



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

May 7, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Alderman Anthony Freeman
- III. Pledge of Allegiance
- IV. Special Presentations
 - NA** A. Presentation of a Proclamation for National Police Week 2024. **(Exhibit IV.A.)**
 - NA** B. Presentation of a Proclamation for Building Safety Month – May 2024. **(Exhibit IV.B.)**
 - NA** C. Presentation of a Proclamation to Lenoir-Rhyne University Track and Field Athlete Alexis Brown. **(Exhibit IV.C.)**
- V. Persons Requesting to Be Heard
 - A. Ms. Daria Jackson, 133 17th Street SE, Hickory, NC discussed the Multicultural Event held in downtown, and the condition of the downtown bathroom facilities.
- VI. Approval of Minutes
 - A** A. Regular Meeting of April 16, 2024. **(Exhibit VI.A.)**
 - A** B. Special Meeting of April 18, 2024. **(Exhibit VI.B.)**
- 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 19. **(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.
 - PH/A** A. Approval of the Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along 525 9th Avenue NW, Petition Number 24-01. **(Authorize Public Hearing for June 4, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**
 - PH/A** B. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of 1.821-Acres Located at 2326 12th Avenue Drive NE, Hickory, PIN 3723-13-03-2690, Owned by Terry Dean Hollar. **(Authorize Public Hearing for May 21, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**

- A C.** Approval of the Letter of Agreement for Airport Safety Maintenance Projects, and Resolution with the North Carolina Department of Transportation. **(Exhibit VIII.C.)**

Staff requests City Council's approval of a 5-year Letter of Agreement for Airport Safety Maintenance Projects with the North Carolina Department of Transportation (NCDOT). The NCDOT Division of Aviation (NCDOT-DOA) created the Airport Safety/Maintenance Program several years ago to apply available State funds to assist publicly owned and operated airports with airfield safety projects. Agreeing to this program by signing the Letter of Commitment allows the NCDOT-DOA to provide safety/maintenance services to the Hickory Regional Airport at no cost to the City. This Letter of Agreement is for a 5-year period and can be cancelled by either party at any time via written notice. Such maintenance/safety improvements that can be performed under this agreement may include, but not limited to joint and crack sealing, pavement repairs and patching, surface treatments, maintenance overlays, electrical, grading, drainage improvements, pavement markings and/or other infrastructure maintenance. The City would be responsible in allowing the NCDOT to use State and/or private contractors; provide an authorized representative to be present while work is in progress; provide qualified monitoring of airport's UNICOM radio transceiver; to temporarily close any runways, taxiways or ramps as needed; to issue any necessary NOTAMS (Notices to Airmen); allow the NCDOT to determine the design, scope of work, materials to be used and methods for project; hold harmless NCDOT from all suits, actions or claims resulting from performed work and to be in good standing on all State and Federal grant requirements and assurances. Entering into this agreement aligns with the goals for the airport's future expansion and economic development. The safety/maintenance services this agreement provides could assist in improvements to the airport's infrastructure for expansion so as to entice and resume commercial air service and add additional corporate aviation use. Airport staff recommends the City Council's approval of the Letter of Agreement for Airport Safety/Maintenance Projects and Resolution with the North Carolina Department of Transportation.

- A D.** Approval to Accept the Summer Fire Camp Grant in the Amount of \$2,500 from the Office of State Fire Marshal. **(Exhibit VIII.D.)**

Staff requests approval of acceptance of the grant in the amount of \$2,500 from the Office of State Fire Marshal (OSFM) for their yearly summer fire camp, S.A.F.E.R (Student Academy of Fire, EMS, and Rescue) Camp, led by the Fire and Life Safety Division. OSFM awarded the City of Hickory Fire Department the OSFM/BCBS grant to be used towards the expenditures of the S.A.F.E.R Academy. The S.A.F.E.R. Camp is dedicated to educating, exposing, and recruiting high school students to careers in the fields of fire, EMS, and rescue. The curriculum covers a range of topics including the use of industry-standard personal protective equipment (PPE), CPR Training, agility tests, station tours, investigations, 911 communications, and a special graduation luncheon. The positive outcomes from the past three years of S.A.F.E.R Camp have been a driving force for a continued partnership with Catawba County Schools and to enhance the experience for future campers. Campers, throughout the years, have joined their local departments as Junior Firefighters and some completed the CVCC Fire Academy while being hired on to surrounding departments, one being Hickory Fire Department. S.A.F.E.R Camp has proven to be a great resource for high school students in Catawba County. Staff recommends the approval of accepting the Summer Fire Camp grant award in the amount of \$2,500 from the Office of State Fire Marshal.

- A E.** Approval of the Correction of Resolution Number 24-16 Accepting the Offer of Public Dedication of Lands and Improvements Known as 14th Avenue Drive SE, a 45-Foot Right of Way Recorded in Plat Book 84 at Page 75 of the Catawba County Registry. **(Exhibit VIII.E.)**

City Council approved Resolution Number 24-16 on April 2, 2024 accepting the offer of public dedication of lands and improvements known as 14th Avenue Drive SE, which is a 45-foot right of way recorded in Plat Book 84, at Page 75 of the Catawba County Registry. The Resolution inadvertently stated, "14th Avenue Drive NE", but should have read "14th

Avenue Drive SE". Staff requests approval of the correction of Resolution Number 24-16 to "14th Avenue Drive SE".

- A F. Acceptance of the Bid and Award the Contract to Neill Construction Company in the Amount of \$1,208,714 for Construction of 12 T-Hangars at Hickory Regional Airport on the North Ramp. **(Exhibit VIII.F.)**

Staff requests City Council's approval to award a construction bid with Neill Construction Company and authorize the City Manager to approve a construction contract in the amount of \$1,208,714 to construct twelve new T-hangars on the North Ramp of Hickory Regional Airport. The City purchased its first set of 12 individual T-hangars in 2023 from Fulfab, Inc. and construction was completed last month. A new set of 12 individual T-hangars has been ordered from Fulfab Inc. and will arrive onsite in mid-May. Construction will occur adjacent to the first set of hangars on the north ramp of the airport and take approximately 180-days to complete. The T-hangars are designed to accommodate small to midsize aircraft that are currently leasing space in the larger group hangars. Once they are moved from the group hangars, additional aircraft are able to move to the airport off of a waiting list. The City requested construction bids in April and received a total of 7 bids. The lowest responsive bidder was Neill Construction Company with a low bid amount of \$1,208,714. The new hangar development aligns with the recommendations of the Hickory Regional Airport Task Force Report to promote and expand the assets at the airport to increase revenues through expansion of the number of base aircraft. The project will be funded with NC Department of Transportation Reserve Funds that were allocated in the fiscal year 23-24 budget. Staff recommends the City Council award a construction bid and authorize the City Manager to approve a construction contract with Neill Construction Company in the amount of \$1,208,714 for the construction of 12 new T- hangars at the Hickory Regional Airport.

- A1 G. Budget Revision Number 20. **(Exhibit VIII.G.)**

1. *To close out the Bruce Meisner Park Project and transfer \$24,840 to General Fund Balance.*
2. *To appropriate \$24,840 from General Fund Balance and transfer \$630,160 from vacancy savings and other General Fund line items to pay for police vehicles, upfitting, and taxes for the Hickory Police Department.*
3. *To appropriate \$95,000 from the State and Local Cybersecurity Grant Program and establish the State & Local Cybersecurity Grant Project. \$5,824 will be transferred from the Information Technology department to cover additional equipment costs within the project.*
4. *To appropriate \$4,557 from the sale of a vehicle towards operating costs within the Parks and Public Properties: Landscaping Department.*
5. *To appropriate a total of \$50,300 in grant revenues received from T-Mobile. \$50,000 will cover the cost of improvements at Samuel W. Davis Sr. Field, while the remaining \$300 will reimburse the Parks, Recreation, and Sports Tourism department for event costs pertaining to the grant's reception.*
6. *To appropriate \$27,145 in insurance proceeds within the Insurance Fund for a worker's compensation claim.*
7. *To appropriate \$2,178 in General Fund Balance – Restricted for Department of Treasury to reimburse K-9 training expenses within the Hickory Police Department.*
8. *To appropriate a total of \$6,675 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*
9. *To appropriate a payment of \$6,933 from Carolina Video Security to reimburse the police department for their cost share for the installation of video equipment at the Task Force Office.*
10. *To appropriate a total of \$6,584 in online sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business

A. Public Hearings

- A** 1. Consideration of the Voluntary Contiguous Annexation of 31.388-Acres Located at 2063 Startown Road, PIN 3721-13-04-3211, Owned by Bowman Rentals, LLC – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 31.388 acres property located at 2063 Startown Road, identified as PIN 3721-13-04-3211. 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 2 dwelling units per acre. If annexed, the property owners have requested the property be zoned Planned Development, with their future intentions being the construction of 75 single-family townhomes and 12 apartment buildings consisting of 300 units. This would equate to a density of approximately 11.9 dwelling units per acre. The surrounding properties are zoned R-20 Residential, R-2 Residential, and Planned Development and are occupied by detached single-family residences, and apartments. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 20, 2024.

