

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, December 5, 2017 at 7:00 p.m., with the following members present:

Brad Lail	Jeff M. Cline	Hank Guess
Vernon Tarlton	Aldermen	David L. Williams
Danny Seaver		David P. Zagaroli
		Jill Patton

A quorum was present.

Also present were: City Manager Warren Wood, Interim 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 Cline called the meeting to order. All Council members were present.
- II. Invocation by Rev. Joe Westfall, St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Oath of Office for Ward 4 Alderman-Elect David Williams, Ward 5 Alderman David Zagaroli, Ward 6 Alderwoman Jill Patton and Mayor-Elect Hank Guess

Mayor Cline asked Alderman-Elect David Williams to the podium to administer his Oath of Office as Alderman for Ward 4. Mayor Cline asked Alderman-Elect Williams to introduce his family in attendance.

Alderman-Elect Williams introduced his wife, Deliska Williams and son David Williams. He recognized in attendance his Uncle James Williams and Aunt Alice Williams, Mr. Ed Brown and his wife Hope, his wife's family, Mrs. Gail Johnson, Phyllis Johnson, his mother-in-law, Michelle Johnson, Emma Johnson, Alex Williams, Ms. Brenda Douglas and others. He commented he had a lot of friends present.

Mayor Cline administered the Oath of Office to Alderman-Elect Williams while Alderman-Elect Williams' wife and son held the bible for him.

Mayor Cline asked Alderman David Zagaroli to the podium to administer his Oath of Office as Alderman for Ward 5. Mayor Cline asked Alderman Zagaroli to introduce his family in attendance.

Alderman Zagaroli introduced his wife Nancy.

Mayor Cline administered the Oath of Office to Alderman Zagaroli while Alderman Zagaroli's wife Nancy held the bible.

Mayor Cline asked Alderwoman Jill Patton to the podium to administer her Oath of Office as Alderwoman for Ward 6. Mayor Cline asked her to introduce her family.

Alderwoman Patton introduced her husband Rick, granddaughter Sage Gonzales, daughter Jennifer Gonzales, and her friend Ferrell Banks.

Mayor Cline administered the Oath of Office to Alderwoman Patton while her husband Rick and granddaughter Sage held the bible.

Mayor Cline asked Mayor-Elect Hank Guess to the podium to administer his Oath of Office as Mayor of the City of Hickory. He asked Mayor-Elect Guess to introduce his family.

Mayor-Elect Guess introduced his wife, Tammy, daughter-in-law Monica, and oldest son Justin. He advised his youngest son Jacob was not able to attend as he was at UNC and had test this week. He also introduced his Aunt Rita, his mother-in-law Doris, father-in-law David, mother Willie Mae and his sister Revonda.

Mayor Cline administered the Oath of Office to Mayor-Elect Hank Guess while Mayor-Elect Guess' wife Tammy held the bible.

Mayor Guess commented that everyone knew that for the past six months the City had been under the leadership and direction of Mayor Jeff Cline. He commented there is absolutely, without any doubt, no doubt about it, he was the very best person for us to have during this time. He extended his gratitude and thankfulness to Mayor Cline for his service. He invited Councilmembers, Staff and Attorney Crone to present Mayor Cline with his gavel that he had used during his time as the Mayor of the City of Hickory. All the Councilmembers, City Manager Warren Wood, and John Crone went to the podium. Mayor Guess knew that all of the Councilmembers felt the same way, the City has a great Staff, a great support team and we have had a great leader. Mayor Guess stated it is going to be extremely big shoes to fill and he was excited to do it. Councilmembers thanked Mayor Cline for his service.

City Attorney John Crone commented honesty, integrity and a class act.

Mayor Guess recessed the meeting at approximately 7:13 p.m.

Mayor Guess reconvened the meeting at approximately 7:19 p.m.

V. Election of Mayor Pro Tempore for Calendar Year 2018 Pursuant to NC General Statute §160A-70 and Section 2-54 of the Hickory City Code and Oath of Office

Mayor Guess asked for nominations to serve as Mayor Pro Tempore for Calendar Year 2018.

Alderman Tarlton moved, seconded by Alderwoman Patton the nomination of Alderman Seaver as Mayor Pro Tempore for 2018. The motion carried unanimously.

Mayor Guess administered the Oath of Office to Alderman Seaver as Mayor Pro Tempore.

VI. Appointment of City Attorney for Calendar Year 2018 Pursuant to the Hickory City Code, Section 4.151 of the Charter and Oath of Office

Mayor Guess asked for nominations to serve as City Attorney for Calendar Year 2018.

Alderwoman Patton nominated Mr. John Crone to serve as City Attorney for calendar year 2018, seconded by Alderman Seaver. The motion carried unanimously.

Mayor Guess administered the Oath of Office to John Crone as City Attorney.

VII. Special Presentations

A. Proclamation for the 50th Anniversary of Kiwanis Club of Western Catawba County.

Mayor Guess asked the Kiwanis Club President Andrew Aaron, and Kiwanians in attendance to the podium. Mayor Guess advised that on December 5th, 50 years ago, the Kiwanis Club of Western Catawba County was formed. He felt it was appropriate as a fellow Kiwanian for Council to recognize the Kiwanis Club of Western North Carolina on their 50th Anniversary. He read and presented the proclamation to the Kiwanis Club President Andrew Aaron.

Kiwanis Club President Andrew Aaron thanked fellow Kiwanian Mayor Guess and Council for the proclamation. He advised they are very proud of the work that they are doing in the community. He mentioned their meetings are on Tuesdays at Golden Coral and everyone is welcome to join them.

Mayor Guess recognized scouts who were in attendance and asked them to introduce themselves. They were from Scout Troop 300 from The Church of Jesus Christ of Latter-day Saints. He thanked them for being at the meeting.

VIII. Persons Requesting to Be Heard

Mayor Guess asked Ms. Joan Long to the podium.

A. Ms. Joan Long – Presentation to Mayor Guess

Ms. Joan Long and some other individuals came to the podium. Ms. Long advised that some of the friends of Hank Guess wanted to make a special presentation to him. She read the following: "Hank, I may be old fashion but I believe a Mayor should be a reflection and a symbol of the citizens he and she represents. When I got to know you Hank, I became convinced that you were the person. I talked to your friends and family and asked their words and how they would describe Hank Guess, and those words were unbiased. You see Hank is colorblind. Did you know that? Hank doesn't see color. He doesn't see race, he doesn't see white, he doesn't see black, he doesn't see Asian, Latino, but he sees people for who they are. For their heart, because he has a big heart. And Hank is humble. He is not a flashy man. He doesn't brag about his selfless work for the City of Hickory. He is honest. He will tell you the truth. I am told that wasn't politically correct. He said that doesn't matter he is always going to tell the truth whether you like it or not. He is a man of high integrity. When he says he will do something, he will do it, or he will die trying and we saw that during the election. How he was out there when he was even sick. He is hard working. I don't think anybody in here will work harder than Hank Guess. He is dedicated to the City of Hickory and to the people of the City. With all of that being said a few of Hank's friends decided to honor him with a special gift. I am proud to present a gift of a Tommy Stine framed print of Old Downtown Hickory to our Mayor Hank Guess." She advised that the artist Tommy Stine was present. She commented her house was completely decorated in Tommy Stine. She advised that a lot of Mayor Guess' friends signed the back of the framed print, but he wouldn't have to look at their names they would be on the wall.

Mayor Guess thanked Ms. Long. Mayor Guess commented that many had contributed to this and he thanked them.

- B. Mr. Cliff Moone and Mr. Thomas Shell requested to be heard. Mr. Cliff Moone wanted to introduce to Council someone who was mentioned at the last City Council meeting by Councilwoman Patton and the winner of the Edison Project in the City. He thought that it deserved an opportunity for Council to meet her and to see the work that she had put together. He mentioned that he and City Manager Warren Wood had talked, and they had talked so much on the Bond Commission about what this City is coming to be and where we are going and how the bond work they are doing is going to transform this City in time. He and Mr. Thomas Shell were privileged to be asked to write in the first edition of this new magazine that Carmen Eckard won the Edison Project for. He was amazed at how wonderfully that magazine came together and what a great work it is and how entrepreneurs in our area are doing great things to help the economic development and bring people to this City and make it what it is going to be in the future with Council's help and all of the other citizens. He introduced Carmen Eckard and congratulated her on winning the Edison Project. He advised that Mrs. Eckard had copies for Council and he and Mr. Shell wanted Council to read their part because it was on economic development.

Mr. Thomas Shell thanked Carmen and her husband John for allowing him to participate and have a platform in their magazine. He commented in an upcoming contribution he says these and other endeavors can help our area move forward. He believes that the backbone of progress is based upon the necessity to engage and encourage the broadest possible dialogue with the largest number of people possible. This magazine provides a wonderful opportunity to engage the people across Western North Carolina and beyond. We should all take an interest in such initiatives and support them in whatever way possible. That can also be said for the Edison Project and other such entrepreneurial endeavors. Who knows which of these startups might take off and be the next big thing? Even if these don't become Fortune 500 companies they create economic energy and they have an impact on our community. They are meaningful to individuals' personal lives. You may not realize this, but just by reading this magazine you are helping support several local entrepreneurs, innovators and creative people in our community. He hopes they will spread the word about this interesting magazine. We need to support the true assets of our community. We also hear about supporting local entrepreneurs and investors, well here is a golden opportunity. He advised that a couple of Alderman Zagaroli's family was in the magazine as well.

Mrs. Carmen Eckard commented she was really excited about this magazine. She advised she would give Council all a copy as they leave tonight and that way they could judge for themselves. She commented it was such an honor to win the competition and to be involved. If anyone has ideas for their businesses they should definitely do that next year. She hoped they were excited about this as she was, well like almost, you probably can't be quite as excited as she was. She thanked Council.

Mr. Moone thanked Council on behalf of the Catawba Valley Interfaith Council for the Proclamation celebrating Human Rights Day on December 10th and Bill of Rights Day which was on December 15th. He advised there was a service on Sunday, December 10th at First United Methodist Church and invited Council and the citizens of Hickory to attend. He commented it would be a beautiful service and the speaker would be the Reverend Doctor T. Anthony Spearman, who served at Clinton Tabernacle AME Zion Church in Hickory for a number of years. The service would be held at 2:30 p.m. on Sunday. He thanked Council again for the Proclamation.

Mayor Guess thanked Mr. Moone.

IX. Approval of Minutes

- A. Regular Meeting of November 21, 2017

Alderman Tarlton moved, seconded by Alderwoman Patton that the Minutes of November 21, 2017 be approved. The motion carried unanimously.

- X. 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 Zagaroli moved, seconded by Alderwoman Patton that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Approval of the Professional Services Agreement with Hulsey McCormick & Wallace in the Amount of \$50,000 for the Sodium Hypochlorite Generation Replacement Project. (First Reading Vote: Unanimous)
- B. Budget Revision Number 10. (First Reading Vote: Unanimous)

- C. Consideration of Rezoning Petition 17-04 for Approximately 1.25 Acres of Property Located at 4100 54th Avenue NE – Presentation by Planning Director Brian Frazier. (First Reading Vote: Unanimous)
 - D. Consideration of Rezoning Petition 17-05 for Approximately 3.74 Acres of Property Located at 112 2nd Avenue SE, 116 2nd Avenue SE, 210 2nd Street SE, 228 2nd Street SE, 225 1st Street SE, 231 1st Street SE and Three Vacant Parcels Located on 2nd Avenue SE – Presentation by Planning Director Brian Frazier. (First Reading Vote: Unanimous)
 - E. Consideration of Amending Hickory City Code of Ordinance, Chapter 18, Motor Vehicles and Traffic, Article III, Section 18-81 and Article IV, Section 18-106 – Presentation by Deputy City Attorney Arnita Dula. (First Reading Vote: Unanimous)
- XI. 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 Lail moved, seconded by Alderwoman Patton approval of the Consent Agenda. The motion carried unanimously.

- A. Approved the Proclamation for Human Rights Day, December 10, 2017 and Bill of Rights Day, December 15, 2017.
- B. Approved a Cemetery Deed Transfer with Ronald and Rhea Swift in Oakwood Cemetery.

Ronald and Rhea Swift purchased 4 plots in Oakwood Cemetery on February 5, 2015. Two plots 3, and 4 remain unused. The Swift's now desire to have a family plot with a 6 body crypt in the Oakwood Cemetery. The location of the 2 plots owned by the Swift's is approximately 100 feet from the Cripple Creek Cemetery Road and 75 feet from the North Avenue Rd. Due to the distance from the road, a much larger crane truck is required for the crypt and may cause damage to the road and/or cemetery property. The City of Hickory has several plots that can be exchanged in Oakwood Cemetery being Plot F, Lot No. 19 and 20, Section 57. These plots are approximately 25 feet from 4th Street NW that would require a smaller type crane for the placement of the crypt. This location would have less potential of damage to the cemetery and surrounding property. Staff asks Council to consider accepting a Cemetery Deed conveying from the Swift's the two plots located in the Oakwood Cemetery Plot 3 and 4, Lot No. 10, Block D, Section 33 and conveying to the Swift's two plots located in Plot F, Lot 19 and 20, Section 57.

- C. Accepted and Entered into the Minutes Certification of Votes from November 7, 2017 Election from the Catawba County Board of Elections.

Mayor	Hank Guess	2,912
	Will Locke	2,714
	Write-In	18
Ward 4	David Williams	4,667
	Write-In	34
Ward 5	Matthew Maulding	1,447
	David P. Zagaroli	3,724
	Write-In	16
Ward 6	Jill Patton	4,471
	Write-In	87

- D. Approved on First Reading Acceptance of the General Warranty Deed Conveying the Parking Lot from OHM Holdings, LLC to the City of Hickory.

Staff requests Council to consider the General Warranty Deed conveying a parking lot from OHM Holdings, LLC (OHM) to the City of Hickory. In 2014, in accordance with N.C.G.S. 160A-458.3, the City of Hickory and OHM Holdings L.L.C. (Transportation Insights) entered into a joint parking lot construction agreement for the construction of a public parking lot and improvements to attendant roadways at the former Lyerly Mill property which OHM purchased and developed into a corporate campus. The parking lot was constructed to meet parking needs for OHM's employees and guests as well as for public parking. OHM developed and constructed the parking lot. The City of Hickory reimbursed OHM for the development and construction costs. Upon completion of the parking lot, OHM was to convey the parking lot to the City of Hickory. OHM is now conveying the parking lot to the City. Specifically, the General Warranty Deed conveys Tract 3 (the public parking lot) to the City. OHM retains an easement for ingress, egress, and regress across Tract 2 of the corporate campus for access to Tract 3. The City of

Hickory and OHM, LLC Parking Lot Construction Agreement executed by the parties in 2014 governs the joint use of the parking lot by the City and OHM. Staff recommends Council accept the General Warranty Deed conveying a parking lot from OHM Holdings, LLC to the City of Hickory.

- E. Approved on First Reading Budget Revision Number 11.

ORDINANCE 17-37
BUDGET REVISION NO. 11

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.

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	1,000	-
TOTAL	1,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	1,000	-
TOTAL	1,000	-

SECTION 2. To amend the Solid Waste Fund within the FY 2017-18 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	5,752	-
TOTAL	5,752	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	5,752	-
TOTAL	5,752	-

SECTION 3. 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.

- XII. Items Removed from Consent Agenda – None

- XIII. Informational Item

Mayor Guess asked City Manager Warren Wood if there were any information items.

City Manager Warren Wood advised there were no information items.

- XIV. New Business:

- A. Public Hearings

- B. Departmental Reports:

- 1. 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 3 (Seaver Appoints)	Kelly Walker Resigned
Ward 4 (Williams Appoints)	VACANT

Alderman Seaver nominated Greg Schauble as Ward 3 Representative for Community Appearance Commission.

COMMUNITY RELATIONS COUNCIL

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

Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT

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)
Building Trades Profession (Council Appoints)

VACANT

INTERNATIONAL COUNCIL

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

VACANT

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (2) (Mayor Appoints)

VACANT

PUBLIC ART COMMISSION

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

VACANT

VACANT

Alderman Seaver nominated Beth Schauble at Ward 3 Representative on Public Art Commission.

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 (Williams Appoints)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)
Challenger High School Representative
Homeschool Representative
St. Stephens High School Representative

VACANT

VACANT

VACANT

Mayor Guess asked Council for further nominations.

Alderman Tarlton wanted to reappoint Noah Geoghegan to the Hickory Regional Planning Commission. The City has a Catawba County Representative vacancy on that Board. He explained that he was originally living in Ward 2, but moved away to Ward 5, and then moved back in Ward 2. He was very effective on the committee then and he wished to reappoint him to that board.

City Clerk Debbie Miller questioned the appointment which Alderman Tarlton had made. She advised the position that was vacant would come as a nomination from the County.

Alderman Tarlton advised it said Catawba County Mayor Appoints.

City Clerk Debbie Miller advised that was correct. The Mayor appoints that position but that recommendation comes from Catawba County.

Mayor Guess clarified that it doesn't come from Council.

City Clerk Debbie Miller advised it comes from Catawba County to the Mayor and then the Mayor can so choose to bring that to Council. Catawba County was to vote on someone last night.

Mayor Guess commented he wasn't aware of that.

Alderman Tarlton commented he wasn't either.

Mayor Guess advised there was two nominations from Alderman Seaver. He asked if there was any further nominations for boards and commission. There were none.

Alderman Seaver moved seconded by Alderman Tarlton approval of the above nominations made by Alderman Seaver. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Mayor Guess commended the Public Services coworkers. Everyone was aware of the storm which came through. Public Services coworkers had done a tremendous job, not only in cleaning up the storm but that also came exactly at the same time that we were picking up leaves. They had done a tremendous job. He had heard from several residents commending them and he wanted to take this opportunity to let them know how much that was appreciated and what a good job they had done and continue to do to get the storm damage cleaned up and also pick-up the leaves at the same time.

Alderman Tarlton agreed.

Alderman Seaver thanked everyone for turning out. It was standing room only. It was good to have everyone here. He commented it was a great election, there was a lot of interest this year. He thanked all of those who ran. They did a great job. He was proud of everyone and he was proud of Hickory.

Alderman Williams commented he was honored to be a part of Council, serving with each of them. He was grateful to the citizens that elected him and everyone that showed up tonight. He was so honored and so grateful. He commented he was looking forward to serving with each of the Councilmembers. He thanked everyone.

Alderman Tarlton thanked Alderman Williams for running and for participating.

Mayor Guess commented they were excited to have him.

XVII. Closed Session Per NC General Statutes 143-318.11(a)(1)(4) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess advised that they had decided that there would not be a closed session tonight.

1. Approval of Closed Session Minutes of September 19, 2017, October 17, 2017, November 21, 2017 - NCGS §143-318.11(a)(1)
2. Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)

XVIII. There being no further business, the meeting adjourned at 7:43 p.m.

Mayor

City Clerk