

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, JUNE 22, 2020**

MINUTES

Call to Order

Mayor Clark called the meeting to order at 6:00 p.m.

Roll Call

The following members were present:

Mayor Lynn Clark
Councilmember Tracee Elrod
Councilmember Richard DuPree
Councilmember Chris Gordon
Mayor Pro Tem Paul Kenney
Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Administrator
Kristi K. Rogers, Town Secretary
Carey Dunn, Chief of Police
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

Councilmember Theodore gave the invocation.

Presentation of Awards

Mayor Clark presented an award to Kristi Rogers, honoring her for 20 years of service to the Town of Hickory Creek.

Items of Community Interest

An event will be held on July 2, 2020 from 4:00 p.m. to 6:00 p.m. Town of Hickory Creek residents are invited to drive thru the parking lot at town hall to receive dinner and a goody bag. In-N-Out will provide burgers, chips and drinks.

Public Comment

Carmen Minor, 15 Point Vista Drive, stated she is concerned about the park down the street from her neighborhood. There is a lot of traffic every weekend. There are no restroom facilities in the park. She has walked the park after the weekend and has found toilet tissue on the ground. Are people using the restroom? This is a major problem and it is an environmental issue.

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James Minor, 15 Point Vista Drive, stated he has been a resident of Point Vista Drive for 28 years and he has never seen the parking situation as bad as it is now on his street. He measured the street in front of his home, and it is 18 feet, 2 inches. His truck is 8 feet and 1½ inches and if he parks his truck on the street there is not enough space for an emergency vehicle to get through. Six years ago, he was hit head on due to the cars parked along Point Vista turning it into a one lane street. No parking signs have been installed and the police have been called to help with the issue. Cars are still parking in the areas that do not have signs. More signage is needed. The homeowners were advised to come before council.

Carol Norton, 19 Point Vista, stated she is concerned for the safety of the boats, cars, pedestrians and dogs which travel on Point Vista especially where it curves at Point Vista Park. Parking on the street can be dangerous and the signage is confusing. She has been forced off the road by vehicles pulling boat trailers utilizing too much of the roadway and with people parking along the shoulder it could cause accidents. Please make signage more understandable and enforceable.

Kevin Van Nest, 16 Point Vista, stated he purchased a home on a nice quite dead end street, and that has come to an end. Two major problems exist, a free park without adequate parking or restrooms and a boat ramp that is drawing hundreds of people renting jet skis. Jet ski rentals at the boat ramp and gas cans on the shoreline are not a good idea. GPS is directing renters to the homes on Point Vista. The barricades provided by the town have kept the street from being a parade every weekend.

Sandy Van Nest, 16 Point Vista, stated she has photos she would like to leave for the council depicting the issues the homeowners have fought for a long time. Emergency vehicles are unable to access homeowners when cars park along the road. No physical addresses for the boat ramp or the park at the end of the street exists. Without addresses, it is really difficult for the police to respond to calls for assistance. This is a safety issue for the people visiting the parks, the drivers, the residents and it must be rectified.

Gloria Logan, 11 Point Vista Drive, stated she lives at the very last house on Point Vista. When all the chaos started cars used her yard to turn around because there is no outlet. The barricades provided by the town alleviated some of the problem. Her main concern is if her ninety- two year old husband needs emergency medical care; how would the emergency vehicles get through the barricades and cars parked everywhere. She is concerned more businesses will be allowed in the park if the area where the jet ski rental is zoned commercial.

Philip Holland, 6 Point Vista, stated he is happy there is a problem that people from everywhere want to come to the park, but something must be done. The park is over utilized, there are too many people and it is a safety hazard because of all the vehicles. The homeowners need relief.

Mary Frederick, 23 Point Vista Drive, stated she agrees with everyone who have spoken. People visiting the park are staying until after 11:00 p.m. The lights from the vehicles shine into her home. Children are playing in the street and it is unsafe especially with the number of vehicles. Please help the homeowners.

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Lynn Fernandez, 1 Point Vista Drive, stated she is here to address the overflow from Point Vista Park. She lives across the street and the traffic and parking is out of control. Cars are parking in the homeowner's yards and in front of the barricades the town provided. She didn't want to call the police, but she was unable to get out of her neighborhood. Park visitors are knocking on her door to borrow household items, asking to use the restroom and offering to pay to park in her yard. There are so many safety concerns.

Lizzy Hoffman, 18 Point Vista Drive, stated she agrees with the others who have spoken. The traffic is out of control and emergency vehicles have no way to enter the neighborhood with cars parked along Point Vista. She has been run off the road several times. It is very unsafe. The homeowners need help from the council.

