

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, AUGUST 22, 2022**

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

Councilmember Randy Gibbons

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

Officer Steven Antommarchi

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.

Proclamations

1. 2022 National Payroll Week

Mayor Clark proclaimed September 5, 2022 - September 9, 2022 as National Payroll Week in the Town of Hickory Creek. Tracie Mitchell accepted the proclamation on behalf of the American Payroll Association Dallas Chapter.

2. September 2022 as "Live United Month"

Mayor Clark proclaimed September 2022 to be "LIVE UNITED MONTH" in the Town of Hickory Creek. Patricia Sherman, Carrell Simmons and Teddy Yan accepted the proclamation on behalf of United Way of Denton County.

Items of Community Interest

"9/11 Walk of Remembrance" will be held on Sunday, September 11, 2022 on the Southbound Lake Lewisville pedestrian bridge.

“See You at the Station” will be held on Wednesday, September 21, 2022 at 8:00 a.m. at Hickory Creek Town Hall. The community is invited to attend to pray for police officers, firefighters and all first responders.

Saturday, November 5, 2022 an Arbor Day Event and Fall Cleanup will be held at the public works facility located at 970 Main Street, Hickory Creek, Texas 75065.

Sycamore Bend Road expansion is ahead of schedule for completion.

Lake Cities Chamber Rolling into Fall Bicycle Rally will be held on September 24, 2022 from 7:00 a.m. until 1:00 p.m. at Thousand Hills Church.

Public Comment

Art Cline, 2002 S. Stemmons Freeway, Suite 200, stated his company MiTech Services, has provided IT support for for the town for many years. He recently merged with Structured Technology Solutions. He introduced Aaron Appleby, Chief Executive Officer. Both men look forward to continuing to provide services to the town and thanked the town for the opportunity.

Consent Agenda

3. July 2022 Financial Statements
4. 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 agreement with Structured Technology Solutions, LLC, concerning information technology services.
5. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, disapproving the Denton Central Appraisal District 2023 Budget.
6. Consider and act on permit application submitted by WalMart, 1035 Hickory Creek Blvd, Hickory Creek, Texas, for temporary storage containers for seasonal merchandise.

Motion made by Councilmember DuPree to approve consent agenda items 3-6 as presented, Seconded by Councilmember Gordon.

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

Regular Agenda

7. 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 amendment to a development agreement by and between the Town of Hickory Creek and Reserve at Hickory Creek, LLC.

John Smith, Town Administrator, provided the council with an overview of the development agreement.

Motion made by Councilmember Gordon to approve a resolution of the Town Council of the Town of Hickory Creek, Texas authorizing the Mayor to execute an amendment to a development agreement by and between the Town of Hickory Creek and Reserve at Hickory Creek, to also include completion of the amenities prior to issuance of certificate of occupancy, and for the town administrator to provide clarity on tree mitigation with the developer, Seconded by Councilmember Theodore.

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

8. Conduct a public hearing regarding a request from Reserve at Hickory Creek, LLC to designate the zoning as PD (Planned Development) on an 18.8530 acre tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Denton County, Texas, conveyed to Reserve at Hickory Creek LLC, according to the document filed of record in Document Number 2021-133395 Deed Records Denton County, Texas, Town of Hickory Creek, Denton County, Texas and consider and act on an ordinance for the same. The property is located at 1745 Turbeville Road.

Mayor Clark called the public hearing to order at 6:25 p.m.

John Walker, 127 Oakwood Lane, stated he has lived in Hickory Creek for six years. He does not understand why a Town whose logo features a tree, celebrates Arbor Day and is a member of Tree City USA would allow a developer to destroy most of the trees on the property. He is concerned the impact 230 townhomes will have on the roads, increased traffic and crime.

Motion made by Councilmember Theodore to keep the public hearing open and continue it to the Town Council meeting on September 15, 2022, Seconded by Mayor Pro Tem Kenney.

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

9. Consider and act on allocating funds for the Hickory Creek Police Department K9 Unit.

Due to the unexpected loss of K9 Officer Axel, the department is requesting funds to acquire another K9 partner for Officer Antommarchi.

Motion made by Councilmember Gordon to allocate funds for the Hickory Creek Police Department K9 Unit in the amount not to exceed \$10,000 and for the Town Administrator to negotiate an appropriate reimbursement for travel expenses, Seconded by Mayor Pro Tem Kenney.

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

10. Discussion regarding the 2022-2023 Town of Hickory Creek Fiscal Year Budget.

Discussion was held regarding the 2022-2023 Fiscal Year Budget.

11. Conduct a public hearing regarding the 2022-2023 Town of Hickory Creek Fiscal Year Budget.

Mayor Clark called the public hearing to order at 7:07 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 7:07 p.m.

12. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek adopting and approving the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023; providing for expenditure of funds, providing for filing of budget and ordinance.

Motion made by Mayor Pro Tem Kenney to approve an ordinance adopting and approving the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023; providing for expenditure of funds, providing for filing of budget and ordinance, Seconded by Councilmember Theodore.

A roll call vote was taken. Councilmember Gibbons voted yea, Councilmember DuPree voted yea, Councilmember Gordon voted yea, Mayor Pro Tem Kenney voted yea, Councilmember Theodore voted yea. Motion passed unanimously.

13. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas accepting and approving the Town Secretary's certification of the number of qualified signatures on a petition to order a local option election to legalize the sale of all alcoholic beverages including mixed beverages.

Motion made by Councilmember Gibbons to approve a resolution accepting and approving the Town Secretary's certification of the number of qualified signatures on a petition to order a local option election to legalize the sale of all alcoholic beverages including mixed beverages, Seconded by Councilmember DuPree.

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

14. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, calling a special election/local option election to be held on November 8, 2022, said date being a uniform election date, for the purpose of determining whether to legalize the following local option election issue: the legal sale of all alcoholic beverages including mixed beverages.

Motion made by Councilmember Gordon to approve an ordinance calling a special election/local option election to be held on November 8, 2022, said date being a uniform election date, for the purpose of determining whether to legalize the following local option election issue: the legal sale of all alcoholic beverages including mixed beverages, Seconded by Mayor Pro Tem Kenney.

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

15. 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 agreement between the Town of Hickory Creek and Lake Dallas ISD concerning substance awareness and K9 detection services.

Motion made by Councilmember Gordon to approve a resolution to execute an agreement between the Town of Hickory Creek and Lake Dallas ISD concerning substance awareness and K9 detection services. Seconded by Councilmember DuPree.

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

16. 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 and a police recruit concerning police academy sponsorship.

Motion made by Councilmember Gordon to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, to execute an agreement between the town of Hickory Creek and a police recruit regarding police academy sponsorship, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, 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 between the Town of Hickory Creek and Pavlov Media, Inc. concerning high speed broadband internet infrastructure.

The Town Administrator requested the Town Council adjourn into executive session regarding Item 17.

The Town Council convened into executive session at 7:44 p.m. pursuant to Chapter 551 of the Texas Government Code, 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 and 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.

The Town Council reconvened into executive session at 8:30 p.m.

Motion made by Councilmember Gordon to authorize the town administrator to take action as discussed in executive session, Seconded by Mayor Pro Tem Kenney.

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

18. Discussion regarding the procedure, appropriateness, and other considerations concerning the adoption of a home rule charter.

Discussion was held regarding the adoption of a home rule charter.

Future Agenda Items

There were no future agenda items.

Adjournment

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

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

The meeting did then stand adjourned at 8:57 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek