



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 15, 2017  
7:00 p.m.

- I. Call to Order
- II. Invocation by Sandi Hood, Director of Community Outreach, Catawba Valley Hospice and Palliative Care
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of August 1, 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. Budget Revision Number 2. **(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 Resolution Authorizing the Execution of a Lease Agreement of Property Located at 304 3<sup>rd</sup> Street SW, Hickory. **(Exhibit VIII.A.)**  
  
*Hickory Police Department requests approval of a Resolution authorizing the execution of a lease agreement with Jamie Janine Reed, for the property located at 304 3<sup>rd</sup> Street SW. The Police Department purchased and renovated the property in 2010 which is adjacent to the current 6.18 acres of the City of Hickory and would provide necessary land for any future expansion of the Police Department. The lease agreement is for a term of one year beginning November 1, 2017 and expiring October 31, 2018. The lease fee will be \$600 per month due and payable monthly in advance on the 1<sup>st</sup> day of each month during the term of the lease agreement. Hickory Police Department recommends approval of the Resolution authorizing the execution of the lease agreement to Jamie Janine Reed for the property located at 304 3<sup>rd</sup> Street SW, Hickory.*
- A** B. Approval of a Resolution Declaring Surplus Library Books and Authorizing a Donation to the Friends of the Library for their Annual October Book Sale and/or the Corner Book Store at Patrick Beaver Memorial Library. **(Exhibit VIII.B.)**  
  
*Library staff requests approval to surplus 2,779 discarded library materials. The surplus items will be donated to the Friends of the Library to be sold at the Friends "Corner Book*

August 15, 2017

Store” at Patrick Beaver Memorial Library and/or at the October 2017 book sale. The sale of the donated and discarded books is the primary fundraiser activity of the Friends of the Library, and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library and is an appropriate means of disposing of unneeded materials. Library staff requests approval of a Resolution declaring surplus 2,779 discarded library materials, and donating the surplus to the Friends of the Library.

Public notice of the intent to declare the items as surplus and donate the items to the Friends of the Library was advertised in a newspaper having general circulation in the Hickory area on August 3, 2017.

- A1** C. Acceptance of the Bid and Award the Contract to Amick Equipment in the Amount of \$280,761.55 for a 2018 Crane Carrier Cab/Chassis Model #LET2-46. **(Exhibit VIII.C.)**

*The Residential Solid Waste Division’s capital equipment improvement plan includes the replacement of a sidearm automated refuse truck in FY17-18. These trucks are used to collect residential solid waste cans and collects between 600 and 1,000 cans per day. This type of truck allows the division to perform this essential function in an efficient and effective manner by requiring the least staff. Staff from the Solid Waste and Fleet Division’s prepared specifications to purchase equipment meeting the City’s requirements. The City participates in a buying cooperative with the NC Sheriffs’ Association that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The specified truck applies to the NC Sheriffs’ Association contract number 17-01-0617, refuse truck body for a 2018 Crane Carrier Cab/Chassis with a new way sidewinder 29yd dump body. The Residential Solid Waste Division’s Capital Budget includes purchase of an automated refuse truck in the amount of \$275,000. The bid price for this equipment through the NC Sheriffs’ Association was \$280,761.55, therefore the division will do a budget transfer in the amount of \$7,762 to cover the difference in budget and price. This transferred amount also includes the \$2,000 amount for the road use tax portion of the purchase. Staff recommends Council’s acceptance of the bid and award the contract to Amick Equipment for a 2018 Crane Carrier Cab/Chassis model #LET2-46 with a new way sidewinder ASL 29yd tilt to dump body per the N.C. Sheriffs’ Association reference contract number 17-01-0617 refuse truck body in the amount of \$280,761.55.*

- A1** D. Acceptance of the Bid and Award the Contract to Carolina Environmental Systems Inc. for in the Amount of \$242,026.38 for a 2018 Crane Carrier Cab/Chassis model #LET2-44. **(Exhibit VIII.D.)**

