

**SPECIAL MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, SEPTEMBER 13, 2021**

MINUTES

Call to Order

Mayor Clark called the meeting to order at 6:05 p.m.

Roll Call

The following members were present:

Mayor Lynn Clark

Councilmember Randy Gibbons

Councilmember Richard DuPree

Councilmember Chris Gordon

Councilmember Ian Theodore

The following member was absent:

Mayor Pro Tem Paul Kenney

Also in attendance:

John M. Smith, Jr., Town Administrator

Kristi K. Rogers, Town Secretary

Sergeant Mike Miller

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 Clark gave the invocation.

Items of Community Interest

Thanks to those who participated in the event held on September 11, 2021 in honor and remembrance of those who perished on September 11, 2001.

SPAN will hold a fundraising gala on October 24, 2021 at the Courtyard by Marriott in Flower Mound, Texas.

Public Comment

There were no speakers for public comment.

Regular Agenda

1. Conduct a public hearing continued from August 23, 2021 regarding the voluntary annexation of an 18.786 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in Denton County, Texas, and being part of that tract of land conveyed to CTMGT Turbeville, LLC by Special Warranty Deed, as recorded in Instrument 2011-121574, official public record, Denton County, Texas.

Mayor Clark called the public hearing to order at 6:07 p.m.

Motion made by Councilmember Gordon to keep the public hearing open and continue it to the next town council meeting on October 4, 2021, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

2. Conduct a public hearing continued from August 23, 2021 regarding the creation of a Public Improvement District concerning 18.786 acres of land in the Town's ETJ owned by Reserve at Hickory Creek, LLC. and generally located at 1745 Turbeville Road.

Mayor Clark called the public hearing to order at 6:08 p.m.

Motion made by Councilmember Theodore to keep the public hearing open and continue it to the next town council meeting on October 4, 2021, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

3. 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 a deposit and reimbursement agreement concerning financing costs related to the Reserve at Hickory Creek Public Improvement District.

Motion made by Councilmember Gordon to approve 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 a deposit and reimbursement agreement concerning financing costs related to the Reserve at Hickory Creek Public Improvement District, Seconded by Councilmember Gibbons.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

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 by and between the Town of Hickory Creek, Texas and P3Works, LLC. concerning public improvement district administration services for Reserve at Hickory Creek Public Improvement District.

Motion made by Councilmember Theodore to approve 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 by and between the Town of Hickory Creek, Texas and P3Works, LLC. concerning public improvement district administration services for Reserve at Hickory Creek Public Improvement District, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

5. 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 2021-2022 budget.

Motion made by Councilmember Theodore 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 DuPree.

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

6. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, accepting the 2021 Certified Tax Roll for the Town of Hickory Creek; approving the 2021 Ad Valorem Tax Rate and levying \$0.307280 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, 2021 and ending September 30, 2022. 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 Gordon to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, accepting the 2021 Certified Tax Roll for the Town of Hickory Creek; approving the 2021 Ad Valorem Tax Rate and levying \$0.307280 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, 2021 and ending September 30, 2022. 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, Seconded by Councilmember DuPree.

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

7. 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 4: Business Regulations; Article 4.02: Sexually Oriented Businesses; providing for incorporation of premises; providing findings; providing for amendments to the Code of Ordinances.

Motion made by Councilmember Gibbons to approve 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 4: Business Regulations; Article 4.02: Sexually Oriented Businesses; providing for incorporation of premises; providing findings; providing for amendments to the Code of Ordinances; providing a cumulative repealer clause; providing for severability; providing for savings; providing for engrossment and enrollment, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

8. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas correcting a clerical error in Ordinance 2021-08-881, concerning Solar Panel Restrictions.

Motion made by Councilmember Theodore to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas correcting a clerical error in Ordinance 2021-08-881, concerning Solar Panel Restrictions, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

9. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances, Chapter 1: General Provisions; Article 1.05: Town Officers; providing for incorporation of premises; providing findings; providing for amendments to the Code of Ordinances.

Motion made by Councilmember Gibbons to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances, Chapter 1: General Provisions; Article 1.05: Town Officers; providing for incorporation of premises; providing findings; providing for amendments to the Code of Ordinances; providing a cumulative repealer clause; providing for severability; providing for savings; providing for engrossment and enrollment, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

10. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying an agreement between the Town of Hickory Creek and Dorwin L. Sargent III, concerning legal services.

Motion made by Councilmember Gordon to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying an agreement between the Town of Hickory Creek and Dorwin L. Sargent III, concerning legal services, Seconded by Councilmember Theodore.

Town of Hickory Creek
September 13, 2021
Page 5

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

11. 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 concerning municipal prosecutor services.

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 concerning municipal prosecutor services as presented, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

12. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, nominating five (5) individuals for the Board of Directors of the Denton Central Appraisal District.

No action taken

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 concerning network communication services with the Department of Information Resources.

Motion made by Councilmember Theodore 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 concerning network communication services with the Department of Information Resources for the State of Texas, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

14. Consider and act on a resolution of the Town Council for the Town of Hickory Creek Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement concerning the Lewisville Lake Paddling Trail Collaboration Project.

Motion made by Councilmember DuPree to approve a resolution of the Town Council for the Town of Hickory Creek Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement concerning the Lewisville Lake Paddling Trail Collaboration Project, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

15. Discussion regarding broadcasting Town Council meetings.

Discussion was held regarding broadcasting Town Council meetings.

Town of Hickory Creek
September 13, 2021
Page 6

Trey Sargent, Town Attorney requested the Mayor and Town Council reconsider Item 7. The following motions were made:

Motion made by Councilmember Theodore to reconsider the 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 4: Business Regulations; Article 4.02: Sexually Oriented Businesses; providing for incorporation of premises; providing findings; providing for amendments to the Code of Ordinances, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

Motion made by Councilmember Theodore to table Item 7, 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 4: Business Regulations; Article 4.02: Sexually Oriented Businesses, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

Future Agenda Items

The following items were requested: emergency management, registration of seniors in Hickory Creek, road and street repair updates.

Adjournment

Motion made by Councilmember Theodore to adjourn the meeting, Seconded by Councilmember Gibbons.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

The meeting did then stand adjourned at 7:29 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek