



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

December 18, 2018
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Sandi Hood, Peace United Church of Christ Carolina Caring
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Ms. Beverly Snowden, 332 9th Street NW, Hickory, advised she was the Director of Communications for Hickory Public Schools as well as a volunteer with Hartman's Haven Dog Rescue. She introduced some other dedicated volunteers who rescue poor animals from kill shelters and they foster and transport them with the Underground Railroad to help animals survive horrific situations. She introduced retired teacher Judy Lentz, and also Karen Hardy, who was a full-time volunteer and rescues hundreds and hundreds and hundreds of cats. She introduced Kelly Trample, a new volunteer with Hartman's Haven, and Britney Scruggs, Assistant Director of Hartman's Haven Dog Rescue, and Myra Griffin, who was a full-time volunteer. She shared a story and a PowerPoint with photos of a dog which had been rescued with the assistance of City of Hickory Staff members and Officer Bea Davis.
- VI. Approval of Minutes
 - A. Regular Meeting of December 4, 2018. **(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 8. **(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. Special Events Activities Application End AIDS Walk & Community Fun Day, Christina Kliesch, ALFA-AIDS Leadership Foothills-area Alliance, April 6, 2019, 8:00 a.m. to 1:00 p.m., at Taft Broome Park **(Exhibit VIII.A.)**
 - A. B. Approval to Award the Service Weapon & Badge to Sergeant Mike Crisp. **(Exhibit VIII.B.)**

Hickory Police Department requests City Council's approval to award retiring Sergeant Mike Crisp his service weapon (Glock Model 17 -Serial # UHF238) and badge upon his

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retirement December 31, 2018. Sergeant Mike Crisp will retire from the City of Hickory Police Department December 31, 2018, after completing approximately 26 years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to Sergeant Mike Crisp upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to Sergeant Mike Crisp upon his retirement from Hickory Police Department.

- A C. Approval to Donate Surplus Police Vehicle Emergency Equipment to the Town of Longview Police Department in Longview, North Carolina. **(Exhibit VIII.C.)**

Hickory Police Department requests approval to donate surplus police vehicle emergency equipment to the Town of Longview Police Department in Longview, NC. Hickory Police Department has removed five police vehicles from the vehicle fleet that have reached the end of useful life. The emergency equipment to include light bars and sirens have been removed from these vehicles and are no longer of use to the department. North Carolina General Statute 160A-280 grants cities the authority to donate surplus, obsolete or unused equipment to a nonprofit organization after posting a five-day public notice, followed by City Council's approval in the form of a Resolution. The five-day public notice by the City Clerk was published on December 3, 2018 in Hickory Daily Record. Hickory Police Department recommends that five light bars, five light bar control units, five siren box control units and five siren speaker units be donated to the Town of Longview Police Department which is a nonprofit organization.

- PH D. Call for a Public Hearing for Consideration of a Proposed Ordinance to Regulate the Public's Use of Drones on City Property. **(Authorize Public Hearing for January 8, 2019, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.D.)**

- PH E. Call for a Public Hearing for Consideration of the Expansion of the Oakwood National Register Historic District. **(Authorize Public Hearing for January 15, 2019, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E.)**

- PH F. Call for a Public Hearing for Consideration of a Proposed Small Cell Wireless Ordinance **(Authorize Public Hearing for January 8, 2019, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.F.)**

- A G. Consideration of the Joint Declaration of Easements, Covenants, and Restrictions by OHM Holdings, L.L.C. and Olde Hickory Mill Park. **(Exhibit VIII.G.)**

OHM is the owner of several tracts of the former Lyerly Mill property. OHM developed these tracts into a corporate campus. In accordance with N.C.G.S. 160A-458.3, the City of Hickory and OHM Holdings L.L.C. (Transportation Insight) entered into a joint parking lot construction agreement for the construction of a public parking lot and improvements to attendant roadways on Tract 3 also described as Lot 3 at the former Lyerly Mill property which OHM purchased and developed into a corporate campus. OHM designed and constructed the parking lot to meet parking needs for OHM's employees and guests as well as the need for public parking. Olde Hickory Mill Park, a North Carolina nonprofit is the owner of additional tracts that make up the corporate campus. OHM is now conveying Tract 3 containing the parking lot to the City. OHM and Olde Hickory Mill Park desire to establish certain easements, covenants and restrictions that will govern the above referenced tracts they respectively own as well as Tract 3, through the Joint Declaration of Easements, Covenants, and Restrictions. The various easements include vehicular and pedestrian access easements as well as utility and storm water easements. The Declaration also sets out the maintenance and repair obligations of the respective owners. The easements, covenants and restrictions set forth in the Declaration will run with the property and will be binding on all owners. Staff recommends Council approve

the Joint Declaration of Easements, Covenants, and Restrictions by OHM Holdings, L.L.C. and Olde Hickory Mill Park.

A H. Acceptance of a Deed of Conveyance from OHM Holdings, L.L.C. to the City of Hickory. (Exhibit VIII.H.)

Staff requests Council's acceptance of the General Warranty Deed conveying a parking lot from OHM Holdings, L.L.C. to the City of Hickory. In 2014, in accordance with N.C.G.S. 160A-458.3, the City of Hickory and OHM Holdings L.L.C. (Transportation Insight) entered into a joint parking lot construction agreement for the construction of a public parking lot and improvements to attendant roadways at the former Lyerly Mill property which OHM purchased and developed into a corporate campus. The parking lot was constructed to meet parking needs for OHM's employees and guests as well as for public parking. OHM developed and constructed the parking lot. The City of Hickory reimbursed OHM for the development and construction costs. Upon completion of the parking lot, OHM was to convey the parking lot to the City of Hickory. OHM is now conveying the tract containing the parking lot to the City. Specifically, the General Warranty Deed conveys Tract 3 (the public parking lot) to the City. OHM retains an easement for ingress, egress, and regress across Tract 2 of the corporate campus for access to Tract 3. The City of Hickory and OHM, L.L.C. Parking Lot Construction Agreement executed by the parties in 2014 governed the construction and joint use of the parking lot by the City and OHM until the present time. The Parking and Easement Agreement will replace the 2014 agreement and govern the joint use of the parking lot going forward. Staff recommends Council accept the General Warranty Deed conveying a parking lot from OHM Holdings, L.L.C. to the City of Hickory.

A I. Approval of a Parking and Easement Agreement between the City of Hickory and OHM Holdings, L.L.C. (Exhibit VIII.I.)

On October 14, 2014, in accordance with N.C.G.S. 160A-458.3, the City of Hickory and OHM Holdings L.L.C. (Transportation Insight) entered into a Joint Parking Lot Construction Agreement for the construction of a public parking lot and improvements to attendant roadways at the former Lyerly Mill property which OHM purchased and developed into a corporate campus. OHM was designing and constructing the parking lot to meet parking needs for OHM's employees and guests as well as to meet the need for additional public parking. Upon completion of the parking lot, OHM was to convey the lot to the City in exchange for a permanent easement and other consideration from the City. OHM is conveying the lot to the City in accordance with the 2018 agreement. The City and OHM now desire to amend and restate the Joint Parking Lot Construction Agreement ("Construction Agreement") and to replace it in its entirety with the Parking and Easement Agreement ("Parking Agreement"). The Parking Agreement sets forth a permanent easement the City is granting to OHM to use the parking lot for employee and guest parking on designated days and times of the week. It also sets forth a limited easement OHM is granting the City for emergency vehicle access across OHM's property to the public parking lot. The obligations and responsibilities for OHM and the City regarding the maintenance and repair of the parking lot and the cost of utilities serving the parking lot are also set out in the Parking Agreement. Staff recommends Council approve the Parking and Easement Agreement between the City of Hickory and OHM Holdings L.L.C.

A J. Approval of a Microenterprise Grant Agreement with A W Designs in the Amount of \$3,240. (Exhibit VIII.J.)

In its 2015-2019 Consolidated Plan for Housing and Community Development, the City of Hickory identified increasing entrepreneurship opportunities as a high priority need. This led to the creation of a program to provide microenterprise grants to businesses looking for funding necessary to take their business to the next level. The 2016-2017 Community Development Block Grant (CDBG) Annual Action Plan has \$10,000 allocated towards assistance for entrepreneurial activities. According to the US Department of Housing and Urban Development, a microenterprise is a business that has fewer than five employees, one of whom is the owner of the business. The program offers grants of up to \$4,000 for

low to moderate income business owners for business property, inventory, necessary fixed assets, marketing and business promotion, or other improvements approved by the Business Development Committee. Applicants are required to submit a business plan and have a counseling session with a local business support organization. Anita Winship Norris has applied for a Microenterprise Grant to support and enhance her business, A W Designs. The business develops and manufactures StuffSacks, which are fabric bags primarily intended to be strapped onto Durable Medical Equipment (walkers, wheelchairs, hospital beds, bedside commodes and crutches. The Business Development Committee reviewed the application and recommends approval of the grant in the amount of \$3,240. The grant funds will be used to purchase a heat press, serger and an inventory of fabrics and bindings (bias tapes, parachute cords, cord locks and thread). Staff recommends City Council approve the Microenterprise Grant agreement with A W Designs.

