



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

August 4, 2015
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Bob Thompson, Pastor, Corinth Reformed Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Christine Winn– Proposed Building of a Complex by the Hickory Public Authority on 4th Street SW.

Ms. Christine Winn discussed concerns of the proposed complex on 4th Street SW. She discussed the potential loss of value and closing of businesses in that area if this complex was built and the safety concerns for the tenants that might occupy the apartments. She requested Council’s support for the businesses currently located on 4th Street SW and consideration of additional members to the Public Housing Authority Board.
 - B. Dr. Delores Hammer – Proposed Building of a Complex by the Hickory Public Authority on 4th Street SW.

Dr. Delores Hammer discussed concerns with the Public Housing Authority’s Director Alanda Jackson and an issue that she had in getting a public records request from the Authority. She questioned the honesty of the Housing Authority and expressed the need for Board Member Commissioners that were willing to work.
 - C. Kim Clarke– Proposed Building of a Complex by the Hickory Public Authority on 4th Street SW.

Ms. Kim Clarke advised Council that she had previously addressed them on May 19th. She advised that the Mayor had made 22 appointments to the Housing Authority Board during his time in office and only twice had he appointed women. She expressed her concerns that there was not adequate female representation on the Board. Ms. Clarke requested Council add additional Board members. She advised Council of her credentials and previous experiences serving on other boards and requested Council appoint her to the Board.
 - D. Paul Gadd– Proposed Building of a Complex by the Hickory Public Authority on 4th Street SW.

Mr. Paul Gadd notified the City Clerk prior to the meeting that he did not wish to speak.
 - E. Crystal Rogers– Proposed Building of a Complex by the Hickory Public Authority on 4th Street SW.

August 4, 2015

Ms. Crystal Rogers advised Council that she was with Elite Properties and had been on 4th Street for ten years. She voiced her concern that 4th Street SW was not a suitable area for a multi-family complex and she felt that it would lead to closure of existing businesses in the area. She commented that is a wonderful place for entrepreneurs and she wants to keep it the way it is.

- F. Denise Poe – Corridor Reserved for Future Thoroughfare Located on Buckskin Drive, in Gunpowder Pointe.

Ms. Denise Poe advised Council that she owns a piece of property off of Gunpowder Pointe. She had her property under contract but had to sign a termination due to a portion of the property being reserved as a thoroughfare. The reservation of the thoroughfare prevented the potential buyer from getting a construction loan on the property. She requested a written proposal to have this thoroughfare removed.

- G. Mr. Steve Ivester, 910 14th Avenue NW, was pleased with what is happening with the Airport. He discussed an upcoming fly-in event on October 10th in Tullahoma, Tennessee. He encouraged Council to consider such an event at the Hickory Airport with coordination from the three area county Chambers and Ms. Mandy Pitts.
- H. Mr. Frank Simmons, 842 Wynnshire Drive, discussed concerns with noise problems from an adjacent property owner. The problem had been called in and reported to the police and they have issued some warnings. He requested Council's support in resolving the issue.

VI. Approval of Minutes

- A A. Regular Meeting of July 14, 2015 **(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. Approval to Purchase a CAD, RMS, and Message Switch Server from OSSI in the Amount of \$123,419. **(First Reading Vote: Unanimous)**
- A2 B. Budget Ordinance Amendment Number 1. **(First Reading Vote: Unanimous)**
- A2 C. Approval to Purchase .890 Acres Located at 1352 12th Avenue NE, Hickory, PIN 3713-14-43-2647 in the Amount of \$100,000. **(First Reading Vote: Unanimous)**

VIII. 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 IX.

- A A. Approval to Issue a Pyrotechnic Display Permit to Hickory Crawdads. **(Exhibit VIII.A.)**

Mark Seaman, General Manager of the Hickory Crawdads has submitted a request to obtain permission to have a public fireworks display on the following dates: September 11, 2015 with the rain date of September 12, 2015.

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 B. Approval to Issue a Pyrotechnic Display Permit to Hickory Motor Speedway. **(Exhibit VIII.B.)**

Kevin Piercy, General Manager of the Hickory Motor Speedway has submitted a request to obtain permission to have a public fireworks display on the following 2015 dates: August 15, 2015 and September 7, 2015.

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.

- A1 C. Approval of Annual Maintenance Agreement with Grayson Fitness Repair and Maintenance, Inc. **(Exhibit VIII.C.)**

Since 2003 the City of Hickory Fire Department has deployed a series of physical fitness equipment. The department has had an annual preventive maintenance program since 2003 for the equipment in order to keep the equipment operational. Staff requests acceptance of a proposal from Grayson Fitness Repair & Maintenance Inc. to continue the quarterly service necessary to maintain the exercise equipment. The service agreement provides quarterly service to each piece of fitness equipment that is located at each of the fire stations. Staff recommends approval of the exercise equipment preventive maintenance agreement.

- A1 D. Acceptance of a Sanitary Sewer Line Easement for the Property of Josephine B. Hambrick, Wells Fargo NA, Margaret H. Glaze and Wilson E. Glaze II, described as PIN 3723-15-63-5314. **(Exhibit VIII.D.)**

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Josephine B. Hambrick, Wells Fargo NA, Margaret H. Glaze and Wilson E. Glaze II, described as PIN 3723-15-63-5314. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a total sum of \$5,000 in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- A1 E. Acceptance of a Sanitary Sewer Line Easement for the Property of Linda Bumgarner Sigmon described as PIN 3723-16-83-0899. **(Exhibit VIII.E.)**

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Linda Bumgarner Sigmon described as PIN 3723-16-83-0899. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a total sum of \$8,000 in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- A1 F. Acceptance of a Sanitary Sewer Line Easement for the Property of Russell D. Dellinger and wife, Stacy J. Dellinger described as PIN 3723-15-64-7165. **(Exhibit VIII.F.)**

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Russell D. Dellinger and wife, Stacy J. Dellinger described as PIN 3723-15-64-7165. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a total sum of \$2,694 in exchange for

the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- A1** G. Acceptance of a Sanitary Sewer Line Easement for the Property of Chris Albert Bumgarner and wife, Lisa H. Bumgarner described as PIN 3723-11-75-1017. **(Exhibit VIII.G.)**

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Chris Albert Bumgarner and wife, Lisa H. Bumgarner described as PIN 3723-11-75-1017. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a one free sanitary sewer service connection in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- A** H. Approval of Six Days of Vacation Time as Incentive Prizes for Participation in the Annual United Way Campaign. **(Exhibit VIII.H.)**

The United Way Campaign Committee requests six days of vacation time to be used as prizes for participation in the annual United Way Campaign, which will be held in August 2015. The City is a strong supporter of United Way since they play an important and critical role in our community. We use our campaign to educate the City's workforce about the various programs and services United Way provides, and also to provide an easy way to make a donation. The opportunity to win some vacation time will provide an incentive for participation and contribute to the success of the campaign.

- A1** I. Acceptance of Bid and Award of Construction Contract with Hickory Sand Company, Inc. in the Amount of \$154,500 for the Construction of the NC Highway 64-90 Waterline Project. **(Exhibit VIII.I.)**

The NC Highway 64-90 waterline project consist of installing approximately 5,200 – linear foot of new 8-inch PVC waterlines, five new fire hydrants and other customary appurtenances in a previously unserved area. This project is intended to provide improved fire protection for Ellendale Elementary School and provide water service to customers along the line. Staff evaluated the bid packages and found Hickory Sand Company, Inc. to be the lowest responsible bidder. This is proposed to be funded as a component of the Public Utilities Department operating budget in the reimbursable materials line with funds already received from Alexander County Government. Staff recommends Council's acceptance and award of the project to Hickory Sand Company, Inc. in the amount of \$154,500 for the construction of the NC Highway 64-90 waterline project.

- A1** J. Approval of Renewal Agreement between the Western Piedmont Council of Governments (WPCOG) and the City of Hickory to Support the Western Piedmont Stormwater Partnership for Phase II Public Education. **(Exhibit VIII.J.)**

The City was issued an NPDES Phase II Stormwater Permit by the North Carolina Department of Environment and Natural Resources on July 1, 2005. One of the requirements of the permit in the Public Education and Outreach Minimum Measure is that the City develop and implement a public education and outreach program to raise public awareness on the causes and impacts of stormwater pollution. This renewal agreement is the result of the establishment of a regionally focused and municipally supported Phase II public education and outreach coalition, the Western Piedmont Stormwater Partnership, which is administered by the WPCOG. The activities in this agreement will meet the public education and outreach minimum measures of this section of the NPDES Phase II Permit.

This agreement would be for the period July 1, 2015 through June 30, 2016. Payment would be in quarterly installments of \$2,758.25. Funding for this agreement is available

from the current stormwater budget. Staff recommends Council's approval of the renewal agreement with WPCOG for an amount not to exceed \$11,033.

- A1** K. Approval of a Contract to Kercher Engineering, Inc. in the amount of \$57,375 for Pavement Management Study to Prioritize the Condition of Streets in the City of Hickory to better optimize the Resurfacing Schedule and Maintenance Operations. **(Exhibit VIII.K.)**

City Staff requested qualifications from firms, interviewed and selected the most qualified firm to meet the City's pavement condition needs. The last pavement condition assessment was done in 2007. This condition study is a vital tool that not only rates the streets with a numerical value, but also allows for the Street Department to plan needed maintenance for several years. The benefits of this study will provide the City with an outside professional source to provide data that will give us the tools to provide our citizens with the best use of our resurfacing funds and maximize the results of our street maintenance program. Staff recommends approval of the contract with Kercher Engineering, Inc. in the amount of \$57,375.

- A1** L. Approval of Awarding the Resurfacing Contract Utilizing Federal Funds to Maymead, Inc. for Asphalt Resurfacing. **(Exhibit VIII.L.)**

Staff prepared formal bid documents for an estimated 2,660 tons of asphalt surface course in-place and 4,000 square yards of asphalt milling. The asphalt binder unit price will be adjusted according to NCDOT standard procedures. All work will be paid on an in-place unit price basis as the Community Development Block Grant (CDBG) budget allows. Resurfacing under this contract will be performed in the CDBG eligible funding areas. Maymead, Inc. was the responsible responsive low bidder at the unit price of \$52 per ton for S9.5A asphalt surface, \$52 per ton for S9.5B asphalt surface, \$52 per ton for S4.75A asphalt surface, \$595 per ton for binder and \$4.75 per square yard for asphalt milling for the pavement resurfacing project. Currently there is \$75,000 in the CDBG Public Infrastructure line item. Unbudgeted program income may be added if it becomes available over the FY15-16 year. Staff recommends approval of the resurfacing contract utilizing federal funds be awarded to Maymead, Inc.

- A1** M. Approval of Awarding a Contract to J.T. Russell & Sons, Inc. for Asphalt Resurfacing for FY 15/16. **(Exhibit VIII.M.)**

Staff prepared formal bid documents for an estimated 10,650 tons of asphalt surface course in-place and 9,000 square yards of asphalt milling. The asphalt binder unit price will be adjusted according to NCDOT standard procedures. All work will be on an in-place unit price basis as the resurfacing budget allows. J.T. Russell & Sons, Inc. was the responsible responsive low bidder at the unit price of \$50.50 per ton for S9.5A asphalt surface, \$50 per ton for S9.5B asphalt surface, \$56 per ton for S4.75A asphalt surface, \$536 per ton for binder and \$7 per square yard for asphalt milling for the pavement resurfacing project. Total bid amount of \$919,900 (\$459,950 for the Fall 2015 schedule and \$459,950 for the Spring 2016 schedule). Funds are budgeted in the Street Division's FY15-16 budget. Staff recommends approval of the resurfacing contract with J.T. Russell & Sons, Inc.

- A** N. Adopt a Resolution to Reaffirm City Council's Support of the Deidra Lackey Memorial Park Project. **(Exhibit VIII.N.)**

Staff requests Council to consider the Resolution declaring the City's intent to reaffirm their continued support and approval of the Deidra Lackey Memorial Park Project. The memorial park facilities would be a gift to the City of Hickory and the public. In addition, based on its location the memorial park would serve as an enhanced entry point to the proposed river walk. Council has previously expressed support for the project and the proposed resolution reaffirms Council's support for the project. Staff recommends Council adopt the Resolution declaring City Council's intent to reaffirm their continued support and approval of the Deidra Lackey Memorial Park Project.

A1 O. Grant Project Ordinance Amendment Number 1. (Exhibit VIII.O.)

1. *To budget a \$166,000 transfer of Capital Reserve-Appropriated Fund Balance and to budget an additional \$664,000 of Federal Revenue to the Falling Creek Bridge Project. NCDOT Agreement ID #3390 Municipal Bridge Agreement-Federal in the amount of \$1,200,000 (\$960,000 (80%) Federal and \$240,000 (20%) Local) was approved by the City of Hickory Council on August 21, 2012. This amendment request makes necessary adjustments to original CPO#1 (FY13) and GPOA (FY15) to align total project revenues and expenditures for the projected project.*

A1 P. Budget Ordinance Amendment Number 2. (Exhibit VIII.P.)

1. *To appropriate \$166,000 of Capital Reserve-Fund Balance Appropriated and transfer to the General Capital Project Fund for the Falling Creek Bridge Project. These funds are the required local matching funds for the replacement of Bridge No. 327 located on Falling Creek Road.*
2. *To appropriate \$900,000 of General Fund-Fund Balance Appropriated and budget in the Transportation Fund-Other Professional Services line item. Funds will be used for the AGI Associates LLC and CRA Enterprises Inc. airport settlement.*

IX. Items Removed from Consent Agenda - NONE

X. Informational Item

XI. New Business:

A. Public Hearings

A 1. Consideration of Voluntary Contiguous Annexation of 2.001 Acres Located at 2191 13th Avenue Drive SE. (Exhibit XI.A.1.)

Burgin-Hickory Properties, LLC submitted a petition for the voluntary contiguous annexation of 2.001 acres of property located at 2191 13th Avenue Drive SE. The annexation area consists of a commercial development site, which is the proposed future location of a Sheetz retail facility. The owners of the property are seeking annexation in order to obtain utility services (water and sewer) for a commercial development site. The property is currently located within the City's extra-territorial jurisdictional area (ETJ) and is zoned Regional Commercial (C-3). Staff finds the petition to be in conformity with applicable statutes, and recommends approval of the voluntary annexation petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 17, 2015.

A1 2. Consideration of Designating the Whisnant Hosiery Mills Complex as a Local Historic Landmark. (Exhibit XI.A.2.)

The Whisnant Hosiery Mills complex located at 74 8th Street SE was built in 1929 with significant expansions in 1937 and 1966. The complex serves as a reminder of the pivotal role that the hosiery industry played in the development of the City of Hickory. The property is now known as Moretz Mill and has recently undergone an extensive rehabilitation. The owners of the property have requested that the property be designated as a local historic landmark. The property has been listed on the National Register of Historic Places since 2013. If the property is designated as a local historic landmark all changes to the exterior of the building and site would need approval from the Hickory Historic

Preservation Commission. If designated, there would be a 50 percent deferral on all property taxes provided that property maintains its historic integrity. Staff recommends Council approve the local landmark designation ordinance for the Whisnant Hosiery Mills property.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 24, 2015.

B. Departmental Reports:

- NA 1. Airport Presentation - Settlement Agreement and Release of Claims. **(Exhibit XI.B.1.)**

As a result of a recent mediation effort between the City of Hickory and AGI Associates, LLC and CRA Enterprises, LLC, a settlement agreement was reached that gave back to the City of Hickory full control of remaining facilities at the airport that had been in dispute, specifically the leasehold interest of the Moose Hangar as well as other hangars on the property. The City gained \$2.1 million in the value of hangars and other assets for \$900,000.

- NA 2. Information Presentation – Proposed Changes to Chapter 4 (Animal and Fowl) Ordinance. **(Exhibit XI.B.2.)**

The City of Hickory approves organizations to use public property to host events for the public. Over the years, citizens and staff have expressed concerns about animals being allowed at these events due to public safety concerns for the citizens and animals attending the event. City Staff to include, Legal, Police, Parks and Recreation, and Branding/Public Information Office have worked together to develop proposed changes to Chapter 4 (Animal and Fowl) Ordinance restricting animals within the “footprint” of the approved special event on public property. These proposed changes are in the interest of protecting the public from potential aggressive animals that could cause harm to a human or another animal, and to ensure the appropriate public health and sanitation of food and surrounding areas. Staff requests City Council’s feedback in order to precede with any changes to Chapter 4 (Animal and Fowl) Ordinance that would restrict animals from approved special events on public property.

- NA 3. Update from Bond Implementation Commission on Bond Projects

- A 4. Appointments to Boards and Commissions

CATAWBA COUNTY ECONOMIC DEVELOPMENT BOARD OF DIRECTORS FOR HICKORY

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

Position One Gary Garvey and Stephen Shuford have expressed interest

Mayor Wright appointed Stephen Shuford to the Catawba County Economic Development Board of Directors for Hickory.

CITIZENS ADVISORY COMMITTEE

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

At-Large Bert Showfety declined appointment 7-20-2015

COMMUNITY RELATIONS COUNCIL

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

Caucasian VACANT

Other Minority VACANT

Other Minority VACANT

Alderman Patton nominated Sandi Fotheringham to Community Relations Council, Caucasian Representative.

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)

(Appointed by City Council)

Burke County (Mayor to Nominate) VACANT Since 8-6-2008
Brookford (Mayor to Nominate) VACANT Since 6-2006
Catawba County (Mayor to Nominate) Oscar Vasquez
(Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

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

At-Large (3) VACANT

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)

(10) Positions VACANT

LIBRARY ADVISORY BOARD

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

Ward 1 VACANT

Ward 3 VACANT

Alderman Lail nominated Barbara De La Garza to Library Advisory Board, Ward 1 Representative.

Alderman Seaver nominated Joy Tilton to Library Advisory Board, Ward 3 Representative.

PARKS AND RECREATION COMMISSION

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

At-Large Minority VACANT

PUBLIC ART COMMISSION

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

Ward 3 VACANT

At-Large (Mayor Nominates) VACANT

PUBLIC HOUSING AUTHORITY

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

Tenant Representative (Mayor Nominates) VACANT

RECYCLING ADVISORY BOARD

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

Ward 3 VACANT

UNIVERSITY CITY COMMISSION

(Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council)

At-Large VACANT

Alderman Seaver nominated Mary-Margaret Baker to University City Commission, At-Large Representative.

YOUTH COUNCIL

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

Hickory Career Arts Magnet 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

Alderman Seaver wished Mr. Bob Vollinger a Happy 53rd Anniversary.

Alderman Zagaroli acknowledged Alderman Meisner's 32nd Anniversary on City Council.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

1. Approval of Closed Session Minutes of June 16, 2015 - NCGS §143-318.11(a)(1)
2. Approval of Closed Session Minutes of June 22, 2015 - NCGS §143-318.11(a)(1)
3. Approval of Closed Session Minutes of July, 14, 2015 - NCGS §143-318.11(a)(1)
4. Discuss Potential Litigation - NCGS §143-318.11(a)(3)

XV. Adjournment

**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**