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 15, 2020 at 7:00 p.m., with the following members present:

Hank Guess  
Tony Wood  
Danny Seaver  
Aldermen  
David L. Williams  
Jill Patton  

A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Rick Beasley, Assistant City Manager Rodney Miller, Deputy City Attorney Armita Dula, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

I. Mayor Guess called the meeting to order. All Council members were present except for Alderwoman Williams and Alderman Zagoroli

II. Invocation by Reverend David E. Roberts II, Morning Star First Baptist Church

III. Pledge of Allegiance

IV. Special Presentations

A. Rate Presentation by North Carolina Insurance Commissioner Mr. Mike Causey

Mayor Guess asked Fire Chief Matt Hutchinson to the podium to introduce a special guest.

Fire Chief Matt Hutchinson introduced North Carolina Insurance Commissioner and State Fire Marshal Mike Causey.

North Carolina Insurance Commissioner Mike Causey and State Fire Marshal was honored, and it was a privilege for him to serve the citizens and to be back in Catawba County. He and his staff had been in other parts of the County today visiting several fire departments around the County. He shared some great news for the City of Hickory. He thought that it was something that everyone had been anticipating and would be very proud of. It was an honor for him to be able to present this. He had the official certificate. Mr. Brian Taylor, Chief of the Office of State Fire Marshal brought the certificate to the podium. The Office of the State Fire Marshal did the ratings inspection. He commented that Hickory Fire Department had earned the highest rating that any department can receive, less than one percent. He advised it was about 2/10 of one percent of all the fire departments in the United States that had achieved this. He announced it was the class one fire rating. This would help the City's economic development tremendously. This was something that they could be very proud of. He presented the certificate to Fire Chief Matt Hutchinson. Chief Hutchinson and staff members took photos with Mr. Causey and Mr. Taylor.

Mayor Guess asked if the City had ever been a class one before.

City Manager Warren Wood advised no. This was the first time.

Mr. Causey advised this was the first time in the history of Hickory that this had happened. He mentioned that in the whole State of North Carolina there were over 1,200 fire departments and this was number 16 out of those 1,200 that had hit that highwater mark. He knew that the Chief would tell everyone that he didn’t do it by himself, it was a team effort and it takes a lot of different groups working together. He was so happy for them.

Fire Chief Matt Hutchinson commented this takes years to do, and it takes support from City Management and Council. He mentioned safer grants that got personnel, purchasing apparatus, allowing the Fire Department to be innovative and look at new ways of providing service. The staff at the Fire Department are unbelievable. There was no way they could have done this without them. It is a team effort. He was beyond ecstatic. A lot of people did a lot of work for this and that goes back to his predecessors, from Chief Alexander, to Chief Hollar, to Chief George Byers. Everybody. And it comes a culmination of this. He thanked Council for allowing them to push hard and that was where they were at.

City Council members thanked Chief Hutchinson.

City Manager Warren Wood commented that obviously City Council with the funding that they provide and the citizens of Hickory through the taxes that they pay, and the suppression staff, it was everybody and it was a team effort and it had finally came into fruition that they had received a class one rating.

Mayor Guess asked if this was yearly or every five years.

Chief Hutchinson advised every five years.
City Manager Warren Wood advised the City went from a three to a one. That was a major improvement.

Alderman Patton thought everybody should be very proud of the leadership in fire and water. They had done a great job getting to this point.

Mayor Guess commented this was a tremendous economic boost too because it means so much to the City’s businesses and the future of the businesses in Hickory. There was already a lot underway, but he thought this would help the City for the future in economic development. They were proud of this; this was a big deal.

V. Persons Requesting to Be Heard

VI. Approval of Minutes
A. Regular Meeting of September 1, 2020

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of September 1, 2020 be approved. The motion carried unanimously.

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

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

A. Approval to Amend the Traffic Ordinance by Adjusting the Speed Limit Along Startown Road (SR1005) near Catawba Valley Boulevard (SR2932) and Short Road (SR 1166) to 35 MPH. (First Reading Vote: Unanimous)

B. Approval of the Offer, Acceptance, Resolution and Designation of Authorized Representative for the State Revolving Loan for the Murray Basin Sanitary Sewer Lines Replacement and Rehabilitation Project in the Amount of $5,182,700. (First Reading Vote: Unanimous)

C. Budget Revision Number 4. (First Reading Vote: Unanimous)

D. Consideration of Rezoning Petition 20-02 for the Rezoning of 10.51 Acres of Property Located at the Southwestern Corner of Startown Road and Catawba Valley Boulevard SE, Owned by Claude and Billie Shrum, Kevin Childers, Alan and Donna Bolick. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below will be enacted by vote of City Council. 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 Patton moved, seconded by Alderman Seaver approval of the Consent Agenda. The motion carried unanimously.

A. Called for a Public Hearing for Consideration of a Voluntary Non-Contiguous Annexation of Property Owned by Gerald McCray and wife, Donna McCray, Containing Approximately 2.156 acres of Property Located at 4610 16th Street Drive NE, Identified as PIN 3725-17-11-5773. (Authorized Public Hearing for October 6, 2020, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 20-32
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Gerald McCray and wife, Donna McCray requesting annexation of an area described in a petition was received on March 23, 2017 by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:
THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

4610 16th Street Drive NE, Hickory, NC, PIN 3725-17-11-5773, containing 2.156 acres more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 3rd day of September 2020.

/s/ Debbie D. Miller, City Clerk

RESOLUTION NO. 20-33

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION, PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on October 6, 2020 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of Gerald McCray and wife Donna McCray, 4610 16th Street Drive NE, PIN 3725-17-11-5773, containing 2.156 acres more or less.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 20-34

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY GERALD MCCRAY AND WIFE DONNA MCCRAY AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Gerald McCray and wife Donna McCray are the owners of certain real property as described herein, which property is located at 4610 16th Street Drive NE, Hickory containing 2.156 acres more or less; and

WHEREAS, such property is currently located in the City’s extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 15th day of September, 2020, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

3
Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on October 6, 2020 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on maps entitled Gerald and Donna McCray Voluntary Non-Contiguous Annexation Map 1, Existing City Limits, subject property outlined in red; Gerald and Donna McCray Voluntary Non-Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Gerald and Donna McCray Voluntary Non-Contiguous Annexation Map 3, 2018 Aerial Photo, subject property outlined in red.

Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

B. Approved the Future Annexation Agreement with Bartholomew and Annemarie Lopina for Property Located at 1178 Beagle Lane, Newton.

Staff requests approval of a Future Annexation Agreement with Bartholomew and Annemarie Lopina. Bartholomew and Annemarie Lopina request connection to the City of Hickory’s sewer system without being annexed. They have agreed to be annexed at a point in the future when the City finds it feasible to do so. The City of Hickory has a long-standing policy of requiring the owners of property outside the city limits to be annexed before connecting to the City’s sanitary sewer system. However, sometimes the City is not able to immediately provide the necessary services required for annexation. In that event, Hickory City Council adopted a policy requiring the property owners to enter into a future annexation agreement with the City, which would enable the City to initiate annexation procedures when it is feasible to do so. The Lopinas’ own a single-family residence located at 1178 Beagle Lane, Newton, NC, which is part of the Fox Chase subdivision. Staff has determined sanitary sewer is available to serve the property; and recommends approval of the future annexation agreement.

C. Approved a Pyrotechnic Display Permit to Pyro Shows for September 26, 2020.

Douglas Locascio, General Manager of the Hickory Crawdads, has submitted a request to obtain permission to conduct a public fireworks display for Catawba Science Center on Saturday, September 26, 2020. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm’s (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOFSM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends Council’s approval of the above pyrotechnics displays.

D. Approved Approval of a Resolution Authorizing the Conveyance of Property to Strong Life Ministries, LLC.

Staff requests Council’s approval of a Resolution authorizing the conveyance of City-owned property to Strong Life Ministries, LLC. Strong Life Ministries operates a day shelter for the homeless at 831 2nd Street Place SE. The City of Hickory owns property at 1209 and 1211 Fairgrove Church Road SE. As a way to address homelessness in Hickory, Strong Life is seeking to increase its level of service. The properties on Fairgrove Church Road will permit Strong Life to enhance its day shelter programs and will provide transitional housing. NCGS 160A-279 authorized cities to convey property to nonprofit organizations carrying out a public purpose. Under the terms of the agreement as consideration for the City-owned property, Strong Life will agree to deed restrictions on the property to operate educational, employment, addiction recovery, mental health, and crisis relief services through its day shelter and residential programs. In the event the property is not operated as such, it will revert back to the City of Hickory. Strong Life Ministries will also convey the property it owns at 831 2nd Avenue Place SE to the City of Hickory as additional consideration. Staff requests approval of the Resolution authorizing the conveyance of property to Strong Life Ministries, LLC.
RESOLUTION NO. 20-35
AUTHORIZING THE SALE OF PROPERTY TO STRONG LIFE MINISTRIES, LLC
ON FILE IN THE CITY CLERK’S OFFICE
WHICH IS HEREBY INCORPORATED BY REFERENCE AND
MADE A PART OF THE MINUTES

E. Approved on First Reading Amending the Traffic Ordinance to Reduce the Posted Speed Limit Along 20th Avenue Drive NW, 18th Avenue Drive NW, 18th Avenue Court NW, 9th Street NW, 9th Street Drive NW, 9th Street Court NW, and 18th Avenue Circle NW to 25 MPH.

Staff requests Council’s approval to amend the Traffic Ordinance to reduce the posted speed limit along 20th Avenue Drive NW, 18th Avenue Drive NW, 18th Avenue Court NW, 9th Street NW, 9th Street Drive NW, 9th Street Court NW, and 18th Avenue Circle NW to 25 mph. Traffic Division staff received the completed petition from property owners along 20th Avenue Drive NW, 18th Avenue Drive NW, 18th Avenue Court NW, 9th Street NW, 9th Street Drive NW, 9th Street Court NW, and 18th Avenue Circle NW with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for a speed limit reduction on the roadway listed. Fifty-four (54) properties were included in the petition and forty-one (41) properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division’s signs/markings shop operations. Staff recommends Council’s approval to amend the Traffic Ordinance to reduce the posted speed limit along 20th Avenue Drive NW, 18th Avenue Drive NW, 18th Avenue Court NW, 9th Street NW, 9th Street Drive NW, 9th Street Court NW, and 18th Avenue Circle NW to 25 mph.

ORDINANCE NO. 20-39
AN ORDINANCE OF THE HICKORY CITY COUNCIL
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

WHEREAS, Article III of the City of Hickory Code of Ordinances be and is hereby amended through the modification of the official maps authorized therein as follows, to wit:

Amend the Traffic Ordinance by reducing the speed limit along 2nd Avenue SE, from Tate Boulevard SE to Lenoir-Rhyne Boulevard SE to 25 MPH and Implement an All-Way Stop at the Intersection of 2nd Avenue SE and 7th Street SE.

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.

This Ordinance shall become effective immediately upon adoption.

F. Approved on First Reading Amending the Traffic Ordinance to Reduce the Posted Speed Limit Along 2nd Avenue SE, from Tate Boulevard SE to Lenoir-Rhyne Boulevard SE to 25 MPH and Implement an All-Way Stop at the Intersection of 2nd Avenue SE and 7th Street SE.

