

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 21, 2018 at 7:00 p.m., with the following members present:

Brad Lail	Hank Guess	David L. Williams
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		

A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Rick Beasley, Assistant City Manager Rodney Miller, 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 Guess called the meeting to order. All Councilmembers were present except for Alderwoman Patton.
- II. Invocation by Rev. Patrick Campbell, Pastor, Peace United Church of Christ
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of August 7, 2018

Alderwoman Williams moved, seconded by Alderman Williams that the Minutes of August 7, 2018 be approved. The motion carried unanimously.
 - B. Special Meeting of August 14, 2018

Alderman Williams moved, seconded by Alderman Seaver that the Special Meeting Minutes of August 14, 2018 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 Alderwoman Williams that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

 - A. Budget Revision Number One. (First Reading Vote: Unanimous)
 - B. Consideration of Rezoning Petition Number 18-02. (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 Seaver moved, seconded by Alderman Zagaroli approval of the Consent Agenda. The motion carried unanimously.

 - A. Approved a Future Annexation Agreement for George and Bianca Rosca for Property Located at 2630 36th Avenue NE, Hickory.

The City of Hickory has a long-standing policy of requiring the owners of property outside the city limits to be annexed before connecting to the City's sanitary sewer system. However, sometimes the City is not able to immediately provide the necessary services required for annexation. In that event, Hickory City Council adopted a policy requiring the property owners to enter into a future annexation agreement with the City, which would enable the City to initiate annexation procedures when it is feasible to do so. The George and Bianca Rosca own a residential lot located at 2630 36th Avenue NE, which is part of the Hickory Woods subdivision. The property is also identified as PIN number 3724-10-46-3096 on the Catawba County tax maps. The Rosca's request connection to the City of Hickory's sewer system without being annexed. They have agreed to be annexed at a point in the future when the City finds it feasible to do so. The subject property is approximately 4,650 linear feet from the primary incorporated boundary of the City of Hickory. Upon analysis, staff has determined sanitary sewer is available to serve the property; however, due to the property's distance from the City's primary boundary, immediate annexation is not recommended. Staff recommends City Council's approval of the future annexation agreement for George and Bianca Rosca to allow for connection to sanitary sewer.

- B. Approved a Resolution to Declare Library Materials as Surplus and Donate the Materials to the Friends of the Library.

Staff requests approval of a Resolution to declare surplus 6,875 discarded library materials. These materials 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 2018 book sale. The sale of the donated and discarded books is the primary fundraising 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. Public notice was advertised in the Hickory Daily Record on August 10, 2018. Staff recommends Council's approval of the Resolution to declare the library materials as surplus and donate the materials to the Friends of the Library for their use at the annual October book sale and/or the "Corner Book Store".

RESOLUTION NO. 18-27

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 6,875 discarded library materials which are 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. Books will be sold at the Friends "Corner Book Store" at Patrick Beaver Memorial Library and/or at the October 2018 book sale.

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 Four Vacation Days to be utilized as Prizes for Employee Participation in the 2018 United Way Campaign.

City Council has historically granted vacation days for participation in the United Way campaign. The vacation days incentivize employee participation in the Campaign. The Human Resources Department requests two vacation days for a drawing for all fair share givers. Fair Share is one hours pay per month or 0.6 percent of salary. There will be one fair share winner of two vacation days. The additional two days of vacation will be utilized in a drawing for two winners out of coworkers whom pledge a minimum of \$8 per month to the United Way Campaign. Staff recommends City Council's approval of this annual request.

- D. Approved 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 7, 2018.

- Javario Robinson & Chardae Wilson, 430 South Center Street, Hickory, were awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$15,000 for repairs to her house. Assistance would be in the form of a 0 percent interest deferred loan.

Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation Program income received in FY 2017 and/or program income received through the City of Hickory's Community Development Block Grant Program.

Each of the following applicants are being recommended for approval for assistance under the City of Hickory's 2018 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency-related repairs not to exceed \$8,000.

- Marilyn Deal, 2024 10th Street Place NW, Hickory-up to \$8,000.

- Sharon Sanderson, 122 18th Street Place NW, Hickory-up to \$8,000.
- Joyce Travis, 1097 18th Street Drive NE, Hickory-up to \$8,000.

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

- E. Approved a Contract with Carolina Environmental Systems, Inc. in the Amount of \$267,982 for the Replacement of a Front Loading Refuse Truck under the Heil National Joint Powers Alliance (NJPA) National Cooperative Contract #112014.

The City plans for regular and normal replacement of necessary equipment as a means of maintaining a fleet that is efficient and effective and that will enable the City to provide customary services. The City uses these front loader trucks for collection of refuse with our dumpster service. This unit is operated daily in the Commercial Division of the Solid Waste Division and replaces truck unit #3725 which is a 2003 model. These trucks are used to collect commercial solid waste dumpsters and account for nearly 50 percent of the waste we collect. Maintenance of these trucks is very expensive due to the level of difficulty in the hydraulics and electronics, so the division recommends replacing trucks prior to major expenses for mechanical repairs that typically come with older equipment. Staff from the Solid Waste and Fleet Divisions prepared specifications to purchase equipment meeting the City's requirements. The City participates in a buying cooperative with the National Joint Powers Alliance (NJPA) National Cooperative Contract Solutions. The approved Commercial Solid Waste Division (5482) Capital Budget includes purchase of a front load refuse truck in the amount of \$259,000. Due to unexpected market conditions, specifically increased steel prices, the bid price for this equipment through the National Joint Powers Alliance (NJPA) National Cooperative Contract #112014 was higher at \$267,982. The division will move \$10,982 from 039-5482-544-15.10 to cover the difference in budget and \$2,000 road use taxes. The total purchase price will be \$269,982. Staff recommends Council's approval of the contract with Carolina Environmental Systems, Inc. in the amount of \$267,982 for the replacement of a front loading refuse truck under the Heil National Joint Powers Alliance (NJPA) National Cooperative Contract #112014.

- F. Approved the Contract with Amick Equipment for the Purchase of an Automated Side Loading Residential Garbage Truck in the Amount of \$298,541.33.

The City plans for regular and normal replacement of necessary equipment as a means of maintaining a fleet that is efficient and effective and that will enable the City to provide customary services. The City uses automated side loader trucks for collection of refuse with our residential service. This unit allows for residential solid waste to be collected by a single operator and collects approximately 800 residential cans per day. This truck will replace a similar piece of equipment purchased in 2011. Staff from the Solid Waste and Fleet Divisions 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 #19-03-0504 for a 2019 Crane Carrier Cab/Chassis with a new way sidewinder 29yd dump body. The approved Residential Solid Waste Division (5480) Capital Budget includes purchase of an automated refuse truck in the amount of \$290,700. The bid price for this equipment through the NC Sheriffs Association was \$298,541.33 due to an increase in pricing for market conditions related to steel pricing. The Division will move \$4,920.67 from 039-5480-546-33-01 and \$4,920.66 from 039-5480-544-20-01 to cover the difference of an unexpected price increase. This transferred amount also includes the \$2,000 amount for the road use tax portion of the purchase. The total purchase price will be \$300,541.33. Staff recommends Council's approval of the contract with Amick Equipment for an automated side loading residential garbage truck per the N.C. Sheriffs Association reference bid #19-03-0504 refuse truck body in the amount of \$298,541.33.

- G. Accepted the Bid and Approved the Contract with Southern Lawscapes of Hickory, LLC in the Amount of \$65,370 for Construction Services Related to the Claremont/SALT Block Landscaping Improvements.

Staff requests Council acceptance of the bid and approval of a construction contract with Southern Lawscapes of Hickory, LLC in the amount of \$65,370 for construction services related to the Claremont/SALT Block landscaping improvements. The City of Hickory requested and received a \$100,000 Grant-In-Aid from the NC Department of Cultural and Natural Resources for an identified park improvement that would encourage neighborhood connectivity and enhance an existing passive park area. Staff identified the Arrowhead Park area and the adjacent landscaping along 3rd Avenue NE along the eastern side of the SALT Block to be the area we targeted for improvement with this Grant-In- Aid. The Claremont/SALT Block landscape improvement project did not receive any bids at the first advertisement. The project was re-advertised for bids and opened with one bid received on July 31, 2018 from Southern Lawscapes of Hickory, LLC in the amount of \$65,370. Staff has reviewed all documents and has determined that all documents are in proper

order. Staff recommends Council’s acceptance of the bid and approval of a construction contract with Southern Lawscapes of Hickory, LLC in the amount of \$65,370 for construction services related to the Claremont/SALT Block landscaping improvements.

- H. Approved Three Supplemental Agreements with Eastern Structures, LLC in the Amount of \$57,691.81 for the Falling Creek Road Bridge Replacement Project.

The City of Hickory contracted with Eastern Structures, LLC for the construction of the Falling Creek Road bridge replacement project. Three items arose during the construction of the project that were not correct on the plan drawings and required four supplemental agreements to properly complete the project. The first of four total supplemental agreements was approved by Council prior to beginning the construction of the project. This project received State Transportation Improvement Program (STIP) for replacement of the bridge with 80 eighty percent of the replacement cost provided by federal funds and twenty percent provided as matching funds by the City of Hickory. The three items addressed by the Supplemental Agreements are:

- Addition of a stone decorative face to the proposed concrete rails. The concrete rails were bid at a cost of \$16,200 and were replaced with concrete vertical stacked block design at a cost of \$63,000 for a net contract increase of \$46,800 via Supplemental Agreement Number 2.
- Addition of grooving of the concrete deck wear surface to increase the safety of the bridge during inclement weather and costed \$9,700.
- Replacement of proposed elastomeric joint seals to allow for expansion and contraction of the bridge deck at a cost of \$1,191.81.

The total cost of the three supplemental agreements is \$57,691.81. Because the replacement of the bridge was placed on the State Transportation Improvement Program (STIP), eighty percent of the replacement cost will be provided by federal funds and twenty percent will be borne by the City of Hickory. The City will be responsible for paying \$11,538.36 to Eastern Structures, LLC for this work and the remaining eighty percent, \$46,153.45, will be reimbursed to the City by the federal government. Staff recommends Council’s approval of three supplemental agreements with Eastern Structures, LLC for changes to the original construction drawings and specifications on the Falling Creek Bridge Replacement project in the amount of \$57,691.81.

- I. Approved on First Reading Budget Revision Number 2.

ORDINANCE NO. 18-24
Budget Revision Number 2

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, 2019 and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2018-19 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture and Recreation	10,076	-
General Government	92,439	-
Public Safety	246,750	-
Transportation	1	-
Economic and Community Development	-	136,375
Other Financing Uses	147,914	-
TOTAL	497,180	136,375

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	900	-
Other Financing Sources	102,123	257,782
TOTAL	103,023	257,782

SECTION 2. To amend the Storm water Fund within the FY 2018-19 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	50,000	-
TOTAL	50,000	-

To provide funding for the above, the Storm water revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	50,000	-
TOTAL	50,000	-

SECTION 3. To amend the Water and Sewer Fund, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	10	-
TOTAL	10	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	-	10
TOTAL	-	10

SECTION 4. To amend the Transportation Fund, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	9,444	-
TOTAL	9,444	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	-	9,444
TOTAL	-	9,444

SECTION 5. To amend the Solid Waste Fund, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	4	-
TOTAL	4	-

To provide funding for the above, the Solid Waste revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	-	4
TOTAL	-	4

SECTION 6. To establish the City Hall 2nd Floor Renovations Capital Project Ordinance (#700011), the expenditures shall be set as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	136,375	-
TOTAL	136,375	-

To provide funding for the above, the Project revenues will be established as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	136,375	-
TOTAL	136,375	-

SECTION 7. To amend the Falling Creek Road Bridge Replacement Capital Project Ordinance (#49001), the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	57,693	-
TOTAL	57,693	-

To provide funding for the above, the Project revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenue	46,154	-
Other Financing Sources	11,539	-
TOTAL	57,693	-

SECTION 8. 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. Mayor Guess' Travel to New York, New York, July 24 – 25, 2018, for Rating Agency Presentation, (Meals - \$104). **(Exhibit X.A.)**
- B. Alderwoman Patton's Travel to New York, New York, July 24 – 25, 2018, for Rating Agency Presentation, (Meals - \$104). **(Exhibit X.B.)**
- C. Alderman Lail's Travel to New York, New York, July 24 – 25, 2018, for Rating Agency Presentation, (Meals - \$104). **(Exhibit X.C.)**
- D. City Manager Warren Wood's Travel to New York, New York, July 24 – 25, 2018, for Rating Agency Presentation, (Meals - \$104). **(Exhibit X.D.)**

City Manager Warren Wood explained the informational item was travel expenses for Mayor Guess, Alderwoman Patton, Alderman Lail and himself to New York City for the presentation to the bond rating agencies to tell the City's story, which was successful. The City received an "AA+" honor rating from S&P. We are one step away from "AAA". The next time we make that trip that is what that goal is going to be, an "AAA" bond rating. No action was required by Council.

Mayor Guess commended all of the staff because they made Council's job very easy on the trip. They had everything they needed and were prepared and everybody was ready for them. They had a real good story to tell and they had positive results from it. He thanked all the staff that put it together and made it happen.

XI. New Business:

A. Public Hearings

B. Departmental Reports:

- 1. Annual Update from Code Enforcement – Presentation by Hickory Police Department, Captain Vidal Sipe.

City Manager Warren Wood asked Captain Vidal Sipe, Hickory Police Department, to the podium to present Council with an annual update from Code Enforcement.

Hickory Police Department's Captain Vidal Sipe presented Council with a PowerPoint presentation. He explained that Code Enforcement started in July of 2008 at the Hickory Police Department, leaving operations from City Hall. Within that time there was a lot of different things that Code Enforcement had been looking at. A lot of the "low hanging fruit" was some of the initial things that they targeted and went after. A lot of the properties had the so called "broken windows" theory. If they leave a lot of that stuff sitting there then the rest of the neighborhood would start picking up on the same thing and think that it is okay to be in their neighborhoods. They started going in and picking up on a lot of these properties with the quality of life issues and moving forward from there. He discussed some of the current perimeters which they have: life safety issues, property maintenance, junk and abandoned vehicles, minimum housing, dilapidated abandoned residential and commercial structures, criminal activities, and health and sanitary issues that may come out of a lot of these properties which they deal with.

Captain Sipe discussed the regulatory authority. They go through Statutes, Ordinances and a lot of the residential and building codes that they deal with when they deal with a lot of these properties. For fiscal year 2017/2018 they had 568 cases assigned to Code Enforcement. At that time, they had three officers assigned, which was 189 cases per officer, which averaged out to be 66 of those cases were minimum housing and 502 were nuisance cases. He referred to the PowerPoint and showed the numbers from the last five years, starting in 2013 to this ending fiscal year (2018). He pointed out the housing numbers, and advised there was a decline in the number of actual minimum housing cases that they had. They get a lot of the nuisance cases and Council hears it a lot. Most of those come between the spring and the fall, when the grass and everything is growing and of course it doesn't look good for the community and the neighborhoods. Code Enforcement is proactively in the communities, but they also get a lot of complaints from the community also on some of these nuisance cases and that is what they build most of their cases from. He showed a graph and explained that

88 percent of the cases out of 568 were nuisance cases. He explained the breakdown of what some of the nuisance cases were: approximately 253 cases or about 50 percent, were for tall grass, which was number one. Miscellaneous was number two which included everything from graffiti, stagnant water, sanitation issues, etc. He showed photos of some of the nuisance cases which they had dealt with. He referred to photos of a house which was owned by a lady who was well in her 70s and she was a hoarder. He advised the photo was of her front porch prior to them stepping in and assisting with cleanup. He showed a photo of the day after the cleanup. He commented that was the easy part when you look at this. The front, side and back of the house had abandoned cars, and there had been dumpsters which were out there for years and the bottom had rotted out of them. Code Enforcement went outside of the box and got the community involved. This lady didn't have to pay much money, because she couldn't afford to get a lot of this taken care of. They had community members' volunteer and nonprofit organizations volunteering, as well as towing services who volunteered their time and equipment. They moved all of this property out. He thanked Public Services for assisting with this. It all worked out and this lady has her whole property cleaned up and now her whole street is thankful it is cleaned up. That was a win/win for everybody. They really didn't have to go after this person, they did, but she couldn't afford it if they had just kept giving her citations. This stuff would have just sat there until they went in and did something and charged the City and the community for it. He showed a photo of a house with high grass, noting the before and after effects. They have owners abate a lot of the properties on their own. He showed a photo of some overgrown vegetation. Council had been hearing a lot on the kudzu complaint which continues to come before Council and before Code Enforcement as well. They work kudzu cases just like any other nuisance case. There are things in the Ordinance which they have to abide by, likewise for any other case that they have with tall grass and vegetation, they work them the same way.

Mayor Guess asked about the kudzu or other types of vegetation located on the powerline. He asked if they received any assistance from the power company on that.

Captain Sipe advised the City doesn't mess with anything on the powerlines. They call Duke Energy and they will assist with that part of it. The City stays away from messing with anything on the powerlines, likewise shoes that are thrown along powerlines, they will call Duke Energy and they will come and cut them down for them.

Mayor Guess commented they do work in partnership with the City.

Captain Sipe confirmed they do with them. He showed a photo of a lawnmower which was covered with deep vegetation. They deal with junk vehicles. He showed a photo of a vehicle which was not just a junk vehicle but a safety issue. It was sitting on two or three bricks under it, holding the vehicle up. Children or anything could get close to that and hit that vehicle and it was going to fall right on somebody. Those were the types of junk vehicles they deal with, not just your average vehicle sitting on the side of the road with flat tires. He discussed health and sanitation. He mentioned they had discussed homelessness and things of that nature and had started a pilot program. They worked with the property owners in the Lenoir-Rhyne and Tate Boulevard corridor to try and assist them with cleaning up their properties. The program went very well and they had nine different owners participate in the program. He thanked Public Services for their assistance and also Republic Services' cooperation in getting dumpsters put out to these places. He showed a photo of one of the sites which they worked on. He advised that the gentlemen in the photo were with Exodus Works. They came out and you could see the difference that they made. He advised the workers went as far as picking up cigarette butts and everything else. He showed a form that had been given to those that had participated in the pilot program which they had to help clean up some of these homeless camps. The City provided the dumpsters to the landowner for free and the City paid some to assist with it. Dumpsters were filled with trash and dumped and refilled as many times as necessary to get these properties cleaned up. Out of the nine properties the last one that they are working on should be complete by the end of this week and would complete all of the ones which had participated in the program. It went well and had been a success for them on getting some of these properties cleaned up. He showed a photo of the old Kroger Shopping Center pointing out the vegetation that was growing up on the building. Once Code Enforcement went in and talked to individuals they got it abated and it was cleaned up. He showed a commercial property on Highway 321 NW, the vegetation was very high and unkempt. Code Enforcement went in, cleaned it up, and it almost looked like a brand new building when you look at it from the road. He showed another photo of a piece of property which had 10 nuisance cases on it since 2012. None of them actually reached the

point where they would be a chronic violator. The most they had was two cases in a year. They are working with staff in Legal to see if they can do anything with the chronic violator ordinance and see if they can change anything with that, maybe to assist them with dealing with them in a timelier manner rather than waiting a whole year before they can react to anything on this.

Mayor Guess mentioned he had been called about that particular location several times.

Captain Sipe advised the chronic violator list went into effect in 2010. There had been 17 individuals identified as chronic violators. Of those 17, three had been on the chronic violator list more than once, and 13 of the 16 own more than one property. There are several properties throughout the City that they may own. There is currently one individual that is on the chronic violator list for this year.

Captain Sipe discussed the typical nuisance case process. Some people wonder why it takes them so long to cut grass, or abate a property. He explained the cycle which it goes through. Once it gets to the bottom part and it is abated the next move, if they have another case, they have to start all over again and go through the process again. They get the violation or the complaint comes in. They open a case and gather all the evidence which they can gather. A written notice is sent out giving them at least 10 days prior to a hearing. The hearing is scheduled with the Chief of Police or his designee. Written notice is sent to the property owner from the Chief of Police saying whether or not he finds it is in violation of the City's Ordinances, or codes. The property owner is given 15 days after receipt of the written notice from the Chief of Police to abate the property. After the 15 days written notice from the Chief of Police, the Chief may authorize a City contractor to go in and abate the property if it needs to be. A lot of times when these get to a certain point, a lot of these individuals like to wait to the last minute, and they will try and go in there and clean things up. That is where they look at the chronic violators list and try to see if they can work with that and change that.

Captain Sipe discussed minimum housing which is regulated by General Statutes. There are fewer calls for minimum housing, but these minimum housing cases are much more in-depth for the Code Enforcement Officers to work. It is not just go out and see the tall grass that is more than a foot or whatever, they have more stuff that they have to do to build these cases and make sure they reach a solution for them or resolution. He mentioned some of the minimum housing they looked at were landlord accountability things that they get complaints on. A lot of times they get these from the residents, the renters of property that will call and say this is going on. Or a neighbor will call and say this is what the property looks like and Code Enforcement goes out and addresses these properties. He showed pictures of storm damage. They see a lot of these properties when storms come through. They try to give the property owners a wide variety of things that they can do in a lot of time. They give them time before they actually start charging or do anything to them for anything like that. He showed a photo from last year when the tornado came through showing the after effects of it. He showed another photo and advised that patrol officers identify properties as well. Code Enforcement will go in there and start cases, things happen and it goes from disrepair to a clear lot. He discussed health safety issues. He showed a picture of a house which had caught on fire and the owner was living in the yard. Code Enforcement got involved and it was owner abated. He sold the property and the bank took care of the property and cleared it out for them. He showed a picture of property located on 10th Street Boulevard. He showed a before and after picture of the site. It had been all cleared out and they don't get as many complaints there for people hanging out and doing things they shouldn't be doing on that property anymore.

Captain Sipe advised for the last fiscal year they had 14 demos that were completed in Code Enforcement, 11 were residential and three were commercial, 12 of the 14 were abated by the property owners and the other two were abated by the City. He showed a chart from fiscal year 2016/2017 to 2017/2018 showing the two differences.

Captain Sipe discussed some of the challenges which Code Enforcement faces. Code Enforcement enforces minimum standards. That is the bare minimum. It may not be up to our standards, the way that we would like it, but it is the bare minimum required by the State and the Ordinances. He discussed universal challenges. They have one property that has close to 200 heirs for one property, which is hard to get a hold of everybody and find out who is going to take care of it. Some people want to deal with the property, some don't. They send letters out, local letters, and people don't respond. They won't return calls. They don't do anything because they don't want to deal with the property. When they do get ahold of some individuals they want the property but don't want to sell it but it is just sitting there not doing anything. A lot of the blight properties, some of the property

that they consider eyesores, that are not good for the quality of life for the residents in the community, that is a lot of things that they are dealing with. Another one is bankruptcy, foreclosures, etc., a lot of that is some of the problems that they are facing with Code Enforcement. There are several minimum housing cases that Code Enforcement is working with the legal department and other staff members to resolve. The issues range from heir notification to ownership status. They are working with City staff and the City Attorney on a wide range of options that they can have to deal with a lot of these properties. Some of those options are looking good, so hopefully within in the near future they will be able to do more with those properties. For example the old Z-Loop building and things like that. They may have some options on dealing with those where they can't find owners for them, or the heirs won't respond to them, and things like that. Hopefully a lot of that will be addressed in the near future that they can assist and make the City look a lot better in some areas of the City. He asked for any questions.

Alderman Williams referred to the lady which was hoarding on her front porch. Captain Sipe had stated that community organizations and volunteers pitched in to help her out. He asked if those organizations and volunteers were still active in the community. City Council had been hearing about the kudzu from Mr. Russell. Over in that area there is foliage and a lot of vegetation that is growing up and around in that area but the people can't afford to get that foliage taken care of. He had personally experienced that. Duke Power does not come out and trim trees like they used to and tree trimming is very expensive. He asked if those organizations were still active and could they help some of those people in the areas that have that problem.

Captain Sipe responded they are active. Normally what they do is refer the people. For instance if he came out to Alderman William's home he would give him a list of organizations that could assist him in taking care of whatever issues that he might have on his property. They leave that up to the person to contact them and try to work it out. If it turns around and they need to reach out to folks they do that also. They are just not going to leave a property. If they can help they are going to help.

Mayor Guess asked if there was any further questions for Captain Sipe.

City Manager Warren Wood asked them to talk about the size, what the code says regarding the acreage, and when we can apply enforcement versus when we can't. Just because a property is overgrown with kudzu doesn't mean it is in violation of our code depending on the size.

Code Enforcement Supervisor Daniel Robbins advised you may have one citizen complaining about another citizen's private property. We try to enforce code and keep the City clean, but they also try to respect private property owner's rights. Just talking about the size of land, the vegetation ordinance basically says, one exemption is if the lot or building site is over an acre that they are exempt for mowing or maintaining the 12 inch violation. The other thing is wooded lots are exempt. They were not going to expect someone with a wooded lot to come in and mow when it is more or less a natural area. The one angle they take to get in and tighten the noose on these guys, for example five acres, they say they don't have to mow. If their property line is within 50 feet of a structure they can require them to maintain a 20 foot buffer. After that their hands are pretty much tied. That buffer would be to keep out rodents, snakes and vermin. You could see how somebody's kudzu would affect somebody's quality of life. That is where the Ordinance gives them the right to make a 20 foot buffer.

Captain Sipe commented that 50 feet from a structure and that property line is what holds them back on a lot of these properties that were brought to Council. They had held them back from enforcing some of the other violations that could possibly be there.

Mayor Guess asked if there were any Ordinances or any amendments that need to be made, that City Council is responsible for, that they would bring to their attention that they should maybe look at changing, or adding. Add teeth to it.

Captain Sipe advised they were working with legal on that part and other City staff to bring that to Council. There are different Ordinances that they are looking at to possibly amend so that they can work better with the community and have more than maybe that 20 foot buffer within that 50 feet, and different things with kudzu and even some of the boarded up properties. He had talked with Mayor Guess a little bit about some properties that are actually boarded up, not in violation, but they are just sitting there. Just blight properties that are just sitting there. The heirs or the owners aren't doing anything with the property, they are just

abandoned property. Just boarded up, no violations, just sitting there in the communities not being used for anything.

Mayor Guess suggested that they maybe could do something more with chronic violators.

Captain Sipe replied yes sir that is one of the ones that they were looking at also.

Mayor Guess asked for any other questions.

Alderman Zagaroli commented that he had been following and trying to get the old Cox Manufacturing building torn down or something. He understood that Code Enforcement or somebody was working on that.

Captain Sipe advised they were just in Catawba County today meeting with their attorneys. They are looking at different angles that they can work it. If he was not mistaken Catawba County was almost two-thirds of the way through with dealing with that property. They are getting closer and closer. They couldn't give them an exact date on when it will be completed, but they are working on it and are very close to coming up with a solution for it.

Alderman Zagaroli commented the impossible just takes a little bit longer. He thanked Captain Sipe.

Mayor Guess asked for any other questions. He commended Code Enforcement. He knew they went through a lot. Council gets a lot of those and they pass them along to them. You can see evidence of success. He knew some of them were a long process and some of them are a lot easier than others. He appreciated what Code Enforcement was doing and they look forward to helping them out in the future.

Captain Sipe advised that is why they put the typical case up there. If somebody comes to Council then they would at least have an idea on the process and how it works and then they could explain it to the citizen or have them call them and they would explain it to them. It is not the violation is made, they go out and abate it, or you cut it the next day. There is a process that it has to go through, hearings and things like that before. It may not be next week that it gets cut, but down the line eventually you will get it, or they will cut it. It starts over, it doesn't keep going from there. The cases start over again.

Mayor Guess thanked Captain Sipe and Code Enforcement Supervisor Robbins. He advised there was no action required by Council, it was just an update.

2. 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)

VACANT

Caucasian (Council Appoints)(Katherine Newton Resigned 8-13-18)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Mayor Guess appointed Debbie Haynes as the Caucasian Representative on the Community Relations Council.

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)
Ward 4 (D. Williams Appoints)

VACANT
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

Mayor Guess moved seconded by Alderman Seaver approval of the above nomination. The motion carried unanimously.

C. Presentation of Petitions and Requests

- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. There being no further business, the meeting adjourned at 7:30 p.m.

Mayor

City Clerk