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**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

November 7, 2023
6:00 p.m.

- I. Call to Order
- II. Invocation by Associate Minister Christopher Nivens, Mt. Zion Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - NA** A. Recognition of Brad Abernathy for Fleet Manager of the Year by the American Public Works Association (APWA) North Carolina Chapter – Presented by Public Utilities Director Shawn Pennell
 - NA** B. Public Works Director Steve Miller to Introduce Vice President APWA State Chapter Chip Vanderzee who will Present a Special Award to Lou Berry for Serving as President of the APWA State Chapter Solid Waste Division for Four Years.
 - A** C. Resolution Acknowledging Public Works as First Responders – Presented by Public Works Director Steve Miller. **(Exhibit IV.C.)**
 - NA** D. Americanism Committee of the Hickory Elks Lodge Presentation of the American Flag Certificate – Presented by Elk Americanism Chair, Tracy Hentschel and accompanied by Cary Bowman and Jay Tate.
 - NA** E. Neighborhood College Graduation – Presented by Communications and Marketing Manager Dana Kaminske
- V. Persons Requesting to Be Heard
 - NA** A. Bob and Alison Post discussed their recent move to the City of Hickory and how pleased they were to live in the area.
 - NA** B. Lynn Sampson, Catawba County GOP, was not present to be heard.
 - NA** C. David N. Mitchell, 3550 Prairie Drive, Snellville, Georgia to discuss Tipping Point Arts and Community Policing Program

Mr. Mitchell discussed his Tipping Point Arts and Community Policing Programs.
- VI. Approval of Minutes
 - A** A. Regular Meeting of October 17, 2023. **(Exhibit VI.A.)**
- 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.

A2. A. Budget Revision Number 7. (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.

A A. Approval of the Community Relations Council's Recommendations for the Fall 2023 Grant Cycle. (Exhibit VIII.A.)

As part of the Community Relations Council's (CRC) work plan and annual budget process, the Community Relations Council receives funds to disperse during the fiscal year through the CRC grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area. For the Fall 2023 grant cycle, the CRC received 9 grant applications for projects totaling \$13,900 and is recommending approval of the following 6 grants: Catawba County Partnership for Children - \$1,500; Hickory Choral Society - \$1,500; Hickory Museum of Art - \$1,000; Family Care Center of Catawba Valley, Inc. - \$1,000; Western Piedmont Symphony - \$1,500; and Catawba County Juntos 4-H Program - \$1,400, totaling \$7,900. Funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the 6 grants listed above totaling \$7,900.

A B. Approval of a Pyrotechnic Display Permit to PyroStar Entertainment for a Fireworks Display at the Hickory Motor Speedway for November 25, 2023 (Rain Date – November 26, 2023). (Exhibit VIII.B.)

Staff requests approval to issue a pyrotechnic display permit to PyroStar Entertainment for a fireworks display at the Hickory Motor Speedway for November 25, 2023, (rain date - November 26, 2023). Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted a request to obtain permission to conduct public fireworks displays on the aforementioned dates. 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 (NCOSFM), 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 approval of the above pyrotechnics displays.

A C. Approval of a Cemetery Deed from the City of Hickory to Cozette P. Sinclair for Southside Cemetery, Section 6, Lot P, Spaces 1, 2, 3, 13, 14, 15, 16, and 17, containing Three-Hundred Twenty Square Feet. (Prepared by Deputy City Attorney Arnita Dula). (Exhibit VIII.C.)

A/PH D. Call for a Public Hearing to Consider Closing a Portion of 31st Street Place SE, Hickory, as Petitioned by Neill Properties, LLC, (Authorize Public Hearing for December 5, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.D.)

A/PH E. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of .543 Acres Located at 908 30th Avenue Drive NW, PIN 3704-11-55-2101. (Authorize Public Hearing for November 21, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E)

A F. Acceptance of the Bid and Award the Contract with Neill Grading and Construction Co., Inc. in the Amount of \$2,235,033 for Construction of Trivium East Road Widening and Traffic Signal Design Project. (Exhibit VIII.F.)

Staff requests Council's acceptance of the bid and award the contract for construction of Trivium East road widening and traffic signal design project with Neill Grading and Construction Co. Inc. in the amount of \$2,235,033. Trivium Corporate Center is the business park recognized in the Bond projects to receive money from bond proceeds for development. The City, County and Economic Development Corporation have worked on development of the project to a condition that is receptive to marketing. As the original Trivium site has been successful and only 3 lots remain, the partnership has purchased additional properties to expand the success of the business park. This phase of the project will consist of the main entrance and access for the east business park. This will include road widening on Startown Road and traffic signal along with all associated work. North Carolina Department of Transportation standards will be followed for the widening of Startown Road. Included in this project is the relocation of a 12" water main and additional line into the park to serve the future business. This agreement will be for the road work, waterline, storm drainage, traffic signal and all associated pavement for the project. The project was advertised for bids. Three responsible bids were received for this project: Neill Grading and Construction Co., Inc. - \$2,235,033; Zoladz Construction Company Inc. - \$3,030,244; and Wayne Brothers Inc. - \$3,206,383.36. Bids have been reviewed and the lowest responsible bidder is Neill Grading & Construction Co., Inc. Staff recommends Council acceptance of the bid and award of the contract for construction of Trivium East road widening and traffic signal design project with Neill Grading and Construction Co. Inc. in the amount of \$2,235,033. The costs will be shared 50 percent by Catawba County and 50 percent by the City of Hickory.

- A G.** Approval of Amendment No. 1 to the Professional Services Agreement with WK Dickson and Co., Inc. in the Amount of \$148,780 for the Hickory SW Water and Sewer Project. **(Exhibit VIII.G.)**

Staff requests Council's approval of amendment no. 1 to the Professional Services Agreement with WK Dickson and Co., Inc., for the Hickory SW Water and Sewer Project in the amount of \$148,780. An evaluation of the SW corridor, south of Mountain View, has shown potential for economic development. City staff has identified these corridors with the partnership of the Catawba County Economic Development Corporation and are projecting the potential for growth in these areas. This project will consist of a water line extension and loop to connect the existing system for redundancy, along with a wastewater pumping station to relay wastewater to the Henry Fork Wastewater Treatment Facility. This agreement includes survey, geotechnical engineering, engineering design, easement plat preparation, permitting, construction bidding and administration. Additional services are to cover the costs of unanticipated field survey, plat, and easement mapping, permitting and additional design that was not consistent with the original plans for the project. Staff recommends Council's approval of amendment no. 1 to the Professional Services Agreement with WK Dickson and Co., Inc., for the Hickory SW Water and Sewer Project in the amount of \$148,780.

- D H.** Approval of a Vacant Building Revitalization Performance Agreement for Bumbarger Investments of Forest City, LLC in the Amount of \$20,000 for Renovations of the Vacant Building Located at 1421 2nd Street NE. **(Exhibit VIII.H.)**

Staff requests approval of the Vacant Building Revitalization Performance Agreement for Bumbarger Investments of Forest City, LLC. City Council established the Vacant Building Revitalization and Demolition Grant program on September 16, 2008. The program provides forgivable loan funding up to \$20,000 for projects to renovate and rehabilitate vacant buildings within the Urban Revitalization Area and targeted industrial buildings in other areas of the City. Bumbarger Investments of Forest City, LLC has applied for a Vacant Building Revitalization Grant in the amount of \$20,000 to assist in the renovation of the vacant building at 1421 2nd Street NE. The applicant plans to renovate the facility for multi-tenant neighborhood commercial use. The applicant plans to invest at least \$245,747 in real property improvements to rehabilitate the building. This makes the project eligible for a \$20,000 grant. The applicant plans to improve the parking lot and make interior improvements. No payments will be required on the loan provided that the building

remains occupied for at least three years. The Business Development Committee reviewed the application and recommended approval. Staff recommends City Council approve the Vacant Building Performance Agreement with Bumbarger Investments of Forest City, LLC.

A1. J. Budget Revision Number 8. (Exhibit VIII.J.)

1. To appropriate \$531,000 from General Fund Balance to be paid out to Catawba Valley Community College for the City of Hickory's 50% Match to the ARC Grant Funding for CVCC Workforce Innovation Center & Aviation Museum Equipment. To be reimbursed by State allocations.
2. To appropriate \$150,000 in donations from the Hickory Rotary Club for the Hickory Rotary Playground at Miracle of Hickory Park.
3. To appropriate \$1,967 from General Fund Balance to roll forward remaining funds from Community Navigator FY 22-23 budget.
4. To appropriate \$20,412 in Recreation Revenues from the General Fund towards the Parks & Recreation Department to cover the cost of youth sports jerseys, trophies, and guitar lessons.
5. To appropriate \$45,000 in the General Fund revenues received for a loan repaid to the City of Hickory from Habitat for Humanity.
6. To correctly appropriate \$1,500,000 for Hickory-Catawba Wastewater Treatment Plant Expansion design services in an agreement between the City of Hickory and Catawba County.
7. To appropriate \$1,000 in donations received to assist programming costs at Hickory Public Library.
8. To appropriate \$164,000 from Water & Sewer Fund Balance for a Professional Services Agreement with DL Roberts and Associates Inc. for easement acquisition. To be reimbursed by State allocations.
9. To appropriate \$148,780 from Water & Sewer Fund Balance for additional design costs with the Professional Services Agreement with WK Dickson and Co., Inc. To be reimbursed by State allocations.
10. To appropriate a total of \$2,235,033 towards the Trivium Center East Road Widening and Traffic Signal installation with Neill Grading and Construction Co. Inc. for construction services. \$1,117,516 will come from General Fund Balance. The other \$1,117,517 will come from Catawba County.
11. To appropriate \$275,000 in Hickory Metro Convention Center revenues for a parking renovation project with JT Russell Inc.
12. To appropriate \$45,000 in Hickory Metro Convention Center revenues to correctly account for design costs of the Convention Center Expansion.
13. To appropriate \$95,000 in loan proceeds to account for financing costs associated with the Hickory Metro Convention Center Expansion Project.

IX. Items Removed from Consent Agenda – Item H

Removed from Consent Agenda to be considered at a later date.

X. Informational Item

XI. New Business:

A. Public Hearings

- AD**
1. Continued from October 17, 2023 - Consideration of the Voluntary Non-Contiguous Annexation of Property Owned by Boureau and Creech Properties, LLC, Located at 3940 River Road, Hickory, PIN 3710-09-17-5434, Containing Approximately 49.21-Acres – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary non-contiguous annexation of 49.21 acres property located at 3940 River Road. This property is identified as PIN 3710-09-17-5434. The property is currently vacant and located within the planning jurisdiction of

Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes, at a maximum density of two dwelling units per acre. The property owner desires to connect the development to City sewer service, which requires annexation. If annexed, the property owners have requested the property be zoned Planned Development, with their further intentions being the construction of a 178-lot single-family residential subdivision. This would equate to a density of 3.7 dwelling units per acre. Surrounding properties are zoned R-20 Residential and R-1 Residential and are occupied by detached single-family residences, and a wastewater treatment plant. The current tax value of the property is \$330,300. If annexed, the vacant property would generate \$1,502.86 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 7, 2023.

NA

2. Continued from October 17, 2023 - Consideration of Rezoning Petition Number 23-06 for Property Located at 3940 River Road from R-20 Residential to Planned Development (PD) as Requested by Boureau and Creech Properties, LLC – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Boureau and Creech Properties, LLC has submitted a petition requesting the consideration of rezoning property located at 3940 River Road from R-20 Residential to Planned Development (PD). The property is vacant and zoned R-20 Residential by Catawba County. Upon completion of the annexation request the owners requested the property be rezoned to Planned Development. The R-20 Residential district permits residential uses (single and two family) at a maximum density of two dwelling units per acre, which could potentially produce up to 98 new dwelling units. The requested Planned Development would consist of up to 178 single-family detached dwellings, which calculates to be 3.7 units per acre. The Hickory Regional Planning Commission conducted a public hearing on September 27, 2023, to consider the petition. During the public hearing the project engineer spoke in favor of the petition, while no one spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 7, and October 14, 2023.