- A** **K.** Approval of Contract Amendment Number 2 with Design Workshop, Inc. in the Amount of \$231,108. **(Exhibit VIII.K.)**

The City has been working with Design Workshop, Inc. on the Riverwalk project since being awarded the original contract on February 7, 2017 in the amount of \$798,654. In the summer of 2018, the City explored with the design team an on-land trail for part of the Riverwalk project. This scope was outlined in amendment number one for additional geotechnical analysis of the site in the amount of \$15,720. Following the results of the Geotech findings, the Bond Implementation Commission and Hickory City Council approved the recommendation to design the Riverwalk as both on-land and over the water. During the fall of 2018, the City received a North Carolina Department of Transportation (NCDOT) grant in the amount of \$2 million dollars for funding part of package one of the Riverwalk project which extends from City owned property starting at Old Lenoir Road to the end of the Rosales' designed iconic bridge. Amendment number two in the amount of \$231,108 provides services for the on-land design work (package 2), coordination with NCDOT with grant funded project components (package 1), as well as construction observation, and reimbursable expenses: 30 percent design for "on-land" portion of Riverwalk - \$174,226; additional 60 percent design for "on-land" portion of Riverwalk - \$(21,988); additional 90 percent design - \$33,500; additional 100 percent design - \$21,740; additional construction observation - \$ 19,680; additional reimbursable expenses - \$3,950; Total - \$231,108. To complete the new scope as directed by the Bond Implementation Commission and the Hickory City Council, staff began working with Design Workshop, Inc. to discuss the new services needed. The additional services and scope of work include: design plans for the on-land portion of the Riverwalk as well as the "tie-ins" from the iconic bridge to the on-land portion and the tie in to Lackey Park; NCDOT coordination for the grant funded components of the project; construction observation, and additional reimbursable expenses totaling \$231,108. The change of design to include both overwater and on-land will save approximately \$5 million dollars towards the total cost of the Riverwalk project. Staff recommends that City Council approve the contract amendment with Design Workshop, Inc. for the scope of work and additional services for the Hickory Riverwalk project in the amount of \$231,108.

- A** **L.** Approval of an Agreement for Professional Services with Hulsey, McCormick and Wallace in the Amount of \$65,000. **(Exhibit VIII.L.)**

The Public Utilities Department annually identifies infrastructure that is in need of replacement or rehabilitation, as appropriate, as a component of the Departments sustainability programs. Infrastructure to be upgraded is identified by reviewing records of maintenance calls to the area, reviewing annual inspection records from staff, age of infrastructure and overall size of project that needs to be performed. This project is intended to replace and upsize the original steel line that is hung on the Highway 127 Bridge supplying water to Alexander County. In recent years the pipe has shown signs of rusting and evaluations of the line were performed. With the current contract and projected demands of Alexander County the line will be upsized to a 12" diameter pipe. The project consists of the design of approximately 1,100 linear feet of 12' ductile iron pipe, bridge attachments and all necessary appurtenances along NC Highway 127 and across Lake Hickory for the project. Additionally all permitting and North Carolina

Department of Transportation (NCDOT) coordination has been included. This contract will cover design, bidding and construction phase of the project. RFQ's were evaluated for water line design and Hulsey, McCormick, and Wallace was selected by staff for this project. Firms evaluated were: Willis Engineers, Inc., McGill Associates, Asheville, NC, Freese and Nichols, Clayton Engineering, McKim & Creed Engineering, Wooten Engineering and Hulsey McCormick & Wallace of North Carolina, LLC, Hickory, NC. The negotiated fee for services is within the acceptable range of engineering services used as a guide for placing a value on normal engineering projects. The funds for this project are budgeted in the Public Utilities Capital Budget. Staff recommends Council approve the agreement with Hulsey, McCormick, and Wallace for the design and construction administration of NC Highway 127 waterline bridge replacement in the amount of \$65,000.

- A M.** Approval of the Modification to the Contract with Two Brother Utilities, Inc. in the Amount of \$293,206.20 for the Geitner Basin Sewer System Rehabilitation Project. **(Exhibit VIII.M.)**

The Public Utilities Department identifies areas within the City of Hickory Collection System annually for inspections and conditions assessment. This practice has been established so that Staff for the Public Utilities Department may evaluate portions of the System annually to determine necessary repairs and improvements in manageable portions. The Geitner basin is one of the older sections of the City of Hickory collection system and serves a densely developed portion of the City of Hickory from Main Avenue SW to 4th Street Drive SW to approximately the Hwy 321/I-40 interchange area. The evaluation of the Geitner basin was completed in late 2014 and has identified several areas of concern that require attention in order to avoid failures. This was a continuation of the Public Utilities Departments emphasis in maintaining and/or replacing infrastructure to maximize the useful life and efficiency of the collection and distribution systems for the enjoyment and benefit of our customers. The Geitner basin evaluation included smoke testing, acoustical testing, visual inspections and CCTV inspections of identified portions of the system within the basin. McGill Associates completed this condition assessment and provided Staff with a comprehensive listing of all defects detected as well as designing the replacement of approximately 3,000-lft of 15-inch concrete sanitary sewer line at risk of failure with PVC or ductile iron as an 18-inch and installation of approximately 2,500-lft of 8-inch PVC and all associated man holes and appurtenances that will enable the demolition of an existing lift station. This change order is necessary due to unforeseen conditions that were discovered as we constructed the project. The single largest contributor to this change order was the presence of rock in the trench line that had to be removed for the installation of the replacement sanitary sewer line. The next largest item was the discovery of a grease trap that had to be replaced due to the new alignment of the sanitary sewer line disturbing it. The NCDEQ-IFS State Revolving Fund Loan amount for this project was approved at \$3,519,475, therefore, the project total is within the approved budgeted loan amount. Staff requests Council's approval of the modification to contract with Two Brothers Utilities, Inc., for the Geitner Basin Sewer System Rehabilitation project in the amount of \$293,206.20, increasing the total contract from \$2,809,722 to \$3,102,928.20.

- A N.** Approval of the Agreement for Professional Services with Hulsey, McCormick and Wallace, Inc. in the Amount of \$68,000 for the Design of the Sanitary Sewer to Serve the Short Road Area. **(Exhibit VIII.N.)**

The City of Hickory identifies areas with high potential for development and strives to plan for the necessary improvements to assist with timely and efficient development. The Short Road area has been identified with a high potential for development as property owners continue to combine property with the anticipation of development of a large multi-family development with a component of commercial as well. This advanced planning allows the Public Utilities Division to plan for and provide services ahead of the demand to support timely and efficient development. Public Utilities staff compiled and distributed a Request for Qualifications for the Short Road sanitary sewer extension project. Respondents included: Clayton Engineering, Inc., Hulsey, McCormick, and

Wallace, Inc. Hulsey, McCormick, and Wallace, Inc. was selected as the best qualified respondent to the solicitation. Staff negotiated with Hulsey, McCormick, and Wallace, Inc. for a design services agreement to include design, plat preparation, permitting, bidding and limited construction inspection/ administration. This project will be funded from Public Utilities fund balance. Staff requests Council's approval and acceptance of an Agreement for Professional Services with Hulsey, McCormick, and Wallace, Inc. for design of sanitary sewer to serve the Short Road area in the amount of \$68,000.

A1 O. Budget Revision Number 9. (Exhibit VIII.O.)

1. *To recognize receipt of a \$2,000 donation from Modern Automotive for the Lunch with Santa program at Ridgeview on 12/5/18.*
2. *To transfer \$68,000 from Water and Sewer Fund Balance into the Water and Sewer Capital Projects Fund. In so doing, this revision also establishes Capital Project Ordinance #803304 "Short Road Sewer Project", with these initial funds being designated for engineering services under contract with Hulsey McCormick and Wallace, Inc.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of a Voluntary Contiguous Annexation of Property Owned by the City of Hickory Located at 9th Avenue NW South of Goat Farm Road, in Burke County, Containing Approximately 39.97 Acres – Presented By Planning Manager Cal Overby. **(Exhibit XI.A.1.)**

The City Of Hickory's Office of Business Development has submitted a petition for the voluntary contiguous annexation of 39.97 acres of property located on 9th Avenue NW south of Goat Farm Road. The subject properties are currently vacant / wooded. The current tax value of the properties is \$140,572. If annexed with their present value, the properties would not generate additional tax revenues, as they are owned by a governmental entity. The future tax revenues generated from the possible sale or development of the properties cannot be readily calculated at this time. 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 annexation petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 7, 2018.

- A** 2. Consideration of Amending the Bond Implementation Commission Ordinance – Presented by Deputy City Attorney Arnita Dula. **(Exhibit XI.A.2.)**

In February 2015, City Council created the Bond Implementation Commission by adding Article IX to Chapter 2 of the Hickory Code of Ordinances. The Bond Implementation Commission has provided an avenue for community engagement and participation in the bond project implementation process. A review of the article revealed certain terms that are proposed for amending. The Bond Implementation Commission's continued participation in community engagement and the bond implementation process can be carried out by amending certain provisions of the ordinance. To reach this objective, amendment of the terms of service for the members appointed by council, the Commission's chair and vice-chair, and the board, commission and Chamber of Commerce representatives is proposed. Staff recommends Council hold a public hearing on December 18,

2018 to consider and adopt a proposed ordinance to amend Article IX Bond Implementation of Chapter 2 of the Hickory Code of Ordinances.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 7, 2018.

- A** 3. Consideration of Amending the Personnel Ordinance – Presented by Human Resources Director Claudia Main. **(Exhibit XI.A.3.)**

The City of Hickory Personnel Ordinance serves as the “umbrella policy” for all City employees. The Ordinance establishes the personnel system, defines and explains benefits for employees, and standardizes recruitment, selection and retention systems. Per the City Charter, the City Manager is appointed by City Council and responsible for the administration of City offices, positions and departments. Even though the City Manager is responsible for the administration of all personnel matters, he cannot revise the Personnel Ordinance when necessary. City Council must approve any proposed amendments to the Personnel Ordinance through the public hearing process. Repeal of the Personnel Ordinance will permit transition to a Personnel Policy. Having a Personnel Policy instead of a Personnel Ordinance will allow the City Manager to modify and amend the policy as needed. The Personnel Policy will continue to adhere to all applicable State and Federal laws. It addresses and clarifies certain employment matters and continues to address employee benefits, employee responsibilities/obligations of employment and general employee rules currently enforced by the City Manager, department heads, and human resources. Some of the items addressed and clarified are: adherence to City culture and organizational values, anti-nepotism policy language added, clarification regarding holiday pay, vacation leave, and civil leave, and requirement of a resignation notice to receive payment for accrued vacation leave. Staff recommends Council repeal the Personnel Ordinance in order to allow the City Manager to transition to a Personnel Policy.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 7, 2018.

- A1** 4. Consideration of Rezoning Petition 17-03(A) for Property Located at 2019 Startown Road – Presented by Planning Manager Cal Overby. **(Exhibit XI.A.4.)**

REC Group, LLC and Patsy Smith have petitioned for the rezoning of 0.63 acres of property located at 2019 Startown Road from Catawba County R-20 Residential to Planned Development. The petition also requests approval of amendments to the approved planned development master plan for the larger 23.4 acres planned development, which the Smith property is being added to. The properties in question are located at 3061 Short Road, 1995 Startown Road, 2007 Startown Road, 2019 Startown Road, and an unaddressed parcel south of Startown Road. The vicinity in which the subject properties are located is classified as Regional Commercial by the Hickory by Choice 2030 Comprehensive Plan. This classification consists of areas along and adjacent to the I-40 / U.S. 70 corridor, that provide shopping and destination amenities for Hickory’s residents and visitors, as well are areas for higher intensity multi-family residential development. The requested rezoning and planned development master plan amendments, have been reviewed in light of the recommendations of the Hickory by Choice 2030 Comprehensive Plan, and staff has determined the requested actions to be consistent with the plan’s recommendations. The Hickory Regional Planning Commission conducted a public hearing on December 5, 2018 to consider the petition. During the public hearing, the applicant spoke in favor of the petition, while no one spoke against the request. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (9-0) to affirm the petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council’s approval of

the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 7 and 14, 2018.

A1

5. Consideration of Rezoning Petition 18-05 for Property Located in the 2300 Block of Kool Park Road – Presented by Planning Manager Cal Overby. **(Exhibit XI.A.5.)**

David Earl Yount and Susan Wells Yount, of the Yount Family Trust, have petitioned for the rezoning of 15 acres of property located in the 2300 block of Kool Park Road. The request is to rezone the property from R-1 (Low Density Residential) to R-2 (Medium Density Residential). The Hickory by Choice 2030 plan indicates the area as being classified as Medium Density Residential. This classification is intended to provide transition areas between urban residential areas and rural areas. The Hickory by Choice 2030 Plan characterizes these areas as being the location of single-family residential uses, with pedestrian friendly roadways, sidewalks, and open space areas. The requested R-2 zoning district permits single family development at a maximum density of four dwelling units per acre, and is indicated by the Hickory by Choice 2030 Plan as being the implementing district for the Medium Density Residential land use classification. The Hickory Regional Planning Commission conducted a public hearing on December 5, 2018 to consider the petition. During the public hearing, the applicant spoke in favor of the petition, while no one spoke against the request. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (9-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 7 and 14, 2018.

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6. Consideration of Rezoning Petition 18-06 for Property Located at 1990 Startown Road – Presented by Planning Manager Cal Overby. **(Exhibit XI.A.6.)**

J. Clayton Neil has petitioned for the rezoning of 1.46 acres of property located at 1990 Startown Road. The request is to rezone the property from R-1 (Low Density Residential) to C-3 (Regional Commercial). The Hickory by Choice 2030 plan indicates the area as being classified as Public/Institutional and Regional Commercial. The Public/Institutional classification is characterized as areas where public works facilities, hospitals, and schools exist and can expand. This specific location on the Future Land Use map is for the Catawba Valley Community College (CVCC) campus and its expected expansion area. The Regional Commercial classification is characterized as an area located along the Interstate 40 and Highway 70 corridors that provide access for local and regional shopping opportunities. This designation includes regional retail and big box stores, as well as, multi-family residential uses. Startown Road is the dividing line between the two Future Land Use classifications. While the subject properties fall under the Public/Institutional classification because of their proximity to the CVCC campus, the Regional Commercial classification can be reasonably interpreted to apply to these properties. The Hickory by Choice 2030 Plan lists the proposed C-3 zoning district as the implementing zoning district for the Regional Commercial classification. In evaluating the proposal with the Future Land Use plan and long range goals outlined within the Hickory by Choice 2030 Plan, staff feels the request is consistent with the comprehensive plan. The Hickory Regional Planning Commission conducted a public hearing on December 5, 2018 to consider the petition. During the public hearing, the applicant spoke in favor of the petition. No one spoke against the request. Upon

closing the public hearing, the Hickory Regional Planning Commission voted unanimously (9-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 7 and 14, 2018.

B. Departmental Reports:

- A 1. Acceptance of the Downtown Parking Study – Presentation by Business Services Manager, Dave Leonetti (**Exhibit XI.B.1.**)

The City of Hickory commissioned Freese and Nichols to study current and future parking needs in the downtown area. The consultant measured accumulation counts for parking lots in the public and private downtown parking areas. The consultant also measured turnover of vehicles in the lots within the core retail area. The study analyzes the current needs and provides short and long term recommendations for parking supply and management of City-owned and on-street parking in the downtown area. The short term recommendations focus on the reallocation of existing surface lots to maximize their utility for downtown businesses and shoppers. If demand increases due to the City Walk and increased economic activity in the downtown, the plan includes recommendations for parking structure locations and enhanced parking management strategies. Staff recommends City Council accept the Downtown Parking Study.

- A 2. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 2 (C. Williams Appoints) VACANT
 At-Large (Outside City but within HRP) (Council Appoints)
 (Meg Manderson resigns effective January 1, 2019)

Alderswoman Williams appointed Cliff Moone as Ward 2 Representative on the Community Appearance Commission.

COMMUNITY RELATIONS COUNCIL

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

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
 (Appointed by City Council)
 Burke County (Mayor Appoints with Recommendation from County) VACANT
 Caldwell County (Mayor Appoints with Recommendation from County) VACANT

INTERNATIONAL COUNCIL

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

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 At-Large Minority (1) (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Mayor Appoints)

VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 2 (C. Williams Appoints) (Mahesh Patel Resigned 10-1-18)
Ward 4 (D. Williams Appoints)
At-Large (Council Appoints)

VACANT
VACANT
VACANT

YOUTH COUNCIL

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

At-Large Representative
At-Large Representative

VACANT
VACANT

**WESTERN PIEDMONT COUNCIL OF GOVERNMENTS POLICY BOARD
DELEGATE**

Nominate Delegate and Alternate

Alderman Patton is current Delegate
Alderman Williams is current Alternate

Mayor Guess nominated Alderman Patton as Delegate and Alderman
Williams as Alternate on the Western Piedmont Council of Governments Policy
Board.

- 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**