



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 19, 2017
7:00 p.m.

- I. Call to Order
- II. Invocation by Pastor Antonio Logan, Friendship Missionary Baptist Church
- III. Pledge of Allegiance
Mayor Cline recognized Boy Scouts in attendance from Corinth Reformed Church
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Mr. Cliff Moone, 2925 8th Street Court NE, discussed Constitution Day and the 321 project.
- VI. Approval of Minutes
 - A** A. Special Meeting of August 31, 2017 **(Exhibit VI.A.)**
 - A** B. Regular Meeting of September 5, 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 the Landscape Incentive Grant to Hickory Museum of Art for Property Located at 243 3rd Avenue NE in the Amount of \$2,500. **(First Reading Vote: Unanimous)**
 - A2** B. Approval of the Community Development Block Grant Agreement with Exodus Outreach Foundation, Inc. in the Amount of \$6,600 for Funding through the City's Community Development Block Grant Program. **(First Reading Vote: Unanimous)**
 - A2** C. Approval of the Community Development Block Grant Agreement with AIDS Leadership Foothills-Area Alliance, Inc. in the Amount of \$9,900 for Funding through the City's Community Development Block Grant Program. **(First Reading Vote: Unanimous)**
 - A2** D. Approval of the Community Development Block Grant Agreement with Greater Hickory Cooperative Christian Ministry in the Amount of \$11,900 for Funding through the City's Community Development Block Grant Program. **(First Reading Vote: Unanimous)**
 - A2** E. Approval of the Community Development Block Grant Agreement with Habitat for Humanity of the Catawba Valley in the Amount of \$35,000 for Funding through the City's Community Development Block Grant Program. **(First Reading Vote: Unanimous)**

- A2** F. Approval of the Community Development Block Grant Agreement with Hickory Soup Kitchen, Inc. in the Amount of \$6,600 for Funding through the City's Community Development Block Grant Program. **(First Reading Vote: Unanimous)**
- A2** G. Approval of the Community Development Block Grant Agreement with Safe Harbor Rescue Mission in the Amount of \$6,600 for Funding through the City's Community Development Block Grant Program. **(First Reading Vote: Unanimous)**
- A2** H. Approval of a Microenterprise Grant Agreement with A+ Auto Diagnostics in the Amount of \$4,000. **(First Reading Vote: Unanimous)**
- A2** I. Approval of the Contract with Wilkie Construction Co. SE, LLC in the Amount of \$285,302. **(First Reading Vote: Unanimous)**
- A2** J. Approve the Purchase of the Pre-Engineered Picnic Shelter Structure from Porter Corporation through a National Joint Powers Alliance (NJPA) Cooperative Purchasing Agreement. **(First Reading Vote: Unanimous)**
- A2** K. Approval of the Contract with Neill Grading and Construction Co. Inc. in the Amount of \$592,896. **(First Reading Vote: Unanimous)**
- A2** L. Budget Revision Number 4. **(First Reading Vote: Unanimous)**
- A2** M. Budget Revision Number 5. **(First Reading Vote: Unanimous)**
- A2** N. 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.

- A1** A. Acceptance of a Temporary Construction and Permanent Easement for the Property of Edward Alan Lail and Sharon Turner Lail, being PIN 3724-19-60-6513, for Installation of Utilities Infrastructure. **(Exhibit VIII.A.)**

Staff requests acceptance of a temporary construction and permanent easement for the property of Edward Alan Lail and Sharon Turner Lail described as PIN 3724-19-60-6513 for installation of utilities infrastructure. The easements are necessary for completion of the Random Woods sewer project. This project is completely funded through a grant to the City as a State Revolving Fund by NCDEQ-IFS in 2015 in the amount of \$2.946 million dollars. The 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 easement was negotiated for a free sewer connection at the time of construction, plus recording fees in exchange for the easement. Staff recommends acceptance of the temporary construction and permanent easement for the property of Edward Alan Lail and Sharon Turner Lail described as PIN 3724-19-60-6513 for installation of utilities infrastructure.

- A1** B. Acceptance of a Temporary Construction and Permanent Easement for the Property of Faith Adams Washman, Edward Alan Lail and Sharon Turner Lail, PIN 3724-19-60-2348, for Installation of Utilities Infrastructure. **(Exhibit VIII.B.)**

Staff requests acceptance of a temporary construction and permanent easement for the property of Faith Adams Washman, Edward Alan Lail and Sharon Turner Lail described as PIN 3724-19-60-2348 for installation of utilities infrastructure. The easements are necessary for completion of the Random Woods Sewer Project. This project is completely funded through a grant to the City as a State Revolving Fund by NCDEQ-IFS in 2015 in the amount of \$2.946 million dollars. The 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 easement was negotiated for a free sewer connection at the time of construction, plus recording fees in exchange for the easement. Staff recommends acceptance of the temporary construction and permanent easement for the property of Faith Adams Washman, Edward Alan Lail and Sharon Turner Lail described as PIN 3724-19-60-2348 for installation of utilities infrastructure.

- A1** C. Approval of a Memorandum of Agreement with Hickory Public Schools to Establish a Shared Access Initiative that will Streamline Student Access to Public Library Resources. **(Exhibit VIII.C.)**

The library has a history of collaborating with Hickory Public Schools to provide access to educational materials and programs. However, we recognize that many Hickory Public School students have limited access to the public library outside of school hours, because of limited transportation, parents' work schedules, or other factors. A more strategic approach will allow both agencies to better serve students. The shared access initiative uses a model already in place at libraries statewide and across the country to expand students' access to library resources. This project will create a public library account for each student enrolled in Hickory Public Schools. The student account will provide access to online materials, use of public library computers and checkout of up to five books or audiobooks. Families who do not wish for their children to participate will be able to opt out of the program. Creation of the shared access initiative is a cost-effective way for the Library and Hickory Public Schools to expand student access to the library's collection of books, computers and research databases. There is no additional cost to the library to create student accounts or to provide access to existing resources. We expect the program to create positive relationships with students and families as well as contribute to improved literacy and academic achievement. Staff recommends Council's approval of the Memorandum of Agreement with Hickory Public Schools to establish a shared access initiative.

- A1** D. Approval of a Supplemental Agreement for Reimbursement with the North Carolina Department of Transportation (NCDOT) in the Amount of \$78,980. **(Exhibit VIII.D.)**

Staff requests Council's acceptance and approval of a Supplemental Agreement for reimbursement with the North Carolina Department of Transportation (NCDOT) for the City of Hickory to upgrade an existing rock box culvert and replace it with a 42" RCP pipe and upgrade the surrounding infrastructure at SR 1306 (2nd Avenue NW) in the amount of actual construction cost, approximately \$78,980. The City of Hickory currently participates in an annual Municipal Agreement of \$140,000 for routine maintenance. North Carolina Department of Transportation agrees to reimburse the City of Hickory an additional estimated \$78,980 of project funds for the additional work included as part of the project. Upon final completion of the project, reimbursement will be based upon actual items of work and bid prices. This replacement is a component of the Central Business District Infrastructure Replacement Project with this reimbursement coming in as a revenue to the project. Staff recommends Council's acceptance and approval of the Supplemental Agreement for reimbursement with the North Carolina Department of Transportation.

- PH** E. Call for a Public Hearing for Consideration of a "No Wake Zone" at the Lake Hickory Marina Located on Limbaugh Lane NW. **(Authorize Public Hearing for October 3, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E.)**

- A** F. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.F.)**

The following requests were considered by the Citizens' Advisory Committee at their regular meeting on September 7, 2017.

The following applicants are being recommended for approval for assistance under the

City of Hickory's 2017 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency related repairs not to exceed \$8,000.

