2026 Female Athlete of the Year

Mayor Clark presented the 2026 Female Athlete of the Year award to Karly Linneman.

3. 2026 Male Athlete of the Year

2026 Male Athlete of the Year was not in attendance.

4. 2026 Scholar of the Year

Town of Hickory Creek

May 11, 2026

Page 2

Mayor Clark presented the 2026 Lake Dallas High School Scholar of the Year award to Teresa Carruth.

5. August Pruitt

Mayor Clark presented a plaque of appreciation to August Pruitt for completing his Eagle Scout project.

Proclamations

6. National Police Week

Mayor Clark proclaimed May 11th - May 16th, 2026 as National Police Week in the Town of Hickory Creek. Chief Dunn accepted the proclamation.

Items of Community Interest

Jazz in the Park, featuring the Lake Dallas High School Jazz Band, will be held on May 14, 2026 at 7:30 p.m. at the Hickory Creek Amphitheater.

Public Comment

John Grosskopf, 131 Oakwood Lane, stated he wanted to address the Town Council regarding what he described as ongoing issues of non-transparency and lack of accountability in Town governance. He stated this was at least the fifth time he had formally raised concerns regarding Texas Opening Meetings Act (TOMA) violations and asserted that prior responses from the town attorney were demonstrably false. Mr. Grosskopf stated in his last formal request to this body, in addition to TOMA requests, he asked for date stamped records and project details for the observatory, which he said were not addressed in the attorney's response. He further expressed concern that the attorney's reply was directed only to him and the Town Administrator rather than to the entire Town Council, which he characterized as an attempt to bypass Town Council oversight. He stated other citizens have experienced similar issues and the attorney's reliance on rules of decorum to limit public comment is inconsistent with Texas case law. He cited Attorney General Opinion KP-0300 and Texas Government Code §551.007, asserting that a strict three-minute time limit for multiple agenda items violates state requirements. He also claimed that a portion of Halff engineering fees had been embedded in the town budget to obscure structural issues related to the observatory foundation, which he previously documented with expert reports. He referenced Rule 4.01 of the Texas Disciplinary Rules of Professional Conduct in relation to transparency. He concluded by stating that, because the Town Council has not corrected these issues, other remedies may now be necessary. He emphasized that he and other residents seek more time to speak in order to contribute constructively to improving the town and expressed a desire for collaborative progress.

Informational Item

7. Update and discussion regarding Town of Hickory Creek v. Ronald Furtick

Matthew Boyle, Town Attorney, provided an update of the Town of Hickory Creek v. Ronald Furtick.

Consent Agenda

8. March 2026 Council Meeting Minutes
9. March 2026 Financial Statements
10. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, designating Chick-fil-A the 2025 Business of the Year.
11. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, designating Gwen McIntosh as the 2025 Citizen of the Year.
12. Consider and act on a resolution designating Karly Linneman as the 2026 Female Athlete of the Year.
13. Consider and act on a resolution designating Brayden Bragg as the 2026 Male Athlete of the Year.
14. Consider and act on a resolution designating Teresa Carruth as the 2026 Lake Dallas High School Scholar of the Year.
15. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying an agreement between the Town of Hickory Creek and Fried Ribs and More LLC concerning leased premises for food truck.
16. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying an agreement between the Town of Hickory Creek and Groovy Chicken & Waffles concerning leased premises for food truck.
17. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying an agreement between the Town of Hickory Creek and Pans and Platters Corp. concerning leased premises for food truck.
18. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying an agreement between the Town of Hickory Creek and Tacos Los Canelos concerning leased premises for food truck.
19. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying an agreement between the Town of Hickory Creek and Wood Chopper S.W.A.G. LLC, concerning leased premises for food truck.
20. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas reappointing a presiding judge and an associate judge for Municipal Court of Record No. 1.
21. Consider and act on authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek, Texas and Cynthia Burkett for municipal judge services.

Town of Hickory Creek

May 11, 2026

Page 4

22. Consider and act on authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek, Texas and Kristen Homyk for municipal judge services.
23. Consider and act on authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek, Texas and between the Town of Hickory Creek and Kyocera Document Solutions concerning an equipment lease.
24. Consider and act on authorizing the Mayor of the Town of Hickory Creek, Texas to execute Amendment No.1 to an Interlocal Cooperative Agreement between the Town of Hickory Creek, Texas and Denton County, Texas concerning Carlisle Drive project.
25. Consider and act on authorizing the Town Manager of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek, Texas and Texas Power Inspections concerning inspection services and the corresponding charges.
26. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying an agreement between the Town of Hickory Creek and the U.S. Army Corps of Engineers, Fort Worth District, concerning increased law enforcement for Lewisville Lake lying within Hickory Creek, Texas.
27. Consider and act on appointments to the Arts and Culture Board.
28. Consider and act on appointments to Board of Adjustments.
29. Consider and act on appointments to the Code of Ethics Board.
30. Consider and act on appointments to the Planning and Zoning Commission.
31. Consider and act on appointments to the Parks and Recreation Board.

Motion made by Councilmember Gordon to approve consent agenda items 8-31 as presented, Seconded by Councilmember Wohr.

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

Regular Agenda

32. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, canvassing returns and declaring results of a General Election held May 2, 2026, for the purpose of electing a Mayor and Councilmembers to Place 2, and Place 4.

Motion made by Councilmember Theodore to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, canvassing returns and declaring results of a General Election held May 2, 2026, for the purpose of electing a Mayor and Councilmembers to Place 2, and Place 4, Seconded by Councilmember Gordon.

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

Town of Hickory Creek

May 11, 2026

Page 5

33. Presentation of Certificates of Election and Administration of Oaths of Office to candidates elected.

John Smith presented a Certificate of Election and administered the Oath of Office to Mayor Clark.

Mayor Lynn Clark presented Certificates of Election and administered Oaths of Office to Councilmember Nick Wohr and Councilmember Paul Kenney.

34. Conduct a public hearing regarding an ordinance for the issuance of a Special Use Permit requested by Take 5 properties SPV LLC. on behalf of Victory at Hickory Creek, LLC to allow oil change, windshield wiper, air filter services and other ancillary fluid exchanges at 3080 FM 2181, otherwise known as Lennon II Addition, Blk A, Lot 2A, Town of Hickory Creek, Denton County, Texas and consider and act for the same.

John Smith, Town Manager, and Jim O'Malley, WT Group AEC, representing Take 5, provided an overview of the special permit request and the project.

Mayor Clark Called the public hearing to order at 6:41 p.m.

Ramon Cinco, 141 Lennon Drive, stated he was speaking on behalf of his neighbors regarding the proposed automotive facility adjacent to their residential properties. He noted that the issue has been discussed multiple times and referenced a prior zoning request from Victory Group that was previously denied by the Town Council. He expressed concerns about noise, disturbance, and the impact such a business would have on the tranquility of nearby homes. He urged the Town Council to consider the prior vote and questioned whether Council members would want an automotive or oil-change facility located approximately 100 feet behind their own backyards.

Joshua Stroud, 201 Nora Lane, thanked the Town Council for previously denying the proposal for an auto repair and oil-change development on the same lot, noting that the Town Council had shown sound judgment in determining that an automotive repair hub does not belong approximately 100 feet from family homes. He stated that the developer has returned with a revised application removing the brake-shop component but retaining the Take 5 oil-change facility, which he characterized as a "foot-in-the-door" attempt that does not resolve residents' concerns. Mr. Stroud referenced documentation from the Texas Department of Public Safety showing disciplinary actions taken against multiple Take 5 locations in the DFW area, stating environmental safety systems are only as reliable as the employees operating them. He expressed concern about the risk of toxic runoff affecting nearby homes. He also cited real-estate studies indicating that auto-centric commercial uses can depress residential property values within a 300-foot radius, noting that the affected neighborhood sits just over 100 feet from the proposed site. Mr. Stroud urged the Town Council to uphold its prior decision and vote against the special use permit to protect the health, safety, and property values of Hickory Creek residents.

With no one else wishing to speak, Mayor Clark closed the public hearing at 6:46 p.m.

Town of Hickory Creek

May 11, 2026

Page 6

Motion made by Councilmember Theodore to deny the Special Use Permit requested by Take 5 properties SPV, LLC., Seconded by Mayor Pro Tem Kenney.

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

35. Consider and act on a final plat of Lots 2A & 2B, Block A, Lennon II Addition, being 1.258 acres out of the M.E.P. and P.R.R. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas, Denton County, Texas. The property is located in the 3080 block of FM 2181.

John Smith, Town Manager, and Harvey Lusk, franchise owner for HTeaO, provided an overview of the project and responded to questions from the Town Council.

Motion made by Councilmember Gordon to approve a final plat of Lots 2A & 2B, Block A, Lennon II Addition, being 1.258 acres out of the M.E.P. and P.R.R. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3080 block of FM 2181, Seconded by Councilmember Theodore.

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

36. Consider and act on a site and landscape plan for lot 2B, Block A, Lennon II Addition, being 0.644 acres out of the M.E.P. and P.R.R. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3080 block of FM 2181.

Motion made by Mayor Pro Tem Kenney to approve the site and landscape plan for lot 2B, Block A, Lennon II Addition as presented, Seconded by Councilmember Wohn.

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

37. Consider and act on a final plat of 104 Carlisle-Hickory Creek Addition Lot 1, Block A, being 3.164 acres of land situated in the Lowry Cobb Survey, Abstract No. 284, Town of Hickory Creek, Denton County, Texas. The property is located in the 700 block of S. Lake Dallas Drive.

Motion made by Mayor Pro Tem Kenney to approve the final plat of 104 Carlisle-Hickory Creek Addition Lot 1, Block A, being 3.164 acres of land situated in the Lowry Cobb Survey, contingent of acceptance of the stormwater management plan and the drainage study, downstream assessment, Seconded by Councilmember Theodore.

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

38. Consider and act on authorizing the Mayor of the Town of Hickory Creek, to execute an agreement for professional consulting services regarding 1930 Turbeville Road Town Property Project between the Town of Hickory Creek and Dunaway Associates, LLC.

Town of Hickory Creek

May 11, 2026

Page 7

Elizabeth McIlrath Jarrell, Dunaway Associates, presented an option combining the options she presented in March regarding the site and responded to questions from the Town Council.

Motion made by Councilmember Gordon to authorize the Mayor of the Town of Hickory Creek, to execute an agreement for professional consulting services regarding 1930 Turbeville Road Town Property Project between the Town of Hickory Creek and Dunaway Associates, LLC. in an amount not to exceed \$99,000.00, Seconded by Councilmember Theodore.

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

39. Consider and act on authorizing the Town Manager of the Town of Hickory Creek, Texas to execute a lease agreement by and between the Town of Hickory Creek, Texas and Responsive Education Solutions, a Texas 501(3) (c) non-profit corporation concerning utilizing land and amenities located at 1050 Ronald Reagan Avenue.

Motion made by Councilmember Wohr to authorize the Town Manager to negotiate and execute a lease for agenda item 39, Seconded by Mayor Pro Tem Kenney.

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

40. Consider and act on authorizing the Town Manager of the Town of Hickory Creek, Texas, to execute a concessionaire agreement between the Town of Hickory Creek, Texas and JmaH WaterToyz, LLC.

John Smith, Town Manager, and Josh Holleman, owner of JmaH Water Toys, LLC. provided an overview of the agreement and responded to questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to authorize the Town Manager of the Town of Hickory Creek, Texas, to execute a concessionaire agreement between the Town of Hickory Creek, Texas and JmaH WaterToyz in an amount of \$15,000.00 for the season as the lease is constructed, Seconded by Councilmember Theodore.

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

41. Consider and act on bids submitted for BID# 2026-02, Denton County Bond Streets - Phase 2.

John Smith, Town Manager, provided an overview of the bids submitted and responded to questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to award the bid to Tejas Cutters in an amount not to exceed \$2,094,946.35, Seconded by Councilmember Wohr.

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

Town of Hickory Creek

May 11, 2026

Page 8

42. Consider and act on appointment of Mayor Pro Tem.

Motion made by Councilmember Theodore to appoint Paul Kenney, Mayor Pro Tem,
Seconded by Councilmember Gordon.

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

43. Discussion regarding the 250th Anniversary of the United States of America.

Discussion was held regarding the 250th Anniversary of the United States of America.

44. Discuss, consider, and act regarding Complaint filed pursuant to Article 1.05, Division 2 of the Code of Ordinances.

Matthew Boyle, Town Attorney, stated the complaint was filed on April 6, 2026, by Ron Furtick. The Town Council has three options for handling the complaint, direct the town attorney to investigate the complaint; refer the complaint to the Town Ethics Board or dismiss the complaint for lack of merit.

Motion made by Councilmember Gordon to dismiss the complaint for lack of merit,
Seconded by Councilmember Theodore.

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

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 8:17 p.m. to discuss the following matters.

Section 551.071

Consultation with attorney on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation.

45. Town of Hickory Creek, Texas v. Ronald Furtick, Ecclesiastical Equity, LP, and 1500 Turbeville Road, Hickory Creek, Texas, 75065.

Reconvene into Open Session

The Town Council reconvened into open session at 9:16 p.m.

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

No action taken.

Future Agenda Items

There were no future agenda items.

Adjournment

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

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

The meeting did then stand adjourned at 9:17 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek