

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 8, 2019 at 7:00 p.m., with the following members present:

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

A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Rick Beasley, Assistant City Manager Rodney Miller, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Assistant to the City Manager Yaidee Fox and Executive Assistant to the City Manager Deisy Zavala Vazquez

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Associate Pastor Jennifer Forester, First United Methodist Church
- III. Pledge of Allegiance

Mayor Guess recognized Todd and Pete Zagaroli, son and grandson of Alderman David Zagaroli. Pete Zagaroli was a Boy Scout from Troop 726 from the Church of the Ascension. He was working on a merit badge.

IV. Special Presentations

- A. 2018 Business. Well Crafted. Award Winners: Individual (Entrepreneur of the Year) – Karen Tonks; Youth (Entrepreneur Under 25 Years Old) – Santiago Ambroggio and Cedric Clyburn; Business and/or Organization (50 or Fewer Employees) – Taste Full Beans Coffeehouse, Atriax Group, and Clarity Web Solutions; Business and/or Organization (51 or More Employees) – von Drehle Corporation

Mayor Guess welcomed Ms. Lori Alala, Committee Chair of the Business Development Committee and Mr. Dave Leonetti, Business Services and Redevelopment Manager.

Ms. Alala recognized the 2018 Business. Well Crafted. Award winners. There were 7 recipients consisting of businesses and individuals. A representative from the von Drehle Corporation was not present.

Mayor Guess recognized members of the Business Development Committee and thanked them for their time and hard work. He thanked Mr. Leonetti and Ms. Yaidee Fox, Assistant to the City Manager, for their work with the Business Development Committee.

B. Introduction of New Fire Chief

City Manager Warren Wood thanked retired Fire Chief Fred Hollar for being present and thanked Interim Fire Chief Steve Moore for stepping in as Chief for the past few months. Mr. Wood shared that there were 60 applications for the Fire Chief position from all over the country and after narrowing the candidates down to four, the City realized that the best person suited for the job was one of their own. That person was Matt Hutchinson. Mr. Wood recognized the Firefighters present and acknowledged that Chief Hutchinson had a lot of support in the Fire Department. He thanked firefighters from Longview, St. Stephens, and Mt. View for being present as well and showing their support. Mr. Wood added that he had recently met in small groups with all of the Hickory Firefighters and he came away very impressed. They are highly trained, highly motivated, and very competent and capable. The Citizens of Hickory are in very capable hands. Mr. Wood shared some background information on Chief Hutchinson. He began his firefighting career as a volunteer and in 2003 he was hired as a full-time firefighter with the Hickory Fire Department. He moved through the ranks, eventually serving as Battalion Chief over logistics and most recently serving as Battalion Chief and Fire Marshall over the Fire and Life Safety division. He is a 1994 graduate of University of North Carolina- Asheville and a 2008 Graduate with a Masters in Public Administration from Appalachian State University. In April of 2017 he completed the prestigious four-year Executive Fire Officer program through the National Fire Academy and most importantly, he is here tonight with his wife Millie, his mom Rebecca, and his son Matthew. Mr. Wood also added that Chief Hutchinson lives in Hickory and does not need to relocate to fulfill the residency requirement for that position. Mr. Wood Called Chief Hutchinson over to the podium with his family so the Mayor could administer the Oath of Office.

Mayor Guess administered the Oath of Office to Fire Chief Matthew Hutchinson. He was given a standing ovation.

Chief Hutchinson thanked City Council. He expressed his gratitude for the opportunity to fill this position. He added that he felt humbled to be able to stand in the same Council Chambers that he once stood in with 19 other firefighters when he began his career in 2003 and it is surreal to stand there again, now in the position of Chief. Chief Hutchinson added that he is excited for the Fire Department and the future of the City. There is a lot happening in the City and we are growing and changing. He is also excited to work with the

City's firefighters and will be asking a lot of them, but he is confident that they will deliver because they always do, and they do a great job. He concluded by thanking his wife and mom.

Mayor Guess thanked Interim Chief Steve Moore for stepping in as Interim Fire Chief after Chief Hollar's retirement in October.

V. Persons Requesting to Be Heard

Mayor Guess advised that they would be tabling the Drone Ordinance Public Hearing and wanted to give everyone an opportunity to be heard regarding this ordinance during "Persons Requesting to Be Heard". He asked if anyone wished to be heard. No one appeared.

VI. Approval of Minutes

A. Regular Meeting of December 18, 2018.

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of December 18, 2018 be approved. The motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

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

A. Budget Revision Number 9. (First Reading Vote: Unanimous)

B. Rezoning Petition 17-03(A) for Property Located at 2019 Startown Road. (First Reading Vote: Unanimous)

C. Rezoning Petition 18-05 for Property Located in the 2300 Block of Kool Park Road. (First Reading Vote: Unanimous)

D. Rezoning Petition 18-06 for Property Located at 1990 Startown Road. (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.

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

A. Approved the Cemetery Deed Transfer from Thomas L. Warren and wife, Deanna G. Warren to Charles A. Wrinkle, and wife Linda P. Wrinkle, Oakwood Cemetery, Plot C3, Lot Nos. 3, and 4, Section 58, Containing 80 Square Feet More or Less. (Prepared by Susannah L. Brown, Anthony & Brown, PLLC.

B. Approved the Special Events Activities Application for Pinwheels for Prevention, Connie Engart, Community Education & Outreach Coordinator, Children's Advocacy & Protection Center, April 3, 2019 (rain date April 10, 2019), at Kiwanis Park, 10:00 a.m. to 2:00 p.m.

C. Approved the Special Events Activities Application for Spring Bark Party 2019, Lance Riddle, Recreation Programmer, City of Hickory Parks and Recreation Department, April 6, 2019 at Fairbrook Optimist Dog Park, 10:00 a.m. to 3:00 p.m.

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

The following request was considered by the Citizens' Advisory Committee at their regular meeting on December 18, 2018.

- Megan Tibbs was approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 520 7th Avenue SW, Hickory. She has requested \$10,000 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage.
- Terry & Gloria Pope, 1080 5th Avenue Court NW, Hickory, were awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee

- recommends approval for assistance not to exceed \$15,000.00 for repairs to their house. Assistance would be in the form of a 0% interest deferred loan.
- Vickie Pope, 1015 22nd Street NE, Hickory, was awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$15,000.00 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.

Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation Program income received in FY 2018 and/or program income received through the City of Hickory's Community Development Block Grant Program. The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

- E. Approved Applying for the 2019 Urgent Repair Program (URP19) through the North Carolina Housing Finance Agency (NCHFA).

The Urgent Repair Program provides funding in the form of a forgivable loan to low and extremely low income homeowners with special needs at a maximum of \$10,000 per dwelling unit. The City has applied for these funds numerous times in recent years. During the 2017-2018 fiscal year twelve homeowners received home repairs through the program. Staff plans to apply for \$75,000 of funding through the program. This funding will assist at least 10 eligible homeowners with repairs. The City of Hickory will provide \$5,000 in matching funds. This is available from program income that was received through the former Rental Rehabilitation Program. The Urgent Repair Program funds will be used to supplement the City's Community Development Block Grant Housing Rehabilitation Loan Program, which generally works on larger projects with families that have slightly higher income. Staff will prepare an application that incorporates program requirements, applicant eligibility standards, and program capabilities. Upon approval by City Council, the application will be submitted with the required \$75 application fee to the North Carolina Housing Finance Agency (NCHFA). Staff recommends that City Council authorize staff to apply for the 2019 Urgent Repair Program through the North Carolina Housing Finance Agency.

- F. Approved on First Reading Budget Revision Number 10.

ORDINANCE NO. 19-01
Budget Revision Number 10

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2019 and for the duration of the Project Ordinance noted herein.

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

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	447	-
TOTAL	447	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	447	-
TOTAL	447	-

SECTION 2. To amend the Water and Sewer Fund within the FY2018-19 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	26,880	-
TOTAL	26,880	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	26,880	-
TOTAL	26,880	-

SECTION 3. To establish the Airport North Ramp Reconstruction Grant Project Ordinance (#650029), the expenditures are to be established as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation Capital Projects	83,310	-
TOTAL	83,310	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenues	74,979	-
Other Financing Sources	8,331	-
TOTAL	83,310	-

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

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:
 - A. Public Hearings

- 1. Approved the Proposed Small Cell Wireless Ordinance – Presented by Deputy City Attorney Arnita Dula.

On July 21, 2017, S.L. 2017-159, An Act to Reform Collocation of Small Wireless Communications Infrastructure to Aid in Deployment of New Technologies, went into effect. The purpose of the legislation is to provide wireless services providers and wireless infrastructure providers access to the public rights-of-way and the ability to attach to poles and structures in the public rights-of-way to densify their networks and provide next generation services. The legislation strictly regulates the permitting process that municipalities must follow for applicants seeking to place new facilities in municipalities’ rights-of-ways or seeking to collocate facilities on existing structures (i.e. poles) in the public rights-of-way. Additionally, legislations strictly regulates the permit fees municipalities may charge for application review and consulting fees. The City’s proposed Small Cell Wireless Ordinance incorporates the permitting requirements for placement of new small cell wireless structures in the City’s rights-of-ways and the collocation of facilities on existing structures (i.e. poles) in the rights-of-ways outlined in S.L. 2017-159. The ordinance also addresses the permit and consultant fees the City may charge applicants. Staff recommends Council’s approval of the proposed Small Cell Wireless Ordinance.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 21, 2018.

City Manager Warren Wood asked the City’s Deputy City Attorney Arnita Dula to the podium to present Council with the proposed Small Cell Wireless Ordinance.

Deputy City Attorney Arnita Dula shared a PowerPoint presentation regarding the Small Cell Wireless Ordinance. In 2017, the North Carolina Legislature adopted and passed S.L. 2017-159. Its purpose was to provide for the deployment of new wireless infrastructure. It also primarily addressed three areas, collocation of facilities on poles and other structures, access to City right of ways, and low fees. The statute strictly prohibits municipalities’ ability to regulate these facilities. This was passed due to the increasing demand for additional data services and signal strength. The purpose of this new legislation is to meet this growing demand and the Legislature found that having this type of structures is instrumental for emergency services and to increase access to advanced technologies for citizens. It amended some existing telecommunication statutes and added some new provisions. As stated earlier, it does grant the City limited authority to regulate small cell wireless facilities, installations on public right of ways and on private property. Ms. Dula reminded the group that the City cannot regulate installations in North Carolina Department of Transportation right of ways. The purpose of the City’s proposed Ordinance is to promote the public health, safety, and welfare of the citizens and to establish standards for the placement of the small wireless infrastructure in accordance with applicable State and Federal laws. Ms. Dula presented some pictures of what the facilities may look like. The ordinance presented applies to the qualifying small cell wireless facilities, utility poles, and City utility poles but it does not permit the placement of structures on privately owned poles or on private property without the owner’s consent. Ms. Dula presented some terminology that would be referenced throughout the rest of her presentation. Collocation is the installation, placement, and maintenance of

wireless facilities on existing structures. A City utility pole is a city owned pole in the City's right of way that provides lighting, traffic control, or other similar functions. A utility pole is a structure designed for and used to carry lines, cables, wires, lighting facilities or small wireless facilities for telephone, cable television, electricity, or wireless services. Ms. Dula introduced the requirements outlined in the new ordinance. She reminded the group that the legislation strictly prohibits what the City can and can't do. The following are items that can be regulated by the City. Up to 25 facilities can be included in a single application from a carrier or subcontractor. There will be required screening for ground mounted equipment. The height is restricted to no more than 10 feet above the pole or support structure and that would be in reference to an existing pole. The antennae's color must be similar to the pole's color. If the pole is located in a Historic District, they must comply with Historic District requirements. Poles must also be able to support the facility's weight. The facility must also be active within one year of granting the permit. Additional regulations relate to new poles and structures. The law permits a carrier to actually place new poles in the right of way but there are height requirements, 50 feet for new, modified, or replacement poles or structures, and 40 feet in single family residential areas with underground utilities. She added that facilities that have not been in use for more than 180 days must be removed. If they are not removed by the provider, then the statute provides that the City can remove and recoup the fees associated with the removing through a court proceeding. There will be a permit process and the applications must include the following: detailed and scaled site plans, drawings of proposed facility, engineering reports, and evidence facility will comply with building and fire codes, and they must use the City's application form. The initial review of the application must occur within 30 days of the date of submission. Applications requiring plan revisions must address the revisions to be resubmitted. Upon resubmission the City shall provide a permit to deny the application based on identified deficiencies within 45 days of the date of resubmission. If deficiencies are identified the application must address these deficiencies to be resubmitted. Upon resubmission of the application, the City shall conduct a review and provide either a permit or denial within thirty days of the date of the application's resubmission. Ms. Dula asked Council if they had any questions or concerns. She added that this statute is very complex but the City desires to work with the different providers and carriers that seek to apply to bring these services to our City.

Alderwoman Patton asked Ms. Dula which department would make that decision.

Ms. Dula replied that more likely than not, they will use their encroachment agreement which goes through the Engineering Department.

Mayor Guess asked if the application process required any additional workload for staff and if so, would there be a cost associated with that.

Ms. Dula replied that there possibly may be. There is a provision included called make ready work where an applicant can request that the City do certain work to an existing structure or a City owned pole to modify or make the pole ready for that facility and the fees associated with it have to be carefully calculated according to what is in the statute to recover the costs.

Alderman Lail asked if the City had the authority to regulate the pole material.

Ms. Dula stated that it does not specify that in the statute.

Alderman Lail added that he is concerned that the areas that have worked to move power poles underground, may see these poles appearing in their area and look unsightly.

Ms. Dula advised that they would also work with Duke Energy to provide replacement poles that have a dual purpose; to provide lighting, as well as the collocation of these structures. The City wants to work with the applicants to try to come to an agreement on what would work best for the City but they have no way to officially mandate the materials.

Alderman Seaver asked about the provisions regarding low fees.

Ms. Dula replied that in the technical corrections bill that just passed, there is provision that greatly restricts the application fees and technical consulting fees that a City may charge. Originally, the City had the ability to charge a certain base amount for a certain number of facilities per application and thereafter for each additional facility that was listed, there was an additional smaller amount that has just been changed by new legislation. There are some providers that more than likely, the City will not be able to charge an application fee or a technical consulting fee based on the amendment to the new legislation that related to fees.

Alderwoman Williams asked if there would be any rental agreements.

Ms. Dula replied that this ordinance does not relate to the existing cell towers. The City currently has towers and carriers with leases who are located on the existing towers, the ordinance does not deal with that type of structures.

Alderman Seaver asked if they would be required to set up a Wi-Fi for citizens.

Ms. Dula replied that they could not do that. There is a specific part of the legislation that says you can't require them to provide for fiber. She added that this legislation passed in fifteen other states.

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

Alderman Seaver moved, seconded by Alderman Lail approval of the Small Cell Wireless Ordinance. The motion carried unanimously.

ORDINANCE NO. 19-02

SMALL WIRELESS INFRASTRUCTURE ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in § N.C.G.S 160A-400.50 delegated to municipalities the ability to regulate the placement of small wireless infrastructure within municipal rights-of-way, and on other properties, in order to ensure the safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless telecommunications services throughout the community; and to ensure the ready availability of reliable wireless service to the public, government agencies, and first responders, with the intention of furthering the public safety and general welfare.

SECTION B. FINDINGS OF FACT

The deployment of wireless infrastructure is critical to ensuring both first responders, and citizens, can provide for the health, safety, and general welfare of all residents of North Carolina. The creation, and expansion, of a national wireless communications network for use by both first responders, and citizens will be dependent on the installation of new wireless infrastructure consisting of facilities located within municipal rights-of-way, as well as, wireless infrastructure placed on existing infrastructure located within said rights-of-way, it is the policy of State of North Carolina, and the City of Hickory to facilitate the placement of wireless communications support structures in all areas of the state and city.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare and to set specific standards for the placement of small wireless infrastructure within the City of Hickory in accordance with all applicable federal and state laws

SECTION D. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage, and to give this ordinance the most reasonable application.

1. Antenna. – Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
2. Applicable codes. – The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

3. Application. – A request that is submitted by an applicant to the city for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, city utility pole, or wireless support structure.
4. Base station. – A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.
5. Building permit. – An official administrative authorization issued prior to beginning construction consistent with the provisions of G.S. 160A-417.
6. City right-of-way. – A right-of-way owned, leased, or operated by the city, including any public street or alley that is not a part of the State highway system.
7. City utility pole. – A pole owned by the city in the city right-of-way that provides lighting, traffic control, or a similar function as defined in G.S. Chapter 160A, Part 3E.
8. Collocation. – The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, city utility poles, or wireless support structures.
9. Communications facility. – The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.
10. Communications service. – Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.
11. Communications service provider. – A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.
12. Eligible facilities request. – A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.
13. Equipment compound. – An area surrounding or near the base of a wireless support structure within which a wireless facility is located.
14. Fall zone. – The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.
15. Micro wireless facility. – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.
16. Monopole. - a single, self-supporting, freestanding pole-type structure built for the sole purpose of supporting one or more antennae. For the purposes of this ordinance, a utility pole is not a monopole.
17. Search ring. – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.
18. Small wireless facility. – A wireless facility that meets both of the following qualifications:
 - a. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.
 - b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.
19. Substantial modification. – The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.
 - a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
 - b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the

wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.

c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

20. Utility pole. – A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

21. Water tower. – A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

22. Wireless facility. – Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.

b. Wireline backhaul facilities.

c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

23. Wireless infrastructure provider. – Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

24. Wireless provider. – A wireless infrastructure provider or a wireless services provider.

25. Wireless services. – Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

26. Wireless services provider. – A person who provides wireless services.

27. Wireless support structure. – A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a city utility pole is not a wireless support structure.

SECTION E. APPLICABILITY; COMPLIANCE WITH LAW; EXEMPTIONS

1. This ordinance shall apply only to qualifying small wireless facilities, qualifying utility poles, and qualifying city utility poles as defined herein. Nothing in this ordinance shall be interpreted to excuse compliance with, or to be in lieu of, any other requirement of state or local law, except as specifically provided herein. Without limitation, the provisions of this ordinance do not permit placement of small wireless facilities on privately owned utility poles or wireless support structures, or on private property, without the consent of the property owner or any person who has an interest in the property.

2. Unless expressly set forth herein, the following categories of small wireless facilities are exempt from the requirements of this ordinance, provided they meet the location and design requirements set forth below:

a. Any telecommunication facility below sixty-five (65) feet when measured from ground level which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations.

SECTION F. COLLOCATION OF SMALL WIRELESS FACILITIES IN PUBLIC RIGHT-OF-WAYS

The collocation of small wireless facilities in public right-of-ways shall require the issuance of all necessary permits, subject to the following requirements:

1. No more than twenty-five (25) facilities may be included within a single permit application;

2. All ground mounted equipment must be properly screened through the use of vegetation;

3. Each new small wireless facility collocations shall not extend more than ten (10) feet above the utility pole, city utility pole, or support structure on which it is collocated. Facilities located within;

4. All antennae shall be of a color similar to the color of the utility pole, city utility pole, or support structure on which it is collocated;

5. The facility(s) shall comply with all Historic District requirements, if the facility(s) is located within a Historic District;

6. The utility pole, city utility pole, or support structure on which the facility(s) is collocated, must be so designed as to accommodate the additional weight and mass of the facility, so to ensure its possible collapse will not injure lives or property;
7. The facility(s) must be placed into service within one (1) year of the issuance of required permits; and
8. Should the facility(s) be taken out of service (abandoned) for more than one hundred eighty (180) days, the owners of the facility shall be required to remove the facility.

SECTION G. SMALL WIRELESS FACILITIES IN PUBLIC RIGHT-OF-WAYS

The installation of small wireless facilities in public right-of-ways shall require the issuance of all necessary permits, subject to the following requirements:

1. Each new utility pole, and each modified or replacement utility pole, city utility pole, or wireless support structure installed in the public right-of-way shall not exceed fifty (50) feet above ground level;
2. Each new small wireless facility in the public right-of-way shall not extend more than ten (10) feet above the utility pole, city utility pole, or wireless support structure on which it is located;
3. In areas zoned single-family residential where utilities are underground, each new utility pole, and each modified or replacement utility pole, city utility pole, or wireless support structure installed in the public right-of-way shall not exceed forty (40) feet above ground level;
4. All ground mounted equipment must be properly screened through the use of vegetation;
5. All antennae shall be of a color similar to the color of the utility pole, city utility pole, or support structure on which it is collocated;
6. The facility(s) shall comply with all Historic District requirements, if the facility(s) is located within a Historic District;
7. The utility pole, city utility pole, or support structure on which the facility(s) is collocated, must be so designed as to accommodate the additional weight and mass of the facility, so to ensure its possible collapse will not injure lives or property;
8. The facility(s) must be placed into service within one (1) year of the issuance of required permits; and
9. Should the facility(s) be taken out of service (abandoned) for more than one hundred eighty (180) days, the owners of the facility shall be required to remove the facility.

SECTION H. APPLICATION REQUIREMENTS AND PERMITTING PROCESS

1. **Application Content**
Applications for new small wireless facilities, both new utility poles, support facilities and collocations shall include the following items:
 - a. A detailed and scaled site plan depicting the locations of all proposed facilities;
 - b. A drawing of the type of facility proposed, which includes facility heights, the location of ground mounted equipment, necessary screening, and the color and design of all antennae;
 - c. Engineering reports outlining the adequacy of the structural integrity of all new utility poles or wireless support structures; and
 - d. Evidence the facility will comply with applicable building and fire codes.

Applications shall be made to the City of Hickory of official applications made available by the city.

2. **Application Process**
Once a complete application has been provided to the city along with the required application fees, the city shall conduct a review, and provide either a permit, or comments for plan revisions within thirty days of the date of the application's submission.

Applications requiring plan revisions must address the revisions to be resubmitted. Upon resubmission, the city shall provide a permit or deny the application based on identified deficiencies within forty-five days of the date of resubmission. If deficiencies are identified, the application must address these deficiencies to be resubmitted. Upon resubmission of the application, the city shall conduct a review and provide either a permit or denial within thirty days of the date of the application's resubmission."

2. Deferred the Proposed Ordinance to Regulate the Public's Use of Drones on City Property – Presented by Deputy City Attorney Arnita Dula.

The popularity of unmanned aircraft systems, commonly called drones, continues to increase with the public. Many people use them for different legitimate purposes including aerial photograph, search and rescue missions, and emergency management purposes. Many members of the public fly drone aircrafts as a hobby. However, sometimes drones may be used in ways that may endanger public safety or are illegal. Since 2014, North Carolina has enacted various session laws to regulate the operation of drones. G.S. 15A-300.2 specifically permits a local government to adopt an ordinance regulating the launch and recovery of drones on governmental property. The proposed ordinance would restrict the public from using city property to launch or recover drones. The rationale behind such a restriction is for public safety purposes. Staff recommends Council's approval of the Drone Use Ordinance.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 21, 2018.

City Manager Warren Wood advised this item would not be heard as Council and Staff wanted more time to discuss the proposed ordinance and it would be re-advertised if Council considered it at a later date.

City Attorney John Crone proposed a motion to continue the hearing at a time certain to be determined later and held after due public notice.

Alderman Zagaroli moved, seconded by Alderwoman Patton to continue the Public Hearing.

Alderman Lail asked the group if the public hearing was not open, would they have to continue, or could they choose not to open. He stated that he did not feel prepared to pick a certain time. Alderman Lail moved that they not open the public hearing on this matter.

Mr. Wood advised that there had been another motion already proposed.

Mayor Guess took the vote, all Council members voted in opposition. The motion failed.

Alderman Lail moved, seconded by Alderwoman Williams to not open the public hearing at that time. The motion carried unanimously.

B. Departmental Reports:

1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Ward 5 (Zagaroli Appoints) (Justin Query Moved Out of Ward 5)	VACANT
At-Large (Outside City but within HRP) (Council Appoints)	
(Meg Manderson resigns effective January 1, 2019)	VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
African-American (Council Appoints)	VACANT
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 with Recommendation from County)	VACANT
Caldwell County (Mayor Appoints with Recommendation from County)	VACANT

INTERNATIONAL COUNCIL

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

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
At-Large Minority (1) (Council Appoints)	VACANT

PUBLIC ART COMMISSION

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

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 2 (C. Williams Appoints) (Mahesh Patel Resigned 10-1-18) VACANT
 Ward 4 (D. Williams Appoints) VACANT
 At-Large (Council Appoints) VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)
 At-Large Representative VACANT
 At-Large Representative VACANT

C. Presentation of Petitions and Requests

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

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

Mayor Guess shared that Governor Cooper recently announced the establishment of Design Foundry, an upholstered furniture manufacturing company, in the City of Hickory. They plan to invest \$3.1 million dollars and bring 202 jobs with an average wage of \$57,000 over a five year period. Mayor Guess added that the City is very excited about the continued growth that the City is experiencing.

Mr. Wood shared that since Council's last meeting the Governor had also announced that Isotopen Technologien Muenchen (ITM) would be established at the Trivium Corporate Center. ITM would be investing \$17 million dollars and providing 130 new jobs with an average wage of \$65,000. He pointed out that the average wage in Catawba County was just above \$41,000 so these two new companies would be a great addition to our area.

Mr. Wood added that they would be holding a formal reception for Chief Hutchinson on January 15th before the City Council meeting at 5:30 p.m.

Alderman Seaver shared that this year would be the 75th year since the opening of the Hickory Museum of Art. Mr. Carfagno, Executive Director of the Hickory Museum of Art spoke at his last Kiwanis meeting and shared part of a quote by Mayor Lyerly from the grand opening of the museum in 1944: "This occasion simply marks another step in our upward path and I congratulate you upon its attainment. Knowing Hickory people as well as I do, I know this museum will be a complete success and will become one of..." Alderman Seaver added that Mayor Lyerly had that perception in 1944 that the City was moving upward and look where they are now. He continued that the Museum would be starting this year with new exhibit titled "Dangerfield" and he hopes everyone gets to see that.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

City Attorney John Crone requested Council go into closed session to discuss the examination and approval of a settlement agreement and release in the City of Hickory versus Willie James Grimes, Argonaut Great Central Insurance Company et al., case number 16-CVS-1023 and the City of Hickory versus Argonaut Great Central Insurance case number 17-CVS-3042.

Mayor Guess moved, seconded by Alderwoman Patton that Council go into closed session to consult with the attorneys on the above-mentioned item. The motion carried unanimously.

1. Discussion of Litigation - NCGS §143-318.11(a)(3)

Council convened to closed session at approximately 7:54 p.m.

Council reconvened to open session at approximately 7:58 p.m.

Upon return to open session, Mr. Crone requested approval for Mayor Guess to execute a settlement agreement and release with Argonaut Great Central Insurance Company, regarding the Willie James Grimes case.

Alderwoman Patton moved, seconded by Alderman Lail approval of Mayor Guess executing the settlement and release agreement. The motion carried unanimously.

XV. There being no further business, the meeting adjourned at 8:03 p.m.

January 8, 2019

Mayor

Executive Assistant to the City Manager