- A1** 2. Consideration of Rezoning Petition 24-05 for Property Owned by Bowman Rentals, LLC, Located at 2063 Startown Road, PIN 3721-13-04-3211 - Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

The applicant has submitted a petition requesting to rezone the subject properties from Catawba County's R-20 designation to City Planned Development (PD). The current residential (R-20) zoning assigned to the property allows for primarily residential uses. As currently zoned, the subject properties could theoretically yield up to 62 dwelling units. These numbers are a theoretical maximum, and other regulatory requirements for building setbacks, parking, buffering, natural features, and similar items could substantially decrease this maximum intensity. It should also be noted that the R-20 zoning district has a maximum height limitation of 45 feet, therefore any new structures could not exceed three (3) stories. The requested Planned Development is proposed to be residential in nature. The plans depict the properties as consisting of twelve (12) residential apartment buildings, which contain 300 dwelling units with 75 townhome units. Calculations would put density at roughly 12.17 units per acre when considered with the entire project density. The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition and acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously 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 April 27, 2024, and May 4, 2024.

- AD** 3. Consideration of the Voluntary Non-Contiguous Annexation of 49.21-Acres Located at 3940 River Road, PIN 3710-09-17-5434, Owned by Boueanu and Creech Properties, LLC – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.3.)**

Consideration of the voluntary non-contiguous annexation of 49.21 acres property located at the 3940 River Road, 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 2 dwelling units per acre. If annexed, the property owners have requested the property be zoned Medium Density Residential Conservation (R-2), with their future intentions being the construction of a 99-lot single-family residential subdivision. This would equate to a density of 2.07 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. Staff determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 20, 2024.

NA

4. Consideration of Rezoning Petition 24-06 for Property Owned by Boureanu and Creech Properties, LLC, Located at 3940 River Road, PIN 3710-09-17-5434 – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.4.)**

Boureanu and Creech Properties, LLC has submitted a petition requesting the consideration of rezoning property located at 3940 River Road from R-20 Residential to Medium Density Residential (R-2). The property is vacant and zoned R-20 Residential by Catawba County. The property is in the process of being annexed, and the owners have requested the property be rezoned to Medium Density Residential Conservation (R-2) upon completion. The 47.53-acre property is zoned R-20 Residential by Catawba County. This district permits residential uses (single and two family) at maximum density of 2 dwelling units per acre, which could potentially produce up to 98 new dwelling units. The requested Medium Density Residential would consist of up to 99 single-family detached dwellings, which calculates to be 2.07 units per acre. The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition and acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted 6-1 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 April 27, 2024, and May 4, 2024.

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5. Consideration of Rezoning Petition 24-07 for Property Owned by Jonathan and Mary Bonelli, Located on 5th Avenue NW, PIN 3703-17-02-8192 – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.5.)**

Jonathan and Mary Bonelli have submitted a petition requesting the consideration of rezoning property located at 5th Avenue NW, PIN 3703-17-02-8192 from General Business (C-2) to Medium Density Residential (R-2). The property is currently unoccupied, unimproved vacant land totaling 0.35 acres. The property is C-2, which does permit some residential uses such as single family detached residences, accessory dwellings, duplexes, multi-family structures, and upper story residential, but does not permit single family detached residences. The owners have requested the property be rezoned to R-2 Residential. This residential district permits a maximum density of 4 dwelling units per acre and would allow for a single family detached residence to be built, keeping with the medium density future land use. The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition and acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning

Commission voted unanimously 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 April 27, 2024, and May 4, 2024.

- A1 6. Consideration of Rezoning Petition 24-08 for Property Owned by Donald C. Scronce, Located at 2010 Startown Road, PIN 3721-09-05-4815 – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.6.)**

A petition has been submitted requesting the consideration of rezoning property located at 2010 Startown Road from Low Density Residential (R-1) to Regional Commercial (C-3). The subject property is currently zoned R-1 Residential and totals +/- .54 acres in total size. The current R-1 zoning district is primarily residential and permits one and two-family residential uses at a density of two dwelling units per acre. The subject property is currently occupied by a commercial building. The owners' intention is to continue utilizing the property as an office. The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan and voted unanimously 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 April 27, 2024, and May 4, 2024.

B. Departmental Reports

- A 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)
Caucasian (Council Appoints) Cliff Moone Resigned 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

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints) VACANT
Ward 6 (Patton Appoints) VACANT

At-Large (Council Appoints)
At-Large (Council Appoints)

VACANT
VACANT

TOURISM DEVELOPMENT AUTHORITY

Hickory Representative Owner/Operator

VACANT

TDA Board Recommends the Nomination of Brad Lail as a Hickory Representative Owner/Operator.

Mayor Guess Nominated Brad Lail as a Hickory Representative Owner/Operator for the Tourism Development Authority.

- 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**