



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

February 7, 2017
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Whit Malone, Pastor, First Presbyterian Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A** A. Presentation of the Distinguished Budget Presentation Award for the Fiscal Year Beginning July 1, 2016. This is the twenty-second consecutive year the City has received this recognition.

Mayor Wright presented the Distinguished Budget Award for the fiscal year beginning July 1, 2016 to Budget Analyst Cameron McHargue, and Finance Officer Melissa Miller.
- V. Persons Requesting to Be Heard
 - A. Mr. Noah Geoghegan, 925 38th Avenue NE, addressed City Council regarding rights of way in the Catawba Springs Development.
 - B. Ms. Tina Travis, 1465 and 1481 Turtle Dove Road, Conover, NC addressed City Council regarding the right of way in Catawba Springs Development. She pointed out her property to Council and explained the current right of way situation which crosses her property off of Turtle Dove Road.
- VI. Approval of Minutes
 - A** A. Regular Meeting of January 17, 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.
- A1** A. Budget Revision Number 15. **(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.
 - A1** A. Acceptance of the Bid and Award of the Contract to Kelly-Creswell, Inc. in the Amount of \$144,380 for the Purchase of a Kelly-Creswell Model MV3-AL Truck Mounted Stripper (Paint Truck). **(Exhibit VIII.A.)**

Currently the Public Services Traffic Division uses a 1990 model paint truck to strip roadways on newly paved roads as well as refreshing old paint on existing pavement.

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The equipment on that unit is outdated, no longer working, and parts are difficult to find. This truck applies approximately 250,000 feet of lane striping a year. This equipment is being replaced as a component of the Public Services Traffic Division's normal capital budget. Staff recommends City Council's acceptance of the bid and award the contract to Kelly-Creswell, Inc. for the purchase of a Kelly-Creswell Model MV3-AL truck mounted striper (paint truck) in the amount of \$144,380.

- PH B.** Call for a Public Hearing – Consideration of Closing a Portion of 1st Street NE. **(Authorize Public Hearing for March 7, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B)**

- A1 C.** Approval of a Community Appearance Grant for Non-Residential Property Owned by The Block 108, LLC Located at 108 South Center Street in the Amount of \$5,000. **(Exhibit VIII.C.)**

City Council created the Community Appearance Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$5,000. The grant proposal requested involves the replacement of windows on the building's upper floor elevations. The applicant provided two bids for the replacement windows, which total \$12,400 and \$12,600. The request would qualify for a \$5,000 grant. The current tax value of the property is \$379,900. The value of the grant represents approximately 1.3 percent of the property's tax value. The application was reviewed by the Community Appearance Commission at its January 9, 2017 special called meeting. The Community Appearance Commission voted unanimously (7-0) to recommend funding of the grant application in the amount of \$5,000.

- A1 D.** Approval of a Community Appearance Grant for Non-Residential Property Owned by Rahe Bryce, LLC Located at 117 Government Avenue SW in the Amount of \$5,000. **(Exhibit VIII.D.)**

City Council created the Community Appearance Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$5,000. The grant proposal requested involves the replacement of the building's storefront, which includes new windows, painting and repair of the existing metal storefront elevation, removal of wooden paneling, and new concrete footings for the window replacement. The applicant provided two bids for the replacement windows, which total \$31,700 and \$33,143. The request would qualify for a \$5,000 grant. The current tax value of the property is \$158,000. The value of the grant represents approximately three percent of the property's tax value. The application was reviewed by the Community Appearance Commission at its January 23, 2017 meeting. The Community Appearance Commission voted unanimously (6-0) to recommend funding of the grant application in the amount of \$5,000.

- A1 E.** Approval of a Landscape Incentive Grant for Non-Residential Property Owned by The Block 108, LLC Located at 108 South Center Street in the Amount of \$2,500. **(Exhibit VIII.E.)**

City Council created the Landscape Incentive Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of properties located within the City. The Community Appearance Commission reviews applications

for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$2,500. The applicant's proposal involves the installation of planter boxes, and planting materials adjacent to the existing commercial building. The applicant provided two bids for the work listed which total \$8,900 and \$9,800. The request would qualify for a \$2,500 grant. The current tax value of the property is \$379,900. The value of the grant represents approximately .6 percent of the property's tax value. The application was reviewed by the Community Appearance Commission at its January 9, 2017 special called meeting. The Community Appearance Commission voted unanimously (7-0) to recommend funding of the grant application in the amount of \$2,500.

- A1** F. Approval of a Landscape Incentive Grant for Non-Residential Property Owned by Century Furniture Located at 401 11th Street NW in the Amount of \$2,329. **(Exhibit VIII.F.)**

City Council created the Landscape Incentive Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of properties located within the City. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$2,500. The applicant's proposal involves the installation of new plant materials in an open area adjacent to the manufacturing facility's parking deck. The applicant provided two bids for the work listed which total \$4,658 and \$5,969. The request would qualify for a \$2,329 grant. The current tax value of the property is \$1,796,800. The value of the grant represents approximately .1 percent of the property's tax value. The application was reviewed by the Community Appearance Commission at its January 9, 2017 special called meeting. The Community Appearance Commission voted unanimously (7-0) to recommend funding of the grant application in the amount of \$2,329.

- A** G. Special Events Activities Application Downtown Hickory Farmers Market 2017, Sarah Taylor Wood, Manager, Hickory Farmers Market, April 15, 2017 through November 25, 2017, Wednesdays 8:30 a.m. to 3:30 p.m. and Saturdays, 6:30 a.m. to 2:30 p.m.(times include set-up and clean up), Union Square. **(Exhibit VIII.G.)**

- A1** H. Approval of the 2017 Loan Agreement with the National Museum of the United States Air Force under their Static Display Program of Loan of Aircraft to the City of Hickory. **(Exhibit VIII.H.)**

The City has taken part in the US Air Force's Static Display Program for many years whereby certain aircraft are on loan to the City for display by the Hickory Aviation Museum. In return, the Hickory Aviation Museum agrees to maintain and ensure the preservation of said aircraft in good condition while furnishing the Air Force with photos for the aircraft to remain prepared for expedition and periodic inspection. There are no City budgetary requirements under this agreement. The Hickory Regional Airport currently has on loan two aircraft that fall under this agreement, an F-105B and T-33A. Staff recommends approval of the loan agreement for 2017.

- A1** I. Approve the Sale of City-Owned Property Located at 704 1st Avenue Place SE to Jackie Robinson in the Amount of \$1,800. **(Exhibit VIII.I.)**

The City owns the property located at 704 1st Avenue Place SE. It was originally purchased as part of the East Hickory Redevelopment Plan through a tax foreclosure. The property is currently vacant. Mr. Jackie Robinson owns the property next to this lot and has approached the City to purchase the property with plans to add the property to his lot. City Council previously approved an offer of \$3,000 by Mr. Robinson to purchase the lot. During title research, it was learned that the property purchased by the City at the 2001 Catawba County tax foreclosure sale did not contain the full property shown on the GIS mapping system. The City of Hickory owns roughly a 64 x 165 foot lot directly

adjacent to Mr. Robinson's property. The lot is approximately 60 percent of the size originally thought to be owned by the City. The recent appraisal, based on the larger property size, listed the value of the property at \$4,000. Mr. Robinson has offered \$3,000 for the property, and City Council approved that contract on January 3, 2017 after receiving no upset bids. Given that the actual amount of property purchased in the 2001 tax foreclosure sale is 60 percent of the total lot shown on the GIS, Mr. Robinson has offered \$1,800 to purchase the remainder of the property that is currently owned by the City. This offer is 60 percent of the previously accepted offer. Given the location of the property on a dead end gravel road, and in the immediate vicinity of a major thoroughfare (Tate Boulevard), it is unlikely there is significant development potential for the parcel. The upset bid process will allow any other interested party to bid on the property. Staff recommends that City Council adopt a resolution accepting the offer from Jackie Robinson for the sale of the vacant lot located at 704 1st Avenue SE and authorize staff to advertise for upset bids.

A J. Proclamation for Arbor Day, April 22, 2017. **(Exhibit VIII.J.)**

A1 K. Acceptance and Award of the Agreement with Willis Engineers, Inc., in the Amount of \$65,000 for Evaluation and Design of the Lenoir-Rhyne University Area Waterline Improvements Project. **(Exhibit VIII.K.)**

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 program. This project will 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 property will correct that by creating access to a one million gallon water tank in close proximity. Public Utilities staff developed and disseminated a Request for Qualifications package and advertised on the City website. Seven engineering firms responded to the solicitation and two were interviewed. The responding firms were: Willis Engineers, Inc., McGill Associates, Freese and Nichols, Clayton Engineering, McKim & Creed Engineering, Wooten Engineering, and Hulsey McCormick & Wallace of North Carolina, LLC. Willis Engineers, Inc. has been selected as the best qualified firm with experience and availability. The funds for this project are budgeted in the Public Utilities Capital Budget for FY2016-2017. Staff recommends City Council's acceptance and award of the agreement with Willis Engineers, Inc. for the evaluation and design of the Lenoir-Rhyne University area waterline improvements project in the amount of \$65,000.

A1 L. Budget Revision Number 16. **(Exhibit VIII.L.)**

1. *To recognize receipt of a \$350.00 donation from Modern Automotive towards the Recreation Department's Lunch with Santa program at Ridgeview.*
2. *To make an accounting adjustment to ensure separation of NC Unauthorized Substance Tax revenues from General Fund operational expenses. Per the Finance Department's recommendation under the NC statutes regarding these funds, this action allows for the revenues (\$15,000) to be received throughout the year and rolled into Fund Balance, clearly keeping them separate from the operating budget. Then, as eligible law enforcement projects arise, the City can draw the funds out of Fund Balance through the budget amendment process.*
3. *To recognize receipt of \$62,500.00 from the NCDOT for payment toward the state's portion of the US Hwy 70 sinkhole project.*

A1 M. Acceptance of a Right-of-Way Dedication Non-Warranty Deed from OHM Holdings, L.L.C. (Transportation Insight) to the City of Hickory. **(Exhibit VIII.M.)**

The new rights-of-way were created when OHM Holdings L.L.C. developed the former Lyerly Mill property into a campus for Transportation Insight located at 310 Main Avenue Way SE. The development of the campus included certain modifications of existing infrastructures and other areas of the property. These modifications created new rights-

of-way. The Right-of-Way Dedication Non-Warranty Deeds proposes dedication of two new rights-of-way. One right-of-way consists of 463 square feet located at the intersection of Hwy 127 North and 1st Avenue SE. The area is adjacent to existing sidewalk and is used for pedestrian traffic to and from parking lot areas to the named streets. The second right-of-way consists of 9,534 square feet running along a portion of Main Avenue Way SE and curving around the corner of Main Avenue SE and running along a portion of Hwy 127 North. This new right-of-way is also being used as a sidewalk for pedestrian traffic. OHM is reserving an easement for the perpetual placement of a 10'x15" sign in 9,534 square foot right-of-way. Upon acceptance of the new rights-of-way, the City of Hickory will maintain them. Staff recommends Council accept the Right-of-Way Dedication Non-Warranty Deed from OHM Holdings, L.L.C. to the City of Hickory.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

NA 1. On January 25, 2017 the Petitioners, which originally petitioned the City to consider closing a 60' Right of Way off of Pinecrest Drive between Lot 91 and 92 Catawba Springs Development Section 2, shown on Plat Book 15 at Page 46 Catawba County Registry submitted a "Request for Withdrawal of Street Closing Petition". The City Clerk advertised for this public hearing in a newspaper having general circulation in the Hickory area on January 6, 13, and 20, 2017. The final advertisement scheduled for January 27, 2017 was canceled after receipt of the request for withdrawal was received. The City Clerk mailed a copy of the "Request for Withdrawal" to all abutting property owners on January 27, 2017. **(Exhibit XI.A.1.)**

B. Departmental Reports:

A1&2 1. Approval of a Contract with Design Workshop Inc. for Riverwalk and Budget Revision Number 17. **(Exhibit XI.B.1.a)**

(a) The City of Hickory put forth a \$40 million dollar bond referendum for voter consideration in November 2014 that included \$25 million dollars in project funding for street, sidewalk, and related pedestrian and transportation improvements as well as \$15 million dollars for economic development. The referendum passed, and the City has begun work to plan for the projects. Three key project areas are being developed by the City of Hickory as part of this bond program, including the City Walk, the Riverwalk, Streetscape and Gateway improvements along several major corridors. The City solicited requests for qualifications, received nine solicitations, and conducted an interview process with the top three firms: HDR Engineering, Moffitt and Nichol, and Design Workshop. Design Workshop was the top firm in the interviews based upon staff analysis and feedback from the Riverwalk Subcommittee. Design Workshop has developed a program for design of the Riverwalk and has incorporated a significant level of structural design and an iconic walkway feature near the base of the Highway 321 Bridge that will distinguish this project from other more generic greenways. The timeline for design and permit approval to construct the Riverwalk is approximately 15 to 18 months. Staff recommends approval of the contract for Design Services and an associated Budget Amendment to Design Workshop in the total lump sum amount of \$798,564 for the Riverwalk project.