*The Residential Solid Waste Division’s capital equipment improvement plan includes the replacement of a rear loading refuse truck in FY 17-18. These trucks are used to collect residential yard waste and bulky item refuse from the curb. This type of truck allows the division to perform this essential function in an efficient and effective manner. Staff from the Solid Waste and Fleet Division’s prepared specifications to purchase equipment meeting the City’s requirements. The City participates in a buying cooperative with the NC Sheriffs’ Association that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The specified truck applies to the NC Sheriffs’ Association bid specifications. The Recycling Solid Waste Division’s Capital Budget includes the purchase of a rear loading refuse truck in the amount of \$235,000. The bid price for this equipment through the NC Sheriffs’ Association was \$242,026.38, therefore the division will do a budget transfer in the amount of \$9,027 to cover the difference in budget and price. This transferred amount also includes the \$2,000.00 amount for the road use tax portion of the purchase. Staff recommends Council’s acceptance of the bid and award of the contract to Carolina Environmental Systems Inc. for a 2018 Crane Carrier Cab/Chassis model #LET2-44 with a Heil DP5000 – 25 cubic yard high compaction rear loading refuse body per the N.C. Sheriffs’ Association in the amount of \$242,026.38.*

- PH E.** Call for Public Hearing to Consider FY 2016-2017 Consolidated Annual Performance and Evaluation Report (CAPER). **(Authorize Public Hearing for September 5, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E.)**
- PH F.** Call for Public Hearing to Consider – Voluntary Non-Contiguous Annexation of Property Owned by Karolyn Lee Voelbel, Trustee under the Voelbel Living Trust, Located at 4100 54<sup>th</sup> Avenue NE, PIN# 3735-11-66-1272, Containing 1.3147 Acres. **(Authorize Public Hearing for September 5, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.F.)**
- PH G.** Call for Public Hearing to Consider – Voluntary Non-Contiguous Annexation of Property Owned by Warren M. Wood, and Amy B. Wood, Located at 1034 25<sup>th</sup> Avenue Drive NW, PIN# 3704-14-34-4673, Containing 2.037 Acres. **(Authorize Public Hearing for September 5, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.G.)**
- A H.** Acceptance of the Historic Preservation Fund Pass-Through Grant in the Amount of \$5,600 from the State Historic Preservation Office. **(Exhibit VIII.H.)**

*As a Certified Local Government, the City of Hickory is eligible to apply for grants from the State of North Carolina to undertake a variety of different projects to advance historic preservation. In February 2017, after direction from the Historic Preservation Commission and approval from City Council, staff applied for a Historic Preservation Fund Pass-Through Grant to update the documentation on the existing Oakwood district properties and to conduct the necessary research to submit a National Register nomination report for the expansion area. On July 31, 2017, the State Historic Preservation Office informed City staff that Hickory's grant request was approved, but only for the nomination report to expand the Oakwood district. Therefore, the grant award was less than originally requested. By expanding the Oakwood National Register Historic District, additional properties in the neighborhood will be recognized for their historical value and will be able to access state and federal tax credits to incentivize long term preservation. An expansion of the Oakwood Local Historic District is not being considered at this time. The total project cost will be \$12,000. The State grant will pay \$5,600 (46 percent) of the project costs. The required City match will be \$6,400. These funds will be taken from the General Fund. If the grant is accepted by City Council, the project would begin shortly and be completed by September 2018. Staff recommends that City Council accept the Historic Preservation Fund Pass-Through Grant.*

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

*The following request was considered by the Citizens' Advisory Committee at their regular meeting on August 3, 2017.*

*The following applicant is being recommended for approval for assistance under the City of Hickory's 2016 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency related repairs not to exceed \$8,000.*

➤ *Patricia Sullivan, 1014 16<sup>th</sup> Street SE, Hickory*

*The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.*

- A J.** Approval to Apply for the 2017 Justice Assistance Grant in the Amount of \$15,205. **(Exhibit VIII.J.)**

*Hickory Police Department requests approval to apply for the 2017 Justice Assistance Grant (JAG) to send officers through an officer wellness program such as Blue Courage*

or VALOR. These programs are listed as authorized programs under the Bureau of Justice Assistance. City of Hickory has received notification of approval to receive \$15,205 under the 2017 Justice Assistance Grant Program. The JAG Program is a formula-based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. Cities and counties are required to submit joint applications for the available funding. There is no match required. Hickory Police Department recommends approval to apply for the 2017 Justice Assistance Grant in the amount of \$15,205.

- A K. Approval of a Cemetery Deed Transfer from Peter L. Abernethy, Single, By and Through his Attorney-in-Fact, Hannah Crowell Abernethy Frenier; Kay Abernethy, Widow of W.R. (Randy) Abernethy, Sr.; W.R. Abernethy, Jr. and wife, Hideko Abernethy; Jessica Abernethy Walker and husband, Garrett Walker; Hannah Abernethy Frenier and husband, Julius Frenier; Judy Abernethy, Widow of John G. Abernethy, Sr.; Maryann Abernethy Yates and husband, Kenny Yates; John G. Abernethy, Jr. and wife, Charae Abernethy; and Brendan Abernethy and wife, Grace Abernethy to Dick H. Adams and wife, Gail P. Adams, Oakwood Cemetery, Plot B, Lot 1, Section 52. (Prepared by Terry M. Taylor, Attorney at Law) **(Exhibit VIII.K.)**

- A1 L. Acceptance of the Bid and Award of the Contract to James River Equipment for the Purchase of a John Deere 670G Motor Grader in the Amount of \$187,931.94. **(Exhibit VIII.L.)**

*The Public Services Street Division operates various types of equipment in the practice of operating, maintaining, and managing roadway infrastructure. The Division currently uses a 1990 model motor grader to grade gravel roadways refreshing the stone, as well as clearing snow and ice, particularly in the downtown area. Equipment on that unit is outdated, no longer working, and parts are difficult to find. This equipment is being replaced as a component of the Public Services Street Division's normal Capital Budget. Staff from the Street and Fleet Divisions jointly prepared specifications for this equipment replacement to ensure the equipment would meet the needs of the Street Division. This piece of equipment is available and being purchased off the North Carolina State Contract. All procurement requirements are met through the State Contract. This motor grader capital replacement is budgeted in FY 17-18 Street Division Capital Budget. Staff recommends Council's acceptance of the bid and award of the contract to James River Equipment for the purchase of a John Deere 670G motor grader in the amount of \$187,931.94.*

- A1 M. Budget Revision Number 3. **(Exhibit VIII.M.)**

1. To appropriate \$15,437 of available Department of Treasury Funds for the purchase of a new canine for the Hickory Police Department.
2. To budget an additional \$10,000 in General Fund Contingency funds for agreement with the UNC School of Government's Development Finance Initiative to conduct a review of a proposed, confidential economic development project in downtown Hickory. The project is for mixed-use development including residential, office, retail, and parking facilities. The agreement would be for the SOG to review the development plan and pro-forma to determine the viability of the City's scope of participation in the development.
3. To reduce the budget for PSAP expenditures in the Police Department by \$4,760 due to variances between the budgeted estimates on July 1, 2017 and the actual amounts available following the end of FY 16-17. This revision adjusts the actual year-end rollover realized after FY16-17.
4. To appropriate \$4,000 in Sale of Fixed Assets/Sale of Equipment funds to the Fire Department's Departmental Supplies line-item. These funds were issued for the sale of 40 Motorola HT1250 VHF portable radios. The surplus of these radios was approved by City Council on 6/20/17. The sale was finalized by check #4545 from buyer Grace Chapel Volunteer Fire Department on 7/26/17.

5. *To appropriate \$5,484 from General Fund Balance into Parks and Recreation supplies account. The funds comprise unspent donation and registration revenues during FY16-17 for the Unifour Senior Games.*
6. *To recognize \$375 in donations received towards the Parks and Recreation F.I.R.E. Community event in Ridgeview on July 15, 2017.*
7. *To appropriate funds in the amount of \$57,263 from the Water and Sewer Fund Balance for vehicles for the Public Utilities Division.*
8. *To recognize the receipt of \$1,042 in insurance-claims revenue from a citizen's insurance for damage to the Airport fence due to a vehicle accident on June 14, 2017.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

**NA** A. Budget Transfer Report - August 15, 2017

Under Section 22 (b) of the Fiscal Year 2017-2018 Budget Ordinance, the City Manager is authorized to transfer appropriations with a report to City Council as follows:

- August 4, 2017 (BT#5): Transferred \$29,927 from Water and Sewer Fund Contingency into the Sewer Collections Division budget to cover the purchase of a vehicle. This vehicle is immediately needed due to the hiring timeframe.

XI. New Business:

A. Public Hearings

**A1** 1. Continuation of Public Hearing for Consideration of Amendments to Chapter 4 Animals and Fowl of the Hickory City Code of Ordinance – Presentation by Deputy City Attorney Arnita Dula. **(Exhibit XI.A.1.)**

*On August 1, 2017, Council opened the public hearing to consider amendments to Chapter 4 Animals and Fowl of the Hickory Code of Ordinances. The proposed amendments add additional definitions related to animals and regulate the keeping of large domestic, small domestic, and household animals based upon zoning districts. The proposed amendments did not include a provision that would allow owners to temporarily keep and use large domestic animals to clear weeds and other vegetation on their properties. Under proposed Section 4-31(c), an owner will be able to pay a fee to obtain temporary permit to keep and use large domestic animals to clear vegetation from their properties for up to fourteen (14) days. Animal control will issue the permits. In many instances, animals offer a more viable solution for owners to clear properties that may have topography issues or are covered with invasive plant species that do not respond well to traditional clearing methods such as bush hogging or chemical treatments. Staff recommends Council's approval of all the proposed amendments to Chapter 4.*

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

**A1** 2. Consideration of Amending the City's Code of Ordinance Chapter 21 Section 21-11 Hours of Sell of Beer and Wine, with Regards to Senate Bill 155 – Presentation by Governmental Affairs Manager - Yaidee Fox. **(Exhibit XI.A.2.)**

*On June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155 entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws". Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 a.m. on Sundays. Chapter 21, Section 21-11 currently prohibits the sale of beer*

and wine from 1:00 p.m. on Sunday to 7:00 a.m. the following Monday. This prohibition does not apply at any time the wholesale delivery and sale of unfortified wine, fortified wine, and malt beverages to retailers issued permits pursuant to G.S. 18B-1001. Sunday morning alcohol sales will allow the hospitality community and retail merchants in our community to meet the needs of their customers. This service will bring people into business districts earlier in the day and generate increased tax revenues. Sales beginning at 10 a.m. on Sundays also will benefit our diverse and growing community. Staff recommends Council's consideration of a proposed ordinance to amend Chapter 21, Section 21-11 of the Hickory Code of Ordinances.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 5, 2017.

B. Departmental Reports:

- NA 1. Annual Code Enforcement Update – Presentation by Deputy Chief of Police Reed Baer
- A 2. Consideration of Updates to Chapters 7 – 12 and Appendices “A” and “B” of the Hickory by Choice 2030 Comprehensive Plan – Presentation by Planning Director Brian Frazier. **(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 year 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 Planning Commission 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 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)  
Burke County (Mayor Appoints) VACANT  
Catawba County (Mayor Appoints) VACANT

**HISTORIC PRESERVATION COMMISSION**

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

**Alderman Guess Nominated Kimberly Menzies as Historic Properties Representative for the Historic Preservation Commission.**

**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) VACANT  
At-Large (2) (Mayor Appoints) VACANT

**Alderman Zagaroli Nominated Joe Fox as Ward 5 Representative for the Library Advisory Board.**

**PUBLIC ART COMMISSION**

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

**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 VACANT  
Challenger High School Representative VACANT  
St. Stephens High School Representative VACANT  
St. Stephens High School Representative VACANT  
St. Stephens High School Representative VACANT

**Mayor Cline nominated Nicole Hicks as a St. Stephens High School Representative for the Youth Council.**

**NORTH CAROLINA LEAGUE OF MUNICIPALITIES**

Voting Delegate/Alternate for 2017 Annual Business Meeting September 22,  
2017 (3:00 – 4:00 p.m.) Greenville, NC

C. Presentation of Petitions and Requests

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

Alderwoman Patton mentioned State Legislature House Bill 89. She advised that the State Legislator's passed House Bill 89 at the end of July which gives municipalities the authority to transfer Public Housing assets to the local Council of Governments. She thought there was some opportunities for the City's Public Housing and the City of Hickory. She commented we need some time to understand the implications of the House Bill, how it might positively benefit our citizens in the City, and also to understand what the Housing Authority's move to RAD will mean for our citizens. She asked that City Manager Warren Wood setup a meeting next week with the Housing Authority to come to, perhaps a work session to help Council better understand where they are.

City Manager Warren Wood acknowledged that he would do that.

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

City Attorney John Crone pointed out a Boy Scout in attendance.

Mayor Cline advised it was a tradition of Council to recognize Boy Scouts that were in attendance. He asked the Boy Scout to introduce himself.

The Boy Scout advised his name was Aaron Reid.

XIV. 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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