



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

July 17, 2018  
7:00 p.m.

- I. Call to Order
- II. Invocation by Mr. Gene Elliott, Founder of Hickory Humanist Alliance, Secular Humanist
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Recognition of the Hickory Water Treatment Facility for Receiving the Area Wide Optimization Program (AWOP) Award for 2017

Public Services Director Kevin Greer explained the Area Wide Optimization Program Award (AWOP). The City of Hickory received the prestigious AWOP Award presented by the NC Department of Environmental Quality for 2017. This award is recognition of the knowledge, professionalism and diligence of the Water Treatment Facility to meet the very strict standards set for this award. The main measure is turbidity which is known to carry viruses and bacteria that can be harmful to people. The required standard for turbidity is 0.3 and to receive this award the facility must be 0.1 or less. Shawn Pennell, Assistant Public Services Director - Public Utilities and Andrew Foy, Water Treatment Facility Superintendent were the recipients.

- NA** B. Recognition of Retiring Boards and Commissions Members

**BUSINESS DEVELOPMENT COMMITTEE**

Rich Brown  
Jeff Hale  
Kirk Hobart

**COMMUNITY RELATIONS COUNCIL**

Crystal S. Killian

**HICKORY REGIONAL PLANNING COMMISSION**

James R. Noggle

**HISTORIC PRESERVATION COMMISSION**

Jody Blake  
Jeff Mitchell

**LIBRARY ADVISORY BOARD**

John T. Kenny  
Carolyn Sinclair  
Joy Tilton

**PARKS AND RECREATION COMMISSION**

Allen Mitchell Jr.  
Jim Powers

Lanie Wood

**PUBLIC ART COMMISSION**

Jennifer Helton

**RECYCLING ADVISORY BOARD**

Jeffrey Enders

**UNIVERSITY CITY COMMISSION**

Ryan Edwards

Muriel Gabriel

**YOUTH COUNCIL**

Caroline Collins

Chase del Charco

Jose Garcia

Shea Hall

Claire Henson

Seth Herndon

Claire McCrea

Cameron Neilson

Lorenzo Nigrelli

Tri Pham

Sophie Rice

Mikaela Simmons

Katelynn Thompson

Elizabeth Wood

Hanna Worthington

Mayor Guess recognized the retiring Board and Commission members and presented those in attendance with a certificate for their service.

V. Persons Requesting to Be Heard

VI. Approval of Minutes

**A** A. Regular Meeting of June 19, 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. Consideration of an Amendment to the Ordinance for the Membership Provisions of the Hickory Youth Council. **(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 Transfer from Elizabeth Witherspoon, Widow of Marvin Harold Witherspoon to Martha Witherspoon Barden, Oakwood Cemetery, Section 24, Lot 9, Plots 1, 2, 3, 4, and 8, Containing 160 Square Feet, more or less. (Prepared by Leslie M. Yount, Attorney) **(Exhibit VIII.A.)**

**A** B. Acceptance of the 2017 Justice Assistance Grant in the Amount of \$15,025. **(Exhibit VIII.B.)**

*City of Hickory has received notification of approval to receive \$15,205 under the 2017 Justice Assistance Grant Program (JAG). The JAG Program is a formula-based grant*

through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. Cities and counties are required to submit joint applications for the available funding. There is no match required. Hickory Police Department will use the funding to send officers through an officer wellness program. Hickory Police Department recommends acceptance of the 2017 Justice Assistance Grant in the amount of \$15,205. There is no City of Hickory match required. The remainder of funds will be taken from the police operational budget.

- A/PH C.** Resolution Authorizing Preparation of Assessment Rolls and Public Hearing on Preliminary Assessment Roll for Street Improvements Petition Number 18-01 (Curb and Gutter for Hathaway Drive NE). A petition was submitted on February 22, 2018, approved by City Council on April 3, 2018, and the project was completed on June 11, 2018. **(Authorize Public Hearing for August 7, 2018.) (Exhibit VIII.C.)**

- A D.** Approval of an Agreement with Hickory Public Schools for School Resource Officers. **(Exhibit VIII.D.)**

*The Hickory Police Department has placed School Resource Officers in Hickory Public Schools for many years and continues to have a great working relationship with Hickory Public Schools. Hickory Police Department places a School Resource Officer in each of the High Schools (Hickory High and Hickory Career & Arts Magnet) and a School Resource Officer in each of the Middle Schools (Grandview and Northview). Also, the School Resource Officers in the Middle Schools teach D.A.R.E. classes. Each Middle School Resource Officer is assigned as a liaison officer to each of the Elementary Schools. The purpose of the School Resource Officers in Hickory Public Schools is to provide a safer learning environment for students and staff while creating a positive interaction between students and Hickory Police Department. The School Resource Officer Agreement is for school years 2018-2019 and 2019-2020. Hickory Police Department will provide four Police Officers as School Resource Officers and Hickory Public School agrees to reimburse the City of Hickory Police Department a total of \$90,000 at \$22,500 per School Resource Officer for its expenses in providing the said School Resource Officer Program for the 2018-2019 school year. The amount of reimbursement for each subsequent annual agreement shall be subject to a 2.5 increase. The said reimbursement shall be paid by the Hickory Public School System to the City of Hickory in twelve monthly installments on or about the first day of each calendar month. Hickory Police Department recommends approval of the Agreement with Hickory Public Schools for School Resource Officers.*

- A E.** Special Events Activities Application for Girl Scouts National S'mores Day Event, Ellen Ball, Administration and Board Services Specialist, Girl Scouts Carolinas Peaks to Piedmont, August 10, 2018, 2:00 p.m. to 8:00 p.m., at the Union Square Flag Court or the Stage Area Under the Sails. **(Exhibit VIII.E.)**

- A F.** Approval of the Purchase of Ten Specialized Police Package Emergency Vehicles. **(Exhibit VIII.F.)**

*Hickory Police Department staff and the City of Hickory Fleet Manager have researched and reviewed independent comparison studies comparing available police package vehicles. The 2019 Ford Police Interceptor Utility all-wheel drive best fits the needs of the department based on a number of considerations. The Police Interceptor Utility has been the top choice of the Police Department for the past three budget years. This vehicle comes standard with all-wheel drive designed to deliver low-speed traction and high-speed handling and stability. Other benefits of the Police Interceptor Utility include: availability (much shorter delivery time), ergonomics (visibility and better occupant and cargo space to carry specialized equipment), safety and durability (larger heavy duty frame in the event of a crash) and enhanced braking distance. Asheville Ford in Asheville, North Carolina currently has the NC Sheriff's Association contract for the 2019 Ford Police Interceptor Utility all-wheel drive with a base price of \$27,681.17. Added options that are needed include the following: driver's side spot lamp (Whelen or*

compatible) - \$420, front headlamp/police interceptor housing - \$125, dome lamp-red-white in cargo area - \$50, rear door handles inoperable - \$35, remote keyless entry (two remotes/four sets of keys) - \$340, SYNC basic (voice activated communications system) - \$295, police silence mode - \$20, and daytime running lamps - \$45. Total price with added options - \$29,011.17. Hickory Police Department recommends the purchase of ten all-wheel drive 2019 Ford Police Interceptor Utility vehicles from Asheville Ford on the NC Sheriff's Association Contract at a cost of \$29,011.17 per vehicle and a total cost of \$290,111.70. Funds are budgeted in the FY 2018/2019 CIP.

- A G. Approval of a Modification to the Contract with Hickory Sand Company, Inc. for the Central Business District Waterline, Sewer Line and Storm Drainage Rehabilitation Project for a Decrease in the Amount of -\$83,281.50, Reducing the Contract from \$4,650,274 to \$4,566,992.50. **(Exhibit VIII.G.)**

*The Central Business District, for the purpose of this project, is defined as the area of downtown Hickory bounded by Trade Alley north to 2nd Avenue NW and 2nd Street NW west to 3rd Street NW. This area is served by an older portion of the City of Hickory's distribution system predominantly consisting of 6, 8 and 12-inch cast iron waterlines. This project is intended to restore the full pipe diameter, and re-establish necessary fire flows and available service to customers. Sanitary sewer lines are predominantly 6 and 8-inch terra-cotta lines which are older and degrading allowing a significant amount of inflow/infiltration to enter the lines and cause problems downstream of the Central Business District. Finally, as a component of the overall evaluation the main trunk-line storm drainage system was evaluated and found to have some issues that were requiring attention as well. The infrastructure in this area is estimated to be over 100 years old. This change order is to reconcile the bid quantities with actual field installed quantities, adjust for time delays, and adjust for liquidated damages incurred during the project. Staff requests Council's approval of a modification to the contract with Hickory Sand Company, Inc. for the Central Business District project in a decreased amount of - \$83,281.50, reducing the contract from \$4,650,274 to \$4,566,992.50.*

- A H. Approval of a Supplemental Agreement with North Carolina Department of Transportation for the City Walk Project. **(Exhibit VIII.H.)**

*On August 29, 2017, the City of Hickory and the North Carolina Department of Transportation (NCDOT) entered into a certain Project agreement for the construction of a 10 - 14 foot multi-use path along Main Street from 9<sup>th</sup> Street NW to 7<sup>th</sup> Avenue NE. In addition to the path, numerous enhancements are proposed. NCDOT reserves the right to determine the items that are eligible for participation as the project is designed, in consultation with the Federal Highway Administration (FHWA), programed under Project EB-5750. NCDOT in concurrence with the Greater Hickory Metropolitan Planning Organization (MPO) have agreed to modify the project funding sources. NCDOT shall reimburse 80 percent of eligible expenses incurred by the City of Hickory up to \$14.1 million dollars. The City of Hickory shall provide the non-federal match, as detailed in the agreement, and all costs that exceed the total estimated cost. The Supplemental Agreement reflects the modification of the Project Funding Sources, by the Greater Hickory MPO, as specified in the agreement. There is no change in the funding amount. Upon approval of the locally administered project supplemental agreement, NCDOT shall execute the agreements to modify the project funding sources. Staff recommends City Council's approval of the locally administered project supplemental agreement to continue to move forward with the project and access to project funding sources.*

- APH I.** Call for a Public Hearing for Consideration of a Voluntary Non-Contiguous Annexation of Property Owned by Trivium Corporate Center. **(Authorize Public Hearing for August 7, 2018, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).** **(Exhibit VIII.I.)**

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A1** 1. Consideration of Text Amendment 18-01 – A Five Year Review and Update to the Hickory Land Development Code – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

*Over a period of several months, the City's Planning Division analyzed the latest iteration of the Hickory Land Development Code, which was last updated in 2016. Unlike previous updates, the 2018 update was conducted after an update to the Hickory by Choice 2030 Comprehensive Plan. The Hickory Land Development Code serves as the tool that is used to move towards implementation of the Hickory by Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on March 28, 2018 and voted unanimously (10-0) 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. In addition, on May 15, 2018 staff held a workshop with City Council to provide an initial review of the draft document. During the workshop Councilmembers brought up several topics of concern regarding the draft. Since this time staff has refined the draft document to address the concerns expressed by City Council.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 6 and 13, 2018.*

B. Departmental Reports:

- A** 1. Approval to Apply for BUILD Grant Funding from the US Department of Transportation (USDOT) – Presentation by Assistant to the City Manager Yaidee Fox. **(Exhibit XI.B.1.)**

*The 2018 Better Utilizing Investments to Leverage Development (or BUILD) Transportation Discretionary Grant program provides opportunities for USDOT to invest in roads and other projects that have a significant local or regional impact. The funding provides up to 80 percent of projects costs in urban areas for surface transportation infrastructure projects. There is a \$5 million dollar minimum funding request this year. (Previously known as Transportation Investment Generating Economic Recovery or TIGER Discretionary Grants, Congress has dedicated nearly \$5.6 billion dollars.)*

*The BUILD grant application encompasses the continuation and enhancement of projects identified by the citizens of Hickory through the development of the Inspiring Spaces Plan. Many of these projects are being funded through multiple partners and a recent bond referendum. The project scope would include a corridor connector improvement project linking two funded corridor improvement projects (9th & 11th Street Connector) and a pedestrian bridge to cross over US Hwy 321. The City's vision is to build connectivity through improved multi-modal transportation corridors; connecting people throughout the City to each other, resources, services, jobs, educational opportunities, and cultural people-centric spaces. Total estimated cost of the projects will be \$22.2 million dollars with the City of Hickory's match of \$4.44 million dollars (20 percent minimum match amount) and BUILD grant request of \$17.76 million dollars (80 percent maximum match amount). Staff recommends City Council authorize staff to apply for the BUILD Discretionary Grant in the amount of \$17.76 million dollars with a cash match of \$4.44 million dollars.*

- A** 2. Bond Update – Presentation by Assistant to the City Manager Yaidee Fox.

A

3. Appointments to Boards and Commissions

**BUSINESS DEVELOPMENT COMMITTEE**

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

At-Large (Council Appoints) (1 Year Term)	Lori Alala (Eligible for Reappointment/Willing to Serve)
At-Large (Council Appoints) (1 Year Term)	Michael Ellwanger (Eligible for Reappointment/Willing to Serve)
At-Large (Council Appoints) (1 Year Term)	Ed Henson (Eligible for Reappointment/Willing to Serve)
At-Large (Council Appoints) (2 Year Term)	VACANT
At-Large (Council Appoints) (2 Year Term)	VACANT
At-Large (Council Appoints) (3 Year Term)	Joan Long (Eligible for Reappointment/Willing to Serve Again)

**Mayor Guess Reappointed Lori Alala, Michael Ellwanger, Ed Henson and Joan Long as At-Large Representatives on the Business Development Committee.**

**CITIZENS ADVISORY COMMITTEE**

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

At-Large (Council Appoints)	David B. Myers (Eligible for Reappointment/Willing to Serve Again)
At-Large (Council Appoints)	Cliff Moone (Eligible for Reappointment/Willing to Serve Again)

**Mayor Guess Reappointed David Myers and Cliff Moone as At-Large Representatives on the Citizens Advisory Committee**

**COMMUNITY APPEARANCE COMMISSION**

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

Ward 2 (C. Williams Appoints)	VACANT
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**COMMUNITY RELATIONS COUNCIL**

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

African-American (Council Appoints)	VACANT
Caucasian (Council Appoints)	Mandy Pitts Hildebrand (Eligible for Reappointment/Willing to Serve Again)
Differently-Abled (Council Appoints)	Beth Whicker (Eligible for Reappointment/Willing to Serve Again)
Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT

**Mayor Guess Reappointed Mandy Pitts Hildebrand as a Caucasian Representative, and Beth Whicker as Differently-Abled Representative on the Community Relations Council.**

**HICKORY REGIONAL PLANNING COMMISSION**

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

(Appointed by City Council)

Ward 4 (D. Williams Appoints)	Sam E. Hunt (Eligible for Reappointment/Willing to Serve Again)
Burke County (Mayor Appoints)	VACANT
Caldwell County (Mayor Appoints with Recommendation from County)	VACANT
Catawba County (Mayor Appoints with Recommendation from County)	Jeff Kerley (Eligible for Reappointment/Willing to Serve Again)

**Mayor Guess Reappointed Jeff Kerley as a Catawba County Representative on the Hickory Regional Planning Commission.**

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms (Appointed by City Council)  
Licensed Architect (Council Appoints) Ernest K. Sills  
(Eligible for Reappointment/Willing to Serve Again)  
At-Large (3) (Council Appoints) VACANT

**Mayor Guess Reappointed Ernest Sills as the Licensed Architect on the Historic Preservation Commission.**

**INTERNATIONAL COUNCIL**

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

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 2 (C. Williams Appoints) Walter C. Smith  
(Eligible for Reappointment/Willing to Serve Again)  
At-Large (3) (Mayor Appoints) VACANT

**PARKS AND RECREATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 1 (Lail Appoints) VACANT  
Ward 4 (D. Williams Appoints) VACANT  
Ward 5 (Zagaroli Appoints) David Crosby  
(Eligible for Reappointment/Willing to Serve Again)  
Ward 6 (Patton Appoints) VACANT  
At-Large Minority (1) (Council Appoints) VACANT

**Alderman Lail Appointed Ryan Carroll as Ward 1 Representative on the Parks and Recreation Commission.**

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 1 (Lail Appoints) VACANT  
Ward 4 (D. Williams Appoints) VACANT  
At-Large (Mayor Appoints) Laura Costello  
(Eligible for Reappointment/Willing to Serve Again)  
At-Large (Mayor Appoints) Beth C. Bowman  
(Eligible for Reappointment/Willing to Serve Again)

**Mayor Guess Reappointed Laura Costello and Beth C. Bowman as At-Large Representatives on the Public Art Commission.**

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)  
Position 4 (Mayor Appoints) Dr. Michael K. Wimberly  
(Eligible for Reappointment)  
Tenant Representative (Mayor Appoints) Velecia Wynette Hackett  
(Eligible for Reappointment)

**Mayor Guess Reappointed Dr. Michael Wimberly and Velecia Hackett to the Public Housing Authority.**

**RECYCLING ADVISORY BOARD**

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

At-Large (Council Appoints)

VACANT

**Mayor Guess Appointed William Garrard as an At-Large Representative on the Recycling Advisory Board.**

**UNIVERSITY CITY COMMISSION**

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

At-Large (not including ETJ) (Council Appoints)

VACANT

At-Large (not including ETJ) (Council Appoints)

VACANT

**YOUTH COUNCIL**

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

The Youth Council Applicant Review Committee Makes the Following Recommendations for Appointment to the Youth Council:

VACANT

At-Large Representative

VACANT

At-Large Representative

VACANT

Fred T. Foard Representative

Macy White

St. Stephens Representative

Brynne Van Allsburg

Homeschool Representative

**Mayor Guess Appointed Macy White as a St. Stephens Representative and Brynne Van Allsburg as the Homeschool Representative on the Youth Council.**

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. Closed Session Per NC General Statutes 143-318.11(a)(1)(4) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

1. Approval of Closed Session Minutes of June 19, 2018 - NCGS §143-318.11(a)(1)

2. Discussion of Potential Economic Development - NCGS §143-318.11(a)(1)(4)

A City Council approved an Authorizing Resolution with the North Carolina Department of Commerce Building Reuse Program, Project "Design" Building Reuse Application.

XV. 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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with disabilities at least 48 hours before the scheduled meeting.  
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