A1&2 (b) Budget Revision Number 17. **(Exhibit XI.B.1.b.)**

1. To appropriate \$798,564 from General Fund Balance and transfer the same into the Capital Projects Fund (Fund 061).
2. To establish a Capital Project Ordinance for the Riverwalk Project by accepting the transfer of \$798,564 from General Fund Balance for the Design portion.

A 2. Appointments to Boards and Commissions

BOND IMPLEMENTATION COMMISSION

(Terms Expiring 2-1; 3 Year Terms) (Appointed by City Council)

Ward 3 (Seaver Appoints) VACANT

***Ex-Officio Members to Bond Implementation Commission
(Appointed by Boards and Commissions)***

Business Development Committee reappointed Dana Chambers
 Catawba County Chamber of Commerce reappointed Will Locke
 Citizen's Advisory Committee reappointed Cliff Moone
 Community Relations Council reappointed Sandi Fotheringham
 Hickory International Council reappointed Hani Nassar
 Hickory Regional Planning Commission
 Historic Preservation Commission reappointed Ernie Sills
 University City Commission reappointed Ralph Griffith
 Youth Council reappointed Mikaela Simmons

COMMUNITY APPEARANCE COMMISSION

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

Ward 3 (Seaver Appoints) VACANT
 Ward 4 (Guess Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

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

Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT
 (Unexpired Term of Nancy Yang (resigned 1-18-17), term expires 6-30-2019)

HICKORY REGIONAL PLANNING COMMISSION

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

(Appointed by City Council)
 Burke County (Mayor to Nominate) VACANT
 Ward 6 (Patton Appoints) VACANT
 (Unexpired Term of Shauna O'Brien (resigned 1-17-17), term expires 6-30-2019)

Alderwoman Patton appointed Meg Locke as Ward 6 Representative for the Hickory Regional Planning Commission.

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
 At-Large (Mayor 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)

Ward 4 (Guess Appoints)

At-Large (Council Appoints)

VACANT

VACANT

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

- A 1. Presentation of Requests from Attorney Ellie Bradshaw and Attorney Dean Amos Pertaining to Unopened Rights-of-Way in Catawba Springs Subdivision. **(Exhibit XI.C.1.)**

City Council approved a Resolution presented by Attorney Ellie Bradshaw pertaining to the unopened rights-of-way in Catawba Springs Subdivision.

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 Wright pointed out the way-finding signs were going up and they looked very nice. He also mentioned that he received a call from a teacher at Morganton Day School who said their students had a major project in which they were looking at what is involved in preparing cities and other governments for the future. They were in Hickory and saw some signs and responded that was exactly what they had been doing. He advised the City would cooperate with them, being good neighbors and regional leaders, the City wants to help out these Morganton students. He also had a local cab driver express concern over Uber and Lyft. He checked with the City and staff reminded him that State legislature had determined that only the State would regulate Uber and Lyft. He advised the citizen expressed some concern about an accident in Charlotte. Mayor Wright responded that it might not have been the cab drivers fault. The citizen advised it was an Uber driver who collided with a Lyft driver. Mayor Wright advised Council may hear about that.

Alderman Guess advised that he and Alderman Zagaroli attended an open house at Publix. Their official opening was scheduled for 7:00 a.m. on February 8th.

Alderman Lail mentioned not to go by Northview Middle School on the way it might be a little congested.

Alderman Seaver commented he had heard a complaint that we have too many grocery stores. He mentioned Council could remember when they got complaints that the City didn't have enough.

Mayor Wright replied he could understand grocery stores saying there were too many grocery stores but he didn't know why anybody else would say that.

Alderman Guess thought it was more about the location.

Alderman Seaver commented they like the direct competition.

Mayor Wright commented if they would let this august body locate these grocery stores they would have them spread around town a little better. He asked Council if they had ever been asked if they could locate a grocery store somewhere.

Alderman Guess responded no.

Alderman Zagaroli commented the interesting thing about Publix was they hired 140 people and 70 were all new hires from this area. So, they had brought more jobs to the area. He didn't know if they left Lowe's to work at Publix.

Mayor Wright commented that is the reason the City does not do incentives for retail because, the theory is unless it is a retailer, we don't give incentives either, but retailers who bring in people from other regions, that is a knit thing.

Alderman Zagaroli replied that is evidently the case.

Mayor Wright responded they hired 70 here, which is great. There are 70 people there, and if there is any fall out on jobs somewhere else it will take a little while so somebody will have a chance to get another job.

Alderman Seaver commented it will make them all work harder to keep your business. Competition is good for the consumer.

Mayor Wright joked that competition was good except in the sign business.

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.”

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