

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, January 2, 2024 at 6:00 p.m., with the following members present:

Tony Wood	Hank Guess	Anthony Freeman
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also, present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Assistant City Manager Yaidee Fox, Deputy City Attorney Arnita Dula, City Attorney Timothy Swanson, Deputy City Clerk Crystal B. Mundy, and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Major David Repass, Co-Officer in Charge The Salvation Army of Greater Hickory and the High Country
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
  - A. Mr. Charles Price, 41 35<sup>th</sup> Avenue NW Hickory, located in Viewmont, advised for the past three years, maybe four, he had been walking the highways and picking up trash. It was a never-ending job, and it was a disgusting situation. He had adopted McDonald Freeway as his main course, because a lot of people drive that it was really discouraging how fast trash piles up on the highways, not only just on McDonald Freeway, but all over the City. It did not matter which neighborhood you lived in. Trash gets on the highway. Years ago, they used to have a program, and he did not know if it still existed, but he did not see the signs anymore, this highway was adopted by certain people, families, and things like that. That seemed to work out pretty well. But years ago, people had enough pride in themselves and in their City to not throw all kinds of litter from their cars. He called it McDonald Speedway, not Freeway. It was really disgusting to pick up trash for a half a mile, walk back to his car, and by the time he gets back to his car there was litter on the highway. Now, a lot of this trash comes from individual cars and individual people. He knew that a tremendous amount of this garbage came from construction vehicles. They just throw trash in the back of their truck after a day's work, head off down McDonald Speedway and everything just blows out. He would just love to see some policies, some kind of cure for this problem. He was born in Hickory in 1942, and he retired from the military after 27 years. If they had ever been on a military post, if they saw a cigarette butt, they picked it up, but they would not find very many cigarette butts on a military post because of the discipline of the military.

Deputy City Clerk Crystal Mundy called the time of 3 minutes.

Mr. Price would love to see some policies, some changes. Crews out picking up. There was a Saturday crew that picked up and he was not real familiar with them because he picks up 5-6 days a week and they just pick up on Saturday, but his hat was off to them. They have a mission, and they accomplish that mission very well. That was the extent of his comments. He was very proud of Hickory and would like to see the civil pride come back into Hickory through all. About five or six years ago, a letter to the editor, came in the Hickory Daily Record.

Mayor Guess interrupted Mr. Price, he moved, seconded by Alderwoman Patton to allow Mr. Price to continue with his comments past three minutes. The motion carried unanimously.

Mr. Price advised there was a letter to the editor from an out of town, and a lot of them probably saw this letter in the Hickory Daily Record, and they made the comment that their visit to Hickory was a very pleasant visit. It was a beautiful town except for the trash. This was not a new issue. This had been going on for a pretty good long time. He concluded his comments there, and hopefully something, somebody, somewhere could pick up the ball and get it right rolling. He thanked Council.

Mayor Guess thanked Mr. Price for his comments and for helping. He advised they do have a citizen litter pickup for Hickory, they call themselves the Hickory Citizens Litter project. They picked up on Saturdays. They also continue to have the adopt a highways program that some businesses and individuals have done. Obviously, the police department, there were ordinances and laws against littering and, when they have reports of that and when they have evidence sufficient enough to charge people, they do charge based on the evidence that they were able to do. Like Mr. Price, he did not think anybody in this room, on this Council, would disagree with him. That was a priority, in fact, it was one of Council's priorities. They started the Litter Quitter Program. He could not imagine that anybody would disagree with him. They look at that as a priority here in the City and it was something that they want to see get better as well as he does. He thanked Mr. Price.

Mayor Guess asked if anyone else wished to speak. No one else appeared.

VI. Approval of Minutes

- A. Regular Meeting of December 19, 2023.

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of December 19, 2023 be approved. The motion carried unanimously.

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.

Alderwoman Patton moved, seconded by Alderman Seaver that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Budget Revision Number 11. (First Reading Vote: Unanimous)
- B. Rezoning Petition 23-07 for Property Owned by Michael and Kem Pollard Located at 2239 Robinson Road and Three Additional Parcels. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below will be enacted by vote of City Council. 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.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of the Consent Agenda. The motion carried unanimously.

- A. Approved on First Reading to Implement a Speed Limit Reduction to 25mph along 9<sup>th</sup> Avenue NE between 16<sup>th</sup> Street NE and 20<sup>th</sup> Street NE.

Staff request Council's approval to implement a speed limit reduction to 25mph along 9<sup>th</sup> Avenue NE between 16<sup>th</sup> Street NE and 20<sup>th</sup> Street NE. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 9<sup>th</sup> Avenue NE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition qualifies for a speed limit reduction to 25mph. Nineteen properties were included in the petition and fourteen properties signed in favor of implementation. This represents at least 75% 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 implement a speed limit reduction to 25mph along 9<sup>th</sup> Avenue NE between 16<sup>th</sup> Street NE and 20<sup>th</sup> Street NE.

ORDINANCE NO. 24-01

AN ORDINANCE OF THE HICKORY CITY COUNCIL  
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE  
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

WHEREAS, Article III of the City of Hickory Code of Ordinances be and is hereby amended through the modification of the official maps authorized therein as follows, to wit:

Amend the Traffic Ordinance by reducing the speed limit along 9<sup>th</sup> Avenue NE between 16<sup>th</sup> Street NE and 20<sup>th</sup> Street NE to 25 mph.

All ordinances or provisions of the Hickory City Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

This Ordinance shall become effective immediately upon adoption.

- B. Approved on First Reading to Implement a Speed Limit Reduction to 25mph along 7<sup>th</sup> Avenue NW between 4<sup>th</sup> Street Drive NW and 6<sup>th</sup> Street NW.

Staff request Council's approval to implement a speed limit reduction to 25mph along 7<sup>th</sup> Avenue NW between 4<sup>th</sup> Street Drive NW and 6<sup>th</sup> Street NW. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit

an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 9<sup>th</sup> Avenue NE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition qualifies for a speed limit reduction to 25mph. Eight properties were included in the petition and seven properties signed in favor of implementation. This represents at least 75% 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 implement a speed limit reduction to 25mph along 9<sup>th</sup> Avenue NE between 16<sup>th</sup> Street NE and 20<sup>th</sup> Street NE.

ORDINANCE NO. 24-02

AN ORDINANCE OF THE HICKORY CITY COUNCIL  
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE  
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

WHEREAS, Article III of the City of Hickory Code of Ordinances be and is hereby amended through the modification of the official maps authorized therein as follows, to wit:

Amend the Traffic Ordinance by reducing the speed limit along 7th Ave NW between 4<sup>th</sup> Street Drive NW and 6<sup>th</sup> Street NW to 25 mph.

All ordinances or provisions of the Hickory City Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

This Ordinance shall become effective immediately upon adoption.

- C. Approved Closing Both Locations of Hickory Public Library from 9:00 a.m. to 5:00 p.m. on Friday, May 3, 2024 for Staff Training.

Staff requests Council's approval to close both locations of Hickory Public Library from 9:00 a.m. to 5:00 p.m. on Friday, May 3, 2024 for staff training. Public library staff regularly interact with the public, and to provide the best possible customer service, it is necessary to periodically provide training opportunities in which all staff participate at the same time. This year staff will receive training that will focus on community resources; preparing for summer library programs; and customer service. Customer service training specific to each library department will be included. All library staff, both full-time and part-time, interact on a daily basis with the public and, therefore, need periodic opportunities to participate in staff development training to re-energize, acquire new skills, and improve their ability to work together as a team. To allow all coworkers to participate, it is necessary to schedule the training during a workday. Staff determined that Friday, May 3<sup>rd</sup> is a date that would create as little disruption as possible in service to the public. Staff recommends the Patrick Beaver Memorial Library and the Ridgeview Branch Library be closed on Friday, May 3, 2024 to allow time for all library employees to participate in staff training.

- D. Called for a Public Hearing to Consider Closing a portion of 1<sup>st</sup> Avenue SE, a portion of 8<sup>th</sup> Street Court SE, a portion of 2<sup>nd</sup> Avenue Drive SE, and an unnamed alley located off of 2<sup>nd</sup> Avenue Drive SE, as Petitioned by Jojida, LLC and Linda H. Huffman. (Authorized Public Hearing for February 6, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-01  
RESOLUTION OF INTENT

A Resolution Declaring the Intention of the City Council of the City of Hickory to Consider the Closing of a portion of 1<sup>st</sup> Avenue SE, a portion of 8<sup>th</sup> Street Court SE, a portion of 2<sup>nd</sup> Avenue Drive SE, and an unnamed alley located off of 2<sup>nd</sup> Avenue Drive SE

WHEREAS, G.S. 160A-299 authorizes the City Council of the City of Hickory to close public streets and alleys; and

WHEREAS, the City Council of the City of Hickory considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of 1<sup>st</sup> Avenue SE, a portion of 8<sup>th</sup> Street Court SE, a portion of 2<sup>nd</sup> Avenue Drive SE, and an unnamed alley located off of 2<sup>nd</sup> Avenue Drive SE.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory that:

1. A Public Hearing will be held at 6:00 p.m. on the 6<sup>th</sup> day of February, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building at 76 North Center Street, Hickory, North Carolina to consider a resolution closing a portion of 1<sup>st</sup> Avenue SE, a portion of 8<sup>th</sup> Street Court SE, a portion of 2<sup>nd</sup> Avenue Drive SE, and an unnamed alley located off of 2<sup>nd</sup> Avenue Drive SE.
  2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the *Hickory Daily Record*.
  3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
  4. The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.
- E. Approved a Resolution and Retainer Agreement with Cranfill Sumner, LLP, Smouse & Mason, LLC, and Napoli Shkolnik, PLLC as Special Counsel.

Staff requests Council's approval of the Resolution and retainer agreement between the City of Hickory and Cranfill Sumner, LLP, Smouse & Mason, LLC, and Napoli Shkolnik, PLLC for Special Counsel for per- and polyfluoroalkyl and related substances (PFAS/PFOA), etc., and associated Resolution. The City of Hickory has no findings of PFAS/PFOA contaminants. However, due to pending lawsuits, the City has engaged with Cranfill Sumner, LLP, Smouse & Mason, LLC, and Napoli Shkolnik, PLLC (Special Counsel) who will provide legal representation in identifying and pursuing the City of Hickory's potential claims for injuries and/or property damages arising out of the contamination of water supplies, wastewater treatment facilities, solid waste facilities, fire training facilities, and/or airports by emerging hazardous contaminants including, but not limited to, per- and polyfluoroalkyl and related substances (PFAS/PFOA), 1,4 Dioxane, and micro-plastics, including representation in connection any claim made in the Aqueous Film-Forming Foams (AFFF) Products Liability Litigation MDL No. 2873 pending in the United States District Court, District of South Carolina. The Retainer Agreement is a contingent fee contract. Fees are only owed if there is a recovery from the lawsuit. Special Counsel will be entitled to a contingency fee of 33% (thirty-three percent) of the claim recovery should there be a claim recovery. Staff recommends City Council's approval of the Resolution and retainer agreement between the City of Hickory and Cranfill Sumner, LLP, Smouse & Mason, LLC, and Napoli Shkolnik, PLLC as Special Counsel for PFAS/PFOA.

#### RESOLUTION NO. 24-02

#### RESOLUTION OF THE CITY OF HICKORY CITY COUNCIL TO RETAIN CRANFILL SUMNER LLP; SMOUSE AND MASON, LLC; AND NAPOLI SHKOLNK, PLLC AS SPECIAL COUNSEL

WHEREAS, the City desires to appoint and employ the attorneys at the law firms of Cranfill Sumner LLP; Smouse & Mason, LLC; and Napoli Shkolk, PLLC as special counsel for the City for the purpose of investigating and litigating the City's potential claims for injuries and/or property damages arising out of emerging hazardous contaminants including, but not limited to, per- and polyfluoroalkyl and related substances (PFAS/PFOA), 1,4 Dioxane, and micro-plastics (the "Claims"), including representation in connection with the Aqueous Film-Forming Foams (AFFF) Products Liability Litigation MDL No. 2873 pending in the United States District Court, District of South Carolina, now, therefore be it:

RESOLVED, that the City Council hereby appoint and employ the law firms of Cranfill Sumner LLP; Smouse & Mason, LLC, and Napoli Shkolk, PLLC as special counsel to investigate and litigate the Claims on the terms and conditions of the Retainer Agreement attached hereto as "Exhibit A," and that the City Manager is fully authorized to execute the Retainer Agreement on behalf of the City.

- F. Approved a Resolution for Construction Management at Risk Construction Delivery Method for the City Park Project.

Staff requests Council's approval of the Resolution for Construction Management at Risk Construction Delivery Method for the City Park Project. The City of Hickory is engaged in a City Park Project that will be situated on approximately 12 acres adjacent to Lake Hickory in the current Rotary Geitner Park owned by the City. The City Park Project will consist of the construction of a family shelter with restrooms, site improvements, including vehicular access, and a parking lot, pedestrian access to the lake, shoreline restoration, the addition of a fishing pier, boat slips and a kayak/canoe launch, along with other recreational amenities in the park. Staff reviewed the advantages and disadvantages of using the Construction Management at Risk method for the Project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3) and recommends using the

Construction Management at Risk Construction Delivery Method for the City Park Project. Construction Management at Risk provides an opportunity for the contractor's involvement during the design process to provide the architect with feedback on constructability and other design issues, using prequalified subcontractors, and transparency of the overall bidding and construction process, including costs incurred by the Construction Manager. Staff recommends City Council's approval of the Resolution for Construction Management at Risk Delivery Method for the City Park Project.

