

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, January 3, 2017 at 7:00 p.m., with the following members present:

Brad Lail	Rudy Wright	Hank Guess
Vernon Tarlton	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: Interim City Manager Andrea Surratt, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Cari Burns and City Clerk Debbie D. Miller

- I. Mayor Pro Tempore Tarlton called the meeting to order. All Council members were present with the arrival of Mayor Wright at 7:16 p.m.
- II. Invocation by Reverend Cliff Moone, Retired Local Pastor
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes

A. Regular Meeting of December 20, 2016

Alderman Lail moved, seconded by Alderman Zagaroli that the Minutes of December 20, 2016 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 Seaver moved, seconded by Alderman Guess that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Approval to Change the Ordinance for Time Restricted Downtown Parking to Three Hours. (First Reading Vote: Unanimous)
- B. Approve the Sale of City-Owned Property Located at 704 1<sup>st</sup> Avenue Place SE to Jackie Robinson in the Amount of \$3,000. Requests for upset bids were advertised in a newspaper having general circulation in the Hickory area on December 9, 2016. No upset bids were received. (First Reading Vote: Unanimous)
- C. Budget Revision Number 13. (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 Lail moved, seconded by Alderman Seaver approval of the Consent Agenda. The motion carried unanimously.

- A. Approved a Cemetery Deed from the City of Hickory to Dorothy Jean Shuford, Southside Cemetery, Plot 4D, Lot No. 9, and 10, Section 4, containing Eighty (80) Square Feet, More or Less. (Prepared by Deputy City Attorney Arnita Dula).
- B. Approved a Cemetery Deed from the City of Hickory to Bobby Glen Clemons, Southside Cemetery, Plot 4A, Lot No. 3, and 4, Section 4, containing Eighty (80) Square Feet, More or Less. (Prepared by Deputy City Attorney Arnita Dula).
- C. Called for a Public Hearing – Consideration of Closing a 60' Right of Way off of Pinecrest Drive between Lot 91 and Lot 92 Catawba Springs Development Section 2, Shown on Plat Book 15 at Page 46 Catawba County Registry. (Authorize Public Hearing for February 7, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 17-01  
RESOLUTION OF INTENT

A Resolution Declaring the Intention of the City Council of the City of Hickory to Consider the Closing of a 60 Foot Right of Way Between Lot 91 and Lot 92 Catawba Springs Development Section 2, Shown on Plat Book 15 at Page 46 Catawba County Registry

WHEREAS, G.S. 160A-299 authorizes the City Council of the City of Hickory to close public streets and alleys; and

WHEREAS, the City Council of the City of Hickory considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a 60 foot right of way between Lot 91 and Lot 92 Catawba Springs Development Section 2, shown on Plat Book 15 at Page 46, Catawba County Registry.

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

1. A Public Hearing will be held at 7:00 p.m. on the 7th day of February, 2017, in the Council Chamber of the Julian G. Whitener Municipal Building at 76 North Center Street, Hickory, North Carolina to consider a resolution closing a 60 foot right of way between Lot 91 and Lot 92 Catawba Springs Development Section 2, shown on Plat Book 15 at Page 46, Catawba County Registry.
  2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Hickory Daily Record.
  3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
  4. The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A 299.
- D. Approved on First Reading Addenda to the 2016-2017 Community Development Block Grant Sub-Recipient Agreements.

Recent changes to Federal financial management requirements governing grant awards have streamlined many grant management requirements. Some of these changes affect the City's Community Development Block Grant Program (CDBG) including requirements that certain information be included in all sub-recipient agreements. The City's auditor, Martin Starnes, Inc., has requested that the City revise its current year sub-recipient agreements to ensure that they are compliant with the new regulations. These regulations do not require any substantive changes to the agreements. The changes are more informational in nature such as requirements to list the specific Catalog of Domestic Federal Assistance Number for the CDBG program and the total amount of funding received by the City of Hickory. The changes do not alter any funding amounts or performance requirements. The addenda will satisfy the additional information that must now be included in CDBG sub-recipient agreements. The following sub-recipient agreements must be amended: AIDS Leadership Foothills Area Alliance, City of Refuge Community Development Center, Exodus Outreach Foundation, Greater Hickory Cooperative Christian Ministry, Habitat for Humanity, Hickory Soup Kitchen, and Safe Harbor Rescue Mission. Staff recommends approval of the addenda to the 2016-2017 CDBG sub-recipient agreements.

- E. Approved an Amendment to the Historic Preservation Commission's 2017 Work Plan to Provide Funding to the Hickory Landmarks Society.

In early 2016, the Historic Preservation Commission adopted its current work plan that allocated \$5,100 for administration of historic preservation programs, \$3,500 for historic signage, and \$2,500 for outreach programs. Historic signage included funds for historic plaques, as well as, street sign toppers and freestanding pole signs in the Southwest Downtown historic district. After discussion with the City's Transportation Division during the design phase, it was determined that the pole signs would not be able to be installed due to sign clutter, utilities, and limited green space, therefore leaving the funds unused. Additionally, the Public Services' Sign Shop was able to create and install the street sign toppers in house, generating an unexpected savings. The Hickory Landmarks Society approached the Historic Preservation Commission in October 2016 to request funding and support for the "From Tavern to Town" book. Staff informed the Commission that the request could be funded in the current fiscal year using the unused signage funds, existing outreach funds, and by streamlining administrative costs. The request by the Hickory Landmarks Society corresponds to the Historic Preservation Commission's third work plan objective, "continue outreach and educational efforts to build support for historic preservation." The new "From Tavern to Town" will build upon the work the Historic Preservation Commission and City has recently undertaken and will increase awareness efforts of preservation in Hickory after the book is published. The current funding for outreach programs will be increased, while a portion of funds from historic signage and administration will be reduced. The Historic Preservation Commission voted unanimously to recommend that City Council approve the amendment to the FY17 work plan to provide funding for the Hickory Landmarks Society. Staff concurs with this request.

- F. Approved on First Reading the Supplemental Municipal Agreement with North Carolina Department of Transportation in the Amount of \$579,200.

The bridge on Falling Creek Road is structurally deficient and is functionally obsolete. Thompson Gordon Shook Engineers, Inc. completed the design of the replacement structure. The original estimated cost for the bridge replacement did not include several components of the project design that necessarily be addressed. The original municipal agreement between the City of Hickory and North Carolina Department of Transportation (NCDOT) provided for NCDOT participation in the amount of \$960,000 for the bridge replacement project. That amount represents 80 percent of the estimated \$1,200,000 project cost. The City is responsible for the remaining 20 percent, which amounts to \$240,000. The original agreement did not include right of way acquisition costs, construction engineering and inspection costs, and NCDOT administration costs. That original estimate was made in 2013 and was provided by Thompson Gordon Shook Engineers. NCDOT revised the project cost in June of 2016 to show an estimated construction cost of \$1,400,000. Their recent total project cost estimate included right of way acquisition and NCDOT administration costs totals \$1,924,000. The supplemental municipal agreement sets aside funding for that difference in costs. 80 percent of the cost will be borne by NCDOT and the City will be responsible for 20% of the costs. With the supplemental municipal agreement, NCDOT will provide \$579,200 and the City will provide \$144,800. Total expenditure of City funds on the project amounts to \$384,800 with this supplemental agreement. The figures are conservative to allow for additional unforeseen costs and the grand total is not expected to reach the total monies available for the project. Staff recommends Council's approval of the supplemental municipal agreement with NCDOT in the amount of \$579,200 for additional anticipated costs associated with the replacement of the bridge on Falling Creek Road Bridge.

- G. Approved Submission of the 2017 Urgent Repair Program Application for Funding to the NC Housing Finance Agency.

The City of Hickory Community Development Department will apply for Urgent Repair Program funds for funding through the North Carolina Housing Finance Agency. The City of Hickory will apply for \$75,000.00 through this program in order to assist approximately 10 eligible homes with urgently needed repairs in an amount not to exceed \$8,000 per housing unit. The City of Hickory will provide \$5,000 in matching funds, available from Rental Rehabilitation program income. NC Housing Finance Agency requires a \$75.00 application fee. The City of Hickory Community Development Department, in complying with the N.C. Housing Finance Agency's guidelines, has prepared an Application for Funding for the 2017 Urgent Repair Program. The Application incorporates program requirements, applicant eligibility standards, and program capabilities. Staff recommends approval of submission of the 2017 Urgent Repair Program Application for funding to the NC Housing Finance Agency.

- H. Approved on First Reading Acceptance of the Bid and Award of the Agreement with HDR Engineering, Inc. of the Carolinas in the Amount of \$120,000.

The City of Hickory Public Utilities Division owns and operates one 32 MGD Water Treatment Facility and three Wastewater Treatment Facilities. Public Utilities Division staff developed and distributed a Request for Qualifications for development and completion of a Water and Wastewater Treatment Facilities Master Plan. Staff feels this plan is necessary to assist them with the proper planning, management and maintenance of these facilities to sustain them for the foreseeable future. Request for Qualifications (RFQ) were advertised for this plan on the City website and qualifications were received on November 22, 2016. Three engineering firms responded to the request: McGill Associates, Inc., Willis Engineers, and HDR Engineering, Inc. Staff reviewed the qualifications packages from each firm and has determined that each firm was responsive to the required elements of the RFQ. HDR Engineering, Inc. was selected as the firm to complete this essential project. They were selected based on previous experience with completion of master plans for these facilities, project scope and depth of knowledge in the required disciplines. This project is included in the FY 16-17 Capital Budget for the Water Treatment Facility, Henry Fork Wastewater Treatment Facility and Northeast Wastewater Treatment Facility. Staff recommends Council's acceptance and award of this professional services agreement with HDR Engineering, Inc. of the Carolinas for completion of the Water and Wastewater Treatment Facilities Master Plan in the amount of \$120,000.

- I. Approved on First Reading Acceptance of an Agreement with Alexander County for the Continued Operation, Maintenance and Management of the Alexander County Distribution System.

The City of Hickory and Alexander County have long enjoyed a mutually beneficial relationship for the provision of potable water to the citizens of the Bethlehem Community and later Hwy16/Sugarloaf Communities. These water services are provided through two separate contracts between the City and Alexander County, one for the Bethlehem Community and one for the Hwy 16/Sugarloaf Communities. The Bethlehem Water

District agreement was first signed in 1988 and the subsequent Hwy 16/Sugarloaf agreement was signed in 2001. The agreements require the City of Hickory to operate, manage and maintain the Alexander County Distribution Systems as an extension of the City of Hickory Distribution System, on equal footing with all other water contracts. In return the City of Hickory retains a portion of the revenues collected from each of the systems and distributes the balance to Alexander County. This agreement replaces the 1988 Bethlehem Water District Agreement and the 2001 Agreement for Operation Maintenance and Management of Water Distribution System. The Bethlehem Water District agreement expired in 2008, with the system being operated under the same terms and conditions since that time. The subsequent Agreement for Operation, Maintenance and Management of Water Distribution System agreement was not to expire until 2020, however this renewal water agreement will replace this agreement early. The proposed agreement will place the same terms and conditions for all water customers of the Alexander County Distribution system, including but not limited to rates and fees, permitting of system improvements, general operation and maintenance, emergency response, testing and system operational licensure. Under the existing agreements the Bethlehem Community and the Hwy 16/Sugarloaf community customers are charged different rates with Alexander County having the ability to set Hwy 16/Sugarloaf rates and only having the ability to collect a debt service charge in Bethlehem. This disparity lead to frequent questions about billing and a disparity in revenue collection between the areas served by the separate agreements. This agreement works to correct that inconsistency and to stabilize revenue collections for Alexander County and Hickory by doing away with the debt service charge and charging all water customers at outside City of Hickory rates. This change will simplify billing and collections activities, generate a stable/consistent revenue source for Alexander County and Hickory and will place all customers of the distribution system on equal footing by creating a consistent rate structure. This agreement will establish a rate structure that matches other rate structures for customers of Hickory outside city limits. Alexander County Commissioners approved this agreement at their November 14, 2016 Commissioners Meeting. The proposed agreement contains an initial term of 10 years to 2027 and has the options for multiple 10 year renewals if the parties so choose. Staff recommends Council's acceptance of this agreement for the continued operation, maintenance and management of the Alexander County Distribution System.

J. Approved on First Reading Budget Ordinance Amendment Number 14.

ORDINANCE 17-01  
BUDGET ORDINANCE AMENDMENT NO. 14

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, 2017 and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2016-17 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic and Community Development	100	-
Other Financing Uses	144,800	-
Public Safety	1,000	-
TOTAL	145,900	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	1,100	-
Other Financing Sources	144,800	-
TOTAL	145,900	-

SECTION 2. To amend the Transportation Fund within the FY 2016-17 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	11,875	-
TOTAL	11,875	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Sales and Services	11,875	-
TOTAL	11,875	-

SECTION 3. To amend the Solid Waste Fund within the FY 2016-17 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	597	-
TOTAL	597	-

To provide for the above, the revenues will be budgeted as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	597	-
TOTAL	597	-

SECTION 4. To amend the Bulletproof Vest Grant Project Ordinance #G5110P, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	78	-
TOTAL	78	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings	78	-
TOTAL	78	-

SECTION 5. To amend the Falling Creek Road Bridge Capital Project Ordinance (#490001), the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	724,000	-
TOTAL	724,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	144,800	-
Restricted Intergovernmental Revenue	579,200	-
TOTAL	724,000	-

SECTION 6. 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

XI. New Business:

A. Public Hearings

1. Consideration of Text Amendment 16-01, to Amend Article 7, Section 7.3 of the Hickory Land Development Code, to Permit Residential Density Within the Central Business (C-1) District at a Maximum Rate of Fifty Dwelling Units Per Acre.

The City of Hickory's Planning and Development Services Department received a request from the Woda Group for consideration of amending Article 7, Section 7.3 of the Hickory Land Development Code, as it relates to permissible residential density within the Central Business (C-1) District. The specific request is to amend the Hickory Land Development Code to permit residential density within the Central Business (C-1) District at a maximum rate of fifty dwelling units per acre. The Hickory Regional Planning Commission conducted a public hearing on December 8, 2016 to consider the petition and voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Planning Commission, and recommends City Council's approval of Text Amendment 16-01.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 23, 2016.

City Attorney John Crone explained the rules for conducting the public hearing.

Interim City Manager Andrea Surratt advised City Council for their consideration was a Text Amendment to the Land Development Code regarding a change to the number of units allowed in the C-1 district. She asked Planning and Development Services Director Brian Frazier to the podium to present this item to Council.

Planning Director Brian Frazier presented City Council with a PowerPoint presentation. He advised Staff was close to finalizing its five year revisions to Hickory by Choice 2030. They are approximately 90 percent complete. They are working with the Hickory Regional Planning Commission's five member subcommittee and are going into the last chapters at the end of January. They hope to bring that to the Planning Commission for their recommendation to Council probably in March of this year, followed soon thereafter by the Land Development Code which they have continued to work on. One of the items that Staff was going to recommend to the Planning Commission, and hence to Council, would be an amendment to the existing Land Development Code that Mrs. Surratt described. That amendment would be to increase the number of residential units with density from 30 units per acre to 50 units per acre in the C1 district, which is the Central Business District and the area surrounding downtown or Union Square. While they were looking at doing this in the near future, a project that appears to be extremely beneficial to the City and its residents came up, which spurred them to do this in advance of when they planned it. Nevertheless it is consistent with Hickory by Choice. It was a joint application between the Planning Department and the Woda Group. They purchased Prism's property in Viewmont, called Viewmont Square Court. It was a 50 unit North Carolina Housing Finance Agency project, affordable housing for low/moderate income seniors. It was very successful, a very nice design. Most of them thought it integrated fairly well into the neighborhood. They are looking at doing another State Housing Finance Agency project, at least two more in the City of Hickory. One possibly within the C-1 zoning district. He advised Council for their consideration was an amendment to Article 7, 7.3 of the Land Development Code. They would amend the density standards for residential units in the Central Business District (C-1), the amendment would increase the amount of residential density from 30 residential units per acre to 50. The Land Development Code contains specified dimensional density standards for the commercial zoning districts. The density in the dwellings per acre for multi-family development within the C-1 is capped at 30 units per acre. They are trying to amend 7.3 of the Land Development Code to permit for greater multi-family density within the C-1 district from 30 to 50 units per acre. He showed a map pointing out the downtown Hickory area, Highway 127, North Center Street, and the C-1 Central Business District as it currently stands. He advised hypothetically on a one acre parcel non-residential development is permitted at a floor area ration of 3 to 1. A one acre parcel therefore could yield 130,680 square feet of building area. Residential development is permitted at 30 dwelling units per acre, the same one acre parcel under current regulations would yield 30 dwelling units. In order for the non-residential and residential densities to equal one another, which should have been done in the past, each residential unit would need to be in excess of 4,300 square feet in size. They were looking at the market. Staff found discrepancy between non-residential and residential development was implemented in error. This had been like this for a longtime and should have been caught. The Planning Commission subcommittee overseeing Hickory by Choice 2030 identified the need to promote residential development in and around downtown. He advised Council had seen that in Hickory by Choice from 1999, and the new Hickory by Choice 2030 from five years ago. He advised that the Planning Commission conducted a public hearing in early December to consider the application. Upon closing the public hearing the vote was unanimous 7-0 to affirm the petitions consistency with Hickory by Choice and to recommend City Council's approval of the petition. Staff concurred with this recommendation.

Alderman Seaver asked if residential included hotel rooms. He asked if someone was to build a high rise hotel downtown, that might be more than 50 people in that hotel.

Mr. Frazier commented that would be under a different density standard. They have height requirements and the like. He wasn't sure that was going to happen in the near future. They are looking at possibly a boutique hotel, the density would be alright but it would meet that.

Alderman Seaver commented looking at 2030, is that a date in the future.

Mr. Frazier advised they were just looking at doing this now. Most comprehensive plans are 20 years in the future. He thought Staff argued more about what to call Hickory by Choice, than it did to do the amendments. They wanted to come up with something nifty and they did.

Mayor Pro Tempore Tarlton asked the density of the Viewmont Square project now. He knew it was zoned residential. He asked if they maxed that out.

Mr. Frazier commented they pretty much maxed that out. Viewmont Square's zoning had changed many times over the years. There was a Special Use Permit amendment to amend the original Special Use Permit. It had been amended three or four times since that project got underway. It was approved for townhomes and duplexes. They had to modify that. Originally a lot of it was going to be residential and it took on more of an office feel in those amendments except with this last project. They are pretty much maxed out. They are right at 50 units. The City had changed the parking requirements. It used to be .33 spaces per unit for a senior citizen project. That was amended in the last year or two so it is .66 spaces per resident in a senior citizen project. This proposed project, would be more than likely for senior citizens, there is definitely a market there, the Viewmont Square project was very successful, and that is what they are looking at doing. Currently in C-1 there is no requirement for off-street parking but for any project that would be approved under the State Housing Finance Agency regulations and HUD regulations would require some sort of parking that would have to meet our requirement.

Mayor Pro Tempore Tarlton asked the location of the project.

Mr. Frazier stated the proposed project is between the one way pairs on South Center Street.

Alderwoman Patton asked how full Viewmont Square was now.

Mr. Frazier commented the last he looked into that it was fully occupied. That was a few months ago when he had a discussion with one of the developers. They really thought this would be a good thing for downtown. He and Staff had done everything possible in the past 10 plus years to take away some of the more difficult redevelopment and development regulations within the downtown with the bond initiative, the City Walk, and the infrastructure projects, it was consistent with the comp plan, and they thought it would be a really good thing to give a little lift up to help developers put housing/residential units in the downtown which would definitely maintain it.

Mayor Pro Tempore Tarlton commented revitalize it.

Mr. Frazier commented it would maintain that vitality.

City Attorney John Crone suggested Mayor Pro Tempore Tarlton declare the public hearing open and ask if anybody wanted to speak against this Text Amendment.

Mayor Pro Tempore Tarlton 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.

City Attorney John Crone suggested Mayor Pro Tempore Tarlton close the public hearing.

Mayor Pro Tempore Tarlton closed the public hearing and asked for a motion.

Alderman Seaver moved, seconded by Alderman Zagaroli approval of the Text Amendment 16-01, to Amend Article 7, Section 7.3 of the Hickory Land Development Code. The motion carried unanimously.

Mayor Wright arrived at 7:16 p.m. at the conclusion of this public hearing.

City Attorney John Crone advised that Mayor Wright was present. He thanked Mayor Pro Tempore Tarlton for conducting the meeting to this point.

Mayor Wright thanked everyone for indulging him to come in late. He had returned late this afternoon from vacation and had to attend a 5:00 to 6:00 visitation for a friend's funeral in Statesville.

ORDINANCE NO. 17-02

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING ARTICLE 7 OF THE CITY'S LAND DEVELOPMENT CODE.

WHEREAS, Exhibit A outlines the specific text of the amendments to Article 7 (Intensity, Dimensional and Design Standards); and

WHEREAS, Article 2 of the Land Development Code establishes the methods and procedures for amending the text of the Land Development Code; and

WHEREAS, the Hickory Planning Commission considered the amendments at a public meeting on December 8, 2016 and forwarded a recommendation of approval; and

WHEREAS, the proposed amendments are reasonable in keeping with the purpose and intent of the Hickory By Choice 2030 Comprehensive Plan and the Land Development Code; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, that the Hickory Land Development Code is amended as outlined in Exhibit A.

SECTION 1. All ordinances or provisions of the Hickory City Land Development Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 2. Upon consideration the Hickory City Council finds the amendment to be consistent with the findings and recommendation of the Hickory By Choice 2030 Comprehensive Plan, and the City's Land Development Code. The findings of the Hickory City Council are based upon the review criteria for Land Development Code text amendments as found in Article 2, Section 2.2.7(B) of the City's Land Development Code, which are as follows:

a) Whether the proposed amendment corrects an error or inconsistency in the Land Development Code or meets the challenge of a changing condition.

The proposed amendment to the intensity standards for residential development within the Central Business (C-1) district will result in the correction of an error that occurred during the initial drafting of the Land Development Code. Amending the Land Development Code to increase the permissible density for residential development brings the standards for residential development closer to the intensity standard for non-residential development within the Central Business (C-1) district.

b) Whether the proposed amendment is consistent with the Hickory by Choice Comprehensive Land Use and Transportation Plan, and the stated purpose of the Land Development Code.

The Hickory By Choice 2030 Comprehensive Plan is all but silent with regards to residential development within the City's Central Business District. The plan does make reference to upper-story residential, but this is the extent of language regarding residential development within the central business district.

The Planning and Development Services Department and a subcommittee of the Hickory Regional Planning Commission are currently in the process of conducting a five year review of the Hickory By Choice 2030 Comprehensive Plan. This process has been unfolding over the last year, and will conclude in early 2017. During this review staff and the Planning Commission have identified the need to alter the plan's language regarding the central business district to include specific goals and strategies for the inclusion of residential development within Hickory's downtown area.

The purpose and intent of the Land Development Code is to:

i. Implement the Hickory By Choice 2030 Comprehensive Plan;

The Hickory By Choice 2030 Comprehensive Plan provides limited insight into residential uses with the Central Business District. Efforts are currently underway to update the Hickory By Choice 2030 Comprehensive Plan. These updates are to include specific goals and strategies for addressing residential development within the Central Business District.

ii. Protect natural resource and property values, promote efficient provision of public services; and

The proposed amendment will work to protect property values by allowing for increased residential intensity, but at the same time requiring quality development

through the enforcement of all other development standards contained within the Land Development Code.

iii. Regulate development;

The proposed amendment will modify the residential intensity standards for development within the Central Business (C-1) district. Intensity, as well as all other development regulations will still be applicable to residential development within the Central Business (C-1) district.

iv. Provide protection from natural disasters and fire.

Upon submission of a development proposal, city and county staff will review the plans and specifications to ensure they comply with the safety specifications contained within the North Carolina State Building and Fire Code. This review will also ensure development within flood prone areas is done in a manner consistent with federal, state, and local laws.

c) Whether the proposed amendments will protect the public health, safety and general welfare.

The proposed amendment will in no way impact any rules or laws implemented to protect public health and safety. All building, fire and sanitation standards will apply to development projects as they occur. The general welfare of the citizens of Hickory will be protected, and likely improved, by providing expanded housing options in and adjacent to the Central Business District.

SECTION 3. Technical Corrections. City Staff is authorized to correct any typographical, cross-reference, numbering, formatting or other errors which may hereafter be discovered and to publish or distribute correction sheets as may be necessary. This section shall not be construed as authorizing City Staff to make any substantive changes to the provisions of the code without presenting the same to Council for consideration and approval as required by law.

SECTION 4. This Ordinance shall become effective immediately upon adoption.

2. Resolution Authorizing Preparation of Assessment Rolls and Public Hearing on Preliminary Assessment Roll for Street Improvements Petition Number 01-16 (Curb and Gutter for 2024 5<sup>th</sup> Street Place NW).

A petition was submitted on August 11, 2016, approved by City Council on October 4, 2016, and the project was completed on November 12, 2016. The preliminary assessment roll number 01-16 has been prepared based on the curb and gutter constructed along 2024 5<sup>th</sup> Street Place NW in response to a petition by property owners. The City Clerk mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff requests Council's approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 23, 2016.

Interim City Manager Andrea Surratt explained to Council there were three public hearings in line with each other for Resolutions Authorizing the Preparation of Assessment Rolls for street improvements, a curb and gutter petition. The first petition was for 2024 5<sup>th</sup> Street Place NW. She asked the Assistant Public Services Director Steve Miller to the podium to present to Council

Assistant Public Services Director Steve Miller presented a PowerPoint presentation. He advised for Council's consideration was a Resolution Authorizing Preparation of Assessment Roll and public hearing for street improvements in a petition at 2024 5<sup>th</sup> Street Place NW. He advised it was a one party petition. He pointed out the section on the map. The work had been completed by the public services division. There was one small area that they would patch tomorrow due to the homeowner doing some improvements during the holidays and they requested they wait until after the holidays. They were scheduled to proceed with that tomorrow.

Alderman Tarlton asked if it was Abington Glen.

Mr. Miller stated no sir, it is just off of 6<sup>th</sup> Street NW near Glenn Hilton Park, the switchback that turns back like you are going into what is referred to as Shuford-Allison Development. The Resolution authorizes the single party petition of Kurt Holtzclaw in the amount of \$3,519. He requested City Council's approval of the

Resolution Authorizing Preparation of Assessment Rolls for street improvement petition 01-16 for curb and gutter.

Mayor Wright 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 Wright closed the public hearing.

Alderman Lail moved, seconded by Alderwoman Patton approval of the Preliminary Assessment Roll for Street Improvements Petition Number 01-16 (Curb and Gutter for 2024 5th Street Place NW). The motion carried unanimously.

RESOLUTION NO. 17-02

RESOLUTION CONFIRMING AND LEVYING ASSESSMENT  
STREET IMPROVEMENTS ON 2024 5<sup>TH</sup> STREET PLACE NW, HICKORY  
NO. 01-16

WHEREAS, the City Council of the City of Hickory has on this day held a public hearing, after due notice as required by law, on the Assessment Roll for the street improvements on January 3, 2017; and

WHEREAS, the City Council has heard all those persons present who requested to be heard, and has found the Assessment Roll to be proper and correct.

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

1. The Assessment Roll for the improvement of 2024 5<sup>th</sup> Street Place NW, Hickory is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
  2. The City Council of the City of Hickory, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll.
  3. The City Clerk is hereby directed to deliver to the Collector of Revenue the said Assessment Roll.
  4. Assessments may be paid without interest at any time before expiration of 30 days from the date this notice is published.
  5. The Collector of Revenue is hereby charged with the collection of the said assessments that are not paid within this time, in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.
  6. The City Clerk is hereby further directed to publish once on the 23<sup>rd</sup> day of January, 2017.
3. Resolution Authorizing Preparation of Assessment Rolls and Public Hearing on Preliminary Assessment Roll for Street Improvements Petition Number 02-16 (Curb and Gutter for 3313 48<sup>th</sup> Avenue Lane NE).

A petition was submitted on July 7, 2016, approved by City Council on August 16, 2016, and the project was completed on October 7, 2016. The preliminary assessment roll number 02-16 has been prepared based on the curb and gutter constructed along 3313 48<sup>th</sup> Avenue Lane NE in response to a petition by property owners. The City Clerk mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff requests Council's approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 23, 2016.

Interim City Manager Andrea Surratt advised Council this was a public hearing for a curb and gutter petition at 3318 48<sup>th</sup> Avenue Lane NE. She asked Mr. Miller back to the podium to present this item to Council.

Assistant Public Services Director Steve Miller presented a PowerPoint presentation. The Resolution was Authorizing Preparation of Assessment Rolls and public hearing for street improvements petition 02-16 for property located at 3313 48<sup>th</sup> Avenue Lane NE. The property was a corner parcel, therefore the

property owner petitioned solely. He showed the area on the map where the curb and gutter was placed and advised they had done some additional drainage work. The homeowner paid for the pipe. He noted where the ditch ended and where they connected to the curb and gutter where the City would be responsible for. The Resolution Authorizing Preparation of Assessment rolls and public hearing for street improvements petition 02-16, for property located at 3313 48<sup>th</sup> Avenue Lane NE was a single party petition, property owner Jeffrey Jose, in the amount of \$6,947.50. He requested Council's approval of the Resolution Authorizing Preparation of Assessment rolls for street improvement petition 02-16 for curb and gutter.

Mayor Wright 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 Wright closed the public hearing.

Alderman Seaver moved, seconded by Alderman Tarlton approval of the Preliminary Assessment Roll for Street Improvements Petition Number 02-16 (Curb and Gutter for 3313 48<sup>th</sup> Avenue Lane NE). The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderman Tarlton and the motion carried unanimously.

RESOLUTION NO. 17-03

RESOLUTION CONFIRMING AND LEVYING ASSESSMENT  
STREET IMPROVEMENTS ON 3313 48<sup>th</sup> AVENUE LANE NE, HICKORY  
NO. 02-16

WHEREAS, the City Council of the City of Hickory has on this day held a public hearing, after due notice as required by law, on the Assessment Roll for the street improvements on January 3, 2017; and

WHEREAS, the City Council has heard all those persons present who requested to be heard, and has found the Assessment Roll to be proper and correct.

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

1. The Assessment Roll for the improvement of 3313 48<sup>th</sup> Avenue Lane NE, Hickory is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
  2. The City Council of the City of Hickory, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll.
  3. The City Clerk is hereby directed to deliver to the Collector of Revenue the said Assessment Roll.
  4. Assessments may be paid without interest at any time before expiration of 30 days from the date this notice is published.
  5. The Collector of Revenue is hereby charged with the collection of the said assessments that are not paid within this time, in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.
  6. The City Clerk is hereby further directed to publish once on the 23<sup>rd</sup> day of January, 2017.
4. Resolution Authorizing Preparation of Assessment Rolls and Public Hearing on Preliminary Assessment Roll for Street Improvements Petition Number 03-16 (Curb and Gutter for 915 4<sup>th</sup> Avenue Drive NW).

A petition was submitted on August 11, 2016, approved by City Council on October 4, 2016, and the project was completed on November 21, 2016. The preliminary assessment roll number 03-16 has been prepared based on the curb and gutter constructed along 915 4<sup>th</sup> Avenue Drive NW in response to a petition by property owners. The City Clerk mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff requests Council's approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 23, 2016.

Interim City Manager Andrea Surratt advised Council the next public hearing was a curb and gutter petition for property located at 915 4<sup>th</sup> Avenue Drive NW. She asked Mr. Miller back to the podium to present this item to Council.

Assistant Public Services Director Steve Miller presented Council with a PowerPoint presentation. He advised this was a Resolution Authorizing Preparation of Assessment Rolls and public hearing for street improvements petition 03-16 for property located at 915 4<sup>th</sup> Avenue Drive NW. He advised there was a section that was missing curb and gutter from the corner of their driveway. They made that improvement. It was a single party petition, the property owner was Robert Jason White and Sarah McCall White, in the amount of \$4,368.75. He requested Council's approval of the Resolution Authorizing Preparation of Assessment Rolls for street improvements petition 03-16 for curb and gutter.

Mayor Wright 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 Wright closed the public hearing.

Alderman Seaver moved, seconded by Alderman Zagaroli approval of the Preliminary Assessment Roll for Street Improvements Petition Number 03-16 (Curb and Gutter for 915 4<sup>th</sup> Avenue Drive NW). The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderman Zagaroli and the motion carried unanimously.

RESOLUTION NO. 17-04

RESOLUTION CONFIRMING AND LEVYING ASSESSMENT  
STREET IMPROVEMENTS ON 915 4<sup>TH</sup> AVENUE DRIVE NW, HICKORY  
NO. 03-16

WHEREAS, the City Council of the City of Hickory has on this day held a public hearing, after due notice as required by law, on the Assessment Roll for the street improvements on January 3, 2017; and

WHEREAS, the City Council has heard all those persons present who requested to be heard, and has found the Assessment Roll to be proper and correct.

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

1. The Assessment Roll for the improvement of 915 4<sup>th</sup> Avenue Drive NW, Hickory is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
  2. The City Council of the City of Hickory, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll.
  3. The City Clerk is hereby directed to deliver to the Collector of Revenue the said Assessment Roll.
  4. Assessments may be paid without interest at any time before expiration of 30 days from the date this notice is published.
  5. The Collector of Revenue is hereby charged with the collection of the said assessments that are not paid within this time, in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.
  6. The City Clerk is hereby further directed to publish once on the 23<sup>rd</sup> day of January, 2017.
5. Consideration of Closing a Portion of 5<sup>th</sup> Street SW between 1<sup>st</sup> Avenue SW and 2<sup>nd</sup> Avenue SW, Owned by MDI Management, LLC.

MDI Management, LLC (successor to MDI Management, Inc.) has petitioned to close a section of 5<sup>th</sup> Street SW between 1<sup>st</sup> Avenue SW and 2<sup>nd</sup> Avenue SW. The

petition requests the City to close said portion of 5<sup>th</sup> Street SW right-of-way, as per NCGS §160A-299. The petition and map were reviewed by City Staff with no unfavorable responses. Staff requests Council's consideration of a Resolution and Order closing a portion of 5<sup>th</sup> Street SW between 1<sup>st</sup> Avenue SW and 2<sup>nd</sup> Avenue SW.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 9, 16, 23, and 30, 2016.

Interim City Manager Andrea Surratt advised Council the last public hearing was consideration of closing a portion of 5<sup>th</sup> Street SW between 1<sup>st</sup> Avenue SW and 2<sup>nd</sup> Avenue SW. This area was saddled on both sides by MDI. They were requesting street closure. She asked Mr. Miller back to the podium to make the presentation.

Assistant Public Services Director Steve Miller presented a PowerPoint presentation. He advised for Council's consideration was closing a portion of 5<sup>th</sup> Street SW between 1<sup>st</sup> Avenue SW and 2<sup>nd</sup> Avenue SW. He pointed out the location of MDI's headquarters. He pointed out the street in question which connects from 1<sup>st</sup> Avenue SW to 2<sup>nd</sup> Avenue SW. He showed a parcel which MDI also owned, a strip shopping center which jointly connected both of the properties possibly for future expansion, or another reason that they may want to shift the parking lot further to the west. The easements will be maintained through the right of way. The City will always have access to that. For Council's consideration of closing a portion of 5<sup>th</sup> Street SW between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue, Alex Lee Corporation owns both sides of this section of 5<sup>th</sup> Street. City Staff provided no unfavorable responses and easement of all public utilities shall be created for the width of the existing right of way, water, wastewater, and other public utilities are existing. There was no storm drainage, but there was a gas line and possibly some power in the location. All of those easements will stay in place. Staff requested Council's consideration of a Resolution and Order Closing a portion of 5<sup>th</sup> Street SW, between 1<sup>st</sup> Avenue SW and 2<sup>nd</sup> Avenue SW.

Mayor Wright asked if MDI was the only party that approved the request.

Alderman Tarlton asked if there were any adjoining property owners.

Mr. Miller stated there are no adjoining property owners other than MDI. MDI owns all of the adjoining property that is aligned with 5<sup>th</sup> Street SW.

Mayor Wright confirmed it was advertised and there was no opposition.

Mr. Miller replied that is correct.

Mayor Wright commented the City maintains their easement and there was no public interest reason to leave it open.

Mr. Miller responded that is correct.

Alderman Seaver asked if the Fire Department and the Police Department sign off on this too.

Mr. Miller stated yes, sir.

Mayor Wright declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal.

#### OPPONENTS

Mr. John Little advised he lived down the street from there. He uses that road every single day. He uses it at work, going to work, coming home from work and he knows a lot of other people that use that road. He didn't know if anyone checked to see how much traffic uses that road. He commented he loved the fact that MDI was here, it is great, but their employees use their street all of the time to cut through to go home, and back, and they come and go. They had stop signs put in but they still come through. He didn't see that it was an issue for residents to drive through that street. When you come up 6<sup>th</sup> Street down from 4<sup>th</sup> Avenue there is a lane that goes over to 6<sup>th</sup> Street. You have so many people that cut across and go straight the wrong way on that one way because they don't want to go up to the stop light. He felt that was going to get even worse if you don't have 5<sup>th</sup> Street up there. That is the reason they go that way. They come out and go up to 5<sup>th</sup> and then come back down that way they don't have to wait at two traffic lights. He knew it seemed petty, but he wanted to voice his opposition to it. He thanked Council.

Mayor Wright thanked Mr. Little for his input. He asked if there was anyone else who wished to speak against the proposal. No one else appeared. He asked if there was anyone present to speak in favor of the proposal.

#### PROponents

Mr. Terry Moore advised he was with MDI and Alex Lee and was present to answer any questions that Council may have and explain the project and the intention of closing that section of road. He advised they were fortunate that their business downtown was growing. It advised it was primarily ISIT roles. What they would like to do is fully utilize that area and make it safe for their employees to move between buildings so that they can get from their main building over to the annex buildings. Overtime they hope to bring more roles downtown to those buildings. Primarily it is about safety for them, for their employees. He advised he would be happy to answer any questions.

Alderman Guess asked if they had considered any alternative methods such as a crosswalk or a pedestrian bridge over.

Mr. Moore commented they would certainly look into any options. They hadn't considered anything else. To them this was the best solution if it was closed off so that the safety of the people walking through the parking lot.

Alderman Tarlton asked if they had trouble with safety, had people been getting hit by cars.

Mr. Moore commented nobody had been hit, but it is a concern.

Alderman Lail asked the property at 509 1<sup>st</sup>, the building that is across the street from their IT smaller building, is a multi-tenant building.

Mr. Moore stated it was a shopping center and they had both components of it now. They use mainly the northern portion of it for a training center, and then the southern portion is going to be IT. One of their short term plans is to remodel their primary structure on the right hand side of the two-story building, and during the remodel process, relocate employees over to the left hand side of the shopping center and then move them back into the main building when the remodel is done and then bring other services to the building on the left.

Alderman Lail asked if MDI was fully utilizing that formerly multi-tenant building. They have no leases on it.

Mr. Moore responded yes. They are at capacity there and looking for solutions.

Alderman Lail asked if MDI was renting that space to other users.

Mr. Moore replied no, it is just them.

Alderman Seaver asked if there was a lot of traffic on 5<sup>th</sup> Street there. Since they mentioned safety there must be some traffic in there.

Mayor Wright commented he had used it several times.

Alderman Tarlton commented he uses it all the time.

Alderman Guess asked if it would be detrimental to them not to be able to close that and maybe explore some other options such a crosswalk.

Mr. Moore commented they would look into anything. Just thinking about what is easiest and safest for their employees, but they could look into a crosswalk.

Mayor Wright mentioned with crosswalks you do get into some ADA issues. It is not as simple as it sounds. He had been wanting a crosswalk at the Catholic Church for years, but there are some issues there.

Alderman Guess wanted to hear a traffic count for that road. He didn't know if it was appropriate at this time. He would like to see what kind of traffic was on that road before they make a decision.

Alderman Tarlton asked the citizen who spoke in opposition if he could show Council where he lived on the map.

Mr. Little pointed out the one way coming back towards Center. He indicated the area where he lived and the direction where he comes out. He advised where 6<sup>th</sup>

Street was located. When you come up 6<sup>th</sup> Street to 2<sup>nd</sup> Avenue you can't go straight across to 6<sup>th</sup> Street; 6<sup>th</sup> Street actually goes back on the one way so you have to go out. This way you come up and go straight up to Main Avenue.

Alderman Tarlton commented that answered his question, he wasn't sure where Mr. Little was coming from before.

Alderman Guess moved to continue the public hearing until such time as Council could get a routine time for a traffic count. He did not know what that might be, maybe a month or so. Until Council could see what kind of traffic there is at that location and also ask MDI to explore if there are other options between now and then that perhaps Council could look into.

Mr. Moore responded sure, absolutely.

City Attorney John Crone commented if that motion is made, what the legal response to that is, and what the Mayor and Council have done in the past, anybody, now while the public hearing is open, can move to continue it to a time certain and ask Staff for additional information. It does not need to be re-advertised but in the past Council has said they didn't care whether it has to be re-advertised, they want it to be. Council may want to continue it to a date certain, and move to put it on that date, and instruct Staff not only to get a traffic count but to also re-advertise it for public hearing. If that is what they so desire.

Alderman Guess advised he was trying to figure out what that date might be.

Mayor Wright asked in fairness is there any time sensitivity.

Mr. Moore state no. Their goal in the next three months is to start moving people a little bit more aggressively during the remodel process over to the buildings on the west. As soon as a traffic count/study could be conducted would be fine. Whether that is one month, two months, three months, they could work with it.

Alderman Guess commented and maybe look at some alternatives, one being perhaps a crosswalk.

City Attorney Crone advised if the motion is to set it for a time certain, if you could put it out long enough for the Clerk, she needs four consecutive weeks, if Council so desires to republish the Notice of Hearing.

Alderman Guess asked if February 21<sup>st</sup> would be sufficient, or the March 3<sup>rd</sup> meeting.

City Attorney Crone advised that Staff would ask if Council is going to do that then it be the first meeting in March.

Alderman Guess commented March 3<sup>rd</sup>.

Interim City Manager Andrea Surratt advised that would give Staff 30 days to do the traffic study and advertise.

Alderman Guess asked if that was sufficient.

Interim City Manager Surratt replied yes.

Alderman Guess stated that would be his motion, Alderman Seaver seconded the motion.

Alderman Lail stated he would vote against the motion. He was concerned when Council got the traffic data back it would still be sort of a subjective call. They might see 300 cars a day versus 600 cars a day. He didn't know exactly where that threshold was.

Alderman Tarlton commented that 90 percent of them would be theirs.

Alderman Lail commented you wouldn't be able to distinguish who the employees are. That wouldn't aid him in his decision making to continue the public hearing. He recognized that this cross street sits between two one way pairs, unfortunately, people do have to use it to reverse direction.

Mayor Wright interjected they don't have to.

Alderman Lail continued they don't have to, but people do, it can be used in that fashion. Given the road network through there and the size of the blocks, and

certainly what was heard from the applicant. The petition for the road closure is appropriate from his position. He voted against the motion to continue.

Alderwoman Patton also voted against it. She felt that this project that was coming on stream was what Council needed to do to help facilitate them to move that forward.

Mayor Wright commented this is one of the key emphasis Council has had, is getting more people downtown, and he heard Mr. Moore say that would be a direct effect of this. It is also awkward for a corporation to have a split campus. There is lots of reasons. That overhead doesn't do any good when you are pushing a floor dolly. There ample roads, although he had used it many times to change direction, but there are ample opportunities that are safer than this. Particularly, he didn't think it was real safe to use this road and enter onto 1<sup>st</sup> Avenue there. It is not the worst in town, but for those reasons he believed the public interest was best served here to allow this closure.

City Attorney Crone advised there was a motion by Alderman Guess to continue the hearing. He asked Mayor Wright if he was going to call the question.

Mayor Wright advised he was still waiting on discussion, not everyone had spoken and they might not want to, but he was going to give them time.

Alderman Zagaroli asked if they were going to keep both street accesses open into the parking lot. Would that stay open?

Mr. Moore thought the plan would be to close off the access so that it is more secure for people crossing.

Alderman Guess commented he had another concern from the public's side, he knew it was advertised, but he was not sure how many people actually recognized that it was coming up. This may give people more opportunity to voice their opinion.

Mayor Wright stated that is a hazard of course with everything that the City has ever advertised. He announced there was a motion and a second. He asked if there was any further discussion. He asked for all of those in favor of continuing the public hearing to March 3<sup>rd</sup> say aye. Ayes: Alderman Guess and Alderman Seaver. Nays: Alderman Lail, Alderman Zagaroli, Mayor Wright, Alderwoman Patton, and Alderman Tarlton. The motion failed 2-5.

City Attorney Crone advised Mayor Wright to ask for rebuttal and surrebuttal, or if anybody else had anything they wanted to say.

Mayor Wright advised the people opposed to this had an opportunity to speak if they wished to. No one appeared. He declared the public hearing closed and asked for motion or discussion.

Alderman Lail moved, seconded by Alderwoman Patton approval of the Closing a Portion of 5<sup>th</sup> Street SW between 1<sup>st</sup> Avenue SW and 2<sup>nd</sup> Avenue SW, Owned by MDI Management, LLC. Ayes: Alderman Lail, Alderman Tarlton, Mayor Wright, Alderman Seaver, Alderman Zagaroli, Alderwoman Patton. Nays: Alderman Guess. The motion carried 6-1.

Mayor Wright announced that the motion was made by Alderman Lail seconded by Alderwoman Patton and the motion carried 6-1.

RESOLUTION NO. 17-05  
RESOLUTION AND ORDER

WHEREAS, MDI Management, LLC, (Successor to MDI Management, Inc.) owns property adjoining the following described area, in the City of Hickory, County of Catawba, which is further described as follows:

A Portion of 5<sup>th</sup> Street SW, Hickory

Lying and being situate in the City of Hickory, Hickory Township, Catawba County, North Carolina, and being more particularly described as follows:

BEGINNING on a found 0.08' pipe the northeast corner of MDI Management Inc. (Deed Book 3113, Page 35), on the south right of way of 1<sup>st</sup> Avenue SW, said corner being located South 88 degrees 50' 00" East, 122.84' from a 0.10' pipe the northwest corner of MDI Management, Inc. on the south right of way of 1<sup>st</sup> Avenue SW, and runs thence South 88 degrees 50' 00" East, 39.92' to a set 0.04' rebar

the northwest corner of MDI Management, Inc. (Deed Book 1540, Page 799) on the south right of way of 1<sup>st</sup> Avenue SW; and runs thence with the west line of MDI Management, Inc. South 01 degrees 02' 30" West, 260.81' to a found 0.04' rebar, the southwest corner of MDI Management on the north right of way of 2<sup>nd</sup> Avenue SW; and runs thence South 88 degrees 23' 15" West, 39.96' to a found 0.08' flat bar the southeast corner of MDI Management, Inc. (Deed Book 3113, Page 37) on the north right of way of 2<sup>nd</sup> Avenue SW; and runs thence with the east line of MDI Management, Inc. (Deed Book 3113, Page 37) North 01 degrees 02' 30" East, 262.74' to the point of BEGINNING. Containing 0.24 acres and being all of the right of way of the 100 Block of 5<sup>th</sup> Street SW between 1<sup>st</sup> Avenue SW and 2<sup>nd</sup> Avenue SW.

WHEREAS, following the filing of said petition with the City Council, a notice of public hearing upon the question of closing and abandoning said area for public roadway purposes was advertised in *The Hickory Daily Record* in the issues of December 9, December 16, December 23, and December 30, 2016.

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

THAT, the above-described area be and the same is hereby ordered to be closed and abandoned for roadway or street purposes, in accordance with the provisions of Chapter 160A, Section 299, of the General Statutes of North Carolina, and the Charter of the City of Hickory;

BE IT FURTHER RESOLVED, that the City of Hickory reserves the right, title and interest in any utility improvement or easement within the above-described street or roadway to be closed, pursuant to the provisions of 160A, Section 299, of the General Statutes of North Carolina; and

RESOLVED, FURTHER, that all rights, title and interest of the City of Hickory in and to the area covered by said street shall vest in the respective owners of the land adjoining said area, all in accordance with the provision of the abovementioned section of the General Statutes of North Carolina.

B. Departmental Reports:

1. Appointments to Boards and Commissions

**BOND IMPLEMENTATION COMMISSION**

(Terms Expiring 2-1; 3 Year Terms) (Appointed by City Council)

Alderman Guess' Appointment

(Unexpired Term of Jerisha Farrer resigned 11-28-2016, (term expires 2-2-2018))

**COMMUNITY APPEARANCE COMMISSION**

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

Ward 3 (Seaver Appoints)

VACANT

Ward 4 (Guess Appoints)

VACANT

At-Large (Outside City but within Hickory Regional Planning Area)

(Council Appoints)

VACANT

Alderman Lail nominated Meg Manderson, 3730 8<sup>th</sup> Street Court NW, to the At-Large (outside City but within Hickory Regional Planning Area) Representative for the Community Appearance Commission. He had not independently confirmed that she was in the ETJ, so Staff would need to do that, but he was pretty sure she was. He felt reasonably certain.

**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 to Nominate)

VACANT

**INTERNATIONAL COUNCIL**

(Appointed by Mayor with the Concurrence of City Council)

(3) Positions

VACANT

**LIBRARY ADVISORY BOARD**

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

Ward 4 (Guess Appoints)

VACANT

At-Large (Mayor Appoints) VACANT

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)  
Position 9 VACANT

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 3 (Seaver Appoints) VACANT  
Ward 4 (Guess Appoints) VACANT  
At-Large (Council Appoints) VACANT

**YOUTH COUNCIL**

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

St. Stephens High School Representatives 1 Position VACANT  
At-Large Representatives 1 Position VACANT  
Challenger High School Representative 1 Position VACANT

Alderman Lail moved seconded by Mayor Wright 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)

Mayor Wright moved, seconded by Alderwoman Patton, to discuss the employment contract for the new City Manager. The motion carried unanimously.

Mayor Wright asked if everyone had the opportunity to review the proposed contract.

City Council members confirmed they had.

Mayor Wright asked City Attorney Crone if the applicant had signed the contract.

City Attorney Crone advised the applicant is ready, willing, and able to sign it.

Mayor Wright asked if they needed to go first.

City Attorney Crone advised they could do it at the same time if Council approves. He had it ready.

Alderman Tarlton moved, seconded by Alderman Zagaroli to ratify the contract. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Tarlton seconded by Alderman Zagaroli and the motion carried unanimously.

Mayor Wright welcomed Hickory's new City Manager, a familiar face, local boy done "good", and his wonderful family, Mr. Warren Wood.

A standing ovation was given to Mr. Warren Wood.

Mr. Warren Wood thanked Council for the opportunity. He stated it was an honor, being from Hickory, having the chance to come back and serve the folks from his hometown. That is not something that a lot of managers say they can do around the country. That is unique and it is personal to him because he is from Hickory and wants to see Hickory do well. He wants to see its citizens do well and he was honored to be a part of that. He introduced his wife, Amy. He advised his wife Amy drove to Hickory every day. He joked she wasn't moving back home, she was moving where she works. He introduced his son, Turner; daughter, Isabelle; and his oldest daughter, Gracyn. He commented that Turner was in 5<sup>th</sup> grade at Kensington Elementary School in Waxhaw; Isabelle was in 9<sup>th</sup> grade at Cuthbertson High School; and Gracyn was a sophomore at Old Mississippi, she had made it through her freshman year. He introduced his father-in-law Dick Browder and his mother-in-law Jo Broder. He mentioned the best part of moving back, he gets grandma's cooking. He mentioned he got a taste of it before he came to the meeting, so he would start putting some pounds on. He appreciated the opportunity to come back to Hickory. He was here for 22 years. He knew Council and they knew him. He looks forward to a long tenure here. In three months they will be back and he is anxious to get started.

Alderman Lail joked they got rid of Chuck like Mr. Wood had asked.

Alderman Guess joked and Tom Adkins.

Mayor Wright commented that Rodney Miller had done a great job, but now Council has the Tim Inch influence back here.

Mr. Wood joked that he had a finance report prepared for Council.

Mayor Wright advised that he had a great conversation with the Mayor of Waxhaw. Truly Hickory's gain is Waxhaw's loss and they feel it very strongly. Council was glad that Mr. Wood had done "good" here and did "good" in Waxhaw and he is going to do "good" again here.

Mr. Wood commented that the folks in Waxhaw had been good to him and his family and he appreciated the opportunity during the two years they spent down there, but having an opportunity to come back home was something that he couldn't pass up. He thanked Council.

Mayor Wright advised Mr. Wood he had seven eager supporters here. They want him to succeed and they are going to do everything they can to help him. Mayor Wright advised because Mr. Wood has a strong sense of ethics, his start date has to be deferred until April 10<sup>th</sup>, so he can fulfill his obligation, which means Council has three more months to enjoy the leadership of Mrs. Surratt who had done a wonderful job.

Interim City Manager Surratt received a standing ovation.

Mayor Wright commented sometimes it is not easy just to be candid, and everybody probably has figured it out, connecting the dots here, that sometimes going to one of your Staff and say we are going through this hiring process and we would like for you to be the Acting City Manager, but then to come back and say we made a decision, and you need to do this job a little longer. He advised Mrs. Surratt that Council really appreciated that. He commented she had been so professional and she was so well liked in the community. He knew he would be getting calls tomorrow asking why Mrs. Surratt did not get that job.

Interim City Manager Surratt commented Council made a good choice.

Mayor Wright commented they had some good choices.

Alderman Tarlton commented it was a hard choice.

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

Alderwoman Patton commented Council has a dream team coming that is what we have, we are set.

Alderman Tarlton seconded that.

Mayor Wright invited everyone in attendance to a reception in the lobby to honor Mr. Wood, his wife, and their children.

Alderman Seaver referenced Hickory by Choice. He advised that they have a Kiwanian of the Week, each week, and today's choice was Mr. Jay Crain. Mr. Crain worked in Hickory at General Electric for a while and then moved elsewhere. When he retired he had to decide where he wanted to live. He didn't want to live up north where he was because it was too cold or in Arizona, where his son lived, it was too hot. He came back to Hickory by choice. That was the way he said it. He commented it was just amazing the way that thing rolled right on into Hickory by Choice and good to know. A lot of people are making Hickory their choice, let's keep it that way.

Mayor Wright referenced Facebook regarding Matthew McConaughey. The article mentioned that Mr. McConaughey came to Hickory and had a flat tire. Someone called the towing service and took him to lunch at Cookout. Everyone figured that was a hoax, and it was a hoax. Mayor Wright commented that he was the one that called Skeets, and he took him to lunch. They had to pick between Cookout and Snack Bar because Bo-Peep was closed. He commented that his son's mother-in-law posted "did you know it was Matt".

XIV. There being no further business, the meeting adjourned at 7:54 p.m.

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Mayor

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City Clerk