



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

February 6, 2018
7:00 p.m.

I. Call to Order

II. Invocation by Retired Methodist Minister Bill Garrard

III. Pledge of Allegiance

Mayor Guess recognized Boy Scouts from Troop 383 which were in attendance and asked them to introduce themselves.

Mr. Jonathan Moore advised they were from Troop 383 out of Conover, but they live in Hickory. His sons introduced themselves, Jacob and John.

IV. Special Presentations

NA A. Presentation from Hickory Young Professionals 2018 President Logan Shook

Mr. Logan Shook, 2018 President of Hickory Young Professionals, and 2017 Vice Chair Ms. Sarah Davis updated City Council on the Hickory Young Professionals finances, membership, sponsorships and events held previously and also upcoming events which are planned.

V. Persons Requesting to Be Heard

A. Ms. Laci Leblanc, 1816 15th Street Place NE, Hickory addressed City Council and expressed her opinion regarding the process for filling the Ward 2 seat.

VI. Approval of Minutes

A A. Regular Meeting of January 16, 2018. **(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 Purchase Approximately 1.35 Acres of Property Adjacent to the Northeast Wastewater Treatment Facility on 1st Street Place NE in the Amount of \$125,000. **(First Reading Vote: Unanimous)**

A2 B. Budget Revision Number 13. **(First Reading Vote: Unanimous)**

A2 C. Consideration of Amending Article II, Section 4-26 and 4-29 of Chapter 4 Animals and Fowl of the Hickory City Code of Ordinances. **(First Reading Vote: Unanimous)**

A2 D. Consideration of Amending Chapter 24 of the Hickory City Code of Ordinances to Consolidate and Codify Regulations Regarding Solicitors, Peddlers, and Panhandlers into One Chapter. **(First Reading Vote: Unanimous)**

February 6, 2018

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. Consideration of a Lease Amendment Agreement with Hickory Music Factory for their Use of the Former Parks and Recreation Department Administration Office Building Located at Jaycee Park. **(Exhibit VIII.A.)**

In April 2013, the City of Hickory entered into a lease agreement with Hickory Music Factory for their use of the former Parks and Recreation Department administration office building at Jaycee Park. In exchange for the office space and utilities provided to them, Hickory Music Factory is paying one dollar (\$1.00) annually and providing various music programs to City of Hickory residents at no charge. The initial lease was for a five year period beginning April 17, 2013 and continuing until April 16, 2018. Thereafter, the lease is scheduled to renew for one additional five year period beginning April 17, 2018 and continuing until April 16, 2023. The lease agreement allows Hickory Music Factory to make additions and improvements to the leased premises with the permission of the City of Hickory, with the additions and improvements being at the sole expense of Hickory Music Factory. In February 2017, Hickory Music Factory made some significant improvements to the building with the consent of the City. In exchange for making the improvements, Hickory Music Factory has requested amending the term of the original lease agreement to a new ten-year term beginning in 2018. Pursuant to N.C.G.S. 160A-272 a Resolution was adopted by City Council on December 19, 2017 to consider the amendment to the Lease Agreement and duly advertised in the Hickory Daily Record on December 22, 2017. Staff requests City Council's approval to enter into a lease amendment agreement with Hickory Music Factory for a term of ten years in exchange for the facility improvements.

A B. Special Events Activities Application for Pinwheels for Prevention Vigil, Connie Engard, Community Education and Outreach Coordinator, Children's Advocacy & Protection Center, April 4, 2018 (Rain Date April 11, 2018), 10:00 a.m. until 2:00 p.m. at the Zahra Baker All Children's Playground at Kiwanis Park. **(Exhibit VIII.B.)**

A C. Special Events Activities Application for Unifour March for Babies, Rebecca Moser, Development Specialist, March of Dimes, April 21, 2018, 7:00 a.m. to 1:00 p.m., LP Frans Stadium. **(Exhibit VIII.C.)**

A D. Special Events Activities Application for Hickory Farmers Market 2018, Sarah Taylor Wood, Manager of Downtown Hickory Farmers Market, April 21, 2018 through November 24, 2018, Wednesdays 8:30 a.m. to 3.30 p.m. and Saturdays 6:30 a.m. to 2:30 p.m., Union Square. **(Exhibit VIII.D.)**

A E. Special Events Activities Application for Susan G. Komen NWNC Foothills Race for the Cure, Megan Wood, Community Engagement Director, Susan G. Komen Northwest NC, September 29, 2018, 8:30 a.m. to 2:00 p.m., L.P. Frans Stadium. **(Exhibit VIII.E.)**

A F. Approval to Apply for Placement of Public Art within North Carolina Department of Transportation's (NCDOT) Right of Way and Adoption of a Resolution for Submission to NCDOT. **(Exhibit VIII.F.)**

Staff requests Council's approval to apply for placement of public art within North Carolina Department of Transportation's (NCDOT) right of way. Staff also requests Council adopt a Resolution for submission to NCDOT. The City of Hickory, through the Bond Implementation Commission and City Council, has identified the location of the southeast quadrant of the intersection of US Highway 321 and NC Highway 70 in Hickory for a gateway structure from the City of Hickory's bond program. In February 2016, Hickory City Council approved the gateway project and location. Design for the gateway structure completed in 2017. NCDOT must approve any placement of artwork within their

right of way. The City of Hickory's bond program identified the southeast quadrant of the intersection of US Highway 321 and NC Highway 70 in Hickory as a gateway project. The Bond Implementation Commission reviewed and approved the art piece. Members of the Bond Implementation Commission participated in several workshops with the consultant to complete the final design. In December 2017, Staff learned that Hickory City Council must adopt a Resolution, include a maintenance plan and necessary traffic measures appropriate for the art element to NCDOT. Approval for the placement from NCDOT also requires public participation, and a finalized project plan in accordance with the approved criteria and specifications by NCDOT. Staff recommends Council's approval to apply for placement of public art within North Carolina Department of Transportation's right of way. Staff also recommends Council adopt the Resolution for submission to North Carolina Department of Transportation (NCDOT).

- A1** G. Approval of a Proposal with Loudoun Communications, Inc. in the Amount of \$522,728.50 for Hardware and Software Radio System Update. **(Exhibit VIII.G.)**

The Hickory Police Department requests approval to upgrade the mobile radio system currently used by the City. In 2007 the City purchased a new radio system to replace the old system that had reached end of life upgradability and technical support. The new system also met interoperability requirements that were being implemented by the Federal government at the time. This system is now scheduled for a necessary upgrade to both its hardware and software. This radio system refresh will replace end of lifecycle equipment, which consists of four radio dispatch terminals in the Communications Center, two Dell and two Sun servers at the radio site. This upgrade will also relocate one of the servers from Public Works to the Hickory Police Department's Communications Center to add geo-diverse redundancy. This means that in the event of a problem the system will be much less likely to have a failure. This upgrade will also move us to the most current stable system release of the systems software to better manage multiagency interoperability. The upgrade requires specific hardware and software components that are only compatible with the current system infrastructure. The cost of this upgrade is in the formal bidding range; however, Loudoun Communications is the sole provider of components for the Hickory Police Department radio system. General Statute 143-129(e)(6) makes an exception from competitive bidding laws when a product is available from only one source. Hickory Police Department recommends Council approve the "sole source" exemption from competitive bidding by use of General Statute 143-129(e)(6) and to move forward with the planned upgrade at a total cost of \$522,728.50. Funds are budgeted in the CIP for this purchase.

- A1** H. Budget Revision Number 14. **(Exhibit VIII.H.)**

1. To recognize \$475 in donations and registrations received for the Youth Council.
2. To transfer \$128,000 from Water and Sewer Fund Balance into the Water and Sewer Fund for the purchase of land (1.35 acres) adjacent to the Northeast Wastewater Treatment Facility. This Budget Revision includes the purchase price of \$125,000 plus an allowance for closing costs.
3. To transfer \$50,000 from General Fund Balance into the Solid Waste Fund for purposes of unexpected grinding of heavy volumes of debris resulting from severe storm activity during the fall of 2017.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

- A 1. Consideration of a Naming Request from the Hickory Kiwanis Club and the Western Catawba County Kiwanis Club for the “Charles D. Dixon Memorial Splash Pad” at Kiwanis Park – Presentation by Parks and Recreation Director – Mack McLeod **(Exhibit XI.B.1.)**

In 2015, the City of Hickory entered into a joint agreement with the Hickory Kiwanis Club and the Western Catawba County Kiwanis Club to fund construction of the splash pad at Kiwanis Park. As a component of this partnership, the two Kiwanis Clubs pledged to raise \$100,000 towards the construction costs in return for receiving naming rights to the splash pad. The Kiwanis Clubs’ \$100,000 commitment pledge has now been paid in full. The naming request was first presented to the Parks and Recreation Commission at their January 9, 2018 meeting. The Parks and Recreation Commission unanimously endorsed the naming request and recommended its consideration by City Council. Staff recommends consideration of the Hickory Kiwanis Club’s and the Western Catawba County Kiwanis Club’s naming request of “Charles D. Dixon Memorial Splash Pad” at Kiwanis Park.
- NA 2. Quarterly Financial Report – Presentation by Assistant City Manager Rodney Miller
- A 3. Process for Filling the Ward 2 Position on City Council – Presentation by City Attorney John Crone
- A 4. Appointments to Boards and Commissions

BOND IMPLEMENTATION COMMISSION

(Terms Expiring 2-1; 3 Year Terms) (Appointed by City Council)

Alderman Ward 2 Appoints

- Jennifer Beane expires 2-1-18 eligible for reappointment
- Kay Schmucker expires 2-1-18 eligible for reappointment

(Note: The representatives for Ward 2 will continue serving until such time as the Ward 2 Alderman appoints or reappoints these positions.)

Alderman Seaver’s appointment Patricia Bowman declined reappointment for an additional term on the Bond Implementation Commission.

Alderman Seaver Appointed Matthew Maulding to the Bond Implementation Commission

Alderman Williams Appoints

- Clise Johnson Plant expires 2-1-18 eligible for reappointment
- Susan Walker expires 2-1-18 eligible for reappointment

Alderman Williams Reappointed Clise Johnson Plant and Susan Walker to the Bond Implementation Commission

Ex-Officio Members to Bond Implementation Commission (Appointed by Boards and Commissions)

Business Development Committee	Dana Chambers	Not Eligible
Catawba County Chamber of Commerce	Will Locke	Not Eligible
Citizens Advisory Committee	Cliff Moone	Eligible
Community Appearance Commission	Charlie Hayes	Not Eligible

Community Relations Council Reappointed Sandy Fotheringham
 Hickory International Council Appointed Eric Brandon
 Hickory Regional Planning Commission Appointed Dan Shabeldeen
 Historic Preservation Commission Reappointed Ernie Sills
 Library Advisory Board Appointed Walter Smith
 Parks and Recreation Commission
 Jim Powers Eligible
 Public Art Commission Appointed Lise Swensson
 Recycling Advisory Board
 Norm Meres **Not Eligible**
 University City Commission Reappointed Rachel Nichols
 Youth Council
 Mikaela Simmons Eligible

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 2 (Alderman Ward 2 Appoints) VACANT
 Ward 4 (Williams Appoints) VACANT

Alderman Williams Appointed Charlette Gore as Ward 4 Representative on the Community Appearance Commission

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 African-American (Council Appoints)
 Grover Linebarger Resigned 1-5-18 VACANT
 Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT

Alderman Williams Appointed Daria Jackson as African-American Representative on the Community Relations Council

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
 (Appointed by City Council)
 Burke 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

Mayor Guess Appointed Richard (Rick) Bryant Jr. to the International Council

LIBRARY ADVISORY BOARD

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

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 At-Large Minority (1) (Council Appoints) VACANT
 (David Williams no longer eligible)

PUBLIC ART COMMISSION

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

Ward 4 (Williams Appoints) VACANT

PUBLIC HOUSING AUTHORITY

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

WESTERN PIEDMONT REGIONAL TRANSIT AUTHORITY BOARD OF DIRECTORS

Cameron McHargue – Current Primary

Caroline Kone – Current Alternate

Recommendation of John Marshall as Primary and Cameron McHargue as Alternate

Mayor Guess Nominated John Marshall as Primary and Cameron McHargue as Alternate for the Western Piedmont Regional Transit Authority Board of Directors

WESTERN PIEDMONT COUNCIL OF GOVERNMENTS POLICY BOARD

Alderman Tarlton - Current Alternate

Alderman Patton Appointed David Williams as Alternate on the Western Piedmont Council of Governments Policy Board

C. Presentation of Petitions and Requests

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

City Manager Warren Wood recognized two new employees. John Marshall, a longtime Western Piedmont Council of Government Planning Director had started with the City of Hickory and would serve as the Transportation Planning Manager. Mr. Marshall is renowned throughout the State and does an outstanding job. He knows how all of the pieces play together with State funding and other funding for transportation. One of the reasons this is so critical to the City in the next few years we will have a quarter of a billion dollars' worth of transportation improvement projects taking place within Hickory. We need to make sure that we are planning properly to be able to use that to our advantage. He welcomed Mr. Marshall.

Mr. Wood announced that Rick Beasley had accepted the permanent position of Assistant City Manager with the City of Hickory. Mr. Beasley started as interim. When Mr. Wood heard that Mr. Beasley was moving back to Hickory he offered him the opportunity to serve in the interim. He advised Mr. Beasley they would go through the process for advertising and recruiting. Mr. Beasley thought about it, and talked to his wife, and she gave him the okay as far as the interim job. Mr. Beasley had been doing a phenomenal job since he has been here. He has a knack for taking really complicated project puzzles and making them real simple. He is great to work with and we are thrilled to have him. Mr. Wood advised that Mr. Beasley was a Manager in Conover

for over 15 years, and then went two years at Appalachian State as an Assistant AD and then two years at Georgia State, and then he came back to Hickory to retire. He was also an All-American football player at Appalachian State. He joked that Mr. Rodney Miller had challenged Mr. Beasley to a foot race, but they couldn't do it on City grounds, because we can't have workers compensation claims. We are thrilled to have Mr. Beasley starting fulltime. When Mr. Wood had talked to Mr. Beasley originally, Mr. Beasley told him he likes to build things. So he is in the right place because we are building a lot right now. We are thrilled for both Mr. Marshall and Mr. Beasley. Both of these men are Hickory residents. They are tax payers. He welcomed them both and thanked them for serving the City of Hickory.

Mayor Guess welcomed both men and commented we are fortunate to have them on our team, we appreciate that. He mentioned the Hickory Elks Club recently named the two outstanding exceptional firefighter and police officer of the year. Hickory Fire Department's Firefighter of the year was Battalion Chief Mike Cates and the exception Police Officer of the year was Master Police Officer Bo Mathis. He extended congratulations to both of them and thanked them for their service.

Mayor Guess mentioned the last Saturday in February would be the 13th annual polar plunge that the Police Department sponsors for Special Olympics Athletes. They raise funds and raise awareness for Special Olympics. He commented if you are two chicken to plunge you can sponsor him, or if you would like to plunge you can go to the Hickory Police Department's website and learn all about that. It is all for Special Olympics Athletes.

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)

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 Litigation - NCGS §143-318.11(a)(3)*

City Attorney John Crone requested the addition of an item to closed session regarding a personnel matter as it relates to the City Attorney (NC General Statutes 143-318.11(a)(1)(6)).

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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