Staff requests Council’s approval to amend the Traffic Ordinance to reduce the posted speed limit along 2nd Avenue SE, from Tate Boulevard SE to Lenoir-Rhyne Boulevard SE, to 25 mph and implement an all-way stop at the intersection of 2nd Avenue SE and 7th Street SE. Traffic Division staff received the completed petition from property owners along 2nd Avenue SE, from Tate Boulevard SE to Lenoir-Rhyne Boulevard SE, and 7th Street SE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for a speed limit reduction on the roadway listed. Thirty-eight (38) properties were included in the petition and thirty-five (35) properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division’s signs/markings shop operations. Staff recommends Council’s approval to amend the Traffic Ordinance to reduce the posted speed limit along 2nd Avenue SE, from Tate Boulevard SE to Lenoir-Rhyne Boulevard SE, to 25 mph and implement an all-way stop at the intersection of 2nd Avenue SE and 7th Street SE.

ORDINANCE NO. 20-40
AN ORDINANCE OF THE HICKORY CITY COUNCIL
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

WHEREAS, Article III of the City of Hickory Code of Ordinances be and is hereby amended through the modification of the official maps authorized therein as follows, to wit:

Amend the Traffic Ordinance by reducing the speed limit along 2nd Avenue SE, from Tate Boulevard SE to Lenoir-Rhyne Boulevard SE, to 25 mph.

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.

This Ordinance shall become effective immediately upon adoption.

G. Approved on First Reading Amending the Traffic Ordinance to Reduce the Posted Speed Limit Along 36th Avenue NW and 36th Avenue Circle NW to 25 MPH.

Staff requests Council’s approval to amend the Traffic Ordinance to reduce the posted speed limit along 36th Avenue NW and 36th Avenue Circle NW to 25 mph. Traffic Division staff received the completed petition from property owners along 36th Avenue NW and 36th Avenue Circle NW with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for a speed limit reduction on the roadway listed. Thirty-nine (39) properties were included in the petition and thirty-eight (38) properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division’s signs/markings shop operations. Staff recommends Council’s approval to amend the Traffic Ordinance to reduce the posted speed limit along 36th Avenue NW and 36th Avenue Circle NW to 25 mph.

ORDINANCE NO. 20-41

AN ORDINANCE OF THE HICKORY CITY COUNCIL
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

WHEREAS, Article III of the City of Hickory Code of Ordinances be and is hereby amended through the modification of the official maps authorized therein as follows, to wit:

Amend the Traffic Ordinance by reducing the speed limit along 36th Avenue NW and 36th Avenue Circle NW to 25 mph.

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.

This Ordinance shall become effective immediately upon adoption.

H. Approved the Implementation of an All-Way Stop at the Intersection of 7th Avenue NE and 4th Street NE.

Staff requests Council’s approval to implement an all-way stop at the intersection of 7th Avenue NE and 4th Street NE. Traffic Division staff received the completed petition from property owners along 7th Avenue NE and 4th Street NE, with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for an all-way stop at the intersection listed. Twenty-seven (27) properties were included in the petition and twenty-two (22) properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications can be performed as a normal part of the Traffic Division’s signs/markings shop operations. Staff recommends Council’s approval to implement an all-way stop at the intersection of 7th Avenue NE and 4th Street NE.

I. Approved on First Reading the Request from the North Carolina Department of Transportation to Amend the Speed Limit Along US Highway 70 and Springs Road.

Staff requests Council’s approval to amend the Traffic Ordinance by adjusting the speed limit along US Highway 70 between 13th Street SW (SR 1188) and Fairgrove Church Road (SR 1476) also along Springs Road from Highland Avenue NE (SR 1007) to the City limits just East of 25th Street Drive NE (SR 1615) to 45 MPH. In an effort to make the speed limit consistent along US Highway 70 and Springs Road, North Carolina Department of Transportation (NCDOT) is requesting the speed limit ordinance be
amended to post a speed limit of 45 MPH within the City limits. NCDOT is updating their records to reflect changes already made in the field such as road names changing, City limits expanding, etc. Many of the existing ordinances are no longer valid and new ones are needed to cover the roadways. NCDOT has evaluated speeds along US Highway 70 and Springs Road in the areas affected by this request and has determined that 45 MPH is appropriate. Public Services Traffic Division has worked with NCDOT regarding the new ordinances and agree to the speed limits along US Highway 70 and Springs Road (45 MPH). Staff are prepared to change speed limit signage along these roadways reflecting new speed limits, as needed. Reimbursement per the Municipal Maintenance Agreement will apply from NCDOT for the sign installation. Staff recommends Council’s approval to amend the Traffic Ordinance by adjusting the speed limit along US Highway 70 between 13th Street SW (SR 1188) and Fairgrove Church Road (SR 1476) also along Springs Road from Highland Avenue NE (SR 1007) to the City limits just east of 25th Street Drive NE (SR 1615) to 45 MPH.

ORDINANCE NO. 20-42

Ordinance to Repeal the Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1068319
Division: 12
County: Catawba
Municipality: Hickory
Type: Municipal Speed Zones
Road: US 70
Car: 45 MPH
Truck: 45 MPH
Description: From SR 1188 (13th Street SW) to a point 0.228 mi. east of SR 2959 (S. Center Street)

Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

ORDINANCE NO. 20-43

Ordinance to Repeal the Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1068320
Division: 12
County: Catawba
Municipality: Hickory
Type: Municipal Speed Zones
Road: US 70
Car: 50 MPH
Truck: 50 MPH
Description: From a point 0.228 mi. east of SR 2959 (S. Center Street) eastward to the corporate limits of Hickory, a point 0.15 mi. east of SR 1476 (Fairgrove Church Road)

Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

ORDINANCE NO. 20-44

Ordinance to Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1078513
Division: 12
County: Catawba
Municipality: Hickory
Type: Municipal Speed Zones
Road: US 70
Car: 45 MPH
Truck: 45 MPH
Description: US 70 – Between SR 1188 and a point 0.1 mile southeast of SR 1590.

Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which
shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

ORDINANCE NO. 20-45

Ordinance to Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1078514
Division: 12
County: Catawba
Municipality: Hickory
Type: Municipal Speed Zones
Road: US 70
Car: 50 MPH
Truck: 50 MPH
Description: US 70 – Between a point 0.1 mile southeast of SR 1590 and a point 0.15 mile southeast of SR 1476.

Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

ORDINANCE NO. 20-46

Ordinance to Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1078628
Division: 12
County: Catawba
Municipality: Hickory
Type: Municipal Speed Zones
Road: SR 1453
Car: 45 MPH
Truck: 45 MPH
Description: (16th Street NE / 12th Avenue NE / Springs Road NE) between SR 1007 and a point 0.063 mile east of SR 1615, the eastern corporate limit of Hickory.

Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

ORDINANCE NO. 20-47

Ordinance to Repeal the Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1007219
Division: 12
County: Catawba
Municipality: Hickory
Type: Municipal Speed Zones
Road: SR 1453
Car: 45 MPH
Truck: 45 MPH
Description: 16th Street Northeast (SR 1453) from Highland Avenue (SR 1007) to 16th Street Northeast (SR 1401).

Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

ORDINANCE NO. 20-48

Ordinance to Repeal the Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1007220
Division: 12
County: Catawba
Municipality: Hickory
Type: Municipal Speed Zones  
Road: SR 1453  
Car: 45 MPH  
Truck: 45 MPH  
Description: 12th Avenue Northeast (SR 1453) from 16th Street Northeast (SR 1401) to the northern corporate limit, approximately 0.03 mile northeast of 12th Avenue (SR 1441).

Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

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

The following request was considered by the Citizens’ Advisory Committee at their regular meeting on September 3, 2020.

The following applicant is being recommended for approval for assistance under the City of Hickory’s 2019 Urgent Repair Program. This program provides qualified low-income citizens with assistance for emergency-related repairs not to exceed $10,000.

➢ Teaundra Hewitt, 732 8th Avenue SE, Hickory – up to $10,000.

The Citizens’ Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory’s housing assistance programs.

K. Approved on First Reading Budget Revision Number 5.

ORDINANCE NO. 20-49  
BUDGET REVISION NUMBER 5  
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, 2021 and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2020-21 Budget Ordinance, the expenditures are to be changed as follows:

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture and Recreation</td>
<td>345,050</td>
<td>-</td>
</tr>
<tr>
<td>General Government</td>
<td>11,000</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>356,050</td>
<td>-</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous Revenues</td>
<td>50</td>
<td>-</td>
</tr>
<tr>
<td>Other Financing Sources</td>
<td>356,000</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>356,050</td>
<td>-</td>
</tr>
</tbody>
</table>

SECTION 2. To amend the Capital Reserve Fund within the FY 2020-21 Budget Ordinance, the expenditures shall be changed as follows:

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Financing Uses</td>
<td>103,654</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>103,654</td>
<td>-</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
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<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Financing Sources</td>
<td>103,654</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>103,654</td>
<td>-</td>
</tr>
</tbody>
</table>

SECTION 3. To amend the Murray Basin Capital Project Ordinance (#803301), the expenditures shall be changed as follows:

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water and Sewer Capital Projects</td>
<td>5,286,354</td>
<td>-</td>
</tr>
</tbody>
</table>
To provide funding for the above, the Project revenues will be amended as follows:

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Financing Sources</td>
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<td>-</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5,286,354</td>
<td>-</td>
</tr>
</tbody>
</table>

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

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved Amending the Economic Development Agreement with Cataler North America Corporation to Revise Certain Dates in the Agreement – Presentation by Catawba County Economic Development Corporation President Scott Millar

   This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 4, 2020.

   City Manager Warren Wood asked the Catawba County Economic Development Corporation President Scott Millar to the podium to present Council with an amendment to the Economic Development Agreement with Cataler North America Corporation to revise certain dates in the agreement.

   Catawba County Economic Development President Scott Millar advised this was purely technical or procedural issues to the contract that Council approved in February of this year. There were a couple of very minor changes that they were making some substitution on. The most important of which was a section that required the company Cataler, the new company making automobile parts in Trivium Business Corporate Center, the original agreement stated that they had to have a certificate of occupancy by April 1, 2021, which under no circumstances would that timeframe have been met. It was simply a mistake by Mr. Millar and his staff trying to get that into the agreement. This was changing that to 2022 instead of 2021. There were a couple of other minor changes too affecting mostly a couple of dates, such as adding two weeks to the finish of the completion of the waterline and two weeks to the completion of the roadway. Very minor and in no way impacted the requirements that they had for the company to perform. It was just technical changes in nature. Catawba County Board of Commissioners considered this and approved it at last week's Commissioner's meeting. He asked for any questions that Council might have regarding this change.

   Mayor Guess asked if there were any questions from Council.

   Alderman Wood asked if there were any financial implications to the changes.

   Mr. Millar replied no.

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

   Alderman Seaver moved, seconded by Alderwoman Patton approval of the amendments to the Economic Development Agreement with Cataler North America Corporation. The motion carried unanimously.

B. Departmental Reports:

1. Sign Ordinance – Presentation by Planning Director Brian Frazier.

   City Manager Warren Wood advised the departmental report on the sign ordinance would be presented by Planning Director Brian Frazier. In the recent past there had been a number of questions that had come up about what was allowed, what was not allowed, in terms of signage in the City's ordinance.
Everything from LED lights at churches, to benches with advertising, to feather flags, there had been an array of things. They thought that it would be a good idea to have planning staff do a presentation to discuss what was or was not allowed. He noted that this comes from the signed ordinance which was adopted by City Council. In order to change it, Council would need to have a public hearing and then go through that process. This was not something that staff comes up with, it was an ordinance adopted by City Council that staff enforces.

Planning Director Brian Frazier presented a PowerPoint presentation. He advised he would discuss a fairly comprehensive sign presentation, basically looking at everything that the planning staff had done in order to modify the Land Development Code (LDC) since 2006 soon after he started at the City. He discussed some of the history to show what had been done to make it more user friendly for interpretation of staff, for Council, for management staff, and most specifically for the City’s citizens and customers. They had done their best to make it consistent and fair, non-redundant. That definitely would be pro-business, but at the same time it was not going to hurt existing established neighborhoods because you must keep that fine balance. Mr. Frazier discussed the Hickory by Choice 2030 Plan, which was the City’s comprehensive plan which included various chapters, land use, transportation, demographics, etc. The plan was the City’s 20-year vision or a blueprint for orderly growth and development. The document was reviewed on an annual basis and according to best planning practice, staff brings it to the Planning Commission, they make a recommendation hence to City Council on a five-year basis. A couple of years ago. Prior to the plan being adopted by City Council in 2011 the City had a Future Land Use and Transportation Plan that was approved in 1999 and it did not get modified much in the way at all until 2010-2011 and that was not a true comprehensive plan. It basically dealt with history, demographics, land use and transportation. That is what the City had now for 10 years. He advised this was not law. It was an overarching document that they are supposed to refer to and all the other master plans and land use regulations, ordinances such as the Land Development Code, must be consistent with and follow.

Mr. Frazier discussed the Land Development Code (LDC). Just like the County's (UDO) Unified Development Ordinance, it was an ordinance, it was a law that was designed to complement and put into effect the Hickory by Choice 2030 Plan on an annual basis Council had adopted and then re-adopted. The Land Development Code included many regulations regarding zoning, subdivision lighting, landscaping, signage, stormwater, etc. He discussed what had been done since 2006. There had been numerous text amendments or revisions in regard to signage, which Council was talking about tonight specifically, prepared by planning staff, reviewed and recommended to the Hickory Regional Planning Commission and recommended by that Planning Commission subsequently to and adopted by City Council. And these numerous amendments since 2006 were formulated again to be less restrictive, and more business friendly while at the same time, not intruding and hurting the neighborhoods. He referred to the PowerPoint and displayed the first text amendment that he had done. In 2006 all the business owners and the sign companies, said the City had got something in the Land Development Code that was driving them nuts. It said specifically in there that when they put up a sign, whether it be a wall sign or a sign, whether it be a wall or a freestanding sign that it could only have two lines of type and it was killing them. They asked what they could do to do three. They couldn’t do an administrative change, that provision wasn’t in the code at the time. Before Rick Beasley and staff introduced some measures to Mr. Wood to quicken the pace of advertising but keeping under North Carolina General Statute to call for public hearings and advertising, it took 3.5 to 4 months through staff. The Planning Commission made a recommendation to Council, called for a public hearing, public hearing and second reading to change one word. But they did it and businesses were happy; sign companies were happy. It was his first and maybe his most significant accomplishment in 15 years.

Mr. Frazier discussed the next text amendment regarding signage in 2011. They allowed perpendicular projection signs in the C-1 business district because a lot of businesses on the Union Square said if you’re walking on Union Square, you’re walking along and you look up, you’re either going to see awnings or air. You're not seeing any signs. You must stand back 20-30 feet into Union Square to the south to read the signs. They asked if they could have projection signs. A few businesses did put them up. He wasn’t sure that there was any left. A couple of those businesses, unfortunately, didn’t make it through the great recession starting in 2008, but it was allowed. Previously, window signage was not allowed at all. But they amended the text, made it a little bit more business friendly that you could put signage in your window as long as you did not exceed that 33 percent maximum coverage where the windows were basically blacked out where nobody could see. It was a pro-business measure, while it was also a
Mr. Frazier discussed another text amendment in 2012. They increased the number of signs allowed per building frontage from one to three. And then they doubled the allowance of square footage for wall signs for principle street frontage. He used as an example Highway 70. A business fronting Highway 70. It used to be you would get one square footage of signage for one linear foot of building length. They changed that to two square feet to one. The signage square footage was doubled. A lot of the buildings in the older strip malls set way back off the road. Not a quarter mile, but close to that. From the road, you’re driving at the speed limit of course, and it would still look like a postage stamp. They also changed the signage regulations for the side street frontage, so those side streets that are City streets used to be half a square foot for every one linear foot, and they changed that to a 1 to 1 ratio. Businesses were very happy. Advertising signage was important. This was permanent signage. When the business changes, their marketing can certainly change it, if it goes out of business or relocates, they would bring somebody in, and everybody gets that formula now. But a lot of times these stores will rebrand, so they would have to look at it again. He referred to the PowerPoint and showed for example Hobby Lobby. The new Hobby Lobby had the one sign with the additional square footage. Then they have another sign which says home decor and then the seasonal sign to the right. So, three signs, that was something that nobody was complaining about anymore. And then again, increased square footage. He showed the sign for Academy Sports on 70 Southeast. They have the Academy, they have sports outdoors, which was their corporate brand underneath it. They allowed that and expanded the ratio, basically doubled the square footage of the sign it was still in total keeping with the architecture and design. Off to the left you could see their logo. They permit logos. They take a liberal approach and just look at the logos, not necessarily as a sign. If it goes over the max, they still allow it if it’s not crazy. He showed Ashley Home Store. This was the first one that they looked at that had called them about changing the square footage of the sign. They were rebranding their sign and some of their colors, and they said if you’re on Highway 70 driving even the speed limit you couldn’t see their sign it was way too small. Staff went out there and talked to sign companies about what they thought. They thought it was a good idea that it wasn’t too big or too small. He showed another newer example, the old Babies R Us, off Catawba Valley Boulevard and Robinson Road. Home Goods doubled what had been there under Babies R Us.

Mr. Frazier advised in 2014 they permitted temporary signage and banners where they were not allowed before. The maximum of 32 square feet for permits of either 12 weeks or 12 months plus tenements in addition to their permanent or monument freestanding. A business could have a 32 square foot banner. They could get a permit for either 12 weeks, either consecutive or one week per month for the calendar year, or they could go with an annual permit that would be renewed, and they have a tracking system for that, or they could have both. A lot of people will use the 12 week one for now hiring, now open, new hours, closed
to COVID. For a small fee they could have additional temporary signage for up to 12 months, and this had been a big hit for the businesses for the past six years or so. He showed a photo of one temporary banner on Lenoir-Rhyne Boulevard and Outback. They couldn’t be any bigger than 32 square feet, they can’t obstruct sight distance or be in the sight triangle. They can be in the City or State rights of way. He showed some more examples also located on Highway 70 that was looking west. He commented you could have the banners. Some people will put them up against their building, but on the highways and byways, most people will ground stake them where they pretty much stay put, and they don’t blow over or don’t blow away. With that 32 square feet and no limits on just two lines of signage, you could get quite a bit of information on a sign, even going the speed limit. He noted that they had to be well out of the right of way. The guide that they use, the rule of thumb, was behind the telephone poles. Sometimes that differs. There were some places on Tate Boulevard that the right of way would go 200 feet north or south of the double yellow. Some of the right of ways goes right up to the curb to enter the business door, so they must be cognizant of that.

Mr. Frazier advised in 2015 they decreased the minimum distance between free standing signs. It was basically freestanding monument signs advertising the business from 150 feet separation distance to 50 feet separation distance. Part of that was just good planning and traffic engineering practice so you don’t have many access points off the road. Several businesses would share one point of entry from multiple businesses, so if they did, it was not fair to have “A” and not permit restaurant “B”. They changed it to 50 feet. They also amended the Land Development Code where they permitted signage facing private drives and public parking lots were previously not permitted. They allowed the one to one instead of the 0.50 to 1. He noted that a good example would be the large Walmart on 70 Southeast. If you’re driving there on their private driveway behind the strip mall, you would see a nail salon, a mortgage broker, and Subway in the back-parking lot. It helps to attract business. They also increased the square footage based on national standards in the high-rise sign overlay district from 150 square feet to 200 square feet. That was per national planning standards and the size limit had been any more than 60 feet tall per grade. He showed a photo of Kickback Jacks, and Mellow Mushroom. They share an access point. It was good planning, but it was also because of necessity. The folks here for years were owned by a company out of Greensboro and they wanted a traffic signal there. The City wasn’t really in favor, and Department of Transportation (DOT) was highly against it because it didn’t meet their standards about one traffic light being too close to another signalized intersection. Kickback Jacks at the time was Tripp’s Restaurant. When they didn’t allow that change Mellow Mushroom would not be able to have a freestanding sign, and that was not a fair business practice. He showed an example of a high-rise off I-40 at McDonald Parkway, the Sheetz sign, it was not as high as 60 feet, but it was close, but they were able to get additional signage up there through the text amendment.

Mr. Frazier discussed text amendment 18-01. The Planning Commission held a public hearing on March 28th. They unanimously recommended text amendments to City Council for approval. Some of those changes included revising signage definition language to comply with the United States Supreme Court case, Reed versus the Town of Gilbert, which he thought was in Arizona. The case was regarding a church’s signage content. The signage must be content neutral. That means a city like Hickory can regulate the illumination, the square footage, and the height. But they couldn’t regulate what the sign content says pursuant to a Supreme Court ruling. They also modified how to determine the calculation of square footage. Somebody wanted to put up Hobby Lobby you would just measure it in a parallelogram. With some branding the first letter of each word was taller, and they used to have the sign companies measure each letter out and it was just too complicated for everybody. Not everybody was a math major either. They still get sign applications coming in with square inches. They did that which helped. They also increased the height and square footage of monument signs for residential development projects. Apartment complexes would be included and residential subdivisions. The Planning Commission at that time, back in 2018, unanimously recommended to continue to keep the LDC the same for the prohibition of feather flags. He referred to the PowerPoint and showed a photo of ongoing construction which was just about done and ready to get their certificate of occupancy (CO). The Gales at Highland luxury apartments across from Highland Recreation, Northeast Hickory. It used to be called Pepper Stone, but this was the official name. He pointed out that it was a really nice, extremely expensive sign, well landscaped and in the City’s regulations if there was a sign that was 100 square feet, they had to put at least 100 square feet of landscaping around it, so it doesn’t just look bare. He showed some examples of feather flags. He noted they appeared to be very close to the right of way. He
advised it was just north of the river off Highway 321 between the river and MDI. That was what the Planning Commission unanimously voted to keep out and keep it as a non-permitted advertisement. He continued his discussion regarding text amendment 18-01, planning staff had forwarded the proposed signage recommendations also to two local sign companies for their review and opinion. They were the sign experts and they wanted to hear from them. One of the two responded and stated they thought it was satisfactory, it was more favorable to businesses, they thought it was fine, they didn't have any recommendations or offer any changes. They love bigger, but the City was going out of their way to be fair about it.

Mr. Frazier advised on May 15, 2018 City Council held a workshop prior to the scheduled public hearing and on the 17th of July, Council approved, in addition to both the planning staff and the Hickory Regional Planning Commission, recommended revisions to the LDC. These revisions included the prohibition of electronic signage message boards. Those were basically the LED signs that could have a message changed where it could be programmed either by the business or by the company. They could have a rental contract with a consultant where they could change that message. Under State law if it was on a State road, it had to stay static for at least eight full seconds. In all residential districts within the City and the extra-territorial jurisdiction (ETJ) you could not have these message boards anymore, and that was about two years ago. He showed an example of one of the message boards that was in a residential zone that was approved prior to that text amendment located at St. Aloysius Catholic Church. He noted the message board would stay static for eight seconds and it would talk about mass times, or welcome back, or the evening classes, Knights of Columbus, fish fries during lent, etc.

Mr. Frazier discussed text amendment 18-02 which came soon thereafter. The Planning Commission held another public hearing on September 26, and once again the Planning Commission reaffirmed unanimously voted to continue prohibition of feather flags as the Planning Commission determined feather flags to be inconsistent with the City’s plan Hickory by Choice 2030. They thought it equated to litter, to clutter, to poor aesthetics and those were the reasons that they gave in their resolution to again uphold the LDC. He referred to the PowerPoint and pointed out feather flags. He showed a photo that was taken on September 15, 2020 and was under enforcement action. He advised it was located at the facility that was in the process of rebranding the CVS Pharmacy and Store in Viewmont on 127 north. They have multiple feather flags all around the property. These were not permitted so they are now under zoning enforcement and notification had been mailed out. He showed another photo which was highlighting one of the City’s new projects. A wonderful project, Housing Finance Agency funded, The Lodge. They have a temporary certificate of occupancy (TCO) and he thought they had already rented out the first couple of floors, there was a leasing office there. He showed a photo of The Lodge prior to zoning enforcement. They had some complaints about it. They had the celebratory balloons which technically aren’t allowed in the Land Development Code. And they had various feather flags on both sides that were prohibited by code. Staff requested they be removed within a few days, and they fully complied with the request. Regarding feather flags, staff had done a study back in 2018. It was revised this past summer in June or July. He referred to the PowerPoint and explained that these were some examples of the entities across the State of North Carolina that had provided information about the communities where they were permitted and communities where they were not permitted.

Mr. Frazier discussed text amendment 19-01. Last year they allowed perpendicular sign projection mounting of wall signs. Several years before they were allowed in the C-1 district only. They ended up allowing it in all districts except for the City’s residential district. He showed an example at Hollar Mill. He noted the wall sign was perpendicular. He thought that it fit in wonderfully with the architecture and in that period, there was a lot of projecting signs and for various reasons, cities planning staffs, a lot of municipalities took those away as a viable option. He asked Council for any questions.

Mayor Guess asked Council for any questions.

Alderman Seaver asked if the electronic signs included neon.

Mr. Frazier responded basically, yes, it does. He commented there was different types of signage, and a lot of it was semantics. They allow LED signs with LED bulbs to be illuminated from the interior. They have allowed in the past, but try to discourage it, mounted signs, electric signs that shine-up from the outside on the lawn. A lot of times they get knocked over by mowers. They had a complaint five or six years ago at a bank in Viewmont, one of the contractors had hit a
pack, like you normally see in a wall but they had it mounted on the ground, and somehow it was left on all night long into the next day. It was this glaring sign, something that you’d see like at LP Frans Stadium glaring right on to 127. They had to go to the bank and asked them if they could move it. All the ladies were just standing there looking at them, like what? He and a staff member flipped what they had in the way and their contractor fixed it within a few days. In terms of neon, they have allowed in the past neon striping around buildings for accent. A lot of the State law was modified. When he first started with the City, in the plaza were Five Guys is now, there was a barbecue place there. Just after a lady drove through the dining room, the neon caught fire and the place burned up. There was some concern. There is a different type of neon signage that was allowed, and they do not have any true neon signs or allow it now, like something that would have been done back in the 20s, 30s, 40s or 50s. The technology now is vastly different, you could tell the quality. The signs like for St. Aloysius, that example was LED technology. It was a very expensive version of that technology where the signs don’t emit much in the way of light, if any, off the property and in some places there less bright than an interior illuminated sign with the old type of wattage light bulbs. They do allow those signs. In the past two years, they’re not allowed in a residential district, but they are allowed in other places. Now there are some older technology signs that were allowed long before he got here. They had to control the static message. Some of the technology isn’t quite as sophisticated, aesthetically pleasing or nice, and it comes off bright. Some of the signs have faded. There used to be a sign out near Wendy’s in the mall, a large billboard that would strobe at times. DOT loved that as did the City. The City doesn’t really allow neon signage.

Alderman Seaver asked about inside of a window or something that was inside.

Mr. Frazier advised those were allowed if they say open or sale. He guessed that was neon tubing, it was a very cheap version of it, you could buy it at Walmart or Target stores like that, Home Depot, but they don’t allow it to move or make any kind of sound, anything like that. It can’t scroll, it can’t move, it just must remain static. If it flashes on and off, the City’s zoning officer would knock on the door and say, “Could you please just switch that black button?” That type was allowed.

Alderman Wood asked if there was a resource that they consult that they consider best practices for evaluating signage in a town. He asked if there was a town or a resource that they consulted.

Mr. Frazier advised they use different resources. As he mentioned previously in the presentation, they had talked to local signage companies. There are national signage standards that the sign industry adopted. The American Planning Association and the North Carolina State Chapter of the American Planning Association (APA), they’re not copasetic with the signage industry was asking for a lot more, bigger, taller, wider, brighter. They have membership fees that the City pays for through the APA and the NC Chapter of the APA that they consult for free. When they pay membership dues, they have planning advisory services that used to be books on things, now they can get that information online or have their library research folks send that to them. There were various forms.

Alderman Williams had two questions. He referred to the picture with the celebratory balloons. What was the violation there? What was the ordinance?

Mr. Frazier advised it was just considered an attention getting device under the Land Development Code, and it was not permitted. They had some. A lot of these happen on the weekend when staff wasn’t working. They would allow it to a point for a grand opening. They don’t get overly bureaucratic. It could be there for a while, but some people would just continue to put them up and it was considered an attention getting device, so they don’t allow it. He commented he was kidding around today with staff and a lot of times you’ll see on the weekends at the car dealers they will attach balloons to their vehicles. He said he and his wife Tammy had never, ever bought a vehicle without a balloon attached to the door handle or an aerial. It’s just got to be, or she will tell him he can’t buy it. They did ask these people to take them down after a bit of time, and they did.

Alderman Williams asked his second question. He referred to banners in a photo on the PowerPoint, the two signs that Mr. Frazier showed with the tobacco vape place and $45 a month, the two small businesses. He also mentioned Regional Planning Commission was okay with those banners being like that and was that not clutter.

