

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, October 4, 2016 at 7:00 p.m., with the following members present:

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

A quorum was present.

Also present were: Interim City Manager Andrea Surratt, Assistant City Manager Rodney Miller, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Governmental Affairs Manager Yaidee Fox and City Clerk Debbie D. Miller

I. Mayor Wright called the meeting to order. All Council members were present.

II. Invocation by Rev. Bill Garrard, Retired United Methodist Pastor

III. Pledge of Allegiance

IV. Special Presentations

A. Presentation of Fire Prevention Week Proclamation.

Mayor Wright read and presented a Fire Prevention Week Proclamation to Fire Education Coordinator Terri Byers and Fire Battalion Chief Matthew Hutchinson. He commented the City had only one fire related death in approximately 17 years.

B. Presentation of National Physical Therapy Month Proclamation.

Mayor Wright read and presented a proclamation for National Physical Therapy Month to Pam Elske-Leonetti, Physical Therapy Inpatient Supervisor, Nancy Hosterman, Therapy Services Manager, and Lea Posey, of Frye Regional Medical Center.

C. Presentation of the Catawba County Strategic Plan from Catawba County Manager Mick Berry.

Mayor Wright asked Catawba County's Assistant County Manager Dewey Harris to the podium. Mr. Harris was filling in for Catawba County's Manager Mick Berry.

Catawba County's Assistant Manager Dewey Harris presented City Council with a PowerPoint presentation. He advised that he had been in Hickory for eight years. He mentioned that his neighbor, John Watts, had said that Hickory was the best kept secret in North Carolina. He had had a great experience in Hickory and looked forward to many more years here. He introduced Mary Furtado, Assistant Catawba County Manager and advised that County Manager Mick Berry had a conflict and was unable to attend.

Mr. Harris advised the County wanted to collaborate with the City in ways that had not ever been done before. The Board of Commissioners adopted a strategic planning process approximately a month ago. He referenced Inspiring Spaces, and the fact that Hickory had taken the lead in the region and making the business case for keeping young people. We know that we are losing population in the 18-44 age population group. That is really vital to any community success, to be able to retain that population and to attract other people. When the Board of Commissioners thought about moving forward and collaborating, they wanted to work with the City of Hickory and other municipalities to turn that around. He pointed out on a graph a gap in terms of the number of jobs in the County. There was a 5.1 percent unemployment rate. The skills gap often cited dealt with all types of professions. We are going to have to grow in each of those categories to be successful and to compete regionally. They are looking to recruit individuals who have software background and work in technology. He advised those were just examples that they have heard from employers that they can't find employees to fill those positions. He noted the success of County jobs and announcements. He commended Scott Millar, and the Economic Development Corporation and the partnerships with the City of Hickory and others for the success over the years. He displayed a graph which had resulted in quite a bit of investments in the community as well. He advised the problem that Scott Millar had talked about was, in an ideal situation we would grow jobs within the County by 500 per year. In the course of 2015-2035 that would be 10,000 jobs. That would be ideal. That is not realistic. They know that from the fact that we are losing population. Even if we could garner one percent of that per year that would only yield 5,167 workers by the year 2035. He showed an illustration which demonstrated the loss of population growth. He stated that the point is ideally we should be growing a lot faster. There are ways to make that happen, but the impact is something that we need to deal with around the community. He gave Scott Millar credit for some of the graphs on the PowerPoint. He reemphasized that we are losing population. Our growth in population is not stagnant, we are actually losing people. The Board of Commissioners want to turn that around. The case that Mr. Millar made was that if we were to grow the population in the County, which is approximately 154,000-155,000 people, by 60,000 people, that would mean we would be growing approximately 18 percent per year. They know that is not the case. He advised

Mecklenburg County was not too much ahead of that, they are at 19.2 percent. Cabarrus County 19 percent, Union County 18.9 percent, etc. Catawba County was at the bottom. The projection according to the census bureaus, from 2020-2030 was actually 2.2 percent. We would not be able to fill that gap that he mentioned previously. However there is some opportunity. He showed a map of North Carolina which had a clock face on it. He referenced 12 o'clock on the map which represented 77, a lot of roads around 77 are in our region. He referenced 9 o'clock which represented Highway 85, lots of growth in that corridor as well. He advised that one opportunity that Catawba County has is Highway 16, he referenced 10:30 on the clock. They had been working with the State closely, the City of Hickory and other municipalities had supported that effort in growing that corridor. They would like expansion on Highway 16 so they can get going on some economic development opportunities and recruit businesses. Even if we can grow 60,000, not all of those people would be working age people; that would be approximately 20,000 workers. He advised there had been tremendous growth in the area around NC150, the southwestern part of the County around Sherrills Ford. NC 16 and Charlotte is expected to grow. He questioned if the Bond Referendum that the City had worked so hard on would make a difference. He commented there was tremendous collaboration within our community in terms of the community colleges, and working relationships in local government. Does this result in a skills gap or a people(s) gap? The Board of Commissioners felt that we have a human capital gap within the County. According to Mr. Millar that is a resource nationally which is going to win economic wars. We are in a competitive situation not just regionally, but across the State and the country. That has an impact on worker agility, worker supply, and work opportunities. Their proposition was there is a human capital gap. One of the County Board's goals was to attract human capital. If there is a shortage of workers, one of the things that they need to do is to find ways to attract human capital. He thanked his counterpart, and Assistant Catawba County Manager Mary Furtado for her work last year as she lead the effort to survey the Board of Commissioners about assets and opportunities, strengths, weaknesses, etc. that they sought at that time. They actually reaffirmed that with the Board before they began this process. They also compared that to the survey that was done with the Hickory Young Professionals. He noted the good response in terms of the demographic within that group. They looked at the Board of Commissioner's perspectives against the Young Professionals perspectives. He displayed a graph and explained with regard to people the Board felt that there was good work ethic. He had heard that from several Council members as well. We also have good community for families, and faith-based organizations that are very engaged in the community. We also have a great degree of community involvement, schools, community college, municipalities and non-profits. He referenced the challenges in terms of the inability to attract and retain young adults. In terms of the aging population the services had not kept up with the rate of aging of our population. The Young Professionals felt that we do have a family friendly environment and proximity to family. Another key category that the Board of Commissioner's wanted to focus on in terms of jobs, was the inability to fill currently available jobs, lack of upper level employment opportunities, and lack of workforce development training. They know that folks are working very hard to close that gap. Jobs are a key issue. Mr. Harris discussed amenities. The Board of Commissioners' felt that we do have an asset in terms of being close to Charlotte and I40. We have the potential to be a bedroom community for Charlotte and be accessible to other areas. We also have rich arts, cultural, and recreation community, for example the Green Room, the Hickory Community Theatre, etc. We have a lot of assets in terms of arts, so that is positive. The Young Professionals felt that social activities were a challenge. Over 50 percent of the survey respondents felt that they have to leave Catawba County for entertainment, activities and events. They know that has changed because of the work that Hickory had done for example with the Sails. You can't go downtown on a Friday or Saturday night without seeing people enjoying themselves, which is really a great thing. They also felt that we could be doing more in the area of arts, culture, and recreation. Mr. Harris discussed education, another pillar for the strategy of the Board's strategic plan. They felt that there is some good educational opportunities here. We are challenged that the educational attainment is low, especially in comparison with our MSAs. One of the Young Professionals commented that Catawba County is an okay place to raise a family, but they rarely encounter other young educated people in social or recreational settings. They know that diversity is important because those young people want to be around young people like themselves. The areas that the Board wants to work with the City of Hickory on are economic development, water and sewer infrastructure, healthy and safe communities, and community branding, which the City of Hickory had done a lot of work in as well. The County was to follow the City's lead on that and make sure that they are branding the County as well and telling their story. Also Pre-K and K-12 education are very important, post-secondary education, and broadband. When you think about broadband technology that is an area that benefits not just schools but small businesses. He knew that Mayor Wright had talked a lot about the importance of small business development in this area as well. He commented that arts, culture and parks are also very important. In terms of engaging the public, the Board put together a very aggressive schedule. He advised that County Manager Mick Berry had reminded the Board that this was very aggressive and they may have to push it back a month or so. Their goal is to wrap-up this process by the spring of next year. They kicked it off in September, talking about the process with the Board. They also followed up with expectations. They wanted

to make sure, as staff, they are in sync with their expectations for this process. On October 3rd they discussed economic development. They have a work session planned on October 10th to talk about water and sewer infrastructure. Before being brought to the respective boards, they will discuss, at the staff level, revamping the relationship with water and sewer so they may be more responsive to business opportunities. November will be followed up by Pre K, K-12, and post-secondary education, which will speak to the K to 64 initiative that they had all heard about. December will be followed up by broadband and healthy and safe communities. January will be arts and culture, parks and February community branding. He noted the areas they felt they could work most closely with the towns and cities: economic development, water and sewer infrastructure, healthy and safe communities, parks, and community branding/marketing. He advised this was the schedule that the Board had adopted. It was very aggressive, and they had shared with the Board that it might take them at least until the spring to wrap this process up. He concluded his presentation on how all of this comes together. They had received input from the Board of Commissioners and will continue to get that over the next several weeks and months. They had also spent some time talking with managers, and had met with Yaidee Fox, Rodney Miller, Andrea Surratt and other managers and assistance last week to talk about their willingness to be liaisons between this process and their respective boards and councils, and they are willing to do that. The direction that they receive from City Council in terms of the governing body is very important. The Board of Commissioners will provide input, City Council would provide input, and lots of discussions with managers. They would like to be able to bring recommendations to the respective councils to get their buy-in, tweaking and support so they can finalize the plan. The message was they are here to collaborate in ways that they have not collaborated before. They know that Hickory had done a lot of work in terms of moving the needle forward and making this a very desirable community. There are also good efforts going on in Conover and Newton as well as other places and they would like to capitalize on that as well. He commented that Mr. Berry wished he could be there. He asked for questions.

Mayor Wright thanked Mr. Harris and commented that even though they didn't have any questions they are excited about it.

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of September 20, 2016

Alderman Tarlton moved, seconded by Alderman Seaver that the Regular Meeting Minutes of September 20, 2016 be approved. The motion carried unanimously.

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

B. Special Meeting of September 15, 2016

Alderman Zagaroli moved, seconded by Alderwoman Patton that the Special Meeting Minutes of September 15, 2016 be approved. The motion carried unanimously.

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

C. Special Meeting of September 26, 2016

Alderman Seaver moved, seconded by Alderman Tarlton that the Special Meeting Minutes of September 26, 2016 be approved. The motion carried unanimously.

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

D. Special Meeting of September 27, 2016

Alderwoman Patton moved, seconded by Alderman Guess that the Special Meeting Minutes of September 27, 2016 be approved. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderwoman Patton seconded by Alderman Guess and the motion carried unanimously.

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

Alderman Zagaroli moved, seconded by Alderman Lail that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

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

Mayor Wright explained to the Hickory 101 group, under the City Charter and by practice there are certain items that require a second reading. Which gives Council two weeks to change their mind, or get additional input from the citizenry.

- A. Approval of the Purchase of a 2017 Rosenbauer Commander Pumper from C.W. Williams in the Amount of \$475,990. (First Reading Vote: Unanimous)
 - B. Acceptance of the Bid and Award of the Construction Contract to Iron Mountain Construction Company, Inc. in the Amount of \$278,172. (First Reading Vote: Unanimous)
 - C. Acceptance of Two Easements, a 25 Foot Temporary Construction Easement and a 25 Foot Permanent Easement for the Properties of Cynthia Williams Huffman Described as PIN 3724-18-40-6417 and PIN 3724-18-40-4654. (First Reading Vote: Unanimous)
 - D. Approval of Easements for Property of the City of Hickory to Piedmont Natural Gas for the Replacement of a Natural Gas Line Along 1st Avenue SW. (First Reading Vote: Unanimous)
 - E. Budget Revision Number 7. (First Reading Vote: Unanimous)
 - F. Consideration of Vacant Building Demolition Grant for Jerry Lee Pruitt, LLC for Property Located at 212 12th Avenue NE, the former Regal Manufacturing Building. (First Reading Vote: Unanimous)
 - G. Approval of a Joint Economic Development Agreement with Corning Optical Communications LLC. (First Reading Vote: Unanimous)
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Alderman Tarlton requested "Item K" be removed from the Consent Agenda due to a conflict that he had with this item. He advised he would not be voting on this item.

Mayor Wright requested "Item L" be removed from the consent agenda.

Alderman Guess moved, seconded by Alderwoman Patton approval of the Consent Agenda with the exception of Items K and L. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Guess seconded by Alderwoman Patton and the motion carried unanimously.

- A. Accepted the Grant Agreement and Approved the Resolution for Project 36244.33.12.1 from the North Carolina Department of Transportation.

North Carolina Department of Transportation (NCDOT) awarded the City of Hickory a grant for this project which City Council accepted May 19, 2015. By letter dated August 30, 2016, the NCDOT has approved the City's request for aid and requires approval of the Grant Agreement. This grant has a State share of 90 percent equal to \$180,000 and a local share of 10 percent equal to \$20,000. Said grant funds are allocated for the use of land acquisition and obstruction removal at the Hickory Regional Airport. Land acquisition and obstruction removal are needed to allow for a safe glide path for a 600 foot extension of Runway 6. This grant will assist in the continuation of the airfield improvement program as recommended by the Airport's Task Force. Land acquisition is an important part to the future of the airport's growth and continued economic vitality. Staff recommends Council's acceptance and approval of the Grant Agreement and Resolution for Project 36244.33.12.1 from the North Carolina Department of Transportation.

RESOLUTION NO. 16-29

WHEREAS, a Grant in the amount of \$180,000 has been approved by the Department based on total estimated cost of \$200,000; and

WHEREAS, an amount equal to or greater than 10 percent of the total estimated project cost has been appropriated by the Sponsor of this Project.

NOW THEREFORE, BE IT RESOLVED THAT THE Mayor of the Sponsor by and he hereby is authorized and empowered to enter into a Grant Agreement with the

Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

- B. Approved the Special Events Activities Application EmergeOrtho's Oktoberfest 5K Footrace and Fun Run, Robin Lutz, Marketing Director, Carolina Orthopaedic Specialists, now EmergeOrtho, PA, October 8, 2016 5:00 a.m. to 11:30 a.m., 76 North Center Street.
- C. Approved the Vacation Days to Give as Prizes for the 2016 United Way Campaign and for the 2016 Coworker Appreciation Event.

Human Resources requests vacation days to give as prizes for the 2016 United Way Campaign and also for the 2016 Coworker Appreciation Event to be held on November 3, 2016. Historically Council has granted vacation days to use as prizes. For the United Way Campaign, it increases participation and for the Coworker Event, it is a big hit each year. Staff request two vacation days for a drawing for all fair share givers, and one vacation day for a drawing for all coworkers who pledged at least \$8 per month. Staff request eight vacation days in total to use for door prizes, three one-day vacation winners and the grand prize of a five-day vacation package. Staff recommends approval of this annual request.

- D. Approved the "Food for Fines" Amnesty Weeks at the Libraries from November 7-21, 2016.

Staff requests approval of the waiver of overdue fines for library customers who donate canned, boxed, or bagged food items at either Patrick Beaver Memorial Library or Ridgeview Branch Library during the two-week period of November 7-21, 2016. One item of food will cancel one dollar in overdue fines, and donated items will be given to Greater Hickory Cooperative Christian Ministry. The program was successfully carried out in past years, resulting in thousands of items collected to help feed the hungry in our community during the holidays. This is the fourth year in a row that Hickory Public Library and Catawba County Library System will partner to sponsor "Food for Fines" event during the same period. The annual event receives strong support from library users, and many donate items whether or not they have fines. This year's event is scheduled to coincide with National Hunger and Homelessness Awareness Week. Library Staff recommend Council's approval of the annual "Food for Fines" Amnesty Weeks.

- E. Approved on First Reading Acceptance of a Temporary Construction and Permanent Sanitary Sewer/Storm Drainage Easement for the Property of Hickory Springs Manufacturing Company, PIN 3703-19-50-1321 for Installation of Utilities Infrastructure.

Staff requests acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-1321 for installation of utilities infrastructure. The easements are necessary for completion of the Central Business District infrastructure replacement and rehabilitation project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 million dollars. These easements are necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easements were negotiated for a total sum of recording fees in exchange for the easements. Staff recommends acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-1321 for installation of utilities infrastructure.

- F. Approved on First Reading Acceptance of a Temporary Construction and Permanent Sanitary Sewer/Storm Drainage Easement for the Property of Hickory Springs Manufacturing Company, PIN 3703-19-50-2154 for Installation of Utilities Infrastructure.

Staff requests acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-2154 for installation of utilities infrastructure. The easements are necessary for completion of the Central Business District infrastructure replacement and rehabilitation project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 million dollars. These easements are necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easements were negotiated for a total sum of recording fees in exchange for the easement. Staff recommends acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-2154 for installation of utilities infrastructure.

- G. Approved on First Reading Acceptance of a Temporary Construction and Permanent Sanitary Sewer/Storm Drainage Easement for the Property of Hickory Springs Manufacturing Company, PIN 3703-19-50-2310 for Installation of Utilities Infrastructure.

Staff requests acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-2310 for installation of utilities infrastructure. The easements are necessary for completion of the Central Business District infrastructure replacement and rehabilitation project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 million dollars. These easements are necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easements were negotiated for a total sum of recording fees in exchange for the easement. Staff recommends acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-2310 for installation of utilities infrastructure.

- H. Approved a Proclamation for Dyslexia Awareness Month.

- I. Approved a Proclamation for Constitution Week 2016.

- J. Approved on First Reading Acceptance of the Bid and Award the Contract to General Services, Inc. in the Amount of \$78,300 for Repairs and Coating at the Water Treatment Facility.

