

**SPECIAL MEETING OF THE TOWN COUNCIL  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
MONDAY, AUGUST 05, 2024**

**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

Mayor Pro Tem Paul Kenney

Councilmember Randy Gibbons

Councilmember Nick Wohr

Councilmember Chris Gordon

Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Manager

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 Gordon gave the invocation.

**Items of Community Interest**

Lake Cities Chamber of Commerce will hold the 4th Annual “Rolling into Fall” Bicycle Rally on September 28, 2024 from 7:30 a.m. to 1:00 p.m.

**Public Comment**

Ron Furtick, 1500 Turbeville Road, stated historically, over the last decade or two, the town administration has been hostile to his business interests. He believes the goal of the current administration is to put his trailer park out of business, destroying any future retirement income. The existence of the park has allowed the Town's economic development to proceed at its pace. If the park didn't exist, the land would have been used by single family developers years ago. The way he looks at it, the little trailer park has saved the Town's future. Unfortunately, the town administration does not recognize this and continues to treat the park, him and his wife with disrespect and contempt. When you're planning on making a hugely controversial decision, it's always a good idea to have a good look at it.

## **Town of Hickory Creek**

**August 5, 2024**

**Page 2**

Hypothetically if the town wins big, beating him down badly, breaking his will to continue, he will be forced to close the park telling tenants they have a short period of time to leave, removing the infrastructure that has been installed the last thirty years and return the property to agricultural uses. He would be forced to litigate the issue because of the Town's success in using harassment to eliminate retirement income. The retirement income destroyed would be the value of the damages. He would like to extend his hand in friendship to work out the differences and begin working together towards the creation of a downtown, but his guess is the Town would slap his hand away. He plans to hire a top notch legal firm and sue the Town. He would place the property in a trust for his grandchildren. He would suggest the grandchildren deannex the property to give them the opportunity to develop a downtown that the administration has always denied him of which would delay the economic development for the town by decades.

Gloria Homans, 1500 Turbeville Road, stated she truly does not know what to think when she sees a discussion of litigation and the intent to sue involving her property. Does the Town want to put her and Ron out of business, making their tenants homeless? The tenants are fragile. They have refused to sell to developers that only want to build apartments. If they were greedy or didn't care they would have pocketed the money and followed other business adventures. Several years ago, they were going to sell the property to developers that wanted to build a downtown, but it never took off. It is her understanding that the citizenry of Hickory Creek does not want more apartments. She and Ron care about the Town, the citizens and their tenants. They believe, without sales tax revenue, property taxes will increase. She spoke with Chris Chaudoir regarding the letters and citations they are receiving almost daily for trash and filth as noted on the citations. The trash and rubbish that can be seen from the hole in the fence owned by the Town are wooden branches from trees cut up and placed on wood pallets due to storm damage. She would like to understand the purpose and the intent. She believes in kindness and fairness. With mutual cooperation, there can be success.

### **Consent Agenda**

1. June 2024 Council Meeting Minutes
2. June 2024 Financial Statements
3. 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 interlocal agreement between the Town of Hickory Creek and the City of Corinth concerning animal services.
4. 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 interlocal cooperative agreement between the Town of Hickory Creek and the County of Denton concerning police radio communication services.
5. 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 interlocal agreement between the Town of Hickory Creek and the City Lake Dallas concerning the Carlise Drive roadway project.

## **Town of Hickory Creek**

**August 5, 2024**

**Page 3**

6. 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 interlocal agreement between the Town of Hickory Creek and the Town of Shady Shores concerning public works services.
7. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement by and between the Town of Hickory Creek and members of the Texas Municipal League concerning cybersecurity risk coverage.
8. Consider and act on the 2024-2025 Hickory Creek Economic Development Corporation Budget.

Motion made by Councilmember Gordon to approve consent agenda items 1-8, Seconded by Councilmember Wohr.

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

### **Regular Agenda**

9. Consider and act on a site plan for 800 Point Vista Road, being 5.13 acres of land situated in the Cornelius Town Center Addition, Block A, Lot 1, Town of Hickory Creek, Denton County, Texas.

Motion made by Councilmember Gibbons to approve item 9, a site plan for 800 Point Vista Road, Seconded by Councilmember Theodore.

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

10. Consider and act on a preliminary plat for the Lennon II Addition, Lots 1 - 9, Block A, being 10.22 acres of land situated in the M.E.P. and P.R.R. Co. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3100 block of FM 2181.

Brad Devault, Victory Real Estate Group, and Drew Donosky, Clay Moore Engineering, answered questions from the Town Council.

Motion made by Councilmember Gordon to approve a preliminary plat for the Lennon II Addition, Lots 1 - 9, Block A, being 10.22 acres of land situated in the M.E.P. and P.R.R. Co. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3100 block of FM 2181, Seconded by Councilmember Theodore. Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Wohr, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

11. Consider and act on a site and landscape Plan for the Lennon II Addition, Lot 3, Block A, being 2.123 acres of land situated in the M.E.P. and P.R.R. Co. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3100 block of FM 2181.

