



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 6, 2017
7:00 p.m.

I. Call to Order

II. Invocation by Associate Pastor, Heather Davis, First Presbyterian Church

III. Pledge of Allegiance

IV. Oath of Office Ceremony for Mayor Jeff Cline

The Oath of Office was administered to Mayor Jeff Cline by Catawba County Commissioner Chair Randy Isenhower. Mayor Cline's wife Joy held the Bible during the ceremony.

V. Special Presentations

A. University Mill District, Vision, Mission and Bylaws

Will Locke presented City Council with the vision, mission and bylaws for the University Mill District. He presented a map of the area which would be included in the district.

A City Council approved the proposal to create the University Mill District, that the University Mill District be recognized by the City as an active business district.

VI. Persons Requesting to Be Heard

VII. Approval of Minutes

A A. Regular Meeting of May 16, 2017 **(Exhibit VI.A.)**

VIII. 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 Amendment One to the Agreement with Veolia Water North America South, LLC for Continued Operations of the Regional Compost Facility for the Sludge Consortium. **(First Reading Vote: Unanimous)**

A2 B. Approval of the Automatic Aide Response Contract with St. Stephens Fire Department. **(First Reading Vote: Unanimous)**

A2 C. Approval of an Amendment with Talbert, Bright & Ellington, Inc. in the Amount of \$6,479.66 for the Construction Phase for Professional Services of Taxiway "B", Taxiway "S", and North Apron Pavement Rehabilitation Project. **(First Reading Vote: Unanimous)**

A2 D. Budget Revision Number 24. **(First Reading Vote: Unanimous)**

June 6, 2017

- A2** E. Consideration of Vacant Building Revitalization Grant Performance Agreement with MDI Management, LLC in the Amount of \$20,000 for Rehabilitation to the Building Located at 521 Main Avenue SW. **(First Reading Vote: Unanimous)**

IX. 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 X.

- A** A. Approval of Cemetery Deed Transfer from Meita R. Maynard; Paul R. Maynard, and wife, Diane W. Maynard; and Ralph W. Maynard, III, and wife, Lynn R. Maynard to Amanda McCann and husband, Joel M. McCann, Oakwood Cemetery, Block "A", Lot No. 2, Section 46, Grave Spaces No. 004 and 001, (Amber R. Meuggenburg, Sigmon, Clark, Mackie, Hanvey & Ferrell, P.A.) **(Exhibit IX.A.)**

- A** B. Approval of Cemetery Deed Transfer from Amanda McCann and husband Joel M. McCann; Ralph W. Maynard, III, and wife Lynn R. Maynard; and Paul R. Maynard and wife, Diane W. Maynard, to Meita R. Maynard, Oakwood Cemetery, Block "A", Lot No. 2, Section 46, Grave Space No. 006, (Amber R. Meuggenburg, Sigmon, Clark, Mackie, Hanvey & Ferrell, P.A.) **(Exhibit IX.B.)**

- A** C. Approval of the Special Events Activities Application, The Favor Center Church Outdoor Worship Service, Ritchie Naraidu, Church Administrator, September 9, 2017, 3:00 p.m. to 10:00 p.m., Sails on the Square. **(Exhibit IX.C.)**

- A** D. Approval of the Special Events Activities Application, Symphony Under the Sails, An Evening with the Stars, Ingrid Keller, Executive Director, Western Piedmont Symphony, June 25, 2017, 1:00 p.m. to 9:30 p.m., Sails on the Square. **(Exhibit IX.D.)**

- A** E. Approval of the Special Events Activities Application, Heart in the Park, Kate Sanderlin, American Heart Association, Inc., June 10, 2017, 7:00 a.m. to 2:00 p.m., LP Frans Stadium, 2500 Clement Boulevard NW. **(Exhibit IX.E.)**

- A** F. Approval of the Special Events Activities Application, 106.9 the Light Summer Sticker Stop, Amanda Woods, Event & Audience Relations Manager, Blue Ridge Broadcasting – 106.9 the Light, June 21, 2017, 10:30 a.m. to 1:30 p.m., Lowe's Food City Park. **(Exhibit IX.F.)**

- A** G. Approval to Write-off Uncollectible Accounts Totaling \$295,991.95, in Accordance with North Carolina General Statutes. **(Exhibit IX.G.)**

North Carolina General Statutes establish all street assessments, nuisance violations, 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 (FY2016-2017), there are \$120,698.83 in unpaid property taxes which exceeds the ten year limitation. In addition, a total of \$90,573.40 in rental accounts is being written off from Profile Aviation Center. Profile Aviation Center ended FBO operations at the Airport in December 2011. A previous litigation involving Profile Aviation Center was resolved last fiscal year. 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 \$84,719.72. Current fiscal year write-offs total \$295,991.95, compared to \$269,269.10 by FY2015-2016.

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 16, 2017, the City of Hickory has collected \$30,911.10 from the garnishment of North Carolina State income tax refunds and North Carolina State lottery winnings during

this fiscal year. Staff recommends approval to write-off uncollectible accounts for Fiscal Year 2016-2017.

A H. Approval to Issue a Pyrotechnic Display Permit to Hickory Motor Speedway. (Exhibit IX.H.)

Kevin Piercy, General Manager of the Hickory Motor Speedway has submitted a request to obtain permission to have a public fireworks display on July 8, 2017. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Division of Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), site plan, and the one million dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics displays.

A1 I. Approval of an Agreement with WK Dickson & Co., Inc. in the Amount of \$150,000 for a Condition Assessment for the Highway 127 & Moose Club Force Main Project. (Exhibit IX.I.)

Staff requests Council's approval of a professional services agreement with WK Dickson & Co., Inc. for the condition assessment of the Hwy 127 and Moose Club force main project in the amount of \$150,000. The Moose Club Lift Station currently serves approximately fifty percent of Northwest Hickory with sanitary sewer service at a current flow rate of approximately one million gallons per day. The original system was installed in 1965 with no upgrades noted since. An additional force main was added in 1985 during an upgrade to the Moose Club Lift Station making it a parallel system. Public Utilities Division staff developed and distributed a Request for Qualifications for condition assessment of the Hwy 127 & Moose Club Force Main. Request for Qualifications (RFQ) were advertised for this plan on the City website and qualifications were received on January 31, 2017. Two engineering firms responded to the request: WK Dickson & Co., Inc. and McGill Associates, P.A. Staff reviewed the qualifications package from WK Dickson and determined that the firm was responsive to the required elements of the RFQ. WK Dickson has been selected as the firm to complete this essential project. Staff has negotiated the agreement and compensation for this project based on the work required to complete the evaluation and the deliverable product. This project is included in the FY 16-17 Capital Budget under Comprehensive Systems Analysis. Staff recommends Council's approval of the professional services agreement with WK Dickson & Co., Inc. in the amount of \$150,000.

A1 J. Approval of a Contract with Thompson Gordon Shook Engineers, Inc., dba TGS Engineers in the Amount of \$218,224.26 for Construction Engineering and Inspection Services Related to the Falling Creek Bridge Replacement Project. (Exhibit IX.J.)

Staff requests Council's approval of a contract with Thompson Gordon Shook Engineers, Inc. (TGS) for construction engineering and inspection services related to the Falling Creek Bridge Replacement project not to exceed the amount of \$218,224.26, contingent on North Carolina Department of Transportation (NCDOT) final approval of additional funds and sufficiency to award. The City of Hickory participates with NCDOT in the evaluation of bridges for structural integrity. The Falling Creek Road Bridge was evaluated and determined to be structurally deficient and functionally obsolete. NCDOT engaged Thompson, Gordon and Shook (TGS) Engineers to design the replacement structure and bid process for replacement of the structure. This project was completed in the normal course of evaluations. Upon inspection of the Falling Creek Road bridge, it was determined that the condition was below NCDOT threshold for replacement and that repairs would not be sufficient to restore the structural integrity for the traveling public. Additionally, the structure is functionally obsolete with respect to roadway width, railings,

railing geometrics, and railing end treatments. Due to the condition of the structure, the project was placed on the State Transportation Improvement Program (STIP) for replacement and granted designation B-5549. With the designation, 80 percent of the replacement cost including professional design services will be provided by Federal funds and 20 percent will be borne by the City of Hickory. TGS Engineers, Inc. provided plans and bid documents for the replacement structure and managed bid opening. Following NCDOT guidelines, Thompson Gordon Shook Engineers was chosen to provide construction engineering and inspection services. Their estimate for the services totals \$218,224.26. The City will be responsible for \$43,644.85 and the remaining 80 percent, \$174,579.41 will be reimbursed to the City by the Federal government. Staff recommends Council's approval of a contract with Thompson Gordon Shook Engineers, Inc. (TGS) for construction engineering and inspection services related to the Falling Creek Bridge Replacement project in the not to exceed amount of \$218,224.26, contingent on NCDOT final approval of additional funds and sufficiency to award.

A1 K. Budget Revision Number 25. **(Exhibit IX.K.)**

1. To recognize \$500,000 in additional Hotel/Motel Occupancy Tax revenues expected to be received for the year ending June 30, 2017. This amount will add to the \$1.5 million originally budgeted for Fiscal Year 2016-17.
2. To recognize \$11,006 in State of North Carolina revenues received for the Police Department. Funds will be applied to several workstation areas for the HPD's Patrol Supervisor office.
3. To appropriate \$40,000 from the Water and Sewer Fund Contingency to the Sewer Treatment Division for regular expenses related to the processing of sanitary sewer by the City of Conover. This amount will cover this line-item through the remainder of FY16-17.

X. Items Removed from Consent Agenda – None

XI. Informational Item

XII. New Business:

A. Public Hearings

A1 1. Consideration of the City Manager's FY2017-2018 Recommended Budget. **(Exhibit XII.A.1.)**

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 19, 2017.

A1 2. Consideration of Rezoning Petition 17-01 for Property Located at 1329 Zion Church Road, Containing 1.518 Acres. **(Exhibit XII.A.2.)**

The City of Hickory has petitioned for the rezoning of 1.518 acres at 1329 Zion Church Road. The property is currently occupied by a single family residence owned by Robert and Florene Watford. The property is currently zoned R-20 Residential by Catawba County. The property was recently annexed into the City of Hickory. This represents the initial zoning of the property, which must take place to assign a zoning classification within the City of Hickory Land Development Code. The petition is to rezone the property from Catawba County R-20 to Medium Density Residential – 2 (R-2). The Hickory Regional Planning Commission conducted a public hearing on April 26, 2017 to consider the petition and voted (10-0) unanimously 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 this recommendation.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 26, 2017 and June 2, 2017.

B. Departmental Reports:

NA

1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

VACANT

COMMUNITY RELATIONS COUNCIL

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

VACANT

VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Ward 2 (Tarlton Appoints) (Noah Geoghegan moved out of Ward 2)
Burke County (Mayor to Nominate)

VACANT

VACANT

INTERNATIONAL COUNCIL

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

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)
At-Large (Council Appoints)

VACANT

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

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

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

Alderwoman Patton welcomed Mayor Cline aboard and she as well as everyone else was looking forward to working with Mayor Cline to fulfill the Mayor's position for the next six months.

Mayor Cline thanked Alderwoman Patton. He was deeply honored to be here.

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.”

**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**