



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

October 4, 2016
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Bill Garrard, Retired United Methodist Pastor
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of Fire Prevention Week Proclamation. **(Exhibit IV.A.)**
Mayor Wright read and presented the Proclamation for Fire Prevention Week to Fire Education Coordinator Terri Byers and Fire Battalion Chief Matthew Hutchinson.
 - B. Presentation of National Physical Therapy Month Proclamation. **(Exhibit IV.B.)**
Mayor Wright read and presented the Proclamation for National Physical Therapy Month to Pam Elske-Leonetti, Physical Therapy Inpatient Supervisor; Nancy Hosterman, Therapy Services Manager, and Lea Posey, Frye Regional Medical Center.
 - C. Presentation of the Catawba County Strategic Plan from Catawba County Manager Mick Berry.
Catawba County's Assistant County Manager Dewey Harris presented City Council with the Catawba County Strategic Plan.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A** A. Regular Meeting of September 20, 2016. **(Exhibit VI.A.)**
 - A** B. Special Meeting of September 15, 2016. **(Exhibit VI.B.)**
 - A** C. Special Meeting of September 26, 2016. **(Exhibit VI.C.)**
 - A** D. Special Meeting of September 27, 2016. **(Exhibit VI.D.)**
- 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 Purchase of a 2017 Rosenbauer Commander Pumper from C.W. Williams in the Amount of \$475,990. **(First Reading Vote: Unanimous)**

October 4, 2016

- A2** B. Acceptance of the Bid and Award of the Construction Contract to Iron Mountain Construction Company, Inc. in the Amount of \$278,172. **(First Reading Vote: Unanimous)**
- A2** C. Acceptance of Two Easements, a 25 Foot Temporary Construction Easement and a 25 Foot Permanent Easement for the Properties of Cynthia Williams Huffman Described as PIN 3724-18-40-6417 and PIN 3724-18-40-4654. **(First Reading Vote: Unanimous)**
- A2** D. Approval of Easements for Property of the City of Hickory to Piedmont Natural Gas for the Replacement of a Natural Gas Line Along 1st Avenue SW. **(First Reading Vote: Unanimous)**
- A2** E. Budget Revision Number 7. **(First Reading Vote: Unanimous)**
- A2** F. Consideration of Vacant Building Demolition Grant for Jerry Lee Pruitt, LLC for Property Located at 212 12th Avenue NE, the former Regal Manufacturing Building. **(First Reading Vote: Unanimous)**
- A2** G. Approval of a Joint Economic Development Agreement with Corning Optical Communications LLC. **(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. Acceptance of a Grant Agreement and Resolution for Project 36244.33.12.1 from the North Carolina Department of Transportation. **(Exhibit VIII.A.)**

North Carolina Department of Transportation (NCDOT) awarded the City of Hickory a grant for this project which City Council accepted May 19, 2015. By letter dated August 30, 2016, the NCDOT has approved the City's request for aid and requires approval of the Grant Agreement. This grant has a State share of 90 percent equal to \$180,000 and a local share of 10 percent equal to \$20,000. Said grant funds are allocated for the use of land acquisition and obstruction removal at the Hickory Regional Airport. Land acquisition and obstruction removal are needed to allow for a safe glide path for a 600 foot extension of Runway 6. This grant will assist in the continuation of the airfield improvement program as recommended by the Airport's Task Force. Land acquisition is an important part to the future of the airport's growth and continued economic vitality. Staff recommends Council's acceptance and approval of the Grant Agreement and Resolution for Project 36244.33.12.1 from the North Carolina Department of Transportation.

- A** B. Special Events Activities Application EmergeOrtho's Oktoberfest 5K Footrace and Fun Run, Robin Lutz, Marketing Director, Carolina Orthopaedic Specialists, now EmergeOrtho, PA, October 8, 2016 5:00 a.m. to 11:30 a.m., 76 North Center Street. **(Exhibit VIII.B.)**

- A** C. Approval of Vacation Days to Give as Prizes for the 2016 United Way Campaign and for the 2016 Coworker Appreciation Event. **(Exhibit VIII.C.)**

Human Resources requests vacation days to give as prizes for the 2016 United Way Campaign and also for the 2016 Coworker Appreciation Event to be held on November 3, 2016. Historically Council has granted vacation days to use as prizes. For the United Way Campaign, it increases participation and for the Coworker Event, it is a big hit each year. Staff request two vacation days for a drawing for all fair share givers, and one vacation day for a drawing for all coworkers who pledged at least \$8 per month. Staff request eight vacation days in total to use for door prizes, three one-day vacation winners and the grand prize of a five-day vacation package. Staff recommends approval of this annual request.

- A D. Approval of the “Food for Fines” Amnesty Weeks at the Libraries from November 7-21, 2016. **(Exhibit VIII.D.)**

Staff requests 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 November 7-21, 2016. One item of food will cancel one dollar 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. This is the fourth year in a row that Hickory Public Library and Catawba County Library System will partner to sponsor “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. This year’s event is scheduled to coincide with National Hunger and Homelessness Awareness Week. Library Staff recommend Council’s approval of the annual “Food for Fines” Amnesty Weeks.

- A1 E. Acceptance of a Temporary Construction and Permanent Sanitary Sewer/Storm Drainage Easement for the Property of Hickory Springs Manufacturing Company, PIN 3703-19-50-1321 for Installation of Utilities Infrastructure. **(Exhibit VIII.E.)**

Staff requests acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-1321 for installation of utilities infrastructure. The easements are necessary for completion of the Central Business District infrastructure replacement and rehabilitation project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 million dollars. These easements are necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easements were negotiated for a total sum of recording fees in exchange for the easements. Staff recommends acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-1321 for installation of utilities infrastructure.

- A1 F. Acceptance of a Temporary Construction and Permanent Sanitary Sewer/Storm Drainage Easement for the Property of Hickory Springs Manufacturing Company, PIN 3703-19-50-2154 for Installation of Utilities Infrastructure. **(Exhibit VIII.F.)**

Staff requests acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-2154 for installation of utilities infrastructure. The easements are necessary for completion of the Central Business District infrastructure replacement and rehabilitation project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 million dollars. These easements are necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easements were negotiated for a total sum of recording fees in exchange for the easement. Staff recommends acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-2154 for installation of utilities infrastructure.

- A1 G. Acceptance of a Temporary Construction and Permanent Sanitary Sewer/Storm Drainage Easement for the Property of Hickory Springs Manufacturing Company, PIN 3703-19-50-2310 for Installation of Utilities Infrastructure. **(Exhibit VIII.G.)**

Staff requests acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-2310 for installation of utilities infrastructure. The easements are necessary for completion of the Central Business District infrastructure replacement and rehabilitation project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 million dollars. These easements are necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easements were negotiated for a total sum of recording fees in exchange for the easement. Staff recommends acceptance of a temporary construction easement and permanent sanitary sewer/storm drainage easements for the property of Hickory Springs Manufacturing Company described as PIN 3703-19-50-2310 for installation of utilities infrastructure.

A H. Approval of a Proclamation for Dyslexia Awareness Month. **(Exhibit VIII.H.)**

A I. Approval of a Proclamation for Constitution Week 2016. **(Exhibit VIII.I.)**

A1 J. Acceptance of the Bid and Award the Contract to General Services, Inc. in the Amount of \$78,300 for Repairs and Coating at the Water Treatment Facility. **(Exhibit VIII.J.)**

Staff requests Council's acceptance of the bid and award of the contract for exterior clear well renovations including repairs and coating at the water treatment facility to General Services Inc., in the amount of \$78,300. The water treatment facility was last upgraded in 1993 with major components being constructed and the capacity being expanded to 32 million gallons per day. The City added a four million gallon, a two million gallon and a renovated one million gallon clear well. These tanks are concrete tanks and have required minimal maintenance other than cleaning. The existing exterior coatings have been in place for approximately 23 years and are starting to show significant signs of degradation. This project is identified as normal maintenance to improve aesthetic appearance of the facility as well as protect the concrete structures. Staff evaluated the submittal packages which included: General Services, Inc. \$78,300; Southern Painting & Maintenance Specialist \$130,500; Carolina Coating Solutions \$138,867, and Charlotte Paint Company, Inc., no bid. Staff recommends award of the project to General Services, Inc. as the properly licensed and insured responsible low bidder. This project is budgeted in the Public Utility/Water Treatment Facility Operational Budget for FY 2016/2017.

A K. Approval of the Resolution Accepting the Offer of Dedication for Public Street Right of Way for 42nd Avenue Drive NW, as Shown on Plat Book 46, at Pages 90-92 of the Catawba County Registry. **(Exhibit VIII.K.)**

Staff requests Council's consideration of the acceptance of the offer of public dedication of street right of way, being 1.1 acres of land area, known as 42nd Avenue Drive NW, as shown on Plat Book 46, Pages 90-92 of the Catawba County Registry. In 1998, the developers of the Landing at Moore's Ferry Phase VII made an offer of public dedication for the street rights of way within the development. The City accepted the offer of dedication for the streets, but was unable to accept 42nd Avenue Drive NW, as at the time this street was not inside the corporate boundaries of the City of Hickory. Since this time the street right of way for 42nd Avenue Drive NW has been annexed. In order to provide for public use and maintenance of this street, the offer of public dedication originally offered must be formally accepted by the City of Hickory 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. The street has recently been repaired and resurfaced as instructed by the City of Hickory, and been found to meet the minimum design requirements necessary for public maintenance. Staff recommends Council's approval of the Resolution accepting the offer of dedication for 42nd Avenue Drive NW, as shown on Plat Book 46, Pages 90-92 of the Catawba County Registry.

- A1** L. Approval of a Close Out Deductive Change Order Number 1 with Wilkie Construction Related to Phase II of the Planned Improvements to Hickory Optimist Park. **(Exhibit VIII.L.)**

Wilkie Construction was the low bidder with a bid of \$290,800 for the Phase II improvements to Hickory Optimist Park. Phase II of the project involved the demolition of an existing storage building and the construction of a new pre-engineered community building with restrooms. This project has been funded with Community Development Block Grant Funds and Rental Rehab Program Income. Change order number one represents value engineering items discussed with the contractor to reduce the final price of the project and modify and improve the electrical service at the park site. The overall result of the change order will be a reduction in the final contract amount of \$7,645 and make the final contract amount \$283,155. Staff recommends approval of the deductive close out change order number one related to Phase II if the planned improvements to Hickory Optimist Park.

- A1** M. Budget Revision Number 8. **(Exhibit VIII.M.)**

1. *To recognize \$250.00 in General Fund revenue received from donations to the Youth Council. The funds will be used for registration fees for a State Youth Council Conference.*
2. *To establish a Grant Project Ordinance in the amount of \$31,020 for the 2016 Justice Assistance Grant. The City of Hickory and Catawba County have received notification to receive a combined allocation of \$31,020 under this federal program. Cities and Counties are required to submit joint applications for the available funding. Catawba County is eligible for a direct award of \$12,113 and the City of Hickory is eligible for a direct award of \$18,907. There is no match required. The City of Hickory has agreed to serve as lead agency in the grant process. The Hickory Police Department will use the \$18,907 in grant funds to purchase an Oculus System and DARE supplies to educate the Hickory City School fifth and sixth grade classes.*
3. *To establish a Grant Project Ordinance in the amount of \$80,000 for the 2016 Urgent Repair Program. The City of Hickory was approved for a NC Housing Finance Agency award in the amount of \$75,000 with a required local match of \$5,000. The local match will be provided by Miscellaneous Revenues / Program Income.*

- IX. Items Removed from Consent Agenda – Items K and L

Alderman Tarlton requested recusal from voting on Item K due to having ownership in the subject property. City Council voted to recuse Alderman Tarlton and voted approval of Item K.

Mayor Wright requested removal of Item L. He pointed out that this Change Order was for a reduction in the final contract amount. City Council voted approval.

- X. Informational Item

- XI. New Business:

- A. Public Hearings

- A** 1. Consideration of a Voluntary Contiguous Annexation of Realty Income Properties 28, LLC, Located at 2173 13th Avenue Drive SE, Containing 6.25 Acres. **(Exhibit XI.A.1.)**

Realty Income Properties 28, LLC submitted a petition for the voluntary contiguous annexation of 6.25 acres of property, which consists of a newly created tract of property located at 2173 13th Avenue Drive SE. The annexation is being requested so that the property can be connected to the City's water and sewer system. The newly created tract has yet to be mapped or assessed by the

Catawba County Tax Department. The properties from which the newly configured tract was created have tax values in the vicinity of \$250,000 per acre of property. Given the size of the annexation area, the subject property (undeveloped land) could realistically have an assessed value of \$1.5 million. This would be in addition to the value of the retail facility once it has been completed. Staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff recommends Council's approval of the Voluntary Contiguous Annexation of the property located at 2173 13th Avenue Drive SE, containing 6.25 acres.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 23, 2016.

- A1** 2. Consideration of Amending Chapter 4 Section 4-21(a) of the Hickory Code of Ordinances. **(Exhibit XI.A.2.)**

Chapter 4 (Animals and Fowl), Section 4-21 of the Hickory City Code concerns Restraint of Animals. Section 4-21(a) stipulates that an animal can be off an owner's property if it is under the physical control of a person and physically restrained by a chain, leash or harness that is held in the hand of the person. An animal is not considered restrained if it is on a chain, leash or harness but, is not under the control of the owner or caregiver. Section 4.21(a) allows for the two following exceptions: 1) Service animals trained to provide assistance to persons impaired in sight, hearing, mobility or any other impairment; and, 2) A working police dog in the course and scope of its duties. Now that the City of Hickory operates the Fairbrook Optimist Dog Park, a third exception is required: 3) Dogs in city dog parks. The Parks and Recreation Commission, at their September 13, 2016 meeting, endorsed the ordinance amendment. Staff recommends approval of the Ordinance amending Chapter 4 Section 4-21(a) of the Hickory Code of Ordinances.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 23, 2016.

- A** 3. Consideration of Petition Number 16-01 for Installation of Curb and Gutter along a Portion of the 5th Street Place NW. **(Exhibit XI.A.3.)**

The City Clerk received a petition from the owner(s) of the property along 5th Street Place NW to install curb and gutter along a portion of the street per Section 29-2 of the Hickory Code of Ordinances. The petitioner(s) represent a majority, greater than 50 percent, of the property owner(s) affected, who in turn represent 100 percent of the property footage affected. The City Clerk certified the sufficiency of the petition and notified the property owner(s) of the public hearing on the Preliminary Resolution for Street Improvement Project (curb and gutter) subject to assessment. Staff request Council's approval of the Resolution Directing that the street improvement project be undertaken.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 9, 2016.

- A** 4. Consideration of Petition Number 16-03 for Installation of Curb and Gutter along the Southside of the 900 Block of 4th Avenue Drive NW, Petition No. 16-03. **(Exhibit XI.A.4.)**

The City Clerk received a petition from the owner(s) of the property along 4th Avenue Drive NW to install curb and gutter along a portion of the street per Section 29-2 of the Hickory Code of Ordinances. The petitioner(s) represent a majority, greater than 50 percent, of the property owner(s) affected, who in turn represent 100 percent of the property footage affected. The City Clerk certified the sufficiency of the petition and notified the property owner(s) of the public

hearing on the Preliminary Resolution for Street Improvement Project (curb and gutter) subject to assessment. Staff request Council's approval of the Resolution Directing that the street improvement project be undertaken.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 9, 2016.

B. Departmental Reports:

A 1. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

VACANT

Alderman Seaver nominated Michael Ellwanger as an At-Large Representative on the Business Development Committee.

CITIZENS ADVISORY COMMITTEE

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

VACANT
VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints)
Ward 4 (Guess Appoints)
At-Large (Outside City but within Hickory Regional Planning Area)
(Council Appoints)
At Large (Council Appoints)

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COMMUNITY RELATIONS COUNCIL

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

VACANT
VACANT

HICKORY REGIONAL PLANNING COMMISSION

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

VACANT

INTERNATIONAL COUNCIL

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

VACANT

LIBRARY ADVISORY BOARD

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

VACANT
VACANT

PARKS AND RECREATION COMMISSION

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

VACANT
VACANT

PUBLIC ART COMMISSION

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

VACANT

PUBLIC HOUSING AUTHORITY

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

VACANT

RECYCLING ADVISORY BOARD

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

Ward 2 (Tarlton Appoints)

VACANT

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

2 Positions VACANT

At-Large Representatives

2 Positions VACANT

Challenger High School Representative

1 Position 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

Alderman Seaver mentioned that Council had four public hearings on this agenda, which was a sign that things were doing pretty well in Hickory, because they had gone sometimes five or six meetings and not had one. He commented it is a point in the right direction.

Mayor Wright commented that people are spending money on curb and gutters, and retail establishments. He mentioned that the City now owns the sinkhole and are on the way to repairing it with the help of DOT. The City had enjoyed excellent cooperation with Hendrix and the adjacent property owners in terms of working together and getting easements so the City can access the property. The current estimate is March/April timeframe to have the property ready for use as a public asset or ready for sale. He advised Oktoberfest was this weekend and encouraged everyone to go to Oktoberfest and spend money to keep everyone prosperous and happy. He commended Mr. Hansen for doing a great job as "Acting" City Manager.

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.”

**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.
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