



**FIRST AMENDED NOTICE OF
REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
MONDAY, APRIL 25, 2022, 6:00 PM**

AGENDA

Call to Order

Roll Call

Pledge of Allegiance to the U.S. And Texas Flags

Invocation

Presentation of Awards

1. Life Saving Award

Proclamations

2. Motorcycle Safety and Awareness

Items of Community Interest

Pursuant to Texas Government Code Section 551.0415 the Town Council may report on the following: expressions of thanks, congratulations, or condolence; an honorary or salutary recognition of an individual; a reminder about an upcoming event organized or sponsored by the governing body; and announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.

Public Comment

This item allows the public an opportunity to address the Town Council. To comply with the provisions of the Open Meetings Act, the Town Council cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the Town Council. Comments will be limited to three minutes. Open Forum is for information only. No charges and/or complaints will be heard against any elected official, board member, the Town, or employee of the Town that are prohibited by law.

Consent Agenda

Items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the Town Council.

3. March 2022 Council Meeting Minutes

- [4.](#) March 2022 Financial Statements
- [5.](#) 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 2021 International Fire Code as published by the National Fire Protection Association, with local amendments, as amended by the Lake Cities Fire Department.
- [6.](#) Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Code of Ordinances, Chapter 12: Traffic and Vehicles: Article 12:06 Motorized Carts.
- [7.](#) Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, nominating one candidate to a slate of nominees for the board of managers of the Denco Area 9-1-1 District.
- [8.](#) 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 MDM, Inc. for a license to use the Town's boat ramp and dock.

Regular Agenda

9. Conduct a public hearing continued from March 28, 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.
10. Consider and act on a preliminary plat of Jefferson Hickory Creek Lots 1 and 2, 13.6211 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas.
- [11.](#) 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 issuance of a license to use the Town's boat ramp and dock to MDM, Inc.
- [12.](#) 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 issuance of a license to use the Town's boat ramp and dock to WaterToyz, LLC.
- [13.](#) 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 amendment to an agreement between the Town of Hickory Creek, Texas, the City of Corinth, the City of Lake Dallas and the Town of Shady Shores, Texas concerning consulting services to evaluate broadband service providers.
14. Consider and act on nomination of the 2021 Hickory Creek Business of the Year.

15. Consider and act on nomination of the 2021 Hickory Creek Citizen of the Year.
- [16.](#) Consider and act on nomination of the 2022 Founders Classical Academy Hickory Creek Scholar of the Year.
- [17.](#) Consider and act on nomination of the 2022 LDISD Hickory Creek Female Athlete of the Year.
- [18.](#) Consider and act on nomination of the 2022 LDISD Hickory Creek Male Athlete of the Year.
- [19.](#) Consider and act on nomination of the 2022 LDISD Hickory Creek Scholar of the Year.
20. Consider and act on allocating funds for an amphitheater and playground area to be located at 1075 Ronald Reagan Avenue.
21. Consider and act on allocating funds to purchase two vehicles for the police department.
- [22.](#) Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending Ordinance 2021-08-883; the 2021-2022 budget as adopted.
23. Discussion regarding updates on license plate readers and canine program.
24. Discussion regarding yearly appreciation dinner for volunteers and staff.
- [25.](#) First reading of a resolution of the Town Council of the Town of Hickory Creek, Texas, authorizing the Hickory Creek Economic Development Corporation, a Type B Economic Development Corporation, to acquire an approximately 0.933 acre tract or tracts of land.
- [26.](#) Second reading of a resolution and consider and action by the Town Council of the Town of Hickory Creek, Texas, authorizing the Hickory Creek Economic Development Corporation, a Type B Economic Development Corporation, to acquire an approximately 0.933 acre tract or tracts of land.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council will convene into executive session 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.

27. Broadband services, contractual terms, and legal obligations.

Reconvene into Open Session

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

Future Agenda Items

The purpose of this section is to allow each Council Member the opportunity to propose that an item be added as a business item to any future agenda. Any discussion of, or a decision about, the subject matter shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Adjournment

The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact Town Hall at 940-497-2528 or by fax 940-497-3531 so that appropriate arrangements can be made.

I, Kristi Rogers, Town Secretary, for the Town of Hickory Creek certify that this meeting notice was posted on the bulletin board at Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas on April 22, 2022 at 10:00 a.m.

A handwritten signature in cursive script, appearing to read "Kristi D. Rogers", written over a horizontal line.

Kristi Rogers, Town Secretary
Town of Hickory Creek

Proclamation

by the

Mayor of the Town of Hickory Creek, Texas

***WHEREAS**, today's society is finding more citizens involved in motorcycling on the roads of our country; and*

***WHEREAS**, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and*

***WHEREAS**, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and*

***WHEREAS**, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and*

***WHEREAS**, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve;*

***NOW, THEREFORE**, I, Lynn C. Clark., Mayor of the Town of Hickory Creek, do hereby proclaim May 2022 as Motorcycle Safety and Awareness Month in the Town of Hickory Creek. Further, I urge all residents to do their part to increase safety and awareness in our community.*

***IN WITNESS WHEREOF**, I have set my hand and caused the official seal of the Town of Hickory Creek, Texas to be affixed this the 25th day of April, 2022.*

Lynn C. Clark, Mayor

ATTEST:

Kristi K. Rogers, Town Secretary

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, MARCH 28, 2022**

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

Councilmember Richard DuPree

Councilmember Chris Gordon

Mayor Pro Tem Paul Kenney

Councilmember Ian Theodore

The following member was absent:

Councilmember Randy Gibbons

Also in attendance:

John M. Smith, Jr., Town Administrator

Kristi K. Rogers, Town Secretary

Carey Dunn, Chief of Police

Trey Sargent, Town Attorney

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council will convene into executive session to discuss the following matters.

The Town Council did not convene into executive session. Items 1 and 2 will be discussed during the latter executive session.

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.

1. Receive legal advice concerning a public hearing 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 an ordinance for the same. The property is located between the 1000 block of Hickory Creek Boulevard and the 8300 block of Stemmons Freeway.

Town of Hickory Creek

March 28, 2022

Page 2

2. Receive legal advice concerning a preliminary plat of Jefferson Hickory Creek Lots 1 and 2, 13.6211 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas.

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.

Presentation of Awards

3. Salvation Army Mayors Red Kettle Challenge

Mary Freeman, Director of Community relations Collin & Denton Counties and Captain Whitney Houston of the Salvation Army, presented Mayor Clark with a Certificate of Appreciation for First Place in the 2021 Denton Area Mayors Red Kettle Challenge.

4. Ceremonial Oath of Office and Presentation of Badge to Investigator Matti Loughry

Mayor Clark administered the Oath of Office to Investigator Matti Loughry and Chief Dunn pinned her badge.

5. Police Department

Chief Dunn presented Sergeant William Townsend the 2021 Officer of the Year Award and Investigator Matti Loughry the Sergeant John L. Anderson Award for Excellence in Policing and Community Engagement.

Items of Community Interest

Congratulations to Chief Chad Thiessen and Assistant Chief Greg Ward for their promotions with the Lake Cities Fire Department.

Denton County National Day of Prayer will be held at 12:00 p.m. on May 5, 2022, at the Denton County Administrative Courthouse Amphitheater.

Thanks to Mayor Clark for participating in the Salvation Army Mayors Red Kettle Challenge.

Thanks to the Parks and Recreation Board, Whataburger and citizens who participated in the Great American Clean Up event on Saturday, March 26, 2022.

The Arbor Day Foundation recognized the Town of Hickory Creek as a Tree City USA recipient for 2021.

Public Comment

Michael Moran, 1301 Justin Road, Suite 201-116, Lewisville, Texas, stated he would like for the town council to reconsider the increase in the permit fee for commercial use of parks. His vessels are steered by certified U.S. Coast Guard captains and his operation is professional not allowing nudity or excessive noise. The increase from \$2,000 to \$10,000 is excessive.

Consent Agenda

6. January 2022 Council Meeting Minutes
7. January 2022 Financial Statements
8. February 2022 Financial Statements
9. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek declaring unopposed candidates in the May 7, 2022 general town election; providing for declaration of office; providing for cancellation.
10. 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, Texas and Steeplechase North HOA concerning the purchase of real property.
11. Consider and act on a resolution of the Town Council of the Town of Hickory Creek authorizing the Mayor of the Town of Hickory Creek, Texas to execute a contract for Increased Law Enforcement for Lewisville Lake lying within Hickory Creek, Texas by and between the Town of Hickory Creek and U.S. Army Corp of Engineers, Fort Worth District.
12. 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 Halff Associates, Inc. for the TCEQ MS4 Permit Annual Report.
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 between the Town of Hickory Creek, Texas and CloudGavel, LLC. concerning electronic warrant service.

Motion made by Councilmember Gordon to approve consent agenda items 6-13 as presented, Seconded by Councilmember Theodore.

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

Regular Agenda

14. Conduct a public hearing 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 6:28 p.m.

Motion made by Mayor Pro Tem Kenney to keep the public hearing open and continue it to the Town Council meeting on April 25, 2022, Seconded by Councilmember DuPree. Voting Yea: Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

15. Consider and act on a preliminary plat of Jefferson Hickory Creek Lots 1 and 2, 13.6211 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas.

Motion made by Mayor Pro Tem Kenney to consider item 15 at the April 25, 2022, Town Council meeting, Seconded by Councilmember Theodore. Voting Yea: Councilmember DuPree, Councilmember Gordon, Mayor Tem Kenney, Councilmember Theodore. Motion passed unanimously.

16. Conduct a public hearing regarding an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending Chapter 14 Zoning, Article VII SF-1 Residential District, Section 3 Area Regulations; amending Chapter 14 Zoning, Article VIII SF-2 Residential District, Section 3 Area Regulations; amending Chapter 14 Zoning, Article IX SF-3 Residential District, Section 3 Area Regulations; amending Chapter 14 Zoning, Article X TH-1 Townhouse District, Section 3 Area Regulations; amending Chapter 14 Zoning, Article XII.5 GMH Garth Addition Mobile Home Single-Family Residential, Section 2 Area Regulations and consider and act on an ordinance for the same.

Mayor Clark called the public hearing to order at 6:35 p.m. With no one wishing to speak, the public hearing was closed at 6:35 p.m.

Motion made by Councilmember Theodore to approve agenda item 16, Seconded by Councilmember DuPree. Voting Yea: Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

17. Consider and act on a final plat of Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas. The lots are located on Northfield Drive.

Kenny Powell, the property owner, and Lee Williams, Halff Engineering, answered questions from the Town Council.

Motion made by Councilmember Gordon to approve a final plat of Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey as presented, Seconded by Councilmember Theodore.

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

18. Consider and act on a site and landscape plan for Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas. The lots are located on Northfield Drive.

Kenny Powell, the property owner, provided an overview of the site and landscape plan and answered questions from the Town Council.

Motion made by Councilmember Theodore to approve a site and landscape plan for Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas. The lots are located on Northfield Drive, Seconded by Councilmember Gordon.

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

19. Consider and act on a resolution of the Town of Hickory Creek, Texas authorizing the issuance of a water well drilling permit for 738 Main Street, Hickory Creek, Texas.

Motion made by Councilmember Gordon to approve a resolution authorizing the issuance of a water well drilling permit for 738 Main Street, Seconded by Councilmember Theodore.

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

20. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending Chapter 1: General Provisions, Article 1.10, Parks and Recreation; amending Article A2.500, Commercial Use of Boat Ramps; providing for incorporation of premises; providing findings; providing for amendment to the Code of Ordinances.

Motion made by Councilmember Gordon to approve agenda item 20 as discussed, with the following changes to the ordinance language \$10,000.00 for the first vessel and \$5,000.00 for the second vessel, a vessel is defined as 4 jet skis or one large boat and the commercial fishing license fee increase from \$1,000.00 to \$1,250.00, limiting the number of vendors with a permit expiration date of December 31st, Seconded by Mayor Pro Tem Kenney.

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

21. 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.

Town of Hickory Creek

March 28, 2022

Page 6

Motion made by Mayor Pro Tem Kenney to approve a resolution adopting a master fee application and fee schedule consistent with agenda item 20, Seconded by Councilmember DuPree.

Voting Yea: 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 7:50 p.m.

22. Consider and act on a preliminary plat of The Olana at Hickory Creek, Lot 1, Block 1, 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

Lee Williams, Halff Engineering and Neda Hosseiny, Kimley-Horn, answered questions from the town council regarding the preliminary plat.

Motion made by Councilmember Gordon to approve a preliminary plat of The Olana at Hickory Creek, Lot 1, Block 1, 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road, Seconded by Councilmember Theodore.

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

23. Consider and act on a site and landscape plan for The Olana at Hickory Creek, Lot 1, Block 1, 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

Laura Lewis, representing KSW Holding Hickory Creek, LP provided an overview of the project.

Lee Williams, Halff Engineering, and Neda Hosseiny, Kimley-Horn, answered questions from the town council regarding the site and landscape plan.

Motion made by Councilmember Theodore to approve a site and landscape plan for The Olana at Hickory Creek, Lot 1, Block 1, to include a fee in the amount of \$400,000 for tree mitigation, Seconded by Councilmember DuPree.

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

24. Consider and act on approval of the Hickory Creek Police Department Annual Racial Profiling Report for 2021.

Motion made by Councilmember DuPree to approve the Hickory Creek Police Department Annual Racial Profiling Report for 2021, Seconded by Councilmember Gordon.

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

25. Discussion regarding annual awards.

Discussion was held regarding annual awards.

26. Discussion regarding a park within Glenview Subdivision.

Discussion was held regarding a park within Glenview Subdivision.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 8:34 p.m. to discuss the following matters and items 1 and 2.

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.

Section 551.072

Deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

27. Deliberate the purchase, exchange, lease or value of real property located generally in northwest Hickory Creek.

Section 551.087

Deliberation regarding Economic Development Negotiations, to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the government body seeks to have locate, stay or expand in or near the territory of the government body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

28. Economic development agreement related to property located at 1851 Turbeville Road.

Reconvene into Open Session

The Town Council reconvened into open session at 9:49 p.m.

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

Motion made by Mayor Pro Tem Kenney to approve the agreement as discussed in executive session related to agenda item 28, Seconded by Councilmember Gordon.
Voting Yea: Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Future Agenda Items

The following items were requested: interlocal agreement with Lake Cities Municipal Utility Authority, collaborating with the other Lake Cities on future projects that would benefit the community.

Adjournment

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

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

The meeting did then stand adjourned at 10:25 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek

8:23 AM

04/18/22

Accrual Basis

Town of Hickory Creek
Balance Sheet
 As of March 31, 2022

	Mar 31, 22
ASSETS	
Current Assets	
Checking/Savings	
BOA - Animal Shelter Fund	22,507.83
BOA - Drug Forfeiture	420.60
BOA - Drug Seizure	3,936.38
BOA - General Fund	376,816.41
BOA - Parks and Recreation	47,002.04
BOA - Payroll	260.00
BOA - Police State Training	5,185.86
Logic 2020 CO's	4,008,536.02
Logic Animal Shelter Facility	9,585.53
Logic Coronavirus Recovery Fund	595,556.89
Logic Harbor Ln-Sycamore Bend	80,436.59
Logic Investment Fund	6,234,168.61
Logic Turbeville Road	94,948.79
Total Checking/Savings	11,479,361.55
Accounts Receivable	
Municipal Court Payments	5,478.50
Total Accounts Receivable	5,478.50
Other Current Assets	
Undeposited Funds	1,178.00
Total Other Current Assets	1,178.00
Total Current Assets	11,486,018.05
TOTAL ASSETS	11,486,018.05
LIABILITIES & EQUITY	0.00

8:24 AM

04/18/22

Accrual Basis

Town of Hickory Creek

Profit & Loss

March 2022

	Mar 22
Ordinary Income/Expense	
Income	
Ad Valorem Tax Revenue	
4002 M&O	18,438.00
4004 M&O Penalties & Interest	1,254.18
4006 Delinquent M&O	35.66
4008 I&S Debt Service	10,011.61
4010 I&S Penalties & Interest	681.36
4012 Delinquent I&S	21.86
Total Ad Valorem Tax Revenue	30,442.67
Building Department Revenue	
4102 Building Permits	156,414.76
4104 Certificate of Occupancy	4,250.00
4106 Contractor Registration	1,875.00
4108 Preliminary/Final Plat	1,575.00
4110 Prelim/Final Site Plan	9,276.00
4130 Vendor Fee	400.00
4132 Alarm Permit Fees	100.00
Total Building Department Revenue	173,890.76
Franchise Fee Revenue	
4212 Republic Services	4,554.58
Total Franchise Fee Revenue	4,554.58
Interest Revenue	
4330 General Fund Interest	1.08
4332 Investment Interest	2,333.42
Total Interest Revenue	2,334.50
Miscellaneous Revenue	
4502 Animal Adoption & Impound	535.00
4508 Annual Park Passes	1,965.00
4510 Arrowhead Park Fees	2,340.00
4526 Mineral Rights	122.67
4530 Other Receivables	34,557.73
4536 Point Vista Park Fees	900.00
4550 Sycamore Bend Fees	2,783.00
4558 Harbor Lane/Sycamore Bend	7,000.00
Total Miscellaneous Revenue	50,203.40
Municipal Court Revenue	
4602 Building Security Fund	1,326.81
4604 Citations	43,104.98
4606 Court Technology Fund	1,139.15
4608 Jury Fund	24.86
4610 Truancy Fund	1,242.92
4612 State Court Costs	22,288.72
Total Municipal Court Revenue	69,127.44
Sales Tax Revenue	
4702 Sales Tax General Fund	132,895.07
4706 Sales Tax 4B Corporation	18,985.01
4708 Sales Tax Mixed Beverage	1,970.49
Total Sales Tax Revenue	153,850.57
Total Income	484,403.92
Gross Profit	484,403.92
Expense	
Capital Outlay	
5012 Streets & Road Improvement	12,888.65

8:24 AM

04/18/22

Accrual Basis

Town of Hickory Creek

Profit & Loss

March 2022

	Mar 22
5026 Fleet Vehicles	13,057.38
5030 Sycamore Bend Construction	3,210.00
Total Capital Outlay	29,156.03
General Government	
5202 Bank Service Charges	15.00
5206 Computer Hardware/Software	2,813.93
5208 Copier Rental	343.10
5210 Dues & Memberships	1,361.00
5212 EDC Tax Payment	18,990.01
5216 Volunteer/Staff Events	317.44
5218 General Communications	476.00
5222 Office Supplies & Equip.	304.74
5224 Postage	770.83
5228 Town Council/Board Expense	270.04
5234 Staff Uniforms	22.85
Total General Government	25,684.94
Municipal Court	
5312 Court Technology	1,730.40
5318 Merchant Fees/Credit Cards	-359.14
5322 Office Supplies/Equipment	64.28
5332 Warrants Collected	-3,296.79
Total Municipal Court	-1,861.25
Parks and Recreation	
5408 Tanglewood Park	255.54
Total Parks and Recreation	255.54
Parks Corps of Engineer	
5432 Arrowhead	374.23
5434 Harbor Grove	235.97
5436 Point Vista	387.23
5438 Sycamore Bend	361.84
Total Parks Corps of Engineer	1,359.27
Personnel	
5502 Administration Wages	54,974.13
5506 Police Wages	109,452.95
5507 Police Overtime Wages	1,328.05
5508 Public Works Wages	23,024.71
5509 Public Works Overtime Wage	183.84
5510 Health Insurance	22,876.88
5514 Payroll Expense	2,718.90
5516 Employment Exams	105.00
5518 Retirement (TMRS)	46,114.47
Total Personnel	260,778.93
Police Department	
5602 Auto Gas & Oil	6,211.18
5606 Auto Maintenance & Repair	2,850.30
5612 Computer Hardware/Software	2,317.71
5626 Office Supplies/Equipment	172.64
5630 Personnel Equipment	3,628.81
5636 Uniforms	2,290.29
5640 Training & Education	973.00
5646 Community Outreach	15.00
Total Police Department	18,458.93
Public Works Department	
5706 Animal Control Supplies	70.94
5710 Auto Gas & Oil	4,352.98

8:24 AM

04/18/22

Accrual Basis

Town of Hickory Creek

Profit & Loss

March 2022

	Mar 22
5714 Auto Maintenance/Repair	137.49
5724 Equipment Maintenance	1,507.87
5728 Equipment Supplies	172.17
5734 Communications	311.74
5738 Training	449.00
5740 Travel Expense	354.23
5742 Uniforms	170.20
Total Public Works Department	7,526.62
Services	
5802 Appraisal District	3,340.79
5804 Attorney Fees	9,077.00
5814 Engineering	2,530.32
5818 Inspections	6,855.00
5820 Fire Service	228,368.75
5822 Legal Notices/Advertising	30.50
5824 Library Services	147.70
5826 Municipal Judge	1,150.00
5828 Printing	31.38
Total Services	251,531.44
Utilities & Maintenance	
5902 Bldg Maintenance/Supplies	4,620.07
5904 Electric	2,912.48
5906 Gas	396.41
5908 Street Lighting	3,327.31
5910 Telephone	4,699.33
5912 Water	914.38
Total Utilities & Maintenance	16,869.98
Total Expense	609,760.43
Net Ordinary Income	-125,356.51
Net Income	-125,356.51

Town of Hickory Creek
Budget vs. Actual Year to Date 49.98%
October 2021 through March 2022

	Oct '21 - Mar 22	Budget	% of Budget
Ordinary Income/Expense			
Income			
Ad Valorem Tax Revenue			
4002 M&O	1,430,353.67	1,484,251.00	96.4%
4004 M&O Penalties & Interest	2,695.36	2,500.00	107.8%
4006 Delinquent M&O	1,035.47	1,000.00	103.5%
4008 I&S Debt Service	777,912.91	805,976.00	96.5%
4010 I&S Penalties & Interest	1,399.81	1,500.00	93.3%
4012 Delinquent I&S	652.52	500.00	130.5%
Total Ad Valorem Tax Revenue	2,214,049.74	2,295,727.00	96.4%
Building Department Revenue			
4102 Building Permits	506,890.81	750,000.00	67.6%
4104 Certificate of Occupancy	13,750.00	25,000.00	55.0%
4106 Contractor Registration	5,850.00	6,500.00	90.0%
4108 Preliminary/Final Plat	2,275.00	0.00	100.0%
4110 Prelim/Final Site Plan	9,876.00	0.00	100.0%
4112 Health Inspections	9,660.00	10,000.00	96.6%
4122 Septic Permits	2,275.00	1,000.00	227.5%
4124 Sign Permits	700.00	1,000.00	70.0%
4126 Special Use Permit	0.00	200.00	0.0%
4128 Variance Fee	1,500.00	2,000.00	75.0%
4130 Vendor Fee	575.00	75.00	766.7%
4132 Alarm Permit Fees	500.00	500.00	100.0%
Total Building Department Revenue	553,851.81	796,275.00	69.6%
Franchise Fee Revenue			
4202 Atmos Energy	0.00	46,000.00	0.0%
4204 Charter Communications	21,255.95	42,900.00	49.5%
4206 CenturyLink	0.00	1,500.00	0.0%
4208 CoServ	2,621.97	4,700.00	55.8%
4210 Oncor Electric	131,377.45	155,500.00	84.5%
4212 Republic Services	21,632.79	48,000.00	45.1%
Total Franchise Fee Revenue	176,888.16	298,600.00	59.2%
Interest Revenue			
4330 General Fund Interest	6.21	100.00	6.2%
4332 Investment Interest	5,189.65	7,500.00	69.2%
Total Interest Revenue	5,195.86	7,600.00	68.4%
Interlocal Revenue			
4402 Corp Contract Current Year	0.00	45,500.00	0.0%
Total Interlocal Revenue	0.00	45,500.00	0.0%
Miscellaneous Revenue			
4502 Animal Adoption & Impound	4,290.00	10,600.00	40.5%
4506 Animal Shelter Donations	2,280.00	1,500.00	152.0%
4508 Annual Park Passes	6,241.20	25,000.00	25.0%
4510 Arrowhead Park Fees	9,593.00	40,000.00	24.0%
4512 Beer & Wine Permit	30.00	150.00	20.0%
4516 Corp Parks Fund Reserve	0.00	0.00	0.0%
4518 Drug Forfeiture	0.00	0.00	0.0%
4520 Drug Seizure	0.00	0.00	0.0%
4522 EDCPayment/Ronald Reagan	0.00	45,778.00	0.0%
4524 Fund Balance Reserve	0.00	0.00	0.0%
4526 Mineral Rights	601.15	500.00	120.2%
4530 Other Receivables	187,525.35	152,000.00	123.4%
4534 PD State Training	1,025.45	0.00	100.0%
4536 Point Vista Park Fees	3,921.00	12,000.00	32.7%
4546 Street Improv Restricted	0.00	430,000.00	0.0%
4550 Sycamore Bend Fees	12,737.00	30,000.00	42.5%
4554 Building Security Fund Res	0.00	0.00	0.0%
4556 Court Tech Fund Reserve	0.00	0.00	0.0%

8:25 AM

04/18/22

Accrual Basis

Town of Hickory Creek
Budget vs. Actual Year to Date 49.98%
October 2021 through March 2022

	Oct '21 - Mar 22	Budget	% of Budget
4558 Harbor Lane/Sycamore Bend	26,250.00	0.00	100.0%
4560 2020 CO Proceeds	0.00	0.00	0.0%
Total Miscellaneous Revenue	254,494.15	747,528.00	34.0%
Municipal Court Revenue			
4602 Building Security Fund	7,265.81	9,270.00	78.4%
4604 Citations	228,634.08	450,000.00	50.8%
4606 Court Technology Fund	6,124.74	12,115.00	50.6%
4608 Jury Fund	140.01	200.00	70.0%
4610 Truancy Fund	6,999.42	0.00	100.0%
4612 State Court Costs	119,920.53	250,000.00	48.0%
4614 Child Safety Fee	174.16	800.00	21.8%
Total Municipal Court Revenue	369,258.75	722,385.00	51.1%
Sales Tax Revenue			
4702 Sales Tax General Fund	940,677.75	1,662,500.00	56.6%
4706 Sales Tax 4B Corporation	134,382.53	237,500.00	56.6%
4708 Sales Tax Mixed Beverage	16,339.70	30,000.00	54.5%
Total Sales Tax Revenue	1,091,399.98	1,930,000.00	56.5%
Total Income	4,665,138.45	6,843,615.00	68.2%
Gross Profit	4,665,138.45	6,843,615.00	68.2%
Expense			
Capital Outlay			
5010 Street Maintenance	4,859.32	25,000.00	19.4%
5012 Streets & Road Improvement	161,231.06	430,000.00	37.5%
5022 Parks and Rec Improvements	0.00	0.00	0.0%
5024 Public Safety Improvements	6,274.50	42,500.00	14.8%
5026 Fleet Vehicles	42,531.05	82,000.00	51.9%
5030 Sycamore Bend Construction	36,955.00	0.00	100.0%
Total Capital Outlay	251,850.93	579,500.00	43.5%
Debt Service			
5106 2012 Refunding Bond Series	3,618.73	267,004.00	1.4%
5110 2015 Refunding Bond Series	52,100.00	308,400.00	16.9%
5112 2015 C.O. Series	56,575.00	276,350.00	20.5%
5114 2020 C.O. Series	52,475.00	204,950.00	25.6%
Total Debt Service	164,768.73	1,056,704.00	15.6%
General Government			
5202 Bank Service Charges	30.00	25.00	120.0%
5204 Books & Subscriptions	0.00	300.00	0.0%
5206 Computer Hardware/Software	19,110.95	106,222.00	18.0%
5208 Copier Rental	2,151.71	3,000.00	71.7%
5210 Dues & Memberships	2,612.90	3,000.00	87.1%
5212 EDC Tax Payment	134,394.53	237,500.00	56.6%
5214 Election Expenses	0.00	7,500.00	0.0%
5216 Volunteer/Staff Events	3,737.37	10,500.00	35.6%
5218 General Communications	15,998.49	28,000.00	57.1%
5222 Office Supplies & Equip.	2,476.84	5,000.00	49.5%
5224 Postage	3,599.14	5,800.00	62.1%
5226 Community Cause	25,144.09	3,000.00	838.1%
5228 Town Council/Board Expense	4,242.90	3,500.00	121.2%
5230 Training & Education	1,009.00	1,500.00	67.3%
5232 Travel Expense	0.00	1,500.00	0.0%
5234 Staff Uniforms	925.58	1,000.00	92.6%
Total General Government	215,433.50	417,347.00	51.6%
Municipal Court			
5302 Books & Subscriptions	0.00	75.00	0.0%
5304 Building Security	200.00	9,270.00	2.2%

8:25 AM

04/18/22

Accrual Basis

Town of Hickory Creek
Budget vs. Actual Year to Date 49.98%
October 2021 through March 2022

	Oct '21 - Mar 22	Budget	% of Budget
5312 Court Technology	6,232.15	12,115.00	51.4%
5314 Dues & Memberships	55.00	120.00	45.8%
5318 Merchant Fees/Credit Cards	-538.21	0.00	100.0%
5322 Office Supplies/Equipment	281.94	1,200.00	23.5%
5324 State Court Costs	135,191.31	250,000.00	54.1%
5326 Training & Education	100.00	100.00	100.0%
5328 Travel Expense	0.00	500.00	0.0%
5332 Warrants Collected	-6,871.66	0.00	100.0%
Total Municipal Court	134,650.53	273,380.00	49.3%
Parks and Recreation			
5402 Events	1,320.84	2,000.00	66.0%
5408 Tanglewood Park	748.17	2,000.00	37.4%
5412 KHCB	175.00	500.00	35.0%
5414 Tree City USA	0.00	500.00	0.0%
5416 Town Hall Park	0.00	75,000.00	0.0%
Total Parks and Recreation	2,244.01	80,000.00	2.8%
Parks Corps of Engineer			
5432 Arrowhead	74,165.24	47,250.00	157.0%
5434 Harbor Grove	1,160.98	5,000.00	23.2%
5436 Point Vista	40,575.84	7,500.00	541.0%
5438 Sycamore Bend	11,574.60	47,250.00	24.5%
Total Parks Corps of Engineer	127,476.66	107,000.00	119.1%
Personnel			
5502 Administration Wages	238,133.98	474,280.00	50.2%
5506 Police Wages	467,132.91	983,721.00	47.5%
5507 Police Overtime Wages	5,991.62	10,000.00	59.9%
5508 Public Works Wages	101,224.65	204,506.00	49.5%
5509 Public Works Overtime Wage	1,510.01	1,200.00	125.8%
5510 Health Insurance	131,166.62	261,200.00	50.2%
5512 Longevity	12,910.00	13,076.00	98.7%
5514 Payroll Expense	12,095.61	22,000.00	55.0%
5516 Employment Exams	945.40	2,500.00	37.8%
5518 Retirement (TMRS)	140,970.53	239,305.00	58.9%
5520 Unemployment (TWC)	867.23	6,048.00	14.3%
5522 Workman's Compensation	31,506.40	27,000.00	116.7%
Total Personnel	1,144,454.96	2,244,836.00	51.0%
Police Department			
5602 Auto Gas & Oil	17,846.51	22,000.00	81.1%
5606 Auto Maintenance & Repair	23,460.68	15,000.00	156.4%
5610 Books & Subscriptions	575.63	500.00	115.1%
5612 Computer Hardware/Software	34,702.69	35,000.00	99.2%
5614 Crime Lab Analysis	2,316.34	3,000.00	77.2%
5616 Drug Forfeiture	0.00	0.00	0.0%
5618 Dues & Memberships	0.00	500.00	0.0%
5626 Office Supplies/Equipment	1,116.07	1,800.00	62.0%
5630 Personnel Equipment	41,462.16	22,000.00	188.5%
5634 Travel Expense	820.82	2,500.00	32.8%
5636 Uniforms	8,606.10	6,000.00	143.4%
5640 Training & Education	5,908.00	7,500.00	78.8%
5644 Citizens on Patrol	0.00	500.00	0.0%
5646 Community Outreach	65.68	700.00	9.4%
5648 K9 Unit	1,452.04	2,000.00	72.6%
Total Police Department	138,332.72	119,000.00	116.2%
Public Works Department			
5702 Animal Control Donation	0.00	1,500.00	0.0%
5704 Animal Control Equipment	0.00	500.00	0.0%
5706 Animal Control Supplies	394.81	900.00	43.9%
5708 Animal Control Vet Fees	7,226.31	6,000.00	120.4%

8:25 AM

04/18/22

Accrual Basis

Town of Hickory Creek
Budget vs. Actual Year to Date 49.98%
October 2021 through March 2022

	Oct '21 - Mar 22	Budget	% of Budget
5710 Auto Gas & Oil	10,021.86	20,000.00	50.1%
5714 Auto Maintenance/Repair	4,710.01	5,000.00	94.2%
5716 Beautification	5.34	25,000.00	0.0%
5718 Computer Hardware/Software	0.00	1,000.00	0.0%
5720 Dues & Memberships	0.00	350.00	0.0%
5722 Equipment	25,576.58	25,000.00	102.3%
5724 Equipment Maintenance	3,289.35	6,000.00	54.8%
5726 Equipment Rental	0.00	2,500.00	0.0%
5728 Equipment Supplies	2,515.29	5,000.00	50.3%
5732 Office Supplies/Equipment	127.00	500.00	25.4%
5734 Communications	1,898.56	3,800.00	50.0%
5738 Training	599.00	800.00	74.9%
5740 Travel Expense	354.23	1,000.00	35.4%
5742 Uniforms	1,435.49	2,200.00	65.2%
5748 Landscaping Services	9,093.40	110,000.00	8.3%
Total Public Works Department	67,247.23	217,050.00	31.0%
Services			
5802 Appraisal District	6,681.58	12,400.00	53.9%
5804 Attorney Fees	30,918.58	66,000.00	46.8%
5806 Audit	14,000.00	13,500.00	103.7%
5808 Codification	0.00	2,000.00	0.0%
5812 Document Management	0.00	0.00	0.0%
5814 Engineering	26,954.27	145,000.00	18.6%
5816 General Insurance	38,410.12	37,250.00	103.1%
5818 Inspections	25,045.00	108,800.00	23.0%
5820 Fire Service	685,106.25	970,692.00	70.6%
5822 Legal Notices/Advertising	522.20	2,500.00	20.9%
5824 Library Services	684.00	600.00	114.0%
5826 Municipal Judge	6,900.00	13,800.00	50.0%
5828 Printing	735.75	1,500.00	49.1%
5830 Tax Collection	0.00	2,700.00	0.0%
5832 Computer Technical Support	42,081.20	41,525.00	101.3%
5838 DCCAC	0.00	1,000.00	0.0%
5840 Denton County Dispatch	0.00	30,808.00	0.0%
5844 Helping Hands	0.00	200.00	0.0%
5846 Span Transit Services	200.00	100.00	200.0%
Total Services	878,238.95	1,450,375.00	60.6%
Special Events			
6004 Fourth of July Celebration	0.00	7,000.00	0.0%
6008 Tree Lighting	5,832.24	6,000.00	97.2%
6010 Arts and Cultural Events	0.00	5,000.00	0.0%
Total Special Events	5,832.24	18,000.00	32.4%
Utilities & Maintenance			
5902 Bldg Maintenance/Supplies	119,519.07	168,223.00	71.0%
5904 Electric	13,600.93	27,000.00	50.4%
5906 Gas	1,426.80	1,700.00	83.9%
5908 Street Lighting	19,845.19	38,000.00	52.2%
5910 Telephone	21,870.81	35,000.00	62.5%
5912 Water	9,798.78	10,500.00	93.3%
Total Utilities & Maintenance	186,061.58	280,423.00	66.4%
Total Expense	3,316,592.04	6,843,615.00	48.5%
Net Ordinary Income	1,348,546.41	0.00	100.0%
Net Income	1,348,546.41	0.00	100.0%

8:18 AM

04/18/22

Accrual Basis

Town of Hickory Creek
Expenditures over \$1,000.00
March 2022

Type	Date	Num	Name	Amount
Ordinary Income/Expense				
Expense				
Capital Outlay				
5012 Streets & Road Improvement				
Bill	03/22/2022	Invoice...	Halff Associates, Inc.	12,888.65
Total 5012 Streets & Road Improvement				12,888.65
5026 Fleet Vehicles				
Check	03/03/2022	4251	My Design Firm/BuilderSquared	1,775.50
Check	03/04/2022	Debit	My Design Firm/BuilderSquared	1,775.50
Bill	03/16/2022	Invoice...	Priority Public Safety	4,620.18
Check	03/21/2022	Debit	ENTERPRISE FM TR DESDIRECT PAY	4,290.38
Total 5026 Fleet Vehicles				12,461.56
5030 Sycamore Bend Construction				
Bill	03/22/2022	Invoice...	Halff Associates, Inc.	3,210.00
Total 5030 Sycamore Bend Construction				3,210.00
Total Capital Outlay				28,560.21
General Government				
5206 Computer Hardware/Software				
Check	03/28/2022	Debit	CHECKCARD 0325 INTUIT *QBOOKS/P	2,541.00
Total 5206 Computer Hardware/Software				2,541.00
5210 Dues & Memberships				
Check	03/11/2022	Debit	Texas Municipal League	1,360.00
Total 5210 Dues & Memberships				1,360.00
5212 EDC Tax Payment				
Check	03/09/2022	Debit	Hickory Creek Economic Development	18,985.01
Total 5212 EDC Tax Payment				18,985.01
Total General Government				22,886.01
Municipal Court				
5312 Court Technology				
Bill	03/01/2022	Invoice...	Tyler Technologies	1,730.40
Total 5312 Court Technology				1,730.40
Total Municipal Court				1,730.40
Personnel				
5510 Health Insurance				
Check	03/01/2022	Debit	DearbornLife DESPayment	1,301.89
Check	03/08/2022	Debit	TML0111 DESCONS COLL	19,944.99
Total 5510 Health Insurance				21,246.88
5518 Retirement (TMRS)				
Check	03/09/2022	Debit	TMRS	18,382.20
Check	03/29/2022	Debit	TMRS	27,722.27
Total 5518 Retirement (TMRS)				46,104.47
Total Personnel				67,351.35
Police Department				
5602 Auto Gas & Oil				
Check	03/01/2022	Debit	WEX INC DESFLEET DEBI	2,871.01
Check	03/22/2022	Debit	WEX Bank	3,340.17
Total 5602 Auto Gas & Oil				6,211.18
5612 Computer Hardware/Software				

8:18 AM

04/18/22

Accrual Basis

Town of Hickory Creek
Expenditures over \$1,000.00
March 2022

Type	Date	Num	Name	Amount
Bill	03/29/2022	Invoic...	CloudGavel LLC	1,000.00
	Total 5612 Computer Hardware/Software			1,000.00
	5630 Personnel Equipment			
Bill	03/16/2022	Invoic...	Command Communications	2,843.95
	Total 5630 Personnel Equipment			2,843.95
	Total Police Department			10,055.13
	Public Works Department			
	5710 Auto Gas & Oil			
Check	03/01/2022	Debit	WEX INC DESFLEET DEBI	1,545.87
Bill	03/09/2022	Invoic...	Kelsoe Oil Company	1,290.00
Check	03/22/2022	Debit	WEX Bank	1,517.11
	Total 5710 Auto Gas & Oil			4,352.98
	Total Public Works Department			4,352.98
	Services			
	5802 Appraisal District			
Bill	03/03/2022	Invoic...	DCAD	3,340.79
	Total 5802 Appraisal District			3,340.79
	5804 Attorney Fees			
Check	03/29/2022		Law Office of Dorwin L. Sargent III, PLLC	7,639.50
	Total 5804 Attorney Fees			7,639.50
	5814 Engineering			
Bill	03/22/2022	Invoic...	Halff Associates, Inc.	2,530.32
	Total 5814 Engineering			2,530.32
	5818 Inspections			
Bill	03/01/2022	Inv. M...	Larry Finney	2,715.00
Bill	03/03/2022	Invoic...	Build by I-Codes	2,540.00
	Total 5818 Inspections			5,255.00
	5820 Fire Service			
Check	03/17/2022	4255	City of Corinth	228,368.75
	Total 5820 Fire Service			228,368.75
	5826 Municipal Judge			
Check	03/15/2022		Cynthia Burkett	1,050.00
	Total 5826 Municipal Judge			1,050.00
	Total Services			248,184.36
	Utilities & Maintenance			
	5902 Bldg Maintenance/Supplies			
Check	03/11/2022	Debit	National Business Furniture, LLC	2,626.90
	Total 5902 Bldg Maintenance/Supplies			2,626.90
	5904 Electric			
Check	03/23/2022	Debit	Hudson Energy Services, LLC	2,912.48
	Total 5904 Electric			2,912.48
	5908 Street Lighting			
Check	03/23/2022	Debit	Hudson Energy Services, LLC	3,146.51
	Total 5908 Street Lighting			3,146.51
	5910 Telephone			
Check	03/02/2022	Debit	Level 3 Communic DESAUTO PAY	1,323.77

8:18 AM

04/18/22

Accrual Basis

Town of Hickory Creek
Expenditures over \$1,000.00
March 2022

Type	Date	Num	Name	Amount
Check	03/30/2022	Debit	Level 3 Communic DESAUTO PAY	1,323.77
Total 5910 Telephone				2,647.54
Total Utilities & Maintenance				11,333.43
Total Expense				394,453.87
Net Ordinary Income				-394,453.87
Net Income				-394,453.87



TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276015

ACCOUNT NAME: 2020 CERTIFICATES OF OBLIGATIONS

STATEMENT PERIOD: 03/01/2022 - 03/31/2022

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.2493%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 33 DAYS AND THE NET ASSET VALUE FOR 3/31/22 WAS 0.999361.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			4,007,687.44
03/31/2022	MONTHLY POSTING	9999888	848.58	4,008,536.02
	ENDING BALANCE			4,008,536.02

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	4,007,687.44
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	848.58
ENDING BALANCE	4,008,536.02
AVERAGE BALANCE	4,007,687.44

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
2020 CERTIFICATES OF OBLIGATIONS	0.00	0.00	1,478.53





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276007

ACCOUNT NAME: ANIMAL SHELTER FACILITY

STATEMENT PERIOD: 03/01/2022 - 03/31/2022

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.2493%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 33 DAYS AND THE NET ASSET VALUE FOR 3/31/22 WAS 0.999361.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			9,583.52
03/31/2022	MONTHLY POSTING	9999888	2.01	9,585.53
	ENDING BALANCE			9,585.53

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	9,583.52
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	2.01
ENDING BALANCE	9,585.53
AVERAGE BALANCE	9,583.52

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
ANIMAL SHELTER FACILITY	0.00	0.00	3.46





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276016

ACCOUNT NAME: CORONAVIRUS LOCAL RECOVERY FUNDS

STATEMENT PERIOD: 03/01/2022 - 03/31/2022

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.2493%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 33 DAYS AND THE NET ASSET VALUE FOR 3/31/22 WAS 0.999361.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			594,256.82
03/17/2022	ACH DEPOSIT	6137618	1,174.06	595,430.88
03/31/2022	MONTHLY POSTING	9999888	126.01	595,556.89
	ENDING BALANCE			595,556.89

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	594,256.82
TOTAL DEPOSITS	1,174.06
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	126.01
ENDING BALANCE	595,556.89
AVERAGE BALANCE	594,824.91

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
CORONAVIRUS LOCAL RECOVERY FUNDS	1,174.06	0.00	219.39





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276009

ACCOUNT NAME: HARBOR LANE - SYCAMORE BEND

STATEMENT PERIOD: 03/01/2022 - 03/31/2022

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.2493%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 33 DAYS AND THE NET ASSET VALUE FOR 3/31/22 WAS 0.999361.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			80,419.58
03/31/2022	MONTHLY POSTING	9999888	17.01	80,436.59
	ENDING BALANCE			80,436.59

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	80,419.58
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	17.01
ENDING BALANCE	80,436.59
AVERAGE BALANCE	80,419.58

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
HARBOR LANE - SYCAMORE BEND	0.00	0.00	29.65





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276001

ACCOUNT NAME: INVESTMENT FUND

STATEMENT PERIOD: 03/01/2022 - 03/31/2022

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.2493%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 33 DAYS AND THE NET ASSET VALUE FOR 3/31/22 WAS 0.999361.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			6,232,848.88
03/31/2022	MONTHLY POSTING	9999888	1,319.73	6,234,168.61
	ENDING BALANCE			6,234,168.61

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	6,232,848.88
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	1,319.73
ENDING BALANCE	6,234,168.61
AVERAGE BALANCE	6,232,848.88

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
INVESTMENT FUND	2,000,000.00	309,850.00	2,246.52





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276002

ACCOUNT NAME: TURBEVILLE RD IMPROVEMENT FUND

STATEMENT PERIOD: 03/01/2022 - 03/31/2022

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 0.2493%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 33 DAYS AND THE NET ASSET VALUE FOR 3/31/22 WAS 0.999361.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			94,928.71
03/31/2022	MONTHLY POSTING	9999888	20.08	94,948.79
	ENDING BALANCE			94,948.79

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	94,928.71
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	20.08
ENDING BALANCE	94,948.79
AVERAGE BALANCE	94,928.71

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
TURBEVILLE RD IMPROVEMENT FUND	0.00	0.00	35.00



TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2022-04-_____

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 2021 INTERNATIONAL FIRE CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION WITH LOCAL AMENDMENTS, AS AMENDED BY THE LAKE CITIES FIRE DEPARTMENT; PROVIDING THE TOWN BUILDING OFFICIAL THE AUTHORITY AND POWER TO ENFORCE PROVISIONS OF CODES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS; PROVIDING A PUBLICATION CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Hickory Creek, Texas is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the NCTCOG along with the International Conference of Building Officials, Southern Building Code Congress International, Inc., and Building Officials and Code Administrators International, Inc., has recommended that all municipalities in the State of Texas adopt standardize model construction codes in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs; and

WHEREAS, the Town of Hickory Creek Building Official has reviewed the International Fire Code, 2021 Edition and all local amendments thereto and attached as Exhibit A to this ordinance, and finds that it is in the best interest of the Town of Hickory Creek to adopt said Codes and amendments; and

WHEREAS, the Town Council does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals and general welfare of the Town to adopt the construction and related codes as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

That all of the above premises are true and correct and are hereby incorporated in the body of this Ordinance as if fully set forth herein.

SECTION 2

FINDINGS

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

SECTION 3

AMENDMENTS

3.01 That the Code of Ordinances, Town of Hickory Creek, Texas, Chapter 3: Building Regulations, Article 3.02: Technical and Construction Standards, Section 3.02.002 Codes adopted is hereby adopted to read as follows:

“Sec. 3.02.002 Codes Adopted

The town council does hereby adopt all provisions of the:

- (1) International Building Code, 2018 edition;
- (2) International Residential Code, 2018 edition;
- (3) International Plumbing Code, 2018 edition;
- (4) International Mechanical Code; 2018 edition;
- (5) International Fire Code; 2021 edition;
- (6) National Electrical Code, 2017 edition;
- (7) International Energy Conservation Code, 2018 edition;
- (8) International Fuel Gas Code, 2018 edition;
- (9) International Property Maintenance Code, 2018 edition;
- (10) International Existing Building Code, 2018 edition; and
- (11) International Swimming Pool and Spa Code, 2018 edition;

With the local amendments to the codes as provided in exhibits (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K), attached to Ordinance 2019-02-809, and exhibit (A) attached to Ordinance 2022-04-____ and incorporated herein by reference.”

3.02 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4

CUMULATIVE REPEALER CLAUSE

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to prior adopted uniform codes on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Article and for that purpose shall remain in full force and effect.

SECTION 5

SEVERABILITY CLAUSE

If any section, article, paragraph, sentence, clause, phrase or work in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the Town Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6 SAVINGS CLAUSE

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinances of the Town affecting building, mechanical, plumbing, electrical and housing codes, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7 PENALTY CLAUSE

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8 PUBLICATION CLAUSE

The Town Secretary of the Town of Hickory Creek is hereby directed to publish, the Caption, Penalty Clause and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 9 ENGROSSMENT AND ENROLLMENT CLAUSE

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty and Effective Date in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

SECTION 10 EFFECTIVE DATE CLAUSE

That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from the date of passage and publication in the official newspaper.

IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this the 25th day of April, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Town Attorney
Town of Hickory Creek, Texas

“Exhibit A”

Section 101.1 is amended to read as follows:

Title. These regulations shall be known as the Fire Code of the City of Corinth herein referred to as “this code”

Section 101.1.1; add new Section 101.1.1 to read as follows:

101.1.1 Adoption of Appendices. The following Appendices contained in the International Fire Code, 2021 Edition, are adopted and made a part of this Fire Code:

Appendix B - Fire-flow Requirements for Buildings
Appendix D - Fire Apparatus Access Roads
Appendix E - Hazard Categories
Appendix F - Hazard Ranking
Appendix G - Cryogenic Fluids – Weight and Volume Equivalents
Appendix I – Fire Protection Systems Noncompliant Systems
Appendix K - Construction Requirements for Existing Ambulatory Care Facilities
Appendix L - Requirements for Fire Fighter Air Replenishment Systems
Appendix N - Indoor Trade Shows and Exhibitions

Section 102.1; change #3 to read as follows:

3. Existing structures, facilities, and conditions when required in Chapter 11 or in specific sections of this code.

(Reason: To clarify that there are other provisions in the fire code applicable to existing buildings that are not located in Chapter 11, including but not limited to Section 505 Premises Identification.)

Section 103 Fire Prevention Division

Section 103.1 is amended to read as follows:

General. The Fire Code shall be enforced by the Division of Fire Prevention. The Division of Fire Prevention is hereby established as a division of the Fire Department of the City of Corinth and shall be operated under the supervision of the Fire Chief.

Section 103.2 is amended to read as follows:

Appointment. The Fire Marshal (Fire Code Official) shall be appointed by the Fire Chief of the City of Corinth on the basis of proper qualifications.

Section 103.3 is amended to read as follows:

Deputies. The Fire Chief may assign such members of the Fire Department as investigators, inspectors, technical officers, and other employees.

Section 104.1 is amended by adding the following:

Under the Fire Chief’s direction, the fire department is authorized to enforce all ordinances of the City pertaining to:

1. The prevention of fires;
2. The suppression or extinguishment of dangerous or hazardous fires;

3. The storage, use, and handling of hazardous materials;
4. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment;
5. The elimination of fire hazards on land and in buildings, structures and other property, including those under construction;
6. The maintenance of means of ingress and egress;
7. The investigation of the cause, origin and circumstances of fires, unauthorized releases of hazardous materials and explosions.

****Section 105.3.3; change to read as follows:**
105.3.3; Change to read as follows:

105.3.3 Occupancy Prohibited before Approval. The building or structure shall not be occupied prior to the fire code official issuing a permit when required and conducting associated inspections indicating the applicable provisions of this code have been met.

(Reason: For clarity to allow for better understanding in areas not requiring such permits, such as unincorporated areas of counties.)

Section 105.6.25; add to read as follows:

105.6.25 Electronic access control systems. Construction permits are required to install or modify an electronic access control system, as specified in Chapter 10. A separate construction permit is required for to install or modify a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

(Reason: Adds construction permit requirements for electronic access control systems affecting access and/or egress to ensure proper design and installation of such systems. These changes reflect local practices of municipalities in this region.)

Section 107.2.1 is amended to add the following:

Inspection requests. If the inspection fails and a return inspection is necessary, the return inspection shall constitute a re-inspection. An additional fee may be assessed on a second re-inspection and each subsequent re-inspection in accordance with the Master fee Ordinance.

(Reason: To minimize the amount of time spent on re-inspections and all violations are completed prior to the re-inspections date.)

Section 107.3; delete this section in its entirety:

(Different jurisdictions establish permit fee requirements in different ways, and the majority in this region do not utilize this methodology for establishing Fire Code-required permit fees, as well as have already established and adopted applicable permit fee requirements.)

Section 112.4 is amended to read as follows:

112.4 Violation Penalties. Any person who:

1. Violates or fails to comply with any of the provisions of this code or the standards adopted hereunder; or
2. Fails to comply within the time fixed herein with any order made by the Fire Chief or authorized representative under any of the provisions of this code or the standards adopted hereunder; or
3. Builds, installs, alters, repairs or does work in violation of any detailed statement, specifications or plans submitted and approved under the provisions of this code or the standards adopted hereunder; or
4. Builds in violation of any certificate or permit issued under the provisions of this code or the

- standards adopted hereunder; or
5. Permits any fire hazard to exist in or upon any occupancy, premises or vehicle under their control, operation, maintenance or possession; or
 6. Fails to comply with orders, notices, signs and/or tags; or
 7. Tamperers with signs and/or tags; shall be guilty of a misdemeanor punishable by a fine not to exceed \$2,000.00 for each violation and act of noncompliance. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations of defects within a reasonable time specified by the Fire Chief or authorized representative. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

Section 202; amend and add definitions to read as follows:

ADDRESSABLE FIRE DETECTION SYSTEM. Any system capable of providing identification of each individual alarm-initiating device. The identification shall be in plain English and as descriptive as possible to specifically identify the location of the device in alarm. The system shall have the capability of alarm verification.

[B] AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

(Reason: to clarify the range of uses included in the definition)

[B] ATRIUM. An opening connecting ~~two~~ three or more stories... *{remaining text unchanged}*

(Reason: Accepted practice in the region based on legacy codes. IBC Section 1009 permits unenclosed two-story stairways under certain circumstances.)

[B] DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

(Reason: Added from International Building Code (IBC) definitions for consistency in interpretation of the subject requirements pertaining to such occupancies.)

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or *standby personnel* when required by the *fire code official*, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department. The person or persons on fire watch duty, shall be their only job. Personnel assigned to fire watch shall not be multitasking or assigned any other duties. There shall be sufficient personnel to cover the assigned duty within the hour and repeat till end of duty or no longer deemed necessary by the fire official.

(Reason: Clearly defines options to the fire department for providing a fire watch.)

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for

entertainment purposes by combustion, *deflagration*, *detonation*, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.3G fireworks or 1.4G fireworks. ...
{Remainder of text unchanged} ...

(Reason: Increased safety from fireworks related injuries.)

Option B

HIGH-PILED COMBUSTIBLE STORAGE: *add a second paragraph to read as follows:*

Any building classified as a group S Occupancy or Speculative Building exceeding 6,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified (speculative warehouse), a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

(Reason: To provide protection for worst-case scenario in flexible or unknown situations.)

Option B

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

(Reason: Allows for additional construction safety features to be provided, based on firefighting response capabilities.)

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

(Reason: To further clarify types of service work allowed in a repair garage, as well as to correspond with definition in the IBC.)

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

(Reason: To provide a definition that does not exist in the code.)

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

(Reason: To provide a definition that does not exist in the code for fire watch accommodations as required by the jurisdiction.)

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model
- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

(Reason: This is referenced in several places, but the wording of “upgraded or replaced” is somewhat ambiguous and open to interpretation. Defining it here allows for consistent application across the region.)

****Section 307.1.1; change to read as follows:**

Section 307.1.1; change to read as follows:

307.1.1 Prohibited Open Burning. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Exception: {No change.}

(Reason: To further protect adjacent property owners/occupants from open burning and/or smoke emissions from open burning.)

Section 307.2; change to read as follows:

307.2 Permit Required. A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality (TCEQ) guidelines and/or restrictions.
2. State, County, or Local temporary or permanent bans on open burning.
3. Local written policies as established by the *fire code official*.

(Reason: Amendments to 307.2, 307.4, 307.4.3, and 307.5 better explain current requirements and recognize that jurisdictions have local established policies that best fit their environments.)

Section 307.3; change to read as follows:

307.3 Extinguishment Authority. The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

(Reason: Provides direction as to responsible parties relative to extinguishment of the subject open burning.)

Section 307.4 and 307.4.1; change to read as follows:

307.4 Location. The location for open burning shall not be less than 300 feet (91 440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91 440 mm) of any structure.

Exceptions: {No change.}

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm), or greater distance as determined by the fire code official, of a structure or combustible material, unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within the required setback of a structure shall be eliminated prior to ignition.

(Reason: To increase the separation distance thereby increasing the safety to adjacent properties, as per applicable TCEQ rules and regulations regarding outdoor burning. Bonfires were added to this requirement to allow the AHJ the ability to match the increased setback utilized for open burning as necessary. Size of bonfire will help to determine needed setback, fire equipment and apparatus as per permit requirements.)

Section 307.4.3, Exceptions; add Exception #2 to read as follows:

Exceptions:

1. Portable outdoor fireplaces used at one- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system.

(Reason: To reflect similar allowances for open-flame cooking in these same locations.)

****Section 307.4.4 and 5; add section 307.4.4 Section 307.4.4 and 307.4.5; change to read as follows:**

307.4.4 Permanent Outdoor Firepit. Permanently installed outdoor firepits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

Exception: Permanently installed outdoor fireplaces constructed in accordance with the International Residential Code or International Building Code.

307.4.5 Trench Burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

(Reason: To provide a greater level of safety for this potentially hazardous fire exposure condition. Decrease in separation distance allowed for outdoor firepits due to permanent nature of construction having substantial securement.)

Section 307.5; change to read as follows:

307.5 Attendance. Open burning, trench burns, bonfires, recreational fires, and use of portable outdoor fireplaces shall be constantly attended until the... {Remainder of section unchanged}

(Reason: Adds attendance for trench burns based on previous amendment provision for such.)

Add Section 307.6 to read as follows:

Burn Bans. The City of Corinth shall follow the ruling of the Denton County Commissioner's Court regarding burn bans. The ban shall prohibit all outdoor activities and /or processes that may start a fire. These activities or processes shall include but are not limited to open burning, recreational burning, outdoor welding, use of torches or other cutting devices that emit sparks, and fireworks.

****Add section 307.7 to read as follows:**

Posting a declaration of a burn ban. The burn ban issued by the Denton County Commissioner's court as specified in section 307.6 may be posted or published in the following locations:

1. City website
2. Fire Department media accounts
3. Official City newspaper and media accounts

Section 308.1.4; change to read as follows:

308.1.4 Open-flame Cooking Devices. Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings where LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20-pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 pounds (5 containers). All LP-gas containers shall be stored outside, as per Chapter 61.
2. Where buildings, balconies and decks are protected by an approved *automatic sprinkler system*, and LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20-pound (9.08 kg) LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs. (2 containers). All LP-gas containers shall be stored outside, as per Chapter 61.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2-1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

(Reason: Decrease fire risk in multi-family dwellings and minimizes ignition sources and clarify allowable limits for 1 & 2 family dwellings and allow an expansion for sprinklered multi-family uses. This amendment adds clarification and defines the container size allowed for residences.)

Section 308.1.6.2, Exception #3; change to read as follows:

3. Torches or flame-producing devices in accordance with Section 308.1.3.

(Reason: Section identified in published code is inappropriate.)

Section 308.1.6.3; change to read as follows:

308.1.6.3 Sky Lanterns. A person shall not release or cause to be released an unmanned free-floating device containing an open flame or other heat source, such as but not limited to a *sky lantern*.

(Reason: Eliminates the potential fire hazard presented by utilization of such devices and the potential accidental release of such devices.)

Section 311.5; change to read as follows:

311.5 Placards. The *fire code official* is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 114 of this code relating to structural or interior hazards, as required by Section 311.5.1 through 311.5.5.

(Reason: There may be situations where placarding is not desired or necessary; also clarifies intent that it is not the fire code official's responsibility to provide the placard.)

Section 403.4; change to read as follows:

403.4 Group E Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.4.1 through 403.4.3.

(Reason: The diagrams are intended to assist with egress in such occupancies – specifically, the primary teacher is not always present to assist children with egress. Also, such will help reinforce evacuation drill requirements.)

Section 404.2.2; add Number 4.10. to read as follows:

- 4.10. Fire extinguishing system controls.

(Reason: To facilitate locating sprinkler valves to minimize water damage.)

Section 405.5; change to read as follows:

405.5 Time. The fire code official may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

Exceptions:

1. {No change.}
2. {No change.}
3. Notification of teachers/staff having supervision of light- or sound-sensitive students/occupants, such as those on the autism spectrum, for the protection of those students/occupants, shall be allowed prior to conducting a drill.

(Reason: This change clarifies who may require a fire or evacuation drill and allows for consideration/protection of students/occupants who may be severely negatively impacted by the nature of a fire alarm notification during a practice drill.)

Section 501.4; change to read as follows:

501.4 Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

(Reason: Reflects current practice in the region relative to ensuring fire department and EMS access during construction, which can be a time of increased frequency for emergency incidents.)

Section 503.1.1; add sentence to read as follows:

Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a 10-feet (3048 mm) wide unobstructed pathway around the external walls of the structure.

(Reason: Recognizes that the hose lay provision can only be measured along a pathway that is wide enough for fire fighter access.)

Section 503.2.1; change to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24-feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14-feet (4267 mm).

Exception: Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and *approved* signs are installed and maintained indicating the established vertical clearance when approved.

(Reason: Amendments to 503.2.1 and 503.2.2 recognize that the equipment now used in firefighting is increasing in size. The code already recognizes that larger dimensions may be required under Section 503.2.2. The amendments are to standardize the dimensions for this area. With the increase in fire apparatus size, this will allow for the passage of two fire apparatus during a fire or EMS emergency.)

Section 503.2.2; change to read as follows:

503.2.2 Authority. The *fire code official* shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

(Reason: Amendments to 503.2.1 and 503.2.2 recognize that the equipment now used in firefighting is increasing in size. The code already recognizes that larger dimensions may be required under Section 503.2.2. The amendments are to standardize the dimensions for this area. With the increase in fire apparatus size, this will allow for the passage of two fire apparatus during a fire or EMS emergency.)

Section 503.2.3; change Section 503.2.3 to read as follows:

503.2.3 Surface. Fire lanes shall be designed to support a minimum 86,000 lbs. GVW load. Subgrade shall be stabilized per geotechnical engineer's report. Without submitting a detailed pavement design a typical allowable design is as follows: Concrete fire lanes shall be a minimum 5 inches thick, 3600 psi, 5 sack mix with # 4 rebar on 18-inch center each way with chairs. Asphalt fire lane shall be a minimum 6 inches thick. With a stabilized subgrade. All weather surfaces shall be asphalt or concrete. Alternative surface design shall be submitted for review and approval by the Fire Department and City Engineer.

(Reason: To address the current size of fire trucks in use – figure derived from DOT requirements for waiver of vehicle exceeding such weight and from current maximum weights of fire trucks being purchased by jurisdictions in North Texas.)

Section 503.3; change to read as follows:

503.3 Marking. Striping, signs, or other markings, when approved by the *fire code official*, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs – Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

(Reason: Establishes a standard method of marking and reflects regional long-standing practices.)

Section 503.4; change to read as follows:

503.4 Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and 503.2.2 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

(Reason: As originally worded, the section implied that vehicles could be parked in the marked fire lane and not be in violation if the minimum width is still maintained. Current accepted enforcement practice is to require the entire marked fire lane to be maintained clear and unobstructed.)

****Section 505.1; change to read as follows:**

Section 505.1; change to read as follows:

505.1 Address Identification. New and existing buildings shall be provided with approved address

identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6-inches (152.4 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6-inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30-inch (762 mm) background on border. Address identification shall be maintained.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

(Reason: To increase the minimum addressing requirements for commercial properties and establish a minimum for single-family residential properties. Such improves legibility of these signs which are critical to emergency response in a more timely manner.)

Section 503.6.1; add new section to read as follows:

503.6.1 Emergency Vehicle Access. All security gates shall be provided with a manual means of operating the security gate and an automatic means of operation. The automatic and manual means of operation shall be accomplished by the requirements of the AHJ.

(Reason: Provide access for emergency vehicles during normal operating conditions and in the event of a power failure to the security gate control equipment.)

Section 507.4; change to read as follows:

507.4 Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The *fire code official* shall be notified prior to the water supply test. Water supply tests shall be witnessed by the *fire code official*, as required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the *fire code official*. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA standard. Reference Section 903.3.5 for additional design requirements.

(Reason: Clarifies intent of the test to ensure contractor accounts for water supply fluctuations.)

Section 507.5.1 is amended to read as follows:

Where required. Where a portion of the facility or building hereafter constructed or moved in or within the jurisdiction is more than 300 feet from a fire hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Marshal. A minimum of one fire hydrant shall be located within 100ft of the fire department connection and on the same side of the roadway as the facility or building. As properties develop (commercial, industrial, and residential), fire hydrants shall be located at all intersecting streets and at the minimum spacing indicated in table 507.5.1. There shall be a minimum of two (2) fire hydrants serving each property within the prescribed distances listed in Table 507.5.1.

Maximum Distance Between Hydrants TABLE 507.5.1

OCCUPANCT	SPRINKLERED	NOT SPRINKLERED
Residential (1 & 2 Family)	500 feet	500 feet
Residential (Multi Family)	400 feet	300 feet
All Other	500 feet	300 feet

Section 507.5.4; change to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

(Reason: Additional guidance based on legacy language to ensure these critical devices are available in an emergency incident.)

Section 509.1.2; add to read as follows:

509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2-inches (50.8 mm) when located inside a building and 4-inches (101.6 mm) when located outside, or as approved by the *fire code official*. The letters shall be of a color that contrasts with the background.

(Reason: Provides direction as to appropriate sign criteria to develop local and regional consistency in this regard.)

Section 605.4 through 605.4.2.2; change to read as follows:

605.4 Fuel oil storage systems. Fuel oil storage systems shall be installed and maintained in accordance with this code. Tanks and fuel-oil piping systems shall be installed in accordance with Chapter 13 of the *International Mechanical Code* and Chapter 57.

605.4.1 Fuel oil storage in outside, above-ground tanks. Where connected to a fuel-oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660-gallons (2498 L). The storage of fuel oil above ground in quantities exceeding 660-gallons (2498 L) shall comply with NFPA 31 and Chapter 57.

605.4.1.1 Approval. Outdoor fuel oil storage tanks shall be in accordance with UL 142 or UL 2085, and also listed as double wall/secondary containment tanks.

605.4.2 Fuel oil storage inside buildings. Fuel oil storage inside buildings shall comply with Sections 605.4.2.2 through 605.4.2.8 and Chapter 57.

605.4.2.1 Approval. Indoor fuel oil storage tanks shall be in accordance with UL 80, UL 142 or UL 2085.

605.4.2.2 Quantity limits. One or more fuel oil storage tanks containing Class II or III *combustible liquid* shall be permitted in a building. The aggregate capacity of all tanks shall not exceed the following:

1. 660-gallons (2498 L) in un-sprinklered buildings, where stored in a tank complying with UL 80, UL 142 or UL 2085, and also listed as a double-wall/secondary containment tank for Class II liquids.
2. 1,320-gallons (4996 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in a tank complying with UL 142 or UL 2085. The tank shall be listed as a secondary containment tank, and the secondary containment shall be monitored visually or automatically.
3. 3,000-gallons (11 356 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7. The tank shall be listed as a secondary containment tank, as required by UL 2085, and the secondary containment shall be monitored visually or automatically.

(Reason: Issues addressed by Chapter 57, such as venting to outside of buildings, remote fill to outside of building, overfill protection, physical protection, etc., are not included in Section 605.4, so compliance with Chapter 57 is also required. The Board removed the applicability to heating systems only from the charging statement based on this more prudent method of diesel storage for generators, boilers, fire pumps and other fuel-fired equipment inside buildings without requiring Group H occupancy classification – this is now established practice in the region as well.)

Section 807.5.2.2 and 807.5.2.3 applicable to Group E occupancies; change to read as follows:

807.5.2.2 Artwork in Corridors. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

807.5.2.3 Artwork in Classrooms. Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

(Reason: This change allows an increase in wall coverage due to the presence of sprinklers. Also provides additional guidance relative to fire resistance requirements in these areas.)

Section 807.5.5.2 and 807.5.5.3 applicable to Group I-4 occupancies; change to read as follows:

807.5.5.2 Artwork in Corridors. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

807.5.5.3 Artwork in Classrooms. Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

(Reason: This change allows an increase in wall coverage due to the presence of sprinklers. Also

provides additional guidance relative to fire resistance requirements in these areas.)

Section 901.6.1.1; add to read as follows:

901.6.1.1 Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed or inspected by approved camera when foreign material is present or when caps are missing, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the *fire code official*) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the *fire code official*.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (*fire code official*) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected nighttime freezing conditions.
9. Contact the *fire code official* for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the *fire code official*.

(Reason: Increases the reliability of the fire protection system and re-emphasizes the requirements of NFPA 25 relative to standpipe systems, as well as ensuring that FDC connections are similarly tested/maintained to ensure operation in an emergency incident.)

Section 901.6.4; add to read as follows:

901.6.4 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

(Reason: Places the responsibility on the business or property owner to maintain their fire alarm systems in approved condition. Allows the enforcement of "prohibition of false alarms". Replaces text lost from the legacy codes that helps to ensure the maintenance of life safety systems.)

Section 901.7; change to read as follows:

901.7 Systems Out of Service. Where a required *fire protection system* is out of service or in the event of an excessive number of activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated, or an *approved fire watch* shall be provided for all occupants left unprotected by the shut down until the *fire protection system* has been returned to service. ... {Remaining text unchanged}

(Reason: Gives fire code official more discretion with regards to enforcement of facilities experiencing nuisance alarm or fire protection system activations necessitating correction/repair/replacement. The intent of the amendment is to allow local jurisdictions to enforce fire watches, etc., where needed to ensure safety of occupants where fire protection systems are experiencing multiple nuisance activations.)

Section 901.9; change Section 901.9 to read as follows:

901.9 Termination or Change of Monitoring Service. Notice shall be made to the fire code official whenever contracted alarm services for monitoring of any fire alarm system are terminated for any reason, or a change in alarm monitoring provider occurs. Notice shall be made in writing to the fire code official by the building owner and monitoring service provider prior to the service being terminated.

(Reason: To ensure the property's monitored fire alarm system is maintained for proper notification of emergency response in the event of an emergency incident.)

Section 903.1.1; change to read as follows:

903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard or as *approved by the fire code official*.

(Reason: Such alternative systems do not provide the reliability of automatic sprinkler protection. Most gaseous type systems are highly susceptible to open doors, ceiling or floor tile removal, etc. However, an applicant could pursue an Alternate Method request to help mitigate the reliability issues with these alternative systems with the fire code official if so desired, or there may be circumstances in which the fire code official is acceptable to allowing an alternate system in lieu of sprinklers, such as kitchen hoods or paint booths.)

Section 903.2; add paragraph to read as follows and delete the Exception for telecommunications buildings:

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINERY – NO STORAGE ALLOWED."

(Reason: Firefighter and public safety. This amendment eliminates the shunt trip requirement of the International Building Code Section 3005.5 for the purpose of elevator passenger and firefighter safety. This amendment is contingent on the Building Code amendment eliminating the Exceptions to Section 3005.4, such that passive fire barriers for these areas are maintained. The exception deletion is due to the fact that such telecom areas pose an undue fire risk to the structural integrity of the building.)

Section 903.2.4.2; change to read as follows:

903.2.4.2 Group F-1 distilled spirits. An automatic sprinkler system shall be provided throughout a

Group F-1 fire area used for the manufacture of distilled spirits involving more than 120-gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

(Reason: To establish a sprinkler criteria limit based on existing maximum allowable quantities provided for flammable liquids in a non-sprinklered space from Chapter 50 and allow very small distillery type operations without sprinkler requirements as has been historically allowed.)

Section 903.2.9.3; change to read as follows:

903.2.9.3 Group S-1 distilled spirits or wine. An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.

(Reason: To establish a sprinkler criteria limit based on existing maximum allowable quantities provided for flammable liquids in a non-sprinklered space from Chapter 50 and allow very small storage operations without sprinkler requirements as has been historically allowed.)

Section 903.2.9.4 and 903.2.9.5; delete Exception to 903.2.9.4 and add Section 903.2.9.5 to read as follows:

903.2.9.5 Self-Service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

(Reason: Fire departments are unable to regularly inspect the interior of these commercial occupancies and are unaware of the contents being stored. Previous allowance to separate units by fire barriers is difficult to enforce maintenance after opening.)

Option B

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:

903.2.11.3 Buildings 35-feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories other than penthouses in compliance with Section 1511 of the International Building Code, located 35-feet (10 668 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exception:

1. {Delete}

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12-feet (4572 mm), see Chapter 32 to determine if those provisions apply.

903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

903.2.11.9 Buildings Over 6,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the International Building Code where all the following conditions apply:

- a. The structure is freestanding.
- b. The Structure does not contain any mixed uses, accessory uses, storage room, electrical room, elevators, or spaces used or occupied for anything other than motor vehicle parking.
- c. The Structure does not exceed 3 stories.
- d. An approved fire apparatus access road is provided around the entire structure.

(Reason: Provides jurisdictions options as to their desired level of sprinkler protection based on multiple factors including firefighting philosophies/capabilities.)

Section 903.3.1.1.1; change to read as follows:

903.3.1.1.1 Exempt Locations. When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such ... {text unchanged} ... because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. {Delete.}
5. Elevator machine rooms, machinery spaces, and hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
6. {Delete.}

(Reason: Gives more direction to code official. Exception 4 deleted to provide protection where fire risks are poorly addressed. Amendment 903.2 addresses Exception 5 above relative to the elimination of

sprinkler protection in these areas to avoid the shunt trip requirement.)

Section 903.3.1.2; change to read as follows:

903.3.1.2 NFPA 13R Sprinkler Systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is 35-feet (10668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 35-feet (10668 mm) or less below the lowest level of fire department vehicle access.

{No change to remainder of section.}

(Reason: The change to the 2021 IFC over-reached to limit 13R systems to 30 ft. high at topmost floor level, which basically results in limiting 13R systems to 3 story buildings in reality. This change to 35 ft. would still allow 13R systems in 4 story apartment buildings, as has been allowed historically and as intended by 13R's scope.)

Section 903.3.1.2.2; change to read as follows:

903.3.1.2.2 Corridors and Balconies. Sprinkler protection shall be provided in all corridors and for all balconies. {Delete the rest of this section.}

(Reason: Corridor protection is critical to the means of egress, and corridors are regularly utilized for miscellaneous storage, fixtures, artwork, food kiosks and beverage dispensers, and furnishings. Balcony protection is required due to issues with fire exposure via soffit vents and the potential for significant combustible loading.)

Section 903.3.1.2.3; delete section and replace as follows:

Section 903.3.1.2.3 Attached Garages and Attics. Sprinkler protection is required in attached garages, and in the following attic spaces:

1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system.
2. Where fuel-fired equipment is installed in an un-sprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.
3. Attic spaces of buildings that are two or more stories in height above grade plane or above the lowest level of fire department vehicle access.
4. Group R-4, Condition 2 occupancy attics not required by Item 1 or 3 to have sprinklers shall comply with one of the following:
 - 4.1. Provide automatic sprinkler system protection.
 - 4.2. Provide a heat detection system throughout the attic that is arranged to activate the building fire alarm system.
 - 4.3. Construct the attic using noncombustible materials.
 - 4.4. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.
 - 4.5. Fill the attic with noncombustible insulation.

(Reason: Attic protection is required due to issues with fire exposure via soffit vents, as well as firefighter safety. Several jurisdictions indicated experience with un-protected attic fires resulting in displacement of all building occupants. NFPA 13 provides for applicable attic sprinkler protection requirements, as well as exemptions to such, based on noncombustible construction, etc. Attached garages already require sprinklers via NFPA 13R – this amendment just re-emphasizes the requirement.)

Section 903.3.1.3; change to read as follows:

903.3.1.3 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

(Reason: To allow the use of the Plumbing section of the International Residential Code (IRC) and recognize current state stipulations in this regard.)

Section 903.3.1.4; add to read as follows:

903.3.1.4 Freeze Protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry-pipe, pre-action, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

903.3.1.4.2 Heat Trace/Insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

(Reason: In the last few years, severe winters brought to light several issues with current practices for sprinklered attics, not the least of which was wet-pipe sprinklers in ventilated attics provided with space heaters, etc. for freeze protection of such piping. This practice is not acceptable for the protection of water-filled piping in a ventilated attic space as it does not provide a reliable means of maintaining the minimum 40 degrees required by NFPA, wastes energy, and presents a potential ignition source to the attic space. Listed antifreeze is specifically included because NFPA currently allows such even though there is no currently listed antifreeze at the time of development of these amendments. The intent of this amendment is to help reduce the large number of freeze breaks that have occurred in the past with water-filled wet-pipe sprinkler systems in the future, most specifically in attic spaces.)

Section 903.3.5; add a second paragraph to read as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective NFPA standards; however, every water-based fire protection system shall be designed with a 10-psi safety factor. Reference Section 507.4 for additional design requirements.

(Reason: To define uniform safety factor for the region.)

Section 903.4; add a second paragraph after the Exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

(Reason: To avoid significant water losses. Consistent with amendment to IFC 905.9.)

Section 903.4.2; add second paragraph to read as follows:

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

(Reason: Fire department connections are not always located at the riser; this allows the fire department faster access and ease of recognition of the FDC location, especially at night.)

Section 905.3.9; add to read as follows:

905.3.9 Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200-feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in NFPA 14 where approved by the fire code official.
2. R-2 occupancies of four stories or less in height having no interior corridors.

(Reason: Allows for the rapid deployment of hose lines to the body of the fire in larger structures.)

Section 905.4; change Items 1, 3, and 5, and add Item 7 to read as follows:

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.

Exception: {No change.}

2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a {remainder of text unchanged}

4. {No change.}
5. Where the roof has a slope less than 4 units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

(Reason: Item 1, 3, and 5 amendments to remove 'interior' will help to clarify that such connections are required for all 'exit' stairways, to ensure firefighter capabilities are not diminished in these tall buildings, simply because the stair is on the exterior of the building. Item 5 reduces the amount of pressure required to facilitate testing and provides backup protection for fire fighter safety. Item 7 allows for the rapid deployment of hose lines to the body of the fire.)

Section 905.8; change to read as follows:

905.8 Dry standpipes. Dry standpipes shall not be installed.

Exception: Where subject to freezing and in accordance with NFPA 14. Additionally, manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40-psig air

pressure with a high/low Supervisory alarm.

(Reason: To define manual dry standpipe supervision requirements. Helps ensure the integrity of the standpipe system via supervision, such that open hose valves will result in a supervisory low air alarm. NFPA 14 requires supervisory air for such but does not provide pressure criteria for what that means. This is a long-standing regional requirement.)

Section 905.9; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

(Reason: To avoid significant water losses. Consistent with amendment to IFC 903.4.)

Section 906.1(1); delete Exception 3 as follows:

(Reason: This provision of only having vehicle-mounted fire extinguishers is not at all consistent with historical practice of requiring extinguishers throughout based on travel distance. Often times, the vehicle is what has caused the incident and/or may be the source of the incident, so having the extinguisher vehicle-mounted results in greater potential injury of the user. This assumes the only occupants in the building are on a vehicle, which again, significantly reduces access to fire extinguishers throughout the building to other occupants. Future use of the building/tenancy may change further complicating the issue.)

Section 907.1.4; add to read as follows:

907.1.4 Design Standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

(Reason: Provides for the ability of descriptive identification of alarms and reduces need for panel replacement in the future. Change of terminology allows for reference back to definitions of NFPA 72.)

Section 907.1.5; add to read as follows:

907.1.5 Required Installations. Where required installation of a fire alarm notification system.

1. Any commercial building over 5,999 sq. ft. shall install a fire alarm notification system (In Compliance with 907.5.2.3.1) to compliment the sprinkler system. Approved systems shall include full audio/visual notification services. The system shall be monitored by an approved supervising station.
2. Buildings 5,999 sq. ft. and under shall install an approved automatic and manual fire alarm system and shall include full audio/visual notification services and requirements that meets NFPA 72. The system shall be monitored by an approved supervising station. Shall be required in any of the following:
 - a. New multiple occupancy commercial construction.
 - b. Existing multiple occupancy commercial building with a change of occupancy use.
 - c. Existing commercial building that has been changed into a multiple occupancy use.

(Reason: To provide notification within each individual suite or occupancy, and to provide protect to those in multiple occupancy commercial structures that do not normally require building occupant notification.)

Section 907.2.1; change to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons, or where the occupant load is more than 100 persons above or below the *lowest level of exit discharge*. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {No change.}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the *means of egress* with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

(Reason: Increases the requirement to be consistent with Group B requirement. Also addresses issue found in Group A occupancies of reduced lighting levels and other A/V equipment that distracts from fire alarm notification devices or reduces ability of fire alarm system to notify occupants of the emergency condition.)

Section 907.2.3; change to read as follows:

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E Day Care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

1. {No change.}
 - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)
- {No change to remainder of exceptions.}

(Reason: To distinguish educational from day care occupancy minimum protection requirements. Further, to define threshold at which portable buildings are considered a separate building for the purposes of alarm systems. Exceptions provide consistency with State law concerning such occupancies.)

Section 907.2.10; change to read as follows:

907.2.10 Group S. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group S public- and self-storage occupancies interior corridors and interior common areas. Visible notification appliances are not required within storage units.

Exception: {No change.}

(Reason: Because of the potential unknown fire load and hazards in self-storage type facilities, which could include flammable liquids for instance, as well as other hazardous materials, prompt evacuation in

the event of fire alarm is needed; therefore, notification in the corridors/common areas is critical to all such occupancies, regardless of height.)

Section 907.2.13, Exception #3; change to read as follows:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

(Reason: To indicate that enclosed areas within open air seating type occupancies are not exempted from automatic fire alarm system requirements.)

Section 907.4.2.5.1; add to read as follows:

907.4.2.5.1 Protective Covers. Protective covers for the double action manual pull stations, that are located at the designated emergency exits, are required in "I" occupancies when magnetic locking devices are allowed to be utilized on the designated emergency exits and signage is posted above the manual pull stations stating, "Pull to Release Door in an Emergency."

(Reason: Helps to reduce false alarms.)

Section 907.4.2.7; add to read as follows:

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

(Reason: Helps to reduce false alarms.)

Section 907.5.2.1; change to read as follows:

907.5.2.1 Audible Alarms. Audible fire alarm notification appliances shall be provided, audible appliances shall emit a distinctive sound that is not to be used for any purpose other than that of a fire alarm. Each individual suite or occupancy, within a sprinklered building, that is not required in other sections of this code to provide audible notification to the building occupants and shall install audible fire alarm devices with a temporal pattern connected to the fire alarm panel that provides notification of a fire alarm condition if one is detected in the building.

{No change to remainder of exceptions.}

(Reason: To provide notification within each individual suite or occupancy to protect those in single or multiple occupancy commercial structures that do not normally require building occupant notification.)

Section 907.5.2.3; change to read as follows:

907.5.2.3 Visible Alarms. Visible alarm notification appliances shall be provided in accordance with maintain consistency throughout all commercial Section 907.5.2.3.1 through 907.5.2.3.3. Each individual suite or occupancy, within a sprinklered building, that is not required in other sections of this code to provide visible notification to the building occupants and shall install visible fire alarm devices connected to the fire alarm panel that provides notification of a fire alarm condition if one is detected in the building.

Exceptions:

1. (Remove exception.)

{No change to remainder of exceptions.}

(Reason: To provide clarity for NFPA 72 and to maintain consistency throughout all commercial structures, and to provide notification within each individual suite or occupancy to protect those in single or multiple occupancy commercial structures that do not normally require building occupant notification.)

Section 907.6.1.1; add to read as follows:

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

(Reason: To provide uniformity in system specifications and guidance to design engineers. Improves reliability of fire alarm devices and systems.)

Section 907.6.3; delete all four Exceptions.

(Reason: To assist responding personnel in locating the emergency event for all fire alarm systems. This is moved from 907.6.5.3 in the 2012 IFC and reworded to match new code language and sections.)

Section 907.6.6; add sentence at end of paragraph to read as follows:

See 907.6.3 for the required information transmitted to the supervising station.

(Reason: To assist responding personnel in locating the emergency event for all fire alarm systems. This was moved from 907.6.5.3 in the 2012 IFC and reworded to match new code language and sections (legacy language).)

Section 907.9; change to read as follows:

907.9 Where Required in Existing Buildings and Structures. An approved fire alarm system shall be provided in existing buildings and structures where required by Chapter 11. Each individual suite or occupancy, within a sprinklered building that is not required in other sections of this code to provide visible and audible notification to the building occupants and shall install audible fire alarm devices with a temporal pattern connected to the fire alarm panel that provides notification of a fire alarm condition if one is detected in the building.

(Reason: To provide notification within each individual suite or occupancy to protect those in single or multiple occupancy commercial structures that do not normally require building occupant notification.)

Section 910.2; change Exceptions #2 and 3 to read as follows:

2. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m^*S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

(Reason: Allows the fire department to control the smoke and heat during and after a fire event, while still prohibiting such systems from being automatically activated, which is a potential detriment to the particular sprinkler systems indicated.)

Section 910.2.3; add to read as follows:

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m²) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

(Reason: Maintains a fire protection device utilized in such occupancies where it is sometimes necessary to allow chemicals to burn out, rather than extinguish. This is based on legacy language establishing long-standing historical practice.)

Section 910.4.3.1; change to read as follows:

910.4.3.1 Makeup Air. Makeup air openings shall be provided within 6-feet (1829 mm) of the floor level. Operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

(Reason: Makeup air has been required to be automatic for several years now in this region when mechanical smoke exhaust systems are proposed. This allows such systems to be activated from the smoke control panel by first responders without having to physically go around the exterior of the building opening doors manually. Such requires a significant number of first responders on scene to conduct this operation and significantly delays activation and/or capability of the smoke exhaust system.)

Section 912.2.3; add to read as follows:

912.2.3 Hydrant Distance. An approved fire hydrant shall be located within 100-feet of the fire department connection as the fire hose lays along an unobstructed path.

(Reason: To accommodate limited hose lengths, improve response times where the FDC is needed to achieve fire control, and improve ease of locating a fire hydrant in those situations also. Also, consistent with NFPA 14 criteria.)

Section 912.2.4; add to read as follows:

912.2.4 Fire Department Connection Distance from Fire Lane. All fire department connections shall be located within 50 feet of an approved fire lane access roadway.

(Reason: To accommodate limited hose lengths and improve response times where the FDC is needed to achieve fire control)

Section 913.2.1; add second paragraph and exception to read as follows:

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the *fire code official*. Access keys shall be provided in the key box as required by Section 506.1.

(Reason: This requirement allows fire fighters safer access to the fire pump room. The requirement allows access without being required to enter the building and locate the fire pump room interior access door during a fire event. The exception recognizes that this will not always be a feasible design scenario for some buildings, and as such, provides an acceptable alternative to protect the pathway to the fire pump room.)

****Section 914.3.1.2; change to read as follows:**

914.3.1.2 Water Supply to required Fire Pumps. In all buildings that are more than 120-feet (36.6 m) in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: {No change to exception.}

(Reason: The 2009 edition of the IFC added this requirement based on a need for redundancy of the water supply similar to the redundancy of the power supply to the fire pumps required for such tall buildings, partially due to the fact that these buildings are rarely fully evacuated in a fire event. More commonly, the alarm activates on the floor of the event, the floor above and the floor below. Back-up power to the fire pump becomes critical for this reason. Certainly, the power is pointless if the water supply is impaired for any reason, so a similar requirement is provided here for redundant water supplies. The 2015 edition changes the requirement to only apply to very tall buildings over 420 ft. This amendment modifies/lowers the requirement to 120 ft., based on this same height requirement for fire service access elevators. Again, the language from the 2009 and 2012 editions of the code applied to any high-rise building. This compromise at 120 ft. is based on the above technical justification of defend-in-place scenarios in fire incidents in such tall structures.)

Section 1006.2.1; change Exception #3 to read as follows:

1006.2.1 Egress based on occupant load and common path of egress travel distance. Two exits or exit doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. The cumulative occupant load from adjacent rooms, areas or space shall be determined in accordance with Section 1004.2.

Exceptions:

1. {No change.}
2. {No change.}
3. Unoccupied rooftop mechanical rooms and penthouses are not required to comply with the common path of egress travel distance measurement.

(Reason: Add "rooftop" to Exception No. 3 to clarify that only such mechanical rooms located on the roof may be exempted.)

Section 1008.3.3; change exception 5 to read as follows:

5. All public restrooms in a building that is required to provide illumination for the means of egress.

(Reason: Allow for visibility in all public restrooms in the event of power supply failure.)

Section 1009.1; add the following Exception 3:

Exceptions: {Previous exceptions unchanged}

3. Buildings regulated under State Law and built-in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.

(Reason: To accommodate buildings regulated under Texas State Law and to be consistent with amendments to Chapter 11.)

Section 1009.8; add Exception #7 to read as follows:

Exceptions:

1. through 6. {No change.}
7. Buildings regulated under State Law and built-in accordance with State registered plans, including variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009 and Chapter 11.

(Reason: To accommodate buildings regulated under Texas State Law and to be consistent with amendments in Chapter 11.)

Section 1010.2.5; change Exceptions #3 and 4 to read as follows:

Exceptions:

1. {No change.}
2. {No change.}
3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy. (Remainder unchanged)
4. Where a pair of doors serves a Group A, B, F, M or S occupancy (remainder unchanged)
5. {No change.}

(Reason: It is common in our region to see the 2nd leaf locked, when that leaf is not part of the required egress door clear width, such as in a typical Group M occupancy. Exception No. 4 was expanded to Group A due to it being a similar situation for Group A restaurants.)

Section 1015.8 Window Openings; change number 1 to read as follows:

1. Operable windows where the top of the sill of the opening is located more than 55-feet (16,764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

(Reason: In Option B jurisdictions, change 75 feet" to " 55 feet", which coincides with high rise.)

Section 1020.2; add Exception #6 to read as follows:

Exceptions:

1. through 5. {No change.}
6. In un-sprinklered group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector must activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an approved automatic fire alarm system where such system is provided.

(Reason: Similar concept was previously in UBC – legacy language. This scenario occurs primarily in existing, non-sprinklered buildings, which under current IBC would be required to have a fire resistance rated corridor. This exception provides a cost-effective solution for single tenant space in lieu of the base IBC requirement to retrofit a fire sprinkler system throughout the building.)

Section 1030.1.1.1; add Exception#4 to read as follows:

Exceptions:

1. through 3. {No change.}
4. Where alternate means or methods are submitted to and approved by the Building and Fire Officials.

(Reason: This base IBC provision applies to all grandstands and bleachers and does not differentiate between open air grandstands & bleachers, smaller, less complex grandstands, and bleachers and or movable/non-fixed grandstands and bleachers. The new exception permits the AHJ to be presented with alternate means or methods that take into consideration these differentiators that are unique to the specific grandstand and/or bleacher.)

Section 1032.2; change to read as follows:

1032.2 Reliability. Required exit accesses, exits, and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

(Reason: Maintain legacy levels of protection and long-standing regional practice and provide firefighter safety.)

Section 1103.2 Emergency responder radio coverage in existing buildings; add sentence to read as follows:

1. {No Change}
2. Change to; Shall be completed within 24 months from date of notification by the fire code official.

(Reason: to provide radio communication to responding emergency personnel within the structure)

Section 1103.3; add sentence to end of paragraph as follows:

Provide emergency signage as required by Section 604.4.

(Reason: This signage to avoid elevators in a fire emergency is critical to life safety justifying the retroactive requirement.)

Section 1103.5.1; add sentence to read as follows:

Fire sprinkler system installation shall be completed within 24 months from date of notification by the fire code official.

(Reason: Regional consistency of this retroactive requirement to allow business owners adequate time to budget to accommodate the cost of the fire sprinkler system.)

Section 1103.5.6; add to read as follows:

1103.5.6 Spray Booths and Rooms. Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

(Reason: Consistent with amendment to IFC 2404, and long-standing regional requirement to protect this hazardous operation.)

Section 1103.7.7; add to read as follows:

1103.7.7 Fire Alarm System Design Standards. Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat

detectors shall have analog initiating devices.

Exception: Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

1103.7.7.1 Communication requirements. Refer to Section 907.6.6 for applicable requirements.

(Reason: To assist responding personnel in locating the emergency event and provide clarity as to percentages of work that results in a requirement to upgrade the entire fire alarm system.)

Section 1203; change and add to read as follows:

1203.1.1 {No change.}

1203.1.2 {No change.}

1203.1.3 Installation. Emergency power systems and standby power systems shall be installed in accordance with the *International Building Code*, NFPA 70, NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval, except as specified in Chapter 11.

1203.1.4 {No change.}

1203.1.5 Load Duration. Emergency power systems and standby power systems shall be designed to provide the required power for a minimum duration of 2 hours without being refueled or recharged, unless specified otherwise in this code.

Exception: Where the system is supplied with natural gas from a utility provider and is approved.

1203.1.6 through 1203.1.9 {No changes to these sections.}

1203.1.10 Critical Operations Power Systems (COPS). For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

1203.2 Where Required. Emergency and standby power systems shall be provided where required by Sections 1203.2.1 through 1203.2.4~~826~~ or elsewhere identified in this code or any other referenced code.

1203.2.1 through 1203.2.3 {No change.}

1203.2.4 Emergency Voice/alarm Communications Systems. Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

1. Covered and Open Malls, Section 907.2.20 and 914.2
2. Group A Occupancies, Sections 907.2.1 and 907.5.2.2
3. Special Amusement Areas, Section 907.2.12 and 914.7
4. High-rise Buildings, Section 907.2.13 and 914.3
5. Atriums, Section 907.2.14 and 914.4
6. Deep Underground Buildings, Section 907.2.19 and 914.5

1203.2.5 through 1203.2.14 {No change.}

1203.2.15 Means of Egress Illumination. Emergency power shall be provided for *means of egress*

illumination in accordance with Sections 1008.3 and 1104.5.1. (90 minutes)

1203.2.16 Membrane Structures. Emergency power shall be provided for *exit* signs in temporary tents and membrane structures in accordance with Section 3103.12.6. (90 minutes) Standby power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with Section 2702 of the *International Building Code*. (4 hours) Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with section 3103.10.4.

1203.2.17 {No change.}

1203.2.18 Smoke Control Systems. Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, as required in Section 909.11:

1. Covered Mall Building, *International Building Code*, Section 402.7
2. Atriums, *International Building Code*, Section 404.7
3. Underground Buildings, *International Building Code*, Section 405.8
4. Group I-3, *International Building Code*, Section 408.4.2
5. Stages, *International Building Code*, Section 410
6. Special Amusement Areas (as applicable to Group A's), *International Building Code*, Section 411
7. Smoke Protected Seating, Section 1030.6.2

1203.2.19 {No change.}

1203.2.20 Covered and Open Mall Buildings. Emergency power shall be provided in accordance with Section 907.2.20 and 914.2.

1203.2.21 Airport Traffic Control Towers. A standby power system shall be provided in airport traffic control towers more than 65-feet. in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment, and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

1203.2.22 Smokeproof Enclosures and Stair Pressurization Alternative. Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the *International Building Code*, Section 909.20.7.2.

1203.2.23 Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the *International Building Code*, Section 909.21.5.

1203.2.24 Elimination of Smoke Dampers in Shaft Penetrations. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the *International Building Code*, Section 717.5.3, exception 2.3.

1203.2.25 Common Exhaust Systems for Clothes Dryers. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the *International Mechanical Code*, Section 504.11, Item 7.

1203.2.26 Means of Egress Illumination in Existing Buildings. Emergency power shall be provided for *means of egress* illumination in accordance with Section 1104.5 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)

1203.3 through 1203.6 {No change.}

(Reason: These amendments were moved from Chapter 6, due to relocation of the published sections to this new Chapter 12 in the past edition of the code and have now been updated for this edition. These provisions provide a list to complete and match that throughout the codes. The only additional requirements are the reference to COPS in NFPA 70, and the specified Energy time duration. Other changes are a reference to a code provision that already exists.)

Section 2304.1; change to read as follows:

2304.1 Supervision of Dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be in accordance with the following:

1. Conducted by a qualified attendant; and/or,
2. Shall be under the supervision of a qualified attendant; and/or
3. Shall be an unattended self-service facility in accordance with Section 2304.3.

At any time, the qualified attendant of item Number 1 or 2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.

(Reason: Allows a facility to apply the attended and unattended requirements of the code when both are potentially applicable.)

Section 2401.2; delete this section in its entirety.

(Reason: This section eliminates such booths from all compliance with Chapter 24 including, but not limited to: size, ventilation, fire protection, construction, etc. If the product utilized is changed to a more flammable substance, the lack of compliance with Chapter 15 could result in significant fire or deflagration and subsequent life safety hazard.)

Section 3103.3.1; delete this section in its entirety

(Reason: This section requires a fire sprinkler system to be installed in temporary tents and membrane structures, which is not a reasonable or enforceable requirement for a temporary use. A fire watch or fire alarm system is a more advisable approach for such occupancies that are only temporary in nature.)

Table 3206.2, footnote h; change text to read as follows:

- h. Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m • s) ^{1/2} or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

(Reason: Allows the fire department to control the smoke and heat during and after a fire event, while ensuring proper operation of the sprinkler protection provided. Also, gives an alternative to smoke and heat vents.)

Table 3206.2; add footnote j to row titled 'High Hazard' and 'Greater than 300,000' to read as follows:

- j. High hazard high-piled storage areas shall not exceed 500,000 square feet. A 2-hour fire wall constructed in accordance with Section 706 of the *International Building Code* shall be used to divide high-piled storage exceeding 500,000 square feet in area.

(Reason: This is a long-standing legacy requirement and provides passive protection for extremely large buildings where it would be otherwise impossible to control the spread of fire without the fire wall in place in an uncontrolled fire event, which is much more likely in high hazard commodities, such as tires, flammable liquids, expanded plastics, etc.)

Section 3311.1; change to read as follows:

Section 3311.1 Required access. Approved vehicle access for firefighting and emergency response shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 50-feet (15 240 mm) of temporary or permanent fire department connections. Vehicle access shall be provided

by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. When fire apparatus access roads are required to be installed for any structure or development, access shall be approved prior to the time which construction has progressed beyond completion of the foundation of any structure. Whenever the connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign.

(Reason: Improves access to the FDC where required, as well as coordinates with the timing of installation amendment from Section 501.4.)

Section 5601.1.3; change to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, the storage and handling of fireworks as allowed in Section 5604 and 5608.
2. {Delete.}
3. The use of fireworks for approved fireworks displays as allowed in Section 5608.
4. {Delete.}

(Reason: Restricts fireworks to approved displays only, which is consistent with regional practice. Such is intended to help protect property owners and individuals from unintentional fireworks fires within the jurisdiction, as well as to help protect individuals from fireworks injuries. It is noted that there has been a change in the State Law to allow possession of unopened fireworks in certain areas of the vehicle, and it is highly recommended that AHJ's familiarize themselves with the applicable State Laws in this regard.)

Section 5703.6; add sentence to end of paragraph to read as follows:

An *approved* method of secondary containment shall be provided for underground tank and piping systems.

(Reason: Increased protection in response to underground leak problems and remediation difficulty in underground applications. Coordinates with TCEQ requirements.)

Section 5704.2.11.4; change to read as follows:

5704.2.11.4 Leak Prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

(Reason: Increased protection in response to underground leak problems and remediation difficulty in underground applications. Coordinates with TCEQ requirements.)

Section 5704.2.11.4.2; change to read as follows:

5704.2.11.4.2 Leak Detection. Underground storage tank systems shall be provided with an *approved* method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

(Reason: Reference to IFC Section 5704.2.11.4.3 amendment.)

Section 5704.2.11.4.3; add to read as follows:

5704.2.11.4.3 Observation Wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12-inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50-feet routed along product lines towards the dispensers, a minimum of two are required.

(Reason: Provides an economical means of checking potential leaks at each tank site. This is long-standing regional practice.)

Section 5707.4; add paragraph to read as follows:

Mobile fueling sites shall be restricted to commercial, industrial, governmental, or manufacturing, where the parking area having such operations is primarily intended for employee vehicles. Mobile fueling shall be conducted for fleet fueling or employee vehicles only, not the general public. Commercial sites shall be restricted to office-type or similar occupancies that are not primarily intended for use by the public.

(Reason: The general public does not expect a hazardous operation to be occurring in a typical parking lot or for a fuel truck to be traversing such parking lot, temporarily fueling a vehicle, and moving on to the next area in the parking lot to fuel the next vehicle. Vehicular accidents occur in parking lots on a regular basis, but the presence of a fuel truck, especially one in the process of fueling a vehicle with gasoline, greatly adds to the potential risk involved in such accidents. By restricting such operations to the occupancies in question, the employees of the business may be adequately notified to expect such operations to occur in the parking lot.)

Section 6103.2.1.8; add to read as follows:

6103.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20-feet.

(Reason: To provide a consistent and reasonable means of regulating the use of portable LP-Gas containers in these situations. Reduces the hazard presented by portable containers when natural gas is already available. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

Section 6104.2; add Exception 2. to read as follows:

Exceptions:

1. {existing text unchanged}
2. Except as permitted in Sections 308 and 6104.3.3, LP-gas containers are not permitted in residential areas.

(Reason: To provide a consistent and reasonable means of regulating the use LP-Gas containers. Reduces the hazard presented by such containers when natural gas is already available. References regional amendment to IFC 6104.3.3. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

Section 6104.3.3; add to read as follows:

6104.3.3 Spas, Pool Heaters, and Other Listed Devices. Where natural gas service is not available, an LP-gas container is allowed to be used to supply spa and pool heaters or other listed devices. Such

container shall not exceed 250-gallon water capacity per lot. See Table 6104.3 for location of containers.

Exception: Lots where LP-gas can be off-loaded wholly on the property where the tank is located may install up to 500 gallon above ground or 1,000 gallon underground approved containers.

(Reason: Allows for an alternate fuel source. Dwelling density must be considered and possibly factored into zoning restrictions. Reduces the hazard presented by over-sized LP-Gas containers. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

****Section 6107.4 and 6109.13; change to read as follows:**

6107.4 Protecting Containers from Vehicles. Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators, and piping shall be protected in accordance with Section 312.

6109.13 Protection of Containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

Exception: {Delete.}

(Reason: NFPA 58 does not provide substantial physical protection [it allows raised sidewalks, fencing, ditches, parking bumpers as 'vehicle barrier protection'] of the container(s) from vehicular impact as is required and has been required historically, as per Section 312, i.e. bollard protection. Further, the exception to Section 6109.13 would allow for portable containers in ventilated metal cabinets to not require any physical protection whatsoever from vehicular impact, regardless of the location of the containers. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

{Appendix B Fire-Flow Requirements for Buildings amendments}

Table B105.2; change footnote a. to read as follows:

- a. The reduced fire-flow shall be not less than 1,500-gallons per minute.

(Reason: The minimum fire-flow of 1,500 gpm for other than one- and two- family dwellings has existed since the 2000 edition of the IFC, as well as the Uniform Fire Code before that. Little to no technical justification was provided for the proposed code change at the code hearings. The board believes that the already-allowed 75 percent reduction in required fire-flow for the provision of sprinkler protection is already a significant trade-off. The minimum 1,500 gpm is not believed to be overly stringent for the vast majority of public water works systems in this region, especially since it has existed as the requirement for so many years. Further, the continued progression of trading off more and more requirements in the codes for the provision of sprinkler protection has made these systems extremely operation-critical to the safety of the occupants and properties in question. In other words, should the sprinkler system fail for any reason, the fire-flow requirements drastically increase from that anticipated with a sprinkler-controlled fire scenario.)

{Appendix D Fire Apparatus Access Roads amendments}

Section D102.1; change to read as follows:

D102.1 Access and loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete, or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing up to 85,000-pounds (38 556 kg).

(Reason: To address the current size of fire trucks in use – figure derived from DOT requirements for waiver of vehicle exceeding such weight and from current maximum weights of fire trucks being purchased by jurisdictions in North Texas.)

Section D103.4; change to read as follows:

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150-feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0–150	24	None required
151–500	24	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501–750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

(Reason: Reflects current increased apparatus access roadway widths as indicated in the recommended amendment to 503.2.1.)

Section D103.5; change Item 1 to read as follows:

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 24-feet (7315.2 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12-feet (3658 mm).

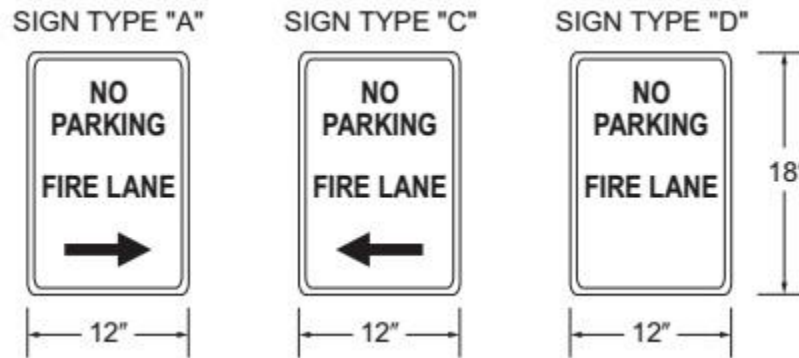
(Reason: Reflects current increased apparatus access roadway widths as indicated in the recommended amendment to 503.2.1.)

Section D103.6; change to read as follows:

D103.6 Marking. Striping, signs, or other markings, when approved by the *fire code official*, shall be provided for fire apparatus access roads to identify such roads, or prohibit the obstruction thereof. Striping, signs, and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high (See Figure D103.6). Signs shall have red letters on a white reflective background, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.



**FIGURE D103.6
FIRE LANE SIGNS**

(Reason: Reflects current markings for apparatus access roadways as indicated in the recommended amendment to Section 503.3)

Section D103.6.1 and D103.6.2; delete sections.

(Reason: Reflects current markings for apparatus access roadways as indicated in the recommended amendment to 503.3 and D103.6, which requires the signage on both sides of the fire apparatus access roads, regardless of width)

Section D104.3; change to read as follows:

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses, or as *approved by the fire code official*.

(Reason: To provide some additional flexibility to the fire code official on the location of the two fire apparatus access roads.)

Section D105.3; change to read as follows:

D105.3 Proximity to building. Unless otherwise approved by the fire code official, one or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be *approved by the fire code official*.

(Reason: To provide some additional flexibility to the fire code official on the location of the aerial fire apparatus access roads.)

Section D106.3; change to read as follows:

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as *approved by the*

fire code official.

(Reason: To provide some additional flexibility to the fire code official on the location of the two fire apparatus access roads.)

Section D107.2; change to read as follows:

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as *approved* by the fire code official.

(Reason: To provide some additional flexibility to the fire code official on the location of the two fire apparatus access roads.)

{Appendix L Requirements for Fire Fighter Air Replenishment Systems amendments}

Section L101.1; change to read as follows:

Section L101.1 Scope. Fire fighter air replenishment systems (FARS) shall be provided in accordance with this appendix in new buildings when any of the following conditions occur:

1. Any new building 55-feet or more in height.
2. Any new building with 2 or more floors below grade.
3. Any new building 500,000 square feet or more in size.

Each stairwell shall have a supply riser. SCBA fill panels shall be located on odd numbered floors commencing at the first level in the primary stairwell and on even numbered floors commencing at level 2 in the remaining stairwells. Fill panels in buildings over 500,000 square feet shall be located adjacent to each standpipe connection.

(Reason: Breathing air is critical for firefighting operations. Historically, fire departments have supplied air bottles by manually transporting air bottles up stairways or across long distances in a building, which is an extraordinarily intensive process and takes firefighters away from their primary mission of rescue and firefighting. The FARS technology in Appendix L exists to address this issue using in-building air supply systems. Many jurisdictions in North Texas and across the country have already adopted this Appendix and are enforcing and installing these systems to improve the life safety of firefighters and enhance their firefighting capabilities in an emergency incident, which is one of the reasons for recommending this Appendix for adoption – to ensure regional consistency, as well as to improve mutual emergency aid among jurisdictions in North Texas.)

Section L104.13.1; delete this section in its entirety.

(Reason: The amendment to Section L 101.1 above addresses the location criteria for SCBA fill panels.)

Section L104.14; add paragraph to read as follows:

The external mobile air connection shall be located with approved separation from the Fire Department Connection (FDC) to allow functionality of both devices by first responders; shall be visible from and within 50 ft. of a fire apparatus access road along an unobstructed path; and shall be located in an approved signed, secured cabinet.

(Reason: To accommodate the needs of first responders to be able to locate and utilize the required connection to ensure air supply availability to this system, similar to the requirements of FDC's.)

END

**TOWN OF HICKORY CREEK
ORDINANCE 2022-04-____**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER 12: TRAFFIC AND VEHICLES: ARTICLE 12.06 MOTORIZED CARTS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council finds it to be necessary for the protection of public safety to prohibit the operation of motorized carts on public streets within the Town in the absence of regulations that promote the safe use and operation of such vehicles upon public streets; and

WHEREAS, the Town Council finds it to be in the public interest to amend the Town of Hickory Creek Code of Ordinances to provide to the regulation of the operation of motorized carts on public streets within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

**SECTION 1
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
FINDINGS**

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

**SECTION 3
AMENDMENT**

3.01 That the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 12 Traffic and Vehicles: Article 12.6 Motorized Carts, Section 12.06.003 Operational Regulations, subsection (k) is hereby created and shall read:

“(k) *Child passengers.* A driver must ensure that all passengers who are under the age of 18 are properly seated while a golf cart is in motion and may not be transported in a reckless or negligent manner. A driver shall not transport any person younger than six years of age unless restrained by a safety belt restraint.”

3.02 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4 **CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5 **SAVINGS CLAUSE**

All rights and remedies of the Town of Hickory Creek, Texas are expressly saved as to any all violations of the provisions the Town’s Code of Ordinances or of any other ordinance affecting subdivision regulations, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6 **SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority’s decision or enactment.

SECTION 7 **ENGROSSMENT AND ENROLLMENT**

The Town Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the Town Council and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 25th day April, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas



Denco Area 9-1-1 District

1075 Princeton Street ▪ Lewisville, TX 75067

Phone: 972-221-0911 ▪ Fax: 972-420-0709 ▪ Denco.ORG

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions

FROM: Gregory S. Ballentine, Executive Director

DATE: March 31, 2022

RE: Nomination for the Denco Area 9-1-1 District Board of Managers

Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have “two members appointed jointly by all the participating municipalities located in whole or part of the district.” The enclosed resolution describes the appointment process of a municipal representative.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Jim Carter. Members are eligible for consecutive terms and Mr. Carter has expressed his desire to serve another term.

Denco requests the following actions by the governing bodies of each of the 32 municipalities in the district:

1. **Immediate Action (Nominate):** If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination, by way of council action, and résumé of the candidate to the Denco Area 9-1-1 District office. Nominees are historically current or former elected officials in the district; however, there are no official prerequisites. **For a nomination to be considered, written notification of council action must reach the Denco Area 9-1-1 District by 5:00 p.m. May 31, 2022.** No nominations shall be considered after that time.
2. **Future Action (Vote):** On June 1, 2022, Denco staff will send the slate of nominees to each city/town for consideration, requesting the city/town council vote by resolution for one of the nominees. **Written notice of the council’s selection must reach the Denco Area 9-1-1 District by 5:00 p.m. on July 30, 2022.** No votes will be accepted after that time. However, if a nominating municipality does not thereafter formally vote, its nomination will automatically count as a vote for its nominee.
3. **Process Closure (Results):** The candidate with the most votes will be the municipalities’ representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2022.

Please send a copy of your council’s official action and candidate résumé to the Denco Area 9-1-1 District, **1075 Princeton Street, Lewisville, TX 75067** or to Melinda Camp at melinda.camp@denco.org. Denco staff will acknowledge receipt and sufficiency of the submitted documents. **If that acknowledgement is not received within one (1) business day, or you have any other questions, please contact Ms. Camp at 972-221-0911.** As a courtesy, Denco will provide notification of your council’s action to the nominee.

Thank you for your support of the Denco Area 9-1-1 District.

Enclosure

DENCO AREA 9-1-1 DISTRICT

RESOLUTION

**DEFINING PROCEDURE FOR APPOINTMENT OF PARTICIPATING
MUNICIPALITIES' REPRESENTATIVE TO THE DISTRICT BOARD OF MANAGERS**

WHEREAS, this resolution shall take the place of Resolution 1999.02.04.R01 by the same title; and

WHEREAS, Chapter 772, Texas Health and Safety Code provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district."; and

WHEREAS, each member serves a term of two years beginning on October 1st of the year member is appointed; and

WHEREAS, one member representing participating municipalities is appointed each year.

NOW, THEREFORE BE IT RESOLVED BY THE DENCO AREA 9-1-1 DISTRICT BOARD OF MANAGERS:

The procedure for participating municipalities to appoint a representative to the Denco Area 9-1-1 District Board of Managers shall be the following:

1. **Nominate Candidate:** Prior to April 1st of each year, the executive director shall send a written notice to the mayor of each participating municipality advising that nominations are being accepted until May 31st of that same year, for one of the municipal representatives to the Denco Area 9-1-1 District Board of Managers. The notice shall advise the mayors that for a nomination to be considered, written notification of council action must be received at the Denco office prior to 5:00 p.m. on May 31st of that year. No nominations shall be considered after that time.
2. **Vote for Candidate:** On June 1st of each year, the executive director shall send written notice to the mayor of each participating municipality, providing the slate of nominees to be considered for appointment to the Denco Area 9-1-1 District Board of Managers for the term beginning October 1st. The notice shall advise the mayor that the city/town council shall vote, by resolution from such city/town, for one of the nominees. Written notice of the council's selection must be received at the district office by 5:00 p.m. on July 31st. No votes will be accepted after that time. However, if a nominating municipality does not thereafter formally vote, its nomination will automatically count as a vote for its nominee.
3. **Tally Votes:** The one nominee with the most votes received by the deadline will be the municipal representative appointed for the two-year term beginning October 1st.
4. **Tie Breaker:** If there is a tie between two candidates with the most votes, a runoff election will be held immediately with the candidate receiving the most votes serving the remainder of the term. The incumbent representative shall serve in that position until replaced.

APPROVED and ADOPTED on this 30th day of January 2020.


Chairman of the Board


Secretary of the Board

TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2022-0425-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF HICKORY CREEK, TEXAS, NOMINATING ONE
CANDIDATE TO A SLATE OF NOMINEES FOR THE
BOARD OF MANAGERS OF THE Denco AREA 9-1-1
DISTRICT.**

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the District;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

Section 1

The Town of Hickory Creek hereby **NOMINATES** Jim Carter as a candidate for appointment to the Board of Managers for the Denco Area 9-1-1 District.

Section 2

That this resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 25th day of April, 2022

Lynn C. Clark, Mayor
Town of Hickory Creek

ATTEST:

APPROVED AS TO FORM:

Kristi K. Rogers, Tow Secretary
Town of Hickory Creek

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek

TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2022-0425-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY RATIFYING AN AGREEMENT BETWEEN THE TOWN OF HICKORY CREEK AND MDM INC. FOR A LICENSE TO USE THE TOWN'S BOAT RAMP AND DOCK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the "Town"), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town Council desires to ratify an agreement between the Town of Hickory Creek, Texas and MRM Inc. concerning a license to use the Town's boat ramp and dock.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas, that:

Section 1: the Town Council hereby ratifies the agreement between the Town of Hickory Creek, Texas and MDM Inc. effectively dated March 31, 2022 and attached hereto as Exhibit A.

Section 2: The resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 25th day of April, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

AGREEMENT

THIS AGREEMENT is made and entered into this the 31st day of March, 2022, by and between the **Town of Hickory Creek**, a Texas Type-A municipality (the “Town”) and **MDM, INC.**, a Texas For-Profit Corporation operating with EIN #85-3614265 (“Operator,” and collectively the “Parties”).

WITNESSETH:

WHEREAS, Operator seeks to utilize certain parkland within the Town to provide recreational boat charter services to the general public, which is under the control and supervision of the Town (the “Property”);

WHEREAS, the Town desires to enter into an Agreement with Operator in the interest of promoting use of the Town’s parks, utilization of the Town’s parks and recreation assets, ancillary benefits to local business and economic development for the community at large to enjoy the use of the Town’s public property and access to Lake Lewisville;

WHEREAS, this Agreement is for the commercial operations of rental watercrafts only to clients with prior paid reservations;

WHEREAS, no other business operations, transactions or solicitation of business is allowed;

WHEREAS, the Town may revoke this permit without notice to Operator in the event Operator violates any provision of this Agreement.

I.

NOW, THEREFORE, IN CONSIDERATION of the foregoing, and for other good and valuable consideration described herein, the receipt and adequacy of such is irrevocably agreed by the Parties, the Parties agree that Operator shall:

- 1.1 Obtain a permit related to the commercial use of boat ramps and docks and payment of any applicable fees in the amount of \$1250.00 for a maximum of two vessels and no jet skis.
- 1.2 Maintain and provide the Town with proof of adequate commercial liability insurance coverage, naming the Town as an insured, with a minimum of \$1 million liability coverage for each vessel.
- 1.3 Provide business name, Federal Tax Identification Number, State Tax Identification Number, TX number on each vessel, business address, and business phone numbers to the Town. Any changes to this information must be provided to the Town within 5 business days.
- 1.4 Provide 24-hour emergency contact information to the Town.
- 1.5 MDM, Inc. shall be allowed to utilize the courtesy boat dock in Arrowhead Park only.
- 1.6 Conduct operations during posted park hours only. There shall be no overnight storage of vehicles or equipment in the park, on its grounds, or on adjacent waters.

- 1.7 Tie to courtesy dock for no more than **fifteen (15)** minutes to load clients.
- 1.8 Not distribute passes to individuals, but instead require each individual vehicle to purchase a day use or annual pass.
- 1.9 Comply with all provisions of the Town of Hickory Creek's Code of Ordinances, and other rules or regulations adopted by the Town.

II. Term

This Agreement shall commence on the date executed by each of the parties hereto and shall terminate on April 30, 2022. Any additional term(s) shall be at the sole discretion of the Town Council.

III. Governmental Immunity

- 3.1 If Operator violates any of the above-referenced obligations, the Town may, upon providing written notice thereof and reasonable time to resolve any breach, revoke the permit granted herein without further notice.
- 3.2 The Town is a political subdivision of the state and enjoys governmental immunity. By entering into this Agreement, Town does not consent to suit, or waive its governmental immunity or the limitations as to damages under the Texas Tort Claims Act.

IV. General Provisions

- 4.1 **Amendments.** No amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.
- 4.2 **Choice of Law and Venue.** This Agreement has been made under and shall be governed by the laws of the State of Texas. Performance and all matters related thereto shall be in Denton County, Texas, United States of America.
- 4.3 **Authority to enter into Agreement.** Each party represents that it has the full power and authority to enter into and perform this Agreement. The person executing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The person executing this Agreement on behalf of Operator represents that he or she is authorized to sign on behalf of Operator and Agrees to provide proof of such authorized to the Town upon request.
- 4.4 **Agreement read.** The Parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.
- 4.5 **Notice.** All notices and documents required herein shall be sent and provided to the Parties at the contact information listed below.

OPERATOR: 1301 Justin Road, Suite 201-116
Lewisville, Texas
Attn.: Michael Moran
214-277-9102
mdm-charters.com

TOWN: Office of the Town Administrator
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, Texas 75065

With copies to: Law Office of Dorwin L. Sargent III, PLLC
Attn: Dorwin L. Sargent, III
624 W. University #127
Denton, Texas 76201

All notices and documents shall be deemed received when mailed with sufficient postage and deposited in a regular mailbox of the United States Post Office. The Parties may change addresses upon thirty (30) days' written notice sent certified mail, return receipt requested.

4.6 Indemnity. A. TO THE FULLEST EXTENT PERMITTED BY LAW, OPERATOR SHALL RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS TOWN AND TOWN'S SUCCESSORS, ASSIGNS, LEGAL REPRESENTATIVES, OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS (COLLECTIVELY, "INDEMNITEES") FOR, FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITIES, FINES, PENALTIES, COSTS, DAMAGES, LOSSES, LIENS, CAUSES OF ACTION, SUITS, DEMANDS, JUDGMENTS AND EXPENSES (INCLUDING, WITHOUT LIMITATION, COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION, REMOVAL AND REMEDIATION AND GOVERNMENTAL OVERSIGHT COSTS) ENVIRONMENTAL OR OTHERWISE (COLLECTIVELY "LIABILITIES") OF ANY NATURE, KIND OR DESCRIPTION OF ANY PERSON OR ENTITY DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM OR RELATED TO (IN WHOLE OR IN PART):

- (i) THIS AGREEMENT;**
- (ii) ANY RIGHTS OR INTERESTS GRANTED PURSUANT TO THIS AGREEMENT;**
- (iii) OPERATOR'S OCCUPATION AND USE OF THE PREMISES;**
- (iv) THE ENVIRONMENTAL CONDITION AND STATUS OF THE PREMISES CAUSED BY, AGGRAVATED BY, OR CONTRIBUTED IN WHOLE OR IN PART, BY OPERATOR; OR**
- (v) ANY ACT OR OMISSION OF OPERATOR OR OPERATOR'S OFFICERS, AGENTS, INVITEES, EMPLOYEES, OR CONTRACTORS, OR ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM, OR ANYONE THEY CONTROL OR EXERCISE CONTROL OVER,**

EVEN IF SUCH LIABILITIES ARISE FROM OR ARE ATTRIBUTED TO, IN WHOLE OR IN PART, ANY NEGLIGENCE OF ANY INDEMNITEE.

B. Upon written notice from Town, Operator agrees to assume the defense of any lawsuit or other proceeding brought against any Indemnatee by any entity, relating to any matter covered by this Agreement for which Operator has an obligation to assume liability for and/or save and hold harmless any Indemnatee. Operator shall pay all costs incident to such defense, including, but not limited to, attorneys' fees, investigators' fees, litigation and appeal expenses, settlement payments, and amounts paid in satisfaction of judgments.

IN WITNESS, WHEREOF, the Parties enter into this Agreement on the 31st day of March, 2022.

[signature page to follow]

MDM, INC.

By: _____

Michael Moran, Owner

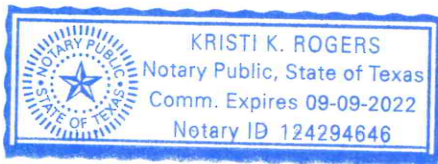
THE STATE OF TEXAS §

§

COUNTY OF DENTON §

Before me, a Notary Public in and for the State of Texas, on this day, personally appeared Michael Moran, proved to me through his Texas Driver License 113682248 be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity so stated, and has express authority to do so.

Given under my hand and seal of office this 19th day of April, 2022



Kristi K. Rogers
Notary Public, State of Texas

TOWN OF HICKORY CREEK, TEXAS

By: John M. Smith, Town Administrator
Town of Hickory Creek

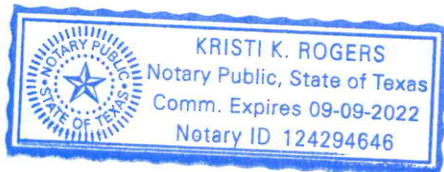
THE STATE OF TEXAS §

§

COUNTY OF DENTON §

Before me, a Notary Public in and for the State of Texas, on this day, personally appeared John M. Smith, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 19th day of April, 2022



Kristi K. Rogers
Notary Public, State of Texas

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2022-0425-__**

**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.; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town Council has been presented with a proposed agreement with MDM Charters, Inc. (hereinafter the "Agreement") for the issuance of a license to use the Town’s park according to the terms and conditions contained with the Agreement, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the Town Council finds that

- (1) the existing volume of use of the boat ramp and dock will support the anticipated use under the license contemplated by the Agreement;
- (2) the applicant for a license has a demonstrable record of safety, compliance with applicable legal requirements, and adequate staffing capacity to ensure safe and compliant operation under the license;
- (3) the applicant has adequate insurance for its operations under the license; and
- (4) the issuance of the license will not adversely impact the use of the boat ramp and dock by residents of the Town; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute them on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 25th of April, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the “Agreement”) is made and entered into this the 1st day of May, 2022, by and between the **Town of Hickory Creek**, a Texas Type-A municipality (the “Town”) and **MDM, INC.**, a Texas For-Profit Corporation operating with EIN #85-3614265 (“Operator;” and collectively the “Parties”).

WITNESSETH:

WHEREAS, Operator seeks to utilize certain park land within the Town, which is under the control and supervision of the Town (the “Property”) for purposes consistent with its historical use as a park; and

WHEREAS, the Town desires to enter into an Agreement with Operator in the interest of promoting use of the Town’s parks, utilization of the Town’s parks and recreation assets, ancillary benefits to local business and economic development for the community at large to enjoy the use of the Town’s public property and access to Lake Lewisville; and

WHEREAS, this Agreement provides for the operation of Operator’s rental watercrafts only to customers with prior paid reservations; and

WHEREAS, no other business operations, transactions or solicitation of business is allowed; and

WHEREAS, the Town may revoke this permit without notice to Operator in the event Operator violates any provision of this Agreement.

I.

NOW, THEREFORE, IN CONSIDERATION of the foregoing, said recitals being true, binding, and hereby incorporated, and for other good and valuable consideration described herein, the Parties agree that Operator shall:

- 1.1 Obtain a permit related to the commercial use of boat ramps and docks and payment of any applicable fees in the amount of \$_____ for a maximum of __ vessels and __ jet skis. The Town may, but is not required to, allow this fee to be paid monthly on a prorated basis.
- 1.2 Prior to issuance of the permit, provide the Town with a certificate of insurance showing commercial liability insurance coverage with a minimum of \$1 million liability coverage and naming the Town as an additional insured (the “Coverage”).
- 1.3 Maintain the Coverage for the duration of the Term.
- 1.4 Provide business name, Federal Tax Identification Number, State Tax Identification Number, business address, and business phone numbers to the Town. Any changes to this information must be provided to the Town within 5 business days.
- 1.5 Provide 24-hour emergency contact information to the Town.
- 1.6 MDM, Inc. shall be allowed to conduct operations in Arrowhead Park only. Boats will be

launched at a boat dock not operated by the Town of Hickory Creek.

- 1.7 Conduct operations during posted park hours only. There shall be no overnight storage of vehicles or equipment in the park, on its grounds, or on adjacent waters.
- 1.8 Dry dock all rental equipment at bank. There shall be no staging at courtesy dock before rental client's arrival.
- 1.9 Tie to courtesy dock for no more than fifteen (15) minutes to load customers' personal supplies.
- 1.10 Communicate any and all operations instructions to clients while dry docked or during the initial rental transaction.
- 1.11 Not set up business operations in the park or on its grounds, other than the storage and delivery of rental equipment described above.
- 1.12 Not allow more than one piece of rental equipment to be tied to courtesy dock at any given time.
- 1.13 Not distribute passes to individuals, but instead require each individual vehicle to purchase a day use or annual pass.
- 1.14 Space between 30 to 60 minutes from the end of a rental to beginning of new rental.
- 1.15 Comply with all provisions of the Town of Hickory Creek's Code of Ordinances, and other rules or regulations adopted by the Town.

II. Term

This Agreement shall commence on the date executed by each of the parties hereto and shall terminate at 11:59 PM on December 31, 2022.

III. Governmental Immunity

- 3.1 If Operator violates any of the above-referenced obligations, the Town may, upon providing written notice thereof and reasonable time to resolve any breach, revoke the permit granted herein without further notice.
- 3.2 The Town is a political subdivision of the state and enjoys governmental immunity. By entering into this Agreement, Town does not consent to suit, or waive its governmental immunity or the limitations as to damages under the Texas Tort Claims Act.

IV. General Provisions

- 4.1 **Amendments.** No amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.

- 4.2 **Choice of Law and Venue.** This Agreement has been made under and shall be governed by the laws of the State of Texas. Performance and all matters related thereto shall be in Denton County, Texas, United States of America.
- 4.3 **Authority to enter into Agreement.** Each party represents that it has the full power and authority to enter into and perform this Agreement. The person executing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The person executing this Agreement on behalf of Operator represents that he or she is authorized to sign on behalf of Operator and Agrees to provide proof of such authorization to the Town upon request.
- 4.4 **Agreement read.** The Parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.
- 4.5 **Notice.** All notices and documents required herein shall be sent and provided to the Parties at the contact information listed below.

OPERATOR: 1301 Justin Road, Suite 201-116
Lewisville, Texas
Attn.: Michael Moran
214-277-9102
mdm-charters.com

TOWN: Office of the Town Administrator
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, Texas 75065

With copies to: Law Office of Dorwin Sargent III, PLLC
ATTN: Dorwin L. Sargent, III
624 W. University Dr., #127
Denton, Texas 76201

All notices and documents shall be deemed received when mailed with sufficient postage and deposited in a regular mailbox of the United States Post Office. The Parties may change addresses upon thirty (30) days' written notice sent certified mail, return receipt requested.

4.6 **Indemnity. A. TO THE FULLEST EXTENT PERMITTED BY LAW, OPERATOR SHALL RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS TOWN AND TOWN'S SUCCESSORS, ASSIGNS, LEGAL REPRESENTATIVES, OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS (COLLECTIVELY, "INDEMNITEES") FOR, FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITIES, FINES, PENALTIES, COSTS, DAMAGES, LOSSES, LIENS, CAUSES OF ACTION, SUITS, DEMANDS, JUDGMENTS AND EXPENSES (INCLUDING, WITHOUT LIMITATION, COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION, REMOVAL AND REMEDIATION AND GOVERNMENTAL OVERSIGHT COSTS) ENVIRONMENTAL OR OTHERWISE (COLLECTIVELY "LIABILITIES") OF ANY NATURE, KIND OR DESCRIPTION OF ANY PERSON OR ENTITY DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM OR RELATED TO (IN WHOLE OR IN PART):**

- (i) THIS AGREEMENT;**
- (ii) ANY RIGHTS OR INTERESTS GRANTED PURSUANT TO THIS AGREEMENT;**
- (iii) OPERATOR'S OCCUPATION AND USE OF THE PREMISES;**
- (iv) THE ENVIRONMENTAL CONDITION AND STATUS OF THE PREMISES CAUSED BY, AGGRAVATED BY, OR CONTRIBUTED IN WHOLE OR IN PART, BY OPERATOR; OR**
- (v) ANY ACT OR OMISSION OF OPERATOR OR OPERATOR'S OFFICERS, AGENTS, INVITEES, EMPLOYEES, OR CONTRACTORS, OR ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM, OR ANYONE THEY CONTROL OR EXERCISE CONTROL OVER,**

EVEN IF SUCH LIABILITIES ARISE FROM OR ARE ATTRIBUTED TO, IN WHOLE OR IN PART, ANY NEGLIGENCE OF ANY INDEMNITEE.

B. Upon written notice from Town, Operator agrees to assume the defense of any lawsuit or other proceeding brought against any Indemnitee by any entity, relating to any matter covered by this Agreement for which Operator has an obligation to assume liability for and/or save and hold harmless any Indemnitee. Operator shall pay all costs incident to such defense, including, but not limited to, attorneys' fees, investigators' fees, litigation and appeal expenses, settlement payments, and amounts paid in satisfaction of judgments.

IN WITNESS, WHEREOF, the Parties enter into this Agreement on the 1st day of May, 2022.

[signature page to follow]

MDM, INC.

By: _____
Michael Moran, Owner

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

Before me, a Notary Public in and for the State of Texas, on this day, personally appeared Michael Moran, proved to me through his Texas Driver License _____ be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity so stated, and has express authority to do so.

Given under my hand and seal of office this _____ day of _____, 2022.

Notary Public, State of Texas

TOWN OF HICKORY CREEK, TEXAS

By: Lynn C. Clark, Mayor
Town of Hickory Creek

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

Before me, a Notary Public in and for the State of Texas, on this day, personally appeared Lynn C. Clark, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2022.

Notary Public, State of Texas

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2022-0425-__**

**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
WATERTOYZ, LLC; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town Council has been presented with a proposed agreement with Watertoyz, LLC (hereinafter the "Agreement") for the issuance of a license to use the Town’s park according to the terms and conditions contained with the Agreement, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the Town Council finds that

- (1) the existing volume of use of the boat ramp and dock will support the anticipated use under the license contemplated by the Agreement;
- (2) the applicant for a license has a demonstrable record of safety, compliance with applicable legal requirements, and adequate staffing capacity to ensure safe and compliant operation under the license;
- (3) the applicant has adequate insurance for its operations under the license; and
- (4) the issuance of the license will not adversely impact the use of the boat ramp and dock by residents of the Town; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute them on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 25th of April, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the “Agreement”) is made and entered into this the 1st day of May, 2022, by and between the **Town of Hickory Creek**, a Texas Type-A municipality (the “Town”) and **WATERTOYZ, LLC**, a Texas Limited Liability Company operating with EIN #82-5039899 (“Operator;” and collectively the “Parties”).

WITNESSETH:

WHEREAS, Operator seeks to utilize certain park land within the Town, which is under the control and supervision of the Town (the “Property”) for purposes consistent with its historical use as a park; and

WHEREAS, the Town desires to enter into an Agreement with Operator in the interest of promoting use of the Town’s parks, utilization of the Town’s parks and recreation assets, ancillary benefits to local business and economic development for the community at large to enjoy the use of the Town’s public property and access to Lake Lewisville; and

WHEREAS, this Agreement provides for the operation of Operator’s rental watercrafts only to customers with prior paid reservations; and

WHEREAS, no other business operations, transactions or solicitation of business is allowed; and

WHEREAS, the Town may revoke this permit without notice to Operator in the event Operator violates any provision of this Agreement.

I.

NOW, THEREFORE, IN CONSIDERATION of the foregoing, said recitals being true, binding, and hereby incorporated, and for other good and valuable consideration described herein, the Parties agree that Operator shall:

- 1.1 Obtain a permit related to the commercial use of boat ramps and docks and payment of any applicable fees in the amount of \$____ for a maximum of ____ vessels ____ jet skis. The Town may, but is not required to, allow this fee to be paid monthly on a prorated basis.
- 1.2 Prior to issuance of the permit, provide the Town with a certificate of insurance showing commercial liability insurance coverage with a minimum of \$1 million liability coverage and naming the Town as an additional insured (the “Coverage”).
- 1.3 Maintain the Coverage for the duration of the Term.
- 1.4 Provide business name, Federal Tax Identification Number, State Tax Identification Number, business address, and business phone numbers to the Town. Any changes to this information must be provided to the Town within 5 business days.
- 1.5 Provide 24-hour emergency contact information to the Town.
- 1.6 WaterToyz, LLC. shall be allowed to conduct operations in Arrowhead Park only.

- 1.7 Conduct operations during posted park hours only. There shall be no overnight storage of vehicles or equipment in the park, on its grounds, or on adjacent waters.
- 1.8 Dry dock all rental equipment at bank. There shall be no staging at courtesy dock before rental client's arrival.
- 1.9 Tie to courtesy dock for no more than fifteen (15) minutes to load customers' personal supplies.
- 1.10 Communicate any and all operations instructions to clients while dry docked or during the initial rental transaction.
- 1.11 Not set up business operations in the park or on its grounds, other than the storage and delivery of rental equipment described above.
- 1.12 Not allow more than one piece of rental equipment to be tied to courtesy dock at any given time.
- 1.13 Not distribute passes to individuals, but instead require each individual vehicle to purchase a day use or annual pass.
- 1.14 Space between 30 to 60 minutes from the end of a rental to beginning of new rental.
- 1.15 Comply with all provisions of the Town of Hickory Creek's Code of Ordinances, and other rules or regulations adopted by the Town.

II. Term

This Agreement shall commence on the date executed by each of the parties hereto and shall terminate at 11:59 PM on December 31, 2022.

III. Governmental Immunity

- 3.1 If Operator violates any of the above-referenced obligations, the Town may, upon providing written notice thereof and reasonable time to resolve any breach, revoke the permit granted herein without further notice.
- 3.2 The Town is a political subdivision of the state and enjoys governmental immunity. By entering into this Agreement, Town does not consent to suit, or waive its governmental immunity or the limitations as to damages under the Texas Tort Claims Act.

IV. General Provisions

- 4.1 **Amendments.** No amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.

- 4.2 **Choice of Law and Venue.** This Agreement has been made under and shall be governed by the laws of the State of Texas. Performance and all matters related thereto shall be in Denton County, Texas, United States of America.
- 4.3 **Authority to enter into Agreement.** Each party represents that it has the full power and authority to enter into and perform this Agreement. The person executing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The person executing this Agreement on behalf of Operator represents that he or she is authorized to sign on behalf of Operator and Agrees to provide proof of such authorized to the Town upon request.
- 4.4 **Agreement read.** The Parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.
- 4.5 **Notice.** All notices and documents required herein shall be sent and provided to the Parties at the contact information listed below.

OPERATOR: 388 Crockett Dr. Lewisville, Texas
75057 Attn.: Gabriel G. Angeli
214-923-0710 (cell)
watertoyztx@gmail.com

TOWN: Office of the Town Administrator
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, Texas 75065

With copies to: Law Office of Dorwin Sargent III, PLLC
ATTN: Dorwin L. Sargent, III
624 W. University Dr., #127
Denton, Texas 76201

All notices and documents shall be deemed received when mailed with sufficient postage and deposited in a regular mailbox of the United States Post Office. The Parties may change addresses upon thirty (30) days' written notice sent certified mail, return receipt requested.

4.6 **Indemnity. A. TO THE FULLEST EXTENT PERMITTED BY LAW, OPERATOR SHALL RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS TOWN AND TOWN'S SUCCESSORS, ASSIGNS, LEGAL REPRESENTATIVES, OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS (COLLECTIVELY, "INDEMNITEES") FOR, FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITIES, FINES, PENALTIES, COSTS, DAMAGES, LOSSES, LIENS, CAUSES OF ACTION, SUITS, DEMANDS, JUDGMENTS AND EXPENSES (INCLUDING, WITHOUT LIMITATION, COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION, REMOVAL AND REMEDIATION AND GOVERNMENTAL OVERSIGHT COSTS) ENVIRONMENTAL OR OTHERWISE (COLLECTIVELY "LIABILITIES") OF ANY NATURE, KIND OR DESCRIPTION OF ANY PERSON OR ENTITY DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM OR RELATED TO (IN WHOLE OR IN PART):**

- (i) THIS AGREEMENT;**
- (ii) ANY RIGHTS OR INTERESTS GRANTED PURSUANT TO THIS AGREEMENT;**
- (iii) OPERATOR'S OCCUPATION AND USE OF THE PREMISES;**
- (iv) THE ENVIRONMENTAL CONDITION AND STATUS OF THE PREMISES CAUSED BY, AGGRAVATED BY, OR CONTRIBUTED IN WHOLE OR IN PART, BY OPERATOR; OR**
- (v) ANY ACT OR OMISSION OF OPERATOR OR OPERATOR'S OFFICERS, AGENTS, INVITEES, EMPLOYEES, OR CONTRACTORS, OR ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM, OR ANYONE THEY CONTROL OR EXERCISE CONTROL OVER,**

EVEN IF SUCH LIABILITIES ARISE FROM OR ARE ATTRIBUTED TO, IN WHOLE OR IN PART, ANY NEGLIGENCE OF ANY INDEMNITEE.

B. Upon written notice from Town, Operator agrees to assume the defense of any lawsuit or other proceeding brought against any Indemnatee by any entity, relating to any matter covered by this Agreement for which Operator has an obligation to assume liability for and/or save and hold harmless any Indemnatee. Operator shall pay all costs incident to such defense, including, but not limited to, attorneys' fees, investigators' fees, litigation and appeal expenses, settlement payments, and amounts paid in satisfaction of judgments.

IN WITNESS, WHEREOF, the Parties enter into this Agreement on the 1st day of May, 2022.

[signature page to follow]

WATERTOYZ, LLC

By: _____
Gabriel G. Angeli, Managing Member

THE STATE OF TEXAS §
§
COUNTY OF DENTON §

Before me, a Notary Public in and for the State of Texas, on this day, personally appeared Gabriel G. Angeli, proved to me through his Texas Driver License _____ be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity so stated, and has express authority to do so.

Given under my hand and seal of office this _____ day of _____, 2022.

Notary Public, State of Texas

TOWN OF HICKORY CREEK, TEXAS

By: Lynn C. Clark, Mayor
Town of Hickory Creek

THE STATE OF TEXAS §
§
COUNTY OF DENTON §

Before me, a Notary Public in and for the State of Texas, on this day, personally appeared Lynn C. Clark, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2022.

Notary Public, State of Texas

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2022-0425-__**

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 AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN OF HICKORY CREEK, TEXAS, THE CITY OF CORINTH, THE CITY OF LAKE DALLAS AND THE TOWN OF SHADY SHORES, TEXAS CONCERNING CONSULTING SERVICES TO EVALUATE BROADBAND SERVICE PROVIDERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town Council has been presented with a proposed amendment to an agreement with the City of Corinth, the City of Lake Dallas and the Town of Shady Shores (hereinafter the "Agreement") for cooperative efforts for consulting services to evaluate broadband service providers according to the terms and conditions contained with the Agreement, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute them on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 25th of April, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

**FIRST AMENDED AND RESTATED
INTERLOCAL COOPERATION AGREEMENT FOR CONSULTING SERVICES TO
IDENTIFY BROADBAND SERVICE PROVIDERS FOR THE CITY OF CORINTH,
THE CITY OF LAKE DALLAS, THE TOWN OF HICKORY CREEK AND THE TOWN
OF SHADY SHORES**

This First Amended and Restated Interlocal Cooperation Agreement to Identify Broadband Service Providers for the City of Corinth, the City of Lake Dallas, the Town of Hickory Creek and the Town of Shady Shores (the First “Amended Agreement”) is made and entered into by and among the CITY OF CORINTH, a Texas home rule municipality, (“CORINTH”), the CITY OF LAKE DALLAS, a Texas home rule municipality (“LAKE DALLAS”) the TOWN OF SHADY SHORES, a Type A general law municipality (“SHADY SHORES”) and the TOWN OF HICKORY CREEK, a Type A General law municipality (“HICKORY CREEK”), Corinth, Lake Dallas, Hickory Creek and Shady Shores are collectively referred to herein as the “LAKE CITIES” and individually referred to as (“LAKE CITIES MEMBER”), each organized and existing under the laws of the State of Texas, the Texas Constitution and, as applicable, its Home Rule Charter, and acting by, through and under the authority of their respective governing bodies and officials.

RECITALS

WHEREAS, this First Amended Agreement is authorized pursuant to Chapter 791 of the Texas Government Code (hereinafter “Interlocal Cooperation Act”) to set forth the terms and conditions upon which the LAKE CITIES agree to jointly engage a consultant to conduct an evaluation of broadband service providers in order to select a broadband provider to enter into a Public Private Partnership with LAKE CITIES MEMBERS; and

WHEREAS, each LAKE CITIES MEMBER has identified concerns that their respective communities may not have the level of broadband access as defined and reported by the Federal Communications Commission; and

WHEREAS, each LAKE CITIES MEMBER recognizes that technology plays a pivotal role in the choice of businesses and residents to locate within their respective cities, that business operations and customer service require the presence of reliable technology resources, and that the review of potential broadband service providers to establish a Public Private Partnership to serve the Lake Cities, to identify necessary improvements to serve both business partners and residents is a valid governmental interest; and

WHEREAS, LAKE CITIES have conducted a broadband study through Connected Nation and now desire to engage the services of a consultant to assist with the vetting and selection of a broadband service provider, a project that each could undertake individually as a governmental function; and

WHEREAS, because of the desire of the LAKE CITIES to jointly engage the services of a consultant to assist them with the selection of a broadband service provider for the Lake Cities region, in 2021 each LAKE CITIES MEMBER took action at a properly posted meeting of its governing body and voted to approve the Interlocal Cooperation Agreement to Identify

Broadband Service Providers for the City of Corinth, the City of Lake Dallas, the Town of Hickory Creek and the Town of Shady Shores (the “2021 Agreement”) in order to engage Mighty River, Incorporated to serve as consultant for the LAKE CITIES (the “Consultant”) to perform the necessary study and provide the services set forth in **Exhibit “A”** attached hereto and incorporated herein (the “Consultant Proposal”) and to share the costs of the services provided in Consultant Proposal; and

WHEREAS, the scope of the study being performed by Consultant has been proceeding in accordance with the terms of this First Amended Agreement, including without limitation, Section 2 hereof, and the scope outlined in the Consultant Proposal, Exhibit “A” hereto, such scope having been agreed upon by each LAKE CITIES MEMBER; however, the work by Mighty River is taking additional time as Consultant continues to assist LAKE CITIES through the process of contract negotiations with the selected broadband provider, Pavlov Media, Inc. (“Pavlov”) and to provide technical assistance during the construction process; and

WHEREAS, in order to compensate Consultant for its services, there is a need to increase the total amount payable to Consultant under the terms of the 2021 Agreement and to share the cost increase based upon the percentages established in the 2021 Agreement and

WHEREAS, the City Councils of each LAKE CITIES MEMBER has found that this First Amended Agreement and the services to be provided hereunder and pursuant to the 2021 Agreement are valid governmental functions, will be paid by current revenues legally available to each LAKE CITIES MEMBER, and that the payments made hereunder fairly compensate for the services provided hereunder.

NOW THEREFORE, the LAKE CITIES, for and in consideration of the premises and the mutual covenants set forth in this First Amended Agreement, and pursuant to the authority granted by the governing bodies of each of the parties hereto, do hereby agree as follows:

1. **Term/Termination.** This First Amended Agreement shall be effective upon execution by all of the LAKE CITIES with the effective date being the date of signature of the last LAKE CITIES MEMBER to sign (“the Effective Date”). The term of this First Amended Agreement shall be for a period of twelve (12) months following the Effective Date. Any LAKE CITIES MEMBER may terminate its participation in this First Amended Agreement not earlier than thirty (30) days after providing written notice to the other LAKE CITIES MEMBERS. A LAKE CITIES MEMBER who exercises its right to terminate its participation in this First Amended Agreement pursuant to this Section 1 shall remain obligated to pay its portion of the costs for services provided pursuant to this First Amended Agreement through the effective date of such termination.

2. **Scope of Work/Obligations/CORINTH as Liaison.**

(a) By execution of this First Amended Agreement, each LAKE CITIES MEMBER hereby requests and authorizes CORINTH to negotiate and enter into an agreement with Consultant to evaluate service providers best qualified to enter into a Public Private Partnership for Broadband Technical Services and perform the tasks enumerated in Contractor’s Proposal, **Exhibit “A”** (the “Services”) for the LAKE CITIES in order to allow LAKE CITIES to enter into

a Public Private Partnership agreement with a qualified provider (the “Project”). The Consultant Proposal and the Services provided thereunder are set forth in detail in **Exhibit “A”**, a substantial copy of which is attached hereto and incorporated herein, and payments made hereunder by LAKE CITIES shall not exceed the amount set forth in this First Amended Agreement.

(b) Each LAKE CITIES MEMBER agrees to participate in the Project and to assist Consultant and CORINTH in the performance of the various Project components for the purpose of identifying a qualified broadband services provider with which LAKE CITIES may enter into a Public Private Partnership Agreement. CORINTH also agrees to act as the liaison and point of contact for the Services; prepare, execute, and administer the communication with Consultant and the LAKE CITIES. Any payments owed the Consultant for the Services pursuant to Consultant Proposal shall be paid directly by CORINTH from funds currently available to CORINTH, and each LAKE CITIES MEMBER agrees to pay its share in accordance with **Section 3, “Consideration”** of this First Amended Agreement. Additionally, CORINTH agrees to monitor Consultant’s work and compliance with provisions of the Consultant Proposal.

3. **Consideration.** CORINTH, LAKE DALLAS, SHADY SHORES, and HICKORY CREEK each agree to pay its proportionate share of the costs of the Services provided by Consultant pursuant to this First Amended Agreement based upon the allocation set forth in the chart provided in this Section. The total cost of the Services shall not exceed **TWENTY-ONE THOUSAND EIGHT HUNDRED FIFTY AND NO/100 DOLLARS (\$21,850.00)**. CORINTH agrees to make payments to Consultant in accordance with the Consultant Proposal, and each LAKE CITIES MEMBER agrees to make payments to Corinth within thirty (30) days of receipt of invoice from CORINTH. The LAKE CITIES agree that the payments made hereunder by each of the LAKE CITIES MEMBERS for the Services and for services provided by CORINTH provide valid and sufficient consideration for the services rendered and payments made hereunder.

	Population		Land Area (miles)		Total Allocation	Total Cost
Corinth	22,634	60%	7.9	44%	52%	\$11,364
Lake Dallas	7,708	20%	2.7	15%	17.5%	\$3,823
Hickory Creek	4,718	13%	4.5	25%	19%	\$4,151
Shady Shores	2,764	7%	2.9	16%	11.5%	\$2,512
	37,824	100%	18.00	100	100%	\$21,850

4. **Authorization.** The undersigned officers and/or agents of the LAKE CITIES represent and certify that this First Amended Agreement has been approved by their respective governing body and that each is a duly authorized official and possesses the requisite authority to execute this First Amended Agreement on behalf of its governing body.

5. **Original Counterparts.** This First Amended Agreement may be executed separately by the parties, each of which shall be deemed an original and all of which together shall

constitute one and the same instrument.

6. **Notice.** Notice as required by this First Amended Agreement shall be in writing delivered to the parties by certified mail at the address listed below. Each party shall notify the other parties in writing within ten (10) days of any change in the information listed in this paragraph.

CORINTH

Bob Hart, City Manager
3300 Corinth Parkway
Corinth, TX 76208
Telephone: (940) 498-3243

HICKORY CREEK

John Smith, Town Manager
1075 Ronald Reagan Avenue
Hickory Creek, TX 75065
Telephone: (940) 497-2528

LAKE DALLAS

Kandace Lesley, City Manager
212 Main Street
Lake Dallas, TX 75065
Telephone: (940) 497-2226

SHADY SHORES

Wendy Withers, Town Manager
101 S Shady Shores Road
Shady Shores, TX 76208
Telephone: (940) 498-0044

7. **Assignment.** The LAKE CITIES agree that the rights and duties contained in this First Amended Agreement will not be assigned or sublet without the prior written consent of each other LAKE CITIES MEMBER.

8. **Venue.** This First Amended Agreement shall be governed by the laws of the State of Texas and exclusive venue for any action relating to this First Amended Agreement shall be in Denton County, Texas.

9. **Independent Parties/Governmental Immunity.** Each LAKE CITIES MEMBER agrees and acknowledges that this First Amended Agreement does not create a joint venture, partnership, or joint enterprise, and that each is not an agent of any of the other entities and that each is responsible in accordance with the laws of the State of Texas for its own negligent or wrongful acts or omissions and for those of its officers, agents, or employees in conjunction with the performance of services covered under this First Amended Agreement. Notwithstanding the foregoing, nothing in this First Amended Agreement shall be construed as a waiver of any governmental immunity or other defense available to each LAKE CITIES MEMBER. The provisions of this section are solely for the benefit of the LAKE CITIES and are not intended to create or grant any rights, contractual or otherwise, to any third party. This First Amended Agreement is for the sole benefit of the LAKE CITIES and shall not be construed to create any third-party beneficiaries.

10. **Severability.** If any provision of this First Amended Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then: (i) such unenforceable provision shall be deleted from this First Amended Agreement; (ii) the unenforceable provision shall, to the extent possible and upon mutual agreement of the LAKE CITIES, be rewritten to be enforceable and to give effect to the intent of the LAKE CITIES; and (iii) the remainder of this First Amended Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the LAKE CITIES.

11. **Non-Waiver.** Any failure by a LAKE CITIES MEMBER to insist upon strict performance by any one or more of the other LAKE CITIES MEMBERS of any material provision of this First Amended Agreement shall not be deemed a waiver thereof, and the LAKE CITIES MEMBER shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this First Amended Agreement. No provision of this First Amended Agreement may be waived except by writing signed by the LAKE CITY MEMBER waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any LAKE CITIES MEMBER of any term or condition of this First Amended Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

12. **Entire Agreement.** This First Amended Agreement (with all referenced Exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement of the LAKE CITIES, superseding all oral or written previous and contemporary agreements among the LAKE CITIES relating to matters set forth in this First Amended Agreement. This First Amended Agreement cannot be modified without written supplemental agreement executed by all of the LAKE CITIES.

13. **Further Documents.** LAKE CITIES MEMBER agrees that at any time after the Effective Date, they will, upon request of another LAKE CITIES MEMBER, execute and deliver such further documents and do such further acts and things as the other LAKE CITIES MEMBERS may reasonably request in order to effectuate the terms of this First Amended Agreement. This provision shall not be construed as limiting or otherwise hindering the legislative discretion of the respective City Council seated at the time that this First Amended Agreement is executed or any future respective City Council.

IN WITNESS WHEREOF, this First Amended Agreement is executed this ____ day of _____ 2021, in duplicate originals.

APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

BY:

Bob Hart, City Manager

Date

ATTEST:

Lana Wylie, City Secretary

Date

APPROVED AS TO FORM:

Patricia Adams, City Attorney

Date

CITY/GOVT ENTITY OF CORINTH, TEXAS

Bill Heidemann, Corinth Mayor

Date

IN WITNESS WHEREOF, this First Amended Agreement is executed this ____ day of _____
_____, 2021, in duplicate originals.

**APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES,
TEXAS:**

Cindy Aughinbaugh, Shady Shores Mayor

Date

ATTEST:

Wendy Withers, City Secretary

Date

APPROVED AS TO FORM:

City Attorney

Date

IN WITNESS WHEREOF, this First Amended Agreement is executed this ____ day of _____
_____, 2021, in duplicate originals.

**APPROVED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK,
TEXAS:**

Lynn Clark, Hickory Creek Mayor

Date

ATTEST:

Kristi Rogers, City Secretary

Date

APPROVED AS TO FORM:

City Attorney

Date

IN WITNESS WHEREOF, this First Amended Agreement is executed this ____ day of _____
_____, 2021, in duplicate originals.

APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS:

BY:

Andi Nolan, Lake Dallas Mayor

Date

ATTEST:

Cody Delcambre, City Secretary

Date

APPROVED AS TO FORM:

City Attorney

Date

EXHIBIT “A”
CONSULTANT PROPOSAL



AGENDA INFORMATION SHEET

MEETING DATE: April 25, 2022

AGENDA ITEM: Consider and act on nomination of the 2022 Founders Classical Academy Hickory Creek Scholar of the Year.

SUMMARY: Founders Classical Academy recommends Hayden Hiatt.



AGENDA INFORMATION SHEET

MEETING DATE: April 25, 2022

AGENDA ITEM: Consider and act on nomination of the 2022 LDISD Hickory Creek Female Athlete of the Year.

SUMMARY: Lake Dallas High School recommends Jorga Elliott.



AGENDA INFORMATION SHEET

MEETING DATE: April 25, 2022

AGENDA ITEM: Consider and act on nomination of the 2022 LDISD Hickory Creek Male Athlete of the Year.

SUMMARY: Lake Dallas High School recommends Brendan Sorsby.



AGENDA INFORMATION SHEET

MEETING DATE: April 25, 2022

AGENDA ITEM: Consider and act on nomination of the 2022 LDISD Hickory Creek Scholar of the Year.

SUMMARY: Lake Dallas High School recommends Landry Billingsley.

**TOWN OF HICKORY CREEK
ORDINANCE NO. 2022-04-____**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING ORDINANCE 2021-08-883; THE 2021-2022 BUDGET AS ADOPTED; PROVIDING A REPEALER, PROVIDING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the amended budget as prepared by the Mayor of the Town of Hickory Creek, Texas has been presented during a regular meeting for the purposes of amending the 2021-2022 budget.

WHEREAS, on this the 25th day of April, 2022, the Town Council of the Town of Hickory Creek, Texas, in a public meeting duly called, pursuant to proper agenda item __, was presented the motion by Councilmember _____ which was properly seconded by Councilmember _____ providing for the adoption of the amended budget for the fiscal period October 1, 2021 to September 30, 2022; a vote being called the motion carried by a vote of _ in favor to _ against; accordingly the Ordinance passed.

The Town Council voted by roll-call as follows:

	<u>Aye</u>	<u>Nay</u>
Randy Gibbons:	___	___
Richard Dupree:	___	___
Chris Gordon:	___	___
Paul Kenney:	___	___
Ian Theodore:	___	___

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS THAT:

**SECTION 1
ADOPTION OF THE AMENDED BUDGET**

The amended budget for the Town of Hickory Creek, Texas for the fiscal period beginning October 1, 2021 and ending September 30, 2022, in words and figures as shown therein is adopted and approved as filed herewith.

SECTION 2
REPEALER

That all ordinances of the Town of Hickory Creek, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other ordinances not in conflict with this ordinance shall remain in full force and effect.

SECTION 3
SEVERABILITY

That should any word, phrase, paragraph, section or portion of this ordinance, as amended hereby, be held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 4
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this the 25th day of April 2022 by a vote of ____ to ____.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

**Town of Hickory Creek
Budget Amendment Proposal
April 25, 2022**

	Oct '21 - March 22	Budget	% of Budget	Proposed Amended	Difference
Ordinary Income/Expense					
Ad Valorem Tax Revenue					
4002 M&O	1,430,353.67	1,484,251.00	96.37%	1,484,251.00	
4004 M&O Penalties & Interest	2,695.36	2,500.00	107.81%	3,000.00	500.00
4006 Delinquent M&O	1,035.47	1,000.00	103.55%	1,000.00	
4008 I&S Debt Service	777,912.91	805,976.00	96.52%	805,976.00	
4010 I&S Penalties & Interest	1,399.81	1,500.00	93.32%	1,500.00	
4012 Delinquent I&S	652.52	500.00	130.5%	750.00	250.00
Total Ad Valorem Tax Revenue	2,214,049.74	2,295,727.00	96.44%	2,296,477.00	
Building Department Revenue					
4102 Building Permits	506,890.81	750,000.00	67.59%	750,000.00	
4104 Certificate of Occupancy	13,750.00	25,000.00	55.0%	25,000.00	
4106 Contractor Registration	5,850.00	6,500.00	90.0%	7,500.00	1,000.00
4108 Preliminary/Final Plat	2,275.00	0.00	100.0%	2,275.00	2,275.00
4110 Prelim/Final Site Plan	9,876.00	0.00	100.0%	9,786.00	9,786.00
4112 Health Inspections	9,660.00	10,000.00	96.6%	10,000.00	
4122 Septic Permits	2,275.00	1,000.00	227.5%	3,000.00	2,000.00
4124 Sign Permits	700.00	1,000.00	70.0%	1,000.00	
4126 Special Use Permit	0.00	200.00	0.0%	200.00	
4128 Variance Fee	1,500.00	2,000.00	75.0%	2,000.00	
4130 Vendor Fee	575.00	75.00	766.67%	700.00	625.00
4132 Alarm Permit Fees	500.00	500.00	100.0%	500.00	
Total Building Department Revenue	553,851.81	796,275.00	69.56%	811,961.00	
Franchise Fee Revenue					
4202 Atmos Energy	0.00	46,000.00	0.0%	46,000.00	
4204 Charter Communications	21,255.95	42,900.00	49.55%	42,900.00	
4206 CenturyLink	0.00	1,500.00	0.0%	0.00	(1,500.00)
4208 CoServ	2,621.97	4,700.00	55.79%	4,700.00	
4210 Oncor Electric	131,377.45	155,500.00	84.49%	131,500.00	(24,000.00)
4212 Republic Services	21,632.79	48,000.00	45.07%	48,000.00	
Total Franchise Fee Revenue	176,888.16	298,600.00	59.24%	273,100.00	
Interest Revenue					
4330 General Fund Interest	6.21	100.00	6.21%	50.00	(50.00)
4332 Investment Interest	5,189.65	7,500.00	69.2%	7,500.00	
Total Interest Revenue	5,195.86	7,600.00	68.37%	7,550.00	
Interlocal Revenue					
4402 Corp Contract Current Year	0.00	45,500.00	0.00%	45,500.00	
Total Interlocal Revenue	0.00	45,500.00	0.00%	45,500.00	

**Town of Hickory Creek
Budget Amendment Proposal
April 25, 2022**

	Oct '21 - March 22	Budget	% of Budget	Proposed Amended	Difference
Miscellaneous Revenue					
4502 Animal Adoption & Impound	4,290.00	10,600.00	40.47%	10,600.00	
4506 Animal Shelter Donations	2,280.00	1,500.00	152.0%	2,280.00	780.00
4508 Annual Park Passes	6,241.20	25,000.00	24.97%	25,000.00	
4510 Arrowhead Park Fees	9,593.00	40,000.00	23.98%	40,000.00	
4512 Beer & Wine Permit	30.00	150.00	20.0%	150.00	
4516 Corp Parks Fund Reserve	0.00	0.00	0.0%	43,986.00	43,986.00
4518 Drug Forfeiture	0.00	0.00	0.0%	0.00	
4520 Drug Seizure	0.00	0.00	0.0%	0.00	
4522 EDC Payment/Ronald Reagan	0.00	45,778.00	0.0%	45,778.00	
4524 Fund Balance Reserve	0.00	0.00	0.0%	62,092.00	62,092.00
4526 Mineral Rights	601.15	500.00	120.23%	1,000.00	500.00
4530 Other Receivables	187,525.35	152,000.00	123.37%	200,000.00	48,000.00
4534 PD State Training	1,025.45	0.00	100.0%	1,026.00	1,026.00
4536 Point Vista Park Fees	3,921.00	12,000.00	32.68%	12,000.00	
4546 Street Improvement Restricted	0.00	430,000.00	0.0%	265,000.00	(165,000.00)
4550 Sycamore Bend Fees	12,737.00	30,000.00	42.46%	15,000.00	(15,000.00)
4554 Building Security Fund Reserve	0.00	0.00	0.0%	0.00	
4556 Court Tech Fund Reserve	0.00	0.00	0.0%	0.00	
4558 Harbor Lane/Sycamore Bend	26,250.00	0.00	100.0%	26,250.00	26,250.00
4560 2020 CO Proceeds	0.00	0.00	0.0%	0.00	
4562 Coronavirus Local Recovery Funds	21-22 Amended Add	21-22 Amended Add	21-22 Amended Add	595,240.00	595,240.00
4564 Task Force Drug Forfeiture	21-22 Amended Add	21-22 Amended Add	21-22 Amended Add	0.00	
Total Miscellaneous Revenue	254,494.15	747,528.00	34.05%	1,345,402.00	
Municipal Court Revenue					
4602 Building Security Fund	7,265.81	9,270.00	78.38%	9,270.00	
4604 Citations	228,634.08	450,000.00	50.81%	450,000.00	
4606 Court Technology Fund	6,124.74	12,115.00	50.56%	12,115.00	
4608 Jury Fund	140.01	200.00	70.01%	200.00	
4610 Truancy Fund	6,999.42	0.00	100.0%	7,500.00	7,500.00
4612 State Court Costs	119,920.53	250,000.00	47.97%	250,000.00	
4614 Child Safety Fee	174.16	800.00	21.77%	800.00	
Total Municipal Court Revenue	369,258.75	722,385.00	51.12%	729,885.00	
Sales Tax Revenue					
4702 Sales Tax General Fund	940,677.75	1,662,500.00	56.58%	1,662,500.00	
4706 Sales Tax 4B Corporation	134,382.53	237,500.00	56.58%	237,500.00	
4708 Sales Tax Mixed Beverage	16,339.70	30,000.00	54.47%	30,000.00	
Total Sales Tax Revenue	1,091,399.98	1,930,000.00	56.55%	1,930,000.00	
Total Income	4,665,138.45	6,843,615.00	68.17%	7,439,875.00	

**Town of Hickory Creek
Budget Amendment Proposal
April 25, 2022**

	Oct '21 - March 22	Budget	% of Budget	Proposed Amended	Difference
Capital Outlay					
5010 Street Maintenance	4,859.32	25,000.00	19.44%	25,000.00	
5012 Streets & Road Improvement	161,231.06	430,000.00	37.5%	265,000.00	(165,000.00)
5022 Parks and Rec Improvements	0.00	0.00	0.0%	0.00	
5024 Public Safety Improvements	6,274.50	42,500.00	14.76%	42,500.00	
5026 Fleet Purchase/Replacement	42,531.05	82,000.00	51.87%	82,000.00	
5030 Sycamore Bend Construction	36,955.00	0.00	100.0%	36,955.00	36,955.00
5032 Broadband Initiative	21-22 Amended Add	21-22 Amended Add	21-22 Amended Add	595,240.00	595,240.00
Total Capital Outlay	251,850.93	579,500.00	43.46%	1,046,695.00	
Debt Service					
5106 2012 Refunding Bond Series	3,618.73	267,004.00	1.36%	267,004.00	
5110 2015 Refunding Bond Series	52,100.00	308,400.00	16.89%	308,400.00	
5112 2015 C.O. Series	56,575.00	276,350.00	20.47%	276,350.00	
5114 2020 C.O. Series	52,475.00	204,950.00	25.6%	204,950.00	
Total Debt Service	164,768.73	1,056,704.00	15.59%	1,056,704.00	
General Government					
5202 Bank Service Charges	30.00	25.00	120.0%	200.00	175.00
5204 Books & Subscriptions	0.00	300.00	0.0%	300.00	
5206 Computer Hardware/Software	19,110.95	106,222.00	17.99%	106,222.00	
5208 Copier Rental	2,151.71	3,000.00	71.72%	4,200.00	1,200.00
5210 Dues & Memberships	2,612.90	3,000.00	87.1%	3,000.00	
5212 EDC Tax Payment	134,394.53	237,500.00	56.59%	237,500.00	
5214 Election Expenses	0.00	7,500.00	0.0%	0.00	(7,500.00)
5216 Volunteer/Staff Events	3,737.37	10,500.00	35.59%	10,500.00	
5218 General Communications	15,998.49	28,000.00	57.14%	28,000.00	
5222 Office Supplies & Equip.	2,476.84	5,000.00	49.54%	5,000.00	
5224 Postage	3,599.14	5,800.00	62.05%	5,800.00	
5226 Community Cause	25,144.09	3,000.00	838.14%	28,000.00	25,000.00
5228 Town Council/Board Expense	4,242.90	3,500.00	121.23%	6,500.00	3,000.00
5230 Training & Education	1,009.00	1,500.00	67.27%	1,500.00	
5232 Travel Expense	0.00	1,500.00	0.0%	1,500.00	
5234 Staff Uniforms	925.58	1,000.00	92.56%	926.00	(74.00)
Total General Government	215,433.50	417,347.00	51.62%	439,148.00	
Municipal Court					
5302 Books & Subscriptions	0.00	75.00	0.0%	75.00	
5304 Building Security	200.00	9,270.00	2.16%	9,270.00	
5312 Court Technology	6,232.15	12,115.00	51.44%	12,115.00	
5314 Dues & Memberships	55.00	120.00	45.83%	120.00	
5318 Merchant Fees/Credit Cards	-538.21	0.00	100.0%	0.00	
5322 Office Supplies/Equipment	281.94	1,200.00	23.5%	1,200.00	
5324 State Court Costs	135,191.31	250,000.00	54.08%	250,000.00	

**Town of Hickory Creek
Budget Amendment Proposal
April 25, 2022**

	Oct '21 - March 22	Budget	% of Budget	Proposed Amended	Difference
5326 Training & Education	100.00	100.00	100.0%	100.00	
5328 Travel Expense	0.00	500.00	0.0%	500.00	
5332 Warrants Collected	-6,871.66	0.00	100.0%	0.00	
Total Municipal Court	134,650.53	273,380.00	49.25%	273,380.00	
Parks and Recreation					
5402 Events	1,320.84	2,000.00	66.04%	2,000.00	
5408 Tanglewood Park	748.17	2,000.00	37.41%	2,000.00	
5412 KHCB	175.00	500.00	35.0%	500.00	
5414 Tree City USA	0.00	500.00	0.0%	500.00	
5416 Town Hall Park	0.00	75,000.00	0.0%	75,000.00	
Total Parks and Recreation	2,244.01	80,000.00	2.81%	80,000.00	
Parks Corps of Engineer					
5432 Arrowhead	74,165.24	47,250.00	156.96%	80,000.00	32,750.00
5434 Harbor Grove	1,160.98	5,000.00	23.22%	3,000.00	(2,000.00)
5436 Point Vista	40,575.84	7,500.00	541.01%	45,000.00	37,500.00
5438 Sycamore Bend	11,574.60	47,250.00	24.5%	20,000.00	(27,250.00)
Total Parks Corps of Engineer	127,476.66	107,000.00	119.14%	148,000.00	
Personnel					
5502 Administration Wages	238,133.98	474,280.00	50.21%	474,280.00	
5506 Police Wages	467,132.91	983,721.00	47.49%	983,721.00	
5507 Police Overtime Wages	5,991.62	10,000.00	59.92%	10,000.00	
5508 Public Works Wages	101,224.65	204,506.00	49.5%	204,506.00	
5509 Public Works Overtime Wage	1,510.01	1,200.00	125.83%	1,200.00	
5510 Health Insurance	131,166.62	261,200.00	50.22%	261,200.00	
5512 Longevity	12,910.00	13,076.00	98.73%	13,076.00	
5514 Payroll Expense	12,095.61	22,000.00	54.98%	22,000.00	
5516 Employment Exams	945.40	2,500.00	37.82%	2,500.00	
5518 Retirement (TMRS)	140,970.53	239,305.00	58.91%	239,305.00	
5520 Unemployment (TWC)	867.23	6,048.00	14.34%	6,048.00	
5522 Workman's Compensation	31,506.40	27,000.00	116.69%	31,510.00	4,510.00
Total Personnel	1,144,454.96	2,244,836.00	50.98%	2,249,346.00	
Police Department					
5602 Auto Gas & Oil	17,846.51	22,000.00	81.12%	30,000.00	8,000.00
5606 Auto Maintenance & Repair	23,460.68	15,000.00	156.41%	30,000.00	15,000.00
5610 Books & Subscriptions	575.63	500.00	115.13%	750.00	250.00
5612 Computer Hardware/Software	34,702.69	35,000.00	99.15%	40,000.00	5,000.00
5614 Crime Lab Analysis	2,316.34	3,000.00	77.21%	4,500.00	1,500.00
5616 Drug Forfeiture	0.00	0.00	0.0%	0.00	
5618 Dues & Memberships	0.00	500.00	0.0%	500.00	
5626 Office Supplies/Equipment	1,116.07	1,800.00	62.0%	1,800.00	
5630 Personnel Equipment	41,462.16	22,000.00	188.46%	50,000.00	28,000.00

**Town of Hickory Creek
Budget Amendment Proposal
April 25, 2022**

	Oct '21 - March 22	Budget	% of Budget	Proposed Amended	Difference
5634 Travel Expense	820.82	2,500.00	32.83%	2,500.00	
5636 Uniforms	8,606.10	6,000.00	143.44%	9,000.00	3,000.00
5640 Training & Education	5,908.00	7,500.00	78.77%	7,500.00	
5644 Citizens on Patrol	0.00	500.00	0.0%	500.00	
5646 Community Outreach	65.68	700.00	9.38%	700.00	
5648 K9 Unit	1,452.04	2,000.00	72.6%	3,000.00	1,000.00
5650 Task Force Drug Forfeiture	21-22 Amended Add	21-22 Amended Add	21-22 Amended Add	15,000.00	15,000.00
Total Police Department	138,332.72	119,000.00	116.25%	195,750.00	
Public Works Department					
5702 Animal Control Donation	0.00	1,500.00	0.0%	2,280.00	780.00
5704 Animal Control Equipment	0.00	500.00	0.0%	500.00	
5706 Animal Control Supplies	394.81	900.00	43.87%	900.00	
5708 Animal Control Vet Fees	7,226.31	6,000.00	120.44%	10,000.00	4,000.00
5710 Auto Gas & Oil	10,021.86	20,000.00	50.11%	20,000.00	
5714 Auto Maintenance/Repair	4,710.01	5,000.00	94.2%	7,000.00	2,000.00
5716 Beautification	5.34	25,000.00	0.02%	25,000.00	
5718 Computer Hardware/Software	0.00	1,000.00	0.0%	1,000.00	
5720 Dues & Memberships	0.00	350.00	0.0%	350.00	
5722 Equipment	25,576.58	25,000.00	102.31%	27,000.00	2,000.00
5724 Equipment Maintenance	3,289.35	6,000.00	54.82%	6,000.00	
5726 Equipment Rental	0.00	2,500.00	0.0%	2,500.00	
5728 Equipment Supplies	2,515.29	5,000.00	50.31%	5,000.00	
5732 Office Supplies/Equipment	127.00	500.00	25.4%	500.00	
5734 Communications	1,898.56	3,800.00	49.96%	3,800.00	
5738 Training	599.00	800.00	74.88%	800.00	
5740 Travel Expense	354.23	1,000.00	35.42%	1,000.00	
5742 Uniforms	1,435.49	2,200.00	65.25%	2,500.00	300.00
5748 Landscaping Services	9,093.40	110,000.00	8.27%	110,000.00	
Total Public Works Department	67,247.23	217,050.00	30.98%	226,130.00	
Services					
5802 Appraisal District	6,681.58	12,400.00	53.88%	13,375.00	975.00
5804 Attorney Fees	30,918.58	66,000.00	46.85%	66,000.00	
5806 Audit	14,000.00	13,500.00	103.7%	14,000.00	500.00
5808 Codification	0.00	2,000.00	0.0%	2,000.00	
5812 Document Management	0.00	0.00	0.0%	0.00	
5814 Engineering	26,954.27	145,000.00	18.59%	125,000.00	(20,000.00)
5816 General Insurance	38,410.12	37,250.00	103.11%	38,415.00	1,165.00
5818 Inspections	25,045.00	108,800.00	23.02%	75,000.00	(33,800.00)
5820 Fire Service	685,106.25	970,692.00	70.58%	970,692.00	
5822 Legal Notices/Advertising	522.20	2,500.00	20.89%	2,500.00	
5824 Library Services	684.00	600.00	114.0%	750.00	150.00
5826 Municipal Judge	6,900.00	13,800.00	50.0%	13,800.00	

**Town of Hickory Creek
Budget Amendment Proposal
April 25, 2022**

	Oct '21 - March 22	Budget	% of Budget	Proposed Amended	Difference
5828 Printing	735.75	1,500.00	49.05%	1,500.00	
5830 Tax Collection	0.00	2,700.00	0.0%	2,700.00	
5832 Computer Technical Support	42,081.20	41,525.00	101.34%	42,082.00	557.00
5838 DCCAC	0.00	1,000.00	0.0%	1,000.00	
5840 Denton County Dispatch	0.00	30,808.00	0.0%	30,808.00	
5844 Helping Hands	0.00	200.00	0.0%	200.00	
5846 Span Transit Services	200.00	100.00	2.00	200.00	100.00
Total Services	878,238.95	1,450,375.00	60.55%	1,400,022.00	
Special Events					
6004 Fourth of July Celebration	0.00	7,000.00	0.0%	7,000.00	
6008 Tree Lighting	5,832.24	6,000.00	97.2%	8,000.00	2,000.00
6010 Arts and Cultural Events	0.00	5,000.00	0.0%	5,000.00	
Total Special Events	5,832.24	18,000.00	32.40%	20,000.00	
Utilities & Maintenance					
5902 Bldg. Maintenance/Supplies	119,519.07	168,223.00	71.05%	185,000.00	16,777.00
5904 Electric	13,600.93	27,000.00	50.37%	27,000.00	
5906 Gas	1,426.80	1,700.00	83.93%	1,700.00	
5908 Street Lighting	19,845.19	38,000.00	52.22%	38,000.00	
5910 Telephone	21,870.81	35,000.00	62.49%	35,000.00	
5912 Water	9,798.78	10,500.00	93.32%	18,000.00	7,500.00
Total Utilities & Maintenance	186,061.58	280,423.00	66.35%	304,700.00	
Total Expense	3,316,592.04	6,843,615.00	48.46%	7,439,875.00	
Net Ordinary Income	1,348,546.41	0.00	100.00%	0.00	
	1,348,546.41	0.00	100.00%	0.00	

**TOWN OF HICKORY CREEK
RESOLUTION NO. 2022-0425-__**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AUTHORIZING THE HICKORY CREEK ECONOMIC DEVELOPMENT CORPORATION, A TYPE B ECONOMIC DEVELOPMENT CORPORATION, TO ACQUIRE AN APPROXIMATELY 0.933 ACRE TRACT OR TRACTS OF LAND FOR ECONOMIC DEVELOPMENT PURPOSES; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Hickory Creek Economic Development Corporation (hereinafter referred to as the “EDC”) is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended; and

WHEREAS, Section 501.073(a) of the Texas Local Government Code provides that the Town Council of the Town of Hickory Creek is required to approve all expenditures of the EDC; and

WHEREAS, the Town Council of the Town of Hickory Creek, Texas, finds and determines that the acquisition of an approximately 0.933-acre tract or tracts of land will promote new or expanded business development, and is otherwise consistent with Chapters 501 to 505 Texas Local Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the Town of Hickory Creek, Texas, and are fully incorporated into the body of this Resolution.

Section 2. That the Town Council of the Town of Hickory Creek, Texas, finds and determines that the acquisition of an approximately 0.933-acre tract or tracts of land will promote new and expanded business development, and is otherwise consistent with Chapters 501 to 505 Texas Local Government Code.

Section 3. That the Town Council of the Town of Hickory Creek, Texas, authorizes the Mayor to execute this Resolution, authorizing the acquisition of the approximately 0.933-acre tract or tracts of land, and authorizes the EDC President and/or staff to execute the real estate sales contract attached hereto as ***Exhibit A***, and any and all documents necessary for the acquisition of the approximately 0.933-acre tract or tracts of land.

Section 4. That this Resolution shall become effective from and after its passage.

DULY RESOLVED by the Town Council of the Town of Hickory Creek, Texas, on this the 25th day of April, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

**TOWN OF HICKORY CREEK
RESOLUTION NO. 2022-0425-__**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AUTHORIZING THE HICKORY CREEK ECONOMIC DEVELOPMENT CORPORATION, A TYPE B ECONOMIC DEVELOPMENT CORPORATION, TO ACQUIRE AN APPROXIMATELY 0.933 ACRE TRACT OR TRACTS OF LAND FOR ECONOMIC DEVELOPMENT PURPOSES; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Hickory Creek Economic Development Corporation (hereinafter referred to as the “EDC”) is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended; and

WHEREAS, Section 501.073(a) of the Texas Local Government Code provides that the Town Council of the Town of Hickory Creek is required to approve all expenditures of the EDC; and

WHEREAS, the Town Council of the Town of Hickory Creek, Texas, finds and determines that the acquisition of an approximately 0.933-acre tract or tracts of land will promote new or expanded business development, and is otherwise consistent with Chapters 501 to 505 Texas Local Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the Town of Hickory Creek, Texas, and are fully incorporated into the body of this Resolution.

Section 2. That the Town Council of the Town of Hickory Creek, Texas, finds and determines that the acquisition of an approximately 0.933-acre tract or tracts of land will promote new and expanded business development, and is otherwise consistent with Chapters 501 to 505 Texas Local Government Code.

Section 3. That the Town Council of the Town of Hickory Creek, Texas, authorizes the Mayor to execute this Resolution, authorizing the acquisition of the approximately 0.933-acre tract or tracts of land, and authorizes the EDC President and/or staff to execute the real estate sales contract attached hereto as ***Exhibit A***, and any and all documents necessary for the acquisition of the approximately 0.933-acre tract or tracts of land.

Section 4. That this Resolution shall become effective from and after its passage.

DULY RESOLVED by the Town Council of the Town of Hickory Creek, Texas, on this the 25th day of April, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas