



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

January 3, 2017
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Cliff Moone, Retired Local Pastor
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A A. Regular Meeting of December 20, 2016. **(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 Change the Ordinance for Time Restricted Downtown Parking to Three Hours. **(First Reading Vote: Unanimous)**
 - A2 B. Approve the Sale of City-Owned Property Located at 704 1st Avenue Place SE to Jackie Robinson in the Amount of \$3,000. Requests for upset bids were advertised in a newspaper having general circulation in the Hickory area on December 9, 2016. No upset bids were received. **(First Reading Vote: Unanimous)**
 - A2 C. Budget Revision Number 13. **(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 of a Cemetery Deed from the City of Hickory to Dorothy Jean Shuford, Southside Cemetery, Plot 4D, Lot No. 9, and 10, Section 4, containing Eighty (80) Square Feet, More or Less. (Prepared by Deputy City Attorney Arnita Dula). **(Exhibit VIII.A.)**
 - A B. Approval of a Cemetery Deed from the City of Hickory to Bobby Glen Clemons, Southside Cemetery, Plot 4A, Lot No. 3, and 4, Section 4, containing Eighty (80) Square Feet, More or Less. (Prepared by Deputy City Attorney Arnita Dula). **(Exhibit VIII.B.)**
 - PH C. Call for a Public Hearing – Consideration of Closing a 60' Right of Way off of Pinecrest Drive between Lot 91 and Lot 92 Catawba Springs Development Section 2, Shown on Plat Book 15 at Page 46 Catawba County Registry. **(Authorize Public Hearing for February 7, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)**

January 3, 2017

- A1** D. Approval of Addenda to the 2016-2017 Community Development Block Grant Sub-Recipient Agreements. **(Exhibit VIII.D.)**

Recent changes to Federal financial management requirements governing grant awards have streamlined many grant management requirements. Some of these changes affect the City's Community Development Block Grant Program (CDBG) including requirements that certain information be included in all sub-recipient agreements. The City's auditor, Martin Starnes, Inc., has requested that the City revise its current year sub-recipient agreements to ensure that they are compliant with the new regulations. These regulations do not require any substantive changes to the agreements. The changes are more informational in nature such as requirements to list the specific Catalog of Domestic Federal Assistance Number for the CDBG program and the total amount of funding received by the City of Hickory. The changes do not alter any funding amounts or performance requirements. The addenda will satisfy the additional information that must now be included in CDBG sub-recipient agreements. The following sub-recipient agreements must be amended: AIDS Leadership Foothills Area Alliance, City of Refuge Community Development Center, Exodus Outreach Foundation, Greater Hickory Cooperative Christian Ministry, Habitat for Humanity, Hickory Soup Kitchen, and Safe Harbor Rescue Mission. Staff recommends approval of the addenda to the 2016-2017 CDBG sub-recipient agreements.

- A** E. Approval of an Amendment to the Historic Preservation Commission's 2017 Work Plan to Provide Funding to the Hickory Landmarks Society. **(Exhibit VIII.E.)**

In early 2016, the Historic Preservation Commission adopted its current work plan that allocated \$5,100 for administration of historic preservation programs, \$3,500 for historic signage, and \$2,500 for outreach programs. Historic signage included funds for historic plaques, as well as, street sign toppers and freestanding pole signs in the Southwest Downtown historic district. After discussion with the City's Transportation Division during the design phase, it was determined that the pole signs would not be able to be installed due to sign clutter, utilities, and limited green space, therefore leaving the funds unused. Additionally, the Public Services' Sign Shop was able to create and install the street sign toppers in house, generating an unexpected savings. The Hickory Landmarks Society approached the Historic Preservation Commission in October 2016 to request funding and support for the "From Tavern to Town" book. Staff informed the Commission that the request could be funded in the current fiscal year using the unused signage funds, existing outreach funds, and by streamlining administrative costs. The request by the Hickory Landmarks Society corresponds to the Historic Preservation Commission's third work plan objective, "continue outreach and educational efforts to build support for historic preservation." The new "From Tavern to Town" will build upon the work the Historic Preservation Commission and City has recently undertaken and will increase awareness efforts of preservation in Hickory after the book is published. The current funding for outreach programs will be increased, while a portion of funds from historic signage and administration will be reduced. The Historic Preservation Commission voted unanimously to recommend that City Council approve the amendment to the FY17 work plan to provide funding for the Hickory Landmarks Society. Staff concurs with this request.

- A1** F. Approval of the Supplemental Municipal Agreement with North Carolina Department of Transportation in the Amount of \$579,200. **(Exhibit VIII.F.)**

The bridge on Falling Creek Road is structurally deficient and is functionally obsolete. Thompson Gordon Shook Engineers, Inc. completed the design of the replacement structure. The original estimated cost for the bridge replacement did not include several components of the project design that necessarily be addressed. The original municipal agreement between the City of Hickory and North Carolina Department of Transportation (NCDOT) provided for NCDOT participation in the amount of \$960,000 for the bridge replacement project. That amount represents 80 percent of the estimated \$1,200,000 project cost. The City is responsible for the remaining 20 percent, which amounts to

\$240,000. The original agreement did not include right of way acquisition costs, construction engineering and inspection costs, and NCDOT administration costs. That original estimate was made in 2013 and was provided by Thompson Gordon Shook Engineers. NCDOT revised the project cost in June of 2016 to show an estimated construction cost of \$1,400,000. Their recent total project cost estimate included right of way acquisition and NCDOT administration costs totals \$1,924,000. The supplemental municipal agreement sets aside funding for that difference in costs. 80 percent of the cost will be borne by NCDOT and the City will be responsible for 20% of the costs. With the supplemental municipal agreement, NCDOT will provide \$579,200 and the City will provide \$144,800. Total expenditure of City funds on the project amounts to \$384,800 with this supplemental agreement. The figures are conservative to allow for additional unforeseen costs and the grand total is not expected to reach the total monies available for the project. Staff recommends Council's approval of the supplemental municipal agreement with NCDOT in the amount of \$579,200 for additional anticipated costs associated with the replacement of the bridge on Falling Creek Road Bridge.

- A G. Approval of Submission of the 2017 Urgent Repair Program Application for Funding to the NC Housing Finance Agency. **(Exhibit VIII.G.)**

The City of Hickory Community Development Department will apply for Urgent Repair Program funds for funding through the North Carolina Housing Finance Agency's. The City of Hickory will apply for \$75,000.00 through this program in order to assist approximately 10 eligible homes with urgently needed repairs in an amount not to exceed \$8,000 per housing unit. The City of Hickory will provide \$5,000 in matching funds, available from Rental Rehabilitation program income. NC Housing Finance Agency requires a \$75.00 application fee. The City of Hickory Community Development Department, in complying with the N.C. Housing Finance Agency's guidelines, has prepared an Application for Funding for the 2017 Urgent Repair Program. The Application incorporates program requirements, applicant eligibility standards, and program capabilities. Staff recommends approval of submission of the 2017 Urgent Repair Program Application for funding to the NC Housing Finance Agency.

- A1 H. Acceptance of the Bid and Award of the Agreement with HDR Engineering, Inc. of the Carolinas in the Amount of \$120,000. **(Exhibit VIII.H.)**

The City of Hickory Public Utilities Division owns and operates one 32 MGD Water Treatment Facility and three Wastewater Treatment Facilities. Public Utilities Division staff developed and distributed a Request for Qualifications for development and completion of a Water and Wastewater Treatment Facilities Master Plan. Staff feels this plan is necessary to assist them with the proper planning, management and maintenance of these facilities to sustain them for the foreseeable future. Request for Qualifications (RFQ) were advertised for this plan on the City website and qualifications were received on November 22, 2016. Three engineering firms responded to the request: McGill Associates, Inc., Willis Engineers, and HDR Engineering, Inc. Staff reviewed the qualifications packages from each firm and has determined that each firm was responsive to the required elements of the RFQ. HDR Engineering, Inc. was selected as the firm to complete this essential project. They were selected based on previous experience with completion of master plans for these facilities, project scope and depth of knowledge in the required disciplines. This project is included in the FY 16-17 Capital Budget for the Water Treatment Facility, Henry Fork Wastewater Treatment Facility and Northeast Wastewater Treatment Facility. Staff recommends Council's acceptance and award of this professional services agreement with HDR Engineering, Inc. of the Carolinas for completion of the Water and Wastewater Treatment Facilities Master Plan in the amount of \$120,000.

- A1 I. Acceptance of an Agreement with Alexander County for the Continued Operation, Maintenance and Management of the Alexander County Distribution System. **(Exhibit VIII.I.)**

The City of Hickory and Alexander County have long enjoyed a mutually beneficial relationship for the provision of potable water to the citizens of the Bethlehem Community and later Hwy16/Sugarloaf Communities. These water services are provided through two separate contracts between the City and Alexander County, one for the Bethlehem Community and one for the Hwy 16/Sugarloaf Communities. The Bethlehem Water District agreement was first signed in 1988 and the subsequent Hwy 16/Sugarloaf agreement was signed in 2001. The agreements require the City of Hickory to operate, manage and maintain the Alexander County Distribution Systems as an extension of the City of Hickory Distribution System, on equal footing with all other water contracts. In return the City of Hickory retains a portion of the revenues collected from each of the systems and distributes the balance to Alexander County. This agreement replaces the 1988 Bethlehem Water District Agreement and the 2001 Agreement for Operation Maintenance and Management of Water Distribution System. The Bethlehem Water District agreement expired in 2008, with the system being operated under the same terms and conditions since that time. The subsequent Agreement for Operation, Maintenance and Management of Water Distribution System agreement was not to expire until 2020, however this renewal water agreement will replace this agreement early. The proposed agreement will place the same terms and conditions for all water customers of the Alexander County Distribution system, including but not limited to rates and fees, permitting of system improvements, general operation and maintenance, emergency response, testing and system operational licensure. Under the existing agreements the Bethlehem Community and the Hwy 16/Sugarloaf community customers are charged different rates with Alexander County having the ability to set Hwy 16/Sugarloaf rates and only having the ability to collect a debt service charge in Bethlehem. This disparity lead to frequent questions about billing and a disparity in revenue collection between the areas served by the separate agreements. This agreement works to correct that inconsistency and to stabilize revenue collections for Alexander County and Hickory by doing away with the debt service charge and charging all water customers at outside City of Hickory rates. This change will simplify billing and collections activities, generate a stable/consistent revenue source for Alexander County and Hickory and will place all customers of the distribution system on equal footing by creating a consistent rate structure. This agreement will establish a rate structure that matches other rate structures for customers of Hickory outside city limits. Alexander County Commissioners approved this agreement at their November 14, 2016 Commissioners Meeting. The proposed agreement contains an initial term of 10 years to 2027 and has the options for multiple 10 year renewals if the parties so choose. Staff recommends Council's acceptance of this agreement for the continued operation, maintenance and management of the Alexander County Distribution System.

A1 J. Budget Ordinance Amendment Number 14. (Exhibit VIII.J.)

1. To recognize and budget a \$100.00 citizen donation to the Hickory International Council.
2. To recognize receipt of \$1,000.00 from the Walmart/Sam's Foundation for the Fire Department's "Learn Not to Burn" program. The funds were donated for the purchase of carbon monoxide- and smoke-detectors.
3. To appropriate revenues in the amount of \$11,875.00 received by the Airport from the Trump/Pence presidential campaign related to their fall 2016 visit to the Hickory area. The funds will be used towards installation of new entry-floor coverings in both the upstairs and downstairs of the FBO Building at the Airport.
4. To recognize \$78.00 of interest earned in the Bulletproof Vest Grant Project Ordinance (project #G5110P). The funds will be applied to the project's Uniforms line item.
5. To recognize receipt of a \$597.00 insurance claim payment from National General Insurance, whose client backed into a City garbage truck on October 28, 2016.
6. To appropriate additional required funding for the Falling Creek Road Bridge Project (project #490001) in the amount of \$144,800 from General Fund Balance. Following the most recent total project budget per NCDOT's estimations, a total increase of \$724,000 will cover the completion of the project. NCDOT and the

City of Hickory are sharing costs on an "80/20" basis, respectively. NCDOT will thus contribute \$579,200, leaving the City's portion at \$144,800.

IX. Items Removed from Consent Agenda - None

X. Informational Item

XI. New Business:

A. Public Hearings

A1 1. Consideration of Text Amendment 16-01, to Amend Article 7, Section 7.3 of the Hickory Land Development Code, to Permit Residential Density Within the Central Business (C-1) District at a Maximum Rate of Fifty Dwelling Units Per Acre. **(Exhibit XI.A.1.)**

The City of Hickory's Planning and Development Services Department received a request from the Woda Group for consideration of amending Article 7, Section 7.3 of the Hickory Land Development Code, as it relates to permissible residential density within the Central Business (C-1) District. The specific request is to amend the Hickory Land Development Code to permit residential density within the Central Business (C-1) District at a maximum rate of fifty dwelling units per acre. The Hickory Regional Planning Commission conducted a public hearing on December 8, 2016 to consider the petition and voted unanimously (7-0) 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 Planning Commission, and recommends City Council's approval of Text Amendment 16-01.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 23, 2016.

A 2. Resolution Authorizing Preparation of Assessment Rolls and Public Hearing on Preliminary Assessment Roll for Street Improvements Petition Number 01-16 (Curb and Gutter for 2024 5th Street Place NW). **(Exhibit X1.A.2.)**

A petition was submitted on August 11, 2016, approved by City Council on October 4, 2016, and the project was completed on November 12, 2016. The preliminary assessment roll number 01-16 has been prepared based on the curb and gutter constructed along 2024 5th Street Place NW in response to a petition by property owners. The City Clerk mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff requests Council's approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 23, 2016.

A 3. Resolution Authorizing Preparation of Assessment Rolls and Public Hearing on Preliminary Assessment Roll for Street Improvements Petition Number 02-16 (Curb and Gutter for 3313 48th Avenue Lane NE). **(Exhibit X1.A.3.)**

A petition was submitted on July 7, 2016, approved by City Council on August 16, 2016, and the project was completed on October 7, 2016. The preliminary assessment roll number 02-16 has been prepared based on the curb and gutter constructed along 3313 48th Avenue Lane NE in response to a petition by property owners. The City Clerk mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff requests Council's approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 23, 2016.

- A** 4. Resolution Authorizing Preparation of Assessment Rolls and Public Hearing on Preliminary Assessment Roll for Street Improvements Petition Number 03-16 (Curb and Gutter for 915 4th Avenue Drive NW). **(Exhibit X1.A.4.)**

A petition was submitted on August 11, 2016, approved by City Council on October 4, 2016, and the project was completed on November 21, 2016. The preliminary assessment roll number 03-16 has been prepared based on the curb and gutter constructed along 915 4th Avenue Drive NW in response to a petition by property owners. The City Clerk mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff requests Council's approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 23, 2016.

- A1** 5. Consideration of Closing a Portion of 5th Street SW between 1st Avenue SW and 2nd Avenue SW, Owned by MDI Management, LLC. **(Exhibit X1.A.5.)**

MDI Management, LLC (successor to MDI Management, Inc.) has petitioned to close a section of 5th Street SW between 1st Avenue SW and 2nd Avenue SW. The petition requests the City to close said portion of 5th Street SW right-of-way, as per NCGS § 160A-299. The petition and map were reviewed by City Staff with no unfavorable responses. Staff requests Council's consideration of a Resolution and Order closing a portion of 5th Street SW between 1st Avenue SW and 2nd Avenue SW.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 9, 16, 23, and 30, 2016.

B. Departmental Reports:

- A** 1. Appointments to Boards and Commissions

BOND IMPLEMENTATION COMMISSION

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

Alderman Guess' Appointment

(Unexpired Term of Jerisha Farrer resigned 11-28-2016, (term expires 2-2-2018))

COMMUNITY APPEARANCE COMMISSION

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

Ward 3 (Seaver Appoints)

VACANT

Ward 4 (Guess Appoints)

VACANT

At-Large (Outside City but within Hickory Regional Planning Area)

(Council Appoints)

VACANT

Alderman Lail nominated Meg Manderson as the At Large (Outside City but within Hickory Regional Planning Area) Representative for the Community Appearance Commission.

COMMUNITY RELATIONS COUNCIL

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

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 to Nominate) VACANT

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)
(3) 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) VACANT
Ward 4 (Guess Appoints) VACANT
At-Large (Council Appoints) VACANT

YOUTH COUNCIL

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

St. Stephens High School Representatives 1 Position VACANT
At-Large Representatives 1 Position VACANT
Challenger High School Representative 1 Position VACANT

C. Presentation of Petitions and Requests

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

A1 City Council announced the new City Manager Warren Wood and approved his employment agreement.

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

Alderman Seaver referenced Hickory by Choice. He advised that they have a Kiwanian of the Week, each week, and today's choice was Mr. Jay Crain. Mr. Crain worked in Hickory at General Electric for a while and then moved elsewhere. When he retired he had to decide where he wanted to live. He didn't want to live up north where he was because it was too cold or in Arizona, where his son lived, it was too hot. He came back to Hickory by choice. That was the way he said it. He commented it was just amazing the way that thing rolled right on into Hickory by Choice and good to know. A lot of people are making Hickory their choice, let's keep it that way.

Mayor Wright referenced Facebook regarding Matthew McConaughey. The article mentioned that Mr. McConaughey came to Hickory and had a flat tire. Someone called the towing service and took him to lunch at Cookout. Everyone figured that was a hoax, and it was a hoax. Mayor Wright commented that he was the one that called Skeets, and he took him to lunch. They had to pick between Cookout and Snack Bar because Bo-Peep was closed. He commented that his son's mother-in-law posted "did you know it was Matt".

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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