



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

September 4, 2018
7:00 p.m.

- I. Call to Order
- II. Invocation by Alderman Williams
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Recognition of Hickory Parks and Recreation Department's Little League Team for Winning the First-Ever State Title in that Division.

Little League State Tar Heel Champions: Blake Evans, Noah Surbaugh, Kyler Milligan, Brycen Gaither, Brady Stober, Jamarion Lackey, Deke Young, Matthew Lefevers, Hollis Morhpis, Jack McGhinnis, Dean Hall, John Holbrook, Coach Roger Young, Coach Wes Harris and Coach Mike Lefevers.

Mayor Guess read and presented a Proclamation to the Little League State Tar Heel Champions. He also presented each of the coaches and the team members with a City of Hickory miniature key lapel pin.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of August 21, 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 Two. **(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 for the NC League of Municipalities – Host City Party, Dana Kaminske, City of Hickory's Communication and Marketing Director, September 19th at 9:00 a.m. through September 21st at 5:00 p.m., City of Hickory Parking Lot on Main Avenue NW/Union Square. **(Exhibit VIII.A.)**
 - A. B. Special Events Activities Application for the Children's Advocacy & Protection Center's Vigil, Connie Engart, Community Education & Outreach Coordinator, Children's Advocacy & Protection Center, October 23, 2018 (Rain Date October 30, 2018), 10:30 a.m. to 1:30 p.m., at the Sails on the Square. **(Exhibit VIII.B.)**

September 4, 2018

- A C. Special Events Activities Application for the 2018 Walk to End Alzheimer's, Molly Goode, Development Specialist, Alzheimer's Association, Western Carolina Chapter, October 27, 2018, 7:00 a.m. to 1:00 p.m., at L.P. Frans Stadium, 2500 Clement Boulevard, Hickory. **(Exhibit VIII.C.)**
- A D. Cemetery Deed Transfer from Elizabeth M. Reynolds and husband Jon Roger Reynolds to Francis William McComb, Oakwood Cemetery, Section 39, Plot G, Lot No. 1, Grave Space Number 5. (Prepared by Elizabeth M. Reynolds). **(Exhibit VIII.D.)**
- A E. Cemetery Deed Transfer from Jeffrey Bryan Peirce, Trustee of the Judith Bryant Peirce Revocable Trust date March 25, 2013 to Albertus William Huffman III and wife, Elizabeth Madaris Huffman, Oakwood Cemetery, Section 57, Plot N, Lot Nos. 21 and 22. (Prepared by Casey W. Pope, Patrick, Harper & Dixon, LLP) **(Exhibit VIII.E.)**
- A F. Cemetery Deed Conveyance from the City of Hickory to Marcus Hill, Southside Cemetery, Plot H, Lot No. 18 and 19, Section 2. (Prepared by Deputy City Attorney Arnita Dula) **(Exhibit VIII.F.)**
- A G. Cemetery Deed Transfer from Anne Goodson and husband Mark Goodson; John W. Crone, III and wife, Beth M. Crone; and Kathy Pinkus and husband, Geoff Pinkus to John W. Crone, III and wife, Beth M. Crone, Oakwood Cemetery, Section 26, Plot A, Lots 2, 3, 4, 7, and 8. (Prepared by Kevin C. McIntosh, Esquire) **(Exhibit VIII.G.)**
- A H. Approval of a Resolution for the Local Water Supply Plan for the City of Hickory. **(Exhibit VIII.H.)**

Staff requests Council's approval of a Resolution for the local water supply plan for the City of Hickory (PWS: 01-18-010). North Carolina General Statute 143-355 (1) requires all public water systems to have a local water supply plan that is intended to give a report of the water system's current demands and a projection for future demands. This analysis is required to be performed and reported annually by public water suppliers with major updates every five years that require the passage of a Resolution approving the document by the governing board. The City of Hickory's Public Utilities Department has performed the analysis and evaluation of the water use patterns and the available treatment capacities for the entire City of Hickory distribution and collection systems. This plan is intended to reflect the current use patterns of the available water supply and then project forward 50 years to determine if system demands will surpass available capacity at any point in that period. This is one component of the North Carolina Water Supply Master Plan for the entire State. This evaluation is required to be performed, updated and reported annually to NCDENR with major updates required every five years. The City of Hickory's local water supply plan does not reflect an exceedance of available supply over this planning period. The City of Hickory's local water supply plan has been reviewed by NCDENR and has been found to be in compliance with NCGS 143-355 (1). Staff recommends Council's approval of the Resolution approving the local water supply plan for the City of Hickory (PWS: 01-18-010).