- *Cynthia Deptola, 41 30th Avenue NW, Hickory, not to exceed \$8,000*
- *Donna & John Vaughn, 918 8th Street NE, Hickory (Condition of verification of disability and approval by the NC Housing Finance Agency), not to exceed \$8,000*
- *Mildred Williams, 29 7th Avenue SE, Hickory, not to exceed \$4,191*

The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

- A1** G. Approval to Purchase Eight 2018 Ford Interceptor Utility Vehicles from Asheville Ford on the NC Sheriffs' Association Contract in the Amount of \$225,023.12. **(Exhibit VIII.G.)**

Hickory Police Department requests approval to purchase eight (8) specialized police package emergency vehicles. Hickory Police Department has funds budgeted in the 2017-2018 CIP for replacement of police vehicles. Hickory Police Department staff and the City of Hickory Fleet Manager have researched and reviewed independent comparison studies comparing available police package vehicles. The 2018 Ford Police Interceptor Utility all-wheel drive best fits the needs of the department based on a number of considerations. The Police Interceptor Utility has been the top choice of the Police Department for the past two budget years. Asheville Ford in Asheville, NC currently has the NC Sheriff's Association Contract for the 2018 Ford Police Interceptor Utility all-wheel drive with a base price of \$26,797.89. Added options that are needed include the following: Driver's Side Spot Lamp (Whelen or compatible) - \$420.00, Front Headlamp/Police Interceptor Housing - \$125.00, Dome Lamp-Red-White in Cargo Area - \$50.00, Rear Door Handles Inoperable - \$35.00, Remote Keyless Entry (Two Remotes/Four Sets of Keys) - \$340.00, SYNC Basic (Voice Activated Communications System) - \$295.00, Police Silence Mode - \$20.00, Daytime Running Lamps - \$45.00. Total price with added options - \$28,127.89. Hickory Police Department recommends the purchase of eight all-wheel drive 2018 Ford Police Interceptor Utility vehicles from Asheville Ford on the NC Sheriff's Association Contract at a cost of \$28,066.79 per vehicle and a total cost of \$225,023.12. Funds are budgeted in the FY 2017/2018 CIP.

- A** H. Approval of a Special Events Activities Application for a Fall Harvest Celebration, Bill Sherrill, Facilities Manager, First Baptist Church, October 22, 2017, 12:30 p.m. to 8:00 p.m.; a Portion of the Event will be on the City-Owned Property off of 1st Avenue NW. **(Exhibit VIII.H.)**

- A1** I. Budget Revision Number 7. **(Exhibit VIII.I.)**

1. *To recognize receipt of \$1,180 in sponsorships/donations for the Trick or Trot 5k.*
2. *To recognize receipt of \$4,000 sponsorship/donation from Lowe's Foods for the 2017 Christmas Parade.*
3. *To recognize revenues of \$297,736 from the Federal Emergency Management Agency (FEMA) for radio equipment for Fire and Rescue services in Catawba County. Hickory is the lead agency for administration of these funds, which will be shared among the Fire and Rescue agencies within the County.*
4. *To recognize additional revenues of \$78,980 from NCDOT towards the Central Business District Infrastructure Rehabilitation Project. NCDOT has agreed to reimburse the City in this amount for the cost of replacing storm drainage infrastructure at SR 1306 (2nd Avenue NW).*
5. *To recognize receipt of the 2017 Urgent Repair Program grant funds in the amount of \$50,000. This amount requires a local match of \$5,000 which will be budgeted from within the URP fund balance.*

- A1** J. Approval of the First Amendment to the Non-Exclusive Lease with Hickory Baseball, Inc. **(Exhibit VIII.J.)**

Staff requests Council consider the First Amendment to the Non-Exclusive Lease with Hickory Baseball, Inc. The City of Hickory and Hickory Baseball, Inc. entered an initial lease agreement for L.P. Frans Stadium September 3, 1992. That agreement expired September 30, 2007. On February 18, 2008, the City of Hickory and Hickory Baseball, Inc. entered a second lease agreement for Hickory Baseball's use of L.P. Frans Stadium. The term of the Agreement began January 1, 2008; it is scheduled to terminate December 31, 2022. The City and Hickory Baseball desire to make certain amendments to the Lease. Specifically, the parties wish to extend the term of the Lease for an additional five (5) years beginning January 1, 2023 and ending December 31, 2027. Additionally, a new section, "Compliance with Baseball Rules" is being added to the Agreement. This section stipulates the Lease is expressly subject to, and must conform with, all Baseball Rules. The term "Baseball Rules" means and includes (1) the constitution, bylaws, and other rules and regulations of the League of which the Team is a Member (i.e. Southern Atlantic League), (2) the articles of incorporation, bylaws, and other rules and regulations of The National Association of Professional Baseball Leagues, Inc. (i.e. Minor League Baseball) ("NAPBL"), of which Hickory Baseball is a member, and (3) the Professional Baseball Agreement (which incorporates by reference the Major League Rules), which is an agreement between the NAPBL and Major League Baseball on behalf of its clubs. This section should have been included in the original 1992 and 2008 lease agreements. Staff recommends Council's approval of the First Amendment to the Non-Exclusive Lease with Hickory Baseball, Inc.

IX. Items Removed from Consent Agenda – None

X. Informational Item

NA A. Alderman Seaver's Travel to Sister City, Altenberg, Germany, August 9 through August 20, 2017; Lodging - \$1,165.47; Meals - \$330; Airfare - \$1,489.96; Parking, Fuel and Subway - \$198.45. **(Exhibit X.A.)**

XI. New Business:

A. Public Hearings

A1 1. Consideration of Rezoning Petition 17-03 for Approximately 23.418 Acres of Property Located at 3061 Short Road, 1995 Startown Road, 2007 Startown Road, and an Unaddressed Parcel South of Startown Road – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

J. Clayton Neill, agent for Johnny and Susan Munday, Kathy Burris, and Ray Burris Heirs, has petitioned for the rezoning of approximately 23.418 acres of property located at 3061 Short Road, 1995 Startown Road, 2007 Startown Road, and an unaddressed parcel south of Startown Road. The request is to rezone properties from Planned Development, Office and Institutional (OI), and R1 Residential to Planned Development (PD). The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as Regional Commercial. Characteristics of the Regional Commercial classification include retail, office, services, and multi-family residential, all of which are include within the proposed development. Given these characteristics, as well as the analysis outlined within the staff report, staff has found the petition to be consistent with the recommendations of the Hickory by Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on August 23, 2017 to consider the petition. During the public hearing the applicants and one neighbor spoke in favor of the petition, while five neighbors spoke in opposition of the petition. Those speaking in opposition of the petition voiced concerns over traffic and storm water runoff. Upon closing the public hearing, the Hickory Regional Planning Commission voted 6-1 to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and

recommended City Council's approval of the petition with conditions. Staff concurs with this recommendation.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 8, and September 15, 2017.

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)
 (Lydia Doll Resigned 9-6-2017)

VACANT

COMMUNITY APPEARANCE COMMISSION

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

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 VACANT

HICKORY REGIONAL PLANNING COMMISSION

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

VACANT
 VACANT

HISTORIC PRESERVATION COMMISSION

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

VACANT
 VACANT

INTERNATIONAL COUNCIL

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

VACANT

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)
 Ward 4 (Guess Appoints)

VACANT
 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)

At-Large Representative

VACANT

Challenger High School Representative

VACANT

Homeschool Representative

VACANT

St. Stephens High School Representative

VACANT

St. Stephens High School Representative

VACANT

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

Hanna Worthington, St. Stephens High School Representative

Mayor Cline nominated Hanna Worthington, as a St. Stephens High School Representative for the Youth Council.

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)(3) 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 May 2, 2017, June 20, 2017 and August 1, 2017 - NCGS §143-318.11(a)(1)*
2. *Discussion of Potential Litigation - NCGS §143-318.11(a)(3)*

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