



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

June 2, 2015
7:00 p.m.

- I. Call to Order
- II. Invocation Rev. George Coates, Pastor Hartzell Memorial United Methodist Church and McQueen's Chapel United Methodist Church.
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A A. Regular Meeting of May 19, 2015 **(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 of a Contract with Hickory Metro Convention Center in the Amount of \$2,233 for the Annual Coworker Appreciation Event and Service Awards. **(First Reading Vote: Unanimous)**
 - A2** B. Acceptance of a Cemetery Deed Conveying Exchanged Plots. **(First Reading Vote: Unanimous)**
 - A2** C. Approval of the Purchase of 600 Radio Read Water Meters from HD Supply, Inc. in the Amount of \$105,000. **(First Reading Vote: Unanimous)**
 - A2** D. Approval of Change Order Number One with Hickory Sand Company, Inc. in the Amount of \$82,410. **(First Reading Vote: Unanimous)**
 - A2** E. Grant Project Ordinance Number 8. **(First Reading Vote: Unanimous)**
 - A2** F. Grant Project Ordinance Amendment Number 5. **(First Reading Vote: Unanimous)**
 - A2** G. Capital Project Ordinance Amendment Number 5. **(First Reading Vote: Unanimous)**
 - A2** H. Budget Ordinance Amendment Number 19. **(First Reading Vote: Unanimous)**
 - A2** I. Cloninger Mill Property/North Carolina Outward Bound School (NCOBS) Declaration of Covenants and Restrictions. **(First Reading Vote: Unanimous)**
 - A2** J. Agreement with Cranfill Sumner & Hartzog LLP for Legal Services related to Willie Grimes vs City of Hickory et. al. **(First Reading Vote: Unanimous)**

June 2, 2015

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. Call for a Public Hearing – For Consideration of Rezoning Petition 15-01. **(Authorize Public Hearing for June 16, 2015) (Exhibit VIII.A.)**

The property is located at the southwest corner of the intersection of Startown Road and Catawba Valley Boulevard SE and contains 2.36 acres. The request is to rezone from Low Density Residential (R-1) to Regional Commercial (C-3).

A1 B. Approval to Apply for a 2015 Justice Assistance Grant (JAG) to Purchase Additional Officer Body-Worn Cameras and Digital Video Evidence Management Services and Approval of the Interlocal Agreement with Catawba County. **(Exhibit VIII.B.)**

Hickory Police Department requests permission to use funds from the 2015 Justice Assistance Grant (JAG) to purchase additional body-worn cameras, hardware, hardware service/replacement, and digital evidence management storage. City of Hickory and Catawba County have received notification of approval to receive a combined allocation of \$32,455 under the 2015 Justice Assistance Grant Program. Cities and Counties are required to submit joint applications for the available funding. Catawba County is eligible for a direct award of \$12,900 and the City of Hickory is eligible for a direct award of \$19,555. There is no match required. The City of Hickory has agreed to serve as lead agency in the grant application process. Hickory Police Department recommends approval to apply for the JAG grant to purchase additional body worn cameras, hardware, service and digital evidence management solution in the amount of \$19,555 and to serve as lead agency in the grant process for a combined amount of \$32,455. Hickory Police Department also recommends approval of the Interlocal Agreement between Catawba County and the City of Hickory for allocation of the JAG funds.

A1 C. Approval of an Agreement with Alfred Benesch & Company in the amount of \$9,450 to Update the Park Master Site Plan for the Cloninger Mill Property. **(Exhibit VIII.C.)**

In 2008, Alfred Benesch & Company (formerly known as Site Solutions) was contracted by the City of Hickory to develop a Park Master Site Plan for Cloninger Mill property. The plan excluded 10.1 acres of the property which was proposed for future commercial development. This agreement provides for design services to incorporate the additional 10.1 acres into the overall Park Master Site Plan. The updated Master Plan will be utilized to seek North Carolina Parks and Recreation Trust Fund grants for eventual park development. Staff recommends approval of the agreement with Alfred Benesch & Company in the amount of \$9,450 to update the Park Master Site Plan for the Cloninger Mill property. Funds are budgeted in Parks and Recreation Department's current budget.

