



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 16, 2017
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation by Associate Pastor for Pastoral Care, Lori Blocker, Corinth Reformed Church
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of May 2, 2017. **(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 the Microenterprise Grant Agreement with Atreeom, LLC. **(First Reading Vote: Unanimous)**
 - A2** B. Budget Revision Number 23. **(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.
 - PH** A. Call for Public Hearing for Consideration of the City Manager's FY2017-2018 Recommended Budget. **(Authorize Public Hearing for June 6, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).**
 - PH** B. Call for Public Hearing for Consideration of Rezoning Petition 17-01 for Property Located at 1329 Zion Church Road, Containing 1.518 Acres. **(Authorize Public Hearing for June 6, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**
 - A** C. Approval of Special Events Activities Application Swinging Under the Stars, Tony Eltora, Executive Director, Hickory Music Factory, May 28, 2017, 5:30 p.m. to 10:30 p.m., Sails on the Square, Downtown Hickory. **(Exhibit VIII.C.)**
 - A** D. Approval of Special Events Activities Application Replay America: The Ultimate 80's Music Festival, Cady Ray, Director of Promotions and Community Relations, Hickory Crawdads, August 11, 2017, 8:00 a.m. to 1:00 a.m., L.P. Frans Stadium, 2500 Clement Blvd. NW. **(Exhibit VIII.D.)**

May 16, 2017

- A E. Approval of Special Events Activities Application, Hickory Choral Society Pops Concert “Groovin” in the 70’s, Bonita Ferretti, Hickory Choral Society Office Manager, May 21, 2017, 2:30 p.m. to 8:30 p.m., Sails on the Square in Downtown Hickory. **(Exhibit VIII.E.)**
- A F. Approval of Special Events Activities Application, New Blood Championship Wrestling Show, Cady Ray, Director of Promotions and Community Relations, Hickory Crawdads, July 14, 2017, 3:30 p.m. to 1:00 a.m., L.P. Frans Stadium, 2500 Clement Blvd. NW. **(Exhibit VIII.F.)**
- A G. Approval to Apply for the North Carolina Jaycee Burn Center and Federal Emergency Management Agency “Get Alarmed, North Carolina 2017” Grant. **(Exhibit VIII.G.)**

The City of Hickory Fire Department has been offering smoke detectors to target groups throughout our jurisdiction utilizing matching and non-matching grants from Federal and State funded programs. In May 2017, the North Carolina Jaycee Burn Center contacted the City of Hickory Fire & Life Safety Education staff encouraging our participation to apply for the 2017 grant. The North Carolina Jaycee Burn Center staff is aware of the City of Hickory’s ongoing program, and since the department had previously performed at such a high level of distribution in years past, sought the department’s involvement for 2017. The North Carolina grant offers 250 smoke detectors with the 10-year lithium self-contained battery. The areas being served includes Hickory city limits, rural, and Brookford town limits; making it one of the more diverse areas within the three county jurisdictions that are served. Population according to most recent census information identifies over 50,000 people. This program will utilize fire and life safety educator staff as well as on-duty shift personnel to deliver the program in the target areas while also incorporating household safety checklists and other life safety related materials. The grant requires no matching funds. Staff recommends approval to apply for the North Carolina Jaycee Burn Center and Federal Emergency Management Agency “Get Alarmed, North Carolina 2017” grant.

- A1 H. 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. **(Exhibit VIII.H.)**

Staff requests Council’s approval of amendment one to the existing agreement for operations, maintenance, management and marketing services with Veolia Water North America South, LLC (VWNA) for continued operations of the Regional Compost Facility for the Sludge Consortium. The City of Hickory, City of Conover and Catawba County jointly formed the Sludge Consortium making up the partners in the Regional Compost Facility. The City of Hickory is Lead Agent for the Sludge Consortium and thereby the contracting agent for the Sludge Consortium with the private contract operations firm. Veolia Water North America South, LLC is the current contract operations firm and has been the contract operators for the Regional Compost Facility since inception in 1990, under various names due to mergers and acquisitions. VWNA has successfully operated the Regional Compost Facility for the Sludge Consortium for 29 years resulting in a 99% operational time, minimal issues with nuisance or actual permit violations and successful marketing of the finished compost. Amendment one to the agreement is necessary due to the previous six year contract expiring. The term of the agreement shall expire on June 30, 2018. Thereafter, this agreement shall be automatically renewed upon the same terms and conditions in effect at the time of such renewal for two successive terms of one year each unless canceled in writing by either party no less than 120 day prior to expiration. The agreement includes creation of a Capital Improvement listing for extending useful life of the facility and transitions the budget to recognize a greater importance in mechanical replacements due to age. Staff recommends Council’s approval of amendment one to the existing agreement with Veolia Water North America South, LLC for continued operations of the Regional Compost Facility for the Sludge Consortium.

- A1 I. Approval of the Automatic Aide Response Contract with St. Stephens Fire Department. **(Exhibit VIII.I.)**

Due to voluntary and involuntary annexation since the late 1990's, the City of Hickory Fire Department jurisdiction has increased throughout the years incorporating land areas that were being served with fire protection by rural district fire departments. In order to maintain adequate response coverage in the northeast and northwest quadrants of the city resulting from past years annexation, an automatic aide contract has been developed defining the process for improved response. In order to further clarify specific areas where automatic aide is required, discussions were conducted with St. Stephens Fire Department staff regarding response capabilities for automatic aide. Automatic aide is the use of personnel and equipment for a predetermined response to a jurisdiction upon receipt of an alarm. This process is accomplished through simultaneous dispatch, documented in writing, and included as part of a 911 communications center dispatch protocol. The new Automatic Aide contract with St. Stephens Fire Department is a predetermined response to specific areas within the City of Hickory's municipal limits in the northeast and northwest quadrants for structure alarms and structure fire calls received within the designated areas. The automatic aide contract identifies the response using fire apparatus, personnel, and equipment maintained and operated by the St. Stephens Fire Department. The contract identifies apparatus response, use of resources, scene management, communications, performance criteria, training, and annual evaluation of performance outcomes. The terms include a 59-month contract effective June 1, 2017, and ending May 31, 2022. The City of Hickory will pay St. Stephens \$3,348 per month during the agreement period. Staff recommends approval of the Automatic Aide contract with St. Stephens Fire Department.

- A1 J.** 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. **(Exhibit VIII.J.)**

Staff requests City Council's approval of Contract Amendment 1 to work authorization for the construction phase for professional services of the Taxiway "B", Taxiway "S", & North Apron Pavement Rehabilitation Project with Talbert, Bright & Ellington, Inc. in the amount of \$6,479.66. Work on the rehabilitation project has been completed and Talbert, Bright & Ellington, Inc. has submitted an amendment to their work authorization for additional professional services they incurred. During the construction phase certain liquidated damages occurred by fault of the contractor, expiration of the project's allotted construction time had expired and the North Carolina Department of Transportation (NCDOT) approved the construction of a concrete helicopter pad on the north ramp that were not initially part of the project. Due to these project changes, certain reductions and increases to the initial contract for professional services have been incurred. The contract amendment is in the amount of \$6,479.66 and will be paid out of funds for Grant 36237.66.4.3. The final project costs were less than the funds awarded and therefore, no additional local funds will need to be allocated for the amendment. All work on this project is now complete and is ready for payment of final invoices and closeout upon approval and execution of this amendment. The NC Division of Aviation had previously issued grant 36237.66.4.3, at the 90 percent level for this contract that will pay for the additional services covered under this contract amendment in the amount of \$5,831.69. The City has a matching obligation of 10 percent or \$647.97 that will be paid out of the 10 percent City match already in place for this project. The total sum of these amounts constitutes the contract amendment total of \$6,479.66. This contract amendment does not require an increase to the total grant funds already in place for this project. Staff recommends City Council's approval of this contract amendment with Talbert, Bright & Ellington, Inc. in the amount of \$6,479.66.

- A1 K.** Budget Revision Number 24. **(Exhibit VIII.K.)**

1. *To recognize \$18,419 in revenue received from Alexander County for emergency extension of a waterline on Jenkins Moose Road where a residence recently ran out of water. Alexander County has paid the cost of materials for this project to include pipe material and landscape/asphalt restoration.*

IX. Items Removed from Consent Agenda

X. Informational Item

N/A A. *Budget Transfer Report:*

Under Section 22 (b) of the Fiscal Year 2016-2017 Budget Ordinance, the City Manager is authorized to transfer appropriations with a report to City Council as follows:

Section 22 (b): *“He may transfer amounts up to \$50,000 between functional areas including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Governing Board.”*

Under this provision, the following Budget Transfers recently occurred:

- May 9, 2017 (BT #68): \$36 transferred from Community Relations Council (CRC) budget to Police Department to reimburse for postage used for mailings associated with CRC events.
- Background: *To expedite the availability of insurance-claims revenue to the appropriate department, the City has budgeted specific funds within the Risk Management division which, upon the case-by-case receipt of said revenues, may be transferred as necessary for making repairs and/or replacements in a timely manner.*
 - May 5, 2017 (BT #67): \$165 transferred to the Traffic Division from insurance-claim revenue received from a citizen driver’s insurance. Incident involved a damaged speed limit sign on 1st Avenue SE on 3/26/17.
 - May 9, 2017 (BT #68): \$7,218 transferred to the Traffic Division from insurance-claim revenue received from a citizen driver’s insurance. Incident involved damage to a traffic control box sustained on 4/5/17 on 4th Street NW at the intersection with 2nd Avenue NW.
 - May 9, 2017 (BT #68): \$11,805 transferred to the Traffic Division from insurance-claim revenue received from a citizen driver’s insurance. Incident involved damage to a traffic control box sustained on 3/22/17 at the intersection of 2nd Avenue SW and 9th Street SW.

XI. New Business:

A. Public Hearings

A1 1. 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. **(Exhibit XI.A.1.)**

City Council established the Vacant Building Revitalization and Demolition Grant program on September 16, 2008. The program provides grant funding up to \$20,000 for projects to rehabilitate vacant buildings within the Urban Revitalization Area and targeted industrial buildings in other areas of the City. MDI Management, LLC has applied for a Vacant Building Revitalization Grant in the amount of \$20,000 to assist in the rehabilitation of the building located at 521 Main Avenue SW which is located within the Urban Revitalization Area. The applicant plans to spend approximately \$1.6 million to rehabilitate the building and site. The owner will use the building for office and studio space associated with a marketing company. The project would be eligible for a \$20,000 revitalization grant. The Business Development Committee reviewed this proposal at their April 19, 2017 meeting and recommends approval. The North Carolina General Statutes require a public hearing prior to approval of the grant. Staff recommends that City Council approve the Vacant Building Revitalization Grant with MDI Management, LLC.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 5, 2017.

B. Departmental Reports:

A 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) VACANT
Other Minority (Council Appoints) 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) VACANT
Burke County (Mayor to Nominate) VACANT

INTERNATIONAL COUNCIL

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

LIBRARY ADVISORY BOARD

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

Alderman Guess appointed Elliott Neil Walker as Ward 4 Representative, Library Advisory Board.

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 9 VACANT

RECYCLING ADVISORY BOARD

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

YOUTH COUNCIL

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

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

C. Presentation of Petitions and Requests

City Council moved to change the order of this agenda to hear General Comments prior to Matters Not on Agenda.

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

Council Members, City Attorney John Crone, and City Manager Warren Wood paid tribute to, and shared stories and memories of Mayor Rudy Wright.

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

A City Council appointed Jeff Cline to fill the unexpired term of Mayor Rudy Wright.

Mayoral Elect Jeff Cline was honored to receive the appointment and humbly accepted the appointment.

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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with disabilities at least 48 hours before the scheduled meeting.
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