Nate Prevost, 21 Point Vista Drive, stated on behalf of the neighbors, he wanted the council to know they are not against visitors in the parks, just the vehicles parking illegally. In addition to the existing no parking signs, another solution would be to install towing enforcement signs so illegally parked vehicles could be towed when the police patrol.

Kristy Taylor, 12 Lakewood Drive, stated she wanted to complain about the rental company at Point Vista boat ramp. Her family moved here in 2007 because as boat owners, they wanted easy access to the lake. The situation at the boat ramp is getting out of hand. Previously her family utilized Arrowhead boat ramp, but it became a safety issue when the rental place was located there. On May 30th she received a citation due to single cars parking in the designated parking spaces for trailer parking and she parked in the last spot which was not trailer parking. She is contesting the citation because it is a public facility and should not be used for a commercial business. The rental company owns two boats and four jet skis with a capacity of twenty seven people if all the equipment is rented. There is a limited number of designated trailer parking because it is a small park. The park is intended to launch boats, not for people to hang out all day. The renters are interfering with boat owners to safely launch. The owner of the rental company is not a taxpayer and should not be allowed to operate in the park.

Dennis Johnson, 24 Point Vista, stated he believes the problem with Point Vista Park began several years ago when brush was cleared and increased traffic. More people are in the parks now with school out and more people home because of the coronavirus the traffic is horrendous. He suggested signs with the wording "Private Estates, Do Not Enter, Dead End Street, No Turn Around, Unauthorized Vehicles subject to Towing". The increased traffic is a real problem.

Kerby Pierre, 210 Forestview Road, stated the first time he appeared before council was in September 2013. He was asked why he wanted to serve on the Parks and Recreation Board, his answer was simple. He wanted to help, and he liked nature. His answer has since evolved, he wants to help, is passionate about the environment and wants his daughters to see a reflection of themselves serving in every capacity possible. He wondered if there is something he did to not be reappointed to the board, he served on for almost seven years since moving to Hickory Creek. He was asked if he would like to continue to serve and then two new members and a previous board member were appointed by town council. There was no indication from town council or staff that the council had lost faith in him or John Grosskopf. He did not receive a call from anyone after the appointments, just an email thanking him for his service. Mayor Clark reached out to Mr. Pierre and they had a great conversation. His absences and tardiness were discussed.

He feels he was not absent or late more than anyone else serving on the board including the council liaison and including his time on military orders in 2019. Also discussed was the special called meeting of the Parks and Recreation Board held in January 2019 and the special called meeting of the Town Council held in February 2019. He came before council tonight to protect his name. He loves to serve and will continue to serve.

Nancy True, 12 Tanglewood Drive, stated she hopes there will be deliberation regarding agenda item 3 to address her questions and concerns regarding the proposed ordinance. She is a law and order person. She does have problems with laws that are not pursuant to the constitutions. She questioned if additional methods of enforcement are needed for disasters, when we have had disasters forever. The ordinance states it will advance public health, safety and welfare based on whose authority; the WHO, the CDC, the FDA whose authority has plummeted. She is concerned she could be charged with a misdemeanor and fine of \$500.00 a day if for example she chose not to answer questions from a contact tracer based on an executive order issued by Governor Abbott.

Carole H. Haynes, Ph. D., 44 Indian Trail, stated she has lived in Hickory Creek for three years. As a former resident of Dallas, Texas she is highly suspicious of what is going on as it moves out to small towns and has concerns regarding agenda item 3. Her concern is the additional methods of enforcement of disaster declarations issued by Governor Abbott.

Consent Agenda

1. May 2020 Council Meeting Minutes
2. May 2020 Financial Statements
3. Consider and act on an ordinance of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 8: Offenses and Nuisances by creating Article 8.01: General Provisions.
4. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, for the appointment of one member to the board of managers of the Denco Area 9-1-1 District.

Mayor Clark requested item 3 be pulled from the consent agenda items for separate discussion.

Motion made by Councilmember Gordon to approve consent agenda items 1,2 and 4 as presented, Seconded by Councilmember Theodore.

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

Motion made by Mayor Pro Tem Kenney to approve consent agenda item 3 as presented, Seconded by Councilmember DuPree.

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

Regular Agenda

5. Conduct the first public hearing regarding the annexation of a 0.9123 acre tract of land owned by the Town of Hickory Creek and situated in the M.E.P. & P.R.R. Co. Survey, Abstract 915, Denton County, Texas.

Mayor Clark called the public hearing to order at 6:49 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:49 p.m.

