



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

April 18, 2017
7:00 p.m.

- I. Call to Order
- II. Invocation by Karla Woggon, Rector, Episcopal Church of the Ascension
- III. Pledge of Allegiance
- IV. Oath of Office for Newly-Appointed City Manager Warren Wood

Mayor Wright administered the Oath of Office to newly-appointed City Manager Warren Wood.
- V. Special Presentations
 - A** A. Recognition of Founders Award

Mayor Wright recognized United Beverages of Hickory for their recent recognition as the number one Miller Coors distributor in the United States.

Mr. Dean Proctor thanked Council for the recognition and introduced those in attendance from United Beverages.

City Council proclaimed this weekend United Beverages Weekend in Hickory North Carolina.
 - NA** B. Presentation of a Proclamation for Fair Housing Month. **(Exhibit V.B.)**

Mayor Wright read and presented a Proclamation for Fair Housing Month to Cory Klassett. Mr. Klassett received the proclamation on behalf of the Catawba Valley Association of Realtors.
- V. Persons Requesting to Be Heard
 - A. Ms. Vanessa Adams-Harris, 156 Osage Ridge Drive, Sand Springs, Oklahoma, addressed City Council regarding the Historic Municipal Building Historic Colored Balcony.
 - B. Mr. Jason Parker, 2047 34th Avenue Drive NE, Hickory, addressed City Council regarding the Historic Municipal Building Historic Colored Balcony.
 - C. Ms. Renetta Hamrick, 98 3rd Avenue SE, Apt. #32, Hickory, addressed City Council regarding the Historic Municipal Building Historic Colored Balcony.
 - D. Ms. Thelma Eley, 2813 5th Street NE, Hickory, addressed City Council regarding the Historic Municipal Building, Hickory Community Theatre, Historic Colored Balcony.

VII. Approval of Minutes

April 18, 2017

- A A. Regular Meeting of April 4, 2017. **(Exhibit VII.A.)**
- VIII. 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. Approval of the Community Relations Council's Spring 2017 Grant Recommendations. **(First Reading Vote: Unanimous)**
- A2 B. Approval and Acceptance of the North Carolina Department of Transportation Project Agreement for the Pedestrian Signal Upgrade in the Amount of \$402,500. **(First Reading Vote: Unanimous)**
- A2 C. Budget Revision Number 21. **(First Reading Vote: Unanimous)**
- IX. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item X.
- A A. Acceptance of Grant 36244.33.13.2 Awarded by the North Carolina Department of Transportation – Division of Aviation in the Amount of \$225,000. **(Exhibit IX.A.)**
- Staff requests City Council's acceptance of grant 36244.33.13.2 awarded by the North Carolina Department of Transportation – Division of Aviation (NCDOT-DOA) in the amount of \$225,000 to be used for the development or update of an Airport Layout Plan (ALP)/Master Plan and for Preliminary Engineering for the extension of Runway 624 at Hickory Regional Airport. Talbert and Bright, airport engineers, will provide the City with those consulting services, and will perform both work items. There will be no public process or task force at this time. The last Airport Master Plan was completed in the late 1990's followed by an update in early 2000. A new Master Plan Update is needed to determine the future direction of airport development to assist the City in maximizing the future potential of the airport, as well as determine the preferred method of extending Runway 6-24 and Taxiway "A" an additional 600 feet in length. The Federal Aviation Administration requires a Master Plan to provide long-range plans for expansion and renovation of facilities. Without a plan, federal funds will not be allocated. By letter dated January 20, 2017 NCDOT has allocated State funds via grant 36244.33.13.2 with the State share of \$225,000 (90 percent) and the local share of \$25,000 (10 percent) for the development of an ALP/Master Plan Update. Staff recommends City Council's acceptance of grant 36244.33.13.2 in the amount of \$225,000 from the North Carolina Department of Transportation.*
- A B. Approval to Issue a Pyrotechnic Display Permit to Hickory Motor Speedway. **(Exhibit IX.B.)**
- Kevin Piercy, General Manager of the Hickory Motor Speedway has submitted a request to obtain permission to have a public fireworks display on June 3, 2017; Rain Dates: June 4, 2017 and June 10, 2017.*
- The North Carolina Fire Code requires a mandatory operational permit for the use and handling of pyrotechnic special effects material. The Division of Fire & Life Safety Bureau shall review all required documentation. The Fire Prevention Bureau will also inspect the pyrotechnics display area prior to the event to ensure compliance with all guidelines and codes. Staff recommends approval of the pyrotechnics displays.*
- A C. Special Events Activities Application, Community Health Fair, Dave Leonetti, City of Hickory, May 6, 2017 from 10:30 a.m. to 5:00 p.m. at 115 7th Avenue SW (Taft Broome Park). **(Exhibit IX.C.)**

