



Life. Well Crafted.

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

January 2, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Major David Repass, Co-Officer in Charge The Salvation Army of Greater Hickory and the High Country
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard

Mr. Charles Price, 41 35th Avenue NW, Hickory addressed Council regarding trash along the highways in the City.
- VI. Approval of Minutes
 - A. Regular Meeting of December 19, 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 11. **(First Reading Vote: Unanimous)**
 - A2 B. Rezoning Petition 23-07 for Property Owned by Michael and Kem Pollard Located at 2239 Robinson Road and Three Additional Parcels. **(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.
 - A1 A. Approval to Implement a Speed Limit Reduction to 25mph along 9th Avenue NE between 16th Street NE and 20th Street NE. **(Exhibit VIII.A.)**

Staff request Council's approval to implement a speed limit reduction to 25mph along 9th Avenue NE between 16th Street NE and 20th Street NE. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 9th Avenue NE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition qualifies for a speed limit reduction to 25mph. Nineteen properties were included in the petition and fourteen properties signed in favor of

implementation. This represents at least 75% 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 implement a speed limit reduction to 25mph along 9th Avenue NE between 16th Street NE and 20th Street NE.

- A1 B. Approval to Implement a Speed Limit Reduction to 25mph along 7th Avenue NW between 4th Street Drive NW and 6th Street NW. **(Exhibit VIII.B.)**

Staff request Council's approval to implement a speed limit reduction to 25mph along 7th Avenue NW between 4th Street Drive NW and 6th Street NW. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 9th Avenue NE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition qualifies for a speed limit reduction to 25mph. Eight properties were included in the petition and seven properties signed in favor of implementation. This represents at least 75% 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 implement a speed limit reduction to 25mph along 9th Avenue NE between 16th Street NE and 20th Street NE.

- A C. Approval to Close Both Locations of Hickory Public Library from 9:00 a.m. to 5:00 p.m. on Friday, May 3, 2024 for Staff Training. **(Exhibit VIII.C.)**

Staff requests Council's approval to close both locations of Hickory Public Library from 9:00 a.m. to 5:00 p.m. on Friday, May 3, 2024 for staff training. Public library staff regularly interact with the public, and to provide the best possible customer service, it is necessary to periodically provide training opportunities in which all staff participate at the same time. This year staff will receive training that will focus on community resources; preparing for summer library programs; and customer service. Customer service training specific to each library department will be included. All library staff, both full-time and part-time, interact on a daily basis with the public and, therefore, need periodic opportunities to participate in staff development training to re-energize, acquire new skills, and improve their ability to work together as a team. To allow all coworkers to participate, it is necessary to schedule the training during a workday. Staff determined that Friday, May 3rd is a date that would create as little disruption as possible in service to the public. Staff recommends the Patrick Beaver Memorial Library and the Ridgeview Branch Library be closed on Friday, May 3, 2024 to allow time for all library employees to participate in staff training.

- PH/A D. Call for a Public Hearing to Consider Closing a portion of 1st Avenue SE, a portion of 8th Street Court SE, a portion of 2nd Avenue Drive SE, and an unnamed alley located off of 2nd Avenue Drive SE, as Petitioned by Jojida, LLC and Linda H. Huffman. **(Authorize Public Hearing for February 6, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).** **(Exhibit VIII.D.)**

- A E. Approval of a Resolution and Retainer Agreement with Cranfill Sumner, LLP, Smouse & Mason, LLC, and Napoli Shkolnik, PLLC as Special Counsel. **(Exhibit VIII.E.)**

Staff requests Council's approval of the Resolution and retainer agreement between the City of Hickory and Cranfill Sumner, LLP, Smouse & Mason, LLC, and Napoli Shkolnik, PLLC for Special Counsel for per- and polyfluoroalkyl and related substances (PFAS/PFOA), etc., and associated Resolution. The City of Hickory has no findings of PFAS/PFOA contaminants. However, due to pending lawsuits, the City has engaged with Cranfill Sumner, LLP, Smouse & Mason, LLC, and Napoli Shkolnik, PLLC (Special

Counsel) who will provide legal representation in identifying and pursuing the City of Hickory's potential claims for injuries and/or property damages arising out of the contamination of water supplies, wastewater treatment facilities, solid waste facilities, fire training facilities, and/or airports by emerging hazardous contaminants including, but not limited to, per- and polyfluoroalkyl and related substances (PFAS/PFOA), 1,4 Dioxane, and micro-plastics, including representation in connection any claim made in the Aqueous Film-Forming Foams (AFFF) Products Liability Litigation MDL No. 2873 pending in the United States District Court, District of South Carolina. The Retainer Agreement is a contingent fee contract. Fees are only owed if there is a recovery from the lawsuit. Special Counsel will be entitled to a contingency fee of 33% (thirty-three percent) of the claim recovery should there be a claim recovery. Staff recommends City Council's approval of the Resolution and retainer agreement between the City of Hickory and Cranfill Sumner, LLP, Smouse & Mason, LLC, and Napoli Shkolnik, PLLC as Special Counsel for PFAS/PFOA.

- A** **F.** Approval of a Resolution for Construction Management at Risk Construction Delivery Method for the City Park Project. **(Exhibit VIII.F.)**

Staff requests Council's approval of the Resolution for Construction Management at Risk Construction Delivery Method for the City Park Project. The City of Hickory is engaged in a City Park Project that will be situated on approximately 12 acres adjacent to Lake Hickory in the current Rotary Geitner Park owned by the City. The City Park Project will consist of the construction of a family shelter with restrooms, site improvements, including vehicular access, and a parking lot, pedestrian access to the lake, shoreline restoration, the addition of a fishing pier, boat slips and a kayak/canoe launch, along with other recreational amenities in the park. Staff reviewed the advantages and disadvantages of using the Construction Management at Risk method for the Project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3) and recommends using the Construction Management at Risk Construction Delivery Method for the City Park Project. Construction Management at Risk provides an opportunity for the contractor's involvement during the design process to provide the architect with feedback on constructability and other design issues, using prequalified subcontractors, and transparency of the overall bidding and construction process, including costs incurred by the Construction Manager. Staff recommends City Council's approval of the Resolution for Construction Management at Risk Delivery Method for the City Park Project.

- A** **G.** Approval to Amend the Annual Contract for Auditing Services with Martin Starnes & Associates for Fiscal Year Ending June 30, 2023. **(Exhibit VIII.G.)**

Staff requests approval to amend the annual contract for auditing services with Martin Starnes & Associates for fiscal year ending June 30, 2023. The City of Hickory has utilized the services of Martin Starnes & Associates for the past twelve years with excellent results. Since fiscal year 2012, Martin Starnes & Associates has also been contracted to produce the City's Annual Comprehensive Financial Report. The annual audit is due to the North Carolina Local Government Commission (LGC) as of October 31st of each year. An extension may be granted by the LGC but requires an amended auditing contract with approval from City Council and the Chair of the Audit Committee. An extension of the City's auditing contract is necessary for this fiscal year due to the new GASB 96 standard causing delays in both City and auditor schedules. The City contracted with DebtBook to assist with the standard but still incurred many new processes to properly document the standard into the City's financial statements. In addition, Finance Department staff continued to participate in training sessions to implement new Tyler Technologies financial software while still preparing for the annual audit resulting in delays with finalizing audit work. Staff recommends approval to amend the annual auditing contract with Martin Starnes & Associates for fiscal year ending June 30, 2023.

- A1** **H.** Budget Revision Number 12. **(Exhibit VIII.H.)**

1. To appropriate \$12,960 in donations received for the police department towards equipment costs.

2. *To transfer \$117,473 from General Fund contingency to cover additional modules purchased for the Tyler Munis Technologies Project.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports

NA 1. 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 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

Building Trades Profession (Council Appoints) VACANT

LIBRARY ADVISORY BOARD

(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

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**