A D. Approval to Write-off Uncollectable Accounts Totaling \$227,716.22, in Accordance with North Carolina General Statutes. **(Exhibit VIII.D)**

North Carolina General Statutes establish all street assessments and property taxes that are over ten years old and are no longer collectable, and should be written off in conjunction with the annual audit. For the current fiscal year (FY2014-2015), there are no street assessments to be written off, but \$88,081.21 in unpaid property taxes that exceeds the ten year limitation. The City of Hickory's Accounting Division requires all other accounts that are over eighteen months in arrears be written off to comply with "Generally Accepted Accounting Principles" in order to more fairly represent financial assets of the City on the balance sheet. For the current fiscal year, this amount is \$139,635.01.

The Finance Division will continue to pursue collection of the debts. All eligible accounts over \$50 are submitted to the North Carolina Debt Setoff Program for collection. As of

May 5, 2015, the City of Hickory has collected \$30,525.59 from the garnishment of North Carolina State tax refunds and North Carolina State lottery winnings during this fiscal year. Staff recommends approval to write-off uncollectable accounts for Fiscal Year 2014-2015.

- A E. Approval of a Termination of Lease Agreement for Property Located at 470 Highway 70 SW. **(Exhibit VIII.E.)**

In June 2004, the City entered into a ground lease agreement with the Hickory Jaycees for a building located at 470 Highway 70 SW. The term of the lease was for twenty-five (25) years with a lease fee of one dollar (\$1.00) per year. The Jaycees used the building and parking for their meetings and events. Due to several factors, including the need for repairs to the building, the Jaycees informed City Staff the organization had found an alternative location for their meetings and events as of January 2015. Both parties mutually desire to terminate the agreement at this time. Staff requests Council approve the Termination of Lease Agreement between the City of Hickory and the Hickory Jaycees for the property located at 470 Highway 70 SW.

- A1 F. Approval of a Railroad Permit Agreement from Norfolk Southern Railway Company for Murray Basin Sanitary Sewer Infrastructure Project. **(Exhibit VIII.F.)**

The Murray Basin is the area located between Springs Road, Section House Road, and Highland Avenue. Staff and HDR Engineering Inc. have determined that approximately 6,000 linear feet of the existing system needs to be replaced and enlarged due to the existing pipe being vitrified clay pipe and numerous problems found during inspection. Staff requests approval of a license agreement in the amount of \$19,100 with Norfolk Southern Railway Company to install, maintain, operate, and remove a 12-inch ductile iron sewer force main in a 24-inch steel casing located on the right of way or property of the Railway in the Murray Basin service area.

- A1 G. Approval of an Amendment to the Priority Use Agreement with the Catawba Valley Youth Soccer Association (CVYSA). **(Exhibit VIII.G.)**

The City of Hickory entered into a Priority Use Agreement with CVYSA in July of 2013 to reflect CVYSA's commitment to contribute \$125,000 towards the purchase and installation of lights on fields 2, 4, 5 and 6 at the Henry Fork River Regional Recreation Park. Under the current \$125,000 financial commitment terms, contributions towards the financial commitment can be made at any time within the first five years of the agreement, but the entire \$125,000 contribution must be made by June 30, 2018. CVYSA has experienced several factors which have significantly impacted the organization's revenue and its ability to meet the current payment schedule.

CVYSA remains committed to fulfilling its financial commitment to the City but now desires to amend the Agreement's terms governing the payment schedule. Under the terms of the financial commitment in the first amendment, CVYSA still agrees to contribute a minimum of \$125,000 towards the installation of lights on the previously mentioned soccer fields. CVYSA agrees to pay an initial \$26,000 of the \$125,000 commitment by June 30, 2015. CVYSA agrees to pay the remaining \$99,000 in nine (9) equal installments of \$11,000 beginning June 30, 2016 and ending June 30, 2024. The annual payment will be made by June 30th of each year. Contributions would include direct monetary payments from CVYSA funds as well as any grant funds obtained by CVYSA. If CVYSA exceeds the \$125,000 commitment as of June 30, 2018, one (1) additional year of priority use will be added to the agreement for each additional \$2,500 above the \$125,000 commitment level. The first amendment to the priority use agreement was presented to, and endorsed by, the Parks and Recreation Commission at their April 14, 2015 meeting. Staff recommends approval of the First Amendment to the Priority Use Agreement with CVYSA for the use of the City of Hickory owned soccer fields at Henry Fork River Regional Recreation Park.