Staff requests Council's acceptance of the bid and award of the contract for exterior clear well renovations including repairs and coating at the water treatment facility to General Services Inc., in the amount of \$78,300. The water treatment facility was last upgraded in 1993 with major components being constructed and the capacity being expanded to 32 million gallons per day. The City added a four million gallon, a two million gallon and a renovated one million gallon clear well. These tanks are concrete tanks and have required minimal maintenance other than cleaning. The existing exterior coatings have been in place for approximately 23 years and are starting to show significant signs of degradation. This project is identified as normal maintenance to improve aesthetic appearance of the facility as well as protect the concrete structures. Staff evaluated the submittal packages which included: General Services, Inc. \$78,300; Southern Painting & Maintenance Specialist \$130,500; Carolina Coating Solutions \$138,867, and Charlotte Paint Company, Inc., no bid. Staff recommends award of the project to General Services, Inc. as the properly licensed and insured responsible low bidder. This project is budgeted in the Public Utility/Water Treatment Facility Operational Budget for FY 2016/2017.

- K. Removed from Consent Agenda and Considered under "IX. Items Removed from Consent Agenda". Approved the Resolution Accepting the Offer of Dedication for Public Street Right of Way for 42nd Avenue Drive NW, as Shown on Plat Book 46, at Pages 90-92 of the Catawba County Registry.

Staff requests Council's consideration of the acceptance of the offer of public dedication of street right of way, being 1.1 acres of land area, known as 42nd Avenue Drive NW, as shown on Plat Book 46, Pages 90-92 of the Catawba County Registry. In 1998, the developers of the Landing at Moore's Ferry Phase VII made an offer of public dedication for the street rights of way within the development. The City accepted the offer of dedication for the streets, but was unable to accept 42nd Avenue Drive NW, as at the time this street was not inside the corporate boundaries of the City of Hickory. Since this time the street right of way for 42nd Avenue Drive NW has been annexed. In order to provide for public use and maintenance of this street, the offer of public dedication originally offered must be formally accepted by the City of Hickory by means of a duly executed Resolution. This requirement is outlined in the North Carolina General Statutes, as well as the City's Land Development Code. The street has recently been repaired and resurfaced as instructed by the City of Hickory, and been found to meet the minimum design requirements necessary for public maintenance. Staff recommends Council's approval of the Resolution accepting the offer of dedication for 42nd Avenue Drive NW, as shown on Plat Book 46, Pages 90-92 of the Catawba County Registry.

RESOLUTION NO. 16-30

A RESOLUTION OF THE HICKORY CITY COUNCIL ACCEPTING THE OFFER OF PUBLIC DEDICATION OF LANDS AND IMPROVEMENTS KNOWN AS 42ND AVENUE DRIVE NW, WHICH IS DESCRIBED IN EXHIBIT A AS 60 FOOT RIGHT-OF-WAY, AND RECORDED IN PLAT BOOK 46, PAGES 90, 91, AND 92 OF THE CATAWBA COUNTY REGISTRY.

WHEREAS, NCGS §160A-374 and Article 2, Section 2.3.4(D) of the Land Development Code provide that City Council may, by resolution, accept offers of public dedication made to the public of lands and facilities for streets, sidewalks, open spaces and public utilities after verification from the City Engineer such properties and improvements are in a manner acceptable for acceptance; and

WHEREAS, the City of Hickory has been provided with an offer of public dedication of lands and improvements known as 42nd Avenue Drive NW, which are described Exhibit A as 60 foot right-of-way, and recorded in Plat Book 46, Pages 91, 91, and 92 of the Catawba County Registry; and

WHEREAS, the City of Hickory has reviewed the land and improvements placed upon them provided as part of the offer of public dedication, and such land and improvements have been found to be in compliance with standards in place for such land and improvements; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hickory, North Carolina, the offer of public dedication for 42nd Avenue Drive NW, which is described in Exhibit A as 60 foot right-of-way, and recorded in Plat Book 46, Pages 90, 91, and 92 of the Catawba county Registry, is accepted, subject to the following terms and conditions:

SECTION 1. Terms and Conditions of Acceptance:

1. The sub-divider shall guarantee all materials and workmanship for a period of 18 months from the date of official acceptance by the City Council;
2. The acceptance by the City Council shall not be interpreted in any way to relieve any developer, contractor, subcontractor, insurance company, owner, or other person of his individual or several obligations under any ordinance, policy, or contract or to otherwise reduce or eliminate the rights of the city, its agents and employees against any other party connected with or in any way related to the development of the subdivision and facilities. The acceptance shall not be interpreted as a waiver of any defense or immunities that the city, its agencies or employees may assert or be entitled to;
3. All rights, privileges and warranties of whatsoever nature and kind, for equipment, supplies, materials, goods, and services shall be assigned to the city and any and all benefits derived there from shall inure to the city, its agents, and employees. The acceptance of the lands and facilities shall be conditioned upon the owners covenanting and warranting that they are lawfully seized and possessed of all the lands and facilities dedicated to the public; that they have good and lawful authority to dedicate the same to the public for the stated purpose; that the lands and facilities are free and clear of any deed of trust, mortgage, lien or assessments and that the dedicators for their heirs, successors, executors, administrators, and assigns, covenant that they will warrant and defend the dedication of such land and facilities against any and all claims and demands whatsoever; and
4. Acceptance of dedication of lands and facilities shall not obligate the city to construct, install, maintain, repair, replace, extend, improve, build or operate any public facilities or utilities which are not in existence as of the date of the acceptance of the lands and facilities. Such acceptance shall not obligate the city to construct any main, line, pipe, lateral, or other extension or permit connection to the city's water, sanitary sewer, storm sewer, drainage or other public utilities systems.

SECTION 2. This Resolution shall become effective immediately upon adoption.

- L. Removed from Consent Agenda and Considered under "IX. Items Removed from Consent Agenda". Approved on First Reading a Close Out Deductive Change Order Number 1 with Wilkie Construction Related to Phase II of the Planned Improvements to Hickory Optimist Park.

