



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 7, 2017
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Cliff Moone
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation to Patricia Kirby for World Pancreatic Cancer Day November 16, 2017. **(Exhibit IV.A.)**

Alderman Seaver read and presented a proclamation for World Pancreatic Cancer Day to Ms. Patricia Kirby and her daughter.
- NA** B. Come Home to Hickory! – Video Presentation by Hickory Public Schools Superintendent Dr. Robbie Adell

Dr. Robbie Adell presented a promotional video to City Council which was used in the recruitment of teachers to Hickory.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of October 17, 2017. **(Exhibit VI.A.)**
- A** B. Special Meeting of October 17, 2017. **(Exhibit VI.B.)**
- 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 Landscape Incentive Grant for Non-Residential Property Located at 518 4th Street SW in the Amount of \$2,500. **(First Reading Vote: Unanimous)**
- A2** B. Approval of a Community Appearance Grant for Non-Residential Property Located at 817 8th Avenue NE in the Amount of \$5,000. **(First Reading Vote: Unanimous)**
- A2** C. Approval of Change Order Number One with HDR Engineering, Inc. in the Amount of \$14,046 for the Water Treatment Emergency Generator Contract. **(First Reading Vote: Unanimous)**
- A2** D. Approval of Change Order Number Two with Crowder Construction Company in the Amount of \$56,119.25 for the Water Treatment Emergency Power Generator replacement Contract. **(First Reading Vote: Unanimous)**

November 7, 2017

- A2 E. Acceptance of the Bids and Award of the Contract with Midstate Contractors, Inc. for Asphalt Resurfacing Using Federal Funds for FY 2017-2018. **(First Reading Vote: Unanimous)**
- A2 F. Acceptance of the Bids and Award of the Contract with J.T. Russell and Sons, Inc. for Asphalt Resurfacing. **(First Reading Vote: Unanimous)**
- A2 G. Acceptance of the Bid and Award of the Contract with Harper Corporation for Construction of the Sodium Hypochlorite Generation Replacement Project in the Amount of \$1,289,500. **(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.

- A1 A. Approval of the Community Relations Council's Fall 2017 Grant Recommendations in the Amount of \$7,205.20 for Six Grants. **(Exhibit VIII.A.)**

The City of Hickory's Community Relations Council requests City Council's approval for the fall 2017 grant cycle. As part of the Community Relations Council's work plan and annual budget process, the Community Relations Council receives funds to disperse during the fiscal year through the Community Relations Council's grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the Community Relations Council's goals and mission and how the program will serve to improve human relations in the Hickory area. For the fall 2017 grant cycle, the Community Relations Council received thirteen grant applications for projects totaling \$18,540.20 and is recommending approval of: Hickory Community Theatre - \$2,500; The CVCC Foundation Inc. - \$1,500; Adult Children of Aging Parents (ACAP) Hickory - \$750; Safe Harbor Rescue Mission - \$1,200; CVCC Small Business Center - \$1,000; and Grandview Middle School - \$255.20. Funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the six grants totaling \$7,205.20.

- A B. Special Events Activities Application Charity Chase Half Marathon, Kevin Spiva, Co-chair, Rotary Club of Catawba Valley, April 14, 2018 5:00 a.m. to 12:00 p.m. Sails on the Square. **(Exhibit VIII.B.)**

- A C. Approval of a Cemetery Deed Transfer from Harvey Worth Pearce, Widower, to Carol Elizabeth Pearce Goins, (Oakwood Cemetery, Plot 24, Lots C and D, Section 45A. (Prepared by Daniel R. Green, Jr., Attorney). **(Exhibit VIII.C.)**

- A D. Authorization of Staff to Apply for an EPA Brownfield Assessment Grant Funding for Petroleum and Hazardous Materials in the Amount of \$300,000. **(Exhibit VIII.D.)**

The Brownfield Assessment Grant program provides grants of up to \$300,000 for communities to assess environmental contamination and conduct redevelopment planning activities at Brownfield sites. These sites are defined as idle commercial or industrial properties whose redevelopment is hindered by the presence of real or perceived environmental contamination. The City has received assessment grant funding in 2007 and 2012. It also received an Area-wide Planning Grant for the US 70 SW Corridor, which was completed this past summer. The Brownfield Advisory Group recommended that the City apply for additional assessment funding at the conclusion of its most recent grant. The EPA permits funding of up to \$300,000 for communities. This funding will enable the City to continue its Brownfield program and capture some of the momentum created by the recently completed Southside Area-Wide Plan for the US 70 SW corridor. There are still over 100 suspect Brownfield sites within the City of Hickory. This funding has played a vital role in the redevelopment of numerous sites in the area including the former Piedmont Wagon Company, Moretz Mill, Hollar Hosiery Mill, Lyerly Mill, and the former St. Stephens Elementary School. Redevelopment at former

Brownfield sites has resulted in over \$40 million in private investment. There is no required match to apply for the grant. These funds will help leverage additional private investment at targeted Brownfield sites. Staff recommends that City Council authorize staff to apply for EPA Brownfield Assessment Grant funding for Petroleum and Hazardous Materials in the amount of \$300,000.

- A1** E. Approval of Amendment One to Extend the Vacant Building Grant Agreement with AKSS Real Estate, LLC by 180 Days. **(Exhibit VIII.E.)**

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 renovate and rehabilitate vacant buildings within the Urban Revitalization Area and targeted industrial buildings in other areas of the City. AKSS Real Estate LLC was approved for a \$20,000 Vacant Building Revitalization Grant in in December 2015 to assist in the renovation of the vacant former furniture store building located at 930 HWY 70 SW. The applicant planned to renovate the facility for use as a bridal boutique and other retail space. The bridal boutique tenant has decided not to locate in the renovated space. One tenant, Osteostrong, has occupied the building. This represents less than 50 percent of the building square footage, and the applicant has requested a six month extension to obtain tenants for the remainder of the building. Since only the bridal boutique was outlined in the original application, City Council will have the opportunity to approve future tenants if the extension is granted. The applicant has invested approximately \$1.13 million in real property improvements to rehabilitate the building. The project received approval for a \$20,000 grant, which can only be paid once at least 50 percent of the building square footage is occupied and all repairs are complete. The improvements to the exterior are complete, but only one tenant is currently occupying the building. The applicant has demolished a portion of the building and extensively renovated the remainder of the building into a retail strip center. These improvements were made in order to make the building accessible and marketable. The applicant has requested additional time to secure tenants for the remainder of the building. The final tenants must be approved by City Council prior to final payment. The Business Development Committee reviewed the request and recommended approval of a 180 day extension. Staff recommends that City Council approve extending the Vacant Building Grant Agreement with AKSS Real Estate, LLC by 180 days.

- A** F. Acceptance of a North Carolina Department of Transportation Grant in the Amount of \$150,000 for Airport Improvements. **(Exhibit VIII.F.)**

Staff requests City Council's acceptance of Grant 36237.66.NPE.17 (Non-Primary Entitlement Funds) awarded by the NC Department of Transportation (NCDOT) in the amount of \$150,000 for future airport improvements at the Hickory Regional Airport. In a letter dated October 20, 2017, the North Carolina Department of Transportation has allocated FAA Non-Primary Entitlement funds under the State Block Grant Program for Federal Fiscal Year 2017 for the Hickory Regional Airport. Said funds are to be used for airside safety needs first with consideration of other needed airport projects. These funds are to be expended no later than June 1, 2021. The NCDOT has allocated Federal funds via Grant 36237.66.NPE.17 with the Federal share of \$150,000 and the local share of \$16,667 for airport improvements. This grant will assist in the continuation of the airfield improvement program as recommended by the Airport's Task Force. Once City Council accepts said grant, any future proposed projects that fall under the guidelines of this grant will be brought back to Council for approval. Staff recommends City Council's acceptance of Grant 36237.66.NPE.17 in the amount of \$150,000 from the North Carolina Department of Transportation

- PH** G. Call for a Public Hearing for Consideration of Rezoning Petition 17-04 for Approximately 1.25 Acres of Property Located at 4100 54th Avenue NE. **(Authorize Public Hearing for November 21, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).** **(Exhibit VIII.G.)**

- PH H.** Call for a Public Hearing for Consideration of Rezoning Petition 17-05 for Approximately 3.74 Acres of Property Located at 112 2nd Avenue SE, 116 2nd Avenue SE, 210 2nd Street SE, 228 2nd Street SE, 225 1st Street SE, 231 1st Street SE and Three Vacant Parcels Located on 2nd Avenue SE. **(Authorize Public Hearing for November 21, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.H.)**
- PH I.** Call for a Public Hearing for Amending Hickory City Code of Ordinance, Chapter 18, Motor Vehicles and Traffic, Article III, Section 18-81 and Article IV, Section 18-106 **(Authorize Public Hearing for November 21, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.I.)**
- A1 J.** Approval of an Amendment to the City Walk Design Contract in the Amount of \$252,000 with Amec Foster Wheeler. **(Exhibit VIII.J.)**

Staff requests City Council's consideration of a proposed amendment to the City Walk design contract with Amec Foster Wheeler. The City Walk has been awarded a grant for construction related expenses totaling \$11,280,000. The grant has been executed by both NCDOT and the City of Hickory. Terms of the grant require that City Walk be extended along Main Avenue from 4th Street NW to 9th Street NW. This additional section is already part of the Bond program as a part of Streetscape 9 – also known as the South Connection from Old Lenoir Road Streetscape to City Walk. Additional funds are required for Amec Foster Wheeler to continue the City Walk design to 9th Street NW. Conversely, the scope of design for the future Streetscape 9 project no longer includes Main Avenue from 4th Street NW to 9th Street NW. Additional funds are requested for the design of a small bridge over 3rd Street NW to improve the safety of pedestrians using the City Walk. This amendment includes a request for additional funds to support the design of the iconic bridge over NC 127. Finally, a not-to-exceed amount of additional funding is requested to account for any extra design work required by NCDOT to adhere to grant administration rules. The grant was awarded after the execution of the design contract with Amec Foster Wheeler. The original contract does not contemplate design work required by NCDOT to comply with grant requirements that are above and beyond the standard effort required by the City of Hickory. The proposed amendment includes: \$105,000 for additional design efforts required for the extension of City Walk on Main Avenue from 4th Street NW to 9th Street NW; \$27,000 for additional design efforts including geotechnical investigation for a proposed pedestrian bridge across 3rd Street NW that was not included in the original scope of work; \$70,000 for additional design efforts related to the enhancement of the scope of the iconic bridge over NC-127; and \$50,000 not-to exceed for work required by NCDOT outside the original scope of the contract on an as-needed basis. Staff recommends that City Council approve the proposed amendment to the City Walk design contract with Amec Foster Wheeler in the amount of \$252,000.

- A1 K.** Budget Revision Number 9. **(Exhibit VIII.K.)**
1. *To appropriate \$10,157 in previous year rollover funds from General Fund Balance for the Parks and Recreation Department's Bill McDonald Scholarship Fund.*
 2. *To appropriate \$2,383 in previous year rollover funds from General Fund Balance for the One Purpose Parks and Recreation Council.*
 3. *To recognize receipt of a \$500 donation from Modern Automotive Network, LLC for the Lunch with Santa event at Ridgeview.*
 4. *To appropriate and transfer \$252,000 from General Fund Balance into the City Walk Capital Project Ordinance (project #B1C001) for an amendment to the Design services contract with Amec Foster Wheeler. This amendment includes:*
 - a) *\$105,000 for additional design efforts required for the extension of City Walk on Main Avenue from 4th Street NW to 9th Street NW;*
 - b) *\$27,000 for additional design efforts including geotechnical investigation for a proposed pedestrian bridge across 3rd Street NW that was not included in the original scope of work;*
 - c) *\$70,000 for additional design efforts related to the enhancement of the scope*

of the iconic bridge over NC 127; and d) \$50,000 not-to-exceed work required by NCDOT outside the original scope of the contract on an as-needed basis. These amounts will be reimbursed from Bond funds once issued.

5. To appropriate and transfer \$7,500 from General Fund Balance into the Bond Project Management/Design Capital Project Ordinance (#B1M001) for professional services by Freese and Nichols per contract Amendment #3. These amounts will be reimbursed from Bond funds once issued.
6. To appropriate \$1,618 received from a private party's insurance for damages sustained to the Airport gate and fence on 8/24/17.

IX. Items Removed from Consent Agenda – None

X. Informational Item

NA A. Budget Transfer Report

Under Section 22 (b) of the Fiscal Year 2017-2018 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."

**Note: To expedite the availability of insurance-claims revenue to the appropriate department once the City receives said funds, in lieu of a Budget Amendment the City has allocated specific funds within the Risk Management division which may be transferred as necessary for making repairs and/or replacements in the most timely manner.*

The following transfers recently occurred under this provision:

- *October 13, 2017 (BT#19): Upon receipt of an insurance claim payment from a private party's insurance carrier, transferred \$3,354 from the Risk Management division to the Police Department for repairs to a damaged unmarked department vehicle, date of loss October 3, 2017.*
- *October 25, 2017 (BT#22): Upon receipt of an insurance claim payment from a private party's insurance, transferred \$8,458 from the Risk Management division to the Traffic Department for repairs to a damaged traffic-control box at Old 70 and Fairgrove Road, date of loss 7/22/17.*
- *October 30, 2017 (BT#23): Upon receipt of an insurance claim payment from a private party's insurance, transferred \$1,450 from the Risk Management division to Street Department for repairs to a damaged planter box and sidewalk downtown at 2nd Street NW, date of loss 6/25/17.*

XI. New Business:

A. Public Hearings

B. Departmental Reports:

A 1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area (Council Appoints)

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 2 (Tarlton Appoints)
Ward 4 (Guess Appoints)

VACANT
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
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) VACANT
Catawba County (Mayor Appoints) VACANT

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms (Appointed by City Council)
Building Trades Profession (Council Appoints) VACANT

INTERNATIONAL COUNCIL

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

Alderman Zagaroli nominated Steven Chuang as a Representative on the International Council.

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (2) (Mayor Appoints) VACANT

PUBLIC ART COMMISSION

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

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 1 Grover Lineberger
(Eligible for Reappointment)
Position 9 VACANT

RECYCLING ADVISORY BOARD

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

UNIVERSITY CITY COMMISSION

(Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council)
At-Large (not including ETJ) (Council Appoints) VACANT

YOUTH COUNCIL

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

Challenger High School Representative VACANT
Homeschool Representative VACANT
St. Stephens High School Representative VACANT

C. Presentation of Petitions and Requests

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

A City Manager Warren Wood asked City Council to consider a matter not on the agenda which would require a motion from Council to put it on the agenda. He advised it was a Memorandum of Understanding between the City of Hickory and Hickory Baseball related to the extension of their lease.

Alderwoman Patton moved, seconded by Alderman Guess to consider the item not on the agenda, the Memorandum of Understanding.

City Manager Warren Wood explained the Memorandum of Understanding and requested City Council's authorization for him, as City Manager, to sign the Memorandum of Understanding.

Alderwoman Patton moved, seconded by Alderman Zagaroli to authorize the City Manager to sign the Memorandum of Understanding with Hickory Baseball. The motion carried unanimously.

City Manager Warren Wood invited the public to an event on Tuesday, November 14th, at 11:15 a.m. to do a press conference with the owners of Hickory Baseball who are the Texas Rangers. They are flying into the airport from Arlington. There will be a press conference out there and that would be followed up with a lunch for those who want to stay. Folks from the community are invited to come out and be a part of that.

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

City Manager Warren Wood welcomed Interim Assistant City Manager Rick Beasley. He advised that Mr. Beasley was an All-American football player at ASU, from there he went to being an Assistant City Manager in Lenoir, then the Town Manager of Scotland Neck in the eastern part of the State. Then he came back to Conover to be City Manager there for 15 years. He left there in 2005 to become an Assistant Athletic Director at ASU and spent the last two years in Atlanta as an Assistant Athletic Director at Georgia State University. He could live anywhere that he wanted to but he chose to come back to Hickory. Mr. Wood had contact Mr. Beasley and asked him if he wanted to come to work for Hickory because we have a lot of exciting things going on and Mr. Beasley had accepted the interim spot here. He advised Mr. Beasley started yesterday and he joked the good news is he had come back this morning for day two. We didn't scare him off.

Alderman Seaver and Alderwoman Patton welcomed Mr. Beasley home to Hickory.

Interim Assistant City Manager Rick Beasley commented it was a great team to work with and the most important thing was that he had brought Diana Beasley back.
Alderman Seaver asked if she needed a teaching position.

Interim City Manager Beasley advised unfortunately she had retired.

City Manager Wood advised that Mrs. Beasley was North Carolina Teacher of the Year one year when she was teaching at Hickory High School.

Alderman Seaver commented she was a very good teacher. He thanked Mr. Beasley for coming and filling a very need position.

Alderwoman Patton commented they look forward to working with him.

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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Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
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