- A I. Approval of a Resolution for the Local Water Supply Plan for the Town of Catawba. **(Exhibit VIII.I.)**

Staff requests Council's approval of a Resolution approving the local water supply plan for the Town of Catawba (PWS: 01-18-040). North Carolina General Statute 143-355 (1) requires all public water systems to have a local water supply plan that is intended to give a report of the water system's current demands and a projection for future demands. This analysis is required to be performed and reported annually by public water suppliers with major updates every five years that require the passage of a Resolution approving the document by the governing board. The City of Hickory's Public Utilities Department developed the Town of Catawba's local water supply plan due to the City of Hickory owning, operating, and maintaining this public water system. Hickory City Council is the governing board responsible for providing these services due to this relationship. The

City of Hickory owns and operates the Town of Catawba's public water system, and therefore must approve the local water supply plan for this public water system as well. Hickory City Council has full authority to establish operational rules, regulations, and plans for the Town of Catawba public water system (PWS: 01-18-040) per the purchase contract from 2003. The Town of Catawba's local water supply plan has been reviewed by NCDENR and has been found to be in compliance with NCGS 143-355 (I). Staff recommends Council's approval of a Resolution approving the local water supply plan for the Town of Catawba (PWS: 01-18-040).

A J. Approval to Issue a Pyrotechnic Display Permit to Lenoir-Rhyne University. (Exhibit VIII.J.)

Associate Athletic Director, Aaron Bessey of Lenoir-Rhyne University has submitted a request to obtain permission to have a public fireworks display on September 15, 2018. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one million dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics displays.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

A 1. Consideration of FY 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER) – Presentation by Community Development Manager Karen Dickerson. (Exhibit XI.A.1.)

The U.S. Department of Housing and Urban Development requires the City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient, to report on CDBG monies spent within the previous fiscal year. The CAPER evaluates the effectiveness of the use of resources in addressing identified goals and objectives cited in the Annual Action Plan which is prepared before the fiscal year begins. CDBG resources were used for the following activities: Housing Rehabilitation \$28,575; Housing Rehab Administration \$2,409; Habitat for Humanity \$13,557.66; Exodus Homes \$6,600; ALFA \$9,900; Hickory Soup Kitchen \$6,600; Safe Harbor \$6,600; Cooperative Christian Ministry \$11,900; Microenterprise Assistance \$6,250; Public Infrastructure Improvements \$97,705.39; Cliff Teague Park Improvements \$59,793; West Hickory Park Improvements \$88,798.91; Down-Payment Assistance \$27,500; Fair Housing \$702.38; and Program Administration \$53,478.72; Total \$420,370.06. The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, is preparing the Consolidated Annual Performance and Evaluation Report (CAPER), for submission to HUD. The CAPER outlines the City's CDBG expenditures from July 1, 2017 thru June 30, 2018. Staff recommends Council's consideration of the FY 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER).

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 21st, August 25th and September 4th.

A1

2. Consideration of Rezoning Petition 18-01 for approximately .70 Acres of Property Located at 3355 Springs Road NE, Owned by Starnes Industries, Inc. – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Starnes Industries Inc., property owner, has petitioned for the rezoning of .70 acres of property located at 3355 Springs Road NE. The property is currently split zoned R-1 (Low Density Residential), NC (Neighborhood Commercial), and CC-2 (Commercial Corridor). The request is to rezone a portion of the property from R-1 and NC to CC-2. The rear portion of the lot will remain zoned R-1. The property is currently vacant. A single family residence that occupied the property was demolished on August 20, 2018. The applicant has indicated the rezoning is needed to facilitate a future business expansion of the neighboring Springs Road Rent-Alls business. The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as Commercial Corridor and High Density Residential. Hickory by Choice 2030 lists the CC-2 zoning district as being an implementing zone for the Commercial Corridor future land use classification. In evaluating the proposal with the goals outlined within the Hickory by Choice 2030 Plan, staff feels the request is consistent with the comprehensive plan. The Hickory Regional Planning Commission conducted a public hearing on August 22, 2018 to consider the petition and voted unanimously 8-0 to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 24th, and August 31st.

A1

3. Consideration of Rezoning Petition 18-03 for Approximately 113 Acres of Property Located at 2355 and 2369 Startown Road, being the First Phase of the Trivium Corporate Center – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.3.)**

On August 7, 2018, Hickory City Council approved a voluntary non-contiguous annexation of approximately 113 acres of property, which consists of the first phase of the Trivium Corporate Center. The property currently retains Catawba County's Planned Development – Industrial Park – Conditional Zoning designation. The requested action is to assign the recently annexed property a City zoning designation, which is recommended to be Industrial – Conditional District (IND-CZ). The owners of the property have consented to the use of the conditional zoning process, so that the properties can be developed with a greater degree of certainty. The property was previously approved by Catawba County as an industrial park, which was formerly known as Park 1764. At that time the property was approved to be utilized, conditionally, for the location of what was termed as "Class 'A' Business Park". The uses of which included office, light-manufacturing, research and development facilities. The requested action is to assign a City zoning designation similar to what was approved by Catawba County. The proposed Hickory Industrial – Conditional District (IND-CZ) is almost identical to what was approved by Catawba County, so there is no major difference between what is now permitted, and what will be permitted. The Hickory Regional Planning Commission conducted a public hearing on August 22, 2018 to consider the petition. During the public hearing, two citizens spoke in opposition to the petition, citing concerns over increased truck traffic and noise. Upon closing the public hearing, the Hickory Regional Planning Commission voted 9-0 in favor to affirm the petition's consistency with Catawba County's current plans pertaining to the area, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission and recommends City Council's approval of Rezoning Petition 18-03.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 24th, and August 31st.

- A1** 4. Consideration of Rezoning Petition 18-04 for Approximately .69 Acres of Property Located at 117 29th Avenue NE, Owned by Lohr Loveland Jr. – Presentation by Senior Planner Ross Zelenske. **(Exhibit XI.A.4.)**

Lohr Loveland Jr., property owner, has petitioned for the rezoning of .69 acres of property located at 117 29th Avenue NE. The request is to rezone the property from R-2 (Medium Density Residential – 2) to CC-1 (Community Center Commercial). The property is currently vacant. The applicant has indicated the rezoning is needed to operate a seasonal/temporary sales business. The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as Community Commercial and High Density Residential. Hickory by Choice 2030 lists the CC-1 zoning district as being an implementing zone for the Community Commercial future land use classification. In evaluating the proposal with the goals outlined within the Hickory by Choice 2030 Plan, staff feels the request is consistent with the comprehensive plan. The Hickory Regional Planning Commission conducted a public hearing on August 22, 2018 to consider the petition and voted unanimously 9-0 to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 24th, and August 31st.

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 (C. Williams Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
African-American (Council Appoints)
Caucasian (Council Appoints)
Other Minority (Council Appoints)
Other Minority (Council Appoints)
Other Minority (Council Appoints)

VACANT
VACANT
VACANT
VACANT
VACANT

Note: Debbie Haynes was previously appointed as a Caucasian Representative on the Community Relations Council, but is not eligible due to not living in the City limits or the Extra Territorial Jurisdiction (ETJ).

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) Position

VACANT

PARKS AND RECREATION COMMISSION

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

VACANT

At-Large Minority (1) (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Lail Appoints) VACANT
Ward 4 (D. Williams Appoints) VACANT

RECYCLING ADVISORY BOARD

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

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

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

VACANT	At-Large Representative
VACANT	At-Large Representative
VACANT	Fred T. Foard Representative

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Voting Delegate/Alternate for 2018 Annual Business Meeting September 21, 2018 (4:00 p.m. – 5:00 p.m.) Hickory, NC

Mayor Guess was appointed as the delegate and Alderwoman Williams as the alternate for the North Carolina League of Municipalities 2018 annual business meeting on September 21, 2018.

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 Zagaroli mentioned the murals painted by Susan Smith's son, James Smith. The murals were located on the old Burke building and also on the Exodus building.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(6) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

City Manager Warren Wood requested Council go into closed session to discuss a personnel matter - (NCGS §143-318.11(a)(6)).

1. Discussion of Personnel Matter - NCGS §143-318.11(a)(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.”

**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**