



Life. Well Crafted.

A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred, NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied

ACTION AGENDA

Hickory City Council
76 North Center Street

April 19, 2016
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Wil Posey, Associate Pastor, First United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation for Building Safety Month to Members of Hickory Police Department's Code Enforcement. **(Exhibit IV.A.)**

Mayor Wright read and presented the Proclamation for Building Safety Month to Code Enforcement Supervisor Bobby Baker and Code Enforcement Officer Kent Sigmon.
- V. Persons Requesting to Be Heard
- NA** A. Mr. Ed Farthing – Concerns with HB2

Mr. Farthing discussed House Bill 2.
- NA** B. Ms. Robin Gentry, 758 5th Avenue SW addressed Council regarding concerns with Williamsburg Apartments, Code Enforcement and Animal Control.
- NA** C. Ms. Michelle Mathis discussed House Bill 2.
- NA** D. Mr. Cliff Moone discussed House Bill 2.
- NA** E. Ms. Susan Smith Walker discussed House Bill 2.
- NA** F. Ms. Lynn McCloud Dorfman discussed House Bill 2.
- VI. Approval of Minutes
- A** A. Regular Meeting of April 5, 2016. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Approval of a Contract to West Carolina Freightliner, LLC in the Amount of \$118,089 for the Purchase of a 2017 Freightliner Tandem Axle Road Tractor with Glider Kit. **(First Reading Vote: Unanimous)**
- A2** B. Approval of Auditing Contract with Martin Starnes & Associates. **(First Reading Vote: Unanimous)**

April 19, 2016

- A2 C. Approval of the Community Relations Council's Recommendation for Funding of Seven Grants totaling \$7,300. **(First Reading Vote: Unanimous)**
 - A2 D. Budget Ordinance Amendment Number 21. **(First Reading Vote: Unanimous)**
 - A2 E. Grant Project Ordinance Amendment Number 6. **(First Reading Vote: Unanimous)**
 - A2 F. Consideration of Rezoning Petition 16-01 for Approximately .48 Acres of Property Located at 225 S NC Highway 127. The Petition is to rezone the Property from High Density Residential (R-4) to Office & Institutional (OI). **(First Reading Vote: Unanimous)**
 - A2 G. Consideration of Rezoning Petition 16-02 for Approximately 2.44 Acres of Property Located at 826 21st Street Drive SE, 828 21st Street Drive SE, 857 23rd Street Court SE, 863 23rd Street Court SE, 903 23rd Street Court SE and a Portion of 830 21st Street Drive SE. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- A1 A. Approval of a Landscape Grant Agreement in the Amount of \$792.50 to Tar Heel Properties of Hickory, LLC for Property Located at 1091 13th Street NE. **(Exhibit VIII.A.)**

City Council created the Landscape Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of non-residential properties located within the City. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$2,500. The grant proposal put forth by Tar Heel Properties of Hickory, LLC involves the installation of new landscape materials around the perimeter of an existing commercial office building. The applicant has provided two bids for the landscape installation and qualifies for a \$792.50 grant. The Community Appearance Commission, at their March 28, 2016 regular meeting, voted unanimously (6-0) to recommend funding of the requested grant.
 - A1 B. Approval of a Landscape Grant Agreement in the Amount of \$792.50 to Caddle Investments, LLC for Property Located at 1311 10th Avenue Lane SE. **(Exhibit VIII.B.)**

City Council created the Landscape Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of non-residential properties located within the City. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$2,500. The grant proposal put forth by Caddle Investments, LLC involves the installation of new landscape materials around the perimeter of an existing commercial office building. The applicant has provided two bids for the landscape installation and qualifies for a \$792.50 grant. The Community Appearance Commission, at their March 28, 2016 regular meeting, voted unanimously (6-0) to recommend funding of the requested grant.
 - A C. Approval of a Special Events Activities Application Unifour Area March for Babies, Rebecca Moser, Community Director, March of Dimes, April 23, 2016, 7:00 a.m. to 1:00 p.m., L.P. Frans Stadium, 2500 Clement Boulevard NW, Hickory. **(Exhibit VIII.C.)**
 - A D. Approval of a Special Events Activities Application, Sails Original Music Series, Dana Kaminske, City of Hickory Communications and Marketing Manager, May 6, 13, 20, 27;

June 3, 10, 17, 24; and September 2, 9, 16, 23, 30, 2:00 p.m. to 9:30 p.m., Sails on the Square Stage in Downtown Hickory. **(Exhibit VIII.D.)**

- A** E. Approval of a Special Events Activities Application, Reading New Testament of Bible, Dr. Kathy Johnson, Pastor, Greater Shekinah Glory Church, May 4, 2016, 7:30 a.m. to 9:00 p.m., Julian G. Whitener Municipal Building. **(Exhibit VIII.E.)**
- A** F. Approval of a Special Event Activities Application, Wrestling at L.P. Frans Stadium, Pete Subsara, Director of Promotions & Community Relations, June 4, 2016, 10:00 a.m. to 11:00 p.m., L.P. Frans Stadium, 2500 Clement Boulevard NW, Hickory. **(Exhibit VIII.F.)**
- A** G. Approval of a Special Event Activities Application, Foster Parent Appreciation Day, Megan Hildebran, Foster Parent Recruiter/Trainer, Catawba Social Services, May 21, 2016, 3:00 p.m. to 9:00 p.m., L.P. Frans Stadium, 2500 Clement Boulevard NW, Hickory. **(Exhibit VIII.G.)**
- A** H. Approval of a Special Event Activities Application, Swinging Under the Stars, Tony Eltora, Executive Director, Hickory Music Factory, May 29, 2016, 12:00 p.m. to 10:30 p.m, Sails on the Square, Downtown Hickory. **(Exhibit VIII.H.)**
- A** I. Approval of a Special Event Activities Application, Hickory Choral Society (HCS) Pops Concert – Sound of the 60's, Dana Kaminske, Communications & Marketing Manager, May 15, 2016, 2:30 p.m. to 8:30 p.m, Sails on the Square, Downtown Hickory. **(Exhibit VIII.I.)**
- A1** J. Approval of an Agreement for Professional Services with McGill Associates in the Amount of \$196,400 for the Geitner Basin Sewer System Rehabilitation Project. **(Exhibit VIII.J.)**

The Geitner basin sewer system rehabilitation project consists of complete replacement of the large diameter outfall from Highway 70 at Harvest Bible Church to US Highway 321 along the stream and the second part of the project is a number of point repairs, manhole rehabilitations, service lateral replacements and main line replacements in the area bounded by Highway 70, US Highway 321, 4th Street Drive SW, and 2nd Avenue SW. This project was approved for funding by the North Carolina Department of Environmental Quality (NCDEQ) State Revolving Fund in the amount of \$3,519,475. The engineering, planning, design, and construction expenses necessary to complete this work are eligible expenses for reimbursement from the State Revolving Loan program and were included in the application package for requested funds. This project has been approved by NCDEQ State Revolving Program for funding. Staff recommends Council's approval of the agreement for professional planning, design, construction administration, and inspections services with McGill Associates for Geitner basin sewer system rehabilitation project in the amount of \$196,400.

- A** K. Approval to Apply for a Grant through Firehouse Subs for a Laser-Driven Fire Extinguisher Training System. **(Exhibit VIII.K.)**

The fire department has offered fire extinguisher training for local businesses for many years. This hands-on training consists of setting a small fire and then having employees extinguish the fire with a dry chemical fire extinguisher. As a method to save funds and reduce pollution, the fire department would like to apply for a grant to purchase a laser-driven fire extinguisher training system. This system eliminates time consuming cleanup and expenses associated with using an actual extinguisher. Using a laser to replicate extinguisher discharge, this new system can be used indoors and will simulate class A, B, and C fires at ten levels. The public and citizens will benefit from this system by eliminating their exposure to hazardous materials and by providing training on proper fire extinguisher use that otherwise would not be provided. The fire department requests approval to apply for a grant through Firehouse Subs for an estimated \$17,105 to purchase the extinguisher training system. There are no matching funds required by the

City of Hickory. If awarded the grant, Firehouse Subs would pay 100 percent of this purchase.

- A L.** Approval of a Resolution of Support for the Western Piedmont Bicycle Plan. **(Exhibit VIII.L.)**

The Western Piedmont Council of Governments (WPCOG) has recently completed the Unifour Region's bicycle plan known as the Western Piedmont Bicycle Plan (WPBP). Representatives from the City of Hickory, other regional local governments, and the State have been assisting the WPCOG with this project. Public input was incorporated throughout the planning process. The City's Inspiring Spaces Plan (2014) and Sidewalk, Bikeway, Greenway, and Trail Master Plan (2005) were incorporated into the WPBP. The purpose of the plan is multi-faceted. The plan aims to promote bicycle use as an important alternative transportation mode, increase bicycle infrastructure connectivity, promote bicycle use to all age groups, utilize bicycling to encourage healthier lifestyles, and strengthen the economic impact of bicycling. The plan has been adopted by Alexander, Burke, Caldwell, and Catawba Counties. City Staff have been a part of the planning process as members of the Steering Committee to ensure Hickory was represented throughout the multi-year long process. The plan reflects previous bicycle related planning efforts performed by the City of Hickory, as well as, the Bond Commission's work to ensure a harmonious overlap. Staff recommends City Council adopt a Resolution of Support of the Western Piedmont Bicycle Plan.

- PH M.** Call for Public Hearing For Consideration of the Community Development Block Grant 2016 Annual Action Plan. **(Authorize Public Hearing for May 3, 2016) (Exhibit VIII.M.)**

- A1 N.** Approval of the Microenterprise Grant Agreement with CNC for Hire. **(Exhibit VIII.N.)**

The 2015-2016 Community Development Block Grant Annual Action Plan has \$10,000 allocated towards assistance for entrepreneurial activities. According to the US Department of Housing and Urban Development, a microenterprise is a business that has fewer than five employees, one of whom is the owner of the business. The program offers grants of up to \$4,000 for low to moderate income business owners for business property, inventory, necessary fixed assets, marketing and business promotion, or other improvements approved by the Business Development Committee. Applicants are required to submit a business plan and have a counseling session with a local business support organization. Bryan O'Neal has applied for a Microenterprise Grant to support and enhance his business, CNC for Hire. The business provides computer controlled cutting services to provide custom wood parts for furniture, signs, moldings, and other items. The Business Development Committee reviewed the application and recommends approval of the grant in the amount of \$3,000. The grant funds will be used for business promotion and additional equipment for the business. The Business Development Committee recommends Council's approval of the Microenterprise Grant agreement with CNC for Hire in the amount of \$3,000.

- A1 O.** Acceptance of the Offer to Purchase City-Owned Property Located at 159 12th Street Court SE in the Amount of \$78,000. **(Exhibit VIII.O.)**

Community Development Block Grant (CDBG) funds were used to purchase and rehabilitate the home located at 159 12th Street Court SE. Because the property was purchased and renovated with CDBG housing rehabilitation and purchase program funds, the property must be sold to a low or moderate income buyer and who will occupy the home as a principal residence. Staff has received an offer on the property for \$78,000, which is slightly below the asking price of \$79,900. However, the buyer is asking for the \$2,000 in closing cost assistance. This will help reduce the out of pocket expense for the buyer. The property has been listed for sale with Hickory Real Estate Group since July 2015. Staff feels that this offer is fair in light of the income and owner occupancy restrictions on the home. Since the home is being sold to an income eligible buyer as affordable housing, NCGS §157-9 authorizes the City to sell the property without using a competitive sale or upset bid process. The competitive sale requirement

would be incompatible with the income and ownership restrictions that are necessary due to the use of CDBG funds to purchase and rehabilitate the property. Staff recommends acceptance of the offer to purchase City-owned property at 159 12th Street Court SE.

- A** P. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.P.)**

The following request was considered by the Citizens' Advisory Committee at their regular meeting on April 7, 2016:

- Vickesha Lawrence, 1407 16th Avenue NE, Hickory, was awarded a City of Hickory's Housing Rehabilitation Loan in the amount of \$4,310.00. She received the loan in 2006 and has made payments in a timely manner. The loan amount to date is \$2,325.17. Ms. Lawrence is in need of replacing her plumbing in the house. The Citizen's Advisory Committee recommends approval to increase her loan to \$10,000.00. This would include the remaining \$2,325.17 currently owed with an additional \$7,674.83.

Funds are budgeted for this item through the City of Hickory's former Rental Rehabilitation program income and/or program income received through the City of Hickory's Community Development Block Grant Program. The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- A1** Q. Budget Ordinance Amendment Number 22. **(Exhibit VIII.Q.)**

1. *The Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) approved our FY 2013 Assistance to Firefighters Grant application in the amount of \$1,974,800 (90% Federal \$1,777,320 and Local \$197,480) for equipment purchases of P25 compliant radio equipment. Grant Award EMW-2013-FR-00138. This amendment will allow for closure of the grant and return unspent funds to the General Fund.*

- A1** R. Grant Project Ordinance Amendment Number 7. **(Exhibit VIII.R.)**

1. *The Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) approved our FY 2013 Assistance to Firefighters Grant application in the amount of \$1,974,800 (90% Federal \$1,777,320 and Local \$197,480) for equipment purchases of P25 compliant radio equipment. Grant Award EMW-2013-FR-00138. This amendment will allow for closure of the grant and return unspent funds to the General Fund.*

IX. Items Removed from Consent Agenda – NONE

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

NA 1. Quarterly Financial Report

A 2. Authorize Staff to Apply for TIGER Grant Funding from the US Department of Transportation. **(Exhibit XI.B.2.)**

The TIGER Discretionary Grants provide funding of up to 80 percent of project costs in urban areas for surface transportation infrastructure projects that will have a significant impact on the nation, a region, or metropolitan area. There is a

\$5 million dollar minimum funding request this year. The City of Hickory's TIGER request for the total project cost will be \$25.4 million dollars. The grant will serve as the catalyst for the City's economic development initiative, which is focused on revitalizing city infrastructure and connecting the Central Business District to surrounding neighborhoods, commerce, recreational and education facilities. The project was discussed as a priority focus area by the City of Hickory during the Inspiring Spaces Master Plan initiative. The City's grant application would focus on improvements along Main Avenue from 4th Street NW to Lenoir-Rhyne University, 1st Street SW to the Ridgeview Library and Recreation Center, 9th Street NW, and Lenoir Rhyne Boulevard SE from Tate Boulevard to I-40. These segments closely represent the connectivity of the Bond Program recently approved by City Council upon recommendation by the Bond Commission. Staff recommends that City Council authorize staff to apply for the TIGER Discretionary Grant in the amount of \$25,400,000 with a cash match of \$6.35 million dollars.

- NA 3. Public Housing Authority
- A 4. Appointments to Boards and Commissions

CITIZEN'S ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area Paul Carswell Resigned 4-6-16
(moved out of the project area)

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Other Minority VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Burke County (Mayor to Nominate) VACANT Since 8-6-2008
Brookford (Mayor to Nominate) VACANT Since 6-2006

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)
(7) Positions VACANT

Alderman Seaver nominated Ira Roberts III, as a representative on the International Council.

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 VACANT

WESTERN PIEDMONT COUNCIL OF GOVERNMENT UNIFOUR AIR QUALITY COMMITTEE (Meets Quarterly, 10:00 a.m, (Third Tuesday in the Month), 1 to ½ hour meetings)

Delegate to replace former Alderman Meisner

Mayor Wright nominated Alderman Lail as the delegate to the Western Piedmont Council of Government Unifour Air Quality Committee.

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Alderwoman Patton commented that she believed that HB2 was wrong for North Carolina's investments and the perception of the rest of the country in seeing what we have for our future. We have the potential for loss of jobs, it is bad for our economy, and we all should be concerned with the impact on the bond, perception of North Carolina, perception of Hickory. People want be staying in our hotels, eating in our restaurants. It is giving Hickory and North Carolina a bad name, and if we want investments and growth we need to ask our Legislators to repeal the bill or change it.

Mayor Wright commented that under this section that could not be presented as a motion. He asked if that was correct.

Alderwoman Patton commented correct.

City Attorney Crone commented that was not a motion just a general comment.

Alderwoman Patton commented that she would like for Council to come out in favor of repealing HB2.

Mayor Wright thanked all the people who had spoken with their light and heartfelt opinions. He commented they were heard. The Legislators meet again very shortly and he had been told that HB2 would be one of the things that they will consider. He felt certain that Mr. Adams would take back the citizens comments to the Legislature, where ultimately this matter will have to be resolved.

Alderman Lail commented that he had read this afternoon, the 4th Circuit Court of Appeals in Virginia overturned an issue relating to transgenders using the restroom and they found that it was sex discrimination. Which calls into question Title 9 funding. He advised that he was speaking of what he had heard late this afternoon which was directly out of McCrory's mouth. He said he was going to be talking to the attorneys to see what impact that has. There is still obviously a lot of movement on this issue and a lot of opinion. He echoed what Mayor Wright had said about the folks coming out and speaking.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

City Manager Mick Berry requested the addition of a closed session item which was discussion of litigation landolo vs City of Hickory (14CVS1160) NCGS §143-318.11(a)(3)

1. Approval of Closed Session Minutes of February 16, 2016 - NCGS §143-318.11(a)(1)
2. Discussion of Litigation – Willie James Grimes vs. City of Hickory, et. al. File No. 5:14-CV—160 - NCGS §143-318.11(a)(3)

XV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

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with disabilities at least 48 hours before the scheduled meeting.
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