



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

May 15, 2018
7:00 p.m.

- I. Call to Order
- II. Invocation by Pastor Charles Kyker, Christ United Methodist Church
- III. Pledge of Allegiance by Hickory Police Department Explorer Post 392
- IV. Special Presentations
 - A. Recognition of Jeff McKee for Certification as a Roads Scholar.

Local government agencies in North Carolina who have the responsibility for streets and roads are entrusted to see that these streets and roads are safe, properly constructed and maintained. Employees must be trained in the basics of construction and maintenance as well as staying current in the latest practices. Jeff McKee has obtained a certificate as a Roads Scholar having successfully completed the basic education program requirements for current road maintenance and management practices as set forth by the North Carolina Local Technical Assistance Program, Institute for Transportation Research and Education and North Carolina State University.

Transportation Manager Caroline Kone, and Assistant Public Services Director Steve Miller recognized Crew Leader Jeff McKee for obtaining a certificate as a Roads Scholar.
- V. Persons Requesting to Be Heard
 - A. Mr. Tracy Hamby, 248 Union Square, Hickory addressed Council and thanked them for their support regarding the Food Trucks on Union Square and also for the extra police protection.
- VI. Approval of Minutes
 - A** A. Regular Meeting of May 1, 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. Amending the Traffic Ordinance to Designate the Speed Limit to 25 mph on 12th Street NW between Main Avenue NW and 2nd Avenue NW. **(First Reading Vote: Unanimous)**
 - A2** B. Amending the Traffic Ordinance to Designate the Speed Limit to 25 mph on 8th Street Drive NW between 6th Avenue NW and 9th Avenue NW. **(First Reading Vote: Unanimous)**
 - A2** C. Budget Revision Number 20. **(First Reading Vote: Unanimous)**
 - A2** D. Budget Revision Number 22. **(First Reading Vote: Unanimous)**

May 15, 2018

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. Special Events Activities Application for the Symphony Under the Sails – Uncle Sam Wants You!, Ingrid Keller, Executive Director, Western Piedmont Symphony, June 24, 2018, 1:00 p.m. to 9:30 p.m., Under the Sails on Union Square in Downtown Hickory. **(Exhibit VIII.A.)**

A B. Special Events Activities Application for Lowes Foods Christmas Parade and City of Hickory Christmas Tree Lighting, Kyle Mishler, Senior Recreation Programmer, Hickory Parks and Recreation, November 16, 2018, 3:00 p.m. to 9:00 p.m. Downtown, City Hall, Main Avenue, and 1st Avenue NW. **(Exhibit VIII.B.)**

A C. Special Events Activities Application for the Symphony Under the Sails – Quilting, Ingrid Keller, Executive Director, Western Piedmont Symphony, September 23, 2018, 1:00 p.m. to 9:30 p.m., Under the Sails on Union Square in Downtown Hickory. **(Exhibit VIII.C.)**

A D. Approval of a Community Appearance Grant for Non-Residential Property Owned by Jem Properties, LLC (Jem-Clean) Located at 504 Main Avenue SE in the Amount of \$4,040. **(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 put forth involves the replacement of an awning, deck, and doors. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant. The applicant has provided quotes for the work listed above, which total \$8,080. If City Council approves the proposed grant, the request would qualify for a \$4,040 grant. The subject property's current tax value is assessed at \$174,000. The requested grant amounts to approximately 2.5 percent of the property's tax value. The application was reviewed by the Community Appearance Commission at its' March 26, 2018 meeting. Upon review, the Community Appearance Commission scored the application utilizing its grant scoring criteria. The Community Appearance Commission scored the application at 22 points out of a possible 36 points, which placed the application into the high category of scoring. Upon completion of the scoring exercise, the Community Appearance Commission voted unanimously (8-0) to recommend funding of the grant application in the amount of \$4,040.

A E. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.E.)**

The following request were considered by the Citizens' Advisory Committee at their regular meeting on May 3, 2018.

➤ *Kellie Houston was approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 1044 33rd Avenue Loop NE, Hickory. She has requested \$7,500 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage.*

Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation Program income received in FY 2017 and/or program income received

through the City of Hickory's Community Development Block Grant Program.

The following applicant is being recommended for approval for assistance under the City of Hickory's 2017 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency-related repairs not to exceed \$8,000.

➤ Rebecca Abernethy, 823 2nd Street SE, Hickory-up to \$8,000.00

The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

A F. Approval of a Resolution to Reorganize the Business Development Committee. (Exhibit VIII.F.)

In January 2010, City Council appointed seven members to serve on the Business Development Committee. The Committee provides input on issues related to business development within the City of Hickory, works with local business associations to improve business development efforts, and provides funding recommendations to City Council for the Vacant Building and Microenterprise programs. Staff recommends Council's approval of a Resolution to reorganize the Business Development Committee, changing the terms from two years to three years, and to stagger the terms to ensure that no more than three members rotate off in a given year. These changes would put the committee on a cycle similar to other boards and commissions.

A G. Approval of Change Order Number One for the Random Woods Sanitary Sewer Project to Buckeye Bridge, LLC in the Amount of \$84,148.24. (Exhibit VIII.G.)

The Public Utilities Division and Catawba County Environmental Health identified Random Woods Subdivision as one of three areas of concern in 1998 as a part of the future service areas for the City of Hickory sanitary sewer system. Staff originally applied for State Revolving Grant funds for completion of this project April 1, 1999. Staff was contacted in 2008 about the status of these projects and then asked to resubmit an updated Preliminary Engineers Report in 2009. NCDENR Division of Water Quality and NC Construction Grants and Loans issued final approval of the Preliminary Engineers Report on May 10, 2010. The project consisted of three identified concentrations of residential housing that have historical problematic septic systems within the existing City of Hickory ETJ and accessible to existing City of Hickory sanitary sewer lines. Random Woods Subdivision consists of 72 residential lots with homes principally built in the 1960s and 1970s. The project was approved for a grant to fund construction of necessary sanitary sewer infrastructure to provide public sewer to the homes in this subdivision. As the project has neared completion, funds are sufficient to add additional infrastructure and serve additional homes in the community. This additional work is covered under the grant and approval is needed to add to the contract of work to Buckeye Bridge, LLC. The original project was approved by Council at their November 15, 2016 meeting for \$948,873. This request is for installation of an additional 1900 linear feet of eight inch sanitary sewer line to serve customers along; 26th Avenue Place NE, 28th Street Place NE, 28th Avenue NE, and 31st Street Court NE. The extension has been designed and permitted thru NC Department of Water Quality. Final approval of the change order will be pending approval by the Infrastructure Finance Section after City Council takes action. Sufficient grant funds remain in the project to support this change order. Staff recommends Council's approval of change order number one for the Random Woods sanitary sewer project to Buckeye Bridge, LLC in the amount of \$84,148.24.

A H. Approval and Acceptance of a Grant with the North Carolina Department of Natural and Cultural Resources in the Amount of \$100,000 for the Claremont-SALT Block Pocket Park. (Exhibit VIII.H.)

The City was contacted in June of 2017 about the availability of funds from the State Legislature for improvements to streetscapes, safety and pedestrian experiences along roadways. City Staff recommended the Claremont-SALT Block area as the potential

project for these funds to improve safety and experience of pedestrians walking along 3rd Avenue NE to the SALT Block area. The importance of this area will continue to grow as the City develops pedestrian ways connecting the future City Walk project with other destinations around the City. The proposed improvements in the Claremont-SALT Block pocket park project will make it welcoming to visitors, encourage interaction with the Arrowhead Eagle Scout project, provide a small escape from the busy area with benches and a water feature, introduce visitors to the SALT Block area and improve pedestrian safety along 3rd Avenue NE from Main Avenue NE to 3rd Street NE. Additionally, this project is envisioned to be a cornerstone invitation to the public and a future component of the City of Hickory Book Walk project, which will connect the Ridgeview Library in Southwest Hickory with the Patrick Beaver Memorial Library in Northeast Hickory and the Catawba Science Center. This project has been designed internally by Public Services Staff. The public has been engaged with a meeting on March 19, 2018 with the directly affected residents and then a larger group meeting on April 26, 2018 with the Claremont Neighborhood Association. Suggestions and modifications to the plans from these meetings were incorporated into the plans where possible. This project will require use of the \$100,000 appropriation in this grant contract and will require approximately \$77,000 of City Funds from sidewalk and resurfacing monies approved annually. Staff recommends Council's approval and acceptance of this grant contract with the North Carolina Department of Natural and Cultural Resources in the amount of \$100,000 for the purpose of completing the Claremont-SALT Block pocket park.

