

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, JUNE 27, 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

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

Carey Dunn, Chief of Police

Jeffrey McSpedden, Director of Public Works and Animal Services

Alyssa Benner, Animal Services Officer

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 Theodore gave the invocation.

Presentation of Awards

1. 2021 Business of the Year

Mayor Clark presented the 2021 Business of the Year award to The Olana.

2. 2021 Citizen of the Year

Mayor Clark presented the 2021 Citizen of the Year award to Richard Hayes.

3. Steven Antommarchi

Mayor Clark showed her appreciation to Officer Steven Antommarchi for participating in the Children's Advocacy Center North Texas "Over the Edge" fundraiser on her behalf.

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4. Corbin Burley

Mayor Clark presented a plaque of appreciation to Corbin Burley for completion of his Eagle Scout project.

5. Gatlin Smith

Mayor Clark presented a plaque of appreciation to Gatlin Smith for completion of his Eagle Scout project.

Items of Community Interest

Mayor Clark congratulated the Town Council for receiving the North Central Texas Council of Government Regional Cooperation Award which was presented to the Towns of Hickory Creek and Shady Shores and the Cities of Corinth and Lake Dallas recognizing the cooperative regional efforts of local governments which demonstrate that joint projects can provide better use of resources as well as quality service.

Lake Cities 4th of July Celebration will be held on Saturday, July 2, 2022. The parade will begin at 9:00 a.m. family friendly activities and entertainment begin at 4:00 p.m. followed by fireworks at 9:00 p.m. Thousand Hills Church parking lot will be open and is a great place to see the fireworks.

Public Comment

Karl Meeks, 1022 Hickory Creek Road, stated his home is located south of the property requesting the special use permit. He does not want to see heavy equipment from his front doorstep. Alpha & Omega Equipment's location in Odessa, Texas is in an industrial area not near homes. He is very upset and not for the special use permit. Safety issues will exist due to eighteen wheelers entering and exiting the service road. Noise issues will exist due to the beeping when the equipment is moved. He feels as if this will depreciate his home and property which he has lived in for eighteen years.

Bonnie Brown, 120 N. Hook Street, stated she is the property owner. Her family has owned the property since 1950 when her father bought the property from her grandfather, utilizing it for his construction company and a home was built on the property where the family lived for many years until TxDOT acquired the property for the expansion of Interstate 35 E. She has had other interests in the property that she felt would not be a good fit for the town. The properties surrounding Mr. Meeks are zoned commercial. She understands this is difficult for the surrounding homeowners but feels this is a good use of the property.

Consent Agenda

6. May 2022 Council Meeting Minutes

7. May 2022 Financial Statements

8. Consider and act on a resolution designating The Olana as the 2021 Business of the Year.

9. Consider and act on a resolution designating Richard Hayes as the 2021 Citizen of the Year.

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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.
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 between the Town of Hickory Creek and Trendmaker Homes, DFW, LLC. concerning inspection and maintenance of stormwater facilities.
12. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas authorizing the issuance of a water well drilling permit for 1851 Turbeville Road, Hickory Creek, Texas.
13. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby adopting a public information policy.

Councilmember Gibbons requested item 13 be pulled from the consent agenda for separate discussion.

The resolution establishes reasonable monthly and yearly limits on the time that personnel of the government body are required to spend producing public information for inspection or duplication by a single requestor.

Motion made by Councilmember Gibbons to approve consent agenda item 13, Seconded by Councilmember Theodore.

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

14. Consider and act on the 2022-2023 Hickory Creek Economic Development Corporation Budget.
15. Consider and act on permit application submitted by Walmart, 1035 Hickory Creek Blvd, Hickory Creek, Texas, for temporary storage containers for merchandise.

Motion made by Councilmember DuPree to approve consent agenda items 6-12, 14 and 15, Seconded by Councilmember Gordon.

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

Regular Agenda

16. Conduct a public hearing regarding a request for a Special Use Permit from Bonnie Brown on behalf of Alpha & Omega Equipment Sales and Rental for the construction of a new facility for the sales, rental, outdoor display and routine service of construction equipment at 8560 S. Stemmons Freeway and consider and act on the same. The legal description of the property is A0958A McCarroll, Tract 29 (pt), Town of Hickory Creek, Denton County, Texas.

John Smith, Town Administrator, provided an overview regarding the discussion and recommendation from the planning and zoning commission regarding the special use permit request.

Chris Morpew, owner of Reliant Construction, representing Alpha & Omega provided an overview of the request for the special use permit and answered questions from the town council.

Mayor Clark called the public hearing to order at 6:47 p.m.

Bennie James, 16 Wolters Street, stated he has lived in Hickory Creek since 1980. He has seen people in Hickory Creek against growth for a long time and is shocked it is still happening. This is an opportunity to bring additional revenue which could help to improve roads.

Eric Ortega, 331 Kellan Court, stated he is in construction and has lived in Hickory Creek for three years. Alpha and Omega Equipment would allow him to run his business more efficiently and economically. It is a positive thing for Hickory Creek and will provide revenue to the town.

Joe Flowers, 1 Lake Lane, stated he has lived in Hickory Creek his whole life and there has always been construction equipment on the property. The property currently has old equipment sitting on it which is an eyesore, and he has a hard time believing property values will be lowered because the building Alpha and Omega is proposing is a nice-looking building. He owns 3-H Concrete and is having difficulty renting equipment for construction projects. Alpha and Omega Equipment has a large inventory and once they open the doors it will bring the town revenue which is needed for infrastructure.

Charlie Alsmiller, 3035 Maynard Road, stated he has been a small business owner for 25 years. He owns Sycamore Bend Services which does small renovations and projects. He currently rents equipment from big corporations, and it is hard to locate the equipment needed. He supports the entrepreneurs putting their hearts and souls in this business. He will be a customer for two reasons. It supports small businesses versus large corporations and the equipment will be local which is safer than transporting on highways.

Jackie Johnson, 14750 Kobyn Lane, Gardendale, Texas stated he started Alpha and Omega in 2016 with the money he had in his pocket. He is proud of his small beginnings and is trying to establish a signature store in Hickory Creek. His business in Odessa is relevant to the area which is a whole different world from Hickory Creek. He is deeply involved in his community sitting on the boards for the Boys and Girls Club of the Permian Basin, Harmony Home Children's Advocacy Center, and his church. He takes great pride in everything he does.

With no one else wishing to speak, Mayor Clark closed the public hearing at 6:55 p.m.

The town council discussed the request further and asked questions which were answered by Chris Morpew, Bonnie Brown, and Jackie Johnson.

Motion made by Councilmember Gordon to approve the request for a Special Use Permit from Bonnie Brown on behalf of Alpha & Omega Equipment Sales and Rental for the construction of a new facility for the sales, rental, outdoor display and routine service of construction equipment at 8560 S. Stemmons Freeway with the following stipulations as the council discussed regarding the dark sky ordinance, monument signage, existing metal building to match the new building, surface to be 100% concrete, solid masonry wall on the west wall and small portion on the south wall, five-foot easement between the existing tree line from the setback of the fence, entrance on the south side of the building to be allowed only if required by the fire department, north wall as stipulated, construction completed upon eight months of issuance of building permit or the special use permit expires, if there is any tree loss applicants to work with town administrator to replace with red tip photinias and outside the hours of operations of 7:00 a.m. to 6:00 p.m. all equipment must be stored on the ground with the exception of equipment in active repair, Seconded by Councilmember Theodore.

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

17. Conduct a public hearing continued from March 28, 2022, April 25, 2022 and May 23, 2022 regarding a request from David Palmer on behalf of the Weitzman Group to change the zoning description from C-1 Commercial to Planned Development on an 11.890 acre tract of land in the J.W. Simmons Survey, Abstract No. A1163A in the Town of Hickory Creek, Denton County Texas, and being legally described as part of the following tracts: Tract 34A, Tract 34C, Tract 35A (pt), and Tract 35A (2) and consider and act on an ordinance for the same. The property is located between the 1000 block of Hickory Creek Boulevard and the 8300 block of Stemmons Freeway.

Mayor Clark called the public hearing to order at 8:01 p.m. With no one wishing to speak, the public hearing was closed at 8:02 p.m.

Mayor Clark stated the applicant withdrew the request.

18. 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 Swagit Productions concerning town hall audio visual systems.

Russell Towers, Swagit Productions, provided an overview regarding video streaming and broadcast solutions and answered questions from the town council.

Motion made by Councilmember Theodore to approve agenda item 18 in an amount not to exceed \$36,000, Seconded by Councilmember DuPree.

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

19. Presentation from Halff Associates regarding updating the comprehensive plan.

Kelsey Poole, AICP, with Halff Associates provided an overview of the process updating the comprehensive plan and answered questions from the town council.

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20. Receive update from Chief Dunn concerning police department activity since May council meeting and discuss same.

Chief Dunn updated the council on the flock system, the multi-jurisdictional High Visibility Traffic Initiative on Interstate 35E and active shooter training and protocols.

21. Discussion regarding interlocal agreement with Lake Cities Utility Municipal Authority and the Town of Hickory Creek.

Discussions were held regarding interlocal agreement with Lake Cities Utility Municipality Authority.

22. Discussion regarding providing animal services for the City of Corinth.

Jeffrey McSpedden, Director of Public Works and Animal Services provided an overview providing services for the City of Corinth and answered questions from the town council.

23. Discussion regarding the 2022 Lake Cities 4th of July Celebration to be held on Saturday, July 2, 2022.

Discussions were held regarding the 2022 Lake Cities 4th of July Celebration.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 9:46 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.

24. Receive legal advice concerning enforcement of Town's building codes, property maintenance standards, and use restrictions for multiple parcels of real estate in apparent non-compliance located within the Town of Hickory Creek, Texas.

Trey Sargent, Town Attorney, requested Mayor Clark include agenda item 19 in executive session.

19. Presentation from Halff Associates regarding updating the comprehensive plan.

Section 551.074

Personnel matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

25. Review of individual employees' performance
26. Town Administrator

Reconvene into Open Session

The Town Council reconvened into open session at 11:25 p.m.

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

No action taken.

Future Agenda Items

The following items were requested: online payment option for park entrance fees.

Adjournment

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

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

The meeting did then stand adjourned at 11:59 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek