



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

August 1, 2017  
7:00 p.m.

- I. Call to Order
- II. Invocation by Kim Moss, Pastor, Mt. Pisgah African Methodist Episcopal Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
  - A. Mr. Phillip Shell, 6724 Lakeview Terrace, Hickory, addressed City Council with his concerns with the Highway 321 project.
  - B. Mr. Richard Frye, 1004 13<sup>th</sup> Street SW, Hickory, addressed City Council with questions about a garage near his home and the zoning of the area.
- VI. Approval of Minutes
  - A** A. Regular Meeting of July 18, 2017 **(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 Lease Agreement with Carolina West Wireless for the Collocation of Cellular Equipment on City-Owned Cell Tower Located at 1441 9<sup>th</sup> Avenue NE. **(First Reading Vote: Unanimous)**
  - A2** B. Acceptance of a Special Warranty Deed from Publix for 207 Square Feet of Property Located at 36 29<sup>th</sup> Avenue NE. **(First Reading Vote: Unanimous)**
  - A2** C. Approval of a Public Recreation Lease with Duke Energy Carolinas, LLC for Recreation Facilities at Rotary-Geitner Park. **(First Reading Vote: Unanimous)**
  - A2** D. Approval to Amend the Traffic Ordinance Designating a 25 mph Speed Limit on 30<sup>th</sup> Avenue Drive NW between 30<sup>th</sup> Avenue NW and 25<sup>th</sup> Avenue Drive NW. **(First Reading Vote: Unanimous)**
  - A2** E. Approval of a Forgivable Deferred Loan to Habitat for Humanity for the Demolition and Regrading of Lots in the Ridgeview Community. **(First Reading Vote: Unanimous)**
  - A2** F. Approval of a Design Services Contract with Alfred Benesch & Company in the Amount of \$211,700 for Bruce Meisner Park – Phase I Development. **(First Reading Vote: Unanimous)**

August 1, 2017

- A2** G. Approval of the Proposal to Purchase a 2018 Spartan Smeal 105' RM Aerial Quint Fire Apparatus through the Houston-Galveston Area Council Interlocal Contract. **(First Reading Vote: Unanimous)**
- A2** H. Approval of Amendment Four to the Contract with Freese and Nichols, Inc. in the Base Amount of \$85,230 with a not to Exceed an Amount of \$59,180 for Special Services as Needed. **(First Reading Vote: Unanimous)**
- A2** I. Approval of Amendment Five to the Contract with Freese and Nichols, Inc. in the Base Amount of \$295,850 Over a Three-Year Period to with a not to Exceed Amount of \$145,840 for Special Services as Needed. **(First Reading Vote: Unanimous)**
- A2** J. Budget Revision Number 1. **(First Reading Vote: Unanimous)**
- The narrative was inadvertently omitted on the July 18, 2017 Agenda but the item was included in the Exhibit - Budget Revision Number One: To appropriate \$12,180 of General Fund Balance and budget in the Police Department's Contracted Services line-item for annual legal support from Smith Rogers PLLC Attorneys at Law. These funds are from State Unauthorized Substance Tax revenues and are received and reside in General Fund Balance until the time of appropriation for specific uses under the State guidelines.*
- A2** K. Approval of the Locally Administered Project Agreement with the North Carolina Department of Transportation to Allocate \$11,280,000 in Federal Funds to the City Walk Project. **(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.
- PH** A. Call for Public Hearing to Amend the City's Code of Ordinance Chapter 21 Section 21-11 Hours of Sell of Beer and Wine, with Regards to Senate Bill 155. **(Authorize Public Hearing for August 15, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**
- A** B. Special Events Activities Application Children's Advocacy & Protection Center's Vigil, Connie Engart, Community Education & Outreach Coordinator, Children's Advocacy & Protection Center, October 24, 2017, 10:30 a.m. to 1:30 p.m., Sails on the Square. **(Exhibit VIII.B.)**
- A** C. Approval of a Cemetery Deed Transfer from Joseph B. Wakefield, Jr., unmarried to Charles R. Lingle and wife, Sherry F. Lingle, Containing 80 Square Feet, more or less, Oakwood Cemetery, Plot J, Lot No. 14, Section 53. (Prepared by Susannah L. Brown, Anthony & Brown, PLLC. **(Exhibit VIII.C.)**
- A** D. Approval of a Cemetery Deed Transfer from Steve Edward Rhoney and wife, Elizabeth Diane Critcher Rhoney to Van Morris Bolick and wife, Lore Lineberger Bolick, Plots 13,14,and 15, Lot No. 24, Section 8, Oakwood Cemetery. (Prepared by Daniel R. Green Jr., Attorney) **(Exhibit VIII.D.)**
- A1** E. Budget Revision Number 2. **(Exhibit VIII.E.)**
1. To appropriate \$6,719 in unspent donations to International Springfest from FY 2016-17.
  2. To appropriate \$75,057 in unspent donations and endowment funds to the Library during FY 2016-17. The funds will be rolled over and appropriated to the Library Books (\$2,780) and Departmental Supplies (\$72,277) line items for expenditures that did not occur prior to end of FY2016-17.

3. To recognize a \$353 donation to the Library by Ridgeview Friends for the reimbursement of Summer Learning program prizes.
4. To transfer \$908,363 from General Fund Balance to execute a purchase contract for a 2018 Spartan Smeal 105' RM Aerial Quint fire apparatus. This covers the truck/chassis itself and, upon delivery during FY2018-19, funds will be appropriated for the associated equipment for the truck. The General Fund will be reimbursed for this expense with a number of sources.
5. To transfer \$113,922 from General Fund Balance into the Falling Creek Road Bridge Replacement project (#490001). These funds will add to the existing professional services line-item to cover the recently-approved contract with Thompson Gordon Shook Engineers, Inc. for construction engineering and inspection services. The total project is estimated to cost \$2,037,922 with 80 percent funded by NCDOT and 20 percent funded by the City.
6. To transfer \$144,410 from General Fund Balance for Amendment #4 to contract with Freese and Nichols, Inc. for public outreach coordination for one year. Assistance in future years would be handled under a future contract if needed. This coordination includes assistance with the Bond Implementation Commission as basic services and special services coordination of outreach to stakeholders and the general public on an as-needed basis. Of the total Amendment cost, a lump-sum \$85,230 is for basic services while \$59,180 will be a not-to-exceed amount for special services as needed. The General Fund will be reimbursed from both bond proceeds and grant funds.
7. To transfer \$441,690 from General Fund Balance for Amendment #5 to contract with Freese and Nichols, Inc. for services including grant administration, technical reviews, document control, design phase services, program updates, and coordination of additional meetings. Amendment #5 provides these services for a term of three years. The services are needed in part because the City has received \$17.1 million in federal transportation grants for the bond projects which require administrative support services that the City does not have with current staff. Of the total Amendment cost, a lump-sum \$295,850 is for basic services while \$145,840 will be a not-to-exceed amount for special services as-needed over the three-year period to support the Bond Program through final design of the projects. The General Fund will be reimbursed from both bond proceeds and grant funds.
8. To recognize the City's receipt of \$14,100,000 in grant funds through Surface Transportation Block Grant Direct Attributable (STBGDA) and Transportation Alternatives Program - Direct Attributable (TAP-DA). The funds will be applied to the City Walk construction. The grant program is an 80/20 cost share arrangement as follows: \$11,280,000 from the federal/NCDOT, and \$2,820,000 from local funds. The local portion is expected to be drawn from the General Obligation Bonds issued in accordance with the passing of the \$40m Bond Referendum in 2014.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

D 1. Consideration of Amendments to Chapter 4 Animals and Fowl of the Hickory City Code of Ordinance. **(Exhibit XI.A.1.)**

*Hickory City Code of Ordinance Chapter 4 – Animals and Fowl currently permits an owner to keep one goat per acre in any planning zone. The chapter also permits owners to have one potbelly pig. The Land Development Code, however, currently only permits the keeping of large domesticated animals in the R-1 and Industrial planning zones. The conflict between the two codes has created some confusion and has also resulted in enforcement issues with some*

owners who are keeping large domesticated animals. The conflicting provisions means an owner could be in violation of the Land Development Code while simultaneously be in compliance with the City Code. Amending Chapter 4 to conform to the Land Development Code's provisions for the keeping of domesticated animals in certain zones will reconcile the conflict and give property owners greater clarity on the animals they're permitted to keep on their properties. Staff recommends Council's approval of the proposed amendments to the Hickory City Code of Ordinance Chapter 4 – Animals and Fowl.

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 21, 2017.*

B. Departmental Reports:

- NA 1. Presentation of the Framework for an Economic Development Strategic Plan

*City Manager Warren Wood will present the framework for a new City of Hickory Economic Development Strategic Plan and discuss the reorganization of responsibilities within the City Manager's Office that will be needed in order to implement this new Strategic Plan once adopted.*

- D 2. Consideration of Chapters 1-6 of the updated Hickory by Choice 2030 Comprehensive Plan. **(Exhibit XI.B.2.)**

*When the current Hickory by Choice 2030 Comprehensive Plan was accepted by Hickory City Council, it was done so with the expectation the plan would be routinely updated to ensure its relevancy would continue over time. Specifically, Chapter 10 (now Chapter 12) of the plan indicated five updates should be conducted to capture changes needed to maintain the plan. In December of 2015 the Hickory Regional Planning Commission appointed a subcommittee of its members to work with staff to review and update the plan as needed. The Planning Commission subcommittee met monthly from January of 2016 until February of 2017 to undertake this process. Upon completion of its review, the Planning Commission subcommittee held a public meeting on March 22, 2017 to unveil the updated plan to the public, and gather public comment. At the conclusion of the meeting, staff took the comments that were provided and further refined the draft updated plan. The Planning Commission subcommittee directed staff to prepare the plan for review by the entirety of the Hickory Regional Planning Commission for its review and recommendations to Hickory City Council. In an effort to make review of the updated plan manageable, the plan will be broken into two sections. The first section consists of Chapters 1-6, while the second section consists of Chapters 7-12 and appendices A and B. The Hickory Regional considered the updated Hickory by Choice 2030 Comprehensive Plan at its April 26, 2017 regular meeting. After consideration, the Planning Commission voted unanimously (10-0) to recommend City Council's adoption of the updated plan.*

- A 3. Appointments to Boards and Commissions

**COMMUNITY APPEARANCE COMMISSION**

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

Ward 2 (Tarlton Appoints)

VACANT

Ward 4 (Guess Appoints)

VACANT

**COMMUNITY RELATIONS COUNCIL**

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

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)  
(Appointed by City Council)  
Ward 2 (Tarlton Appoints)  
Burke County (Mayor Appoints)  
Catawba County (Mayor Appoints)

VACANT  
VACANT  
VACANT

**Alderman Tarlton nominated Daniel Shabeldeen as Ward 2 Representative for the Hickory Regional Planning Commission.**

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms (Appointed by City Council)  
Historic Properties (Council Appoints)  
Historic Properties (Council Appoints)  
Building Trades Profession (Council Appoints)

VACANT  
VACANT  
VACANT

**INTERNATIONAL COUNCIL**

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

VACANT

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 5 (Zagaroli Appoints)  
At-Large (2) (Mayor Appoints)

VACANT  
VACANT

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 3 (Seaver Appoints)  
Ward 4 (Guess Appoints)

VACANT  
VACANT

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)  
Position 1

Grover Lineberger  
(Eligible for Reappointment)

Position 9

VACANT

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 3 (Seaver Appoints)  
Ward 4 (Guess Appoints)  
At-Large (Council Appoints)

VACANT  
VACANT  
VACANT

**Alderman Seaver nominated Elaine Seaver as Ward 3 Representative on the Recycling Advisory Board.**

**Mayor Cline, on behalf of Alderwoman Patton who was not present, nominated Tawana Thomas as an At-Large Representative on the Recycling Advisory Board.**

**UNIVERSITY CITY COMMISSION**

(Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council)  
At-Large (not including ETJ) (Council Appoints)

VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

At-Large Representative  
Challenger High School Representative  
St. Stephens High School Representative  
St. Stephens High School Representative

VACANT  
VACANT  
VACANT  
VACANT

C. Presentation of Petitions and Requests

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

**A** City Council approved the Special Events Application for the Girl Scouts National S'mores Day Event, August 10, 2017, 9:30 a.m. to 4:30 p.m. at the Sails on the Square.

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

City Manager Warren Wood introduced Rachel Allure, she was a 2014 graduate of Hickory High School, and a rising senior at UNC Chapel Hill. Ms. Allure studies political science and psychology and plans to attend law school in the future. Ms. Allure had been working with Catawba County's Attorney for the past two summers and was currently working with Deputy City Attorney Arnita Dula. He joked that she likes it at the City a lot better than she did at the County. He thanked Ms. Allure for working with the City this summer.

Alderman Seaver advised he would not be at the next City Council meeting as he would be representing the City's area at our sister city in Altenburg, Germany.

Alderman Guess mentioned that Richard Garrison, a reporter from Morganton, had died unexpectedly on Friday. Mr. Garrison was real faithful to attend the City Council meetings from Morganton and report back to the folks in Morganton about the goings on in the Unifour area. He wanted to make everyone aware of that and they were going to miss Richard. Mr. Garrison had been extremely faithful, and Alderman Guess would talk to him about every Council meeting that he attended. He would be missed.

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

**NA** City Attorney John Crone requested Council go into Closed Session, (pursuant to NC General Statutes 143-318.11(a)(3)), to discuss a potential litigation matter.

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.”**

**The City of Hickory holds all public meetings in accessible rooms.  
Special requests for accommodation should be submitted by individuals  
with disabilities at least 48 hours before the scheduled meeting.  
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