



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

October 3, 2017
7:00 p.m.

- I. Call to Order
- II. Invocation by Pastor Anthony Freeman, Clinton Tabernacle AME Zion Church
- III. Pledge of Allegiance

Mayor Cline recognized a Boy Scout in attendance and asked him to introduce himself. The Boy Scout stated his name was Aiden Curtis with Troop 234. He advised he was working on his citizenship in the community merit badge.

IV. Special Presentations

- NA** A. Presentation of a Proclamation for Fire Prevention Week, October 8-14, 2017. **(Exhibit IV.A.)**

Mayor Cline read and presented the Proclamation for Fire Prevention Week to Battalion Chief Matt Hutchinson and Fire Education Coordinator Terri Byers.

- NA** B. Western Piedmont Council of Governments Presentation of their Comprehensive Economic Development Strategy (CEDs). **(Exhibit IV.B.)**

Mr. Anthony Starr, Executive Director, Western Piedmont Council of Governments, presented City Council with a PowerPoint presentation and discussed the Comprehensive Economic Development Strategy (CEDs).

V. Persons Requesting to Be Heard

- A. Mrs. Kayce Boggs – Regarding Golf Cart Use on Public Streets/Highways.

Mrs. Boggs requested City Council consider an Ordinance for the use of golf carts on city streets.

VI. Approval of Minutes

- A** A. Regular Meeting of September 19, 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. Acceptance of a Temporary Construction and Permanent Easement for the Property of Edward Alan Lail and Sharon Turner Lail, being PIN 3724-19-60-6513, for Installation of Utilities Infrastructure. **(First Reading Vote: Unanimous)**

- A2** B. Acceptance of a Temporary Construction and Permanent Easement for the Property of Faith Adams Washman, Edward Alan Lail and Sharon Turner Lail, PIN 3724-19-60-2348, for Installation of Utilities Infrastructure. **(First Reading Vote: Unanimous)**
 - A2** C. Approval of a Memorandum of Agreement with Hickory Public Schools to Establish a Shared Access Initiative that will Streamline Student Access to Public Library Resources. **(First Reading Vote: Unanimous)**
 - A2** D. Approval of a Supplemental Agreement for Reimbursement with the North Carolina Department of Transportation (NCDOT) in the Amount of \$78,980. **(First Reading Vote: Unanimous)**
 - A2** E. Approval to Purchase Eight 2018 Ford Interceptor Utility Vehicles from Asheville Ford on the NC Sheriffs' Association Contract in the Amount of \$225,023.12. **(First Reading Vote: Unanimous)**
 - A2** F. Budget Revision Number 7. **(First Reading Vote: Unanimous)**
 - A2** G. Approval of the First Amendment to the Non-Exclusive Lease with Hickory Baseball, Inc. **(First Reading Vote: Unanimous)**
 - A2** H. Consideration of Rezoning Petition 17-03 for Approximately 23.418 Acres of Property Located at 3061 Short Road, 1995 Startown Road, 2007 Startown Road, and an Unaddressed Parcel South of 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. Special Events Activities Application 2017 Walk to End Alzheimer's – Hickory, Mark Bumgarner, Volunteer Ambassador Alzheimer's Association, Western North Carolina Chapter, October 28, 2017 7:00 a.m. to 1:00 p.m. L.P. Frans Stadium, 2500 Clement Blvd., Hickory. **(Exhibit VIII.A.)**
 - A** B. Special Events Activities Application YMCA Kids' Marathon 2018, Jolleen Christians, Healthy Living Director, Adrian L. Shuford Jr., YMCA, YMCA of Catawba Valley, April 28, 2018 7:30 a.m. to 12:30 p.m., L.P. Frans Stadium, 2500 Clement Blvd., Hickory. **(Exhibit VIII.B.)**
 - A** C. Approval to Award Service Weapon and Badge to Retiring MPO Gene Walker. **(Exhibit VIII.C.)**

Hickory Police Department requests City Council's approval to award retiring MPO Gene Walker his service weapon (Glock Model 19 -Serial # UVZ988) and badge upon his retirement October 31, 2017 after completing approximately 30 years of qualifying service to the citizens of Hickory. By authority of NC General Statute §20-187.2, City Council may award the service weapon and police badge to MPO Gene Walker upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends City Council's approval of awarding the service weapon and police badge to MPO Gene Walker upon his retirement from Hickory Police Department.
 - A** D. Proclamation for Dyslexia Awareness Month. **(Exhibit VIII.D.)**
 - A** E. Proclamation for "PANDAS/PITAND/PANS" Awareness Day. **(Exhibit VIII.E.)**
 - A1** F. Approval of an Ordinance to Modify the Downtown Parking Deck Layout to Better Accommodate Customers Parking Needs. **(Exhibit VIII.F.)**

Staff requests Council's approval to modify the downtown parking deck layout to better accommodate customers parking needs, ensure turnover of spaces and standardize requirements. Staff are continually looking for ways to improve the parking experience in Downtown Hickory and make best use of the available spaces. In December 2016, City Council approved a parking ordinance which changed the time restricted parking downtown to be three-hour everywhere, except near the post office along Government Avenue. The new ordinance left out the parking deck since it was assumed changes would occur during the water/sewer rehabilitation project. During the rehabilitation project, store owners have requested more time-restricted spaces be added and the unrestricted spaces be limited within the parking deck, specifically on the lower deck. The Traffic Division has analyzed the current layout of the parking deck and feels that modifications would make best use of the available spaces to optimize convenience to customers of businesses and ensure turnover of spaces. Changes include changing the time restriction from two-hour to three-hour to match the balance of parking downtown, increasing the number of time restricted spaces in the lower deck to 20, reducing the number of unrestricted time limit spaces to four, and relocating the reserved parking spaces in the lower section of the parking deck. The only recommendation for modification to the upper level of the deck is to change the time restriction on two-hour spaces to three-hour. The Traffic Division, Billing & Collections, and City Management have analyzed this request and feel it would be fitting. Traffic Division sign shop will make signage changes for these parking areas occur upon approval. Staff recommends Council's approval of an Ordinance to modify the downtown parking deck layout to better accommodate customers parking needs, ensure turnover of spaces and standardize requirements.

- A1** **G.** Approval of the Lease Agreement with Rene Martinez, Jr. for the City-Owned Property Located at 1123 15th Street NE. **(Exhibit VIII.G.)**

Staff requests Council's consideration of a lease agreement with Rene Martinez, Jr. to lease property owned by the City of Hickory, located at 1123 15th Street NE. This property is adjacent to the City's Public Services Complex. The City has rented this two bedroom home to City employees regularly since purchasing the home a number of years ago. Staff plans to continue renting the home until the property is needed for potential expansion of the Public Services Complex. Rene Martinez, Jr., a Police Officer in training, is interested in renting the home. The terms for the proposed lease will be one year with a monthly rent of \$350. The lessee will be responsible for the payment of all utilities furnished to the property and yard maintenance. There will be a required security deposit of \$350. Staff recommends City Council's approval of the attached lease agreement with Rene Martinez, Jr.

- A1** **H.** Approval of a Future Annexation Agreement for Joseph and Hedy Paussa for Property Located at 2614 36th Avenue NE. **(Exhibit VIII.H.)**

Staff requests Council's consideration of a Future Annexation Agreement for Joseph and Hedy Paussa. The City of Hickory has a long-standing policy of requiring the owners of property outside the city limits to be annexed before connecting to the City's sanitary sewer system. However, sometimes the City is not able to immediately provide the necessary services required for annexation. In that event, Hickory City Council adopted a policy requiring the property owners to enter into a future annexation agreement with the City, which would enable the City to initiate annexation procedures when it is feasible to do so. The Paussa's own a single-family residence located at 2614 36th Avenue NE, which is part of the Hickory Woods subdivision. The property is also identified as PIN 3724-10-46-1086 on the Catawba County tax maps. The subject property is approximately 4,500 linear feet (0.85 miles) from the primary incorporated boundary of the City of Hickory. Over the past ten years the City has authorized six other future annexation agreements in the vicinity of the subject property. Upon analysis, staff has determined sanitary sewer is available to serve the property; however, due to the property's distance from the City's primary boundary immediate annexation is not

recommended. Staff recommends City Council's approval of the Future Annexation Agreement for Joseph and Hedy Paussa to allow for connection to sanitary sewer.

- A** I. Approval of a Cemetery Deed Transfer from Robert Steven Bailey and wife, Tonya P. Bailey to Steven Scott Lockhart and wife, Elaine H. Lockhart, Oakwood Cemetery, Section 58, Plot F5, Lots 1 and 2. (Prepared by Kevin C. McIntosh, Esquire). **(Exhibit VIII.I.)**
- A** J. Approval of a Cemetery Deed Transfer from Robert Lee Johnson, Jr., Single, to David N. Webber, Widower, Oakwood Cemetery, Section 48, Plot J, Lot 12, Grace Space 1 and 2. (Prepared by Kimberly H. Whitley, Patrick, Harper & Dixon, LLP). **(Exhibit VIII.J.)**
- A** K. Approval of a Cemetery Deed Transfer from David N. Webber, Widower, to Robert Lee Johnson, Jr., Single, Oakwood Cemetery, Section 48, Plot J, Lot 10, Grace Space 1 and 2. (Prepared by Kimberly H. Whitley, Patrick, Harper & Dixon, LLP). **(Exhibit VIII.K.)**
- A1** L. Budget Revision Number 8. **(Exhibit VIII.L.)**
 - 1. *To appropriate \$28,500 from FY2017-18 General Fund Contingency for the City to conduct a Market Analysis Pay Study. Services will be performed under contract with Piedmont Triad Regional Council.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of a "No Wake Zone" at the Lake Hickory Marina Located on Limbaugh Lane NW. – Presentation by Planning Director Brian Frazier **(Exhibit XI.A.1.)**

Staff requests Council's consideration of the City's submittal of an application to establish a "No Wake Zone" at the Lake Hickory Marina located on Limbaugh Lane, NW. The application for said "No Wake Zone" would be made to the North Carolina Wildlife Resources Commission. The application was originally requested by the owners of the marina, Troy and Janet Cowan. Such an application must be made by the local municipality. The Wildlife Resources Commission has concluded an investigation of safety conditions at the marina and have identified strong reason to create a no-wake zone in the waters around the marina. The property owners would be responsible for all associated costs for the placement of signage, marker buoys and all future maintenance. Staff recommends that City Council approve a "No Wake Zone" for the area immediately adjacent to the Lake Hickory Marina, as recommended by North Carolina Wildlife Resources.

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

B. Departmental Reports:

- A** 1. Authorize Staff to Apply for TIGER Grant Funding from the US Department of Transportation. **(Exhibit XI.B.1.)**

The 2017 TIGER Discretionary Grants provide funding of up to 80 percent of project costs in urban areas for surface transportation infrastructure projects that will have a significant impact on the nation, a region, or metropolitan area. There is a \$5 million dollar minimum funding request this year. The City of Hickory's

TIGER request for the total project cost will be \$20.2 million dollars. The project scope includes projects that connect to the already funded City Walk Pedestrian Greenway. Projects will extend City Walk in two directions across Hickory into Burke County, Caldwell County, and south to I-40 Exit 125. The grant will serve as the catalyst for the City's economic development initiative, which is focused on revitalizing city infrastructure and connecting the Central Business District to surrounding neighborhoods, commerce, recreational and education facilities. This project was discussed as a priority focus area by the City of Hickory during the Inspiring Spaces Master Plan initiative. Bond Program funds and NCDOT grant funds will be used for the match. Funds will be used for critical infrastructure improvements such as streets, sidewalks, crosswalks, gateways, trails, and streetscapes to promote the City as a choice location to live, work and play and one where businesses want to locate, invest and expand. The project will streamline transportation modes to the City, provide improved access to low and moderate income neighborhoods and underutilized areas and provide safe accessibility for bicycles and pedestrians. A total estimated project cost of \$20.2 million dollars has been identified for the grant submittal based upon the projects. The request includes an acceleration of the NCDOT STIP funding (Statewide Transportation Improvement Program) for Old Lenoir Road, currently scheduled to receive funds from NCDOT for construction in 2022. This TIGER grant request is based upon a 30 percent match from the City of Hickory of \$6.06 million dollars of the total project. The minimum amount of match is 20 percent. The previous planning processes over the years, including the 2035 Hickory Long Range Transportation Plan, Hickory by Choice 2030 Comprehensive Plan, and Inspiring Spaces, and the \$40 million dollar Bond Program have made this project ripe for completion. Staff recommends that City Council authorize staff to apply for the TIGER Discretionary Grant in the amount of \$20,200,000 with a cash match of \$6.06 million dollars.

A 2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Small Cities Project Area (Council Appoints)	VACANT
(Lydia Doll Resigned 9-6-2017)	

COMMUNITY APPEARANCE COMMISSION

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

Alderwoman Patton nominated Nicholas (Nick) Seiler as the Ward 6 Representative on the Community Appearance Commission.

Alderman Tarlton nominated Katherine Mull as Ward 2 Representative on the 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

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
Building Trades Profession (Council Appoints) VACANT

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)
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 (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
Homeschool Representative VACANT
St. Stephens High School Representative VACANT

The Youth Council Applicant Review Committee Makes the Following Recommendation for Appointment to the Youth Council:

Tri Pham, At-Large Representative

Mayor Cline nominated Tri Pham as an At-Large Representative on the Youth Council.

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 announced that Assistant City Manager Andrea Surratt had verbally accepted the position of City Manager for the City of Bozeman, Montana. He joked that they were hoping that the final negotiations would fall through. The folks from Bozeman are getting a good one and she is going to do great up there. She had worked for the City of Hickory for ten years and had done an outstanding job through the whole bond program from the site visits, to

the accomplishment of grants. We are going to miss her. She will be with the City until the end of October. He reiterated she was in final negotiations. He commented if the folks from Bozeman were watching you got a good one, our loss but your gain. He wished Mrs. Surratt well and commented she would do great things. He mentioned that Bozeman is the home of the Montana State Bobcats, so she will be gearing up with her Bobcat attire. He advised he had looked at the weather channel before he came to the meeting and the low tonight was 24 degrees.

Everyone gave a standing ovation to Mrs. Surratt.

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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