A

3. Consideration of the Voluntary Contiguous Annexation of Property Owned by Emil and Olimpia Belos, Located at the Northeast Corner of Cloninger Mill Road and 13th Street Circle NE, Hickory, PIN 3714-08-97-0980, Containing Approximately .396 – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.3.)**

Consideration of the voluntary contiguous annexation of 0.396 acres property located at the northeast corner of Cloninger Mill Road and 13th Street Circle NE. This property is identified as PIN 3714-08-97-0980. The property is vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is zoned R-1 Residential. Properties zoned R-1 can be utilized for one- and two-family housing at a density of 2 dwelling units per acre. The property owners desire to connect the new home to City sewer service, which requires annexation. The owners of the property intend to construct a single-family home on the property, which would be the extent of its development potential. Surrounding properties are zoned R-1 and R-2 Residential and occupied by single-family homes. The

current tax value of the property is \$19,500. If annexed, the vacant property would generate \$88.73 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 21, 2023.

- A** 4. Consideration of the Voluntary Contiguous Annexation of Property Owned by Huffman Project Group, LLC, Located at Catawba Valley Boulevard SE, Hickory, PIN 3711-05-18-8157, Containing Approximately 29.277-Acres – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.4.)**

Consideration of the voluntary contiguous annexation of 29.277 acres property located on Catawba Valley Blvd SE. This property is identified as PIN 3711-05-18-8157. The property is currently vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is split zoned R-1 (+/- 25%) and R-2 (+/- 75%) Residential. Properties zoned R-1 can be utilized for one- and two-family housing at a density of 2 dwelling units per acre, while properties zoned R-2 can be utilized for single family housing at a density of 4 units per acre. The property owner desires to connect the development to City sewer service, which requires annexation. The owners of the property have received approval to construct a 99-lot single family residential subdivision, which is currently under construction. The subdivision is being constructed as a conservation subdivision with an overall density of 3.4 units per acre. Surrounding properties are zoned R-1 and R-2 Residential and occupied by single family homes, or wooded. The current tax value of the property is \$145,800. If annexed, the vacant property would generate \$663.39 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 21, 2023.

- A1** 5. Consideration of Rezoning Text Amendment 23-02 to the Hickory Land Development Code – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.5.)**

The City's Land Development Code serves as the City's regulatory document dealing with development activities within its jurisdiction. The document is intended to change from time to time to reflect changes in development concepts and present-day trends. Annually staff reviews the document to identify updates of modification needed to comply with relevant statutes and conform to new development trends. The proposed amendments are intended for three purposes: bring the document into compliance with several recently enacted State statutes dealing with development approvals; modify sections that did not work as intended; and bringing forward amendments needed to provide greater flexibility in dealing with current development trends. Staff conducted a review of the Hickory Land Development Code and has found the proposed amendments necessary to continue the document's purpose as an implementation tool for the Hickory By Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on October 25, 2023, to consider the proposed amendments. During the public hearing, no one spoke in favor or opposition of the proposed amendments. During its review and consideration, the Planning Commission recommended leaving the portion of Section 9.3.17 within the Ordinance. This specific verbiage requires the installation landscape medians in large parking lots. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the amendments consistency with the Hickory by

Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (6-0) to recommend approval of the amendments. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 28, and November 4, 2023.

- B. Departmental Reports
- NA 1. Appointments to Boards and Commissions
- BUSINESS DEVELOPMENT COMMITTEE**
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 At-Large (Council Appoints) VACANT
- COMMUNITY APPEARANCE COMMISSION**
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 1 (Wood Appoints) VACANT
 At-Large (Outside City but within HRP) (Council Appoints) VACANT
- COMMUNITY RELATIONS COUNCIL**
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT
- HICKORY REGIONAL PLANNING COMMISSION**
 (Term Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)
 Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT
- HISTORIC PRESERVATION COMMISSION**
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Historic Properties Owner (Council Appoints) VACANT
 At-Large (2) (Council Appoints) William Gardner Jr. Resigned 10-23-23 VACANT
- LIBRARY ADVISORY BOARD**
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 3 (Seaver Appoints) VACANT
- PUBLIC ART COMMISSION**
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 3 (Seaver Appoints) VACANT
- RECYCLING ADVISORY BOARD**
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 6 (Patton Appoints) VACANT
 At-Large (Council Appoints) VACANT
- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**