

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, August 15, 2017 at 7:00 p.m., with the following members present:

Brad Lail Vernon Tarlton	Jeff M. Cline Aldermen	Hank Guess David P. Zagaroli Jill Patton
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A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Andrea Surratt, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Executive Assistant to the City Manager Deisy Zavala Vazquez and City Clerk Debbie D. Miller

- I. Mayor Cline called the meeting to order. All Council members were present except for Alderman Seaver.
- II. Invocation by Sandi Hood, Director of Community Outreach, Catawba Valley Hospice and Palliative Care.
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes

- A. Regular Meeting of August 1, 2017

Alderman Tarlton moved, seconded by Alderman Zagaroli that the Minutes of August 1, 2017 be approved. The motion carried unanimously.

- 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.

Alderman Lail moved, seconded by Alderman Tarlton that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Budget Revision Number 2. (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.

Alderman Patton moved, seconded by Alderman Zagaroli approval of the Consent Agenda. The motion carried unanimously.

- A. Approved the Resolution Authorizing the Execution of a Lease Agreement of Property Located at 304 3<sup>rd</sup> Street SW, Hickory.

Hickory Police Department requests approval of a Resolution authorizing the execution of a lease agreement with Jamie Janine Reed, for the property located at 304 3<sup>rd</sup> Street SW. The Police Department purchased and renovated the property in 2010 which is adjacent to the current 6.18 acres of the City of Hickory and would provide necessary land for any future expansion of the Police Department. The lease agreement is for a term of one year beginning November 1, 2017 and expiring October 31, 2018. The lease fee will be \$600 per month due and payable monthly in advance on the 1<sup>st</sup> day of each month during the term of the lease agreement. Hickory Police Department recommends approval of the Resolution authorizing the execution of the lease agreement to Jamie Janine Reed for the property located at 304 3<sup>rd</sup> Street SW, Hickory.

RESOLUTION NO. 17-24  
RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT

WHEREAS, City Council of the City of Hickory desires to enter into a lease agreement with Jamie Janine Reed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The City of Hickory owns property located at:  
304 3<sup>rd</sup> Street SW, Hickory, North Carolina
2. City Council has received a Lease Agreement from Jamie Janine Reed who desires to lease the property located at 304 3<sup>rd</sup> Street SW for residential use.

The initial lease term is for one year, beginning November 1, 2017 and ending October 31, 2018. The lease fee will be \$600 per month due and payable monthly in advance on the 1<sup>st</sup> day of each month during the term of this agreement. The first month's rent is required to be submitted on or before move-in.

3. City Council intends to accept the Lease Agreement with Jamie Janine Reed at their City Council meeting scheduled for August 15, 2017.
- B. Approved a Resolution Declaring Surplus Library Books and Authorizing a Donation to the Friends of the Library for their Annual October Book Sale and/or the Corner Book Store at Patrick Beaver Memorial Library.

Library staff requests approval to surplus 2,779 discarded library materials. The surplus items will be donated to the Friends of the Library to be sold at the Friends "Corner Book Store" at Patrick Beaver Memorial Library and/or at the October 2017 book sale. The sale of the donated and discarded books is the primary fundraiser activity of the Friends of the Library, and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library and is an appropriate means of disposing of unneeded materials. Library staff requests approval of a Resolution declaring surplus 2,779 discarded library materials, and donating the surplus to the Friends of the Library.

Public notice of the intent to declare the items as surplus and donate the items to the Friends of the Library was advertised in a newspaper having general circulation in the Hickory area on August 3, 2017.

RESOLUTION NO. 17-25  
A RESOLUTION OF THE HICKORY CITY COUNCIL  
DECLARING SURPLUS LIBRARY BOOKS AND  
AUTHORIZING DONATION TO THE FRIENDS OF THE LIBRARY

WHEREAS, the Hickory Public Library declares a list of 2,779 discarded, out of date in poor condition, or no longer needed to meet the collection development goals of the library; and

WHEREAS, the Library wishes to dispose of said property to The Friends of the Library for their use at the annual October book sale and/or the "Corner Book Store" at Patrick Beaver Memorial Library.

WHEREAS, G.S. 160A-280 allows the city to donate to another governmental unit within the United States, or a nonprofit organization incorporated after advertising and Council approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory, North Carolina:

SECTION 1. That authorization is given to the Hickory Public Library to dispose of the declared surplus in a manner serving the best interest of the City.

SECTION 2. This Resolution shall become effective upon adoption.

- C. Approved on First Reading Acceptance of the Bid and Award the Contract to Amick Equipment in the Amount of \$280,761.55 for a 2018 Crane Carrier Cab/Chassis Model #LET2-46.

The Residential Solid Waste Division's capital equipment improvement plan includes the replacement of a sidearm automated refuse truck in FY17-18. These trucks are used to collect residential solid waste cans and collects between 600 and 1,000 cans per day. This type of truck allows the division to perform this essential function in an efficient and effective manner by requiring the least staff. Staff from the Solid Waste and Fleet Division's prepared specifications to purchase equipment meeting the City's requirements. The City participates in a buying cooperative with the NC Sheriffs' Association that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The specified truck applies to the NC Sheriffs' Association contract number 17-01-0617, refuse truck body for a 2018 Crane Carrier Cab/Chassis with a new way sidewinder 29yd dump body. The Residential Solid Waste Division's Capital Budget includes purchase of an automated refuse truck in the amount of \$275,000. The bid price for this equipment through the NC Sheriffs' Association was \$280,761.55, therefore the division will do a budget transfer in the amount of \$7,762 to cover the difference in budget and price. This transferred amount also includes the \$2,000 amount for the road use tax portion of the purchase. Staff recommends Council's acceptance of the bid and award the contract to Amick Equipment for a 2018 Crane Carrier Cab/Chassis model #LET2-46 with a new way sidewinder ASL 29yd tilt to dump

body per the N.C. Sheriffs' Association reference contract number 17-01-0617 refuse truck body in the amount of \$280,761.55.

- D. Approved on First Reading Acceptance of the Bid and Award the Contract to Carolina Environmental Systems Inc. for in the Amount of \$242,026.38 for a 2018 Crane Carrier Cab/Chassis model #LET2-44.

The Residential Solid Waste Division's capital equipment improvement plan includes the replacement of a rear loading refuse truck in FY 17-18. These trucks are used to collect residential yard waste and bulky item refuse from the curb. This type of truck allows the division to perform this essential function in an efficient and effective manner. Staff from the Solid Waste and Fleet Division's prepared specifications to purchase equipment meeting the City's requirements. The City participates in a buying cooperative with the NC Sheriffs' Association that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The specified truck applies to the NC Sheriffs' Association bid specifications. The Recycling Solid Waste Division's Capital Budget includes the purchase of a rear loading refuse truck in the amount of \$235,000. The bid price for this equipment through the NC Sheriffs' Association was \$242,026.38, therefore the division will do a budget transfer in the amount of \$9,027 to cover the difference in budget and price. This transferred amount also includes the \$2,000.00 amount for the road use tax portion of the purchase. Staff recommends Council's acceptance of the bid and award of the contract to Carolina Environmental Systems Inc. for a 2018 Crane Carrier Cab/Chassis model #LET2-44 with a Heil DP5000 – 25 cubic yard high compaction rear loading refuse body per the N.C. Sheriffs' Association in the amount of \$242,026.38.

- E. Called for Public Hearing to Consider FY 2016-2017 Consolidated Annual Performance and Evaluation Report (CAPER). (Authorize Public Hearing for September 5, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).
- F. Called for Public Hearing to Consider – Voluntary Non-Contiguous Annexation of Property Owned by Karolyn Lee Voelbel, Trustee under the Voelbel Living Trust, Located at 4100 54<sup>th</sup> Avenue NE, PIN# 3735-11-66-1272, Containing 1.3147 Acres. (Authorize Public Hearing for September 5, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 17-26  
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED  
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Karolyn Lee Voelbel, Trustee, under the Voelbel Living Trust requesting annexation of an area described in a petition was received on August 3, 2017 by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

4110 54<sup>th</sup> Avenue NE, Containing 1.3147 acres more or less

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 7<sup>th</sup> August, 2017.

/s/ Debbie D. Miller, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION, PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 5, 2017 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:  
4110 54<sup>th</sup> Avenue NE, Containing 1.3147 acres more or less

Section 3: Notice of said public hearing shall be published in *The Hickory Daily Record*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 17-27

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY KAROLYN LEE VOELBEL, TRUSTEE UNDER THE VOELBEL LIVING TRUST AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Karolyn Lee Voelbel, Trustee under the Voelbel Living Trust is the owner of certain real property as described herein, which property is located at 4110 54<sup>th</sup> Avenue NE, containing 1.3147 acres more or less; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 15<sup>th</sup> day of August, 2017, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 5, 2017, in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on a maps entitled Voelbel Annexation Map 1, City Boundary, subject property outlined in red; Voelbel Annexation Map 2, 2017 Aerial Photo, subject property outlined in red; Voelbel Annexation Map 3, Zoning, subject property outlined in red.

Section 4: Notice of said public hearing shall be published in *The Hickory News*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

- G. Called for Public Hearing to Consider – Voluntary Non-Contiguous Annexation of Property Owned by Warren M. Wood, and Amy B. Wood, Located at 1034 25<sup>th</sup> Avenue Drive NW, PIN# 3704-14-34-4673, Containing 2.037 Acres. (Authorize Public Hearing for September 5, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 17-28  
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED  
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Warren M. Wood and wife, Amy B. Wood requesting annexation of an area described in a petition was received on August 8, 2017 by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

1034 25<sup>th</sup> Avenue Drive NW, containing 2.037 acres more or less

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 8<sup>th</sup> August, 2017.

/s/ Debbie D. Miller, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,  
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 5, 2017 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:  
1034 25<sup>th</sup> Avenue Drive NW, containing 2.037 acres more or less

Section 3: Notice of said public hearing shall be published in *The Hickory Daily Record*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 17-29

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY WARREN M. WOOD AND WIFE, AMY B. WOOD AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Warren M. Wood and wife, Amy B. Wood are the owners of certain real property as described herein, which property is located at 1034 25<sup>th</sup> Avenue Drive NW, containing 2.037 acres more or less; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 15<sup>th</sup> day of August, 2017, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 5, 2017, in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on a maps entitled Wood Annexation Map 1, City Boundary, subject property outlined in red; Wood Annexation Map 2, 2017 Aerial Photo, subject property outlined in red; Wood Annexation Map 3, Zoning, subject property outlined in red.

Section 4: Notice of said public hearing shall be published in *The Hickory News*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

- H. Approved the Acceptance of the Historic Preservation Fund Pass-Through Grant in the Amount of \$5,600 from the State Historic Preservation Office.

As a Certified Local Government, the City of Hickory is eligible to apply for grants from the State of North Carolina to undertake a variety of different projects to advance historic preservation. In February 2017, after direction from the Historic Preservation Commission and approval from City Council, staff applied for a Historic Preservation Fund Pass-Through Grant to update the documentation on the existing Oakwood district properties and to conduct the necessary research to submit a National Register nomination report for the expansion area. On July 31, 2017, the State Historic Preservation Office informed City staff that Hickory's grant request was approved, but only for the nomination report to expand the Oakwood district. Therefore, the grant award was less than originally requested. By expanding the Oakwood National Register Historic District, additional properties in the neighborhood will be recognized for their historical value and will be able to access state and federal tax credits to incentivize long term preservation. An expansion of the Oakwood Local Historic District is not being considered at this time. The total project cost will be \$12,000. The State grant will pay \$5,600 (46 percent) of the project costs. The required City match will be \$6,400. These funds will be taken from the General Fund. If the grant is accepted by City Council, the project would begin shortly and be completed by September 2018. Staff recommends that City Council accept the Historic Preservation Fund Pass-Through Grant.

- I. Approved the Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs.

The following request was considered by the Citizens' Advisory Committee at their regular meeting on August 3, 2017.

The following applicant is being recommended for approval for assistance under the City of Hickory's 2016 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency related repairs not to exceed \$8,000.

➤ Patricia Sullivan, 1014 16<sup>th</sup> Street SE, Hickory

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- J. Approved Applying for the 2017 Justice Assistance Grant in the Amount of \$15,205.

Hickory Police Department requests approval to apply for the 2017 Justice Assistance Grant (JAG) to send officers through an officer wellness program such as Blue Courage or VALOR. These programs are listed as authorized programs under the Bureau of Justice

Assistance. City of Hickory has received notification of approval to receive \$15,205 under the 2017 Justice Assistance Grant Program. The JAG Program is a formula-based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. Cities and counties are required to submit joint applications for the available funding. There is no match required. Hickory Police Department recommends approval to apply for the 2017 Justice Assistance Grant in the amount of \$15,205.

- K. Approved a Cemetery Deed Transfer from Peter L. Abernethy, Single, By and Through his Attorney-in-Fact, Hannah Crowell Abernethy Frenier; Kay Abernethy, Widow of W.R. (Randy) Abernethy, Sr.; W.R. Abernethy, Jr. and wife, Hideko Abernethy; Jessica Abernethy Walker and husband, Garrett Walker; Hannah Abernethy Frenier and husband, Julius Frenier; Judy Abernethy, Widow of John G. Abernethy, Sr.; Maryann Abernethy Yates and husband, Kenny Yates; John G. Abernethy, Jr. and wife, Charae Abernethy; and Brendan Abernethy and wife, Grace Abernethy to Dick H. Adams and wife, Gail P. Adams, Oakwood Cemetery, Plot B, Lot 1, Section 52. (Prepared by Terry M. Taylor, Attorney at Law)
- L. Approved on First Reading Acceptance of the Bid and Award of the Contract to James River Equipment for the Purchase of a John Deere 670G Motor Grader in the Amount of \$187,931.94.

The Public Services Street Division operates various types of equipment in the practice of operating, maintaining, and managing roadway infrastructure. The Division currently uses a 1990 model motor grader to grade gravel roadways refreshing the stone, as well as clearing snow and ice, particularly in the downtown area. Equipment on that unit is outdated, no longer working, and parts are difficult to find. This equipment is being replaced as a component of the Public Services Street Division's normal Capital Budget. Staff from the Street and Fleet Divisions jointly prepared specifications for this equipment replacement to ensure the equipment would meet the needs of the Street Division. This piece of equipment is available and being purchased off the North Carolina State Contract. All procurement requirements are met through the State Contract. This motor grader capital replacement is budgeted in FY 17-18 Street Division Capital Budget. Staff recommends Council's acceptance of the bid and award of the contract to James River Equipment for the purchase of a John Deere 670G motor grader in the amount of \$187,931.94.

- M. Approved on First Reading Budget Revision Number 3.

ORDINANCE NO. 17-24  
BUDGET REVISION NUMBER 3

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2 the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2018 and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2017-18 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	19,437	4,760
Economic and Community Development	10,000	-
Culture and Recreation	5,859	-
Contingency	-	10,000
TOTAL	35,296	14,760

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	20,921	4,760
Miscellaneous Revenues	4,375	-
TOTAL	25,296	4,760

SECTION 2. To amend the Water and Sewer Fund within the FY 2017-18 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	57,263	-
TOTAL	57,263	-

To provide funding for the above, the Water and Sewer Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	57,263	-
TOTAL	57,263	-

SECTION 3. To amend the Transportation Fund within the FY 2017-18 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	1,042	-
TOTAL	1,042	-

To provide funding for the above, the Transportation Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	1,042	-
TOTAL	1,042	-

SECTION 4. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

A. Budget Transfer Report - August 15, 2017

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:

- August 4, 2017 (BT#5): Transferred \$29,927 from Water and Sewer Fund Contingency into the Sewer Collections Division budget to cover the purchase of a vehicle. This vehicle is immediately needed due to the hiring timeframe.

City Manager Warren Wood explained the budget transfer report. He advised the budget ordinance allows the City Manager to transfer money between functional areas within the budget, however he must report it at the following Council meeting. The transfer was for \$29,927 between the Water and Sewer Fund Contingency, which that money went into the Sewer Collections Division to purchase a vehicle for a new position. He advised there was no action required by City Council. The ordinance requires that he report it to Council.

XI. New Business:

A. Public Hearings

1. Continuation of Public Hearing for Consideration of Amendments to Chapter 4 Animals and Fowl of the Hickory City Code of Ordinance – Presentation by Deputy City Attorney Arnita Dula.

On August 1, 2017, Council opened the public hearing to consider amendments to Chapter 4 Animals and Fowl of the Hickory Code of Ordinances. The proposed amendments add additional definitions related to animals and regulate the keeping of large domestic, small domestic, and household animals based upon zoning districts. The proposed amendments did not include a provision that would allow owners to temporarily keep and use large domestic animals to clear weeds and other vegetation on their properties. Under proposed Section 4-31(c), an owner will be able to pay a fee to obtain temporary permit to keep and use large domestic animals to clear vegetation from their properties for up to fourteen (14) days. Animal control will issue the permits. In many instances, animals offer a more viable solution for owners to clear properties that may have topography issues or are covered with invasive plant species that do not respond well to traditional clearing methods such as bush hogging or chemical treatments. Staff recommends Council's approval of all the proposed amendments to Chapter 4.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 21, 2017.

City Manager Warren Wood advised this public hearing was a continuation from the public hearing from Council's previous meeting concerning the amendments to

Chapter 4 – Animal and Fowl of the Hickory City Code of Ordinances. He asked Deputy City Attorney Arnita Dula to the podium to present the item to City Council.

Deputy City Attorney Arnita Dula presented Council with a PowerPoint presentation. She recapped the information from the previous meeting. She explained the reason for the proposed amendments was to bring Chapter 4 of the Hickory City Code of Ordinances – the Animals and Fowl Chapter, certain provisions, into conformity with the Land Development Code. Currently there are conflicting provisions that create issues with enforcement. She discussed the proposed amendments, adding certain terms and definitions to the definitions section. The other proposed amendments regulate the keeping of animals according to the zoning districts, specifically large domestic animals being prohibited in R2 residential and zoning districts and only allowed by right in R1 residential and industrial zoning districts. Also, the proposed amendments would restrict the combined total of small domestic and household animals to five in all zones where residential dwelling units are permitted. She noted from the previous hearing Council directed that Staff do additional research on a proposed provision that would exempt owners who use livestock to mow. She advised there were a couple of exceptions, small animals always kept inside the person or owners home are not a part of the limit and potbelly pigs under 100 pounds may be still kept as pets. She advised that her College Intern Rachel Allure had done some research, and Asheville was the only one that she found that had a provision that exempted or made an exception for services. She found one out of Oregon. She advised this was the provision in Asheville's Code of Ordinances. She noted that livestock may be used for ground clearing on a temporary basis with a permit that is issued by Animal Control. There was a permit fee and the permit was for no longer than 14 days and anyone going beyond that would be subject to having the animals removed. She had modeled the provision, the additional amendment, after Asheville's ordinance. Instead of using the word livestock, because we don't have that term, she would have had to add livestock, basically large domestic animals can be used for ground clearing on a temporary basis with the issuance of a permit. She didn't keep in there that there would be a fee, which Council would have to set, and that the services could be used for up to 14 days and then the owner would have to remove them and return them to the service or the business that leases them or rents them out. She advised that was the additional provision that was proposed. She asked Council for questions.

Alderwoman Patton asked if someone gets goats to ground clear was there any provision about them tethering the animals or keeping them contained.

Deputy City Attorney Arnita Dula responded no, she didn't have a provision in there, but her understanding the services provide certain kinds of restrictions or parameters in working with the owners to keep the animals contained to that property. She didn't know exactly what they used, but that is business property and they are not going to let them wander all over the place and get lost and someone would take it. That was an assumption on her part that they would provide some kind of fencing or something to keep the goats confined to that particular property.

City Attorney John Crone asked if Council needed to set the price for the permit tonight or if that would be done later.

Deputy City Attorney Arnita Dula replied that would require an amendment to the fee schedule. She confirmed that with City Manager Warren Wood.

City Manager Warren Wood responded yes, it would.

Alderman Guess asked what the purpose was for the fee. He asked if the City encumbered some kind of labor in dealing with this, was that the purpose for the fee.

City Manager Warren Wood advised in issuing a permit there typically is. It would be at City Council's discretion as to what and if they want to do that at all.

Mayor Cline asked if there was any further questions for Deputy City Attorney Dula. There were no further questions. He explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Cline closed the public hearing.

Alderwoman Patton moved, seconded by Alderman Lail approval of the Amendments to the Hickory City Code of Ordinance Chapter 4 -Animals and Fowl. The motion carried unanimously.

ORDINANCE NO. 17-22  
ORDINANCE AMENDING CHAPTER 4 SECTIONS 4-4 and 4-31 OF THE  
HICKORY CODE OF ORDINANCES

WHEREAS, the Land Development Code has certain provisions, including but not limited to Section 9.11, that govern the keeping of animals based upon zoning classifications; and

WHEREAS, some of the Land Development Code's animal keeping provisions either conflict with or are absent from certain sections of Chapter 4 Animals and Fowl of the Hickory Code of Ordinances that define and regulate the keeping of animals; and

WHEREAS, the City Council hereby desires to amend the affected sections of Chapter 4 to bring them into conformance with the Land Development Code's standards; and

WHEREAS, the revisions to Chapter 4 of the Hickory City Code as suggested by Staff and/or directed by the Hickory City Council have been incorporated herein.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, THAT THE HICKORY CITY CODE BE AMENDED AS FOLLOWS:

Section 1. Amended.

Chapter 4 of the Hickory City Code is amended as set forth herein.

Section 2. Amendment.

Sections 4-4 and 4-31 of the Hickory City Code shall be amended as follows:

Section 4-4 Definitions of the Hickory City Code is amended as follows by adding the following terms and definitions:

*Household animals* means animals which are customarily kept for personal use or enjoyment within the home, not exhibited to the public, nor raised for commercial purposes. Animals which are dangerous to humans or property when they reach maturity or have cloven or solid hooves are not household animals. Household animals shall include, but not be limited to, domestic dogs, domestic cats, canaries, parakeets, love birds, parrots, cockatiels, finches, toucans, mynah birds, guinea pigs, hamsters, mice, rats, gerbils, small reptiles, small amphibians and aquarium fish.

*Large domestic animals* means animals including, but not limited to, horses, donkeys, burros, llamas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type. Sheep, goats, and swine under three months in age are not included when counting large animals. Miniature large animals are considered large animals.

*Small domestic animals* means animals or fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type. Young small animals or fowl under three months in age are not included when counting small animal or fowl.

Section 4-31 of the Hickory City Code is deleted in its entirety and is replaced as follows:

- (a) The keeping of large and small domestic animals is permitted outright only in the R-1 and IND zoning districts. The following standards apply to keeping of animals in these districts:
  - i. Three large domesticated animals per gross acre may be kept on irrigated land;
  - ii. One large domesticated animal per gross acre may be kept on non-irrigated land.
  - iii. One small domestic animal per two thousand square feet of land.
- (b) Except as permitted within this section, the keeping of large domestic animals is strictly prohibited in R-2 zoning districts.

- (c) Large domestic animals used for ground clearing and nuisance plant removal shall be allowed on a temporary basis upon the issuance of a temporary permit issued by the animal control administrator. The fee for said permit shall be established in the city's fee schedule. All conditions as specified in this chapter for animal care shall apply and no temporary permit shall be issued for longer than 14 days. Any violation of this chapter shall allow the animal control administrator to order the immediate removal of said animals.
- (d) Small domestic animals are permitted to be kept as household pets in R-1, R-2, and other zoning districts where dwelling units are permitted in accordance with the following standards:
  - i. Up to an aggregate of five (5) animals per dwelling unit is permitted.
  - ii. Six or more dogs or cats constitute a kennel and is prohibited.
  - iii. Small birds (canary, parakeet, etc.); small amphibian/reptile (turtle, lizard, etc.); rodent (rat, hamster, gerbil, etc.); and tropical fish and animals that are always housed entirely within the dwelling unit are excluded from the numerical limitations.
  - iv. One and only one pig may be kept as a family pet, provided that such pig shall not weigh more than 100 pounds and be of that strain or type of pig known as *Sus, species scrofa, variety f. domestica* (popularly known as Vietnamese pot-bellied pig), and provided further that the place where the pig is kept shall be maintained in a clean and sanitary condition and maintained in a manner approved by the director of sanitation, and shall further be kept in such a manner that no odors from such pig shall be offensive or disturbing to residents of surrounding or adjoining properties.

Section 3. Severability.

If any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Repealed.

All ordinances or provisions of the Hickory City Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

Section 5. Effective Date.

This Ordinance shall become effective immediately upon adoption.

- 2. Consideration of Amending the City's Code of Ordinance Chapter 21 Section 21-11 Hours of Sell of Beer and Wine, with Regards to Senate Bill 155 – Presentation by Governmental Affairs Manager Yaidee Fox.

On June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155 entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws". Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 a.m. on Sundays. Chapter 21, Section 21-11 currently prohibits the sale of beer and wine from 1:00 p.m. on Sunday to 7:00 a.m. the following Monday. This prohibition does not apply at any time the wholesale delivery and sale of unfortified wine, fortified wine, and malt beverages to retailers issued pursuant to G.S. 18B-1001. Sunday morning alcohol sales will allow the hospitality community and retail merchants in our community to meet the needs of their customers. This service will bring people into business districts earlier in the day and generate increased tax revenues. Sales beginning at 10 a.m. on Sundays also will benefit our diverse and growing community. Staff recommends Council's consideration of a proposed ordinance to amend Chapter 21, Section 21-11 of the Hickory Code of Ordinances.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 5, 2017.

City Manager Warren Wood advised the second public hearing was related to amending the City's Code of Ordinances, Chapter 21 regarding the hours of sell for beer and wine in regards to Senate Bill 155, better known as the "Brunch Bill".

He asked the Governmental Affairs Manager Yaidee Fox to the podium to present this item to Council.

Governmental Affairs Manager Yaidee Fox presented Council a PowerPoint presentation. She discussed Senate Bill 155 and the Ordinance amending Chapter 21 of the Hickory Code of Ordinances. She advised at the end of June the General Assembly enacted ratified bill for Senate Bill 155 which was called "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws". Those changes were actually signed into Session Law 2017-87 on June 30, 2017 by Governor Cooper. She explained what the Bill actually did. It allowed local governments to choose to adopt ordinances to allow establishments that hold a licensed premises permits issued under General Statute 18B-1001 to sell alcoholic beverages beginning at 10:00 a.m. on Sunday instead of noon which is what it currently states. Additionally one of the things that had happened was many of the local governments across the State have started adopting ordinances to allow the new change. She advised effective October 1, 2017, many of those in Catawba County had agreed that their ordinances would be adopted by their respective boards' by that time, which was the decision of each of the boards' and councils' to vote on having occurred by October 1<sup>st</sup>. She had compiled a list of the ones as they currently stood: Catawba County had adopted their amendment and would do a second vote on August 21<sup>st</sup>. The City of Newton, City of Conover, City of Claremont, and the Town of Longview had adopted their ordinances. Those who are still considering it are the Town of Catawba and Town of Maiden. She advised currently the City has a City Code, Chapter 21 Section 21-11 that prohibits the sale of beer and wine from 1:00 p.m. on Sunday to 7:00 a.m. on the following Monday. This prohibition does not apply at any time for any wholesale delivery or sale of unfortified wine, fortified wine, and malt beverages to retailers issued permits pursuant to General Statute 18B-1001. She advised the proposal was an amendment to Section 1, Section 21-11 of the City Code of Ordinances, to repeal in its entirety and replace it as follows: Pursuant to the authority granted by Session Law 2017-87, any establishment located in the corporate limits of Hickory and holding an ABC permit issued pursuant to General Statute 18B-1001 is permitted to sell beverages allowed by its permit beginning at 10:00 a.m. on Sundays. Section 2 of this amendment, if any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof. Section 3 would repeal the current Hickory City Code of Ordinances and Section 4 would make the effective date of October 1<sup>st</sup> upon adoption. The impact of the proposed amendment would mean that Sunday morning alcohol sales would allow the hospitality community and retail merchants in our community to meet the needs of their customers. This serve would bring people into the business districts earlier in the day and generate increased tax revenues. Sales beginning at 10:00 a.m. on Sundays would allow benefit on diverse and growing community. Staff recommendation would be Council's consideration of the proposed ordinance to amend Chapter 21, Section 21-11 of the Hickory Code of Ordinances. She asked Council for questions.

Mayor Cline reiterated the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Cline closed the public hearing.

Alderman Tarlton moved, seconded by Alderwoman Patton approval of the amendments to the City's Code of Ordinance Chapter 21 Section 21-11 Hours of Sell of Beer and Wine. The motion carried unanimously.

ORDINANCE NO. 17-23

AN ORDINANCE OF THE HICKORY CITY COUNCIL TO AMEND CHAPTER 21, SECTION 21-11 OF THE HICKORY CITY CODE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS AT LICENSED PREMISES

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155 entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws"; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 A.M. on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30<sup>th</sup> day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol sales will allow the hospitality community and retail merchants in our community to meet the needs of their customers; and

WHEREAS, Sunday morning alcohol service will benefit our small business community, bring people into business districts earlier in the day, and generate increased tax revenues; and

WHEREAS, our community has a diverse and growing population with different religious beliefs, each of which has various times and multiple days for worship.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, THAT THE HICKORY CITY CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1: Amended.

Section 21-11 of the Hickory City Code of Ordinances is repealed in its entirety and replaced as follows:

Pursuant to the authority granted by S.L. 2017-87, any establishment located in the corporate limits of Hickory and holding an ABC permit issued pursuant to G.S. 18B-1001 is permitted to sell beverages allowed by its permit beginning at 10 A.M. on Sundays.

Section 2: Severability.

If any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

Section 3: Repealed.

All ordinances or provisions of the Hickory City Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

Section 4: Effective Date.

The amendments to this Ordinance shall become effective October 1, 2017 upon adoption.

B. Departmental Reports:

1. Annual Code Enforcement Update – Presentation by Deputy Chief of Police Reed Baer.

City Manager Warren Wood advised Council annually they are presented with the Code Enforcement update for the previous year. He asked Deputy Chief of Police Reed Baer to the podium to present that item to City Council.

Deputy Chief of Police Reed Baer presented Council with a PowerPoint presentation. He discussed the activities that had happened in Code Enforcement this year. He mentioned he had given his first Code Enforcement report to Council in 2009. He explained what Code Enforcement was about. It was established in 2008 to focus on properties that fall within the context of the “broken windows theory”. Which is a theory that states that if you have dilapidation in a neighborhood that goes unaddressed it will eventually become accepted and the neighborhood will deteriorate if it is not looked after or fixed. Current enforcement parameters, they look at life safety issues, property maintenance, junk and abandon vehicles, minimum housing, dilapidated or abandoned residential or commercial structures, criminal activity within the structures and health and sanitation. The criminal activity within the structures part is where they work hand in hand on the patrol side of the Police Department and Code Enforcement. Police officers going on many calls for service can report to Code Enforcement when they see structures and code enforcement violations and vice versa when the Code Enforcement Officers are responding to houses or other structures where they see criminal activity afoot, or vagrants or vandalism, they can report

that to the patrol officers. The regulatory authority falls within the North Carolina General Statutes, Hickory City Code of Ordinances, specifically Chapter 20 which is nuisances, property abatements North Carolina Residential Code and Building Code.

Deputy Chief Reed Baer discussed the number of cases last year: the unit handled 532 cases, 80 of which were minimum housing, and 452 of which were nuisances. Obviously you can see where the nuisances equal approximately 85 percent of the total calls for service. When you combine all of the calls approximately 95 percent are owner abated, which means that 95 percent of all of these violations are handled by the owner without the City having to get involved.

Deputy Chief Reed Baer discussed the last five years. He showed a graph pointing out 2012-2013, the dark green represented the nuisance cases, the light green represented the housing cases and the blue line was the total. For these three years there was a reduction in nuisance, we had a slight uptick in housing but the total number of calls for service was reduced. In 2015-2016 we saw a slight uptick and then this last year we seem to be trending back to the first three years where it seems to be on the way down. Why is this? With nuisance a lot of it has to do with the weather. He advised he would get into more of that when he discussed the breakdown of what the 85 percent of all their calls equate to. The nuisances far exceed the housing cases. He noted this was about 91 percent, he pointed out 85, 80, 85, and 85 percent of all calls falls in the nuisance category. This last year they had seen about a 20 percent uptick from May to August from last year in those nuisance cases, again we have had a lot of rain this last spring. He discussed the nuisance breakdown. Of those 85 to 90 percent of calls that they handle totally, about 51 percent of those are tall grass. That could be anything from abandoned property or folks just not taking care of their grass, 17 percent was junk and debris in a yard or other parking lot, and 10 percent junk vehicles and 22 percent of all of these calls under the nuisance code are miscellaneous calls, which can be anything from graffiti, stagnant pools, health and sanitation, etc. He gave examples of some of the nuisance calls. He started with a basic nuisance call from last year, which was typical and what they handle a lot of, he pointed out on the photo overgrown grass, and a few things thrown about the property. They initiate a case and these are generally resolved rather quickly but there is a large volume of them. He showed another photo which was a little more severe. He advised the property had been neglected a little longer, the vegetation had grown up. The housing was not necessarily an issue right now. Again, these are quite frequent as well. They initiate a case and they can usually get these resolved fairly quickly as well with a very high owner abatement rate. He showed a photograph and advised there was a house located on the property. He advised this was an active case, a nuisance case. In this particular case this was a property owner who is deceased. When they get into these kinds of cases sometimes they get into the "weeds" on it. They have to find the owner, they have to do due diligence to legally notify the owner. In this case you have an owner who is deceased and they do their very best to try and find the proper owner of the property or the heirs. They work hand in hand with Deputy City Attorney Arnita Dula and her staff in order to insure that the City is doing their legal due process before they can take action. On this same piece of property he pointed out a car which was totally covered with vegetation. This was not only a nuisance with regard to the overgrown vegetation but there is also a junk vehicle in this property. They found the car the day after. They have to get in there, and take into consideration the officer's safety aspect of it first and foremost, and then getting there to see exactly what they have. He advised this is an example of something that has been there and obviously neglected for quite a while but they are just now getting a call on. Perhaps no one knew it was there. He showed an example of a typical junk vehicle, approximately 10 percent of all of their cases are junk vehicles. Folks love to work on or fixup their cars. Sometimes those cars are sitting in the front yard for quite a while. They go out and address that. There are several options that folks have, they can put a proper car cover on it, or move the car out of sight or into a garage. Many times the vehicle such as this is something that they simply tow off.

Deputy Chief Reed Baer discussed the miscellaneous category, health and sanitation. He showed an example of a camp down deep in the woods that they were called by the property owner about when they discovered it. They didn't know this was going on. They work hand in hand with the property owner to try and insure that it gets cleaned up properly and then they will work with the property owner to establish trespass agreements so that officers may go upon this property for property checks to make sure that there aren't folks in the woods when the property owner may or may not be there, or doesn't have access to that particular piece of property. That figure was included in the 22 percent of the miscellaneous calls for service that their officers are answering. He referenced City Council's last meeting when a citizen addressed Council about the Kroger shopping center and

how it was overgrown. They had already opened a case on that particular piece of property. He showed a before picture and a current picture which had obviously been cleaned up. They have this when you have some of these empty buildings standing around. Although they are not structurally unsound, or a housing violation the outside is not getting taken care of, so they get involved with these on a regular basis as well. That one was abated about a week and a half ago. He showed another example of a commercial nuisance. A business that was no longer in business, lots of overgrown shrubbery and branches. The building is secure, sound and no violations on the building, however, they get called in for the nuisance aspect of it.

Deputy Chief Reed Baer mentioned in 2010 they changed the City Code for the chronic violator, which was an amendment that they wanted to track over a course of years to see if it was going to work. When they first got involved they found that a lot of the properties they were dealing with were owned by one person. The chronic violator ordinance allows them, upon notification in one calendar year after a certain number of notifications, they can go abate the nuisance without those notifications to streamline that and also hold the property owners accountable to make sure they are taking care of the property. Since that chronic violator ordinance took effect in 2010 there had been a total of 16 individuals identified as chronic violators, of these 16 individuals three of them had been on the list more than once. He advised that it a pretty good number when you had 16 starting out and only three had reappeared on that list. He thought it was interesting that 13 of those 16 individuals own more than one piece of property. That showed them that their suspicions were correct. When they were dealing with some of these individuals who owned several pieces of property that they were accounting for a lot of the problem. That was the case, but there is currently no one on the chronic violators list. Which indicates that those individuals now understand that they have to keep up with the property or they are going to reappear on the list and they are just going to go in and clean it up and they are going have to pay for that.

Deputy Chief Reed Baer discussed minimum housing. The other portion for calls for service aside from nuisance as he mentioned was minimum housing. These are regulated strictly by the North Carolina General Statutes. Although they are fewer in number those cases take a lot more time to resolve themselves. As he mentioned previously a nuisance case can move relatively quickly once it is identified. Pictures are taken, it goes to hearing, and then it usually takes less than a day to abate because you may be talking about cutting grass, or something minor like that, but it takes longer on these calls to get a resolution. He gave some examples which they get involved in. Anything from mother-nature, he showed a photo of a branch which fell through a house. They had to get involved to help the property owner resolve this issue, a health and safety issue. He showed a photo of a house on Lenoir-Rhyne Boulevard which originally was reported to Code Enforcement by patrol officers. There was vagrants which had gotten into the house, they were starting fires and sleeping. The property owner took care of it because the property had dilapidated into such a state that it was not safe. He showed another example which was called into them by Hickory Fire Department. They had responded to a call, again folks were in the house building fires. This was the old house near CarMax, behind Highway 70. Once a Code Enforcement case was initiated the house came down.

Deputy Chief Reed Baer discussed landlord accountability which they have always been a big part of. He referenced the Rental Property Task Force from 2010, which was something they really focused on. They continue to get involved in those cases regularly. He showed a photo of a bathroom floor of a residence, and pointed out that the floor was literally falling in. They will get calls from tenants and they will go out and inspect the property and hold the landlord accountable to bring that property up to minimum standards. They have had cases where the property was not safe and the landlord had to do something in order to get the tenants somewhere where they could get in and fix that property. He showed another example of some of the landlord accountability cases that they are still involved in this year, Robinson Mobile Home Park which is located on 12<sup>th</sup> Street NE. These trailers had continuous calls for service. They were having to fix them on a regular basis until they finally convinced the landlord that they were going to continue to come out every time they got a call and they are going to continue to have to fix this problem. The landlord obviously felt like these trailers were not in such a state that they were going to continue to keep them up, and now they are gone. He showed the old Lutheran Home off of Geitner Road. It had been closed since 2013. They had cases every year on this piece of property ranging from nuisance related issues, to one where they had to secure the property because it had become unsecure. Recently the owners of this property had finally decided, as of July 28<sup>th</sup>, they have pulled a demolition permit. They will be taking this piece of property down in the near future, which will be a good thing, because they have been involved with this property several times where it has become unsecured and

is getting borderline to where it would not be safe. Hopefully that will take place very soon.

Deputy Chief Reed Baer discuss demolitions. This year there was 10 total demolitions, eight residential and two commercial properties, nine abated by the property owner and one by the City. We have a very high owner abatement rate.

Deputy Chief Reed Baer discussed the challenges that they foresee, continue to see, and that is Code Enforcement authority is based on City ordinances and State statutes which enforce minimum standard. That is not necessarily a problem, but they continually, and some Councilmembers have maybe been involved in some of these discussions when they have had citizens complain, that they have to show them the codes sometimes, and show them that this is the minimum standard. They only can enforce to that minimum standard. His minimum standard, or Council's minimum standard may not be what this property owner's minimum standard is, or the States. The neighbors may want one standard but unfortunately the State only allows a certain standard. They continue to have these conversations, and for the most part most citizens understand that when they actually give them the law. They always try to have the same philosophy they share with the Police Department side, or the police officer side, that is problem solving; trying to work out with the property owner and the residents what is going to be the best solution insuring that piece of property does meet at the very least that minimum standard. He discussed universal challenges being faced by ever other city in our region. They recently attended the COG's panel on vacant substandard housing where they had the opportunity to speak to other Code Enforcement. He advised no one else had it setup like the City of Hickory does still. They have it in their respective other departments. Concord still has theirs setup like the Police Department in Hickory. They continually talk to them to find out what is going on, best practices and things of that nature. They found out at the panel discussion that everyone is facing the same issues. That is when you get into a piece of property where there is an estate or several heirs, and having to find those heirs, and do the legal notification before you can take action to insure that the City is dotted the "I's" and crossing the "T's", that is universal. As well as running into some of these properties where they are in a state of bankruptcy and you have an owner who has relinquished pretty much all responsibility in their mind, and although they may be the legal property owner, the bank has not foreclosed on it yet. They have to "do a dance" to try and figure out who is accountable and stay in touch with all parties involved until they can get a resolution. With respect to those here, we currently have approximately seven minimum housing cases, which they are working with the Legal Department to resolve, where they have run into these issues. Five of those are estate heirs which he just mentioned. He just had a conversation with the Supervisor of the Code Enforcement Unit in Concord and he said they just had a case which took them three years to get notification done in a heirs case, because they tracked down 16 or 17, some were living across the country, and they couldn't find some of them. They finally did get it resolved but it took three and half years, and that was with three attorneys and four paralegals on their legal staff there in Concord. Those are the issues they face. He advised that seven used to be ten. They do resolve if you stay on top of them. Their hope is that number will continue to go down, although they know that they will continue to run into new properties that come in that they do run into this with. He asked for any questions from Council.

Alderwoman Patton commented good job and keep it up. It makes a real difference in sections of town when you can see where Code Enforcement has really put forth a whole lot of effort in cleaning things up and it does make a difference.

Mayor Cline thanked Deputy Chief Baer.

2. Consideration of Updates to Chapters 7 – 12 and Appendices "A" and "B" of the Hickory by Choice 2030 Comprehensive Plan – Presentation by Planning Director Brian Frazier.

When the current Hickory by Choice 2030 Comprehensive Plan was accepted by Hickory City Council, it was done so with the expectation the plan would be routinely updated to ensure its relevancy would continue over time. Specifically, Chapter 10 (now Chapter 12) of the plan indicated five year updates should be conducted to capture changes needed to maintain the plan. In December of 2015 the Hickory Regional Planning Commission appointed a subcommittee of its members to work with staff to review and update the plan as needed. The Planning Commission subcommittee met monthly from January of 2016 until February of 2017 to undertake this process. Upon completion of its review, the Planning Commission subcommittee held a public meeting on March 22, 2017 to unveil the updated plan to the public, and gather public comment. At the

conclusion of the meeting, staff took the comments that were provided and further refined the draft updated plan. The Planning Commission subcommittee directed staff to prepare the plan for review by the entirety of the Hickory Regional Planning Commission for its review and recommendations to Hickory City Council. In an effort to make review of the updated plan manageable, the plan will be broken into two sections. The first section consists of Chapters 1-6, while the second section consists of Chapters 7-12 and appendices "A" and "B". The Hickory Regional Planning Commission considered the updated Hickory by Choice 2030 Comprehensive Plan at its April 26, 2017 regular meeting. After consideration, the Planning Commission voted unanimously (10-0) to recommend City Council adoption of the updated plan.

City Manager Warren Wood advised Council the final departmental report was for consideration of updates to Chapters 7-12 and Appendices "A" and "B" of the Hickory by Choice 2030 Comprehensive Plan. He asked Planning Director Brian Frazier to the podium to present that item to Council.

Planning Director Brian Frazier presented Council with a PowerPoint presentation. He discussed part two of the Comprehensive Plan Hickory by Choice 2030. He advised on August 1<sup>st</sup> he had discussed Chapters 1-6 with Council. He discussed what Chapters 7-12 covered: public facilities, the environment, parks and recreation, historic and cultural preservation, community health, implementation section, terminology used, the plan context and the community background. He discussed Chapter 7, public facilities, this chapter was updated basically to provide a continuing assessment of the communities' physical infrastructure and services which include both public and private utilities, as well as libraries, fire, police, parks and recreation facilities, educational institutions, the hospitals, etc. At the conclusion of the update the capacity services future needs were provided after talking to all of the pertinent individuals and providers. Chapter 8, environment, this chapter was updated to provide description of the efforts being undertaken to address environmental management and other actions that should be considered in the future to protect the natural resources within our community. A new goal of this chapter encourages the use of LID, low impact development, principles in both new residential developments as well as commercial, institutional, an educational construction projects. This is a generally accepted practice both in the United States and in Canada through land use policies and civil engineering practices, which can both save money and help to foster growing infrastructure or sometimes just detention and retention will not work. They are looking at alternatives in terms of storm water land use. Chapter 9, parks and recreation was updated to provide a continued description of the recreational opportunities throughout the City of Hickory and updates also included an outline of what had been accomplished over the past five years and which is ongoing. He commented as you can see there is fairly considerable a lot of work had been done in parks and recreation. This chapter was to supplement the goals and policies already contained within the City's Parks and Recreation Master Plan. Chapter 10 was a new chapter which was added during the five year update for Hickory by Choice. This was historical and cultural preservation issues. They looked at the City's historical districts and the properties within them, the role of the Preservation Commission, the types of historic districts, both local and national, and the possible expansion of the various national registered districts in the future. He noted one was on the agenda tonight on consent for the Oakwood Historic District that they received a grant for. Chapter 11, community health, was added during the five year update. This chapter covered the assessment of the City's existing conditions concerning community health, access to food, food deserts, exercise, wellness and the identification of partnerships to further improve community health, which we have now with the COG and Catawba County. The establishment of goals designed to improve the communities' health through physical activity, exercise, proper nutrition and prevention of injuries related to automobile, bike, and pedestrian accidents where included in the chapter as well. Chapter 12, implementation section, they put much more of an emphasis on the individual actions that are necessary to implement the larger goals and policies of the 2030 Comprehensive Plan. The need to prepare a local economic development plan, which is underway; looking at the master planning of areas adjacent to the future City Walk. Preparation of small area plans they are considering for commercial area around strategic intersections and along major thoroughfares, and the update or creation of neighborhood plans. Just in the past couple of years they had the revision to both Green Park and other neighborhood plans including Claremont. They had talked to other neighborhood organizations to see if they want their plan updated. He discussed the appendix, which were basically acronyms, abbreviations and definitions, this had not changed since the plan was first adopted by Council in 2011. Appendix "B" was the plan's context, the community background. This serves as baseline data for goals and policies, all the demographic, employment and economic data contained within the updated plan were reflected here and reflects current conditions. They used the services of the Western Piedmont

Council of Governments, (WPCOG), and the Office of State Budget Management in Raleigh and the United States Census Bureau in DC. Hickory Regional Planning Commission, as he mentioned in the last meeting August 1<sup>st</sup>, considered the updated plan in April. They had a community workshop in March which was fairly well attended. The Planning Commission voted unanimously, on April 26<sup>th</sup>, to recommend to City Council, by a 10-0 vote adoption of the updated plan. Staff respectfully recommended that Council consider the Hickory by Choice 2030 Plan, the five year revision in its entirety to be adopted this evening. He asked Council for any questions.

Mayor Cline asked if Council had any questions. There were none. He asked for a motion to approve the updates to the Hickory by Choice 2030 Plan.

Alderwoman Patton moved, seconded by Alderman Guess approval of the Updates to Hickory by Choice 2030 Plan. The motion carried unanimously.

3. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

Ward 2 (Tarlton Appoints) VACANT  
 Ward 4 (Guess Appoints) VACANT

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  
 Historic Properties (Council Appoints) VACANT  
 Building Trades Profession (Council Appoints) VACANT

Alderman Guess Nominated Kimberly Menzies as Historic Properties Representative for the Historic Preservation Commission.

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)

Ward 5 (Zagaroli Appoints) VACANT  
 At-Large (2) (Mayor Appoints) VACANT

Alderman Zagaroli Nominated Joe Fox as Ward 5 Representative for the Library Advisory Board.

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
St. Stephens High School Representative	VACANT
St. Stephens High School Representative	VACANT
St. Stephens High School Representative	VACANT

Mayor Cline nominated Nicole Hicks as a St. Stephens High School Representative for the Youth Council.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Voting Delegate/Alternate for 2017 Annual Business Meeting September 22, 2017 (3:00 – 4:00 p.m.) Greenville, NC

Alderman Tarlton moved, seconded by Alderwoman Patton approval of the above nominations. The motion carried unanimously.

Mayor Cline asked City Manager Warren Wood to advise about the North Carolina League of Municipalities League meeting delegate and alternate.

City Manager Warren Wood responded that folks had signed up to attend.

Alderman Lail asked who would be going.

Mayor Cline commented Council would need someone to be the delegate and an alternate for the business meeting on September 22<sup>nd</sup>. He asked if there were any volunteers.

City Manager Warren Wood advised that Staff had signed up but no one from City Council had yet signed up.

Mayor Cline asked if City Council needed to take action on this at this point.

City Manager Warren Wood responded no sir.

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

Alderwoman Patton mentioned State Legislature House Bill 89.

Mayor Cline commented this requires a majority of Council to approve, he asked if there was a consensus to discuss this. Council's consensus was to proceed with the discussion.

Alderwoman Patton advised that the State Legislator's passed House Bill 89 at the end of July which gives municipalities the authority to transfer Public Housing assets to the local Council of Governments. She thought there was some opportunities for the City's Public Housing and the City of Hickory. She commented we need some time to understand the implications of the House Bill, how it might positively benefit our citizens in the City, and also to understand what the Housing Authority's move to RAD will mean for our citizens. She asked that City Manager Warren Wood setup a meeting next week with the Housing Authority to come to perhaps a work session to help Council better understand where they are.

City Manager Warren Wood acknowledged that he would do that.

Mayor Cline asked if there were any other matters not on the agenda to bring to Council. There were none.

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

City Attorney John Crone pointed out a Boy Scout in attendance.

Mayor Cline advised it was a tradition of Council to recognize Boy Scouts that were in attendance. He asked the Boy Scout to introduce himself.

The Boy Scout advised his name was Aaron Reid.

Mayor Cline thanked him for coming to the Council meeting. He asked if there was any other general comments or any other business to come before Council. There was none.

August 15, 2017

XIV. There being no further business, the meeting adjourned at 7:47 p.m.

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Mayor

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City Clerk