



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

November 20, 2018
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Joe Westfall, St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Mr. Roger Cornett, 1201 Adams Circle, Conover, addressed City Council about homelessness.
 - B. Mr. Art Leaming, 339 Howard Norton Drive, Hiddenite, addressed City Council about homeless veterans.
 - C. Mr. Timothy McCracken advised he was homeless and spoke to Council about the needs of the homeless people.
 - D. Ms. Julie Roberts, 210 38th Avenue NW, Hickory addressed City Council about homelessness.
- VI. Approval of Minutes
 - A** A. Regular Meeting of November 6, 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. Budget Revision Number 6. **(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 the Annual "Food for Fines" Amnesty Weeks at the Patrick Beaver Memorial Library or Ridgeview Branch Library. **(Exhibit VIII.A.)**

Approval of the waiver of overdue fines for library customers who donate canned, boxed, or bagged food items at either Patrick Beaver Memorial Library or Ridgeview Branch Library during the two-week period of January 7-19, 2019. One item of food will cancel \$1.00 in overdue fines, and donated items will be given to Greater Hickory Cooperative Christian Ministry. The program was successfully carried out in past years, resulting in

thousands of items collected to help feed the hungry in our community during the holidays. For the two-week event in November 2017, Hickory Public Library collected a total of 2,092 items that were donated to the Greater Hickory Cooperative Christian Ministry. This is the sixth year in a row that Hickory Public Library and Catawba County Library System will partner to sponsor a "Food for Fines" event during the same period. The annual event receives strong support from library users, and many donate items whether or not they have fines. The Great Hickory Cooperative Christian Ministry indicated that the food collected at the library helped fill their shelves at a critical time of the year. The amnesty week event creates a sense of goodwill among our customers, helps many of the less fortunate in our community, encourages customers to return long-overdue items making them available for others, and has resulted in positive media coverage of the both library systems in prior years. Library staff recommends Council's approval of the annual "Food for Fines" Amnesty Weeks.

A B. Proclamation for Small Business Saturday, November 24, 2018, Requested by the Small Business Saturday Coalition. **(Exhibit VIII.B.)**

A C. Approval of a Resolution Accepting the Offer of Dedication for 17th Avenue NE, as Described in Deed Book 628, at Page 335, Catawba County Registry. **(Exhibit VIII.C.)**

Consideration of the acceptance of the offer of public dedication of street right-of-way, known as 17th Avenue NE, which is described in Deed Book 628, Page 335 of the Catawba County Registry. In 2018, construction began on the Highland Park apartment complex located on 17th Avenue NE. This development consisted of a number of apartment buildings, as well as improvements to 17th Avenue NE, which so far has been a privately maintained street. During the course of the development of the Highland Park apartments, 17th Avenue was widened, and extended westward to connect with 21st Street NE. The improvements also included the installation of curb and gutter, and sidewalks. When the construction was completed the property developer, Southern Properties, requested the City to assume maintenance of the improved, and extended street. The City has been presented with an offer of dedication for a portion of 17th Avenue NE. The section of roadway was constructed and inspected by the City's Public Services Department to ensure the roadway was constructed to proper specifications. The developer's private engineer has also certified the construction of the street. With the completion of the street improvements, the City of Hickory now has the opportunity to consider acceptance of the offer of public dedication. Public use and maintenance of streets cannot occur unless City Council formally accepts the offer of public dedication by means of a duly executed Resolution. This requirement is outlined in the North Carolina General Statutes, as well as the City's Land Development Code. Staff recommends City Council approve the Resolution accepting the offer of dedication for 17th Avenue NE, as described in Deed Book 628, Page 335 of the Catawba County Registry.

A D. Approval of the Offer to Purchase a Lot Located on 3rd Street Place SW from Jerry and Rosie Thompson in the Amount of \$4,750. **(Exhibit VIII.D.)**

The City of Hickory owns a number of lots in the vicinity of 3rd Street Place SW and 3rd Street Court SW near 8th Avenue Drive SW. When purchased, these lots were to be used to build affordable housing. The proposed lot is 0.15 acres in size and located between two properties that are already owned by the City. The purchase of this lot will make the already owned lots more attractive as potential building sites. The City would then own four contiguous lots that could be divided into approximately five building sites on that side of the street. The plan remains to use these lots to promote affordable housing. The property owners have agreed to sell the property for \$4,750. This is higher than the current tax value of \$3,500. However, the fact that the property is located between two lots already owned by the City makes the purchase of the lot important to accomplishing its goals of increasing affordable housing and promoting revitalization in the neighborhood. Staff plans to continue investigating strategic property purchases to promote affordable housing. Program income from the former Rental Rehabilitation Program is available to purchase the property. Staff recommends that City Council approve the offer to purchase of a lot on 3rd Street Place SW in the amount of \$4,750.