**Town of Hickory Creek**

**August 5, 2024**

**Page 4**

Brad Devault, Victory Real Estate Group, and Drew Donosky, Clay Moore Engineering, answered questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to approve a site and landscape plan for the Lennon II Addition, Lot 3, Block A, being 2.123 acres of land situated in the M.E.P. and P.R.R. Co. Survey, Abstract No. 915, Seconded by Councilmember Theodore.  
Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Wohr, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

12. Consider and act on a final plat for the Lennon II Addition, Lot 3, Block A, being 2.123 acres of land situated in the M.E.P. and P.R.R. Co. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3100 block of FM 2181.

Motion made by Councilmember Theodore to approve a final plat for Lennon II Addition, Lot 3, Block A, Seconded by Mayor Pro Tem Kenney.  
Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Wohr, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

13. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement with Span, Inc. for transportation services and reimbursement.

Jona Coronado, Ricky DeLaPaz and Kristine Herrera provided an overview of services provided by Span Inc. and answered questions from the Town Council.

Motion made by Councilmember Gibbons to approve a resolution for an interlocal agreement with Span for transportation services and reimbursements not to exceed \$20,000, seconded by Councilmember Wohr.  
Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Wohr, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

14. Consider and act on granting a waiver from an appeal of a decision of the Town Building Official denying an application for a sign permit submitted by The Olana, 1850 Turbeville Road, Hickory Creek, Texas that fails to comply with Hickory Creek Code of Ordinances, Chapter 3: Building Regulations, Article 3.08 Signs.

Tanner Pitts, FD3 Hospitality Project Manager, provided an overview of the request and answered questions from the Town Council.

Motion made by Councilmember Theodore to approve a waiver from an appeal of a decision of the Town Building Official per agenda item 14, Seconded by Councilmember Gordon.  
Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Wohr, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

15. Consider and act on allocating additional funds for 2024 Pavement Repairs and Phase 4 Sidewalk Extensions.

**Town of Hickory Creek**

**August 5, 2024**

**Page 5**

John Smith, Town Manager, provided an overview of the project and answered questions from the Town Council.

Motion made by Councilmember Theodore to approve allocating additional funds for 2024 Pavement Repairs and Phase 4 Sidewalk Extensions in an amount not to exceed \$1,236,000, Seconded by Mayor Pro Tem Kenney.

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

16. Consider and act on acceptance of medical, dental and vision rates from Cigna; life, accidental death, short term disability and long term disability from Renaissance; first responder support from Responder Health and a supplemental benefit for an employees' household from New Benefits for employee coverage for Fiscal Year 2024-2025.

Motion made by Councilmember Gordon to approve , medical, dental and vision rates from Cigna; life, accidental death, short term disability and long term disability from Renaissance; first responder support from Responder Health and a supplemental benefit for an employees' household from New Benefits for employee coverage for Fiscal Year 2024-2025, Seconded by Mayor Pro Tem Kenney.

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

17. 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 by and between the Town of Hickory Creek, Texas and Half Associates, Inc. concerning professional engineering services for Point Vista Road Expansion.

Motion made by Councilmember Theodore to approve a resolution of the Town Council of the Town of Hickory Creek, authorizing the Mayor to execute an agreement between the Town of Hickory Creek, Texas and Half Associates, Inc. for professional engineering services for Point Vista Road Expansion, Seconded by Councilmember Gordon.

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

18. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, proposing a tax rate which represents the No-New-Revenue tax rate for 2024; setting a date, time and place to adopt the 2024 tax rate.

Motion made by Councilmember Gordon to approve a resolution a resolution of the Town Council of the Town of Hickory Creek, Texas, proposing a tax rate of 0.223060 per \$100 valuation which represents the No-New-Revenue tax rate for 2024; setting a date of September 16, 2024; a time of 6:00 p.m. and setting the location of Town Hall for the adoption of the 2024 tax rate, Seconded by Mayor Pro Tem Kenney.

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

19. Discussion regarding the preliminary 2024-2025 Fiscal Year Budget.

Discussion was held regarding the 2024-2025 Fiscal Year Budget.

20. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas setting a date, time and place for a public hearing on the 2024-2025 Fiscal Year Proposed Budget; setting a date, time and place to adopt the budget.

Motion made by Mayor Pro Tem Kenney to approve a resolution of the Town Council of the Town of Hickory Creek, Texas setting a date, time and place for a public hearing on the 2024-2025 Fiscal Year Proposed Budget; setting a date, time and place to adopt the budget for August 26, 2024, at 6:00 p.m. at Town Hall for the public hearing and adoption of the 2024-2025 Fiscal Year Budget, Seconded by Councilmember Gibbons.

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

21. Discussion regarding Arrowhead Park.

Discussion was held regarding Arrowhead Park.

### **Executive Session**

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 7:45 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.

22. Discussion regarding Denton CAD Property ID# 62326.
23. Discussion regarding certain real property generally located, North of Interstate 35E, Lake Lewisville Bridge, South of FM 2181, East of Ronald Reagan Avenue and West of Interstate 35E.

### **Section 551.074**

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

24. Review of individual employees' performance.

### **Reconvene into Open Session**

The Town Council reconvened into open session at 11:23 p.m.

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

No action taken.

**Future Agenda Items**

The following items were requested: tree ordinance, franchise fees for broadband and the leisure center.

**Adjournment**

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

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

The meeting did then stand adjourned at 11:24 p.m.

Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek