

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, JUNE 24, 2024**

MINUTES

Call to Order

Mayor Clark called the meeting to order at 6:01 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 Gibbons gave the invocation.

Due to technical difficulties with streaming, Mayor Clark stated the Town Council would adjourn into executive session to allow staff time to troubleshoot the issue.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 6:04 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.

26. Discussion regarding Denton CAD Property ID# 62326.

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27. 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.

Reconvene into Open Session

The Town Council reconvened into open session at 7:41 p.m.

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

No action taken.

Items of Community Interest

Lake Cities 4th of July Celebration will be held on Saturday, June 29, 2024. The parade begins at 9:00 a.m. Thousand Hills Church parking lot is available for viewing fireworks.

Public Comment

Reid Anderson, 4 Arrowhead Circle, stated he has lived in his home for twenty eight years and has never seen the amount of activity in the neighborhood as he has the last two weeks due to visitors in Arrowhead Park. He does not understand why Arrowhead Park is not closed. People are parking in the neighborhood making it difficult for residents to get in and out of their homes. He is worried about the safety of his family and the other families who reside on Arrowhead Circle, Indian Trail and Hickory Hills Boulevard. From what he understands, Arrowhead is the only park open in four counties and he would like the Town Council to close the park to visitors until other parks open.

Linda Figart, 199 Country Lane, stated she has no legal representation. She requested the Town Council not pass consent agenda item number eight an agreement with Denton County for funds to build a road on her private property without her permission. The Town has been unable to demonstrate any type of prescriptive use on her property or a shared easement with the City of Denton. It is her understanding the town is requesting an encroachment easement from the City of Denton. The City of Denton had the option to grant encroachment easements, they do not own the property and cannot authorize a road to be built on her property. She has not given permission to the Town to use her property for any purpose. The Town does have a dedicated road easement beside her property that can be used if they want a road. She is patiently waiting for the Town to accept a road dedication, which would allow the road to be built in that area.

Kevin Lindsey, 104 Magnolia Lane, stated the home he purchased two years ago is located directly behind the Town pond. He is very concerned about the noise, traffic and subsequent parking issues the Hickory Creek Amphitheater project will cause. In December 2022, when the Town held the Holiday gathering, he and his wife could hear noise in their backyard and inside their home. He only became aware of the proposed amphitheater in the fourth quarter newsletter. 70 homes in the neighborhood will be affected by the noise levels. He suggests the proposed leisure center, which includes a stage, would be a more appropriate area for performances.

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Fernando Meneses, 208 Deerpath Road, stated since he moved here in 2008, he has had drainage/water run off problems that have gotten worse the past two years on his property. There is standing water he has to jump over when he parks. He doesn't know if the water is sewage or runoff. It is coming through the concrete, there are cracks all over the street and the cul-de-sac is caving in. His back fence has sunk in three feet. The fence acts as a retaining wall every time it rains and his backyard floods. There is foundation movement in his home. He doesn't think he could sell his home.

Rhonda Buras, 209 Deerpath Road, stated she has ongoing water issues that exist on her lot, her neighbors' lots and on the street. She has corresponded with the Town on and off for about a decade about the drainage on her property. She has put in an extensive French drain system and replaced one side of her yard with rocks in an attempt to remediate the issues. She is asking for help specifically because of the changes that have taken place in both the amount of water flowing and the composition of what is in the water in the past year and a half. She documented the flow of water from behind her home from the massive rain that fell on March 14th. There are water stains on both sides of her home and the sidewalk in front of her home which suggests the water is moving under her house. She has a strong sewage smell in her upstairs bathroom on the north side of her home and several cracks in the sheetrock on the northside. The streets and sidewalks have been heavily impacted. Ms. Buras, would like for the Town to immediately investigate the source of the water, determine what is in the water and repair the street and sidewalk damage in the neighborhood.

Tienne Duysak, 217 Deerpath Road, stated she has lived here for twenty years in Glenview Estates. Her home is in the northwest corner and meets with the trailer park. She has had water issues ever since moving here. A flume was constructed in 2012 because every time it rained hard, mud and dirt would come into the pools of four lots, hers included. Now all that water is diverted onto her property. She showed photos of her backyard and pool full of mud. Every time this happens it costs a lot of money in chemicals and 10,000 gallons of water for the pool. The electrical box sits in water. The greenery in her backyard has rotted away. In 2020, an engineer from Halff looked at the issue and she is still waiting on those plans. She is asking for help, this is horrible.

Ron Furtick, 1500 Turbeville Road, stated that the Town Council has discussed suing him in executive session the past six months and it really wears on him. He would appreciate it if the Town Council would lighten up. Talking is important and there is much to discuss. He still would like to build a future walkable downtown and has decided to move forward installing a sewer line along the eastern edge of the park property that will eventually accommodate the downtown area growth. In the short term, it will be used to remove septic sprinklers and transfer all septic systems to the sewer line. He would for the Town Council to hold a workshop regarding the storm run off so the public can make comments and solutions can be discussed. Any practical solution must involve all parties. The main side storm drain along the east side of his property line has completely disappeared under its water burden on three separate occasions this year and indicates a systemic failure. Failure is fixable. A detention pond probably needs to be built near the main drain to solve the issues. He is more than happy to provide the land needed for the detention pond at a reasonable rental rate.

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John Grosskopf, 131 Oakwood Lane, stated for purposes of his remarks, the Town Council needs to be aware he is a board certified civil engineer and has held professional engineering licenses in multiple states for over thirty years. Over a year ago several Glenview residents asked for his help with drainage issues adversely affecting their properties by a Town constructed flume and ditch located between their development and the RV park next door. He agreed to investigate the drainage problem at no charge and focused on the extreme northwest corner of Glenview and the flume and ditch system which has repeatedly flooded properties in the area. He feels the flume and ditch system have probable design and construction flaws that prevents the safe passage of the runoff flows entering it. He monitored rainfall events to see the actual impact on the extreme northwest corner of Glenview and heavy rainfalls overtopped the flume causing severe flooding and extensive damage. He urged the Town Council to take this issue seriously and take action as soon as possible to discuss the issues and work out a solution.

Kristen Hamilton, 14201 Sovereign Road, Ft. Worth, stated she was representing Chick-Fil-A regarding a 20 foot monument sign that meets all of the Town's standard ordinances. The site plan has been revised to accommodate the sign by removing a parking spot and creating a parking island that will be landscaped.

Brandi Stein, 9 Arrowhead Circle, stated, over the last two weeks, the neighborhood where she is raising her family, has become a public area that is dangerous due to public intoxication and drivers running multiple stop signs where the neighborhood kids play. She does not want her neighborhood to become the overflow parking for Arrowhead Park.

Consent Agenda

1. May 2024 Council Meeting Minutes
2. May 2024 Financial Statements
3. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2024 annual update to the service and assessment plan and assessment roll for Hickory Creek Public Improvement District No. 1 including the collection of the 2024 annual installments.
4. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2024 annual update to the service and assessment plan and assessment roll for Hickory Creek Public Improvement District No. 2 including the collection of the 2024 annual installments.
5. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2024 annual update to the service and assessment plan and assessment roll for Hickory Creek Farms Public Improvement District including the collection of the 2024 annual installments.
6. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending Chapter 1: General Provisions, Chapter 3: Building Regulations and Appendix A Fee Schedule; providing for incorporation of premises; providing findings; providing for amendment to the Code of Ordinances.

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7. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby adopting a master application and fee schedule; and providing an effective date.
8. 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, Texas and Denton County, Texas concerning roadway projects.
9. 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, Texas and Denton County, Texas concerning the Carlisle Drive Roadway Project.
10. 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.

Motion made by Mayor Pro Tem Kenney to approve items 1 -10 on the consent agenda,
Seconded by Councilmember Wohr.

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

Regular Agenda

11. Consider and act on a final replat of Lots 1-R-1 and 1-R-2, Block 1 of Double G Plaza being a replat of Lot 1-R, Block 1 of Double G Plaza; being 2.258 acres in the H. Swisher Survey A-1220 in the ETJ of the Town of Hickory Creek, Denton County, Texas. The property is located at 3572 FM 2181.

Motion made by Councilmember Gordon to approve agenda item 11, a final replat of Lots 1-R-1 and 1-R-2, Block 1 of Double G Plaza being a replat of Lot 1-R, Block 1 of Double G Plaza; being 2.258 acres in the H. Swisher Survey A-1220 in the ETJ of the Town of Hickory Creek, Denton County, Texas. The property is located at 3572 FM 2181,
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 granting an exception to Chick-fil-A, 3550 FM 2181, Hickory Creek, Texas from the Hickory Creek Code of Ordinances, Chapter 3: Building Regulations, Article 3.08 Signs: Section 3.08.013; (q) Pole signs prohibited in certain areas. No person shall erect, maintain or permit the erection of any pole sign except on-premises signs located on property fronting the interstate highway.

Kristen Hamilton, Chandler Signs, representing Chick-fil-A stated a monument sign not a pole sign is proposed.

No action taken.

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13. Consider and act on revisions to the site and landscape plan for 3550 FM 2181: being Lot 2, Block A of the Lakesound Addition, 2.3575 acres out of the HH Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas.

Motion made by Councilmember Gibbons to approve item 13 upon submission of a site plans that shows a four foot wrought iron fence and monument sign within seven days, Seconded by Mayor Pro Tem Kenney.

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

14. Conduct a public hearing regarding a request from AWS Boats, LLC. on behalf of Paul Bosco Jr. for a Special Use Permit for sales and service of automobiles and watercraft in the 700 block of Lake Dallas Drive and consider and act on the same. The legal description of the property is A0284A Cobb, Tr 56, A0284A Cobb, Tr 55, 58, and A0284A Cobb, Tr 57(PT), Town of Hickory Creek, Denton County, Texas.

Mayor Clark called the public hearing to order at 8:46 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 8:46 p.m.

Paul Bosco, Jr. provided an overview of the special use permit request and answered questions from the Town Council.

Motion made by Councilmember Theodore to approve the special use permit for sales and service of automobiles and watercraft in the 700 block of Lake Dallas Drive, Seconded by Councilmember Wohr.

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

Voting Nay: Councilmember Gibbons. Motion passed.

15. Consider and act on a replat of Lot 1A, Block A, into Lot 1A-1 and 1A-2, Block A, TLC Subdivision, being 1.636 acres in the J.W. Simmons Survey, Abstract Number 1163, Town of Hickory Creek, Denton County, Texas. The property is located at 1221 Turbeville Road.

John Smith, Town Manager, provided an overview of agenda items 15, 16 and 17 and answered questions from the Town Council.

Rick Moore, representing Elm Fork, answered questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to approve a replat of Lot 1A, Block A, into Lot 1A-1 and 1A-2, Block A, TLC Subdivision, Seconded by Councilmember Theodore.

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

16. Conduct a public hearing on a request from Hard Sun V., Inc. to change the zoning designation from PD (Planned Development) and C-1 (Commercial) to PD (Planned Development) for the property legally described as TLC Subdivision Block A, Lot 1A-1, approximately a 1.048 acre tract of land in the corporate limits of the Town of Hickory Creek, Denton County, Texas and consider and act on an ordinance adopting the same. The property is located at 1221 Turbeville Road.

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Mayor Clark called the public hearing to order at 9:09 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 9:10 p.m.

Motion made by Mayor Pro Tem Kenney to approve an ordinance changing the zoning designation from PD (Planned Development) and C-1 (Commercial) to PD (Planned Development) for the property legally described as TLC Subdivision Block A, Lot 1A-1, approximately a 1.048 acre tract of land in the corporate limits of the Town of Hickory Creek, Denton County, Texas, Seconded by Councilmember Gibbons.

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

17. Consider and act on a site plan for Lot 1A-1, Block A, TLC Subdivision, being 1.048 acres in the J.W. Simmons Survey, Abstract number 1163, Town of Hickory Creek, Denton County Texas. The property is located at 1221 Turbeville Road.

Rick Moore, representing Elm Fork, answered questions from the Town Council.

Motion made by Councilmember Gordon to approve a site plan for Lot 1A-1, Block A, TLC Subdivision, being 1.048 acres in the J.W. Simmons Survey, Abstract number 1163, Town of Hickory Creek, Denton County Texas. The property is located at 1221 Turbeville Road, Seconded by Councilmember Theodore.

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 authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement with Span, Inc. for transportation services.

No action taken.

19. Consider and act on a proposal from Whirlix Design, Inc. concerning the Hickory Creek Amphitheater Project.

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

David Rushing, Whirlix Design, answered questions from the Town Council.

Motion made by Councilmember Gordon to accept a proposal from Whirlix Design, Inc. concerning the Hickory Creek Amphitheater, project amount not to exceed \$589,000, Seconded by Councilmember Theodore.

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

20. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 3, Building Regulations, by adopting the updated International Building, Residential, Plumbing, Mechanical, Energy Conservation, Fuel Gas, Property Maintenance, Existing Building and Swimming Pool and Spa Codes Code as published by the International Code

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Council with local amendments and the International Fire Code as published by the National Fire Protection Association with local amendments as amended by the Lake Cities Fire Department; and the National Electrical Code as published by the National Fire Protection Association with local amendments; providing the Town Building Official the authority and power to enforce provisions of codes.

Mayor Clark called for a recess at 9:44 p.m.

Mayor Clark called the meeting back to order after the recess at 9:49 p.m.

Motion made by Councilmember Gordon to approve agenda item 20 as presented, Seconded by Councilmember Theodore.

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

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

No action taken.

22. Discussion regarding the Hickory Creek Leisure Center.

Discussion was held regarding the Hickory Creek Leisure Center.

23. Discussion regarding a comprehensive zoning amendment implementing certain revisions to the Town's zoning ordinance identified, considered and contained within the Town's 2023 Comprehensive Plan update and provide direction to staff concerning the same.

Discussion was held regarding amending the Town's zoning ordinance.

24. Discussion regarding utilizing the Tree Restoration Fund to replace trees lost in recent weather events.

Discussion was held regarding utilizing the Tree Restoration Fund to replace trees lost in recent weather events.

25. Receive an update from Chief Dunn concerning police department activity since the February 2024 council meeting and discuss same.

Chief Dunn stated the police department organizational chart has been updated. Moving forward, vehicles in the fleet will be rebranded with a new paint scheme and striping package. Badges and uniform patches for the department have also been redesigned.

Future Agenda Items

The following item was requested: Arrowhead Park.

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Adjournment

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

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

The meeting did then stand adjourned at 10:34 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek