



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

September 18, 2018
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Bob Thompson, Corinth Reformed Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Mrs. Janice Setzler, 1089 19th Avenue Place NW, Hickory invited City Council and citizens to the Catawba Valley Quilters' Guild quilt show scheduled for October 12th and 13th from 9:00 a.m. to 5:00 p.m. at the Hickory Metro Convention Center.
- VI. Approval of Minutes
 - A** A. Regular Meeting of September 4, 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. Rezoning Petition No. 18-01 for Approximately .70 Acres of Property Located at 3355 Springs Road NE, Owned by Starnes Industries, Inc. **(First Reading Vote: Unanimous)**
 - A2** B. Rezoning Petition No. 18-03 for Approximately 113 Acres of Property Located at 2355 and 2369 Startown Road, being the First Phase of the Trivium Corporate Center. **(First Reading Vote: Unanimous)**
 - A2** C. Rezoning Petition No. 18-04 for Approximately .69 Acres of Property Located at 117 29th Avenue NE, Owned by Lohr Loveland Jr. **(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. Authorization to Execute the Corporate Property Owner Consent to Risk-Based Remediation Agreement and Former Emerson Leather Remediation Plat for Property Located at 816 13th Street SE, Hickory. **(Exhibit VIII.A.)**

Staff requests authorization to execute the Corporate Property Owner Consent to Risk-Based Remediation Agreement and the Former Emerson Leather Remediation Plat as required by the North Carolina Department of Environmental Quality. The former Emerson Leather Company has been under environmental review and remediation for a

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number of years by the North Carolina Department of Environmental Quality (DEQ). DEQ is closing out such property file and has hired Excel Environmental Associates, PLLC of Gastonia, NC to formulate a plat and Consent Agreement. City of Hickory property, Fire Station 2 located at 1305 9th Avenue NE, PIN #3713-14-42-0900 has been directly impacted by the identified contamination at the former Emerson Leather property across 9th Avenue NE. The groundwater contamination has migrated westward from the former Emerson Leather property to Fire Station 2. The contamination is fairly deep and does not negatively affect the station or its crews. DEQ wishes to place Land Use Restrictions (LUR) on the Fire Station 2 property, that no future water well would be installed. That is the only LUR and would not affect future renovation, expansion, sale, etc. NCDEQ is authorized to approve risk-based cleanup remedies for contaminated properties, such as those associated with Fire Station 2, as long as those remedies adequately protect human health and the environment. In 2015, the North Carolina General Assembly passed Session Law 2015-286 that requires the polluting party (Emerson Leather) to notify owners of property (City of Hickory) where that contaminant has spread. Upon analysis, staff has determined that the "Corporate Property Owner Consent to Risk-Based Remediation Agreement" and Land Use Restrictions (LUR) will comply with General Assembly Law 2015-286. Staff finds the documents acceptable for Mayoral and staff affirmation and recommends execution of the documents.

- A B.** Acceptance of the Financing Proposal from First National Bank for the Hickory Police Department Radio System Upgrade. **(Exhibit VIII.B.)**

Staff requests approval to accept the financing proposal from First National Bank for the Hickory Police Department Radio System Upgrade. In 2007, the City purchased a new radio system to meet interoperability requirements implemented by the Federal government. The system has now reached its end of life functionality and necessary upgrades are needed on both hardware and software components. The City of Hickory contracted with Loudoun Communications to complete the necessary upgrade to the Police Department's radio system. The equipment consisted of four radio dispatch terminals in the Communications Center, two Dell and two Sun servers. The upgrade also allowed for the relocation of one of the servers from Public Works to the Hickory Police Department's Communications Center. Additional enhanced features include the ability to license certain smart phones to be used on the system as a two-way radio with an installed smart phone application. Based on guidelines in NC General Statute Section 160A-20 Installment Financing, the City of Hickory Finance Department submitted requests for financing proposals to eleven area banks to finance the \$575,000 upgrade expenditure. Finance received eight funding proposals as of the deadline of September 7, 2018. Of those eight funding proposals, First National Bank submitted the lowest fixed interest rate of 2.92%. The loan term will be 59 months with the first payment due March 19, 2019. The funds for the March payment were budgeted in the City's 2018-2019 adopted budget in anticipation of the upcoming financing. Staff recommends approval to accept the financing proposal from First National Bank for the Hickory Police Department Radio System Upgrade.

- A C.** Approval of a Locally Administered Project Agreement with North Carolina Department of Transportation for Project EB-5939 (Riverwalk) in the Amount of \$2,000,000. **(Exhibit VIII.C.)**

The City was granted approval from the Greater Hickory MPO to receive Surface Transportation Block Grant – Direct Attributable (STBG-DA) funds of \$2,000,000 to assist in the construction of Riverwalk. To receive the funding the City must enter into an agreement with North Carolina Department of Transportation (NCDOT) so they can administer the disbursement of STBG-DA grant funds. This funding is part of phase one of the project which extends from City owned property starting at Old Lenoir Road to the end of the Rosales Bridge. The distance of this section is approximately 1,700 feet. Riverwalk is part of a much larger multi-use path system being developed by the City of Hickory. Riverwalk connects with other multi-use projects that will tie together proposed development around the lake with the downtown area and Lenoir-Rhyne University as well as connecting numerous neighborhoods along the way. Staff requests Council's

approval of the Agreement with NCDOT for EB-5939 to receive federal funds to construct Riverwalk.

- A D. Cemetery Deed Transfer from Steve M. Rudisill, unmarried to Larry J. Triplett, and wife, Carlotta Rudisill Triplett, Containing 40 Square Feet, More or Less, Fairview Cemetery, Plot CC, Lot 10, Section 2. (Prepared by Susannah L. Brown, Anthony & Brown, PLLC). **(Exhibit VIII.D.)**

- A E. Cemetery Deed Transfer from Karl G. Thomason and wife, Shirley P. Thomason; Doris T. Clapper and husband, David J. Clappier; Joe G. Thomason and wife, Dana L. Thomason to Larry M. McMurtry Jr. and wife, Amy P. McMurtry, Oakwood Cemetery, Section 27, Lot 11, Plots 001, 002, 003, 004, 007 and 008. (Prepared by Kimberly H. Whitley, Esq., Patrick Harper & Dixon L.L.P.) **(Exhibit VIII.E.)**

- A F. Acceptance of the Bid and Award of the Contract to J.T. Russell & Sons Inc. for Asphalt Resurfacing. **(Exhibit VIII.F.)**

Staff requests Council's acceptance of the bid and award of the contract to J.T. Russell & Sons Inc., for asphalt resurfacing in the amount of \$110 per ton for S9.5A asphalt surface, and \$21.50 per square yard for asphalt milling (100-1,000 square yards) using federal funds. Public Services Department Transportation Division staff prepared formal bid documents for an estimated 900 tons of asphalt surface course and up to 1,000 square yards of asphalt milling. The asphalt binder unit price will be adjusted according to North Carolina Department of Transportation's (NCDOT) standard procedures. All work will be paid on an in-place unit price basis as the Community Development Block Grant (CDBG) budget allows. Resurfacing under this contract will be performed in the CDBG eligible funding areas. The project was advertised on the City's website and bid documents were available electronically. The formal bid was publicly opened and read on September 4, 2018. J.T. Russell & Sons, Inc. was the lowest responsible bidder with a total bid amount of \$99,000. Contractor's prices are firm until June 30, 2019. The project will be coordinated and overseen by the City's Street Division staff for the duration and completion of the resurfacing. This project is awarded based on unit prices to allow for a variation of quantities that the City will pay for to complete the project. Staff will work with contractors to provide quantity control. Staff recommends Council's acceptance of the bid and award of the contract to J.T. Russell & Sons Inc., for asphalt resurfacing in the amount of \$110 per ton for S9.5A asphalt surface, and \$21.50 per square yard for asphalt milling (100-1,000 square yards) using Federal funds.

- A G. Acceptance of the Bid and Award of the Contract to J.T. Russell & Sons Inc. for Asphalt Resurfacing. **(Exhibit VIII.G.)**

Staff requests Council's acceptance of the bid and award of the contract to J.T. Russell and Sons, Inc. for asphalt resurfacing in the amount of \$64 per ton for S9.5A asphalt surface, \$64 per ton for S9.5B asphalt surface, \$77 per ton for S4.74A asphalt surface, \$68 per ton for asphalt parking lots for S9.5A, \$325 per ton for binder, \$8.50 per square yard for edge milling, \$20 per square yard for asphalt milling (100-1,000 square yards), \$10 per square yard for asphalt milling (1,001-3,000 square yards) and \$8.50 per square yard (3,001-6,000 square yards). Public Services' Transportation Division staff prepared formal bid documents for an estimated 5,500 plus tons of asphalt surface course in place and up to 10,500 square yards of asphalt milling. All work will be paid on an in-place unit price basis as the resurfacing budget allows. This work is budgeted in the Street Division's FY 18-19 budget. The project was advertised on the City's website and bid documents were available electronically. The formal bid were publicly open and read on September 4, 2018. J.T. Russell & Sons, Inc. was the lowest responsible bidder with a total bid amount of \$727,125. Contractor's prices are firm until June 30, 2019. The project will be coordinated and overseen by the City's Street Division staff for the duration and completion of the resurfacing. This project is awarded based on unit prices to allow for a variation of quantities that the City will pay for to complete the project. Staff will work with contractors to provide quantity control. Staff recommends Council's acceptance of the bid and award of the contract to J.T. Russell and Sons, Inc. for asphalt

resurfacing in the amount of \$64 per ton for S9.5A asphalt surface, \$64 per ton for S9.5B asphalt surface, \$77 per ton for S4.74A asphalt surface, \$68 per ton for asphalt parking lots for S9.5A, \$325 per ton for binder, \$8.50 per square yard for edge milling, \$20 per square yard for asphalt milling (100-1,000 square yards), \$10 per square yard for asphalt milling (1,001-3,000 square yards) and \$20 per square yard (3,001-6,000 square yards).

- A1** H. Approval to Amend the Traffic Ordinance Designating the Speed Limit as 25 MPH on 9th Street NW between 6th Avenue NW and 9th Avenue NW. **(Exhibit VIII.H.)**

Staff requests Council's approval to amend the Traffic Ordinance such that 9th Street NW, between 6th Avenue NW and 9th Avenue NW, be designated 25 mph. Public Services' Transportation Division staff received a completed petition for traffic calming along 9th Street NW, between 6th Avenue NW and 9th Avenue NW. Based on recent speed studies it appears traffic is exceeding the speed limit on 9th Street NW. Following the City's Traffic Calming Guidelines, the staff recommendation is to reduce the speed limit to 25 mph. Transportation Division staff received all necessary paperwork from residents within the area according to Traffic Calming Guidelines and have found the residents to be in compliance with the guidelines. The petition does qualify for a speed limit reduction on the roadway listed. Fourteen properties were included in the petition and eleven property owners signed the petition. This represents 79 percent approval which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to amend the Traffic Ordinance such that 9th Street NW, between 6th Avenue NW and 9th Avenue NW, be designated as 25 mph.

- A1** I. Approval to Amend the Traffic Ordinance Designating the Speed Limit as 25 MPH on 7th Street NW and 13th Avenue Place NW between 12th Avenue NW and 6th Street NW. **(Exhibit VIII.I.)**

Staff requests Council's approval to amend the Traffic Ordinance such that 7th Street NW and 13th Avenue Place NW, between 12th Avenue NW and 6th Street NW, be designated 25 mph. Public Services' Transportation Division staff received a completed petition for traffic calming along 7th Street NW and 13th Avenue Place NW, between 12th Avenue NW and 6th Street NW. Based on recent speed studies it appears traffic is exceeding the speed limit on 7th Street NW and 13th Avenue Place NW. Following the City's Traffic Calming Guidelines, the staff recommendation is to reduce the speed limit to 25 mph. Transportation Division staff received all necessary paperwork from residents within the area with regards to the Traffic Calming Guidelines and have found the residents to be in compliance with the guidelines. The petition does qualify for a speed limit reduction on the roadway listed. Thirty-Six properties were included in the petition and twenty-seven property owners signed the petition. This represents 75 percent approval which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to amend the Traffic Ordinance such that 7th Street NW and 13th Avenue Place NW between 12th Avenue NW and 6th Street NW be designated 25 mph.

- A** J. Acceptance of the Bid and Award of the Construction Contract to Unifour Concrete Construction Inc. in the Amount of \$34,750 for Construction Services Related to the Claremont/SALT Block Sidewalk Improvements. **(Exhibit VIII.J.)**

The City of Hickory has been awarded a \$100,000 Grant-in-Aid from the NC Department of Cultural and Natural Resources for an identified park improvement that would encourage neighborhood connectivity and enhance an existing passive park area. Staff identified the Arrowhead Park area and the adjacent landscaping along 3rd Avenue NE along the eastern side of the SALT Block to be the area targeted for improvement with this Grant-in-Aid. Council previously approved the landscaping improvement contract with Southern Lawnsapes of Hickory, LLC in the amount of \$65,370 for this project. The Claremont/SALT Block Sidewalk Improvement project did not receive any bids at the first advertisement. The project was re-advertised for bids and opened with one bid received

on July 31, 2018, Unifour Concrete Construction, Inc. - \$34,750. Staff reviewed all documents and has determined that all documents are in proper order. Staff recommends Council's acceptance of the bid and award of the construction contract to Unifour Concrete Construction Inc. in the amount of \$34,750 for construction services related to the Claremont/SALT Block Sidewalk Improvements.

- A K. Approval of a First Amendment to the City Manager's Employment Agreement. **(Exhibit VIII.K.)**

This change is required in order to comply with the State of North Carolina's rules regarding the administration of the supplemental retirement plans the State manages on behalf of local governments and their employees. No additional financial outlay is required from the City of Hickory with this change.

- A1 L. Budget Revision Number 3. **(Exhibit VIII.L.)**

- 1. To recognize \$17,190 in unspent PSAP (911) funds from FY2017-18 and roll the same into FY2018-19. These funds will be used for 911 system-eligible expenses including updated station consoles and chairs.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

- A 1. Consideration of a Resolution of Support for a New State Park along the Henry Fork and Jacobs Fork Rivers. **(Exhibit XI.B.1.)**

- NA 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

Caucasian (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)

Ward 4 (D. Williams Appoints)

VACANT

At-Large Minority (1) (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Lail Appoints) VACANT
Ward 4 (D. Williams Appoints) VACANT

RECYCLING ADVISORY BOARD

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

YOUTH COUNCIL

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

The Youth Council Applicant Review Committee Makes the Following Recommendations for Appointment to the Youth Council:

At-Large Representative VACANT
At-Large Representative VACANT
Fred T. Foard 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

Mayor Guess mentioned that this was Fire Chief Fred Hollar's last City Council meeting as a City employee. There would be a public reception at City Hall in the Lobby before the next City Council meeting on October 2nd. He commented there would be plenty of time for congratulating Chief Hollar for his 50 years of dedicated service. He encouraged everyone to congratulate Chief Hollar and to listen to his stories.

City Manager Warren Wood advised that Deputy Chief Steve Moore would serve as the Interim Fire Chief.

Mayor Guess commented there was an extensive search going on for Fire Chief. Until that time we would have Interim Chief Moore and capable hands handling the Fire Department. The City appreciated Interim Chief Moore stepping up and doing that as well.

Alderman Lail commented the City was so fortunate to have such a wonderful Fire Department, notwithstanding the great Police Department that we have too, and public services, etc. He commented he did hear a lot about what great Firefighters that the City has and how helpful they are.

Mayor Guess referred to Hurricane Florence and commented a lot of other cities are having to endure things, and go through things right now, that he can't imagine having to go through here in Hickory. We were prepared had we had to go through some of those things.

City Manager Warren Wood advised that Fire, Police and Public Services and others were prepared, and we really did "dodge a bullet". He advised the City would offer assistance as needed to folks' down east and maybe to other folks in our region and look at sending either Police, Fire, and/or Public Services resources down there to help out with cleanup and recovery.

Mayor Guess advised a State of Emergency was declared (September 14th) and had been terminated (September 17th). The City was as prepared as we could have been.

Alderwoman Patton mentioned the City of Hickory was also very welcoming. She heard on the radio about a family that was running away from it. They stayed here in Hickory and said that the

people of Hickory could not have been nicer and she complimented the Science Center and said it was just a wonderful place and everyone was just wonderful.

Alderwoman Williams commented now they are not going to leave.

Mayor Guess commented that is good.

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.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**