Mr. Frazier advised that was their unanimous decision at least twice and probably once before he got here. Yes, sir.
Alderman Williams responded okay, but the feather flags are clutter and that’s not. He questioned the spacing between those and of course, you know, there are measurements. He was hoping that Council could have gotten a link or something to see the measurements that are allowed and everything in Council’s agenda. Of course, with it being out of the right of way, there was a certain size or whatever.

Mr. Frazier advised 32 square feet was the maximum. He reiterated there was the 12-week permit and then there was the annual permit.

Mayor Guess asked if there were any further questions for Mr. Frazier. He thanked Mr. Frazier.

Alderman Williams requested to discuss this matter. It was his humble opinion, and he thought that especially in these times, they should do something to help small businesses. He thought that they should look at the feather flag thing again. He wanted to bring it to a vote that Council get Mr. Frazier and his staff to look at what perimeters they could have, where the feather flags of course were not enlarged or distracting. He thought they were allowing banners and they were monitoring the size and everything with them. He thought they should allow any help they could to small businesses. He thought that feather flags should be allowed. If they could have banners in that ordinance, failing under that ordinance, they should give them a chance to put feather flags under that ordinance. He reiterated especially in these times, they as a city should do what they can to help small businesses because the small businesses are the ones that are suffering. He moved that Council make an amendment to the amendment and allow feather flags, but they would get Mr. Frazier and his staff to start examining and setting up specifications and perimeters that the feather flags should be allowed.

City Attorney John Crone thought that the second part of Alderman William’s motion was okay. The first part about amending the ordinance would take an ordinance amendment that would require at least a notice, and a public hearing to change the ordinance like all these others have. He thought he saw where Alderman Williams was going with this. He thought that Alderman Williams could ask staff to investigate that and come back with some recommendations, or he could move that staff look into it, check other places that do allow them, find out what those perimeters are, and if there were any other changes that Alderman Williams felt would benefit small businesses or that Council may.

Alderman Williams advised Mr. Crone that Mr. Frazier had just told Council the places that allow it and different things of that nature. He wanted to move to vote feather flags to be allowed, and then Council go from there as far as the specifications and whatnot. He moved that Council allow feather flags.

City Attorney John Crone advised Alderman Williams that he could make that motion. He was not sure that it was legally appropriate, but that was totally up to Alderman Williams to do.

Alderman Williams confirmed that he wished to make that motion.

Mayor Guess advised there was a motion. He asked if there was a second. There was no second to the motion, therefore the motion died.

City Attorney John Crone wanted to explore the second part of Alderman Williams proposed motion. He thought that staff maybe could come back and bring something to present to Council.

Alderman Williams advised that was the whole reason for Mr. Frazier’s presentation, because he had asked about feather flags before to help small businesses, and so that was pretty much it. He appreciated Mr. Frazier, staff, and management for making the presentation and clearing that up for him. That was his whole intent behind this was to help small businesses and so the motion died.

City Attorney John Crone thought that Alderman Williams had made that clear.

3

Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRPA) (Council Appoints) VACANT
COMMUNITY RELATIONS COUNCIL
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
African-American (Council Appoints) VACANT
African-American (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Differently-Abled and is African-American or Other Minority (Council Appoints) VACANT

Alderman Williams nominated Nathaniel Homes as an African-American Representative on the Community Relations Council.

Mayor Guess nominated Ida Clough as an African-American Representative on the Community Relations Council.

HICKORY REGIONAL PLANNING COMMISSION
(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Brookford (Mayor Appoints with Recommendation from Brookford) VACANT

LIBRARY ADVISORY BOARD
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) Elliott Neil Walker (Eligible for Reappointment)
At-Large (Mayor Appoints) VACANT (Unexpired Term of Helen Devlin)

PUBLIC ART COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT

PUBLIC HOUSING AUTHORITY
(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 3 (Mayor Appoints) VACANT

YOUTH COUNCIL
(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)
Youth Council Applicant Review Committee Recommends the Following Appointments:
FTF VACANT
Hcams VACANT
HHS VACANT
Homeschool VACANT

Alderman Seaver moved, seconded by Alderwoman Patton approval of the above nominations. 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

Mayor Guess reiterated about the fire rating, what had already been said was obviously tremendous news. He thanked everyone that had a part in that. He requested that Fire Chief Hutchinson pass that along to everyone that had a part in that.

Alderman Wood commented along those lines, he wasn’t sure that the connection was made that the fire rating would result in lower insurance premiums for businesses. Correct?

City Manager Warren Wood advised it can.

Alderman Wood commented it gives the opportunity for that.

Mayor Guess commented that it certainly was not going to hurt them.

City Manager Warren Wood advised that September 30th was the last day for census counting. He requested that citizens that hadn’t filled out their forms or knew citizens that hadn’t to please get the word out because the clock was ticking on that.
Mayor Guess asked if he knew what the current percentages were for Hickory.

City Manager Warren Wood advised they knew that the self-initiated was 66 percent which was about where the City was overall 10 years ago. There were also the actual counters that go out and help citizens and they were trying to get that number.

Alderman Seaver commented that it helps to spread the word and get everyone to do it. It doesn’t take but about 10 minutes.

Mayor Guess encouraged everyone that was present to please, if they hadn’t already done that and to encourage all their family, friends and relatives to fill out the census.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(4) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess moved, seconded by Alderwoman Patton, that Council go into closed session to consult with the attorneys to discuss the items below. The motion carried unanimously.

1. Approval of Closed Session Minutes of August 4, 2020 - NCGS §143-318.11(a)(1)
2. Discussion of Potential Economic Development – NCGS §143-318.11(a)(4)

Council convened to closed session at approximately 7:58 p.m.

Council reconvened to open session at approximately 8:27 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 8:27 p.m.

_______________________________________
Mayor

_______________________________________
City Clerk