

**STATE OF TEXAS
COUNTY OF DENTON
TOWN OF HICKORY CREEK**

The town council of the Town of Hickory Creek, Texas convened in a special session on January 30, 2018 at 6:30 p.m. in the council chambers, located at 1075 Ronald Reagan Avenue. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Texas Government Code. The following members were present and constituted a quorum of members:

Lynn Clark, Mayor
Tracee Elrod, Councilmember Place 1
Richard DuPree, Councilmember Place 2
Chris Gordon, Councilmember Place 3
Paul Kenney, Mayor Pro Tem
Ian Theodore, Councilmember Place 5

Also in attendance were:

John M. Smith, Jr., Town Administrator
Kristi K. Rogers, Town Secretary
Carey Dunn, Chief of Police
Lance Vanzant, Town Attorney

Mayor Clark called the meeting to order at 6:30 p.m.

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

Councilmember Theodore gave the invocation.

Presentation of Awards

T.J. Gilmore, Waste Management Public Sector Services Representative, presented Lee Haughton, a Waste Management hard hat and safety vest for his time and dedication ensuring good communication was provided during the solid waste services transition.

Items of Community Interest

Mayor Clark was recognized for her outstanding presentation at the Lake Cities Chamber Luncheon on January 16, 2018.

The Lake Dallas VFW will hold a fundraiser benefiting the Texas Fallen Heroes Foundation, February 3, 2018 from 12:00 p.m. until 5:00 p.m.

Public Comment

Ron Furtick, 1500 Turbeville Road, stated he is deeply disturbed by the state of the town. Over the past fifteen years in meeting with developers, he has told them that he has the best location in Denton County for development. Once it is revealed the land is North of 121 in Lewisville and South of Loop 288 in Denton, he is told the land is in the doughnut hole. The development community does not perceive Hickory Creek as viable for development and that needs to be changed. If the zoning for a walkable, live, work, play community is not passed the community will continue to lose. He would like to move forward and work together.

Item B - Public Hearing

John Smith, town administrator, provided a visual presentation related to the public hearings scheduled.

B (1) - Public Hearing: To hear public opinion on a request by Studio 13 Design Group on behalf of Hard Sun V, Inc. to change the zoning designation from C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 1.1 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.

Mayor Clark called the public hearing to order at 6:44 p.m.

Ron Furtick, 1500 Turbeville Road, stated he is a fan of commercial development. He supports the restaurant. He is confused why EDC purchased the land. He loves the idea of commercial tenants who pay property tax and sales tax to support the economy. It is critical to have a large number of commercial developments. He does not believe commercial development should be subsidized. It could be accomplished by changing zoning.

Mandy Larkin, 105 Lakehill Drive, stated she is excited for a sit-down restaurant to be built in Hickory Creek. She shared her concerns regarding entrances and possible traffic issues.

With no one else wishing to speak, Mayor Clark closed the public hearing at 6:48 p.m.

B (2) - Public Hearing: To hear public opinion on a request by Astra Development to change the zoning designation from SF-3 (Single Family 3) & C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 21 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: A0958A McCarroll, Tract 32, 9.515 acres, Old DCAD Tract #9a and A0958A McCarroll, Tract 31, 11.785 acres, Old DCAD Tract #9. The property is located in the 1100 block of Point Vista Road.

Mayor Clark called the public hearing to order at 6:50 p.m.

Mark Allen, 1154 Point Vista Road, stated even though his family is happy about the residential development they do have concerns. The smallest lots in the development are squeezed in the corner and five homes will border his property. In the current plan, the masonry wall along Point Vista Road would be placed in their front yard. The final concern is in regard to the fencing between the existing homes in Lakeview and the homes that are proposed.

Ron Furtick, 1500 Turbeville Road, stated he is deeply disappointed by the development which requires commercial property to be rezoned. Rezoning the property destroys the future economic viability. He does not see the need for additional homes to be built particularly near the freeway and will contribute to the destruction of the civic economy.

With no one else wishing to speak, Mayor Clark closed the public hearing at 6:56 p.m.

Item C – Consent Agenda Items

1. December 2017 Council Meeting Minutes
2. December 2017 Financial Statements

Motion: made by Councilmember DuPree to approve consent agenda Items C1 and C2 as presented. Motion seconded by Councilmember Gordon.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

Item D – Regular Agenda Items

D (1) - Presentation of the 2016-2017 Fiscal Year Audit from Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay.

Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay presented the audited financial statements for the fiscal year ending September 30, 2017. The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities at September 30, 2017 by \$11,785,041. Of this amount \$2,628,686 may be used to meet the government's ongoing obligations to citizens and creditors. The town's total net position increased by \$872,807. As of September 30, 2017, the Town of Hickory Creek's governmental funds reported combined ending fund balance of \$5,529,388, a decrease of \$1,254,279 in comparison with the beginning of the period. Approximately 55 percent of this total amount, \$3,020,355 is available for spending at the government's discretion. At the end of the current period, unassigned fund balance for the general fund was \$2,922,301 or 85.24 percent of total general fund expenditures. The audit is required to include the activity of the Economic Development Corporation and for the first year, Public Improvement District No 1, due to the issuance of bonds. The EDC fund balance increased by \$318,422 bringing the total fund balance to \$1,621,429. The Public Improvement District No. 1 total fund balance was \$605,323.

D (2) - Consider and act on an appointment to the Parks and Recreation Board.

The town council interviewed Mandy Larkin for the Parks and Recreation Board.

Motion: made by Councilmember Gordon to appoint Mandy Larkin to Place 5 of the Parks and Recreation Board with a term expiring June 2019. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (3) - Consider and act on a site and landscape plan from Murphy USA, legally described as Walmart Addition (Lake Dallas), Block A, Lot 4B, Town of Hickory Creek, Denton County, Texas.

Pov Chin, Greenberg Farrow, provided an overview of the project and answered questions from the council.

Town of Hickory Creek

January 30, 2018

Page 4

Motion: made by Councilmember Gordon to approve a site and landscape plan for Murphy USA as presented. Motion seconded by Councilmember Theodore.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (4) - Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending as heretofore amended, its comprehensive zoning ordinance, and amending the official zoning map of the town by amending an existing designation on a certain tract of land described as an approximately 0.910 acre of land being more particularly described in Exhibit "A", attached hereto and incorporated herein, from its current zoning of C-1 (Commercial District) to PD (Planned Development). Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.

Motion: made by Councilmember Kenney to approve Item D4 as presented. Motion seconded by Councilmember DuPree.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (5) - Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending as heretofore amended, its comprehensive zoning ordinance, and amending the official zoning map of the town by amending an existing designation on a certain tract of land described as an approximately 22 gross acres of land being more particularly described in Exhibit "A", attached hereto and incorporated herein, from its current zoning of C-1 (Commercial District) and SF-3 (Single Family Residential District) to PD (Planned Development). Said properties are more particularly described as follows: A0958A McCarroll, Tract 32, 9.515 acres, Old DCAD Tract #9a and A0958A McCarroll, Tract 31, 11.785 acres, Old DCAD Tract #9. The property is located in the 1100 block of Point Vista Road.

Justin Bono, President of Astra Development, provided an overview of the development and answered questions from the council.

Motion: made by Councilmember Gordon to approve Item D5 to include the conditions amended by the developer as described. Motion seconded by Councilmember Theodore.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (6) - Consider and act on an amending plat of Lot 1-A Block A of TLC Subdivision amending the remnant of Lot 1, Block A of TLC Subdivision being a 0.910 acre in the J.W. Simmons

Survey A-1163, Town of Hickory Creek, Denton County, Texas.

Town of Hickory Creek

January 30, 2018

Page 5

Motion: made by Councilmember Theodore to approve Item D6. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (7) - Consider and act on a right-of-way dedication instrument between the Town of Hickory Creek and Cornelius Center Investors, LP.

Motion: made by Councilmember Elrod to accept the dedication set forth in Item D7. Motion seconded by Councilmember Gordon.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (8) - Consider and act on a final plat of Adams Cliffs, Lots 1-3, Block A, 10.374 acres located in the McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.

Motion: made by Councilmember Gordon to approve the final plat as described in Item D8. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (9) - Consider and act on a site and landscape plan for The Learning Experience, legally described as Adams Cliffs, Lot 1, Block A, 1.177 acres located in the McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.

Von Beougher, G & A Consultants, provided an overview of the project and answered questions from the council.

Motion: made by Councilmember Gordon to approve the site and landscape plan for The Learning Experience as described. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (10) - Consider and act on an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 4: Business Regulation; Article 4.05; Alcoholic Beverages to add a new section 4.05.004 pertaining to permits for sale or consumption of alcoholic beverages at Arrowhead Park.

Motion: made by Councilmember Kenney to approve an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 4: Business Regulation; Article 4.05; **Town of Hickory Creek**
January 30, 2018
Page 6

Alcoholic Beverages to add a new section 4.05.004 pertaining to permits for sale or consumption of alcoholic beverages at Arrowhead Park, with one exception, to remove appeals. Motion seconded by Councilmember DuPree.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (11) - Consider and act on an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 4: Business Regulation; Article 4.05; Alcoholic Beverages, Section 4.05.003 Possession or consumption prohibited in certain areas.

D (12) - Consider and act on an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 1: General Provisions; Article 1.10 Parks and Recreation, Section 1.10.03 Prohibitions.

Motion: made by Councilmember Theodore to approve Item D11 and D12 as presented. Motion seconded by Councilmember Gordon.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (13) - Consider and act on Kids and Tailwaggers 2 with Easter Egg Hunt benefiting the Boys & Girls Club of North Central Texas to be held on March 31, 2018 in Sycamore Bend Park.

Rick Troutman, President of Boys & Girls Clubs of North Central Texas, provided an overview of the event and answered questions from the council.

Motion: made by Councilmember Elrod to approve Kids and Tailwaggers 2 with Easter Egg Hunt benefiting the Boys & Girls Club of North Central Texas to be held on March 31, 2018 in Sycamore Bend Park. Motion seconded by Councilmember Dupree.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (14) - Consider and act on the BGCWorld Music Fest benefiting the Boys and Girls Clubs of North Central Texas to be held on Saturday, May 12, 2018 in Sycamore Bend Park.

Rick Troutman, President of Boys & Girls Clubs of North Central Texas, provided an overview of the event and answered questions from the council. Due to the ordinances passed earlier regarding alcohol, the event would need to be held in Arrowhead Park.

Motion: made by Councilmember Theodore to the BGCWorld Music Fest benefiting the Boys and Girls Clubs of North Central Texas to be held on Saturday, May 12, 2018 in Arrowhead Park.

Motion seconded by Councilmember Elrod.

**Town of Hickory Creek
January 30, 2018
Page 7**

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (15) Consider and act on an ordinance of the Town Council of Hickory Creek, Texas ordering an election to be held on May 5, 2018 for the purpose of electing a Mayor and Town Council Members to Place 2 and Place 4.

Motion: made by Councilmember Gordon to approve as presented. Motion seconded by Councilmember Elrod.

Mayor Clark stated Councilmember Kenney stepped out momentarily.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (16) - Consider and act on an ordinance ordering a special election to be held on May 5, 2018, to submit a proposition on repealing the sales and use tax of one-fourth (1/4) of one percent for the maintenance and repair of municipal streets; increasing the local sales and use tax from the rate of one (1) percent to a rate of one and one fourth (1 1/4) percent.

Mayor Clark stated Councilmember Kenney had returned to the council chambers and Councilmember Elrod stepped out momentarily.

Motion: made by Councilmember Theodore to approve an ordinance ordering a special election to be held on May 5, 2018, to submit a proposition on repealing the sales and use tax of one-fourth (1/4) of one percent for the maintenance and repair of municipal streets; increasing the local sales and use tax from the rate of one (1) percent to a rate of one and one fourth (1 1/4) percent.

Motion seconded by Councilmember DuPree.

Ayes: Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (17) - Consider and act on a joint election agreement and contract for election services with Denton County for the May 5, 2018 election.

Motion: made by Councilmember DuPree to approve item D17 as presented. Motion seconded by Councilmember Theodore.

Ayes: Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

Mayor Clark stated Councilmember Elrod had returned to the council chambers.

D (18) - Consider and act on Hickory Creek Police Department General Order 2018-01-1: Canine Unit.

Motion: made by Councilmember Gordon to approve Hickory Creek Police Department General Order 2018-01-1: Canine Unit as presented and add the provision to include service life expectations as discussed. Motion seconded by Councilmember Theodore.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (19) - Discussion regarding the 2017 Hickory Creek Business of the Year.

The council will send nominations to the town administrator prior to the February council meeting.

D (20) - Discussion regarding the 2017 Hickory Creek Citizen of the Year.

The council will send nominations to the town administrator prior to the February council meeting.

D (21) - Discussion regarding current road and sidewalk projects.

John Smith, town administrator, provided an overview to council regarding current road and sidewalk projects.

Item E - Executive Session: The Town Council will convene into executive session pursuant to Texas Government Code 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.

No executive session.

Item F - Reconvene into Open Session:

No executive session.

Item G – Adjournment

Motion: made by Councilmember Kenney to adjourn the meeting. Motion seconded by Councilmember Gordon.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

Town of Hickory Creek
January 30, 2018
Page 9

The meeting did then stand adjourned at 9:32 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek