



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 19, 2017  
7:00 p.m.

- I. Call to Order
- II. Invocation by Pastor Whit Malone, First Presbyterian Church
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of the 21<sup>st</sup> Consecutive Certificate of Achievement for Excellence in Financial Reporting to the City of Hickory by the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report (CAFR).  
  
Mayor Guess read and presented the 21<sup>st</sup> Consecutive Certificate of Achievement for Excellence in Financial Reporting to the City's Finance Officer Melissa Miller.
- NA** B. Presentation of Proclamations for Volunteer Appreciation Day – Recipients Ruth and Harold Shuford, George A. Moretz, South Mountain Baptist Church and Kelly Hilton.  
  
Mayor Guess read and presented the Proclamations for Volunteer Appreciation Day to Recipients Ruth and Harold Shuford, George A. Moretz, Christy from South Mountain Baptist Church and Kelly Hilton.
- V. Persons Requesting to Be Heard
- A. Ms. Daria Jackson, 975 9<sup>th</sup> Street Drive NE, Hickory, discussed the need to evaluate the hours at Ridgeview Fitness to better accommodate citizens schedules.
- VI. Approval of Minutes
- A** A. Regular Meeting of December 5, 2017. **(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. Acceptance of the General Warranty Deed Conveying the Parking Lot from OHM Holdings, LLC to the City of Hickory. **(First Reading Vote: Unanimous)**
- A2** B. Budget Revision Number 11. **(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.

**PH/A A.** Call for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of Property Owned by Herbert and Brenda Stepp, Located at 1021 25<sup>th</sup> Avenue Drive NW, containing .652 Acres, PIN 3704-14-34-8492. **(Authorize Public Hearing for January 2, 2018, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**

**A1 B.** Approval of a Future Annexation Agreement for Ghassan and Rana Alkoutami for Properties Located at 2811, 2815 and 2823 20<sup>th</sup> Street Lane NE, Hickory. **(Exhibit VIII.B.)**

*The City of Hickory has a long-standing policy of requiring the owners of property outside the City limits to be annexed before connecting to the City's sanitary sewer system. However, sometimes the City is not able to immediately provide the necessary services required for annexation. In that event, Hickory City Council adopted a policy requiring the property owners to enter into a future annexation agreement with the City, which would enable the City to initiate annexation procedures when it is feasible to do so. Ghassan and Rana Alkoutami requests connection to the City of Hickory's sewer system without being annexed. They have agreed to be annexed at a point in the future when the City finds it feasible to do so. The Alkoutamis own residential lots located at 2811, 2815, and 2823 20<sup>th</sup> Street Lane NE, which are part of the Belle Meade subdivision. The properties are also identified as PIN numbers 3714-20-91-4213, 3714-20-91-4353, and 3714-20-91-5401 on the Catawba County tax maps. The subject properties are approximately 700 linear feet from the primary incorporated boundary of the City of Hickory. Over the past ten years the City has authorized one other future annexation agreement in the vicinity of the subject property. Upon analysis, staff has determined sanitary sewer is available to serve the properties; however, due to the property's vehicular travel distance from the City's primary boundary immediate annexation is not recommended. Staff recommends City Council approve the future annexation agreement for Ghassan and Rana Alkoutami to allow for connection to sanitary sewer.*

**A C.** Approval of a Revision to Loan Terms with the Woda Group to Assist in the Construction of a 50 Unit Senior Apartment Complex. **(Exhibit VIII.C.)**

*The Woda Group has requested funding from Citizen's Advisory Committee to assist in the construction of a 50 unit apartment complex for low and moderate income senior citizens. The project will be constructed at 105 South Center Street. The project plans to make use of Low Income Housing Tax Credits. The estimated cost of the project is \$7.4 million. The project has also been awarded a \$200,000 loan from the Unifour HOME Consortium. The developer has requested these loans to reduce the amount of tax credits required per unit, which should make the proposal more likely to be awarded the tax credits that are necessary to finance the construction. The applicant also plans to apply for Rental Production Program (RPP) funding as a way to reduce the amount of tax credits necessary to complete the development and make approval more likely. Some changes to the North Carolina Housing Finance Agency's requirements for matching funds when using RPP funds require some modifications to terms of the loan. The Citizen's Advisory Committee recommended to approve this request at their meeting on November 2, 2017. City Council approved a \$25,000 loan payable over 20 years at a three percent interest rate at its November 21, 2017 meeting. This loan will be made from residual program income from the City's former rental rehabilitation program. The loan is contingent on receipt of the Low Income Housing Tax Credits from the North Carolina Housing Finance Agency (NCHFA). NCHFA requirements state that the City's loan must be treated on equal terms to the two other supplemental loans that the project is receiving in addition to conventional commercial financing. The RPP loan requirements stipulate a specific net operating income ratio of 1.15 that payments cannot exceed. Payments are made from the available cash flow in proportion to the size of the three loans. The City would still receive monthly payments based on a standard amortization schedule, but the actual amount paid each month would fluctuate based on available cash flow. A balloon payment of the remaining balance with interest would be due 20 years from loan execution, if the loan has not already been paid off at that point. Staff recommends City Council's approval of the modification to the Woda Group loan terms to*

state that it will be treated on equal terms to the Rental Production Program and Unifour HOME Consortium loans.

- A D. Approval to Apply for a North Carolina Department of Transportation Bicycle and Pedestrian Planning Grant Initiative. **(Exhibit VIII.D.)**

*Staff requests Council's approval to apply for a North Carolina Department of Transportation Bicycle and Pedestrian Planning Grant Initiative. The City of Hickory currently has a Sidewalk, Bikeway, Greenway, and Trail Master Plan. The overall Master Plan was last updated in 2005. The sidewalk portion of the Master Plan Sidewalk Priority List has not been updated since its inception. The Bicycle and Pedestrian Planning Grant would allow the City of Hickory to update the priority list of new future sidewalks. This new priority listing would take into account community needs based on pedestrian traffic, schools, economic factors and other important changes that have taken place since the original priority list was approved. The City of Hickory could qualify for \$40,000 to \$60,000 for a Pedestrian Plan based on the consultant fee for the study. The grant has a local match of 30 percent which would be between \$12,000 - \$18,000, depending on the fee charged by consultant and approval by NCDOT. Staff recommends Council's acceptance and approval to apply for a North Carolina Department of Transportation Bicycle and Pedestrian Planning Grant Initiative which portion is pedestrian focused.*

- A1 E. Approval of an Offer to Purchase 21 Acres of Land Adjacent to Henry Fork River Regional Park in the Amount of \$262,500. **(Exhibit VIII.E.)**

*Staff requests City Council's approval of an offer to purchase 21 acres of an approximate 41 acre tract owned by First Assembly of God Church. The 41 acre tract, including the subject 21 acres, is adjacent to Henry Fork River Regional Recreation Park on Sweet Bay Lane. This park was originally built as a regional project with participation from Hickory and Long View. The City now maintains the park in its entirety. Staff has expressed interest in purchasing the 21 acres from the First Assembly of God Church to expand the number of athletic fields and parking spaces at the park. The offer to purchase is \$12,500 per acre for a total purchase price of \$262,500. This is less than the assessed value of the parcel, which is roughly \$15,000 per acre. As with the park to the east, much of the land to be purchased is located in the floodplain. The presence of floodplain does not preclude the construction of athletic fields. A survey indicating the exact boundaries of the parcel to be purchased is currently underway. Staff recommends that City Council approve the offer to purchase 21 acres of land adjacent to the Henry Fork River Regional Recreation Park.*

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

*The following requests were considered by the Citizens' Advisory Committee at their regular meeting on December 7, 2017.*

*The following applicants are being recommended for approval for assistance under the City of Hickory's 2017 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency related repairs not to exceed \$8,000.*

- *Ray & Ursula Carpenter, 1411 7<sup>th</sup> Avenue SW, Hickory, not to exceed \$8,000*
- *Cozette Bean, 1365 4<sup>th</sup> Street NW, Hickory, not to exceed \$5,239*

*The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.*

- A1 G. Approve the Purchase of the Town of Hildebran's Sanitary Sewer Collection System in the Amount of \$500,000. **(Exhibit VIII.G.)**

*Staff requests Council's approve of a contract to purchase the Town of Hildebran's Sanitary Sewer Collection System in the amount of \$500,000. The Public Utilities*

*Division has shared a longstanding relationship with the Town of Hildebran for the operation and maintenance of the sanitary system. Town of Hildebran's staff and Public Utilities Division staff have worked diligently over the last decade to ensure proper service to the citizens of the Town of Hildebran could be met while remaining in compliance with the ever changing rules and regulations regarding environmental compliance. As regulations, funding and the complications of owning a utility are becoming more difficult, the Town of Hildebran decided to explore options for the only utility they owned. Public Utilities Division and Town of Hildebran's staff decided to hire Martin-McGill to perform a study to determine the value of the sanitary sewer collection system and the cost benefit of Hickory Public Utilities Division purchasing the system. The Sewer System consists of approximately 650 customers and will be considered at the outside rate for payment. City staff has developed a seven year incrementally adjusting plan to get the customers to the outside rate by 2025. Hickory Public Utilities Division will start making a profit on this system after year eight and will have opportunities for expansions as well in the future. This purchase is being funded out of Public Utilities Fund Balance. Staff recommends Council's approval of the contract to purchase the Town of Hildebran's Sanitary Sewer Collection System in the amount of \$500,000.*

- A H.** Approval of a Resolution Authorizing the City to Enter into a Lease Amendment Agreement with Hickory Music Factory. **(Exhibit VIII.H.)**

*In April 2013, the City of Hickory entered into a lease agreement with Hickory Music Factory for their use of the former Parks and Recreation Department administration office building at Jaycee Park. In exchange for the office space and utilities provided to them, Hickory Music Factory is paying one dollar (\$1.00) annually and providing various music programs to City of Hickory residents at no charge. The initial lease is for a five year period beginning April 17, 2013 and continuing until April 16, 2018. Thereafter, the lease is scheduled to renew for one additional five year period beginning April 17, 2018 and continuing until April 16, 2023. The lease agreement allows Hickory Music Factory to make additions and improvements to the leased premises with the permission of the City of Hickory, with the additions and improvements being at the sole expense of Hickory Music Factory. Earlier this year, Hickory Music Factory made some significant improvements to the building with the consent of the City. In exchange for making the improvements, Hickory Music Factory has requested amending the term of the original lease agreement to a new ten-year term beginning in 2018. N.C.G.S. 160A-272 requires Council to adopt a resolution that authorizes the execution of a lease agreement having a term greater than one year upon 30 days' public notice. The notice must describe the property to be leased, list the annual lease payments, and announce the Council's intent to authorize the lease. Staff requests Council adopt the resolution authorizing the City to enter into a lease amendment agreement with Hickory Music Factory.*

- A1 I.** Acceptance and Award of a Contract to Freese and Nichols, Inc. in the Amount of \$61,900 for the Evaluation and Design of the Lenoir-Rhyne University Area Waterline Improvements Project. **(Exhibit VIII.I.)**

*The Public Utilities Department annually identifies infrastructure that is in need of replacement or rehabilitation, as appropriate, as a component of the Department's 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 evaluate the necessary interconnections in this area to maximize the available water in the "F Avenue Water Tank" and design those interconnections for construction at a future date. This area has traditionally experienced low water volumes during high flow events and this project will correct that by creating access to a one million gallon water tank in close proximity. The project consists of evaluation and design of waterline improvements necessary to improve flows and water availability in the Lenoir-Rhyne University area. This is necessary to maximize use of water tanks adjacent to the area and improve existing conditions. Public Utilities staff developed and disseminated a Request for Qualifications package and advertised on the City's website.*

*Seven engineering firms responded to the solicitation and two firms were interviewed. Willis Engineers, Inc. was originally selected but could not fulfill obligations and complete the project. Freese and Nichols, Inc. was the next most responsive firm and have been selected to complete the task. 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's acceptance and award of a contract to Freese and Nichols, Inc. in the amount of \$61,900.*

**A/PH** J. Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along the Property Located at 1440 8<sup>th</sup> Street NW, Hickory, Petition No. 17-01. **(Authorize Public Hearing for January 16, 2018 at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.J.)**

**A** K. Approval of a Cemetery Deed Transfer from George Snow, Widowed, to Rick Barns and wife, Candy Barns, Oakwood Cemetery, Plot L, Lot Nos. 9-10, Section 57. (Prepared by Susannah L. Brown, Anthony & Brown, PLLC. **(Exhibit VIII.K.)**)

**A** L. Confirmation of the City of Hickory as the "Host" City for Park 1764. **(Exhibit VIII.L.)**

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

**A** 1. City of Hickory Economic Growth Strategic Plan - Presentation by City Manager Warren Wood.

*Presentation of the proposed Economic Growth Strategic Plan that will enable the City of Hickory to achieve its vision of establishing a diversified and sustainable economy through growth of business opportunities, jobs, tax base and population, as well as improving the quality of life for Hickory's citizens.*

**NA** 2. Brownfield Program Status Report – Presentation by Planning Director Brian Frazier. **(Exhibit XI.B.2.)**

*The City recently applied for another \$300,000 US EPA Brownfield Assessment Grant. Notification of any award will be in May 2018. Whereas, the City has previously formulated a "whole community" approach, Planning staff intends to next focus on areas contiguous to the Bond Program's Streetscapes (Old Lenoir Road specifically), the City Walk and those previously identified catalyst sites within the Southside Area-Wide Plan completed in July 2018. The grant will focus on the assessment, cleanup and reuse of those known or suspect sites and would recommend appropriate strategies to spur economic revitalization in these areas. The future assessment grant, as those awarded since 2007, would include strategies for both short and long term recommendations aimed at spurring redevelopment in the Southside Study Area and those areas along our defined City Walk and Streetscapes. As to-date, the Brownfield Program has helped leverage nearly 600 new jobs and over \$60,000,000 in private investment. Staff requests Council's review and recommendation of the proposed strategies.*

**A** 3. Appointments to Boards and Commissions

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 2 (Tarlton Appoints)  
Ward 4 (Williams Appoints)

VACANT  
VACANT

**COMMUNITY RELATIONS COUNCIL**

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

VACANT  
VACANT  
VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

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

VACANT  
VACANT

Mayor Guess appointed William Pekman as the Catawba County Representative on the Hickory Regional Planning Commission.

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Building Trades Profession (Council Appoints)

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)  
At-Large (2) (Mayor Appoints)

VACANT

**PARKS AND RECREATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large Minority (1) (Council Appoints)  
(David Williams no longer eligible)

VACANT

**PUBLIC ART COMMISSION**

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

VACANT

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)  
Position 1

Grover Lineberger  
(Eligible for Reappointment)

Position 9

VACANT

**RECYCLING ADVISORY BOARD**

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

VACANT

**YOUTH COUNCIL**

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

Challenger High School Representative  
Homeschool Representative  
St. Stephens High School Representative

VACANT  
VACANT  
VACANT

**PARK 1764**

Appoint Mayor Guess to Serve as a City of Hickory Representative

Alderman Lail nominated Mayor Guess to serve as a City of Hickory Representative on the Park 1764 Board.

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

Nominate Delegate and Alternate

Alderwoman Patton is current Delegate

Alderman Tarlton is current Alternate

Mayor Guess nominated Alderwoman Patton as Delegate to the Western Piedmont Council of Governments Policy Board.

Alderwoman Patton nominated Alderman Tarlton as the Alternate to 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

Mayor Guess gave an update regarding Alderman Seaver's health status. Alderman Seaver had suffered a heart attack and spent several days in intensive care. Mayor Guess had visited him prior to the meeting and he had been moved to a general room. Alderman Seaver was doing much better and would be making some decisions in the next six weeks or so concerning what would be done. He was actually hoping to be released from the hospital today so he could attend the Council meeting but they told him that he probably needed to spend another night.

Mayor Guess mentioned the death of the former Director of Public Works Cecil Clark who had served the City for 28 years. He advised his funeral was tonight and requested that everyone remember his family in their thoughts and prayers.

Alderman Lail wished everyone a Merry Christmas and wishes for a prosperous New Year. Alderwoman Patton seconded that.

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.  
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