



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 8, 2019  
7:00 p.m.

- I. Call to Order
- II. Invocation by Associate Pastor Jennifer Forester, First United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. 2018 Business. Well Crafted. Award Winners: Individual (Entrepreneur of the Year) – Karen Tonks; Youth (Entrepreneur Under 25 Years Old) – Santiago Ambroggio and Cedric Clyburn; Business and/or Organization (50 or Fewer Employees) – Taste Full Beans Coffeehouse, Atriax Group, and Clarity Web Solutions; Business and/or Organization (51 or More Employees) – von Drehle Corporation
  - B. Introduction of New Fire Chief  
  
Mayor Guess administered the Oath of Office to Fire Chief Matthew Hutchinson
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A** A. Regular Meeting of December 18, 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 9. **(First Reading Vote: Unanimous)**
  - A2** B. Rezoning Petition 17-03(A) for Property Located at 2019 Startown Road. **(First Reading Vote: Unanimous)**
  - A2** C. Rezoning Petition 18-05 for Property Located in the 2300 Block of Kool Park Road. **(First Reading Vote: Unanimous)**
  - A2** D. Rezoning Petition 18-06 for Property Located at 1990 Startown Road. **(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 Cemetery Deed Transfer from Thomas L. Warren and wife, Deanna G. Warren to Charles A. Wrinkle, and wife Linda P. Wrinkle, Oakwood Cemetery, Plot C3,

January 8, 2019

Lot Nos. 3, and 4, Section 58, Containing 80 Square Feet More or Less. (Prepared by Susannah L. Brown, Anthony & Brown, PLLC. **(Exhibit VIII.A.)**)

- A B. Special Events Activities Application for Pinwheels for Prevention, Connie Engart, Community Education & Outreach Coordinator, Children's Advocacy & Protection Center, April 3, 2019 (rain date April 10, 2019), at Kiwanis Park, 10:00 a.m. to 2:00 p.m. **(Exhibit VIII.B.)**
- A C. Special Events Activities Application for Spring Bark Party 2019, Lance Riddle, Recreation Programmer, City of Hickory Parks and Recreation Department, April 6, 2019 at Fairbrook Optimist Dog Park, 10:00 a.m. to 3:00 p.m. **(Exhibit VIII.C.)**
- A D. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.D.)**

*The following request was considered by the Citizens' Advisory Committee at their regular meeting on December 18, 2018.*

- *Megan Tibbs was approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 520 7th Avenue SW, Hickory. She has requested \$10,000 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage.*
- *Terry & Gloria Pope, 1080 5th Avenue Court NW, Hickory, were awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$15,000.00 for repairs to their house. Assistance would be in the form of a 0% interest deferred loan.*
- *Vickie Pope, 1015 22nd Street NE, Hickory, was awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$15,000.00 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*

*Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation Program income received in FY 2018 and/or program income received through the City of Hickory's Community Development Block Grant Program. The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.*

- A E. Approval to Apply for the 2019 Urgent Repair Program (URP19) through the North Carolina Housing Finance Agency (NCHFA). **(Exhibit VIII.E.)**

*The Urgent Repair Program provides funding in the form of a forgivable loan to low and extremely low income homeowners with special needs at a maximum of \$10,000 per dwelling unit. The City has applied for these funds numerous times in recent years. During the 2017-2018 fiscal year twelve homeowners received home repairs through the program. Staff plans to apply for \$75,000 of funding through the program. This funding will assist at least 10 eligible homeowners with repairs. The City of Hickory will provide \$5,000 in matching funds. This is available from program income that was received through the former Rental Rehabilitation Program. The Urgent Repair Program funds will be used to supplement the City's Community Development Block Grant Housing Rehabilitation Loan Program, which generally works on larger projects with families that have slightly higher income. Staff will prepare an application that incorporates program requirements, applicant eligibility standards, and program capabilities. Upon approval by City Council, the application will be submitted with the required \$75 application fee to the North Carolina Housing Finance Agency (NCHFA). Staff recommends that City Council authorize staff to apply for the 2019 Urgent Repair Program through the North Carolina Housing Finance Agency.*

- A1 F. Budget Revision Number 10. **(Exhibit VIII.F.)**

1. To appropriate \$447.00 of General Fund Miscellaneous Revenues to the Fire Department's M&R – Vehicles line item. These funds were issued for the sale of scrap metal for brake parts, air filters, and scrap aluminum. A check was issued from Gordon Recyclers on 12/13/18 and deposited into Miscellaneous Revenues on 12/14/18.
2. To recognize \$26,880 in revenues received from Catawba County for a project to re-route drainage from the southeastern water storage tank.
3. To establish Grant Project Ordinance #650029, Airport – North Ramp Reconstruction (grant #36237.66.6.1) by recognizing incoming grant funds along with a local match. At this time funding has been approved for the Design/Bid phase of the project in the amount of \$83,310. Of this total, the Grant will be \$74,979 plus a required local match of 10% (\$8,331) which will be obtained from the Transportation Fund Balance.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of Proposed Small Cell Wireless Ordinance – Presented by Deputy City Attorney Arnita Dula. **(Exhibit XI.A.1.)**

*On July 21, 2017, S.L. 2017-159, An Act to Reform Collocation of Small Wireless Communications Infrastructure to Aid in Deployment of New Technologies, went into effect. The purpose of the legislation is to provide wireless services providers and wireless infrastructure providers access to the public rights-of-way and the ability to attach to poles and structures in the public rights-of-way to densify their networks and provide next generation services. The legislation strictly regulates the permitting process that municipalities must follow for applicants seeking to place new facilities in municipalities' rights-of-ways or seeking to collocate facilities on existing structures (i.e. poles) in the public rights-of-way. Additionally, legislations strictly regulates the permit fees municipalities may charge for application review and consulting fees. The City's proposed Small Cell Wireless Ordinance incorporates the permitting requirements for placement of new small cell wireless structures in the City's rights-of-ways and the collocation of facilities on existing structures (i.e. poles) in the rights-of-ways outlined in S.L. 2017-159. The ordinance also addresses the permit and consultant fees the City may charge applicants. Staff recommends Council's approval of the proposed Small Cell Wireless Ordinance.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 21, 2018.*

- D** 2. Consideration of a Proposed Ordinance to Regulate the Public's Use of Drones on City Property – Presented by Deputy City Attorney Arnita Dula. **(Exhibit XI.A.2.)**

*The popularity of unmanned aircraft systems, commonly called drones, continues to increase with the public. Many people use them for different legitimate purposes including aerial photograph, search and rescue missions, and emergency management purposes. Many members of the public fly drone aircrafts as a hobby. However, sometimes drones may be used in ways that may endanger public safety or are illegal. Since 2014, North Carolina has enacted various session laws to regulate the operation of drones. G.S. 15A-300.2 specifically permits a local government to adopt an ordinance regulating the launch and recovery of drones on governmental property. The proposed ordinance would restrict the public from using city property to launch or recover*

drones. The rationale behind such a restriction is for public safety purposes. Staff recommends Council's approval of the Drone Use Ordinance.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 21, 2018.

B. Departmental Reports:

NA

1. Appointments to Boards and Commissions

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 5 (Zagaroli Appoints) (Justin Query Moved Out of Ward 5) VACANT  
At-Large (Outside City but within HRP) (Council Appoints)  
(Meg Manderson resigns effective January 1, 2019)

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
African-American (Council Appoints) 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 with Recommendation from County) VACANT  
Caldwell County (Mayor Appoints with Recommendation from County) VACANT

**INTERNATIONAL COUNCIL**

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

**PARKS AND RECREATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large Minority (1) (Council Appoints) VACANT

**PUBLIC ART COMMISSION**

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

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 2 (C. Williams Appoints) (Mahesh Patel Resigned 10-1-18) VACANT  
Ward 4 (D. Williams Appoints) VACANT  
At-Large (Council Appoints) VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)  
  
At-Large Representative VACANT  
At-Large 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

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)

1. Discussion of a Litigation - NCGS §143-318.11(a)(3)

Council approved a Settlement Agreement and Release with Argonaut Great Central Insurance Company regarding the Willie James Grimes case.

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