

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, September 1, 2015 at 7:10 p.m., with the following members present:

Brad Lail	Rudy Wright	Hank Guess
Bruce Meisner	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: City Manager Mick Berry, Assistant City Manager Rodney Miller, Assistant City Manager Andrea Surratt, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Sarah Prencipe and City Clerk Debbie D. Miller

- I. Mayor Wright called the meeting to order. All Council members were present.
- II. Invocation by Alderman Seaver
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Summer Library Reading Program

City Manager Mick Berry asked the Children's Services Coordinator of Patrick Beaver Library, Ms. Lisa Neal, to the podium to discuss the summer program at the Library.

Ms. Lisa Neal presented a PowerPoint presentation and shared with Council the projects that happened at the Library over the summer. She discussed why so much effort, money and time was put into the summer reading program. The main goal was to inspire lifelong learning and in still a true love of reading in all of the children. The focus is on fun. She discussed the summer slide, which is the loss of achievement that takes place when children do not read or have access to books over the summer. Children that do not read lose two or three months' worth of academic achievement over the summer. They do not catchup when they go back in the fall. That summer loss is cumulative. By the end of 5th grade going into 6th grade students that have not been exposed to and have quick, easy access to books throughout their summers can be up to three years behind their other classmates because of their summer slide. Research estimates that 50 to 67 percent of the achievement gap for children living in poverty is the result of summer learning loss because of no access to books. Ms. Neal showed a graph and pointed out the line that represented children from low income homes with no access to books and their reading scores in the fall go down. She pointed out the same low income children who have easy access to books over the summer and their reading scores go way up. The difference is not income, it is books. Books beats the summer slide. She advised that summer school focuses on remediation, and instruction. Public library's focus on enrichment and in stilling that lifelong love of learning. Experts say that the reading achievement gap seen in 9th grade students can be traced back to unequal access to summer learning opportunities during the elementary school years. A library card can make a huge difference in a child's life. They also provide computer literacy skills. There is a lot of households in Catawba County who do not have internet computer access at home. It is an essential part of a child's education now. It is in the core curriculum for kindergarten that they must have computer skills, and they must learn those. She advised that two and three year olds get on the computers at the library on a regular basis and they learn how to use the computers.

Ms. Neal advised that the theme this year was "Every Hero Has a Story". The children had a reading log where they kept track of the time that they spent either reading or listening to someone read to them. She advised that they had sections that counted for five hours of reading time and each of those sections would earn the child one free book to keep. Each child who signed up for summer reading could earn up to four free books. She discussed programs that they had during the eight weeks which included an indie rock band called Lunch Money, out of Nashville, Tennessee; dancing stories with April Turner; a mind reader; puppet shows, music; jugglers; comedy acts; storytellers; and the balloon lady. It is not just school age children either. Research has shown that the first five years of life, even the first three years of life, are essential in brain development and learning pre-literacy skills. Children need to learn a lot of things before they can even begin to learn the alphabet and learn how to read. There is story times for all ages. There is baby time for children that are not walking yet, toddler time, and preschool story times. There are five story times per week. They also have therapy dogs for children that are reluctant readers or pet lovers can sit down and spend fifteen minutes reading to a dog.

Ms. Neal stated that early literacy skills are essential. If you don't get started in the early years it makes it harder and harder for children to learn how to read. If you have trouble with reading you have trouble with every single subject. In preschool the teachers of these children are their parents, caregivers, neighbors, and their grandmothers. The library plays an essential part in providing those parents and caregivers with the tools, knowledge and the support to know how to help their children develop to their best. She advised that they also had a lot of fun activities which included crafts, sticking with the super hero theme,

they made masks, capes, badges, paper beads, and duct tape creations. They had a 4th of July parade, a singalong, the crawdads players came which was a big family event and very well attended. The children decorate their bikes, scooters and themselves and parade around the SALT Block. They did a cartooning workshop which was quite successful. She commented to a certain extent it is just entertainment, but the performers who perform at the libraries in the summer are always very mindful of where they are and will make a point of talking about the knowledge obtained from books. She mentioned an event called Books-n-Balls, which was done in collaboration with the Parks and Recreation Department in which literacy activities are done with the children. She discussed the "Game Truck" out of Charlotte, where the children go into it to play video games. There is a limited number of children that could participate in the game truck. The children had to do something extra to earn their ticket onto the game truck. They had to either draw a cartoon, write a poem, or build a model robot out of ordinary household items, or paint a portrait of their super hero. All of the tickets sold out and it was a great time. They had a back to school trivia competition.

Ms. Neal discussed the reading records which only went to 20 hours of reading. The focus was to get children to read a little bit every day. Not to get them to sit down and to read four or six hours every day. A little bit every day will do the trick. Some of the children finished the reading in two weeks. They had super readers where the children could earn the recognition of putting their name up on the wall. They could also enter a drawing to be in one of the "read" posters. The child gets their photo taken with a favorite book, and it is turned into a poster which hangs in the library. The child gets a poster for themselves and one for their school as well. A drawing was held among the children that completed their reading records of 20 hours. She showed a photo of the posters that would be displayed on the library wall this year.

Ms. Neal advised that they had 1,325 children sign up for summer reading at Hickory Public Library. They had 5,737 people who attended the 172 programs they offered over the eight weeks at both libraries. The children that signed up at Hickory Public Library over this past summer read 1,192,400 minutes, which is almost 20,000 hours of book time in Catawba County in eight weeks. She commented that all of it is possible because of the Friends of Library and City of Hickory.

Mayor Wright asked how it ranked with other cities.

Ms. Neal commented she thinks we are the best. Last year's number was almost the same number of children but they only read about 700,000 minutes. They really jumped up this year.

Alderman Guess asked if it was all free.

Ms. Neal confirmed that everything was free. In the past they gave out other prizes in addition they could either choose a book or a toy. This year they just went straight books. You read books you get books. It has been extraordinary. They had more people redeem prizes than they did when they were giving out toys.

Mayor Wright commented that it is paid by the taxpayers, but that is a great bargain for all of us.

Ms. Neal advised that she told the children when they come for a school visit that it is not free it is paid for by their parents. It is prepaid, it is not free.

Mayor Wright thanked Ms. Neal and advised her to keep up the good work.

B. Special Recognition

Mayor Wright surprised City Clerk Debbie Miller with a recognition for the prestigious designation of North Carolina Certified Municipal Clerk from the North Carolina Association of Municipal Clerks, along with the School of Government of the University of North Carolina at Chapel Hill.

V. Persons Requesting to Be Heard

Mayor Wright advised that a number of people were present to speak regarding the Special Meeting that Council had earlier pertaining to the designation of a thoroughfare on a planning plat for Hickory and Caldwell County which calls potentially for a road through Gunpowder Pointe. He advised of the three minute timeframe. He called on Andrea Bergman who had signed up to speak but she did not come forward to speak.

A. Mr. Daniel Blackwelder addressed Council regarding a proposed thoroughfare. He advised that they were aware of the proposed thoroughfare for quite some time and his father had developed a subdivision that would fall to the southwest of it. He expressed concerns regarding the lines on a plat that had been presented to Council at their

workshop. He stated that the lines appear to be arbitrary lines in terms of where they fall on the map. He advised that one of the maps shown actually showed the bridge going through his parent's home impacting neighbors along that subdivision. He commented that in reality, Mr. Marshall had said that it was an inaccurate representation of how the thoroughfare and bridge would cross the lake. He was concerned about the potential effect it may have on the marketability of the property in the area. He commented that if the lines are not accurate and are impacting people's ability to use their property, peaceful enjoyment, develop it, sell it, then they should be removed or the planning authority should come back in and do a better job of locating them on the maps so that they more accurately represent where this possible future bridge will go.

- B. Ms. Denise Poe advised Council that she had previously spoken to them. She is fighting against a bridge that she was told would never come. She questioned why Council would want to hold up progress for her, the neighborhood, and for the buyers who would like to build on this property. She advised that the cost of that property was not much when you are going to the expense to build a bridge. She advised that it was a lot to her, and that she needed to sell the property. She asked Council to not prevent this for something that will likely never happen, when it will cause harm for years and years for the people who own the property. She requested Council write a letter supporting the removal of the easement from their property. She stated according to Mr. Marshall that would help.
- C. Mr. Charlie Brady commented that he enjoyed being back in his hometown. He grew up beside the Lenoir-Rhyne campus and had good memories of the town and it was a town that was very good to him and his family. He thanked Council for conducting a workshop regarding the Hickory Newton-Conover Thoroughfare Plan. He advised that rerecording the plat would not be a viable option. As long as the thoroughfare plan is out there, it would be doubtful that Crescent would want to record it without it, as long as that plan was floating out there. If it is withdrawn, and the plat is still in existence, which it would be it is recorded in the Register of Deeds, a title search would discover that and it is a red flag. You would do due diligence to find out the status of the corridor project. Through COG, if it was withdrawn, there would be a statement that would say that is off the table. He commented about the potential inaccuracies that may be currently on the plat. The one that effects Ms. Poe's property was recorded in 1991. Maybe the corridor isn't exactly now in the plan where it was depicted in those old plats. He requested Council urge COG do a review of those plats to see where they mesh with what the current plan is now. That might provide some relief to some people if there are inaccuracies. He stated he did not know if there were inaccuracies or not. This plat has been there for 24 years, and the bridge was "dead in the water" since 2002. He commented that it is a cloud on title. He questioned how long it should affect people like Ms. Poe and other property owners. He urged City Council to help these property owners by voting to have the plan withdrawn. They could take that recommendation to the Caldwell County Commission and talk to them individually. There has not been a formal vote by that board, so it is not a done deal or the final word on the subject. He commented that they did not have an informative session like Hickory City Council did before they discussed it. He advised that would be part of their plan moving forward. He thanked Council.
- D. Ms. Carrie Craymer thanked Council and advised that she had learned a lot from the informative meeting. She advised that she lived in Phase 1 and they had built in 1998. She advised that Phase 1 and 2 were built and later on Phase 3 was built. Unfortunately the folks that built in Phase 3 were misdirected. They had been told many times that the toll bridge was gone. The industry was thriving at that time and there was not as much pressure on the banks with money. That is what is happening with Phase 3 owners that have not built homes. That is being viewed negatively toward the banks. She thanked Council for any support that they would give to the fellow citizens. She thanked Council for listening and giving them this opportunity.
- E. Mr. Larry Pope thanked Council for the opportunity to voice his personal opinion on what was brought to Council by the COG. He commented that once something is in the planning stage, but it interferes with a citizen's right to use their personal property to the fullest capacity, he would hope that City Council would do a letter to Caldwell and advise Caldwell County Commissioners that Council has no problems with this being removed from the plans for a widening of Gunpowder Road. He was of the opinion that if DOT wants to widen that road then let the State come back in and give fair market value to the property owners, instead of holding them hostage by keeping that information floating out there to who knows to who. He encouraged City Council members and the Mayor to do a letter saying to Caldwell County that they do not object to removing the necessary items that will free up the usage by citizens of Caldwell County in that area.

Mayor Wright moved, seconded by Alderwoman Patton to discuss this item although it was not on the agenda. The motion carried unanimously.

Mayor Wright announced that he moved seconded by Alderwoman Patton and the motion carried unanimously.

Mayor Wright asked Mr. John Marshall from Western Piedmont Council of Government (WPCOG) to the podium. He asked Mr. Marshall what the downside of removing the project would be.

Mr. Marshall advised if they ever wanted to build that bridge then it would be hard to get it back in there. Once it is removed from the thoroughfare plan you would have to start all over again. Do you see the potential of growth in the Hickory, southern Caldwell region that would dictate needing that bridge in the future?

Mayor Wright asked what the City had right now. How much time and money is in it at this point?

Mr. Marshall advised that it had been on the thoroughfare plan since 1983.

Mayor Wright asked if things went back on in chronological order.

Mr. Marshall advised that it was not as simple putting it back on as it was taking it off.

Alderman Seaver commented that bridges could be obsolete in 20 years.

Alderman Lail moved that Council send a letter to the Caldwell County Commissioners stating that although they are not petitioning the MPO for removal of the proposed thoroughfare, the Council has no objection to them acting to remove any reservation of rights of way that might relate to that proposed thoroughfare because Council does not know the alignment, there has not been environmental impact studies done, they have no way of understanding where that bridge might be if it is indeed at that point. It is not as if DOT owns that property and we have to hit it at this point because we already own that property. He moved that Council would be very clear that they are not suggesting...

Mayor Wright commented that DOT doesn't own any property.

Alderman Lail commented that DOT owns nothing. He stated that Council would be very clear that they are not removing the project.

Mayor Wright commented that there is no reserved right of way.

Alderman Lail stated correct. We are not removing the project, but they are encouraging them to work with the property owners in Crescent or whatever to resolve the issues as it relates to plat and to title.

Alderman Meisner questioned why this group wouldn't go to the Commissioners by themselves. He asked why Council should take a stand first.

Alderman Lail advised that he was being supportive, and that he did not like bureaucracy.

Mayor Wright commented that they had heard that this could impact people on this side of the river.

Alderman Meisner advised that he could only talk about the next 30 years. We have this plan in northern Hickory, by Crawdads stadium, and water and sewer down to MDI, the growth pattern there is going to be tremendous. For people that live in Viewmont to go to these places, it is going to be 25 minutes. He advised that he was a part of the Council that didn't have the guts to do anything with Geitner Road. He can't see Council making two errors.

Alderman Lail advised that he was not suggesting that Council is not supportive of that link between 127 and 321. His motion did not include that Council recommend that be removed from the thoroughfare plan. That line can stay there.

Alderman Meisner questioned what Council was asking the County Commissioners to do.

City Attorney John Crone asked if there was a second to the motion before the discussion.

Alderman Seaver seconded the motion for discussion.

Alderman Meisner asked again what Council was asking the County Commissioners to do. He questioned if that somewhat implied that Council wants the line to be erased.

Alderwoman Patton asked if it was just asking them to fix the problem on their end, but leave everything else the same.

Alderman Meisner asked Mr. Marshall if Council could do that.

Mr. Marshall commented that Mr. Brady had made it clear that going in there and arbitrarily erasing those lines that showed where the potential corridor could be is not really going to solve their problem. If somebody goes in and does the title research it is still going to show up. Even if you took something and erased those lines, it still doesn't take care of the bigger issue which is the bridge is still coming through there, which is going to have to be disclosed to any potential property owners in the future.

Alderwoman Patton commented that Council wants to help the neighbors, but having the right to reserve that bridge going across 30-40 years from now, it negates the motion.

Alderman Meisner questioned what Council would tell the people on 29th Avenue, where 29th Avenue is to be widened in five to seven years that can't sell their property. Will Council let them take 29th widening off too in Hickory? It is going to impact some property owners. This is a long-range plan. He commented that he feels sorry for these people. Council is thinking about the future thoroughfare plan of Hickory and asking them to juggle dots on a map.

Alderman Lail commented the fact that there is a "reservation not dedicated for public use" on the plat, the fact that those words exist on the plat does not mean that the road will have to go there. And if it does go there Ms. Poe is still going to be compensated by the North Carolina Department of Transportation. He commented that it is beyond him with regards to title and that the title is still clouded, he would defer that to someone else.

Alderman Meisner commented that the travesty is what they are holding is faux hostage for 30 years. If this doesn't come through then those impacted property owners sit there for 30 years.

Alderman Lail commented without just compensation.

Mayor Wright commented that the reason that it hangs over their heads is when people buy their homes they don't do so thinking that the worst thing that could happen is they are going to get their money back. I am going to get paid for this. They are buying the home so they will never have to move again is what they are thinking. That is what hurts whether it is on the transportation plan or on that plat, it is a reminder that has been thought of. That fact this his house is not on one of those plats with dotted lines on it doesn't mean it will not happen to him.

Alderman Lail called the question and restated the motion that Council send a letter to The Caldwell County Commissioners or to the authority having jurisdiction over the subdivision of Ms. Poe's property stating that Council remains supportive of what the Long Range Transportation Plan calls the Icard Ferry Grace Chapel Road widening. Council continues to remain supportive of that project and Council encourages them to consider the needs of Ms. Poe as it relates to the platting of her property.

Mayor Wright questioned if Council was being told that would not make any difference.

Alderman Lail advised that they had been told that, but he did not know. It is the best that he has got.

Alderman Guess commented that Council is just asking them to give her some consideration of what she had brought to City Council.

Alderman Seaver commented that even if it doesn't help it is probably not going to hurt.

Mayor Wright commented that at this point it might just be absolutely cost prohibitive to run it through those neighborhoods. He questioned the location of the area.

Alderman Meisner advised the location of the property coming down 29th. He referenced John Clark's property and advised that it is away from Moore's Ferry.

Mayor Wright stated there is a motion and second.

Alderwoman Patton asked who could answer the question that you were told that wouldn't clear anything up.

Mr. Marshall advised that he was just repeating what Mr. Brady had said. If you took it off that plat, that is not taking into consideration trying to get Crescent back involved in rerecording. He commented that he was not saying that couldn't be done, but he was saying if that line was removed if someone does title research on that particular plat it is still going to show up in the past and send up a red flag. He did not know if banks were going to loan money on that.

Mayor Wright moved for Mr. Brady be allowed to speak.

City Attorney John Crone advised Council that there was a motion and a second and the question had been called.

Mayor Wright asked if he called the question.

Alderman Lail confirmed that he called the question.

Mayor Wright commented that Alderman Lail making a motion called the question.

Mayor Wright stated motion by Alderman Lail, do we have a second to call the question. He stated that they would continue the discussion.

Mayor Wright moved, seconded by Alderwoman Patton to allow Mr. Brady to add clarification that he wanted to make. The motion carried unanimously.

Mr. Brady commented that it would be great if the plat could be revised and didn't show any lines. He clarified that what he meant was that is really not likely to happen. The lines are going to remain on that plat. Someone doing the title search would see that plat, if the plan was removed then they would contact COG or DOT and find out that the corridor was no longer in the plan. If he could take a magic wand, get Crescent to rerecord a plat, and there not be any lines on it; that would be great. He did not think that was likely to ever happen. He referenced comments made by Mr. Blackwelder at the beginning of the meeting which was news to him, and no one had asked Mr. Marshall, are the location of the lines on those plat indeed exactly where the plan shows it to be now. Because that is a real problem if the plan, as it exist today, doesn't match up with what is on the plat. He did not know the answer to that question and felt that it was a legitimate inquiry to COG. Mr. Marshall may say they are dead-on. He stated that nobody owns that property except these individual property owners. If that is going to be the exact location of the bridge then they probably have a better crystal ball than anybody else present. That is even more reason that it is unfair because there is this arbitrary plan out there but who knows where it will end up being.

Mr. Marshall addressed the inaccuracy of the maps commenting that the plat shows what it shows. DOT looked at the corridor alignment best they could when those subdivisions were being developed. An accurate map that he referred to is a feasibility study that was done in 1997, nothing to do with the flats. The feasibility study shows a corridor that shoots across the lake and it doesn't dictate exactly where that corridor is going to be. It was just a feasibility study where they connected point A to point B. When they saw the map they saw that the feasibility study did not match what was shown on the plats.

Alderman Meisner confirmed that on the Hickory property it was just a line from point A to point B.

Mr. Marshall stated the feasibility study was done by DOT in 1997.

Alderman Guess asked if Council could request an update to that.

Mr. Marshall replied sure.

Alderman Guess asked if that would be a logical step.

Mr. Marshall advised that they could absolutely ask for an update on that feasibility study.

Alderman Guess commented that might be the next logical step to request an update on that feasibility study. He commented that he understands both sides, but he didn't know if Council would want to take that step tonight if they don't really understand the full impact of what it is that they are deciding.

Alderwoman Patton questioned how long it would take to get an update on the feasibility study.

Mr. Marshall advised anywhere from six months to ten years.

Mayor Wright stated that he was wrestling with this because it was not that he wanted to vote against Alderman Lail's motion. He had no problem with that. If Council does something then he would like for it to have something other than symbolic value. That doesn't mean that he is going to vote against this. Given what Council knows right now, unless somebody else wanted to discuss this, he called the question.

Mayor Wright announced that there was a motion by Alderman Lail, seconded by Alderman Seaver in favor of sending a letter. Ayes: Mayor Wright, Alderman Lail, Alderman Seaver, Alderman Zagaroli; Nays: Alderman Meisner, Alderman Guess, and Alderwoman Patton. The motion carried 4 to 3.

Mayor Wright ensured the citizens that the three do really care about their best interest. He thanked the citizens from both sides of the river for being present and being so polite and professional and giving Council a lot of clarification.

VI. Approval of Minutes

A. Regular Meeting of August 18, 2015

Alderman Seaver moved, seconded by Alderman Lail that the Minutes of August 18, 2015 be approved. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderman Lail 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.

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

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

A. Approval of the Fire Protection Service Agreement with the Town of Brookford for Fire Service Protection and Medical Related Services. (First Reading Vote: Unanimous)

B. Approval of a Contract for Maintenance between the Town of Hildebran and the City of Hickory for a Sanitary Sewer System. (First Reading Vote: Unanimous)

C. Approval of Change Order 1 with McGill Associates, PA in the Amount of \$40,650 for Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivisions Sanitary Sewer. (First Reading Vote: Unanimous)

D. Approval of Change Order 1 with Neill Grading & Constructing Company Inc. in the Amount of \$26,129.89 for the Eastwood Sanitary Sewer Project. (First Reading Vote: Unanimous)

E. Budget Ordinance Amendment Number 3. (First Reading Vote: Unanimous)

F. Capital Project Ordinance Number 1. (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 Meisner moved, seconded by Alderwoman Patton approval of the Consent Agenda. The motion carried unanimously.

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

A. Approved a Resolution to Declare 6,225 Surplus Discarded Library Materials.

Staff requests approval of a Resolution to declare 6,225 surplus discarded library materials. These materials will be given to the Friends of the Library to sale at the Friends October 2015 Book Sale and/or at the "Corner Book Store" at Patrick Beaver Memorial Library. The donated and discarded books is the primary fundraising activity of the Friends of the Library and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library, and is an appropriate means of disposing of unneeded materials.

Public Notice advertised on August 22, 2015 in a newspaper having general circulation in the Hickory area.

RESOLUTION 15-23
A RESOLUTION OF THE HICKORY CITY COUNCIL
DECLARING SURPLUS LIBRARY BOOKS AND
AUTHORIZING DONATION TO THE FRIENDS OF THE LIBRARY

WHEREAS, the Hickory Public Library declares a list of 6,225 discarded, out of date in poor condition, or no longer needed to meet the collection development goals of the library; and

WHEREAS, the Library wishes to dispose of said property to The Friends of the Library for their use at the annual October book sale and/or the "Corner Book Store" at Patrick Beaver Memorial Library.

WHEREAS, G.S. 160A-280 allows the city to donate to another governmental unit within the United States, or a nonprofit organization incorporated after advertising and Council approval.

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

SECTION 1. That authorization is given to the Hickory Public Library to dispose of the declared surplus in a manner serving the best interest of the City.

SECTION 2. This Resolution shall become effective upon adoption.

- B. Called for Public Hearing for Consideration of Fiscal Year 2014/2015 Consolidated Annual Performance and Evaluation Report (CAPER). (Authorize Public Hearing for September 15, 2015)
- C. Approved the Transfer of a Cemetery Deed from Agnes Lee Ballenger, single; Donna Davis Ballenger, Davis B. Weaver, and Melissa B. Jordan, Co-Trustees of the Thomas C. Ballenger Revocable Trust Dated October 13, 2011; Donna Davis Ballenger, Davis B. Weaver, and Melissa B. Jordan, Co-Trustees of the Thomas C. Ballenger Family Trust; Lucinda G. Ballenger, and husband, Robert H. Brinkley, III; Melissa B. Jordan and husband Erik W. Jordan; and Davis B. Weaver, single to Donna Davis Ballenger, widow, (Oakwood Cemetery, Section 21, Plot K, Lot A1, Grave Space Numbers 1-5 and 8)(Prepared by Attorney Kimberly H. Whitley).
- D. Approved the Special Events Activities Application for Brews and Bases, Megan Meade, Director of Community Relations and Events Hickory Crawdads, September 12, 2015 from 11:00 a.m. to 6:30 p.m. at 2500 Clement Boulevard. (Exhibit VIII.D.)
- E. Approved on First Reading Budget Ordinance Amendment Number 21.

