



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

December 5, 2017  
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Joe Westfall, St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Oath of Office for Ward 4 Alderman-Elect David Williams, Ward 5 Alderman David Zagaroli, Ward 6 Alderwoman Jill Patton and Mayor-Elect Hank Guess  
  
Mayor Cline administered the Oath of Office to Ward 4 Alderman-Elect David Williams, Ward 5 Alderman David Zagaroli, Ward 6 Alderwoman Jill Patton and Mayor-Elect Hank Guess.
- V. Election of Mayor Pro Tempore for Calendar Year 2018 Pursuant to NC General Statute §160A-70 and Section 2-54 of the Hickory City Code and Oath of Office  
  
**A** City Council elected Alderman Seaver as Mayor Pro Tempore for Calendar Year 2018.
- VI. Appointment of City Attorney for Calendar Year 2018 Pursuant to the Hickory City Code, Section 4.151 of the Charter and Oath of Office  
  
**A** City Council appointed John Crone as City Attorney for Calendar Year 2018.
- VII. Special Presentations
  - A. Proclamation for the 50<sup>th</sup> Anniversary of Kiwanis Club of Western Catawba County. **(Exhibit VII.A.)**  
  
Mayor Guess read and presented a Proclamation for the 50<sup>th</sup> Anniversary of Kiwanis Club of Western Catawba County.
- VIII. Persons Requesting to Be Heard
  - A. Ms. Joan Long – Presentation to Mayor Guess  
  
Ms. Long and friends thanked Mayor Guess for his service and presented him with a picture by Tommy Stine.
  - B. Mr. Cliff Moone and Mr. Thomas Shell introduced Ms. Carmen Eckard. They explained she was the winner of the Edison Project and both of them were featured in her magazine. Mr. Moone referenced the Proclamation for Human Rights Day, December 10, 2017 and Bill of Rights Day, December 15, 2017. Ms. Carmen Eckard advised she was excited about the project and would leave a copy of her magazine for Council to look at.
- IX. Approval of Minutes

December 5, 2017

- A A. Regular Meeting of November 21, 2017. **(Exhibit IX.A.)**
- X. 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 the Professional Services Agreement with Hulsey McCormick & Wallace in the Amount of \$50,000 for the Sodium Hypochlorite Generation Replacement Project. **(First Reading Vote: Unanimous)**
- A2 B. Budget Revision Number 10. **(First Reading Vote: Unanimous)**
- A2 C. Consideration of Rezoning Petition 17-04 for Approximately 1.25 Acres of Property Located at 4100 54<sup>th</sup> Avenue NE – Presentation by Planning Director Brian Frazier. **(First Reading Vote: Unanimous)**
- A2 D. Consideration of Rezoning Petition 17-05 for Approximately 3.74 Acres of Property Located at 112 2<sup>nd</sup> Avenue SE, 116 2<sup>nd</sup> Avenue SE, 210 2<sup>nd</sup> Street SE, 228 2<sup>nd</sup> Street SE, 225 1<sup>st</sup> Street SE, 231 1<sup>st</sup> Street SE and Three Vacant Parcels Located on 2<sup>nd</sup> Avenue SE – Presentation by Planning Director Brian Frazier. **(First Reading Vote: Unanimous)**

Consideration of Amending Hickory City Code of Ordinance, Chapter 18, Motor Vehicles and Traffic, Article III, Section 18-81 and Article IV, Section 18-106 – Presentation by Deputy City Attorney Arnita Dula. **(First Reading Vote: Unanimous)**

XI. 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 XII.

- A A. Proclamation for Human Rights Day, December 10, 2017 and Bill of Rights Day, December 15, 2017. **(Exhibit XI.A.)**
- A B. Approval of a Cemetery Deed Transfer with Ronald and Rhea Swift in Oakwood Cemetery. **(Exhibit XI.B.)**

*Ronald and Rhea Swift purchased 4 plots in Oakwood Cemetery on February 5, 2015. Two plots 3, and 4 remain unused. The Swift's now desire to have a family plot with a 6 body crypt in the Oakwood Cemetery. The location of the 2 plots owned by the Swift's is approximately 100 feet from the Cripple Creek Cemetery Road and 75 feet from the North Avenue Rd. Due to the distance from the road, a much larger crane truck is required for the crypt and may cause damage to the road and/or cemetery property. The City of Hickory has several plots that can be exchanged in Oakwood Cemetery being Plot F, Lot No. 19 and 20, Section 57. These plots are approximately 25 feet from 4<sup>th</sup> Street NW that would require a smaller type crane for the placement of the crypt. This location would have less potential of damage to the cemetery and surrounding property. Staff asks Council to consider accepting a Cemetery Deed conveying from the Swift's the two plots located in the Oakwood Cemetery Plot 3 and 4, Lot No. 10, Block D, Section 33 and conveying to the Swift's two plots located in Plot F, Lot 19 and 20, Section 57.*

- A C. Accept and Enter into the Minutes Certification of Votes from November 7, 2017 Election from the Catawba County Board of Elections. **(Exhibit XI.C.)**

Mayor	Hank Guess	2,912
	Will Locke	2,714
	Write-In	18
Ward 4	David Williams	4,667
	Write-In	34

Ward 5	Matthew Maulding	1,447
	David P. Zagaroli	3,724
	Write-In	16
Ward 6	Jill Patton	4,471
	Write-In	87

- A1** D. Acceptance of the General Warranty Deed Conveying the Parking Lot from OHM Holdings, LLC to the City of Hickory. **(Exhibit XI.D.)**

*Staff requests Council to consider the General Warranty Deed conveying a parking lot from OHM Holdings, LLC (OHM) to the City of Hickory. In 2014, in accordance with N.C.G.S. 160A-458.3, the City of Hickory and OHM Holdings L.L.C. (Transportation Insights) entered into a joint parking lot construction agreement for the construction of a public parking lot and improvements to attendant roadways at the former Lyerly Mill property which OHM purchased and developed into a corporate campus. The parking lot was constructed to meet parking needs for OHM's employees and guests as well as for public parking. OHM developed and constructed the parking lot. The City of Hickory reimbursed OHM for the development and construction costs. Upon completion of the parking lot, OHM was to convey the parking lot to the City of Hickory. OHM is now conveying the parking lot to the City. Specifically, the General Warranty Deed conveys Tract 3 (the public parking lot) to the City. OHM retains an easement for ingress, egress, and regress across Tract 2 of the corporate campus for access to Tract 3. The City of Hickory and OHM, LLC Parking Lot Construction Agreement executed by the parties in 2014 governs the joint use of the parking lot by the City and OHM. Staff recommends Council accept the General Warranty Deed conveying a parking lot from OHM Holdings, LLC to the City of Hickory.*

- A1** E. Budget Revision Number 11. **(Exhibit XI.E.)**

- To appropriate a \$1,000 donation to the Fire Department by the Walmart/Sam's Foundation. The funds will be used to purchase smoke- and carbon monoxide alarms for high risk fire areas throughout the community.*
- To appropriate a \$5,752 insurance claim payment received for damages to the Solid Waste Transfer Station on 10/2/17.*

XII. Items Removed from Consent Agenda

XIII. Informational Item

XIV. New Business:

A. Public Hearings

B. Departmental Reports:

- A** 1. 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 3 (Seaver Appoints)

Kelly Walker Resigned

Ward 4 (Williams Appoints)

VACANT

**Alderman Seaver nominated Greg Schauble as Ward 3 Representative for Community Appearance Commission.**

**COMMUNITY RELATIONS COUNCIL**

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

Other Minority (Council Appoints)	VACANT
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) Building Trades Profession (Council Appoints)	VACANT
---	--------

**INTERNATIONAL COUNCIL**

(Appointed by Mayor with the Concurrence of City Council) (2) Positions	VACANT
--	--------

**LIBRARY ADVISORY BOARD**

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

**PUBLIC ART COMMISSION**

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

**Alderman Seaver nominated Beth Schauble at Ward 3 Representative on Public Art Commission.**

**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 (Williams Appoints)	VACANT
---	--------

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)	
Challenger High School Representative	VACANT
Homeschool Representative	VACANT
St. Stephens High School Representative	VACANT

C. Presentation of Petitions and Requests

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

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

Mayor Guess commended the Public Services coworkers. Everyone was aware of the storm which came through. Public Services coworkers had done a tremendous job, not only in cleaning up the storm but that also came exactly at the same time that they were picking up leaves. He had heard from several residents commending them and he wanted to take this opportunity to let them know how much that was appreciated and what a good job they had done and continue to do to get the storm damage cleaned up and also pick-up the leaves at the same time.

Alderman Tarlton agreed.

Alderman Seaver thanked everyone for turning out. It was standing room only. It was good to have everyone here. He commented it was a great election, there was a lot of interest this year. He thanked all of those who ran. They did a great job. He was proud of everyone and proud of Hickory.

Alderman Williams commented he was honored to be a part of Council, serving with each of them. He was grateful to the citizens that elected him and everyone that showed up tonight. He was so honored and so grateful. He commented he was looking forward to serving with each of the Councilmembers. He thanked everyone.

Alderman Tarlton thanked Alderman Williams for running and for participating.

Mayor Guess commented they were excited to have him.

XVII. Closed Session Per NC General Statutes 143-318.11(a)(1)(4) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess advised that they had decided that there would not be a closed session tonight.

1. *Approval of Closed Session Minutes of September 19, 2017, October 17, 2017, November 21, 2017 - NCGS §143-318.11(a)(1)*
2. *Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)*

XVIII. 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.  
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**