- A I.** Approval of Change Order Number 1 with Hickory Sand Company, Inc. in the Amount of \$24,000 for the Central Business District Waterline, Sewer Line and Storm Drainage Rehabilitation Project. **(Exhibit VIII.I.)**

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 programs. Infrastructure is identified by reviewing records of maintenance calls to the area, reviewing annual inspection records from staff, age of infrastructure and overall size of project that needs to be performed. The Central Business District, for the purpose of this project, is further 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 reestablish 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 liens 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 add a pay item for the contract to add sand for the select fill material to be used for backfill and compaction in-lieu of the previously bid stone line item. Total bid price was \$4,674,274 and the new price will be \$4,650,274. Staff requests Council's acceptance of change order number one with Hickory Sand Company, Inc. for the Central Business District waterline, sewer line and storm drainage rehabilitation project in the amount of a \$24,000 reduction.

- A J.** Acceptance of the Walmart Grant in the Amount of \$3,000. **(Exhibit VIII.J.)**

Hickory Police Department requests approval to accept a Walmart grant in the amount of \$3,000. Money from the grant will be used for community education, explorer program, and outreach through providing educational materials, promotional items, and equipment for various community activities. Hickory Police Department requests Council's acceptance of a Walmart grant in the amount of \$3,000.

- A K.** Approval of a Memorandum of Agreement with Shadow Line Vineyard, LLC as a Vendor to Sell Wine Beverages to Event Patrons at the Friday Night Sails Original Music Series in May, June, and September 2018. **(Exhibit VIII.K.)**

In conjunction with the Sails Original Music Series, Shadow Line Vineyard, LLC has been asked to sell wine at the events to the patrons within the stanchioned area. Adopted by the General Assembly in 2009, NCGS 18B-1114.5 allows North Carolina Wineries to apply for an ALE Wine Beverage Special Event Permit that allows them to provide wine beverages to audiences at events when asked. Shadow Line Vineyard, LLC has provided their Certificate of Insurance that is needed to sell and serve alcohol to patrons on Union Square and will be responsible for carding and serving the beverages to those patrons 21 years of age or older. In order for Shadow Line Vineyard, LLC to provide beverages at an event, a special event notification has been sent to the ABC Commission by Shadow Line Vineyard, LLC and it's approved by the ABC shortly after submitting. Shadow Line Vineyard, LLC will be the sole vendor to sell wine at the City's Sails Original Music Series. The Sails Original Music Series runs every Friday night in May, June, and September from 5:30 p.m. to 9:00 p.m., with band performance between 6:30 p.m. to 8:30 p.m. The Hickory Police Department will be present and will monitor the events. Shadow Line Vineyard, LLC has paid a \$25 fee to serve as the sole wine vendor at the 2018 Sails Original Music Series. Staff recommends the approval of the Memorandum of Agreement with Shadow Line Vineyard, LLC as a vendor to sell wine beverages to event patrons at the Friday night Sails Original Music Series in May, June, and September 2018.

- A** L. Approval of a Cemetery Deed Transfer from Ralph C. Curry, single, Lucy Curry Johnson, single, and Aljuana Curry Neal, single, Heirs of Beatrice Curry to the City of Hickory, Ridgeview Cemetery, Plot A, Lot No. 8, Section 2, Grave Spaces 001, 002, 003, 004, 005, and 008. (Prepared by F. Kevin Gorham, Attorney at Law). **(Exhibit VIII.L.)**
- A** M. Approval of a Cemetery Deed Transfer from William R. Deitz, widower, by and through his Attorney-in-Fact, Helen D. Catt to Cynthia Deitz Weaver, Oakwood Cemetery, Section 50, Plot L, Lot 2, Grave Space No. 3. (Prepared by Kimberly H. Whitley, Patrick Harper & Dixon, LLP) **(Exhibit VIII.M.)**
- A** N. Approval of a Cemetery Deed Transfer from Cynthia Deitz Weaver, fka Cynthia Deitz Moore and husband, Ronald G. Weaver, to Helen Deitz Catt, single, Oakwood Cemetery, Section 50, Plot L, Lot 2, Grave Space No. 2. (Prepared by Kimberly H. Whitley, Patrick Harper & Dixon, LLP) **(Exhibit VIII.N.)**
- A1** O. Budget Revision Number 21. **(Exhibit VIII.O.)**
 - 1. *To transfer \$51,000 from the Water and Sewer Fund Contingency to cover the treatment and processing of sanitary sewer from the Section House outfall that flows to the City of Conover prior to discharge.*
 - 2. *To transfer \$90,000 from the Water and Sewer Fund operational budget into the Sludge Composting Fund to cover emergency repairs at the Sludge Compost Facility.*
 - 3. *To appropriate a total of \$449,980 into the Business Park 1764 Capital Project Ordinance (#B1B001) to cover costs associated with land purchase at the project site (now called Trivium Corporate Center). Funding for this transfer will be split equally between the City and Catawba County. The City's portion (\$224,990) will be transferred from General Fund Balance.*
 - 4. *To appropriate \$17,668 from General Fund Contingency into the Parks Maintenance division's Contracted Services line-item for the final invoice to Terra Tek Trails, LLC for the mountain bike trails at Geitner Park. The trails have now been completed and are open for use.*
- PH** P. Call for Public Hearing for Consideration of the City Manager's FY2018-2019 Recommended Budget. **(Authorize Public Hearing for June 5, 2018, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).**

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of a Voluntary Non-Contiguous Annexation of Property Owned by Accel Discount Tire of Springs Road, Inc. – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.1.)**

Accel Discount Tire of Springs Road, Inc. submitted a petition for the voluntary non-contiguous annexation of 2.479 acres of property located at 2614 & 2716 Springs Road NE. The subject property is currently occupied by a retail automotive sales and service facility (White Tire). The owners of the property are seeking annexation in order to expand the existing sewer service to the building which is now under construction. The current tax value of the property is \$540,400. If annexed with its present value, the property would generate approximately \$3,061 in additional tax revenues. The existing business on the subject property is currently being renovated and expanded, which will inevitably increase the property's tax value, and the tax revenue generated by the property. Upon analysis, staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes, and recommends approval of the annexation petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 4, 2018.

- A** 2. Review and Consideration of the System Development Fees Compliant with the Requirements of House Bill 436. – Presentation by Public Services Director Kevin Greer. **(Exhibit XI.A.2.)**

The City of Hickory Public Utilities Division has an estimated overall budget of \$27 million dollars annually. A sizeable portion of the income for this budget is income from fees paid by new customers and new development. In order to maintain the high level of service that is expected from the Public Utilities Division, these fees are necessary and will continue to have validity in collection. House Bill 436 requires that any fees collected for services furnished, or to be furnished, have a comprehensive study performed by a licensed financial professional or professional engineer. Furthermore, a public comment period of 45 days must be provided for comments for this study, after which Council must conduct a public hearing to adopt the analysis and any modifications or revisions recommended. This analysis must be updated at least every five years. In accordance with the requirements of HB 436, the Public Utilities Division has completed the mandated system development fee study to allow for continued collection of fees related to one time charges for connection to the system related to capacity. WR Martin Managing Consultants worked with staff to determine the appropriate method of analysis and has reviewed all information related to assets and debts that can be considered for determining system development fees. Staff, working with WR Martin Managing Consultants, chose the "Buy-In Method" for analysis to realize the maturity of our system and the most representative method of reinvestment. Funds collected by this fee must now be justified through a formula established by the financial professional, must be collected as a onetime charge to new connections, must be accounted for separately to ensure use for the prescribed expenses and must be used for reinvestment into the existing system assets. Staff recommends Council's adoption of the recommended fees.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 4, 2018.

B. Departmental Reports:

NA 1. Celebration of the Opening of the Mountain Bike Trails at Hickory City Park and Rotary-Geitner Park and Recognition of Donors. – Presentation by Parks and Recreation Director Mack McLeod. **(Exhibit XI.B.1.)**

A 2. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 2 (C. Williams Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

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

VACANT

VACANT

VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Burke County (Mayor Appoints)

VACANT

INTERNATIONAL COUNCIL

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

VACANT

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large Minority (1) (Council Appoints)
(David Williams no longer eligible)

VACANT

PUBLIC ART COMMISSION

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

VACANT

RECYCLING ADVISORY BOARD

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

VACANT

WESTERN PIEDMONT AIR QUALITY COMMITTEE AND WESTERN PIEDMONT AIR QUALITY OVERSIGHT COMMITTEE

Appointment of Mayor Guess to serve as the Elected Representative, Planning Manager Cal Overby and Transportation Planning Manager John Marshall will serve as Staff Representatives on the Western Piedmont Air Quality Committee and Western Piedmont Air Quality Oversight Committee.

Alderman Seaver nominated Hank Guess to serve as the elected representative on the Western Piedmont Air Quality Committee and Western Piedmont Air Quality Oversight Committee

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)
Challenger High School Representative
Homeschool Representative
St. Stephens High School Representative

VACANT

VACANT

VACANT

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

City Manager Warren Wood mentioned Council had called for the public hearing for the recommended budget for FY 2018/2019, with the public hearing to be held at Council's next regular meeting. He advised the recommended budget was available online, at the libraries, and City Hall if anyone wanted to view it.

- 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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