ORDINANCE NO. 15-40
BUDGET ORDINANCE AMENDMENT NO. 21

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 15 Chapter 159 of the General Statutes of North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2015.

SECTION 1. To amend the Transportation Fund the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	900,000	-
TOTAL	900,000	-

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	900,000	-
TOTAL	900,000	-

SECTION 2. Copies of the budget ordinance amendment shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- F. Approved on First Reading Grant Project Ordinance Number 1.

ORDINANCE NO. 15-41
GRANT PROJECT ORDINANCE NO. 1

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, that the following grant project ordinance is hereby adopted for the duration of this project.

FUNCTIONAL AREA	INCREASE	DECREASE
Economic and Community Development	200,000	-
TOTAL	200,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Governmental Revenue (Federal)	200,000	-
TOTAL	200,000	-

SECTION 2. Copies of the grant project ordinance shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

1. Consideration of Changes to Hickory City Code Ordinance Chapter 4 – Animal and Fowl.

The City of Hickory approves organizations to use public property, Union Square and other venues, to host events for the public. Over the years citizens and staff have expressed concerns about animals being allowed at these events because of public safety concerns for the citizens and animals attending the event. The Legal Department, Police, Parks and Recreation, and Branding/Public Information Office have worked together to develop proposed changes to the Hickory City Code Chapter 4 (Animal and Fowl) restricting animals within the “footprint” of the approved special event on public property. These proposed changes are in the interest of protecting the public from potential aggressive animals that could cause harm to a humans or another animals. Staff recommends City Council consider changes to the Hickory City Code Chapter 4 (Animal and Fowl) that would restrict animals on public property during approved special events.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 21, 2015.

City Manager Mick Berry asked the City’s Chief of Police Tom Adkins to the podium. He advised Council at their August 4th Council meeting Chief Adkins presented concepts behind a draft Ordinance to modify the City’s code related to Animal and Fowl. It was duly advertised in a newspaper having general circulation in the Hickory area on August 21, 2015. He asked Chief Adkins to present the information to Council.

Chief of Police Tom Adkins addressed Council and presented a PowerPoint presentation. He reviewed what had previously been discussed on August 4th. The Ordinance would restrict animals from the footprint of any city property that was going to be used for a special event. The City requires citizens to complete a Special Events Application through the Development Assistance Center to inform City staff of events that are occurring in the city. They are required on any city property to notify and see if personnel resources are needed for that event and to obtain Council approval to use city property. He referenced the use of Union Square, with events like the Hickory Farmers Market, the Music Series under the Sails, Oktoberfest and Hickory Hops. This Ordinance would not apply to city property that City staff would hold special events on. He referenced Parks and Recreations Bark Bash or Woof Walk. The Ordinance would also apply to events held in areas like the steps at City Hall, or the grassy area over at the SALT Block.

Chief Adkins advised the reason for amending the Ordinance was for the public safety aspect. Staff does not want any animal bites to humans, or other animals. Animals tend to get aggressive at these events, mostly towards other animals. The City Ordinance requires that animals be on a leash which creates trip hazards for event/festival attendees who are attending these events on public property. There is also the potential of animal waste in the footprint of these special events. Event sponsors have also requested this restriction for their events. He advised Council that he was not aware that there had been a bite, which had been reported to the Police Department, on a human or an animal.

Chief Adkins discussed the definition of animal, basically dogs, cats, livestock, and other mammals, birds, reptiles, amphibians, or fish. The primary animal being seen at these events are dogs, but it would apply to all animals. Exception to the Ordinance would be any animal defined by Americans with Disability Act (ADA); any animal that might be part of the event or the parade; animals owned by law enforcement; or animals used as a vehicle for hire. He used for example the carriage rides on Union Square. There is a provision in the Ordinance under

Section (d) that the event sponsor themselves may ask for an event waiver and that would be approved by City Council. They would have to have the required liability insurance to do that.

Chief Adkins discussed the enforcement of the Ordinance. He advised that the public would need to be educated about the change. They would hope that the event advertisements would include that as part of their flyers. If the Ordinance is adopted, and there is an event, the police officers or event staff would inform citizens attending the event of the change in the Ordinance. The last enforcement of the Ordinance would be the police officers could cite someone within that footprint. Police would use good common sense and should get compliance after the citizens are informed of the change to the City Ordinance if adopted. He mentioned other jurisdictions that have adopted this type of ordinance.

Chief Adkins advised Council that after the August 4th meeting two public meetings were held with the help of Communications Director Mandy Pitts. They invited veterinarians, and other animal type businesses around the area to inform them of the possible change. They hosted one meeting on August 11th at the Hickory Police Department which was attended by two individuals, one being a local veterinarian and the other one a Farmer's Market Board member. The August 15th meeting was held at City Hall in Council Chambers at 10:00 a.m. and the Farmer's Market Manager attended that meeting. Chief Adkins had received one phone call from an individual that owned an animal obedience type of business outside of the area. He told Chief Adkins that they use these events to help the animals get social skills around large crowds. He was concerned that if this Ordinance restricted that the events might not be available for his clients. The public hearing was called for on August 18th and advertised in the newspaper. Staff recommended Council adopt this Ordinance.

Alderman Seaver questioned if the Ordinance would be enforced for a certain distance from the area of the actual event.

Chief Adkins advised that when organizations fill out a Special Events Application they include a map of the area that they are going to use. It is not to scale. Staff would use that as the footprint of the event. He commented that obviously if someone is walking through, and not going through to the event, Staff would use good judgement and let them go through. Staff would try to steer them away from the event itself.

Alderman Seaver asked if groups could opt out of the enforcement of that.

Chief Adkins replied that they could ask for the waiver. The event applicant could ask for a waiver to remove that restriction. Council could approve that. If they want to have it and want to take responsibility for that, they can apply for the waiver.

Alderwoman Patton commented that the Farmer's Market and Oktoberfest were one of them. She said that the Oktoberfest always has a "pet the dog" type of vendor.

Chief Adkins advised that if it is a part of the event they can do that. He used for example a petting zoo would be exempt from the Ordinance.

Alderman Zagaroli asked if Hickory Police Department would be policing the events like the Farmer's Market.

Chief Adkins replied that just like any event they would use the appropriate amount of resources. He advised that at the Farmer's Market they don't normally have the officers stationed at that event. They may have someone walking through just to do property check of the area. That could be a call for service. He commented that once a citizen is informed that it is no longer appropriate or accepted by City Code then they would just move on.

Alderman Zagaroli commented that the people that are putting the event on would take the responsibility to tell the people.

Chief Adkins commented they could, it just all depends. The Farmer's Market has done some of that. Some of the Oktoberfest staff would be okay with doing that. Obviously if there was a confrontation they would call the Police Department and they would respond.

Alderman Zagaroli questioned if there would be any placards stating the Ordinance placed anywhere.

Chief Adkins advised that they had not talked to public works about that. He commented that there was one event that actually puts that outside their event already. That could be considered as a possibility. The only problem being that for an event like Oktoberfest there are so many ways into the event. You could put it on the normal flow where citizens come in like Main Avenue, 2nd Street, but you would probably miss somebody.

Alderman Zagaroli commented that he had heard more about the Farmer's Market problem than anything otherwise. He didn't know if there was a way to have a placard either front and back of that that which stated that this is the Ordinance.

Chief Adkins replied that staff could consider that. It could be put out during the event. If an organization wanted to purchase one of those they could do that.

Alderman Guess suggested encouragement of the event sponsors to us that in their advertisement.

Chief Adkins commented that the events sponsors could put up a sign referencing the Ordinance if they would like to as long as they did it within the boundaries of the sign ordinance itself.

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 to the proposal. No one appeared. Mayor Wright closed the public hearing.

Alderman Guess moved, seconded by Alderman Zagaroli approval of the amending Hickory City Code Ordinance Chapter 4 – Animal and Fowl. The motion carried unanimously.

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

ORDINANCE NO. 15-42

ORDINANCE AMENDING CHAPTER 4 (ANIMALS AND FOWL) OF THE CODE OF ORDINANCES OF THE CITY OF HICKORY

WHEREAS, the City of Hickory has the authority, pursuant to N.C.G.S. § 160A-186, to regulate the keeping of domestic animals; and

WHEREAS, the authority to regulate the keeping of domestic animals is applicable to the keeping of animals on public properties and at public events; and

WHEREAS, the City Council has determined it is in the interest of the public's health, safety and welfare to amend Chapter 4 of the City Code to address certain animal matters in relationship to their impact upon public properties and public events;

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

Section 1. Amended.

Chapter 4 of the Hickory City Code is amended as set forth herein.

Section 2. Amendment

Section 4-25 which has been reserved shall now be utilized and the following provision assigned to that section in its entirety:

4-25. Animals at events.

- (a) Applicability. This section shall apply to any public event on city property, in which a special event application is required. The presence of animals at these events poses health and safety concerns for both the spectators and animals. Sponsors of other events may also request the city manager or his authorized designee in writing to apply the provisions of this section to such events.
- (b) Unlawful to have animal at an event. It shall be unlawful for any person owning, having possession, charge, custody or control of any animal, as

defined in subsection (f) herein, to take that animal, whether on a leash or otherwise, into or allow the animal to enter the boundaries of any event. The boundaries and the interior of a special event shall consist of any area part of the event or parade route and shall include any public street, road, highway, sidewalk, alley, parking lot, grassy area, right-of-way or other publicly owned area.

- (c) Failure to remove animal. It shall be unlawful for any person with an animal within the boundaries of a special event to fail to obey the command of a law enforcement officer or animal control officer to remove such animal from the event.
- (d) Exceptions. This section shall not apply to those animals part of an authorized event, exhibit, or parade. The special event operator and sponsor shall be responsible for immediately cleaning up and removing any animal waste from animals that are part of an authorized exhibit or parade. All animal waste shall be disposed of properly. This section also shall not apply to service dogs or other animals relied upon by persons with disabilities, to animals owned and controlled by public law enforcement agencies, or to animals used by a vehicle for hire in accordance with applicable City ordinances.
- (e) Waivers. An organizer of an event to which this ordinance applies may request a waiver from this ordinance. The sponsor shall submit plans specifying how the public will be protected from the animals. Requests shall be reviewed as part of the special event permitting process and may be approved or denied as part of that process.
- (f) Definitions. For the purposes of this section, the term "animal" shall mean every vertebrate and invertebrate nonhuman species of animal, wild or domestic, male or female, including but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish. The term "event" is applicable to all public events on city property for which a special event application is required.

Section 3: Severability.

If any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Repealed.

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.

Section 5. Effective Date.

This Ordinance shall become effective immediately upon adoption.

B. Departmental Reports:

1. Appointments to Boards and Commissions

COMMUNITY RELATIONS COUNCIL

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

Other Minority VACANT

Other Minority 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 Since 8-6-2008

Brookford (Mayor to Nominate) VACANT Since 6-2006

Catawba County (Mayor to Nominate) VACANT

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)

(10) Positions VACANT

Mayor Wright nominated Cynthia Ferrell to International Council.

PARKS AND RECREATION COMMISSION

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

PUBLIC ART COMMISSION

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

Mayor Wright nominated Beth Bowman to Public Art Commission, At-Large Representative.

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by Mayor)
Tenant Representative (Mayor Nominates) VACANT

RECYCLING ADVISORY BOARD

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

YOUTH COUNCIL

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

Hickory Career Arts Magnet VACANT

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Voting Delegate/Alternate for Annual Business Meeting October 12, 2015 (1:00 – 2:00 p.m.) Benton Convention Center, Winston-Salem, NC

Mayor Wright nominated himself as the voting delegate for the North Carolina League of Municipalities meeting.

Mayor Wright moved seconded by Alderman Seaver approval of the above nominations. The motion carried unanimously.

Mayor Wright advised that the League of Municipalities meeting was an excellent opportunity to network with others. He enjoyed attending the exhibitions which included anything from fire trucks, garbage trucks, to instant communication instruments between residents and the city. He recommended that everyone give some thought to going. Hickory is in the rotation for this event, so he feels it is important to support the events when they are held in the other areas.

Alderman Seaver questioned the dates of that event.

Mayor Wright commented that the business meeting was October 12th.

City Manager Mick Berry advised the event dates, October 10-13.

C. Presentation of Petitions and Requests

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

City Manager Mick Berry asked Council to consider going into Closed Session to discuss potential litigation NCGS §143-318.11(a)(3) and economic development under NCGS §143-318.11(a)(4).

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

Alderwoman Patton commented that she attended the Viewmont Business Association meeting and they had incorporated the City's logo in their logo. They have the Street Strut coming in September. There are 44 businesses signed up to participate and promote the Viewmont area. She commented that the Science Center is putting on a portal to science that is helping the Caldwell Social Services, Burke, Alexander, Catawba, and Catawba Public Health to get disadvantaged children access to the Science Center. They want everybody to have access there.

Mayor Wright advised that he had presented a proclamation to Lenoir-Rhyne University on their 125th Anniversary, which will continue all year. This year they have a record enrollment at their three campuses. They have a record number of freshman, 500 student athletes, and 50 international students. We are very proud of Lenoir-Rhyne and the contribution that they have made, and are continuing to make.

Mayor Wright commented that Benton Blount from Granite Falls would be on America's Got Talent. He encouraged citizens to cast a vote for him.

Alderman Seaver commented that Hickory was one of the top six small college towns in North Carolina, because of the relationship between Hickory and Lenoir-Rhyne.

Mayor Wright advised great article in "Our State" magazine.

Alderwoman Patton moved that Council go into closed session to consult with the attorneys to discuss the items of potential litigation and economic development, seconded by Alderman Seaver. The motion carried unanimously.

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

At approximately 8:22 p.m. Council went into Closed Session.

At approximately 9:00 p.m. Council reconvened to open session.

Alderman Lail moved seconded by Alderman Seaver to approve the Glenn Hilton Park Settlement Agreement with any necessary technical corrections. The motion carried unanimously.

Mayor Wright moved seconded by Alderman Seaver to adjust the budget to meet the financial obligation of the settlement. The motion carried unanimously.

ORDINANCE NO. 15-43
BUDGET ORDINANCE AMENDMENT NO. 5

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2015.

SECTION 1. To amend the General Fund the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	10,000	-
TOTAL	10,000	-

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Contingency	-	10,000
TOTAL	-	10,000

SECTION 2. Copies of the budget ordinance amendment shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer of their direction.

XIV. There being no further business, the meeting adjourned at 9:05 p.m.

Mayor

City Clerk