Wilkie Construction was the low bidder with a bid of \$290,800 for the Phase II improvements to Hickory Optimist Park. Phase II of the project involved the demolition of an existing storage building and the construction of a new pre-engineered community building with restrooms. This project has been funded with Community Development Block Grant Funds and Rental Rehab Program Income. Change order number one represents value engineering items discussed with the contractor to reduce the final price of the project and modify and improve the electrical service at the park site. The overall result of the change order will be a reduction in the final contract amount of \$7,645 and make the final contract amount \$283,155. Staff recommends approval of the deductive close out change order number one related to Phase II if the planned improvements to Hickory Optimist Park.

M. Approved on First Reading Budget Revision Number 8.

ORDINANCE NO. 16-42
BUDGET REVISION NO. 8

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2017 and for the duration of the Project Ordinances noted herein.

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

| FUNCTIONAL AREA | INCREASE | DECREASE |
|------------------------------------|----------|----------|
| Economic and Community Development | 250 | - |
| TOTAL | 250 | - |

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

| FUNCTIONAL AREA | INCREASE | DECREASE |
|------------------------|----------|----------|
| Miscellaneous Revenues | 250 | - |
| TOTAL | 250 | - |

SECTION 2. To adopt Grant Project Ordinance #G51110T, "2016 JAG Grant", the expenditures shall be established as follows for the duration of the life of the project:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|-----------------|----------|----------|
| Public Safety | 31,020 | - |
| TOTAL | 31,020 | - |

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

| FUNCTIONAL AREA | INCREASE | DECREASE |
|--------------------------------------|----------|----------|
| Restricted Intergovernmental Revenue | 31,020 | - |
| TOTAL | 31,020 | - |

SECTION 3. To adopt Grant Project Ordinance, "2016 Urgent Repair Program", the expenditures shall be established as follows for the duration of the life of the project:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|------------------------------------|----------|----------|
| Economic and Community Development | 80,000 | - |
| TOTAL | 80,000 | - |

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

| FUNCTIONAL AREA | INCREASE | DECREASE |
|--------------------------------------|----------|----------|
| Restricted Intergovernmental Revenue | 75,000 | - |
| Miscellaneous Revenues | 5,000 | - |
| TOTAL | 80,000 | - |

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 – Items K and L

Alderman Tarlton advised in regards to Item K, he had an ownership interest in Moore's Ferry Associates.

City Attorney John Crone ask Alderman Tarlton if he was requesting to be excused from voting for that reason.

Alderman Tarlton responded yes.

Alderman Lail moved, seconded by Alderman Guess that Alderman Tarlton be excused from voting for direct conflict of interest. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Lail seconded by Alderman Guess and the motion carried unanimously.

Alderman Lail moved, seconded by Mayor Wright, approval of Item K. The motion carried unanimously.

Mayor Wright pointed out on Item L that some of the Council members had a longstanding aversion against change orders, but he proudly moved to approve the deductive change order which reduced the amount that was originally estimated that the City would pay. Alderman Lail seconded the motion. The motion carried unanimously.

Mayor Wright advised the Hickory 101 group that he always takes a chance, when he can, to point out they don't like change orders, except deducting, they like that.

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved a Voluntary Contiguous Annexation of Realty Income Properties 28, LLC, Located at 2173 13th Avenue Drive SE, Containing 6.25 Acres.

Realty Income Properties 28, LLC submitted a petition for the voluntary contiguous annexation of 6.25 acres of property, which consists of a newly created tract of property located at 2173 13th Avenue Drive SE. The annexation is being requested so that the property can be connected to the City's water and sewer system. The newly created tract has yet to be mapped or assessed by the Catawba County Tax Department. The properties from which the newly configured tract was created have tax values in the vicinity of \$250,000 per acre of property. Given the size of the annexation area, the subject property (undeveloped land) could realistically have an assessed value of \$1.5 million. This would be in addition to the value of the retail facility once it has been completed. Staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff recommends Council's approval of the Voluntary Contiguous Annexation of the property located at 2173 13th Avenue Drive SE, containing 6.25 acres.

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

Interim City Manager Andrea Surratt asked the City's Principal Planner Cal Overby to the podium to present Council with a voluntary contiguous annexation of property located right off of I40 at exit 126.

Principal Planner Cal Overby presented City Council with a PowerPoint presentation. He advised Council for their consideration was a voluntary contiguous annexation for property located at 2173 13th Avenue Drive SE. The property was owned by Realty Income Properties 28, LLC, which was located in San Diego, California. The annexation area was approximately 6.25 acres of property, the closest adjacent ward was Ward 3. Currently the property is vacant, under construction of a facility. The facility is a 55,000 square foot retail building which will be a Hobby Lobby retail store. The request was to annex the property in order to obtain connection to the City's utility system. He pointed out on a map the subject property. He advised that the maps had not been updated for the parcel data layer from Catawba County as of yet. The property had been combined into one single parcel. He pointed out the property in the City limits area, and the extra-territorial area (ETJ). He advised the property was zoned C-3 which was regional commercial as was a large area of property along US70 from Fairgrove Church Road to US 321. He pointed out the property to the north across I40 which was industrial property, Martin Marietta, Corning, and some other industries in the area. He showed a 2014 aerial photo and pointed out the subject property, the Sheets convenient store/gas station which was constructed on the property, and one or two additional pad sites which were located on the road. He advised after reviewing the application and standards Staff found that it met applicable statutes regarding voluntary annexation, adequate services are available and the annexation will not cause those services to fall below acceptable levels. Staff recommended approval. He asked if Council had any questions.

Mayor Wright 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 Wright closed the public hearing.

Alderman Seaver moved, seconded by Alderwoman Patton approval of the voluntary contiguous annexation for the property located at 2173 13th Avenue Drive SE. The motion carried unanimously.

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

Mayor Wright commented that they all had a chance to watch that property out there and expected that it would eventually be annexed.

ANNEXATION ORDINANCE NO. 436

VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)

Realty Income Properties 28, LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO GENERAL STATUTES 160A-31, AS AMENDED (CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory has been petitioned under G.S. 160A-31, as amended, to annex the area herein described; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building at 7:00 p.m. on the 4th day of October, 2016, after due notice by publication on September 23, 2016; and

WHEREAS, the City Council does find as a fact that said petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following-described territory is hereby annexed and made a part of the City of Hickory as of October 31, 2016.

Realty Income Properties 28, LLC

Being all of Lot 4 as shown on a subdivision plat recorded in Plat Book 76, Page 20, Catawba County Registry, being all of the land described in Book 3345, Page 1620, located in the Hickory Township, Catawba County, North Carolina, south of Interstate 40 and west of McDonald Parkway SE, bounded on the north by Interstate 40, on the east by Burgin - Hickory Properties, LLC (Remainder Lot), on the south by 13th Avenue Drive SE (a public road), and on the west by Rudisill & Coulter Investment LLC, BK 2235 PG 1866; surveyed by C. Neil Shepherd, PLS of Blue Ridge Engineering PLLC, Project #16002, August 31, 2016, tied to NC Grid, NAD 83. A metes and bounds description taken from said survey is as follows:

BEGINNING at a concrete monument found at the southern margin of the right-of-way of Interstate 40, in a controlled access fence line, at the northeast corner of the remaining property of Rudisill & Coulter Investment LLC, BK 2235 PG 1866, said concrete monument being located N 85° 13' 45" W a grid distance of 5,908.37 feet from NCGS monument "FAIRGROVE"; thence from the POINT OF BEGINNING, with the southern margin of the right-of-way of Interstate 40, and a controlled access fence, the following five courses: (1) S 67° 41' 39" E a distance of 129.40 feet to a NCDOT R/W disc found; (2) S 47° 04' 37" E a distance of 73.20 feet to a 1/2 inch rebar found at the former northwest corner of Tract 2, Plat Book 74, Page 196; (3) S 47° 11' 52" E a distance of 107.02 feet to a NCDOT R/W disc found; (4) S 61° 24' 26" E a distance of 210.93 feet to a 5/8 inch rebar found with blue cap; (5) S 34° 28' 21" E a distance of 154.82 feet to a 5/8 inch rebar found with blue cap; thence with the eastern margin of Lot 4, S 20° 26' 29" W a distance of 427.49 feet to a 5/8 inch rebar found with blue cap; thence with the northern margin of the right-of-way of 13th Avenue Drive SE, a public road, the following two courses: (1) 215.05 feet along a curve to the right with a radius of 1,402.50 feet, chord bearing of N 58° 26' 57" W and chord distance of 214.84 feet, to a 1/2 inch rebar found at the former southwest corner of Tract 2, Plat Book 74, Page 196; (2) continuing 296.57 feet along the same curve to the right with a radius of 1,402.50 feet, chord bearing of N 47° 59' 54" W and chord distance of 296.02 feet to a 5/8 inch rebar found with blue cap; thence with the western boundary of Tract 2, Plat Book 31, Page 147, and the eastern boundary of Rudisill & Coulter, LLC, BK 2235 PG 1866, the following two courses: (1) N 01° 50' 56" W a distance of 437.62 feet to a 24 inch dead oak; (2)

N 38° 17' 32" E a distance of 67.45 feet to a concrete monument, the POINT OF BEGINNING; containing an area of 6.25 acres by coordinate computation.

Section 2. Upon and after the 31st day of October, 2016, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-31 (e), as amended.

Section 3. That the newly annexed territory described hereinabove shall become a part of Ward No. 3 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Section 5. That all ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after the 31st day of October, 2016.

2. Approved on First Reading Amending Chapter 4 Section 4-21(a) of the Hickory Code of Ordinances.

Chapter 4 (Animals and Fowl), Section 4-21 of the Hickory City Code concerns Restraint of Animals. Section 4-21(a) stipulates that an animal can be off an owner's property if it is under the physical control of a person and physically restrained by a chain, leash or harness that is held in the hand of the person. An animal is not considered restrained if it is on a chain, leash or harness but, is not under the control of the owner or caregiver. Section 4.21(a) allows for the two following exceptions: 1) Service animals trained to provide assistance to persons impaired in sight, hearing, mobility or any other impairment; and, 2) A working police dog in the course and scope of its duties. Now that the City of Hickory operates the Fairbrook Optimist Dog Park, a third exception is required: 3) Dogs in city dog parks. The Parks and Recreation Commission, at their September 13, 2016 meeting, endorsed the ordinance amendment. Staff recommends approval of the Ordinance amending Chapter 4 Section 4-21(a) of the Hickory Code of Ordinances.

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

Interim City Manager Andrea Surratt advised Council that this item was consideration of an ordinance amendment, Chapter 4 Section 4-21(a) of the Hickory Code of Ordinances which deals with Animals and Fowl. She asked the City's Parks and Recreation Director Mack McLeod to the podium to explain the purpose of the ordinance change.

Parks and Recreation Director Mack McLeod presented City Council with a PowerPoint presentation. Mr. McLeod advised for Council's consideration was an ordinance that would amend Chapter 4 Section 4-21 (a) of the Hickory Code of Ordinance. Chapter 4 dealt with Animals and Fowl. Specifically section 4-21 concerns restraint of animals. Section 4-21(a) stipulates that every person owner or having possession, charge, care, custody or control of any animal shall keep such animal exclusively upon the owner's real property. However, such animal may be off the owner's real property if it is under the physical control of a person and physically restrained by a chain, leash or harness and held in the hand of said person. An animal is not considered restrained if it is on a chain, leash, or harness, but not under the control of the owner or caregiver. There were two exceptions to this section: service animals trained to provide assistance to persons impaired in sight, hearing, mobility, or any other impairment, are not required to be restrained as long as they are under the impaired person's direct control and is obedient to that person's commands. The second exception to this section of the ordinance was that a working police dog in the course and scope of its duties is not required to be restrained. Now that the City of Hickory operates the Fairbrook Optimist Dog Park there needs to be a third exception to the ordinance just to make it clear that dogs in City dog parks would not have to be restrained by leash. The Parks and Recreation Commission, at their September 13th meeting, considered and endorsed the ordinance amendment and recommended its approval to City Council. Staff also recommended approval of the ordinance which amends Chapter 4 Section 4-21(a). He asked if Council had any questions.

Alderman Tarlton asked if this was just for the new City dog park.

Mr. McLeod responded yes sir.

Mayor Wright commented that everybody had been violating that ordinance all this time.

Mr. McLeod advised they were clearing that up. They want the City code to mirror that also.

Alderman Guess asked if they had written any tickets.

Mr. McLeod responded no sir.

Mayor Wright asked if they could declare amnesty for all of the violations.

Mr. McLeod commented yes sir, if you don't mind they would appreciate it.

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

Alderman Guess moved, seconded by Alderwoman Patton approval of amending Chapter 4 Section 4-21(a) of the Hickory Code of Ordinances. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Guess seconded by Alderwoman Patton and the motion carried unanimously.

Mayor Wright asked if that took effect tonight.

Mr. McLeod commented yes sir, we are good to go.

ORDINANCE NO. 16-43
ORDINANCE AMENDING CHAPTER 4 SECTION 4-21(A) OF THE HICKORY
CODE OF ORDINANCES

WHEREAS, Section 4-21(a) of Chapter 4 Animals and Fowls of the Hickory City Code of ordinances regulates the restraint of animals; and

WHEREAS, the regulations require owners to keep their animals on a leash, harness, or other restraint when the animals off the owners' properties with certain exceptions; and

WHEREAS, the City Council hereby desires to amend those exceptions to include animals in dog parks regulations now that Hickory City now operates a dog park; and

WHEREAS, the revisions to Chapter 4, Section 4-21(a) of the Hickory City Code as suggested by Staff and/or directed by the Hickory City Council have been incorporated herein.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, THAT THE HICKORY CITY CODE BE AMENDED AS FOLLOWS:

ARTICLE II. Section 4-21(a) of the Hickory City Code shall be amended as follows:

- (a) Every person owning or having possession, charge, care, custody or control of any animal shall keep such animal exclusively upon the owner's real property. However, such animal may be off the owner's real property if it is under the physical control of a person and physically restrained by a chain, leash or harness and held in the hand of said person. An animal is not considered restrained if it is on a chain, leash, or harness, but not under the control of the owner or caregiver. Exceptions to this section are as follows:
 - (1) Service animals trained to provide assistance to persons impaired in sight, hearing, mobility, or any other impairment, do not have to be under physical restraint while off the owner's premises if the dog is under the impaired person's direct control and is obedient to that person's commands. The animal control officer or any

sworn police officer may request proof of assistance animal registration to satisfy this exception.

- (2) A working police dog in the course and scope of its duties.
- (3) Dogs in city dog parks.

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

Effective Date.

This ordinance shall become effective immediately upon adoption.

- 3. Approved Petition Number 16-01 for Installation of Curb and Gutter along a Portion of the 5th Street Place NW.

The City Clerk received a petition from the owner(s) of the property along 5th Street Place NW to install curb and gutter along a portion of the street per Section 29-2 of the Hickory Code of Ordinances. The petitioner(s) represent a majority, greater than 50 percent, of the property owner(s) affected, who in turn represent 100 percent of the property footage affected. The City Clerk certified the sufficiency of the petition and notified the property owner(s) of the public hearing on the Preliminary Resolution for Street Improvement Project (curb and gutter) subject to assessment. Staff request Council's approval of the Resolution Directing that the street improvement project be undertaken.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 9, 2016.

Interim City Manager Andrea Surratt advised Council that this public hearing was a curb and gutter request for 2024 5th Street Place NW, which was one property owner requesting this particular petition. She asked the City's Public Services Director Chuck Hansen to the podium to present Council with the petition.

Public Services Director Chuck Hansen presented City Council with Petition 16-01. It was a petition by the property owner for curb and gutter at 2024 5th Street Place NW, a single property owner; 100 percent signature. Staff requested approval of the petition.

Mayor Wright questioned if it was 50/50 split between the property owner and the City.

Mr. Hansen advised it was a per linear foot charge and by signing the petition the property owner agrees to that charge. They will go through the process they build it and then they bill them for the improvements.

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

Mayor Wright moved, seconded by Alderman Lail approval of petition number 16-01 for installation of curb and gutter along a portion of 5th Street Place NW. The motion carried unanimously.

Mayor Wright announced that he moved seconded by Alderman Lail and the motion carried unanimously.

RESOLUTION NO. 16-31
Resolution Directing That Street Improvement Project Be Undertaken
(No. 16-01)

WHEREAS, on March 4, 2016, the property owner of 2024 5th Street Place NW, Hickory filed with the City Engineer of the City of Hickory a petition for improving said street by placing and constructing thereon curb and gutter according to plans and specifications on file in the office of the City Engineer; and

WHEREAS, the City Clerk has certified to the City Council of the City of Hickory that said petition is sufficient in all respects, the same having been duly signed by a majority in number of the owners, whose property represents a majority of all the lineal feet of frontage of the lands abutting upon the streets or portion of streets hereinabove described; and

WHEREAS, a Preliminary Assessment Resolution was adopted by this City Council and a public hearing thereon duly held.

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

1. That 2024 5th Street Place NW, Hickory be improved by placing and constructing thereon curb and gutter under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina and the procedure therein established, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129, of the General Statutes of North Carolina.
2. That 50 percent of the total cost of said improvement, exclusive of so much of the total costs as is incurred in improving the street intersections, be hereafter assessed upon the property receiving the improvements.
3. That the assessment herein provided for shall be payable in cash, or if any property owner shall so elect, in accordance with Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina, he shall have the option and privilege of paying the assessment in five (5) annual installments, said installments to bear interest at the rate of 8 percent per annum.
4. Approved Petition Number 16-03 for Installation of Curb and Gutter along the Southside of the 900 Block of 4th Avenue Drive NW, Petition No. 16-03.

The City Clerk received a petition from the owner(s) of the property along 4th Avenue Drive NW to install curb and gutter along a portion of the street per Section 29-2 of the Hickory Code of Ordinances. The petitioner(s) represent a majority, greater than 50 percent, of the property owner(s) affected, who in turn represent 100 percent of the property footage affected. The City Clerk certified the sufficiency of the petition and notified the property owner(s) of the public hearing on the Preliminary Resolution for Street Improvement Project (curb and gutter) subject to assessment. Staff request Council's approval of the Resolution Directing that the street improvement project be undertaken.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 9, 2016. Departmental Reports:

Interim City Manager Andrea Surratt asked the City's Public Services Director Chuck Hansen back to the podium to present Council with Petition 16-03 which also was for installation of curb and gutter.

Public Services Director Chuck Hansen presented City Council with curb and gutter Petition 16-03. The property was located at 915 4th Avenue Drive NW, a single property owner; 100 percent signature, for curb and gutter. Staff recommended approval.

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

Alderman Tarlton moved, seconded by Alderman Zagaroli approval of petition number 16-03 for installation of curb and gutter along 915 4th Avenue Drive NW. The motion carried unanimously.

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

RESOLUTION NO. 16-32
Resolution Directing That Street Improvement Project Be Undertaken
(No. 16-03)

WHEREAS, on July 28, 2016, the property owner of 915 4th Avenue Drive NW, Hickory filed with the City Engineer of the City of Hickory a petition for improving said street by placing and constructing thereon curb and gutter according to plans and specifications on file in the office of the City Engineer; and

WHEREAS, the City Clerk has certified to the City Council of the City of Hickory that said petition is sufficient in all respects, the same having been duly signed by a

majority in number of the owners, whose property represents a majority of all the lineal feet of frontage of the lands abutting upon the streets or portion of streets hereinabove described; and

WHEREAS, a Preliminary Assessment Resolution was adopted by this City Council and a public hearing thereon duly held.

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

1. That 915 4th Avenue Drive NW, Hickory be improved by placing and constructing thereon curb and gutter under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina and the procedure therein established, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129, of the General Statutes of North Carolina.
2. That 50 percent of the total cost of said improvement, exclusive of so much of the total costs as is incurred in improving the street intersections, be hereafter assessed upon the property receiving the improvements.
3. That the assessment herein provided for shall be payable in cash, or if any property owner shall so elect, in accordance with Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina, he shall have the option and privilege of paying the assessment in five (5) annual installments, said installments to bear interest at the rate of 8 percent per annum.

B. Departmental Reports:

1. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

Alderman Seaver nominated Michael Ellwanger as an At-Large Representative to the Business Development Committee.

CITIZENS ADVISORY COMMITTEE

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

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints) VACANT
Ward 4 (Guess Appoints) VACANT
At-Large (Outside City but within Hickory Regional Planning Area) (Council Appoints) VACANT
At Large (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

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

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)
Burke County (Mayor to Nominate) VACANT

INTERNATIONAL COUNCIL

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

LIBRARY ADVISORY BOARD

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

PARKS AND RECREATION COMMISSION

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

At-Large (2) (Council Appoints) VACANT
 At-Large (3) (Council Appoints) VACANT

PUBLIC ART COMMISSION

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

PUBLIC HOUSING AUTHORITY

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

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 2 (Tarlton Appoints) VACANT
 Ward 3 (Seaver Appoints) VACANT
 Ward 4 (Guess Appoints) VACANT
 At-Large (Council Appoints) VACANT
 At-Large (Council Appoints) VACANT

YOUTH COUNCIL

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

St. Stephens High School Representatives 2 Positions VACANT
 At-Large Representatives 2 Positions VACANT
 Challenger High School Representative 1 Position VACANT

Alderman Guess advised the Hickory 101 class of several vacancies on different boards and commissions. If they hadn't already discussed that, perhaps that could be a topic of future discussion. If they were interested in any of those, they all probably have vacancies.

Alderman Tarlton mentioned the Recycling Advisory Board which had five vacancies. He asked if they still met.

Alderwoman Patton advised they did.

Mayor Wright commented we have the best recycling in North Carolina.

Alderman Guess commented the meeting was on a weeknight at night. He wasn't saying that was part of the issue, but it might be.

Mayor Wright asked who the liaison was.

Interim City Manager Andrea Surratt advised Solid Waste Director Andrew Ballentine.

Mayor Wright commented maybe they could move the time.

Alderman Guess commented that he didn't mean to imply that was the problem.

Mayor Wright commented it could be. It is also one where we don't change things up very much and we are doing a great job.

Public Services Director Chuck Hansen advised they had met a lot of the original goals of this group when you go back to when it started twenty some years ago. Especially with the residential recycling program which was kicked off a year ago now. So, it has almost taken care of a lot of the issues. The question is what's next, it is a little bit of the tough part.

Alderman Tarlton commented how can we get better?

Mr. Hansen stated that everyone is pleased of where we are at with the recycling program. We rank among the top in the State in that category and we are proud of that. They will do a little more conversation and see if a time change could help too. He advised that was what was going on there.

Alderman Guess didn't want to reflect negatively because we have five vacancies, that was not the case at all. It is a great program.

Alderman Tarlton agreed that it was great.

Mayor Wright commented that historically it has been one that is tough to fill and the Burke County Representative on the Planning Commission had been vacant, he thought for 15 years.

Deputy City Attorney Dula advised Mayor Wright that was the Brookford position.

Mayor Wright commented that Brookford had been filled.

Ms. Dula replied just recently. She advised it hadn't been 15 years for the Burke County position, it had been filled since she had been at the City.

Alderman Guess advised they are looking for people.

Alderman Seaver moved seconded by Alderman Tarlton approval of Michael Ellwanger to the Business Development Committee. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Alderman Seaver mentioned that Council had four public hearings on this agenda, which was a sign that things were doing pretty well in Hickory, because they had gone sometimes five or six meetings and not had one. He commented it is a point in the right direction.

Mayor Wright commented that people are spending money on curb and gutters, and retail establishments. He mentioned that the City now owns the sinkhole and are on the way to repairing it with the help of DOT. The City had enjoyed excellent cooperation with Hendrix and the adjacent property owners in terms of working together and getting easements so the City can access the property. The current estimate is March/April timeframe to have the property ready for use as a public asset or ready for sale. He advised Oktoberfest was this weekend and encouraged everyone to go to Oktoberfest and spend money to keep everyone prosperous and happy. He commended Mr. Hansen for doing a great job as "Acting" City Manager.

XIV. There being no further business, the meeting adjourned at 7:45 p.m.

Mayor

City Clerk