



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 20, 2016
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Sandi Hood, Director of Community Outreach, Catawba Valley Hospice and Palliative Care
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Mr. Billy Sudderth, 821 1st Street SW, Hickory addressed City Council regarding the Multipurpose Complex in the Ridgeview Community.
 - B. Mr. Cliff Moone, 2925 8th Street Court NE, Hickory discussed Constitution Day, September 17, 2016. He read the preamble to the Constitution.
- VI. Approval of Minutes
 - A. Regular Meeting of September 6, 2016. **(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. Acceptance of a Temporary Construction Easement and Permanent Easement for the Property of Amerco Real Estate Company Described as PIN 3702-14-44-3045. **(First Reading Vote: Unanimous)**
 - A2** B. Acceptance of a Temporary Construction Easement and Permanent Easement for the Property of Ken Van Norstrand Described as PIN 3702-14-33-3509. **(First Reading Vote: Unanimous)**
 - A2** C. Approval of the Purchase of Three Fairbanks Nijhuis Pumps from Clearwater, Inc. in the Amount of \$113,910 for the Renovation Project for the Moose Club Lift Station. **(First Reading Vote: Unanimous)**
 - A2** D. Approval of the Purchase of One Duperon Adaptive Technology Mechanical Bar Screen with Washer-Compactor and Controls from Duperon Adaptive Technology in the Amount of \$130,000. **(First Reading Vote: Unanimous)**
 - A2** E. Acceptance of the Low Bid and Approval of the Purchase of an Automated Side Loader Refuse Truck in the Amount of \$245,353.47 from Piedmont Peterbilt, LLC. **(First Reading Vote: Unanimous)**

- A2** F. Approval of the Installation of an All-Way Stop at the Intersections of 14th Avenue NW at 8th Street NW, 14th Avenue NW at 10th Street NW, and 14th Avenue Drive NW at 10th Street Boulevard NW. **(First Reading Vote: Unanimous)**
- A2** G. Approval to Purchase Ten Specialized Police Package Emergency Vehicles for a Total Cost of \$270,751.90 from Asheville Ford. **(First Reading Vote: Unanimous)**
- A2** H. Budget Revision Number 6. **(First Reading Vote: Unanimous)**
- A2** I. Rezoning Petition 16-04, Petitioned by George Condeelis, Joseph Condeelis, Dianne Davenport, and Rosemary Penland for the Rezoning of Approximately Six Acres of Three Contiguous Properties Located at 3165, 3179, and 3181 S NC 127 Highway. The Petition is to Rezone the Properties from Low Density Residential (R-1) to Commercial Corridor (CC-2). **(First Reading Vote: Unanimous)**
- A2** J. Consideration of Rezoning Petition 16-05, Petitioned by FJS & JC, LLC for the Rezoning of 1.014 Acres of Two Portions of Property Located at 5251 Hickory Boulevard. The Petition is to Rezone the Property from General Business (C-2) to Medium Density Residential – 2 (R-2). **(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/PH** A. Call for a Public Hearing – Voluntary Contiguous Annexation of Realty Income Properties 28, LLC, Located at 2173 13th Avenue Drive SE, Containing 6.25 Acres. **(Authorize Public Hearing for October 4, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**
- PH** B. Call for a Public Hearing – Consideration of Amending Chapter 4 Section 4-21(a) of the Hickory Code of Ordinances. **(Authorize Public Hearing for October 4, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**
- A** C. Special Events Activities Application Symphony Under the Sails – Rolling Down the Tracks: A Celebration of Railroads, Ingrid Keller, Executive Director, Western Piedmont Symphony, September 25, 2016, 1:00 p.m. to 9:00 p.m., Under the Sails on Union Square in Downtown Hickory. **(Exhibit VIII.C.)**
- A** D. Special Events Activities Application Trick or Trot K, Kyle Mishler, Recreation Programmer, Hickory Parks and Recreation, October 29, 2016, 7:00 a.m. to 3:00 p.m., Stanford Park Recreation Center. **(Exhibit VIII.D.)**
- A** E. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.E.)**

The following request was considered by the Citizens' Advisory Committee at their regular meeting on September 1, 2016.

The following applicant is being recommended for approval for assistance under the City of Hickory's 2016 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency-related repairs not to exceed \$8,000.

- *Vickie Pope, 1015 22nd Street NE, Hickory, (This will take the place of the Rehab Loan approved at the August meeting.)*

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

- A1** F. Approval of the Purchase of a 2017 Rosenbauer Commander Pumper from C.W. Williams in the Amount of \$475,990. **(Exhibit VIII.F.)**

Hickory Fire Department requests approval of the purchase of a 2017 Rosenbauer Commander Pumper from C.W. Williams. The apparatus will be purchased through the Houston-Galveston Area Council Interlocal Contract. The purchase of this apparatus has been appropriated in the Capital Improvement Project Fund of the Fire Department for FY 2016/2017. The 2017 Rosenbauer Commander Pumper will replace Engine 1, a 1999 Quality Apparatus Pumper. The Fire Department has previously purchased four fire trucks from Rosenbauer America and has had exceptional service from the apparatus as well as from the local dealer that provides warranty and repair needs. The base price of the unit is \$382,809, and the addition of published options in the amount of \$64,795 and unpublished options in the amount of \$39,542, and \$13,156 in dealer discounts. The total cost of the vehicle is \$475,990. The Fire Department recommends Council's acceptance of the proposed contract for the purchase of the 2017 Rosenbauer Commander Pumper from C.W. Williams of Statesville, North Carolina.

- A1** G. Acceptance of the Bid and Award of the Construction Contract to Iron Mountain Construction Company, Inc. in the Amount of \$278,172. **(Exhibit VIII.G.)**

The Public Utilities Department annually identifies infrastructure that is in need of replacement or rehabilitation, as appropriate, as a component of the Departments sustainability programs. The waterlines located on 3rd Street SE date back to the 1940's and 1950's and are primarily constructed of cast iron material due to the era of construction. This project involves the complete replacement and upsizing of approximately 2,300-lft of waterlines, existing fire hydrants, existing gate valves, and existing water service connections reconnected to the homeowner's waterlines. Construction bids were received from three perspective bidders: Hickory Sand Company, Inc. - \$314,670; Buckeye Bridge, LLC - \$310,899; and Iron Mountain Construction Co., Inc. - \$278,172. City of Hickory Public Utilities Division Staff evaluated the bid packages and found Iron Mountain Construction Company, Inc. to be the lowest responsible bidder. Staff recommends acceptance of the bid and award of the construction contract to Iron Mountain Construction Company, Inc. in the amount of \$278,172 for the construction of the 3rd Street SE waterline replace project.

- A1** H. 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. **(Exhibit VIII.H.)**

Staff requests acceptance of 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 for installation of a sanitary sewer line. The easements are necessary for completion of the Random Woods Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012 in the amount of \$2.946 million dollars. The easements were negotiated for a total sum of \$5,000 in exchange for the easements. Staff recommends acceptance of a 25 foot temporary construction easement and a 25 foot permanent sanitary sewer line easement for the properties of Cynthia Williams Huffman described as PIN 3724-18-40-6417 and PIN 3724-18-40-4654 for installation of a sanitary sewer line.

- A** I. Acceptance of the 2016 Justice Assistance Grant in the Amount of \$18,907 and to Serve as Lead Agency in the Grant Process for a Combined Amount of \$31,020. **(Exhibit VIII.I.)**

The City of Hickory and Catawba County have received notification of approval to receive a combined allocation of \$31,020 under the 2016 Justice Assistance Grant 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 application process. The Hickory Police

Department will use the funds to purchase an Oculus System and DARE supplies to educate the Hickory City School fifth and sixth grade classes in the amount of \$18,907. The Hickory Police Department recommends approval of acceptance of the 2016 Justice Assistance Grant and to serve as lead agency in the grant process for a combined amount of \$31,020.

- A1** J. 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. **(Exhibit VIII.J.)**

Staff requests approval to grant a permanent easement and a temporary construction easement to Piedmont Natural Gas for replacement of a natural gas line along 1st Avenue SW. The permanent easement and temporary construction easement are necessary for installation of a new four inch natural gas line along 1st Avenue SW from 14th Street SW under US 321 to 15th Street SW. The easements would affect two parcels owned by the City of Hickory, PIN 2792-08-78-8772 and PIN 2792-08-88-0788. There are no construction costs to the City and no City forces will be utilized in the construction of the natural gas line. Staff recommends approval of granting the easements to Piedmont Natural Gas located along 1st Avenue SW.

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

1. *To appropriate a total of \$9,865 from General Fund Balance to roll forward previous years' donations to the Recreation Department for the Bill McDonald Scholarship fund.*
2. *To recognize and appropriate insurance claims revenue in the amount of \$2,190 for damage sustained to a garbage truck on August 25, 2016.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of Voluntary Contiguous Annexation of a Portion of the Street Right of Way Located at 42nd Avenue Drive NW. **(Exhibit XI.A.1.)**

Moore's Ferry Associates, LLC and The Horsebarn, LLC submitted a petition for the voluntary contiguous annexation of 1.1 acres of property, which consists of a portion of the street right of way of 42nd Avenue Drive NW. The annexation is being requested so that the portion of 42nd Avenue Drive NW in question may be offered for public maintenance. The property consists of publicly dedicated street right of way has no value for tax purposes. Staff has determined the petition meets the statutory requirements for voluntary contiguous annexation and adequate public services are available. Staff recommends approval of the requested annexation.

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

- A** 2. Consideration of Voluntary Satellite Annexation of 3.18 Acres Located at 2520 and 2530 Brookford Boulevard (NC 127 South). **(Exhibit XI.A.2.)**

REC Group II, LLC submitted a petition for the voluntary satellite annexation of 3.18 acres of property located at 2520 and 2530 Brookford Boulevard (NC 127 S). The annexation is being requested so that the property, once developed, can be connected to the City's water and sewer system. The property is currently located in the City's extra-territorial jurisdictional area and zoned Community Center Commercial (CC-1). The petitioners intend to develop the property into

two commercial lots, with one lot being the future location of a fast-food restaurant. The current tax value of the vacant land is \$152,100. If annexed with its present value, the property would generate approximately \$861 in additional tax revenues. The estimated cost of the first phase of the development, which includes the construction of a fast-food restaurant (Bojangles') is \$2,475,000. Upon analysis Staff determined the petition meets the statutory requirements for voluntary non-contiguous annexation and adequate public services are available. Staff recommends approval of the requested annexation.

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

- A** 3. Consideration of Voluntary Contiguous Annexation of 2.135 Acres Located at 826 and 828 21st Street Drive SE, and 857, 863, and 903 23rd Street Court SE. **(Exhibit XI.A.3.)**

US Conec, LTD submitted a petition for the voluntary contiguous annexation of 2.135 acres of property which consists of property located at 826 and 828 21st Street Drive SE; and 857, 863, and 903 23rd Street Court SE. The annexation is being requested so that the property, once developed, can be connected to the City's water and sewer system. The current tax value of the vacant land is \$46,100. If annexed with its present value, the property would generate approximately \$260 in additional tax values. The estimated cost of construction for the renovations and expansion provided by US Conec, LTD are three to five million dollars. Upon analysis, Staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff recommends approval of the requested annexation.

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

- A1** 4. Consideration of Vacant Building Demolition Grant for Jerry Lee Pruitt, LLC for Property Located at 212 12th Avenue NE, the former Regal Manufacturing Building. **(Exhibit XI.A.4.)**

City Council established the Vacant Building Revitalization and Demolition Grant program on September 16, 2008. The program provides grant funding up to \$15,000 for demolition projects of vacant buildings within the Urban Revitalization Area and targeted industrial buildings in other areas of the City. Jerry Lee Pruitt, LLC applied for a Vacant Building Demolition Grant in the amount of \$15,000 to assist in the demolition of the former Regal Manufacturing building at 212 12th Avenue NE. After demolition, the applicant plans to market the property for redevelopment. The building is not located within the Urban Revitalization Area, but is eligible to receive funding as a high priority Brownfield site. The applicant is working with the North Carolina Department of Environmental Quality to obtain a Brownfield Agreement for the site, which will ensure that the site is cleaned up and safe for its end use upon redevelopment. The applicant plans to spend approximately \$157,000 to demolish the building. The applicant has not decided on an end use, but has been advised by real estate professionals that demolition of the building is necessary to spur developer interest in redeveloping the site. The project would be eligible for a \$15,000 demolition grant. Recent changes to the North Carolina General Statutes require a public hearing prior to approval of the grant. The Business Development Committee reviewed the application and recommends approval. Staff recommends approval of the Vacant Building Demolition Grant Agreement with Jerry Lee Pruitt, LLC in the amount of \$15,000.

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

- A** 5. Consideration of FY 2015-2016 Consolidated Annual Performance and Evaluation Report (CAPER). **(Exhibit XI.A.5.)**

The US Department of Housing and Urban Development requires City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient to report on CDBG monies spent within the previous fiscal year. The Consolidated Annual Performance and Evaluation Report (CAPER) evaluates the effectiveness of the use of resources in addressing identified goals and objectives cited in the Annual Action Plan which is prepared before the fiscal year begins. Expenditures for FY 2015-2016 totaled \$693,909.06. Staff recommends approval of the FY 2015-2016 Consolidated Annual Performance and Evaluation Report.

Notice of the availability of this document for public review and notice of this public hearing were advertised in a newspaper having general circulation in the Hickory area on September 4 and September 20, 2016.

B. Departmental Reports:

- A** 1. Consideration of Proposed Revisions to the Housing Rehabilitation Loan Program and Relocation Policy. **(Exhibit XI.B.1.)**

For a number of years the City has operated a housing rehabilitation loan program using Community Development Block Grant funds along with other housing related funds as they are available. These guidelines were most recently updated in 2014 to create a deferred loan program for households earning less than 50 percent of the area median income. The proposed revisions to the contracting section of the guidelines were suggested by City Finance Staff. The guidelines describe setting up an escrow account for each housing rehabilitation process. In practice, the City encumbers funds through the purchase order process and pays the contractor directly. The change to the policy reflects the process more accurately. An additional proposed change also increases the maximum loan term from 10 to 15 years. The change would lower the monthly payment for the maximum \$20,000 loan from \$193.20 per month to \$138.20, which should help make loan payments affordable to more citizens.

Staff has also developed a relocation policy to assist families that may need to be relocated during more extensive rehabilitation activities related to lead based paint hazards. The policy would provide a stipend to families that need to move out of their homes due to lead hazard reduction activities. Since the housing rehabilitation assistance is optional, the City is not required to provide relocation assistance to homeowners assisted through the program. These funds would be used to assist families moving in with family and friends or staying in a hotel during a rehabilitation project. Elderly families can sign a waiver of relocation and remain in their homes during most rehabilitation projects. Due to the age of construction of houses in Hickory many homes only have lead based paint on the exterior, which generally does not require relocation. Staff does not anticipate the relocation policy being utilized often, but it would provide some support to households that need to be relocated during a project. \$800 would be the maximum amount of assistance disbursed through the policy. The funds can be paid through the housing rehabilitation program budget.

The Citizen's Advisory Committee were presented with the changes to the guidelines and relocation policy and recommends approval. Staff also recommends approval of the proposed revisions to the Housing Rehabilitation Loan Program and Relocation policy.

- A** 2. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

VACANT

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)

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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)
Ward 3 (Seaver Appoints)
Ward 4 (Guess Appoints)
At-Large (Council Appoints)
At-Large (Council Appoints)

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YOUTH COUNCIL

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

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

Joshua Michael Cotton (At-Large Representative)

St. Stephens High School Representatives	2 Positions VACANT
At-Large Representatives	3 Positions VACANT
Challenger High School Representative	1 Position VACANT

Mayor Wright nominated Joshua Michael Cotton as an At-Large Representative on the Youth Council.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Voting Delegate/Alternate for Annual Business Meeting October 24, 2016 (4:15 – 5:15 p.m.) Raleigh Convention Center, Raleigh, NC

Alderman Lail nominated Mayor Wright as the voting delegate for the annual business meeting for the North Carolina League of Municipalities.

TRANSPORTATION ADVISORY COMMITTEE FOR THE GREATER HICKORY METROPOLITAN PLANNING ORGANIZATION

Appointment of Two Alternate Delegates

Mayor Wright nominated Alderman Tarlton and Alderman Zagaroli as the two alternates for the Transportation Advisory Committee for the Greater Hickory Metropolitan Planning Organization.

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)(6) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Wright requested the addition of closed session pursuant to (NC General Statutes 143-318.11(a)(6)) to discuss a personnel matter.

- 1. Discussion of a Personnel Matter – NCGS §143-318.11(a)(6)

- 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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