



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

January 16, 2018  
7:00 p.m.

- I. Call to Order
- II. Invocation by Alderman Seaver
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
  - A. Ms. Lucy Wade, of Connelly Springs, addressed City Council regarding the homeless problem in Hickory and the surrounding areas.
- VI. Approval of Minutes
  - A** A. Regular Meeting of January 2, 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. Budget Revision Number 12. **(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.
  - A** A. Approval of a Resolution Declaring Surplus (21) Scott Air-Pak Self-Contained Breathing Apparatus with Face Masks and Authorizing Donation to Four Local High Schools. **(Exhibit VIII.A.)**

The Fire Department requests approval to donate (21) surplus Scott Air-Pak self-contained breathing apparatus (SCBA) with face masks to four local high schools for their firefighter programs. The equipment to be donated have met their life expectancy within the department and have no warranty available on any of their components. Also the SCBA no longer meets the NFPA 2013 standard that the department recognizes on front-line SCBA. The masks that will be supplied along with the packs have been replaced with new masks that meet the current NFPA standard. These donation packs have not received the required annual maintenance since the packs were taken out of service. Each school is aware of the conditions of the air packs and the required maintenance needed. The schools which the equipment will be donated to are: Hickory Career & Arts Magnet High, Patton High, Draughn High, and Hibriten High. The Hickory Career & Arts Magnet School will receive six air packs and each of the other high schools will receive five packs each along with masks of multiple sizes. Each school has presented a letter

identifying their need for the SCBA for training. These high school programs (Career and Technical Education) provide training and firefighter certification for high school students who may be seeking a career in the emergency service field. The administration at each of these high schools has been told that these packs are not to be utilized in live burn exercises. Fire department staff requests approval to donate (21) Scott Air-Pak air packs and masks to four local high school fire academies.

- A**     **B.**     Approval of the Submission of the 2018 Urgent Repair Program Application for Funding to the NC Housing Finance Agency. **(Exhibit VIII.B.)**

*The City of Hickory Community Development Department requests approval to apply for Urgent Repair Program funds for funding through the North Carolina Housing Finance Agency's. The City of Hickory Community Development Department, in complying with the N.C. Housing Finance Agency's guidelines, has prepared an application for funding for the 2018 Urgent Repair Program. The application incorporates program requirements, applicant eligibility standards, and program capabilities. The City of Hickory will apply for \$75,000 through this program in order to assist approximately 10 eligible homes with urgently needed repairs in an amount not to exceed \$8,000 per housing unit. The City of Hickory will provide \$5,000 in matching funds, available from Rental Rehabilitation program income. Upon approval by Hickory City Council, the application for funding will be submitted with the \$75 application fee to NC Housing Finance Agency. Staff recommends approval of submission of the 2018 Urgent Repair Program Application for funding to the NC Housing Finance Agency.*

- A**     **C.**     Approval of a Cemetery Deed Transfer from Kathy Moose, Executrix of the Estate of Mary Jane Hefner, Kathy Moose, Individually, and Hickory Rescue Squad Inc., to Juanita Hicks, (Oakwood Cemetery, Eastern Half of Plot D, Lot No. 1, Section 49, Grave Spaces 5, 6, 7, and 8, containing 160 square feet more or less), (Prepared by Monroe Pannell, Martin & Monroe Pannell, P.A.) **(Exhibit VIII.C.)**

- A**     **D.**     Approval of a Cemetery Deed Transfer from Rebecca Lyon Houston, Executrix of the Estate of Joyce Yount Lyon, Rebecca Lyon Houston, individually and husband Fred Michael Houston, Earl Lawrence Lyon, divorced, to Homer Lewis Lyon Jr, and wife, Sandra Austin Lyon, (Oakwood Cemetery, Lot 13, Section 26, Grave Spaces 008 and 004), (Prepared by Amber R. Mueggenburg, Sigmon, Clark, Mackie, Hanvey & Ferrell, P.A.) **(Exhibit VIII.D.)**

- A**     **E.**     Approval of a Cemetery Deed Transfer from Rebecca Lyon Houston, Executrix of the Estate of Joyce Yount Lyon, Homer Lewis Lyon, Jr., and wife, Sandra Austin Lyon, and Earl Lawrence Lyon, divorced to Rebecca Lyon Houston, and husband Fred Michael Houston. (Oakwood Cemetery, Lot 13, Section 26, Grave Spaces 001 and 005), (Prepared by Amber R. Mueggenburg, Sigmon, Clark, Mackie, Hanvey & Ferrell, P.A.) **(Exhibit VIII.E.)**

- A1**   **F.**     Approval of a Contract to Purchase Approximately 1.35 Acres of Property Adjacent to the Northeast Wastewater Treatment Facility on 1<sup>st</sup> Street Place NE in the Amount of \$125,000. **(Exhibit VIII.F.)**

*Staff requests Council's approval of a contract to purchase approximately 1.35 Acres of property from Porter Auto Sales, LLC in the amount of \$125,000 located adjacent to the Northeast Wastewater Treatment Facility (NEWWTF) on 1<sup>st</sup> St Place NE, specifically identified as PINs: 371519502169, 371519502325 and 371519503014. The Public Utilities Division has owned and operated the NEWWTF at its current location for approximately 60 years. The community has developed primarily as residential property surrounding the NEWWTF. Porter Auto Sales property is immediately south of the NEWWTF property on the western end. This property would provide a beneficial buffer area between the facility and the adjacent community and could aid in the 50 foot buffer requirements for future expansions. The Public Utilities Division modified original plans for the NEWWTF upgrade project in an effort to reduce expense. When modifications were made, components of the proposed facility were adjusted on the site that resulted in*

*the use of property that staff were reserving for a future Water Resources Education Building, which this property could also be beneficial for a future site for this building. This structure would benefit from the proximity of the NEWWTF and would be neighbor friendly by not being a treatment process. Public Utilities Division Staff was approached by the property owners about the City purchasing the tract. Staff retained Real Estate Advisory Services, Inc. to perform an appraisal of real property. The report showed the opinion of value to be \$120,000. Staff has negotiated with the property owner and feel \$125,000 to be a fair value for the purchase of the property. Property purchase will be paid for from the Public Utilities Division Water and Sewer Fund Balance, with no property tax dollars included. Staff recommends Council's approval of the contract to purchase approximately 1.35 Acres of property from Porter Auto Sales, LLC in the amount of \$125,000.*

**A1** G. Budget Revision Number 13. **(Exhibit VIII.G.)**

1. *To recognize a \$32 donation from Ridgeview Friends of the Library for the purchase of refreshments for the Kwanza Program.*
2. *To amend the Business Park 1764 Capital Project Ordinance for the initial step in purchasing additional acreage at the park. This effort is in partnership with Catawba County government and the Catawba County Economic Development Commission. This Budget Revision will cover the 7% down payment (\$170,000) required per the contract; half (\$85,000) will come from Catawba County, and the City's half (\$85,000) from General Fund Balance.*

IX. Items Removed from Consent Agenda

X. Informational Items

**NA** A. Budget Transfer Report

*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:*

*Section 22 (b): "He may transfer amounts up to \$50,000 between functional areas including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Governing Board."*

*\*Note: To expedite the availability of insurance-claims revenue to the appropriate department once the City receives said funds, in lieu of a Budget Amendment the City has allocated specific funds within the Risk Management division which may be transferred as necessary for making repairs and/or replacements in the most timely manner.*

*The following transfer recently occurred under this provision:*

*January 8, 2018 (BT#37): To recognize an insurance claim payment received for damages sustained to a Spartan fire engine on 12/11/17 when an uninsured motorist crossed the centerline on Cloninger Mill Road and struck the rear side of the city's apparatus. The driver of the car was issued a state citation for driving left of center-line, as well as being arrested for driving while license revoked, displaying a revoked tag, and displaying a fictitious tag.*