- D H.** Approval of Invitation to Bid and Contract to Huffman Grading Co. Inc. in the Amount of \$121,287 for Additional Parking at Glenn C. Hilton Jr. Recreation Park. **(Exhibit VIII.H.)**
- The paved parking lot will be constructed directly across 6th Street Drive NW from the existing Glenn C. Hilton, Jr. Recreation Park to provide overflow parking spaces for the facility. Work under the contract will include clearing, grading, paving, curb/gutter and fencing. The Traffic Division will provide the crosswalk on 6th Street Drive NW and parking lot striping. Landscape Services will provide landscaping and Building Services will provide area lighting for the parking lot. Informal bids were received on May 22, 2015. Staff recommends awarding the contract to the low responsive, responsible bidder, Huffman Grading Co., Inc. in the amount of \$121,287 for the construction of Glenn C. Hilton, Jr. Recreation Park additional parking lot.*
- A1 I.** Budget Ordinance Amendment Number 20. **(Exhibit VIII.I.)**
1. *To budget a total of \$260 of Library donations in memory of Libby Meisner. \$60 in the Books line item and \$200 in Supplies line item for the Summer Reading Program.*
 2. *To accept a \$68 transfer of excess revenue from the FEMA storm damage (Rock Quarry Sewer Outfall) Capital project and decrease the Water and Sewer Fund balance line item by \$68. The project revenues totaled \$54,373.64 and expenditures \$54,306.51 therefore \$68 will be returned to the Water and Sewer Fund. This action will close the Rock Quarry Sewer Outfall project.*
 3. *To transfer \$498,400 from the General Fund Other Professional Services line item to the 2014 Bond Referendum project design line item. This transfer is necessary to pay Freese & Nichols for Bond Project Design Services.*
- A1 J.** Capital Project Ordinance Amendment Number 6. **(Exhibit VIII.J.)**
1. *To decrease the Loan Proceeds line item in the TDA Parking Deck Capital Project by \$125,000 and the Design line item by \$125,000. Prior to receiving the 3 Million Loan from BB&T \$125,000 was budgeted for the TDA Parking Deck - Design line item to cover expenses. The \$125,000 was not adjusted after the loan was received and therefore it's necessary to adjust the budget now. To decrease the Investment Earnings line item by \$72,000 and the miscellaneous line item by \$72,000. Interest Earnings are not producing what was originally budgeted, therefore the revenues must be adjusted.*
- A1 K.** Capital Project Ordinance Number 3. **(Exhibit VIII.K.)**
1. *To accept a \$498,400 transfer from General Government-Professional Services to the 2014 Bond Referendum project Design line item. \$498,400 was originally budgeted in the General Fund to pay Freese & Nichols for design services. However, this budget amendment establishes the 2014 Bond Referendum Capital Project and therefore the revenue and expenditure for Freese & Nichols are now budgeted in the project.*
- A1 L.** Grant Project Ordinance Amendment Number 6. **(Exhibit VIII.L.)**
1. *To transfer \$68 of excess revenues from the FEMA storm damage (Rock Quarry Sewer Outfall) Capital project to the Water and Sewer Fund and decrease the Water and Sewer Fund balance line item by \$68. The project revenues totaled \$54,373.64 and expenditures \$54,306.51 therefore \$68 will be returned to the Water and Sewer Fund. This action will close the Rock Quarry Sewer Outfall project.*
- IX.** Items Removed from Consent Agenda – Items D. E. and H.

Items D and E were discussed and approved. Item H was discussed and deferred for further review by Council.

X. Informational Item

XI. New Business:

A. Public Hearings

A1 1. Public Hearing on the City Manager's FY2015-2016 Recommended Annual Budget. **(Exhibit XI.A.1.)**

Pursuant to NC General Statutes §159-12(b), a public hearing shall be held before adopting the budget ordinance. This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 22, 2015. Copies of the budget ordinance were filed for public inspection in the Office of the City Clerk, Patrick Beaver Memorial Library and Ridgeview Library. The recommended budget is also posted on the City's web page, www.hickorync.gov. Pursuant to NC General Statutes §159-13(a), the City Council is required to adopt a balanced budget before July 1, making the appropriations and levying taxes for the budget year. The City Manager recommends adoption of the attached budget ordinance for Fiscal Year 2015-2016.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 22, 2015.

B. Departmental Reports:

A 1. Authorize Staff to Apply for the US Department of Transportation TIGER Discretionary Grant in the Amount of \$27,500,000. **(Exhibit XI.B.1.)**

The TIGER Discretionary Grants provide funding up to 80 percent of project costs in urban areas for surface transportation infrastructure project that will have a significant impact on the nation, a region, or metropolitan area. There is a \$10 million dollar minimum funding request. The City of Hickory's TIGER request will be \$27.5 million dollars. Funds will be used for critical infrastructure improvements such as streets, sidewalks, crosswalks, gateways, trails, and streetscape to promote the City as a choice location to live, work and play, and one where businesses want to locate, invest and expand. The match requirement is 20 percent of the grant award. The \$40 million dollar bond referendum will serve as the non-federal funding match. Staff recommends Council authorize Staff to apply for the TIGER Discretionary Grant in the amount of \$27,500,000.

A 2. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

At-Large	Jeff Neuville (Not Eligible for Reappointment)
At-Large	Dave Gissy (Not Eligible for Reappointment)
At-Large	Dave Paist (Not Eligible for Reappointment)

CATAWBA COUNTY ECONOMIC DEVELOPMENT BOARD OF DIRECTORS FOR HICKORY

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

Position One	Gary Garvey and Stephen Shuford have expressed interest
--------------	---

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large Joseph M. Hart (Eligible for Reappointment)
At-Large Michael L. Holland (Not Eligible for Reappointment)

Mayor Wright nominated Joseph M. Hart to the Citizens Advisory Committee, At-Large Representative.

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 Steven E. Bowman (Not Eligible for Reappointment)

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
African-American Crystal S. Killian (Eligible for Reappointment/
Willing to Serve)
Caucasian VACANT
Caucasian Neal Orgain (Eligible for Reappointment/
Does not wish to serve again)
Other Minority Ray Cerda (Eligible for Reappointment/
Does not wish to serve again)
Other Minority VACANT
Differently Abled Beth Whicker (Eligible for Reappointment/
Willing to Serve)

Mayor Wright nominated Crystal S. Killian to the Community Relations Council as the African-American Representative and Beth Whicker as the Differently-Abled Representative.

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Ward 4 Sam Hunt (Eligible for Reappointment)
Burke County (Mayor to Nominate) VACANT Since 8-6-2008
Brookford (Mayor to Nominate) VACANT Since 6-2006
Caldwell County (Mayor to Nominate) James R. Noggle
(Eligible for Reappointment)
Catawba County (Mayor to Nominate) Oscar Vasquez
(Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Licensed Architect Christopher Wilson (Eligible for Reappointment/
Does not wish to serve again)
At-Large (2) Jody Blake (Eligible for Reappointment/
Willing to Serve)
At-Large (3) Thomas R. Dobbins (Eligible for Reappointment/
Does not wish to serve again)

Mayor Wright nominated Jody Blake to the Historic Preservation Commission as the At-Large (2) Representative.

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)
Alex Mezei Resigned 3-19-2015
(10) VACANT Positions

LIBRARY ADVISORY BOARD

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

Ward 2 Walter Smith (Eligible for Reappointment/Willing to Serve)
Ward 3 Kathy Ivey (Not Eligible for Reappointment)
Ward 6 Carolyn Sinclair (Eligible for Reappointment/Willing to Serve)
At-Large (3) (Mayor to Nominate)
John T. Kenny (Eligible for Reappointment/Willing to Serve)

Alderman Meisner nominated Walter Smith to the Library Advisory Board as the Ward 2 Representative.

Alderwoman Patton nominated Carolyn Sinclair to the Library Advisory Board as the Ward 6 Representative.

Mayor Wright nominated John T. Kenny to the Library Advisory Board as the At-Large (3) Representative.

PARKS AND RECREATION COMMISSION

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

Ward 1 Michael (Tony) Wood (Not Eligible for Reappointment)
Ward 4 Allen Mitchell Jr. (Eligible for Reappointment/Willing to Serve)
Ward 5 David Crosby (Eligible for Reappointment/Willing to Serve)
Ward 6 Jim Powers (Eligible for Reappointment/Willing to Serve)
At-Large Minority (1) Bee Yang (Eligible for Reappointment)
At Large (2) VACANT

Alderman Lail nominated Lanie Wood to the Parks and Recreation Commission as the Ward 1 Representative.

Alderman Guess nominated Allen Mitchell Jr. to the Parks and Recreation Commission as the Ward 4 Representative.

Alderman Zagaroli nominated David Crosby to the Parks and Recreation Commission as the Ward 5 Representative.

Mayor Wright nominated Bee Yang to the Parks and Recreation Commission as the At-Large Minority (1) Representative.

PUBLIC ART COMMISSION

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

Ward 1 Jennifer Helton (Eligible for Reappointment/Willing to Serve)
Ward 3 VACANT
At-Large (Mayor Nominates) VACANT
At-Large (Mayor Nominates) Thomas McBrayer
(Eligible for Reappointment/Does not wish to serve again)

Alderman Lail nominated Jennifer Helton to the Public Art Commission as the Ward 1 Representative.

PUBLIC HOUSING AUTHORITY

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

Position 2 (Mayor Nominates) Dr. Sidney Miles
(Eligible for Reappointment/Willing to Serve)
Position 3 (Mayor Nominates) Clement Geitner
(Eligible for Reappointment)

Mayor Wright nominated Dr. Sidney Miles to Public Housing Authority as the Position 2 Representative.

RECYCLING ADVISORY BOARD

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

Ward 3 VACANT

Ward 5 J.C. Epting
(Eligible for Reappointment/Does not wish to serve again)

At-Large (1) VACANT

Alderman Zagaroli nominated Bob Warmuth to the Recycling Advisory Board as the Ward 5 Representative.

UNIVERSITY CITY COMMISSION

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

At-Large Joyce Beard (Eligible for Reappointment/Willing to Serve)

At-Large Bill McBrayer
(Eligible for Reappointment/Does not wish to serve again)

Mayor Wright nominated Joyce Beard to the University City Commission as an At-Large Representative.

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

Mr. Berry recognized interns with the City for the month of June, Daisy Zavala-Vazquez from Lenoir-Rhyne University, and Melissa Loveless who just graduated from Western Carolina.

Mayor Wright commented about events in the community. The dinosaurs are back at the Science Center and the Sails Concert Series.

Alderman Seaver mentioned the Tastin', Tunes, and Tomatoes Farmers Market on the third Thursday in the month.

Mayor Wright commented about a posting on Facebook from one of his friends regarding her excitement with the new recycling plan.

Alderman Seaver commented that his wife actually had a sign that said "Welcome Big Blue" regarding the big blue recycling can that was coming.

Alderman Lail commended Public Services Director Chuck Hansen and Staff for their work in making the recycling program happen.

Alderman Seaver mentioned a Facebook friend in East Tennessee who is now a City Council member in Kingsport and President of a bank. He commented that his friend said that it is real exciting to see what is going on in Hickory. The word is spreading, people are hearing about it and knowing about it.

Mayor Wright commented that the Governor, Speaker of the House, and the President of the Senate knows about us and what we are trying to do. He commented that the stars are lining up.

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)

Mr. Berry requested Council add to Closed Session potential litigation and existing litigation, Willie Grime versus the City of Hickory. (NCGS §143-318.11(a)(4))

1. Approval of Closed Session Minutes of May 19, 2015 - NCGS §143-318.11(a)(1)

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

XV. Adjournment

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**