

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

The town council of the Town of Hickory Creek, Texas convened in a regular session on December 19, 2017 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  
Kristina Smith, Administrative Assistant  
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 Elrod gave the invocation.

**Presentation of Awards**

Mayor Clark presented a plaque of appreciation to Ethan Salas for completion of an Eagle Scout project in Hickory Creek.

Mayor Clark presented Craig Donham a plaque of appreciation for his service on the Parks and Recreation Board.

**Proclamation**

Mayor Clark proclaimed December 1, 2017 as Arbor Day in the Town of Hickory Creek.

**Items of Community Interest**

The newest employee of the police department, Chico, a Belgian Malinois, was introduced. He is blessed with the ability to detect drugs, search for missing persons and suspects. He is only 2 ½ years old but he's quiet, compassionate and enthusiastic when doing his job. Sergeant Jon Causseaux has been named the canine handler.

The town received a letter of appreciation from the Lake Cities Education Foundation for supporting the 17<sup>th</sup> LCEF Annual Gala and Auction.

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Thanks to all those involved with the fundraiser held at Chilito's Mexican Restaurant benefiting the Hickory Creek Animal Shelter.

Thanks to the Public Works Department for their work clearing the right of way on Hook Street.

Thanks to the town staff for coordinating the 2017 Christmas Tree Lighting.

**Public Comment**

Brenda Carpenter, 1500 Turbeville Road, stated Hickory Creek Estates Mobile Home Park is a blend of housing with mobile homes, recreational vehicles and expensive motorhomes. It is a safe place to live with people from diverse professions and economic situations. She is happy to live in the park and believes it is an asset to the community.

Ron Furtick, 1500 Turbeville Road, stated tonight's agenda is about who wins and who doesn't. His tenants do not win, many of them will be economically devastated by losing their homes. Sacrificing a walkable downtown area, will result in property values remaining low and property taxes increasing due to the loss of sales tax revenue a commercial development could generate. A major regional developer, who has attempted to purchase his land for years, would win. Three years ago, Mr. Furtick and the town agreed to purchase adjoining land to create a downtown area. The zoning would be changed, to facilitate mixed use development. He borrowed a very large amount of money. Without the zoning change on his property, it is worth less than what he paid. He has spent twenty-five years working to create a retirement for himself and his family. The council is poised tonight to pass laws that are designed to destroy everything he has worked for.

Yasmin Morrison, 1500 Turbeville Road, Ron Furtick's daughter, stated she and her husband Charles, are going to take over plans for managing and developing her father's property. She is excited to begin a new chapter with the Town of Hickory Creek.

**Item B - Public Hearing**

No public hearing.

**Item C – Consent Agenda Items**

1. October 2017 Council Meeting Minutes
2. October 2017 Financial Statements
3. November 2017 Financial Statements
4. Consider and act on a resolution designating the Denton Record Chronicle as the official newspaper for the Town of Hickory Creek, Texas.

**Motion:** made by Councilmember DuPree to approve consent agenda Items C1 – C4 as presented.  
Motion seconded by Councilmember Elrod.

**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 2017 Citizen Satisfaction Survey administered by Public Administration graduate students with The University of Texas at Arlington.**

Kimberly Meismer presented the results of the 2017 Citizen Satisfaction Survey. Citizens were highly satisfied with Public Safety which included Police, Fire/EMS and Animal Control and the number and cleanliness of the parks throughout town. Areas in need of improvement include street lighting, recreational programs, sidewalk maintenance and code enforcement efforts.

**D (2) - Presentation from Metrocom regarding development of certain real property described as A1220A H.H. SWISHER, TR 40, 24.732 ACRES, (located South of Swisher Road, West of Ronald Reagan Avenue, North of Turbeville Road and East of Parkridge Road.)**

Mehrdad Mayedi, Centurion American Development Group, stated he is interested in developing a piece of property located in the ETJ that Metrocom Properties has under contract. Centurion would annex the land into the town and would request a public improvement district. In his opinion, the future Point Vista Road expansion that falls south of the property is not necessary due to the existing east and west thoroughfares, FM 2181 and Turbeville Road. Discussions included abandoning the road project with the possibility of constructing a trail system and the importance of informing potential homebuyers they are purchasing a home in a public improvement district.

**D (3) - Consider and act on an ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain and operate pipelines and equipment in the Town of Hickory Creek, Denton County, Texas.**

**Motion:** made by Councilmember Gordon to approve Item D3 as presented to include a five percent franchise fee. Motion seconded by Councilmember DuPree.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (4) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement by and between the Town of Hickory Creek and Span, Inc. for transportation services.**

**Motion:** made by Councilmember Theodore to approve a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement by and between the Town of Hickory Creek and Span, Inc. for transportation services. Motion seconded by Councilmember Gordon.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (5) - Consider and act on purchasing trees to be planted at various sites throughout the town.**

**Motion:** made by Councilmember Elrod to approve purchasing trees to be planted at various sites throughout the town in an amount not to exceed \$21,450.00. Motion seconded by Councilmember Gordon.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (6) - Consider and act on proposals submitted for an extension of existing structure at the public works facility located at 970 Main Street.**

**Motion:** made by Councilmember Gordon to approve the proposal submitted by Douglas Specialties for an extension of existing structure at the public work facility located at 970 Main Street in an amount of \$33,750.00. Motion seconded by Councilmember DuPree.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (7) - Consider and act on allocating funds for the Town of Hickory Creek logo to be placed on the L.C.U.M.A. elevated storage tank in Hickory Creek.**

**Motion:** made by Councilmember Gordon to approve allocation of funds for the Town of Hickory Creek logo to be placed on the L.C.U.M.A. elevated storage tank in Hickory Creek in an amount of \$4,427.50 to Landmark Structures from the beatification expense line item. Motion seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (8) - Consider and act on a right-of-way dedication instrument between the Town of Hickory Creek and Kenneth R. and Linda K. Casey.**

**Motion:** made by Councilmember Gordon to approve the right-of-way dedication instrument as presented between the Town of Hickory Creek and Kenneth R. and Linda K. Casey. Motion seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (9) - Discussion regarding the proposed extension of Point Vista Road from Ronald Reagan Avenue to Parkridge Road.**

Discussions included the easement granted in December 2011 would revert to AS Gold LP if the road is not constructed by December 2018 and the interlocal cooperation agreement between Denton County, Texas and the Town of Hickory Creek, Texas associated with the extension of Point Vista Road from Ronald Reagan Avenue to Parkridge Road with the possibility of the funds to be reallocated to the Turbeville Road – Point Vista Road Reconstruction upon approval of the Denton County Commissioners Court.

**D (10) - Consider and act on road improvements and related infrastructure for Point Vista and Turbeville roads.**

**Motion:** made by Councilmember Theodore to authorize the town administrator to communicate to the developer his responsibility for curb cut and engineering costs. 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 of Hickory Creek amending the Town's Code of Ordinances, Chapter 6 Health and Sanitation, Article 6.02 Maintenance of Premises; Division 2: Filth, Trash and Rubbish, Section 6.02.32: Receptacles.**

**Motion:** made by Councilmember Kenney to approve an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 6 Health and Sanitation as presented. Motion seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (12) - Consider and act on an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 12 Traffic and Vehicles; Article 12.05 Stopping, Standing and Parking, Division 1: generally, Section 12.05.001 Definitions; amending Section 12.05.005 Parking of Oversized Commercial Vehicles; amending Section 12.05.006 Parking in Nonresidential Districts; amending Section 12.05.007 Parking in Residential Districts or on property used for residential purposes; amending Section 12.05.008 On-Street Parking; amending Division 2: Schedules, Section 12.05.043 No Parking except in emergency.**

**Motion:** made by Councilmember Gordon to approve an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 12 Traffic and Vehicles as presented. Motion seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (13) - Consider and act on an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A: Zoning Ordinance, Article XXII: Special Area and Use Regulations; Section 6: Outside storage of commercial products and regulation of commercial products and regulation of commercial storage structures.**

**Motion:** made by Councilmember Elrod to approve an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 14: Zoning 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 (14) - Discussion regarding onsite personnel at Sycamore Bend Park.**

Discussion was held regarding onsite personnel at Sycamore Bend Park and will be discussed again in the future.

**D (15) - Discussion regarding the volunteer appreciation dinner.**

The volunteer appreciation dinner will be held on February 12, 2018. Locations and catering options were discussed.

**D (16) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement for landscaping services by and between the Town of Hickory Creek and Grassperson Lawn Care and Landscape.**

**Motion:** made by Councilmember Theodore to approve authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement for landscaping services by and between the Town of Hickory Creek and Grassperson Lawn Care and Landscape in an amount not to exceed \$28,064.64. Motion seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (17) - 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 convened into executive session at 9:29 p.m. 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.**

1. Consider and act on determining whether the continued operation of the nonconforming use of the property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres (located South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road) has an adverse effect on nearby properties and schedule a second public hearing to establish a compliance date for the nonconforming use.
2. Discussion regarding damage claim from Bob Dillon related to property located at 209 Texoma Drive, Hickory Creek, TX.

**Item F - Reconvene into Open Session: The Town Council reconvened into open session at 10:26 p.m.**

1. Consider and act on determining whether the continued operation of the nonconforming use of the property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres (located South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road) has an adverse effect on nearby properties and schedule a second public hearing to establish a compliance date for the nonconforming use.

Cody Lewis, an attorney with Hayes, Berry White and Vanzant, stated Hickory Creek Ordinances allow this council to consider the institution of the amortization of the nonconforming use of the property at 1500 Turbeville Road as a mobile home park. Mr. Ronald Furtick initially owned the property prior to its annexation into Hickory Creek. Upon annexation, the property was zoned as a commercial district. Mr. Furtick's, d/b/a as Yasi Land Co., use as a mobile home park was grandfathered in as a legal nonconforming use despite his operation of a mobile home park within the annexed commercial district. The property was conveyed to Yasi Land Company, LLC., the current owner. A mobile home park is currently operating on the property. Under Hickory Creek Code of Ordinances, Chapter 14 Zoning; Article 13, Section 2 mobile homes and mobile home parks are prohibited. The stated intent of Hickory Creek's nonconforming uses and structures ordinances is to eventually eliminate nonconforming uses and require compliance with the regulations of the ordinances with due regard to the persons effected, public welfare and character of the surrounding area. The objective of this initial meeting is only to determine whether to institute the amortization of Yasi Land Company, LLC property and the town council has the option to institute those proceedings tonight.

**Motion:** made by Councilmember DuPree to institute proceedings to consider and establish a compliance date for the nonconforming use of the property at 1500 Turbeville Road, Hickory Creek, Texas also known as A1163 J. W. Simmons Tract 37, South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road and schedule a public hearing to determine if the nonconforming use has an adverse effect on nearby properties. Motion seconded by Councilmember Kenney.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

2. Discussion regarding damage claim from Bob Dillon related to property located at 209 Texoma Drive, Hickory Creek, TX.

No action taken.

**Item G – Adjournment**

**Motion:** made by Councilmember Elrod to adjourn the meeting. Motion seconded by Councilmember Theodore.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

The meeting did then stand adjourned at 10:30 p.m.

Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek