

**SPECIAL MEETING OF THE TOWN COUNCIL  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
THURSDAY, SEPTEMBER 15, 2022**

**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

Councilmember Randy Gibbons

Councilmember Richard DuPree

Councilmember Chris Gordon

Mayor Pro Tem Paul Kenney

Councilmember Ian Theodore arrived at 6:03 p.m.

Also in attendance:

John M. Smith, Jr., Town Administrator

Kristi K. Rogers, Town Secretary

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.

**Proclamations**

1. Suicide Prevention Awareness

Mayor Clark proclaimed September 2022 as Suicide Prevention Awareness Month.

**Items of Community Interest**

Citizens are encouraged to serve on various boards and commissions for the town.

7th Annual "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.

The "9/11 Walk of Remembrance" held on Sunday, September 11, 2022 was a moving tribute to those who lost their lives on 9/11 and approximately 150 citizens attended.

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. Volunteers are needed.

**Town of Hickory Creek**  
**September 15, 2022**  
**Page 2**

Lake Cities Chamber of Commerce will host a Career Fair at the Fairfield Inn and Suites, 6557 S. I35E, Corinth Texas on October 19, 2022 from 2:00 p.m. to 6:00 p.m.

Thousand Hills Church, 8380 S. Stemmons Freeway, will hold a ribbon cutting on September 18, 2022 at 9:00 a.m.

**Public Comment**

Ron Furtick, 1500 Turbeville Road, announced he would be opening a French bakery across the street from Town Hall. He would like for the Town Council to attend the ribbon cutting ceremony. He would like to start the future downtown and the current market will dictate council making hard decisions. He is willing to invest his time in Hickory Creek and thanked the Town Council for all their efforts.

**Consent Agenda**

2. August 2022 Council Meeting Minutes
3. August 2022 Financial Statements
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 agreement between the Town of Hickory Creek and the Denton County Elections Administrator concerning election administration services.

Motion made by Councilmember DuPree to approve consent agenda items 2-4 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**

5. Conduct a public hearing continued from August 22, 2022 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.

John Smith, Town Administrator, provided the council an overview of the zoning request.

David Hawes, Hawes Hill & Associates and Taylor Stinnett, MarketSpace Capital, representing Reserve at Hickory Creek, LLC, provided an overview of the zoning request and answered questions from the Town Council.

Lee Williams, Halff Engineering, answered questions from the town council.

Mayor Clark called the public hearing to order at 6:40 p.m.

Melissa Stone, 207 Garth Lane, stated she has lived in Hickory Creek for almost a year and would like to serve on the vision committee. Development with increased density must happen for Hickory Creek to survive. Townhomes and apartments are needed due to growth in population. She would have liked more greenspace to be included in the development. It is incredibly dense and does not reflect why people choose to live in Hickory Creek. When considering future developments, she would like for the Town Council to consider the heart of the community. Mrs. Stone also shared her concerns regarding agenda item 7 including the increased density rezoning the property from SF-1 to SF-3 and traffic concerns.

John Walker, 127 Oakwood Lane, stated after speaking at previous Planning and Zoning and Town Council meetings regarding the Reserve at Hickory Creek, he reached out to the Town Council and John Smith, Town Administrator. He thanked Mr. Smith, who met with homeowners from the Enclave Subdivision, explaining the thought process and considerations the town went through regarding the development. He still has concerns including the number of trees that will be removed and ensuring the development will be owner occupied and not become short term rentals.

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

Motion made by Councilmember Gordon to approve an ordinance designating 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 Seconded by Councilmember Theodore.

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

6. Consider and act on a preliminary plat of Reserve at Hickory Creek, being an 18.8530 acre tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1745 Turbeville Road.

Motion made by Councilmember Theodore to approve agenda item 6, Seconded by Councilmember Gordon.

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

7. Conduct a public hearing regarding a request from John Murphy, trustee of the John R Murphy Family Trust, on behalf of Yanlin Qian to change the zoning designation from SF-1 Residential District to SF-3 Residential District on a tract of land legally described as A1075a Ramsey, Tract 43B, 44B, 45C, 7.0 acres in the Town of Hickory Creek, Denton County, Texas. The property is located at 125 South Hook Road and consider and act on an ordinance for the same.

John Smith, Town Administrator, provided the council an overview of the zoning request.

Yanlin Qian provided an overview of the zoning request and answered questions from the Town Council.

Mayor Clark called the public hearing to order at 7:16 p.m.

Denver Stone, 207 Garth Lane, stated he is opposed to the zoning change. The addition of twenty one homes on seven acres does not make sense in the area since the surrounding lots are one acre or greater. He would not be opposed to the property being divided into seven one acre lots. The increase in traffic on Hook Street would be challenging and the existing infrastructure would not support the development.

Sharon Stratman, 100 Harmony Lane, stated she was drawn to Hickory Creek based on the existing zoning which requires one acre lots. She is concerned that a precedence will be set if high density is allowed for this property. Infrastructure is not in place to handle high density developments; it is dangerous for pedestrians, school buses and trash trucks.

Jim Stratman, 100 Harmony Lane, stated he moved to Hickory Creek in 2004. The ambiance of the area is very critical to him and others who also live there. Allowing twenty one homes to be built will influence the surrounding properties into a mushroom cloud of little houses. This type of development is not the right approach for the east side of Interstate 35. He loves Hickory Creek and does not want it to be ruined.

Sue Ortolano, 102 Harmony Lane, stated she moved to Hickory Creek three years ago with the expectation that lots surrounding her would be one acre. She is opposed to high density. Developing seven one acre lots would be lovely in the area. She is concerned about the wildlife, small roadways and drainage issues.

Lenora Schoultz, 962 Main Street, stated when she sits on her back patio, she sees birds, horses, deer, rabbits and lots of trees. She does not want to have twenty one homes behind her, but seven would be acceptable because that is what the undeveloped property was zoned when she purchased her land.

With no one else wishing to speak, Mayor Clark closed the public hearing at 7:29 p.m.

Motion made by Councilmember Gordon to deny the request from John Murphy, trustee of the John R Murphy Family Trust, on behalf of Yanlin Qian to change the zoning designation from SF-1 Residential District to SF-3 Residential District, located at 125 South Hook, Seconded by Councilmember Theodore.

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

8. Consider and act on a preliminary and final plat of Garth Addition, Lot 1, Block A: being 2.00 acres of land located in John Ramsey Survey, Abstract No. 1075, the Town of Hickory Creek, Denton County, Texas. The property is located at 207 Garth Lane.

Motion made by Councilmember Theodore to approve agenda item 8, a preliminary and final plat of Garth Addition, Lot 1, Block A, Seconded by Councilmember DuPree.

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

Mayor Clark called for a recess at 7:42 p.m.

Mayor Clark called the meeting back to order after the recess at 7:53 p.m.

9. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek ratifying the property tax revenue increase reflected in the fiscal year 2022-2023 budget.

Motion made by Councilmember Gordon to approve an ordinance of the Town Council of the Town of Hickory Creek ratifying the property tax revenue increase reflected in the fiscal year 2021-2022 budget, 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.

10. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, accepting the 2022 Certified Tax Roll for the Town of Hickory Creek; approving the 2022 Ad Valorem Tax Rate and levying \$0.270317 on each one hundred dollars of assessed valuation of all taxable property within the corporate limits of the Town for the fiscal year beginning October 1, 2022 and ending September 30, 2023. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE; providing for a due date and delinquency date, providing for the collection and use of penalty and interest on delinquent taxes; directing the Tax Assessor/Collector to assess and collect Ad Valorem Property Taxes.

Motion made by Councilmember Gibbons to approve agenda item 10, Seconded by Mayor Pro Tem Kenney.

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.

11. 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 among Town of Hickory Creek, Lake Cities Municipal Utility Authority and Harbor Grove Water Supply Corporation concerning fire protection services.

Motion made by Councilmember Gordon to approve a resolution, authorizing the Mayor to execute an interlocal agreement among Town of Hickory Creek, Lake Cities Municipal Utility Authority and Harbor Grove Water Supply Corporation concerning fire protection services, Seconded by Councilmember DuPree.

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

12. 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.

Motion made by Councilmember DuPree 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 interlocal agreement between the Town of Hickory Creek and the City of Corinth concerning an animal services interlocal agreement that is materially consistent with the proposed contract, Seconded by Councilmember Gordon.

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

13. Consider and act on appointments to the vision committee and focus groups for the 2022-2023 Comprehensive Plan.

No action taken.

14. Discussion regarding potential amendments to the Town of Hickory Creek Code of Ordinances concerning tree maintenance and mitigation.

Discussion was held regarding potential amendments to the Town of Hickory Creek Code of Ordinances concerning tree maintenance and mitigation.

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

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

### **Future Agenda Items**

The following items were requested: Sycamore Bend Road reconstruction update and Lake Cities Municipal Utility Authority interlocal agreement.

### **Adjournment**

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

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

The meeting did then stand adjourned at 8:48 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