

**REGULAR MEETING OF THE TOWN COUNCIL  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
MONDAY, NOVEMBER 25, 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**

Mayor Pro Tem Kenney gave the invocation.

**Proclamations**

1. 2024 Holiday Season as "The Salvation Army Rings, Hope Marches On"

**Items of Community Interest**

The annual tree lighting will be held Friday, December 6, 2024 from 6:00 p.m. until 8:00 p.m. at Town Hall.

Condolences to the family of Trevor Zackowski, an outstanding young man, who tragically lost his life in a motorcycle accident. Trevor was recognized in May by the Town Council for completing his Eagle Scout project, a fish habitat in the pond at Town Hall.

Road construction will begin on Harbor Lane and South Hook Street on December 2, 2024 weather permitting.

**Public Comment**

Ron Furtick, 1500 Turbeville Road, stated he and the Town of Hickory Creek need to work together toward a common goal of creating a world class township for the benefit of the citizenry. He cannot do it without the Town Council and the Town Council cannot do it without him. Not working together will cause each to fail miserably. He is extremely interested in resolving any current concerns the Town Council has regarding the infrastructure on his property. He has proposed a resolution and detailed his plans for surrendering and removed a tank the attorney demanded he remove. He will comply with all reasonable demands and feels it is important for the infrastructure to work properly. His sprinkler field appears to be working normally after an inspection. The Town and their attorneys will be updated on the information and data as it becomes available. He requests the Town Council dust off the mixed-use zoning document prepared by Mesa Planning several years ago. He cannot move forward until the zoning is in place. He will be forced to look at other development options if he cannot move forward with developing a downtown for Hickory Creek. He would like for differences to be set aside, and Town Council pass the mixed-use ordinance so he can market the downtown next spring.

**Consent Agenda**

2. September 2024 Council Meeting Minutes
3. September 2024 Financial Statements
4. October 2024 Council Meeting Minutes
5. October 2024 Financial Statements
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 cooperation agreement with the Dallas County Criminal District Attorney's office for seizure and forfeited contraband.

Motion made by Councilmember Gordon to approve consent agenda items 2-6, Seconded by Councilmember Theodore.

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

**Regular Agenda**

7. Conduct a public hearing regarding a request from Kimley-Horn and Associates on behalf of Wal-Mart Real Estate Business Trust for a Special Use Permit for the operation of drones for grocery delivery in the required parking lot. The property is located at 1035 Hickory Creek Boulevard and is legally described as Wal-Mart Addition (Lake Dallas ISD), Block A, Lot 1R, Town of Hickory Creek, Denton County, Texas.

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Ivan Jaime, Wal-Mart Director of Government Affairs, Catherine Lovett, Wing Aviation and Bernice Espinosa, Kimley-Horne, provided an overview of the request including the partnership between Wal-Mart & Wing, the benefits of drone delivery, the customer experience, flight operations, site layout and answered questions from the Town Council.

Mayor Clark called the public hearing to order at 6:39 p.m.

Kevin Lindsay, 104 Magnolia Lane, stated he is in favor of the special use permit with conditions. The Hickory Creek Wal-Mart is unique in the DFW test area for drone delivery due to the proximity of approximately 200 single family homes near where the drones will take off and land. The site could be used to test possible solutions for noise issues and no fly zones over adjacent schools. According to Wing, there is a potential for 216 takeoffs and landings seven days per week and this amount of low level air traffic over homes is a problem. A possible solution to this problem is to designate a no fly zone over the homes in close proximity, with programmed exceptions for the addresses of the 200 homes who choose to utilize Wal-Mart drone delivery. Mr. Lindsay believes adding the condition to the SUP could solve noise issues.

Motion made by Councilmember Theodore to continue the public hearing until the next council meeting, Seconded by Councilmember Gordon.

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

8. Interview applicants for various boards.

The Town Council interviewed Stuart Birdseye and Brett Kulesza for various boards and commissions.

9. Consider and act on an appointment to the Arts and Culture Board.

No action taken.

10. Consider and act on appointments to the Economic Development Corporation.

Motion made by Mayor Pro Tem Kenney, to appoint Bruce Enriquez to Place 2, Lynn Clark to Place 4 and Stuart Birdseye to Place 6, 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 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 issuance of license to MDM, Charters, Inc.

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 issuance of license to MDM, Charters, Inc. Allowing quarterly payments with a one-time fee decrease of \$5,000.00, Seconded by Mayor Pro Tem Kenney.

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Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Woehr, 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, casting its votes for one or more candidates for appointment to the Denton Central Appraisal District Board of Directors.

Motion made by Councilmember Gibbons to approve a resolution casting all four votes to Mike Hennefer for appointment to the Denton Central Appraisal District Board of Directors, Seconded by Councilmember Woehr.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Woehr, 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 hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement by and between the Town of Hickory Creek and Half Associates, Inc. concerning TxDOT 2025 FY Green Ribbon Project.

Motion made by Councilmember Gordon to approve a resolution authorizing the Mayor to execute an agreement by and between the Town of Hickory Creek and Half Associates, Inc. concerning TxDOT 2025 FY Green Ribbon Project in the amount of \$109,750.00, Seconded by Mayor Pro Tem Kenney.

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

14. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, setting a date, time and place for a public hearing on the proposed annexation of certain property commonly known as Lewisville Waters Edge II Condominiums by the Town of Hickory Creek, Texas and authorizing and directing the Mayor to publish notice of said public hearing.

John Smith, Town Manager, and Trey Sargent, Town Attorney, provided an overview of the annexation and answered questions from the Town Council.

Motion made by Councilmember Gordon to approve a resolution setting a date, time and place for a public hearing on the proposed annexation of certain property commonly known as Lewisville Waters Edge II Condominiums, authorizing and directing the Mayor to publish notice of said public hearing on December 16, 2024, 6:00 p.m. at Town Hall, Seconded by Councilmember Theodore.

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

**Executive Session**

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 7:39 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.

15. Discussion regarding Denton CAD Property ID# 62326.

**Reconvene into Open Session**

The Town Council reconvened into open session at 8:52 p.m.

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

No action taken.

**Future Agenda Items**

The following item was requested: 2025 sidewalk scope.

**Adjournment**

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

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

The meeting did then stand adjourned at 8:53 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