- A1** D. Approval of Sponsorship Agreements for the Presenting, Premiere, and General Sponsors for the Friday Night Sails Original Music Series, May, June and September, 2017. **(Exhibit IX.D.)**

The Sails Original Music Series is a music event that is held every Friday in May, June, and September at The Sails on the Square in downtown Hickory. The event runs from 6:30 p.m. to 8:30 p.m. This is the fifth year for the event. The event brings in musicians from all over the United States and some international musicians. The event is now at a point that it is attracting people from the local community, as well as regionally. The Office of Communications has been able to secure sponsorships from local business partners that want to be branded with the event and are willing to provide support to offset some of the costs to produce the event. This event has had some wonderful partners throughout the series, but has never had "Presenting" or "Premiere" Sponsors until this year. Staff recommends approval of four sponsorship agreements which include Lowes Foods, The Hickory Metro Convention and Visitors Bureau, the Hickory Wine Shoppe, and Patrick, Harper & Dixon Attorneys at Law.

- A1** E. Approval of the Contract to Wilkie Construction Company SE, LLC in the Amount of \$48,686 for Improvements to West Hickory Park. **(Exhibit IX.E.)**

Community Development Block Grant funds were approved in the current year budget to construct a restroom building and picnic shelter at West Hickory Park (401 17th Street SW). In preparation for the project the functionally obsolete former locker room and restroom facility was demolished and regraded. A prefabricated restroom building similar to the one recently installed at Southside Heights Park has been ordered. A prefabricated 16x24 foot steel picnic shelter has also been ordered. A licensed general contractor is required to pour the required concrete pads, assemble the picnic shelter, and connect the restroom building to the necessary utilities. Staff advertised for competitive bids on the construction project. The low bidder on the project was Wilkie Construction with a bid of \$48,686 for the necessary work required to complete the assembly and installation of the two buildings/structures. This project is fully funded with Community Development Block Grant funds. Staff recommends approval of the contract with Wilkie Construction Company SE, LLC, in the amount of \$48,686, to construct the improvements to West Hickory Park.

- A** F. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit IX.F.)**

The following requests were considered by the Citizens' Advisory Committee at their regular meeting on April 6, 2017.

- *Le Nkauj Yang & Jeramie Lee were approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 1019 33rd Avenue Loop NE, Hickory. They have requested \$7,500 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage.*
- *Mahogany Smith was approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 1025 33rd Avenue Loop NE, Hickory. She has requested \$10,000 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage.*

Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation Program income received in FY 2016 and/or program income received through the City of Hickory's Community Development Block Grant Program.

Each of the following applicants are being recommended for approval for assistance under the City of Hickory's 2016 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency-related repairs not to exceed \$8,000.

- George Pope, 418 2nd Street SE, Hickory
- Lois Tse, 339 11th Street Place SW, Hickory-*Not to exceed \$2,509.

Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation program income and/or program income received through the City of Hickory's Community Development Block Grant Program. The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- A1** G. Approval of Task Order Three to the Engineering Services Agreement with McGill Associates, P.A. in the Amount of \$28,900 for Eastwood, Random Woods, and Sherwood Forest Subdivisions Sanitary Sewer Project. **(Exhibit IX.G.)**

The Public Utilities Department and Catawba County Environmental Health identified three areas, Eastwood, Random Woods, and Sherwood Forest Subdivisions, as areas of concern in 1998 as a part of the future service areas for the City of Hickory sanitary sewer system. Staff originally applied for State Revolving Grant funds for completion of this project on April 1, 1999. Staff was contacted in 2008 about the status of these projects and then asked to resubmit an updated Preliminary Engineers Report in 2009. NCDENR Division of Water Quality and NC Construction Grants and Loans issued final approval of the Preliminary Engineers Report on May 10, 2010. The project consists of three identified concentrations of residential housing that have historically experienced issues with problematic septic tank systems. This project will have a potential to serve approximately 226 homes and eliminate the potential public health hazard of septic tank system failures impacting surface waters. City Council accepted the grant offer in July 2012 in the amount of \$2,946,042.99 for completion of this project. The project was designed and permitted to specifically serve the Random Woods subdivision. An area adjacent to the project has expressed interest and has meet the State requirements for addition to the grant project. The grant amendment has money remaining on the offer that NCDEQ - Infrastructure Finance Section would like to expend on this project serving the area in need. This Task Order includes design, permitting, and construction administration for an additional 1,900 linear feet of 8-inch gravity sewer along 26th Avenue Place NE, 28th Street NE, 28th Avenue NE, and 31st Street Court NE. The extensions will serve identified residential and commercial properties that are surrounding the subdivision. Staff requests City Council's approval of Task Order 3 to the Engineering Services Agreement with McGill Associates, PA in the amount of \$28,900 for the Eastwood, Random Woods and Sherwood Forest Subdivisions sanitary sewer project.

- A** H. Approval of a Resolution, along with the Western Piedmont Council of Governments, Supporting Federal Community & Economic Development Programs, including Appalachian Regional Commission, Economic Development Administration, HOME Investments Partnerships Program, Community Development Block Grant Program, and other Federal Programs that Enable Local Community and Economic Development. **(Exhibit IX.H.)**

- A1** I. Approval of the Change Order to the Contract for Design Services with AMEC Foster Wheeler in the Amount of \$5,000 for Design Modification to the US 70/US 321 Interchange. **(Exhibit IX.I.)**

The City of Hickory entered into a contract for Gateway design on September 6, 2016 with AMEC Foster Wheeler which totaled \$32,956 for the design of two gateways: US 321 and Clement and US 321 and 70. Upon further consideration of the design at the 60 percent stage, City Council recommended a modification to the design and directed AMEC to provide additional design and construction work to add signage that says Hickory, North Carolina to the overall Gateway design. Staff recommends approval of the change order to the contract for design services to AMEC Foster Wheeler in the total lump sum amount of \$5,000 to proceed with this design modification to the US 70/US 321 interchange.

A1 J. Budget Revision Number 22. **(Exhibit IX.J.)**

1. *To recognize \$11,500 in revenues received from Catawba County for Library operations. At the time of FY 2016-17 budget adoption the County's annual contribution amount wasn't yet finalized, so the City's estimate was conservative. With receipt of the final quarterly payment for 2016-17, there is an additional \$11,500 in revenue for the year.*
2. *To budget funds for a Change Order to the Design contract of the US 70/US 321 Gateways Project being conducted by AMEC Foster Wheeler. An additional \$5,000 will be transferred from the General Fund Balance into the Gateways Project Ordinance (#B1G001) to cover an increase in the scope of services defined in the contract.*

X. Items Removed from Consent Agenda – None

XI. Informational Item

NA A. Report of Interim City Manager Andrea Surratt's Travel to Town Hall Day and Meet with DOT Engineers, Raleigh, NC, March 28-30, 2017, (Meals - \$92.25; Lodging - \$638.16; Mileage Reimbursement - \$189.39; Parking - \$24). **(Exhibit XI.A.)**

NA B. Report of Interim City Manager Andrea Surratt's Travel to Washington, DC to Lobby for TIGER Grant, March 23, 2017, (Meals - \$59.10; Airfare - \$626.90; Mileage - \$60.99; Uber and Parking - \$40.10). **(Exhibit XI.B.)**

NA C. Report of Mayor Wright's Travel to Washington, DC to Lobby for TIGER Grant, March 23, 2017, (Meals - \$25.25; Airfare - \$626.90; Uber and Parking - \$32.60). **(Exhibit XI.C.)**

NA D. Report of Alderman Guess' Travel to Washington, DC to Lobby for TIGER Grant, March 23, 2017, (Meals - \$25.25; Airfare - \$626.90; Uber and Parking - \$32.60). **(Exhibit XI.D.)**

NA E. Report of Alderman Zagaroli's Travel to Washington, DC to Lobby for TIGER Grant, March 23, 2017, (Meals - \$25.25; Airfare - \$626.90; Uber and Parking - \$32.60). **(Exhibit XI.E.)**

XII. New Business:

A. Public Hearings

A 1. Voluntary Non-Contiguous Annexation of Charlotte Murdock and Spouse John Murdock Property, Located at 427 25th Avenue NW, Containing .527 acres. **(Exhibit XII.A.1.)**

Charlotte Murdock submitted a petition for the voluntary non-contiguous annexation of .527 acres of property located at 427 25th Avenue NW. The annexation area is the location of a single-family residence. The annexation is being requested in order to gain sewer service from the City of Hickory. The subject property is currently located within Hickory's extra territorial jurisdictional area (ETJ), and zoned medium density residential R-2. The current tax value of the property is \$253,600. If annexed with its present value, the property would generate approximately \$1,436.64 in additional tax revenue. Staff has determined the petition meets the statutory requirements for voluntary non-contiguous annexation and adequate public services are available. Staff recommends approval of the requested annexation.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on April 7, 2017.

B. Departmental Reports:

A1

- 1. Acceptance of the Bids and Award of the Contract to Eastern Structures, LLC in the Amount of \$1,258,867.94. **(Exhibit XII.B.1.)**

Staff requests City Council's acceptance of bids and award of the contract with Eastern Structures, LLC for construction of Falling Creek Road Bridge replacement project in the amount of \$1,258,867.94, contingent on North Carolina Department of Transportation (NCDOT) final approval to award. The City of Hickory participates with NCDOT in the evaluation of bridges for structural integrity. The Falling Creek Road Bridge, a City Street and a City bridge, was evaluated and determined to be structurally deficient and functionally obsolete. There is a Federal bridge program that cities can apply to through the State of North Carolina and then the State applies to USDOT for bridge replacement grant funds. Those funds provide 80 percent, and the City covers the 20 percent match. The City applied for and received this grant for the project. NCDOT engaged Thompson, Gordon and Shook (TGS) Engineers to design the replacement structure and bid process for replacement of the structure. Due to the condition of the structure, the project was placed on the State Transportation Improvement Program (STIP) for replacement and granted designation B-5549. With the designation, 80 percent of the replacement cost including professional design services will be provided by Federal funds and 20 percent will be borne by the City of Hickory. TGS Engineers, Inc. provided plans and bid documents for the replacement structure and managed bid opening. Four responsive contractors submitted quotes on the project: Eastern Structures, LLC - \$1,258,867.94; Dane Construction Inc. - \$1,606,288.29; Miller Engineering Company, Inc. - \$1,620,923.55; and Dellinger, Inc. - \$1,881,295. TGS Engineers, Inc. evaluated the bid packages and found Eastern Structures LLC to be the lowest responsible bidder and recommends acceptance and award of the project to Eastern Structures LLC. The supplemental cost sharing agreement for this project with NCDOT was previously approved by City Council on January 17, 2017. Staff recommends City Council accept the bids and award the contract to Eastern Structures, LLC for construction of Falling Creek Road Bridge replacement project in the amount of \$1,258,867.94, contingent on NCDOT final approval to award.

NA

- 2. Quarterly Finance Report

NA

- 3. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

VACANT

COMMUNITY RELATIONS COUNCIL

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

VACANT

VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Burke County (Mayor to Nominate)

VACANT

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)
(2) Positions

VACANT

LIBRARY ADVISORY BOARD

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

VACANT

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 9

VACANT

RECYCLING ADVISORY BOARD

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

Ward 3 (Seaver Appoints)

VACANT

Ward 4 (Guess Appoints)

VACANT

At-Large (Council Appoints)

VACANT

At-Large (Council Appoints)

VACANT

YOUTH COUNCIL

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

St. Stephens High School Representatives

1 Position VACANT

At-Large Representatives

1 Position VACANT

Challenger High School Representative

1 Position VACANT

C. Presentation of Petitions and Requests

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

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

Mayor Wright commented the new sinkhole was fixed pretty quickly, and the old one not so quickly.

City Manager Warren Wood commented he was glad to be home and he truly appreciated the opportunity and he looks forward to working with City Council, and to a lot of good years ahead. He looks forward to working with staff, getting reengaged with them and the citizens, reengaging with old friends and meeting new friends. He thanked Assistant City Manager Andrea Surratt for the work that she did when she served as Interim City Manager, wearing three hats, the support of Assistant City Manager Rodney Miller and Department Heads. Mrs. Surratt carried a heavy load for a longtime and had earned a well-deserved vacation. He looks forward to a lot of good years and he wants to see Hickory do well. Hickory does well when its people do well, that is what we are working for.

Mayor Wright stated well said.

Alderwoman Patton was glad to have Mr. Wood back.

Alderman Seaver mentioned he hears good comments from time to time from people who have passed through Hickory that he knows that have stopped and maybe stayed here, it is always positive. He had not really had a bad call on that.

Mayor Wright commented along those lines, we are still in the honeymoon period with Mr. Wood, he had a lot of people in the community to say you got a good piece of work there.

Alderman Seaver commented now that he is sworn in we have got to start paying him.

Mayor Wright advised he bet he was getting paid last week.

XV. 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**