XI. New Business:

A. Public Hearings

- A1** 1. Consideration of Amending Article II, Section 4-26 and 4-29 of Chapter 4 Animals and Fowl of the Hickory City Code of Ordinances – Presentation by Captain Vidal Sipe, Hickory Police Department. **(Exhibit IX.A.1.)**

Hickory Police Department currently enforces Chapter 4 of the City Ordinance as it pertains to the seizure and impoundment of animals and fowl. Within the current ordinance, there is no specific language outlining the general care of an animal, nor is there any language describing prohibited acts against animals that would constitute an animal being seized or impounded. Hickory Police Department staff and the City of Hickory Legal Department have reviewed the current City Ordinance pertaining to animals and fowl (Chapter 4, Section 4-24; Seizure and Impoundment) as it references the general care of animals and prohibited acts against those animals. The recommended amendments to Chapter 4 (adding Section 4-26) will describe in detail the standards of general care of animals and prohibited acts against animals. Section 4-27 will describe the actions to be taken by the animal control officer(s) when there are violations of this amendment. Hickory Police Department recommends City Council amend Chapter 4, Article II, Section(s) 4-26 and 4-27 of the Hickory City Code.

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on January 5, 2018.*

- A1**            2.        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 – Presentation by Deputy City Attorney Arnita Dula and Chief of Police Thurman Whisnant. **(Exhibit IX.A.2.)**

*The current Hickory Code of Ordinances has regulations for solicitors, peddlers and panhandlers listed in three different areas of City Code (Section 5.01 of Subchapter A; Chapter V, Chapter 24 and Chapter 29; Section 23). Various amendments to these codes have been adopted over the years resulting in the placement of related codes in different sections. Some of these regulations are no longer feasible and are in need of updating. Also, having the regulations in three different areas of the City Code it often makes it difficult for staff and citizens to find and interpret the regulations. Chapter 24 also has provisions governing stationary vendors. In addition, Section 5.01 found in Part 1 Charter, Chapter V, Subchapter “A” of the Hickory City Code of Ordinances is out of date. City Code regulating Solicitors, Peddlers and Panhandlers should be updated and codified under one chapter (Chapter 24), with Sections 5.01 and 29-23 being repealed. The chapter’s provisions related to stationary vendors should be deleted to eliminate any potential conflicts with recently adopted Hickory Land Development Code text amendments which govern stationary and mobile vendors. Section 5.01 found in Part 1 Charter, Chapter V, Subchapter “A” of the Hickory City Code of Ordinances prohibits persons with medical or physical issues from any type of solicitation. The provision is out of date and potentially conflicts with other current law. Hickory Police Department recommends Council amend and codify regulations governing Solicitors, Peddlers and Panhandlers into Chapter 24 of the City of Hickory Code of Ordinances and repealing Section 5.01 found in Part 1 Charter, Chapter V, Subchapter “A” of the Hickory City Code of Ordinances.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on January 5, 2018.*

- A**            3.        Consideration of a Resolution Directing that Street Improvement Project Be Undertaken for Curb and Gutter along the Property Located at 1440 8<sup>th</sup> Street NW, Hickory, Petition No. 17-01 – Presentation by Public Services Director, Kevin Greer. **(Exhibit IX.A.3.)**

*The City Clerk has received a petition from the owners of the property located at 1440 8th St. NW to install curb and gutter along a portion of their street as per section 29-2 of the Hickory Code of Ordinances. The petitioners represent a majority, greater than 50 percent, of the property owners as well as a majority, greater than 50 percent, of the property footage of the property frontage*

*requested in the petition and therefore qualifies as a valid petition. The signatures on the petition represent 100 percent of the property owners affected, who in turn represent 100 percent of the property footage affected. The City Clerk has validated these numbers as shown on the Certificate of Sufficiency. Staff recommends Council's approval of a "Resolution Directing That Street Improvement Project Be Undertaken" for curb and gutter petition 17-01 to install curb and gutter along a portion of the property located at 1440 8<sup>th</sup> Street NW in response to a petition from the property owners.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 22, 2017.*

B. Departmental Reports:

A 1. Appointments to Boards and Commissions

**BOND IMPLEMENTATION COMMISSION**

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

Mayor Guess Appoints

Allison Holtzman expires 2-1-18 eligible for reappointment

Stacey Rash expires 2-1-18 eligible for reappointment

**Mayor Guess reappointed Allison Holtzman and Stacey Rash to the Bond Implementation Commission**

Alderman Lail Appoints

Katherine Rogers expires 2-1-18 eligible for reappointment

Nick Walden expires 2-1-18 eligible for reappointment

**Alderman Lail reappointed Katherine Rogers and Nick Walden to the Bond Implementation Commission**

Alderman Tarlton Appoints

Jennifer Beane expires 2-1-18 eligible for reappointment

Kay Schmucker expires 2-1-18 eligible for reappointment

Alderman Seaver Appoints

James Tilton expires 2-1-18 eligible for reappointment

Patricia Bowman expires 2-1-18 eligible for reappointment

**Alderman Seaver reappointed James Tilton and Patricia Bowman 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 Zagaroli Appoints

Jason Yates expires 2-1-18 eligible for reappointment

Burk Wyatt expires 2-1-18 eligible for reappointment

**Alderman Zagaroli reappointed Jason Yates and Burk Wyatt to the Bond Implementation Commission**

Alderwoman Patton Appoints

Kimberly George expires 2-1-18 eligible for reappointment

Alan Jackson expires 2-1-18 eligible for reappointment

**Alderwoman Patton reappointed Kimberly George and Alan Jackson to the Bond Implementation Commission**

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

Business Development Committee	<b>Dana Chambers</b>	<b>Not Eligible</b>
Catawba County Chamber of Commerce	<b>Will Locke</b>	<b>Not Eligible</b>
Citizens Advisory Committee	Cliff Moone	Eligible
Community Appearance Commission	<b>Charlie Hayes</b>	<b>Not Eligible</b>
Community Relations Council	Sandy Fotheringham	Eligible
Hickory International Council	<b>Hani Nassar</b>	<b>Not Eligible</b>
Hickory Regional Planning Commission	Meg Jenkins Locke	Eligible
Historic Preservation Commission	Ernie Sills	Eligible
Library Advisory Board	<b>Carolyn Sinclair</b>	<b>Not Eligible</b>
Parks and Recreation Commission	Jim Powers	Eligible
Public Art Commission	<b>Jennifer Helton</b>	<b>Not Eligible</b>
Recycling Advisory Board	<b>Norm Meres</b>	<b>Not Eligible</b>
University City Commission	Rachel Nichols	Eligible
Youth Council	Mikaela Simmons	Eligible

**COMMUNITY APPEARANCE COMMISSION**

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

**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

**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

**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 1 Grover Linebarger  
(Eligible for Reappointment) VACANT  
Position 9

**Mayor Guess reappointed Grover Linebarger to Position 1 on the Public Housing Authority**

**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

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

Alderman Seaver thanked everyone who had sent thoughts, prayers, cards, letters, emails, and Facebook messages. He heard from literally hundreds of people. He didn't know that many people really liked him out there, but he appreciated it. He thought that had a lot to do with him being present tonight. He thanked everyone from the bottom of his heart.

City Council members were glad he was back.

City Attorney John Crone reflected briefly on the life of Alderman Vernon Tarlton and his service to the City. Alderman Tarlton was a lifelong resident. He advised he had been in a reflective mood for the last six or seven months with the passing of Mayor Wright, Alderman Tarlton, City Manager Warren Wood's dad, who was a really good lawyer and a good person; the passing of Terry Watts with the City last week, and Cal Overby's wife Adrienne, who left Cal with two beautiful teenage daughters, and the celebration of Alderman Danny Seaver who was probably on deaths bed, but look at him now, he looks pretty dog gone good. Having that reflection he commented life is good, life is short, life is fragile, hug somebody every day and live life to the fullest and God Bless the City of Hickory, City Council and the Mayor. They have done and are doing a good job and he was much honored to be a part of it.

Alderman Patton commented that she had known Alderman Tarlton her entire life and he will be missed. He had a great sense of humor, a very dry sense of humor. When he would cut his eyes to you, look at you and make a comment. He is just going to be missed.

Alderman Zagaroli commented that he had just gotten started being a Councilman and they were all going to miss him.

Alderman Seaver advised that he got to know Alderman Tarlton by teaching his son math at Hickory High School. His son was quite difficult to teach in a group so Alderman Seaver would give him chances to come afterschool, get help and retake test, etc. He really shined then. Alderman Tarlton would be there to pick him up and sometimes would have to wait on him. Alderman Seaver and Alderman Tarlton would sometimes strike up conversations and they got to know each other pretty well. He will miss him. There was a break there between teaching his son and being on the Council with him. Alderman Tarlton had actually sent Alderman Seaver some information one time and told him that he needed to get on Facebook. Alderman Tarlton told Alderman Seaver that was the best way to reach your citizens. Alderman Seaver advised he uses it quite a bit. He has a page that is called Danny Seaver for Hickory. He invited citizens to feel free to like the page. He tries to post things as they come out from the City of Hickory that are beneficial to the citizens, especially their need to know what is going on. He reiterated that Alderman Tarlton was the first person to recommend that to him.

Alderman Lail advised he had known Alderman Tarlton for most of his adult life. At some level they competed in business, they crossed paths that way, but always in a friendly fashion. He enjoyed getting to know him better on City Council. He had the distinct privilege of getting to know him really well last fall when they fished together on an uninhabited island, in a cabin sleeping in bunkbeds. He had shared the room with Alderman Tarlton. He was so generous. At that point he was sick and you could tell it. He was so incredibly generous on that trip and so gracious. It is the little things. It is the last one to get up and make a plate, or it is the person that helps clean up, or the person that is willing to give you whatever they have to enhance your experience. That spoke to Alderman Tarlton's character and care for his fellowman. Alderman Tarlton was particularly a staunch advocate for business on City Council and Alderman Lail appreciated that. He brought a lot of good perspective there. It is very sad, it is certainly not shocking, but he will miss him.

Alderman Williams spoke of Alderman Tarlton's generosity. Alderman Williams had not had the pleasure of knowing Alderman Tarlton as long as the other Council members because he was new on Council. Several years ago when Alderman Williams wanted to apply for the Parks and Recreation Commission it was Alderman Tarlton who came to him and helped him and gave him all the advice that he needed. Alderman Tarlton stayed in contact with him letting him know that if there was anything that he needed he could just ask. Alderman Williams saw that as this guy who didn't know him and was willing to help him in such a way, it really touched his heart. Alderman Tarlton was a very generous man. Alderman Williams hated the fact that he would not be able to serve on Council with him and get to know him even more, but from what he knew he was a very, very great man.

Mayor Guess advised that he had known Alderman Tarlton for 40 years, they graduated together from Hickory High School, Class of 1977. He didn't know if the audience knew this, but Alderman Tarlton knew several months ago what his fate was and knowing that he still showed up to the Council meetings, every time that he was able. There were sometimes when he wasn't able, but if he was able to be there, he was there. He reflected on what that must be like to know the fate that the Doctors have given you and to still show up and not resign and still keep on keeping on. He thought that spoke to Alderman Tarlton. He had spoken with Alderman Tarlton's wife Sue and she was doing as well as could be expected under these circumstances. She sent her thanks for all of the thoughts and the prayers to her and her family. The funeral was scheduled for January 18, Thursday at 2:00 p.m. at Grace Chapel on the campus of Lenoir-Rhyne University. As far as he knew it would be a public funeral. He asked everyone to continue to remember Susan and the entire Tarlton family in their thoughts and prayers.

#### 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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