6. Conduct the second public hearing regarding the annexation of a 0.9123 acre tract of land owned by the Town of Hickory Creek and situated in the M.E.P. & P.R.R. Co. Survey, Abstract 915, Denton County, Texas.

Mayor Clark called the public hearing to order at 6:49 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:49 p.m.

7. Conduct the first public hearing regarding the annexation of a 3.086 acre tract of land owned by the Town of Hickory Creek and situated in the M.E.P. & P.R.R. Co. Survey, Abstract 915, Denton County, Texas.

Mayor Clark called the public hearing to order at 6:50 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:50 p.m.

8. Conduct the second public hearing regarding the annexation of a 3.086 acre tract of land owned by the Town of Hickory Creek and situated in the M.E.P. & P.R.R. Co. Survey, Abstract 915, Denton County, Texas.

Mayor Clark called the public hearing to order at 6:50 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:50 p.m.

9. Conduct a public hearing regarding the voluntary annexation of a 35.580 acre tract or tracts of land situated in the M.E.P. & P.R.R. Co. Survey, Abstract No. 915, Denton County, Texas.

Mayor Clark called the public hearing to order at 6:50 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:51 p.m.

10. Conduct the first public hearing regarding an ordinance of the Town of Hickory Creek, Texas, continuing the juvenile curfew for minors under 17 years of age.

Mayor Clark called the public hearing to order at 6:51 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:51 p.m.

11. Conduct the second public hearing regarding an ordinance of the Town of Hickory Creek, Texas, continuing the juvenile curfew for minors under 17 years of age.

Mayor Clark called the public hearing to order at 6:51 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:51 p.m.

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12. Consider and act on an ordinance of the Town of Hickory Creek, Texas continuing the juvenile curfew for minors under 17 years of age adopted by Ordinance No. 2008-02-309 prohibiting appearance in public between the hours of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday within the Town of Hickory Creek.

Motion made by Councilmember Theodore to approve an ordinance of the Town of Hickory Creek, Texas continuing the juvenile curfew for minors under 17 years of age adopted by Ordinance No. 2008-02-309 prohibiting appearance in public between the hours of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday or holidays observed by the town, Seconded by Councilmember Gordon.

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

13. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement between the Town of Hickory Creek, Texas, the City of Corinth, the City of Lake Dallas and the Town of Shady Shores, Texas concerning a broadband study.

Motion made by Councilmember Gordon to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement between the Town of Hickory Creek, Texas, the City of Corinth, the City of Lake Dallas and the Town of Shady Shores, Texas concerning a broadband study in an amount not to exceed \$8,200.00, Seconded by Councilmember Elrod.

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

14. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement between the Town of Hickory Creek, Texas and the City of Corinth, Texas concerning fire services.

Motion made by Councilmember Gordon to approve a resolution authorizing the Mayor to execute an agreement between the Town of Hickory Creek, Texas and the City of Corinth, Texas concerning fire services, Seconded by Councilmember Elrod.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore.

Voting Nay: Mayor Pro Tem Kenney. Motion passed.

15. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement between the Town of Hickory Creek, Texas and Denton County, Texas concerning the coronavirus relief fund.

Motion made by Mayor Pro Tem Kenney to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement between the Town of Hickory Creek, Texas and Denton County, Texas concerning the coronavirus relief fund, Seconded by Councilmember Theodore.

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

16. Discussion regarding implementation of the 2020 Parks, Recreation and Open Space Master Plan adopted on February 24, 2020.

Discussions were held regarding implementing the 2020 Parks, Recreation and Open Space Master Plan.

17. Discussion regarding the 2020-2021 Fiscal Year Budget.

Discussions were held regarding the 2020-2021 Fiscal Year Budget.

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

Motion made by Councilmember Elrod appoint Paul Kenney as Mayor Pro Tem, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore.

Abstaining: Mayor Pro Tem Kenney. Motion passed.

19. Consider and act on appointing council members as liaisons for various boards and commissions.

Councilmember Elrod, EDC; Councilmember DuPree, Police Department and Animal Services; Councilmember Gordon, Parks and Recreation; Mayor Pro Tem Kenney, Planning and Zoning Commission and Councilmember Theodore, Board of Adjustments.

Motion made by Councilmember Theodore to appoint the slate of names presented as liaisons for various boards and commissions, Seconded by Councilmember Elrod.

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

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council did not convene into executive session 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.

20. Denton County Cause No. 20-2272-462

Section 551.072

Deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

21. Real property generally located North of Hickory Creek Road, East of Point Vista Road, South of Turbeville Road and West of Interstate 35 East.

Reconvene into Open Session

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

No action taken; the town council did not convene into executive session.

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 8:47 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek