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A Special Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, May 15, 2018 at 5:00 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, City Attorney John Crone, Deputy City Attorney Arnita Dula, Assistant to the City Manager Yaidee Fox, Communications and Marketing Manager Dana Kaminske, Communications Specialist Sarah Killian, Planning Manager Cal Overby, Planning Director Brian Frazier, Planner Ross Zelenske, Public Services Director Kevin Greer, Governmental Affairs Analyst Sarah Prencipe, Information Technology Manager Mike Woods, Business Services Manager Dave Leonetti, Human Resources Director Claudia Main, and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All City Council members were present.
- II. Discussion of Text Amendment 18-01 to the Hickory Land Development Code.

City Manager Warren Wood advised over the years the City had worked to improve the Land Development Code and really simplified it. He advised this was the next round of text amendments related to that. Staff felt like a workshop was necessary to really fully understand what was included in this round of amendments. He asked the City's Planning Director Brian Frazier to the podium to present Council with those changes.

Planning Director Brian Frazier presented a PowerPoint presentation. He advised Staff looks at the text amendments which come up in the Land Development Code (LDC), which is the law, it includes everything from subdivision, lighting, landscaping, storm water, zoning, etc. Most counties refer to the Land Development Code as Unified Development Ordinances (UDO). The City's LDC is updated annually. In August 2017, Council adopted the Hickory by Choice 2030 plan, which was a major five year revision. The LDC was soon to follow which were the text amendments which he was presenting. Staff reviewed and identified a number of recommended amendments. They had not identified anything really large scale to be amended or reviewed at this time. He discussed the highlights, correction of typos and administrative actions within the code, revisions necessary to comply with recent revisions to either North Carolina General Statutes, in this case subdivisions, or Federal law, in this case the U.S. Supreme Court's ruling, Reed vs Town of Gilbert which was a case over a church sign, regarding content and neutrality. Cities cannot review the message of the sign, only its height and size. It is not what the sign says under the first amendment of the constitution. They identified the Board of Adjustment (BOA) and not the Planning Commission as the correct jurisdictional body to hear appeals to administrative decisions regarding property subdivisions. That doesn't seem like a big deal, but it is under General Statute, and was something they needed to revise.

Alderman Lail confirmed the Planning Commission was the Board of Adjustment.

Mr. Frazier replied yes.

City Manager Warren Wood asked Mr. Frazier to explain why that transition took place, the combination of the Board of Adjustment and the Planning Commission.

Mr. Frazier explained that years before he came to the City there was a separate Planning Commission, a Subdivision Review Board, and a Board of Adjustment. A lot of communities do it different ways. It just made a lot of sense to combine the two boards for their expert opinions in getting a concise ruling. Even though the City has regularly scheduled Planning Commission meetings, the Board of Adjustment doesn't meet on a regular basis. The Board meets at a time when there is an area variance, a dimensional type variance had happened maybe two or three times, since he and Mr. Overby had been with the City. Maybe half a dozen to a dozen times when someone didn't like the Planning Director's interpretation. The Board of Adjustment would meet to hear the citizen's concern versus the City's interpretation.

Mr. Frazier advised one thing they did to increase neighborhood protection, was within the I&D industrial zoning district, they are now requiring the screening of rooftop RTU's under the HVAC equipment that is adjacent to residentially zoned properties. Before those units only had to be screened from a major thoroughfare, now they are trying to add some neighborhood protection. In Hickory there is not a lot of well-developed transitional zones. They had tried to permit them, allow them, and increase the number of them. We have a lot of districts where residential subdivisions, especially in our older neighborhoods, are directly contiguous abutting to our industrial areas. They are doing this for the neighborhood protection. Also the high rise sign overlay district was revised to increase the allowable sign area from 150 to 200 square feet. That is something that is being done across the State and across the country, so it still isn't looking like a postage stamp when you are driving 80 mph on I-40, but it is not going to look huge or oversized either.

Mr. Frazier discussed Article 6, which was ongoing both locally and in the State of North Carolina General Assembly, which was electronic gaming operations. They removed that from the use table in order to comply with State law. The State took away the internet gaming, the electronic gaming, the sweepstakes, and the bingo. Now they do allow games of skill which are tough to

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regulate. That may be more of a Police operation than it is a zoning enforcement operation. He talked to local elected leaders, there was a Bill in the State Senate that made it through the Senate but did not make it through the House approximately a year ago. There had been several cases. The lawyers are many, and the lobbyist are many for the gaming industry. Right now, by law, if they meet our criteria we have to allow skilled based games, but a lot of those end up changing or transitioning illegally to games of chance. Some people have put those machines in gas stations and convenient stores, and have never gotten approval from the City. A lot of this was riding on what the General Assembly does and what law enforcement deems to be legal or illegal under the State Statute.

Alderwoman Williams mentioned she was aware of three of these that just popped up that were exclusively Irish Arcade, or Fishing Arcade. People have asked if those were legal.

Mr. Frazier replied depending on what games are inside of them yes, if they are a skilled based game.

Alderwoman Williams asked if the City monitored them or did anybody go in to check them.

Mr. Frazier responded the City monitors them during their preliminary and final inspections. Once they are open law enforcement usually goes in with either a uniformed officer or a plain clothes officer to make sure that the games are legal. The games are supposed to be regulated by the industry and there is supposed to be a sticker on them that says they have been regulated by the industry. Most of the games that they see here are fish tables. They are flat tables, about the size of a pool table, which you can seat 8 to 10 people around them and feed them quarters, token, credit cards, etc. It is a 3D display which looks like you are looking into an ocean and you are figuratively shooting/stabbing fish in a barrel. They have this same game at Hickory Dickory Dock and Chuck E. Cheese. They have turned what was a kid's game into a gambling venture. Some of these seem to work fine. He had been in a few. There are other ones where undesirable elements have moved in, illegal drugs, and illegal betting. Some have closed down voluntarily and some have been closed down by Hickory Law enforcement or the County's Sheriff's office. We had one legitimate gaming operation up near the strip mall near MDI on 321 North and Caldwell County came in and told them they were shut down and they left the property and were looking for another site. The interpretation around the State with law enforcement isn't consistent nor is it with zoning. There had been other cities and municipalities in the State who say they are banning them and have gotten sued. Right now the City is allowing them, they seem to have hit somewhat of a peak. At one time there were 13, then close up to 20, now they are down to a dozen again. It seems to depend a lot on the location of them as to what folks frequent them.

Alderman Zagaroli asked what affect the Supreme Court decision would have on some gaming areas. The Supreme Court just said that you could have betting on basketball, professional and college, it is going to be legal.

Alderman Lail interjected regulated by the States, so we don't have it in North Carolina.

Mr. Frazier responded Staff was waiting to see what impact, if any, there will be on local municipalities.

Alderman Seaver commented it was a discrimination issue. Nevada was allowed and no other State was.

Alderwoman Patton replied no, Mississippi had it.

Mr. Frazier assumed that nothing was going to happen until after the November elections. So maybe after January they will see something come about because there are a lot of people who are adamantly opposed to this and he understood the reasons why. They are closely monitoring the local chapter of the American Planning Association (APA).

Alderman Seaver asked if alcoholic beverages were allowed in those facilities.

Mr. Frazier responded no, and no one has ever applied for them. He had heard there had been people bringing in their own beer and they were asked to leave. Some of these facilities have "bouncers" or armed guards at the site because they are expecting trouble. It depends on where they are and it depends on who manages them. He couldn't say they were all the same in northeast or southwest, it all depends on the business.

City Attorney John Crone mentioned that he had discussions with municipal lawyers before, during, and after the Supreme Court opinion and the North Carolina lawyers he had talked to didn't feel like it was going to affect North Carolina. He didn't think our Legislators, based on the prior decisions they had made, were going to go out on that limb.

Mr. Frazier advised they were also recommending requiring additional screening with open storage visible from private and public streets. It should be chain link fence. The slating would no longer be considered to be acceptable. It used to be 90 percent opaque. That was tough to enforce. What is 90 percent? Over time it would get damaged, faded with the sun, and it gets brittle. The vinyl or the plastic will eventually crack and shatter and then the business owner is paying for it twice. They are pushing now more with natural screening with walls of vegetation.

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Alderman Lail referenced when Council initially went to screening and they had to extend timeframes. That was one of the things they added in as a compromise. The folks that did that and had the slates, would they now be in violation of the code?

Mr. Frazier responded no, they would be grandfathered in. This would be new businesses from here on out. A lot of them didn't even want to use the slating, they were basically using heavy duty landscape fabric. The twist ties break and they blow in the wind and it really looks unsightly. They are trying to beef that up a little bit mostly to protect the residential neighborhoods.

Alderwoman Patton asked what happens once someone's fencing or barrier becomes downgraded and diminished.

Mr. Frazier advised they would notify them and let them know they have to fix it. It had happened with some of the established junkyards, and they have asked them to fix it. He referred to a call where a neighbor was complaining that some of the trees up at Publix in the parking lot had died and he wanted to know what the City would do about it. Mr. Frazier advised they would be sent a letter and would have 30 days to replace it. It is part of the code. It is similar in nature.

City Manager Warren Wood asked what if the slating deteriorates, would they be required to meet the new standard.

Mr. Frazier responded yes.

Alderwoman Patton asked to what degree.

Mr. Frazier replied they would have to comply with the new code. If it was a certain section of it they would probably have them to replace it. It would be his determination and then they could challenge that with the Board of Adjustment. They had over 80 that were out of compliance that they were able to bring back in compliance in less than a year. They worked with the Chamber of Commerce and were able to get their full cooperation as well.

Mayor Guess had heard concerns about McDonald Parkway. He thought the North Carolina Department of Transportation (NCDOT) put that on the fencing there. It was deteriorating.

Mr. Frazier asked if he was referring to the quarry.

Mayor Guess confirmed yes. He asked if the same rules applied to that or was that a different scenario.

Mr. Frazier advised they could put that in the code, but whether the State would comply was highly doubtful.

Mayor Guess commented in that case all they could do was ask them.

Mr. Frazier responded they would ask them. He thought they were original talking about putting in a much stronger type fence. In terms of visibility you wouldn't be able to see through it. Folks thought that looking at the quarry, driving at what used to be 45 mph, would be a distraction. Mr. Frazier agreed with Mayor Guess that it was deteriorating.

Mr. Frazier discussed multifamily residential development containing more than 150 units. They would be required to provide at least two vehicular access points, which was chiefly for public safety for emergency vehicles. That had been an issue in the past. Most developers would want that for the salability and the safety concerns for their residents. We do not have anything at this time requiring that. This would require that if Council adopts this. They had asked Duke Energy to review the City's revised landscaping standards to make sure they are in compliance. Duke has arborist and horticulturalist and a number of expertise that we do not have. Over the years, until we modified the LDC a few years back in the landscaping section, folks under the City's direction would plant certain species of trees under high overhead powerlines. Eventually those trees would grow to the point that Duke would hire a company to come in and give them a "hair" cut. Sometimes when those trees were getting a "hair" cut, not only did it look unsightly but sometimes the property owners would say it looks so bad I am just going to cut down the tree and then they were in violation of the City's code. They were in that catch 22. They had adjusted, over the years, the manual of practice in the LDC that we use the same type of trees that only grow to a certain point that Duke Energy has allowed under their code. It has worked out rather well and we have really good communication between us and Duke Energy in that regard. It would save the business owners a lot of money in the long term.

Alderwoman Patton commented also residential, because she had noticed in her neighborhood in the last six weeks, Duke or a subsidiary of Duke, had come through and cut the trees back around the wires so bad they might as well cut the trees down.

Mr. Frazier replied that usually falls to the residential property owner. Staff also asked a couple of local sign companies to review the revised sign standards to make sure that maybe it wasn't too stringent, and if they get on the phone and yelled this is the best thing ever, then he would know that he made a mistake. They did not get that. They said it was not too stringent and were satisfied with it.

City Manager Warren Wood asked for some examples that were made to sign standards.

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Mr. Frazier explained basically beyond the changes to the highway district over the years and now some of the signs were allowing a greater square footage or the number of signs. Particularly affecting some of those properties, like the strip malls on Highway 70 that are far off the road so that aren't necessarily looking like postage stamps. Does it really make a difference if we allow two signs versus three as long as what the square footage allotments are?

Alderman Lail asked for clarification on a section that exempts certain signs from the City's regulations. They took out a whole bunch of stuff that was exempted. He used for example, flags of a civic organization might be exempted. The reason underlying that was because we can't regulate content based signs, but if we are exempting it from the ordinance are we not then implying that it is subject to the ordinance?

Mr. Frazier asked Alderman Lail what section that was in.

Alderman Lail advised the section.

Alderwoman Williams asked for some examples.

Alderman Lail commented official flags of corporate, professional, fraternal, civic, religious or educational organization.

Mr. Frazier replied they were eliminating the official flag to one flag per lot no more than 5 x 8 feet.

Alderman Lail advised he was reading the section that said "signs exempt from regulations". Lenoir-Rhyne University would not be able to fly its Lenoir-Rhyne flag, or at least, under the current code it is an exempted sign. By taking it out of the exemptions, does it now become a regulated sign?

Mr. Frazier responded his answer would be no. That was not the intent.

Alderman Lail commented there was a section which talked about the height of flagpoles.

Mr. Frazier replied they took out the section regarding political signs, partially because of the Supreme Court's decision and partially because of State Statute from a few years back that basically allowed political signs to be within the right of way as long as they weren't within 3 feet of pavement or over 843 square inches. They took that section out because basically the State overrode our local ordinance regarding sign regulations for political signs.

Alderman Lail asked if the City had the authority to regulate when they can put them up and when they can take them down.

Mr. Frazier advised it was basically regulated by the State of North Carolina. Some of those mirrored ours and some of them did not.

Alderman Lail commented previously it was 60 days before an election and then they need to come down after the election.

Mr. Frazier interjected within 10 days.

Alderman Lail commented very reasonable. Now that is out.

Mr. Frazier replied no, the State is the same. It is 10 days after the election. The timeframe now is the preliminary voting date. They had talked to attorneys about this as well as North Carolina Chapter of American Planning Association, and the School of Government and that was fairly clear. That was the opinion of the attorneys at the School of Government. Where they can put the signs up 30 days before the first day of early voting, but they have got to take them down 10 days after. So far most of the former candidates have complied. But then they have to redo it again when the general election comes up.

Alderman Seaver asked if they could leave them from the end of the primary.

Mr. Frazier responded no they cannot. A couple of campaigns thought they could until he chatted with them.

Alderman Lail asked if Lenoir-Rhyne University is flying a flag, or CVCC, we are not going to start regulating that.

Mr. Frazier advised they were not considering those as signs. Not a flag.

Mayor Guess asked about feather flags.

Mr. Frazier advised they call them pennant or more commonly feather flags. They were in the ordinance, and it was a matter of interpretation. Several years ago Council said they didn't want them. Staff had told folks that, but now they are codifying it, that they are not allowed. For whatever reason Council did not like them and they had a lot of comments from the general public not liking the pennant or the feather flags. Part of it was the sign companies too, because they weren't really selling them and you could get them from Amazon or eBay. That was something that Council had mentioned to Staff that they didn't want to see and that was

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supposed to be put in the ordinance and was inadvertently omitted in the ordinance that it would be banned.

Mayor Guess asked for clarification, if you were allowed to have any of those or if there was a restriction on those.

Mr. Frazier advised you are not allowed to have any of those.

Alderman Lail asked about mounting wall signs, referring to page 211. They eliminated the requirement that wall signs be mounted parallel to the building façade. To him that read now you could mount them perpendicular to the building façade.

Mr. Frazier commented they allowed that before only in the C1 district. He wasn't talking about a 150 square foot sign.

Alderman Lail referred to Section 10.5 signs in commercial, office and institutional, and industrial districts. He liked that signs be mounted parallel to the building façade. He didn't want to see signs out perpendicular.

Mr. Frazier advised that had been allowed before in the C1 district, but it was not a huge sign, it would just be one advertising their business. When you are walking down Union Square you could see from the next block of what individual business would be there. Now they have allowed it in certain circumstances in other places that have done a mixed use type of development such as Hollar Mill. He asked if Alderman Lail was referring to Section 10.5 (b).

Alderman Lail confirmed 10.5 (b) building and façade. He needed clarification. His vision was you are driving down Springs Road or 127 and you have got CVS with a sign sticking out like that.

Mr. Frazier understood what Alderman Lail was saying. He advised they could maybe clarify that.

Alderman Lail commented there is existing language in there that allows that in C1.

Mr. Frazier replied in C1, but they were talking about signs as big as a bread box, structurally you wouldn't be able to do it.

Alderman Lail advised the way that he read it, it was talking about all districts. They were eliminating that requirement that they be mounted parallel.

Mr. Frazier advised they would address that.

Alderman Lail saw that as consequential and policy level type stuff, not update.

Mr. Frazier commented the thing they were looking for in those multiuse type districts, beyond the Central Business District, because Hollar Mill had asked for it. He wasn't sure if Moretz had asked for it or not. But in mixed use with that type of walkability to them it just made sense. That was his interpretation, and they were looking at codifying it within the LDC.

Alderman Lail asked if it was going to have unintended consequences in other areas of the City.

Mr. Frazier replied it is possible. They have a height requirement that it has to have a clearance of 8 feet so no one is bumping their head into it as they are going by. If someone wanted to put in a ginormous sign they would have to prove structurally that it could work.

Planning Manager Cal Overby advised Alderman Lail to look at the section right before that. The section that Alderman Lail was referring to, was 3, which was deleted and shown in red. Right above that the projection of the sign could only be 24 inches.

Alderman Lail commented so that would mean that if you were going to mount it you would have to mount letters that said CVS that were 24 inches wide.

Mr. Overby gave an example of Catawba Valley Boulevard between what used to be Sunrise Appliance, now Blossman Gas. That sign is what this was intending to accomplish. He asked Alderman Lail if he was familiar with the sign.

Alderman Lail couldn't remember the sign.

Mr. Overby commented what you are looking at, on the front façade of that wall which faces Catawba Valley Boulevard, you have a sign that is basically horizontal to the building but it projects 24 inches out. It says Blossman Gas going vertically on both sides of the sign.

Alderman Lail replied so it is restricted that we are not building big signs out.

Alderman Zagaroli confirmed 24 inches was the extent that it could go out. Could it go up?

City Manager Warren Wood reiterated Alderman Zagaroli's question, how far up.

Mr. Overby advised signs could not project above the roofline of the building.

Alderman Zagaroli replied and it has to be 8 feet.

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Mr. Overby advised you have to have that 8 foot clearance if there is a sidewalk and a pedestrian area under it. You have a building façade and the front entrance with a landscaped area, you would want to mount the sign 24 inches perpendicular on this particular wall. You wouldn't have the 8 foot because you wouldn't have anyone going under it. That would only come into effect if you had sidewalk, pedestrian area, or something to that nature there.

Alderman Zagaroli asked if there was a three-story building you could go up three-stories, 24 inches out.

Mr. Overby responded sure. In some of those instances you have in downtown Hickory. Some of those signs are in the upper stories that have businesses.

Alderman Zagaroli thought they had done that at the Arts Center. They had some signs that went up like two-stories high, he thought they were projected out 25 inches not 24.

Mr. Overby replied as long as that magic number threshold isn't reached for area.

City Manager Warren Wood asked what the motivation was behind this.

Mr. Overby commented to offer better flexibility. A lot of the zoning districts require very minimal setbacks from the road. Theoretically if someone wants to come in and build a building that is 10 foot from the road they could do that. By doing that what they actually do in this instance they restrict themselves greatly in terms of what they could do for a freestanding sign. This gives them the opportunity to have some of that visibility to know that business is there before you get right up on it and you see a parallel mounted sign. That was part of the idea that goes along with this. They are promoting a lot of compact development around a lot of our major intersections. If they accomplish that through buildings being pushed to the street, narrow in terms of side setbacks, you are not going to have a lot of freestanding signs because there is not going to be any area. It is just not going to work because you have a sidewalk, a right of way, and a driveway. It offers a bit of additional flexibility in terms of how to get some advertising space out there without being intrusive, and having something very gaudy. That is what they were trying to accomplish.

Alderman Seaver asked if they allowed LED signs.

Mr. Overby replied actually we do. The City had never prohibited them whatsoever.

Mr. Frazier interjected that was something that they put into the code a few years ago that they had talked about Council had allowed. The only thing they do is regulate the height, the square footage and regulate per the NCDOT statute that they can't move, flash, blink or scroll and the message can change only every 8 seconds. They do not regulate lumens, the wattage, or the brightness.

City Manager Warren Wood asked if they could.

Mr. Frazier responded they could. He knew the City of Asheville does it. He had talked to other planners about it and he had researched it through APA and had talked to the sign companies. They could tell a company that they could only have "x" number of lumens on their sign. They are looking at a certain number of lumens during the day and a certain amount at night increasing brightness which makes sense, or decreasing it at night. The problem with this was enforcement. They don't enforce the code at night or on the weekends, and what are they enforcing during the day. None of the City's planners, nor he, are trained to regulate and know how to regulate lumens. Even with Asheville they regulated the lumens and the sign company would say okay this is how they are installed it. As soon as they get their approval "Joe" or "Jane" citizen calls the sign company and they come back and ask how they can turn the brightness up again.

Alderman Williams commented for now that would just depend on the property owners of the strip mall, or it would be at their discretion.

Mr. Frazier replied it depends, you can't interfere with the traveling public where it is such a distraction. The one out on Highway 70 SE near Wendy's was made by a foreign company that was really an inferior quality and there was times that he would drive by at night and it was literally strobing. He thought that Lamar Advertising or another regional firm had purchased it. They took that out and put in something that was much more advanced that wasn't causing that kind of distraction when you are driving or brightness. He advised he could tell if they were manufactured in the States or overseas with inferior quality. It is hard to regulate taste. They recently had a couple of these signs placed and some of them are more expensive than other ones. A couple of times they have actually requested that the applicant turn it down or change the background color from maybe neon blue or green to a black where it is not so intrusive. A big thing now is a lot of the churches want them because they can change their worship times or want to advertise a chicken supper or some other kind of function. They are super expensive. It has been cost prohibitive in the past, but as technology changes, just like with TV's and cellphones, the cost comes down. They are seeing more and more people having these signs. It depends on how much they are wanting to pay if they are going to get something that is aesthetically pleasing or something that is going to need some work.

Alderman Seaver asked if the City could limit the size.

Mr. Frazier advised in all sign districts they have limitations on height and size.

Alderman Seaver referred to a billboard that was LED.

Mr. Frazier responded billboards no. That changed in the LDC several years ago. They were just talking about a regular sign. They used to allow billboards, which they no longer do, and the signs could be LED if it was only advertising basically the time and temperature. Like a lot of the banks did back in the 70s and 80s. They had changed that because a lot of people now want that more modern look of the LED. A lot of the old panels will fade, crack and break over time. The technology is much better in some of them than in others. But could they regulate it? Yes. Would it be difficult to set up an ordinance or something in the LDC? No, but enforcing it would be next to impossible.

City Manager Warren Wood advised he had received a lot of complaints about a business on Highway 127. When they changed it from blue to black it improved. If there is a proliferation of that sort of sign, where they are not willing to change the color, they will hear about that.

Alderwoman Williams commented she had heard about that one.

Mr. Frazier asked if it was a relatively new business in Viewmont.

City Manager Warren Wood replied yes.

Mr. Frazier referred to one further up on 127, one in Viewmont, both on the east side of the road, there were at least two churches that have that LED technology, but it is not as colorful as the one that we have. He thought Planner Ross Zelenske had a call about that one and asked them to stop the flashing strobing message. It has to be static for at least 8 seconds.

City Manager Warren Wood replied if you reach the point where it is allowed in the ordinance and folks aren't voluntarily willing to change, it could be a problem. That one was bad. The other one further down was not electronic.

Alderwoman Williams asked if it was within code. She felt bad because there was another business on the side that has no signage yet.

Mr. Frazier commented that Mr. Wood was correct, as technology changes and prices come down we could easily see proliferation of these. Is that something that Council wants to see? There are some communities where a lot of them have it with the overseas technology, or it is not as aesthetically pleasing to most people. It is extremely difficult to regulate those lumens. The folks that we have that have these have been willing to comply with their request to either regulate the message speed or turn down the lumens, and they have done it voluntarily. There had been one over on 70 near the Fairgrove Business Park. They had that issue with them on and off for years as well.

Alderman Seaver asked if they made a gun that you could drive by and click and see what the lumens are.

Mr. Frazier commented they had a noise meters. He wasn't sure there may be technology that would measure that.

Alderman Seaver commented it would come if they start getting a lot of cities having to enforce that.

City Manager Warren Wood asked Council if they had an opinion about the LED signs. He asked if that was something they wanted to look at or if they were satisfied with what was allowed currently.

Alderman Seaver responded with all of this gambling he didn't want to be lit up like Las Vegas.

Council agreed.

City Manager Warren Wood advised Staff would look for direction from Council.

Alderwoman Patton thought they should flesh that out a little bit.

Mayor Guess thought they should explore their options. They could always change the code depending on what happens down the road.

Mr. Frazier advised the code could be modified anytime through proper notification and advertising for the Planning Commission and for City Council. It doesn't have to be the once a year. There are times when they bring something to Council between that 12 month time-period, certainly they do that a lot.

Alderman Lail commented they would be in a reactive mode.

Alderwoman Patton preferred to be proactive on it. She didn't want it to be in their face all of a sudden and they had to do something.

Mr. Frazier didn't think these gaming businesses could afford such a sign. A lot of them are looking at making a quick buck before the General Statutes change.

Mayor Guess requested that Staff look at their options and bring back some options to them on what they could do.

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City Manager Warren Wood interjected tighten it up.

Alderman Zagaroli commented if Council was concerned about this, the ones that are already there they would certainly have to grandfather them in, but they would eliminate future problems.

Mayor Guess mentioned they were in a good situation right now because they didn't have that many of them.

City Manager Warren Wood advised Staff would come back with some options on that particular item.

Mr. Frazier advised there were a couple of churches that had applications on the way.

Mayor Guess responded typically they are not as bright for some reason, he didn't know why.

Alderman Seaver commented maybe it was the size.

Mr. Frazier advised they were usually a bit more subdued. He hadn't seen many churches that were as flashy as the new business in Viewmont. Most are pretty conservative. A lot of these amendments were necessitated due to recent changes in State General Statute or Federal law. They were also trying to make sure that the amendments and the LDC were fully consistent and compliant with Hickory by Choice 2030 that Council readopted last August. The plan itself didn't specifically address the verbatim language within the LDC, they wanted to make sure it was copasetic and also that the LDC would continue to protect public health, safety, and general welfare. The Planning Commission reviewed this in March 2018 and approved it as is unanimously. He didn't think they would have any problems with any changes that Council wanted to make and Staff would certainly consider any revisions. They would take a look at the sign ordinance specifically.

Alderman Lail questioned the section on subdivisions. They were saying that the developers didn't have to dedicate streets anymore because that is an unjust taking. He referred to section 2.3.4.

Mr. Overby explained that was not what that was saying it was for a minor subdivision. That was saying that the City couldn't compulsively require someone to dedicate right of way along a proposed thoroughfare. Prior to Mr. Overby's employment with Hickory there was a practice at a point in time where if a thoroughfare existed on a map.

Alderman Lail interjected the Map Act. That was what this was addressing, not the potential for a subdivision in a neighborhood with streets.

Mr. Overby explained this was precluding that from happening. For example if someone comes in and says they are going to build a subdivision, I have 45 acres and have 20-30 lots in here and put in some streets. Yes, all of the streets right of ways would be dedicated. The streets would be constructed to the City's specifications, and either they will be privately maintained or they will be offered to the City for maintenance. What they were trying to avoid was basically doing an unjust taking of property. That was a practice that the City did for many years. If it was on a map, whether it was going to be there in the future or not it was given to the property. He never felt comfortable with that because he didn't think that was the right thing to do. The legislation validated that formally within the last year or so. He referred to the section before the one Alderman Lail was talking about. A new section. Mr. Overby wanted Council to be aware of some implications that may go along with this. He advised it was Section 2.3.3. This was actually new in North Carolina General Statutes, it was technically called an expedited review, but it wasn't really an expedited review it was an exemption to the subdivision code. This past fall Mr. Overby was in Greenville, North Carolina for a planning conference and he ran into a faculty member from the School of Government. They chatted about this for a while and Mr. Overby asked if this was an exemption or what. He said well, yeah, kind of, sort of. This allows someone to divide a property without putting in any infrastructure in whatsoever. You could take a piece of property that is five acres or greater and divide it into three lots and not install any streets or sewer, or anything. As long as the lots meet our minimum size requirements. The caveats to that, it has to meet that requirement and they can't do it but every ten years. That precludes this development from coming in and piece milling a development overtime. He referred to County zoning, where they have family subdivisions, where you could cut a lot off for "Johnny" or "Susie" and they build a house outback. This kind of does that inadvertently. The implications this may have for the City is public services and public safety. They require a paved driveway, but that is not an awful lot. A paved driveway could be 6 or 7 feet wide. Try to put a fire truck down that to get someone who has had a heart attack. There is not a lot they can do about it, but he wanted to express that to Council so they could at least understand that this is the new normal, we have something that we have to deal with here.

Alderman Seaver joked you would have to space the children out 10 years apart.

Mr. Overby felt that was a real concern for public safety.

Alderman Seaver commented how could you plan for every possibility? That is just unbelievable.

Mr. Overby commented someone had something that didn't go through so they are all about it.

Alderman Lail asked about the big commercial zones CC2.

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Mr. Overby advised that was a corridor zone.

Alderman Lail commented they had eliminated the requirement for public transit. Why?

Mr. Overby explained if they require public transit to be at every commercial area, Greenway is not going to stop at them. They would consult with Greenway, at that point in time, to see if there is warranted to have a public transit stop at that location. Just compulsively saying that every shopping center along this stretch here has to put in a transit stop is unrealistic. Most of them, for the most part now, are in the shelters that are adjacent to right of ways. Very few buses actually pull into developments into a shopping complex. He used as an example the Lowes which was constructed in Viewmont. There is a transit stop behind Bank of Granite in that shopping center. He had never seen a bus go to it. That was what they were trying to get away from.

Alderman Lail questioned planned developments, they did away with prescribed densities and said any densities would be determined by City Council.

Mr. Overby responded in compliance with their plan, their overarching plan.

Alderman Lail asked how Council was going to determine density requirements.

Mr. Overby advised they would basically look at what the comprehensive plan says about recommendations for the area. He advised it does have recommendations and if you read the comprehensive plan, Hickory by Choice, it does have some recommendations about the types and intensities of types of developments that you would have in a place. What that does, it gives Council the flexibility of not being tied to "x" number, just written into a law. That is what the LDC is, a law. The Hickory by Choice plan is a recommendation plan.

Alderman Lail commented if he was a developer how would he know what City Council would approve or not approve.

Mr. Overby replied that is a very true comment. You would really look at what the plan has in of itself.

Alderman Lail asked under what process they would use to bring it forward to Council. Could you run into where "Tom" is allowed 65 percent and "Bill" has a little bit better presentation and we like what he is selling a little bit better and we give him 80 percent?

Mr. Overby commented Council could run into that. That is what you run into in a legislative process.

Alderman Lail asked if they could look at that and maybe streamline that. He thought that would be just maximum density.

Mr. Overby replied yes, they are not setting the bar low.

Alderman Lail asked them to look at that internally. He didn't know if he would feel comfortable with that.

Mr. Overby advised they put that forward to offer some flexibility.

Alderman Lail understood.

Mr. Overby explained if you have that definitive concrete number in the law then they could do nothing about it.

Alderman Lail commented it is up here and everybody knows it. It doesn't mean everybody deals to that point. That was what he was saying.

City Manager Warren Wood interjected it opens up to play favorites.

Alderman Lail commented and it puts Council in a position to where they are not best suited to make a determination.

City Manager Warren Wood commented they could make a recommendation but then the developer can argue that it was not enough.

City Attorney John Crone asked if that came straight to Council or did it go through the Planning Commission first.

Mr. Overby advised it would go through both.

City Manager Warren Wood commented if there was a way to prevent that scenario from playing out to some degree.

Mr. Overby advised they could review that.

Alderman Lail asked about pitched roofs in the multifamily developments. He asked why they did away with pitched roofs adjacent to single family.

Mr. Overby explained not everyone constructs a pitched roof on all apartments.

Alderman Lail knew that, but if they are an adjacent single family, which most single family homes are pitched roof, why would they not require multifamily to have pitched roofs. That was one he would be against.

Mr. Overby commented lots of times you have taller buildings.

Alderman Lail understood building construction, but he knew in the City you could go around and you could see cases where duplexes were built, flat roofs, in an R3 zoning, around single family homes and they stick out like sore thumbs. The requirement that if you are going to do multifamily in an R3 that it be a pitched roof, was a no brainer to him. He asked Council how they felt about it. They are getting less restrictive.

Alderwoman Patton commented they need to be more restrictive for the single family.

Alderman Lail commented be more sensitive to the single family homes.

Alderman Zagaroli asked if this was in R3.

Alderman Lail commented it was in multifamily development, R1, R2 and R3 districts.

Alderwoman Williams commented it may be the structure itself. She didn't recall ever seeing any multiunit pitched roofs.

Alderman Lail commented there were tons of them in Charlotte. You go down there where there has been redevelopment, you get a lot of multifamily. But they look like houses and they are in these neighborhoods. In some cases they have two fronts on them. They might be on a corner and both sides look like front doors.

Alderwoman Williams asked what the City's code was relating to, how many multiunit housing units we can have in residential.

Mr. Overby explained that it depended on the district. It varies. You could get denser in Hickory than anyone would want to build. You could get 25 to 30 units per acre. No one builds that because there is not a market here and it is just not going to happen. The City's development ordinance, in all stretch of the imagination, is much more generous than anyone would build here and it has been for a number of years, no one has ever taken advantage of it. The City and Council has offered that as an incentive for development, but no one has ever bit the hook.

Alderman Lail advised that was something that Staff could maybe look at.

City Manager Warren Wood asked where you could build apartment units with flat roofs currently.

Mr. Overby stated in commercial districts and mixed use districts.

City Manager Warren Wood commented so in this case if a multifamily unit was going up beside a residential home then they would have the option of doing either or. That was the change.

Mr. Overby replied correct.

City Manager Warren Wood asked if Council wanted to leave it like it was.

Alderman Zagaroli and Alderwoman Patton responded yes.

Mayor Guess asked what the purpose was for changing it.

Mr. Overby responded offer better flexibility and building types.

City Manager Warren Wood asked Mr. Overby if they got that a lot from builders.

Mr. Overby replied some, yes. People want to offer you different products to look at in terms of what type of product they want to build with.

Mr. Frazier advised in larger cities like Greensboro and Charlotte you would see a lot of them where they are articulated, they look like boxes, maybe the color schemes are a little bit different, but some of them are pretty out there. They allow flat roofs and they are like box structures. Some of them are setback off of the road and have an overhang to the sidewalk. It is just flexibility for development for different styles. If that is something that Council doesn't want to pursue they can certainly modify that.

Alderman Lail commented maybe in an urban environment, to the extent that we have urban environments in Hickory, in the more commercial environments then maybe that does make sense. Let's say you were doing something up against a street front on 127, so maybe a flat roof there does work.

Mr. Frazier commented something in the CDB.

Alderman Lail confirmed that kind of thing, but when you start getting into these "R" districts and allowing flat roofs, or giving options for flat roofs it is a little bit of heartburn for him.

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Alderman Seaver asked about a single family home with a flat roof.

Alderman Lail didn't think Council could prohibit that.

Mr. Frazier commented no.

Alderwoman Patton commented it is an architectural style for single family, but not for multifamily.

Mr. Frazier advised he saw a lot more of those here than when it was up north for obvious reasons, snow. There were still those architect that would build a flat roof and it would leak or collapse.

City Manager Warren Wood confirmed the consensus was to leave that one as is.

Alderwoman Patton asked if the ideas and comments would go back through the Planning Commission since they had already approved of all of these.

Mr. Frazier replied Council didn't have to. Staff was taking notes of any comments and they would bring it back to Council.

City Attorney John Crone commented they were not rewriting it, they were pretty much tweaking it.

Alderwoman Patton just wanted to make them aware of what their concerns were.

Mr. Frazier advised Council that this may not be able to go to the first meeting in June, but they were not under a rush deadline for this.

Alderwoman Patton wanted the Planning Commission to be aware of Council's thought process going forward.

Mr. Frazier advised they could convey the message but Council was not required by law to go back to the Planning Commission.

Alderman Lail asked about section 8.4.7 which was building lot sizes. They were going to amend this so that you don't have a minimum lot size it was related to a minimum buildable area.

Mr. Overby explained section 8.4.7, the subdivision chapter of the LDC. This does not say that the lot in that itself has to be 1,250 square foot. This was saying there has to be a place on the lot that is buildable that is at least 1,200 square foot. That was saying that you are basically not creating a non-buildable lot. Your minimum lot size that is prescribed by zoning still exist. This is a holdover that has been in the code for probably 30 years. That was a holdback to when people used to have septic tanks and not so much sewer lines everywhere. That was a requirement and it had been in place for quite a while now, that you have to have a building area that was equal to at least 1,200 square feet.

Alderman Lail asked who determined what the building area was.

Mr. Overby advised that would be Staff. You would look at topography, slope, flood plain, right of way, and sewer.

Alderman Lail advised it was vague.

Mr. Overby responded it is.

Alderman Lail commented it is a judgement call. He asked about article 8.8.8 the conservation subdivision. He advised the summary said the section was amended to increase the amount of conservation area, but when he looked at the document they had gone from 50 percent with a density bonus, to 30 percent.

Mr. Overby explained the conservation area had been reduced.

Alderman Lail commented in the summary it said the conservation area had been increased.

Mr. Overby replied that may have been wrongfully worded.

Alderman Lail confirmed that was an error. It had been decreased to 30 percent.

Mr. Overby advised the reason behind that was because these were not very popular, because of what you were dealing with. A developer would be required to put away so much land that they would then have to find someone to professionally maintain that from there on out and no one was interested.

Alderman Lail was okay with 30 percent.

Mr. Overby apologized for the clerical error.

Alderman Lail asked about the landscaping. They talked about Duke Energy, but they had relaxed the parking lot landscaping standards. He asked what was driving that. He had not heard any developers complain about the parking lot landscaping.

Mr. Overby responded they had. It was a very common comment that the Planning Staff receives every time they review a set of plans.

City Manager Warren Wood asked if it was out of whack.

Mr. Overby replied landscaping from municipality to municipality across the State is across the board. It was from people having an amazon jungle to a Navajo desert. We are somewhere kind of in the middle.

City Manager Warren Wood asked if it was mostly local developers complaining.

Mr. Overby responded yes. The national guys they will do whatever and go on to the next job.

Alderman Zagaroli asked if it was too restrictive.

Mr. Overby responded yes. It is too many trees in the parking lot. The complaint then is maintenance of the trees around automobiles.

City Manager Warren Wood asked about Belle Hollow. He asked if that was developed under the rule they were changing it to.

Mr. Overby responded no, that was developed along a previous code.

City Manager Warren Wood asked for an example of one that was developed under the existing code.

Mr. Overby gave an example of Publix.

Alderman Lail commented it was 30 feet on center and they were talking about going to 45, which was a pretty big jump.

Mayor Guess confirmed that Publix was within the current standards.

Mr. Overby replied correct.

Alderman Lail commented he was not insensitive to costs in developing stuff like that.

Mr. Overby explained they were looking at ways to relax it.

Alderman Lail thought it was important that the City was business friendly and sensitive to stuff that makes sense. He thought they were talking about trees and in the end the benefit of that extra tree or two would be worth it.

Alderwoman Patton thought the aesthetics of more landscaping and more trees was better than less.

Mr. Frazier commented it could also be the health of the trees as well. For the street trees we are at 30 now and were recommending 50 for the health of the tree. With the developers they usually hear from the local ones more so than the regional or national because they have a different budget and they just look at the code. On some things we are much more restrictive and some think that this is easy, this is great. A lot of it affects the health of the trees. Part of it they hear every development project regarding the signs. Some businesses have turned off their signs or pulled them out because the trees now cover them. He understood what they were saying about landscaping and they didn't feel that they had cut it too far back, but whatever Council advising. One thing that they had done was to change the planting types in the parking lot. They had seen a lot where there was fruit growing trees in the middle of a parking lot and that only leaves a Smucker's mess. Some of those acidic berries will eat right through. He had a call from a local insurance company and asked if they could cut down a tree that was over top of their cars and eating the paint on the cars. They get calls like that all of the time. He understood that they had to maintain that balance with the trees but they also hear all of the time about visibility, not only to signs, but to the business facades themselves. It is a very delicate balance.

Alderwoman Patton asked wouldn't that be changed by them raising the canopy as those trees grow if they just maintain them.

Mr. Frazier advised with some of the trees that couldn't be done.

Alderman Zagaroli asked if the City specified the kind of trees that they could use.

Mr. Frazier explained that it was suggested in the City's manual of practice. You don't want those fruit bearing trees or trees with thorns. A lot of people use to use white pines as a screen. That happened where the old Hobby Lobby was, where the old Winn-Dixie was, where they used white pines as a screen from that neighborhood. After maturity the white pines will drop everything under 20 feet. The screen will have disappeared.

City Manager Warren Wood commented the balance may be the type of vegetation that is required.

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Alderman Lail didn't know if there was a balance. He felt what was in place was working well. He was sorry that Staff had to fend that off. Staff could put them off on Council and say that Council passed that 30 feet. He doesn't hear it and didn't feel like it was unreasonable.

Alderman Seaver commented when you are measuring these conservation areas, and there is so much square footage, if he builds a berm do they measure the square footage up one side and down the other.

Mr. Overby responded horizontal.

Mr. Frazier commented it was horizontal for the base. He confirmed with Public Services Director Kevin Greer it was every one foot in height and three or four horizontal versus vertical for a berm.

Public Services Director Kevin Greer responded one to three.

Alderman Seaver commented he could build a steep berm in there and get the square footage.

City Manager Warren Wood confirmed that Council was comfortable with the current rule, but he was hearing they have had issues with types of vegetation.

Mr. Frazier commented types of vegetation and species too close together.

City Manager Warren Wood could see that side of it. You don't want an apple tree growing in the middle.

Alderman Zagaroli didn't see why Council couldn't suggest no apple trees.

City Manager Warren Wood asked if they could make that change. They would keep the current standards.

Alderman Patton commented just change the vegetation.

City Manager Warren Wood responded the message that we are preaching is be business friendly, and he appreciated the fact that they were pushing the envelope in some areas where it makes sense to change. This is good, find out where the limits are.

Mr. Frazier replied this will probably necessitate the manual of practice being revised, but they can work with Public Services Director Kevin Greer and his Staff to do that and they are still continuing to work with Duke.

Alderman Lail noticed the change in the parking. He referred to the Furniture Mart and advised they had plenty of parking and could meet the changes. He explained furniture stores have different requirements for parking than typical retail. He presumed the reason was because if you are selling furniture it takes a lot of floor space to show sofas, bedrooms, nightstands. It is a much different traffic pattern than you would have at a clothing store. He didn't think putting furniture stores in with regular retail was a good idea. He didn't know about the health club/gym.

Mr. Frazier advised when he first came to the City, not only was the use table 22 pages but our parking was much broader as well. It would say this type of store needs this much parking. One thing they had come up repeatedly, for a restaurant they require eight spaces. For a sit down restaurant, yes, for McDonalds no. These are things they are always going back and forth with. He asked Council for any recommendations.

Alderman Lail recommended that they leave it the same unless they had some specific experience.

Mr. Overby commented as far as the parking.

Alderman Lail interjected they are becoming more intense.

Mr. Overby advised they were collapsing things to single categories. He explained the numbers came from the Institute of Transportation Engineers' Parking Generation Manual. Those numbers were pulled from the parking studies that were done. They didn't make those numbers up or get them from another city. There was actually case studies that showed those numbers exist.

Alderman Lail referred to the summary and advised it said that furniture stores were being eliminated because they are covered under some other broad use.

Mr. Overby responded under retail.

Alderman Lail understood. He commented it takes a lot of space to show furniture. Time and square footage is more difficult.

Mr. Overby wanted to discuss landscaping and car lots. He advised one business that would scream was a car lot that sells tens of thousands of dollars of cars and has trees planted on their parking lot for stuff to fall of them. They had considered to try and do something with the ordinance to do vehicle sales lots. He asked if that would be something that Council would consider. If they are going to have to revisit this now.

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Mayor Guess asked if they would be exempt.

Mr. Overby replied not exempt all together. Reduce it.

Alderwoman Patton advised she would be in support of that.

Mr. Overby advised that was something that he hears all the time.

City Manager Warren Wood didn't know if there was any resolution to the furniture parking.

Mr. Overby responded if they wanted to leave it the same it had not been a problem. They were basically trying to consolidate uses. There was no heartburn on their end.

Alderman Lail mentioned the health clubs and gyms. He didn't know what broad category that one would be under.

Mr. Overby advised there was actually a category that the Institute of Transportation Engineers does and it was health clubs, fitness clubs, spas, and other things and the numbers were all across the board. If you look at standard deviation in the study none of the studies even related to one another. He wasn't quite sure how it all worked out there.

City Manager Warren Wood commented they had been preaching business friendly, where we can make things simple and that is what they were getting here. The exchange was really good in finding out where the limits are, because ultimately it was City Council's policy it was not Staff's policy.

Alderman Seaver advised he didn't get many complaints from businesses and things, especially in Ward 3 they have a lot of them. Maybe they just come to the City with it.

Alderman Williams mentioned that he gets a lot of complaints about the feather signs.

Mayor Guess asked to allow them or not allow them.

Alderman Williams replied to allow them.

Mr. Frazier advised it was a much less expensive alternative for certain businesses that can't afford a wall sign or a monument sign. They had issues recently with churches doing it that aren't fully established yet. They are trying to get that balance. Those people that have come in and maybe have received a letter or phone call from Staff saying that they have to take the feather flag down, or you have ten days to take it down, they offer them the alternative of temporary banners. It was something in the past that was conducive to the environment that we want to have.

Alderwoman Williams had noticed the churches that meet in other establishments like the schools, like Jenkins has a church and on Sunday they put out the signs.

Mr. Frazier commented they offer the alternative of a temporary banner, relatively inexpensive. Some people avail themselves of that, some do not.

Alderman Williams asked if there was any way that Council could tweak that maybe during operation hours they could have them out and then put them back up once they close.

Mr. Frazier responded that is the problem. He respected the idea, but it is not really enforceable and most of the businesses will leave them up continuously. He wasn't saying not all, but some people are very diligent and respectful to the law, but others will just leave them up all the time. Planning has one person for 29 square miles. It is extremely difficult to enforce. He had recently had churches basically ratting each other out on signs.

Alderman Williams replied as far as a small business, sometimes those feather signs mean a lot, especially if they are just opening and they are trying to get customers to notice them and they can't afford a lot of the signage which they had discussed.

Mr. Frazier reiterated they do have both a temporary 12 week banner and a banner that is renewed annually that they could have. If Council or the Manager's office tells him that they would rather see that pennant flag than a maximum 32 square foot temporary banner, they could certainly modify the ordinance. It was fully up to Council. In the past Council had told them they didn't like the feather flags.

Mayor Guess thought the feather flags served a purpose and they weren't anymore distractive than what they allow now. If they allowed feather flags he would want to put a limit on them on how many you could have.

Alderwoman Patton replied they already have the banners.

Mr. Frazier commented enforceability, because they keep a record of those signs, those temporary banners that they permit. When someone gets to the end of their year they will be notified that they either need to take it down or renew it and the same for the twelve week permit. If it is a feather flag he was not sure they would want to get into permitting a feather flag, before you know it those will proliferate. He advised that was totally up to Council.

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City Manager Warren Wood commented they could look at some options on what other communities have done. Maybe a grand opening sort of thing.

Mr. Frazier suggested they drive up north of MDI on a Saturday and count the feather flags.

City Manager Warren Wood commented they could end up being like the bandit signs that you see because they are cheaper. But they could look at some options on what might be possible.

Alderman Lail supported looking at some options. Banners, which are prescribed how big the banner can be, from a business perspective they have probably gotten more expensive than feather flags, but banners are difficult to attach and then to attach firmly and get them to look good. Then you get a wind that comes through and they rip up.

City Manager Warren Wood asked if they heard more for new openings for businesses, or just in general.

Alderman Williams responded new openings and for people who were trying to get customers to notice their business as they are driving. He referred to the car dealership who might put out a giant monkey out there just to make you look. Sometimes you have some businesses that are really struggling financially and they are trying to do anything possible to gain attention from ongoing customers. If we are trying to be business friendly, he thought that maybe they could regulate them, maybe they could be smaller. He wanted to mention that because it was a complaint that he gets a lot.

City Manager Warren Wood responded they would look at that.

Mr. Frazier advised they didn't allow inflatable monkeys either. They had gotten in trouble with those too. They had a lawsuit with Lenoir about inflatable Santa.

City Attorney John Crone advised the City prevailed in that litigation.

Mr. Frazier commented if the mind of Council had changed with the feather flags to let them know.

Mayor Guess asked if they could explore what they could do.

Mr. Frazier commented however they were directed they would take care of it.

Mayor Guess asked if there were any further questions.

III. Property Acquisition for Trivium Corporate Center and Budget Revision Number 22.

City Manager Warren Wood advised Council that things were going to start moving more quickly with our bond projects. The first one moving very quickly was Trivium Corporate Center. The groundbreaking was scheduled for May 16, at 3:00 p.m. Related to the property behind there, Staff recommended moving forward with purchasing two parcels from two separate property owners and it required a budget amendment of \$2.345 million dollars. He advised that was a little bit more than the initial amount that went out, which was an estimate. He advised this was the actual amount on the closing statement. Half of that would be City of Hickory and half would be Catawba County. This would come out of the City of Hickory's bond proceeds. He recommended approval on first reading of Budget Revision Number 22. If approved, it would come back at Council's 7:00 p.m. meeting for a second reading and then move forward with the closing.

Alderman Lail asked if it was running through the City's budget because we are the financial fiduciary.

City Manager Warren Wood advised that the Trivium Corporate Center board will be the actual property owner, but the money is flowing through the City to them.

Alderman Lail commented the County will be paying us.

Alderwoman Patton commented as far as the reimbursement from the bonds, since we are not going to be issuing bonds probably until the following year, it will be fund balance.

City Manager Warren Wood pointed out the City was front ending a lot of bond expenses. That would be reflected in the City's upcoming audit for this fiscal year. They would replenish that in August but the audit will reflect the numbers as of June 30th. The City's fund balance was going to show a hit with all of these expenditures. That was why it was important that the County pay the City before the end of the fiscal year.

Alderwoman Patton commented that Council would have those footnotes when they go.

City Manager Warren Wood advised they would show them what the bottom line was, but the auditors bottom line was going to be a lot less than where we are going to actually end up.

Alderwoman Patton moved, seconded by Alderman Zagaroli approval of the property acquisition for Trivium Corporate Center. The motion carried unanimously.

BUDGET REVISION NUMBER 22

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

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	1,172,949	-
TOTAL	1,172,949	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,172,949	-
TOTAL	1,172,949	-

SECTION 2. To amend the Business Park 1764 Capital Project Ordinance (#B1B001) within the General Capital Projects Fund, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	2,345,898	-
TOTAL	2,345,898	-

To provide funding for the above, the Project (#B1B001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,172,949	-
Restricted Intergovernmental Revenues	1,172,949	-
TOTAL	2,345,898	-

Section 3. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City manager (Budget Officer) and the Finance Officer for their direction.

- V. There being no further business, the meeting adjourned at 6:21 p.m.

Mayor

City Clerk