A/PH E. Call for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of Property Owned by Dennis Knecht, Located at the Northwest Corner of 6th Street Drive NW and 32nd Avenue Drive NW Containing Approximately 6.485 Acres. **(Authorize Public Hearing for December 4, 2018, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E.)**

A/PH F. Call for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of Property Owned by REC Group, LLC, Elizabeth Campbell, Norma Jean S. Tsumas, Connie S. Kirby, and Patsy Smith, Located at 1900, 1995, and 2019 Startown Road, Containing Approximately 4.3 Acres. **(Authorize Public Hearing for December 4, 2018, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.F.)**

A G. Approval of Change Order Number Two with Neill Grading and Construction, Inc. in the Amount of \$412,262.50 for Extension of the Entrance Road and 12-inch Waterline Related to the Corning Site at Trivium Corporate Center. **(Exhibit VIII.G.)**

Staff requests Council's approval of change order number two with Neill Grading and Construction, Inc. in the amount of \$412,262.50 for extension of the entrance road and 12-inch waterline related to the Corning site at Trivium Corporate Center. The City of Hickory identified an area in southeast Hickory that is large enough and conducive to development of a business park, convenient to major roadways and adjacent to significant utility infrastructure. The City of Hickory, Catawba County and Economic Development Corporation (EDC) have worked on development of this area as a business park for several years and the City and County have agreed to split the cost of development. Trivium Corporate Center is the business park identified for Bond proceeds for the Bond Referendum that was passed by the City of Hickory. The site has successfully been chosen by Corning for the location of a manufacturing facility to be constructed. Change order number two is necessary for extension of the main road and waterline into the site to serve the Corning site and provide services for future site extensions. This will include extension of the roadway named Trivium Parkway approximately 700-ft to the western side of the Corning site. The price for this work was calculated as an extension of the unit prices we received from the contractor for the original entrance road, landscaping and berm project. This project will be funded with bond proceeds and half of all City expense will be reimbursed by the County through a joint funding arrangement. Staff recommends Council's approval of change order number two with Neill Grading and Construction, Inc. in the amount of \$412,262.50 for extension of the entrance road and 12-inch waterline related to the Corning site at Trivium Corporate Center.

A H. Approval of Change Order Number One with Hickory Sand Company, Inc. in the Amount of \$153,880 for Additional Sanitary Sewer for Trivium Corporate Center. **(Exhibit VIII.H.)**

Staff requests Council's approval of change order number one with Hickory Sand Company, Inc. in the amount of \$153,880 for additional sanitary sewer for Trivium Corporate Center. The City of Hickory identified an area in southeast Hickory that is large enough and conducive to development of a business park, convenient to major roadways and adjacent to significant utility infrastructure. The City of Hickory, Catawba County and Economic Development Corporation (EDC) have worked on development of this area as a business park for several years and the City and County have agreed to split the cost of development. Trivium Corporate Center is the business park identified for Bond proceeds for the Bond Referendum that was passed by the City of Hickory. The City, County and EDC have worked on development of the project to a condition that is receptive to marketing. This project is to address the need for extension of sanitary sewer to serve the Corning project site that is locating in the park. Change order Number one is necessary to extend 1,400-ft of 8-inch sanitary sewer from the outfall line that was installed originally to the Corning project site. This sewer is being installed as a component of the economic development agreement with the business. This project will be funded jointly by the City and County per the joint funding arrangement. The City portion will be funded by Public Utilities fund balance. Staff recommends Council's

approval of change order number one with Hickory Sand Company, Inc. in the amount of \$153,880 for additional sanitary sewer for Trivium Corporate Center.

A I. Approval of a Resolution Cancelling the Regularly Scheduled City Council Meeting of January 1, 2019, and Calling for a Special Meeting to be Held on January 8, 2019 to Conduct the Business of the Regularly Scheduled City Council Meeting of January 1, 2019. **(Exhibit VIII.I.)**

A1 J. Budget Revision Number 7. **(Exhibit VIII.J.)**

1. *To recognize receipt of an \$8,707 reimbursement from Lenoir-Rhyne University for costs relating to a pedestrian crossing safety improvement project.*
2. *To recognize receipt of \$3,467 in reimbursement for costs relating to the 8th Avenue NW island project (landscaping enhancement).*
3. *To provide an additional \$22,845 to the emergency storm drain repair on Main Ave SE between 26th Street Drive SE and 29th Street SE under contract with Hickory Sand Company. During the week of August 13th a 48-inch storm drain-line separated and failed, causing erosion of the roadway in the vicinity of several shipping and construction headquarters. Repairs were initially anticipated at \$50,000 but a revised cost projection was \$70,000 (per BR#5 on 11/6/18). Upon beginning work, it was determined that an additional \$22,845 will be necessary for this project. Funds will be appropriated from the Stormwater Fund Balance.*
4. *To recognize receipt of a \$30,540 insurance claim for storm damages at the Airport. These funds will be applied towards architectural fees for redesign of an airport hangar.*
5. *To recognize receipt of bond proceeds (\$16,176,118) and appropriate the same within the respective Capital Project Ordinances.*
6. *To budget funds for the development of the Riverwalk District Area Plan, to be conducted under contract with LandDesign, Inc. for a total cost of \$100,000. These funds will be transferred from the Capital Projects Fund back into the General Fund as an Economic & Community Development planning project.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

A1 1. Consideration of Closing a Portion of “E” Avenue SE as Petitioned by Catawba County – Presentation by Assistant Public Services Director Steve Miller. **(Exhibit XI.A.1.)**

Staff requests Council’s consideration of a Resolution and Order closing a portion of “E” Avenue SE as petitioned by Catawba County. The City Clerk received a petition from Attorney Eloise D. Bradshaw, on behalf of Catawba County, an owner of the property abutting a portion of “E” Avenue SE. The petition requests the City to close said portion of “E” Avenue SE right-of-way, as per NCGS § 160A-299. This portion of “E” Ave SE is adjacent to properties on the North by property of the County (PINs 3702-08-99-9878 and 3712-05-09-0950), and on the South by property of the County (PIN 3712-05-09-0654) and by the property of AMMCO LLC (PIN 3712-05-09-2657); on the East by “E” Avenue SE; and on the West by property of CWS Properties (PIN 3713-17-00-3138). The signature on the petition represents the owner of three of the five tracts of property abutting this portion of the right-of-way. The petition fee of \$575 has been paid. Staff recommends Council’s approval of a Resolution and Order closing a portion of “E” Avenue SE as petitioned by Catawba County.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 19, October 26, November 2, and November 9, 2018.

- A** 2. Consideration of a Resolution Directing that Street Improvement Project be Undertaken for Curb and Gutter Petition 18-02 for a Portion of 4th Street NW – Presentation by Assistant Public Services Director Steve Miller. **(Exhibit XI.A.2.)**

The City Clerk received petition number 18-02 from the owners of property along a portion of 4th Street NW to install curb and gutter along a portion of their street as per section 29-2 of the Hickory Code of Ordinances. The petition was a single-party petition. The petitioners represent a majority, greater than 50 percent, of the property owners as well as a majority, greater than 50 percent, of the property footage of the property frontage requested in the petition and therefore qualifies as a valid petition. The signatures on the petition represent 100 percent of the property owners affected, who in turn represent 100 percent of the property footage affected. The City Clerk has validated these numbers as shown on the Certificate of Sufficiency. Staff recommends Council's approval of a "Resolution Directing That Street Improvement Project Be Undertaken" for curb and gutter petition 18-02 to install curb and gutter along a portion of the property located at 4th Street NW in response to a petition from the property owners.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 19, 2018.

B. Departmental Reports:

1. Trivium Corporate Center Update – Presentation by Public Services Director Kevin Greer.

- A** a. Acceptance of an Agreement for Professional Services with Civil & Environmental Consultants, Inc. for Master Planning Services Related to the Trivium Corporate Center Property in the amount of \$21,941. **(Exhibit XI.B.1.a.)**

Staff requests Council's acceptance of an Agreement for Professional Services with Civil & Environmental Consultants, Inc. (CEC) for Master Planning services related to the total Trivium Corporate Center property in the amount of \$21,941. The City of Hickory identified an area in southeast Hickory that is large enough and conducive to development of a business park, convenient to major roadways and adjacent to significant utility infrastructure. The City of Hickory, Catawba County and Economic Development Corporation have worked on development of this area as a business park for several years and the City and County have agreed to split the cost of development. Trivium Business Park is the business park identified for Bond proceeds for the Bond Referendum that was passed by the City of Hickory. This agreement will establish master planning standards and cross-sections for all future park infrastructure. The City, County and EDC have worked on development of the project to a condition that is receptive to marketing. The Trivium Corporate Board has directed staff to complete master planning efforts to develop standards and cross-sections for development of the entire property in an organized and harmonious manner to ensure the property develops as a Class "A" Business Park with the appearance desired. These standards will be used for all development that occurs on the property and establish where improvements should be made to maximize developable property. This agreement will be funded from Bond proceeds and will be split equally between the City and County per a joint funding agreement. Staff requests Council's acceptance of an Agreement for Professional Services with Civil & Environmental Consultants, Inc. (CEC) for Master Planning services related to the total Trivium Corporate Center property in the amount of \$21,941.

- N/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)
African-American (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
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)
Burke County (Mayor Appoints with Recommendation from County) VACANT
Caldwell County (Mayor Appoints with Recommendation from County) VACANT

INTERNATIONAL COUNCIL

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

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large Minority (1) (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Mayor Appoints) (Lisë Swensson Resigned 9-13-18) VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 2 (C. Williams Appoints) (Mahesh Patel Resigned 10-1-18) VACANT
Ward 4 (D. Williams Appoints) VACANT
At-Large (Council Appoints) VACANT

YOUTH COUNCIL

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

At-Large Representative VACANT
At-Large Representative 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
- XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(4)(6) 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 October 16, 2018 - NCGS §143-318.11(a)(1)
 - 2. Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)
 - 3. Discussion of a Personnel Matter - NCGS §143-318.11(a)(6)
- 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**