RESOLUTION NO. 24-03

A RESOLUTION OF THE CITY OF HICKORY APPROVING CONSTRUCTION MANAGEMENT AT RISK CONSTRUCTION DELIVERY METHOD FOR THE CITY PARK PROJECT PURSUANT TO THE PROVISIONS OF N.C.G.S. § 143-128.1

WHEREAS, the City of Hickory is engaged in a City Park Project that will be situated on approximately 12 acres adjacent to Lake Hickory in the current Rotary Geitner Park owned by the City (the "Project"); and

WHEREAS, the Project will consist of the construction of a family shelter with restrooms, site improvements, including vehicular access and a parking lot, pedestrian access to the lake, shoreline restoration, the addition of a fishing pier, boat slips and a kayak/canoe launch, along with other recreational amenities in the park; and

WHEREAS, City Council has compared the advantages and disadvantages of using the Construction Management at Risk method for the Project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G. S. 143128(a1)(3); and

WHEREAS, City Council finds the Construction Management at Risk method allows for selection of the most qualified contractor for the Project; and

WHEREAS, Construction Management at Risk provides an opportunity for involvement of the contractor during the design process for the purpose of providing the architect with feedback on constructability and other design issues; and

WHEREAS, Construction Management at Risk requires the Construction Manager to use prequalified subcontractors; and

WHEREAS, Construction Management at Risk allows for transparency of the overall bidding and construction process, including the costs incurred by the Construction Manager; and

WHEREAS, City Council has concluded the Construction Management at Risk method is in the overall best interest of the Project compared to the use of one of the delivery methods in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3).

NOW, THEREFORE, BE IT HEREBY RESOLVED, that City Council for the City of Hickory selects the Project for the Construction Management at Risk construction delivery method in accordance with G.S. 143-128.1.

- G. Approved Amending the Annual Contract for Auditing Services with Martin Starnes & Associates for Fiscal Year Ending June 30, 2023.

Staff requests approval to amend the annual contract for auditing services with Martin Starnes & Associates for fiscal year ending June 30, 2023. The City of Hickory has utilized the services of Martin Starnes & Associates for the past twelve years with excellent results. Since fiscal year 2012, Martin Starnes & Associates has also been contracted to produce the City's Annual Comprehensive Financial Report. The annual audit is due to the North Carolina Local Government Commission (LGC) as of October 31<sup>st</sup> of each year. An extension may be granted by the LGC but requires an amended auditing contract with approval from City Council and the Chair of the Audit Committee. An extension of the City's auditing contract is necessary for this fiscal year due to the new GASB 96 standard causing delays in both City and auditor schedules. The City contracted with DebtBook to assist with the standard but still incurred many new processes to properly document the standard into the City's financial statements. In addition, Finance Department staff continued to participate in training sessions to implement new Tyler Technologies financial software while still preparing for the annual audit resulting in delays with finalizing audit work. Staff recommends approval to amend the annual auditing contract with Martin Starnes & Associates for fiscal year ending June 30, 2023.

- H. Approved on First Reading Budget Revision Number 12.

ORDINANCE NO. 24-03  
BUDGET REVISION NUMBER 12

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2024, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	12,960	-
Contingency	-	117,473
Other Financing Uses	117,473	-
TOTAL	130,433	117,473

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	12,960	-
TOTAL	12,960	-

SECTION 2. To amend the MUNIS/Typer Technologies (#450001) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	117,473	-
TOTAL	117,473	-

To provide funding for the above, the MUNIS/Tyler Technologies (#450001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	117,473	-
TOTAL	117,473	-

SECTION 3. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business

A. Public Hearings

B. Departmental Reports:

1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

VACANT

COMMUNITY RELATIONS COUNCIL

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

VACANT  
VACANT  
VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Term Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)  
Burke County Representative (Mayor Appoints with Recommendation from Burke County)

VACANT

HISTORIC PRESERVATION COMMISSION

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

VACANT  
VACANT

LIBRARY ADVISORY BOARD

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

VACANT

RECYCLING ADVISORY BOARD

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

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 wished everyone a Happy New Year. They have a lot of exciting things going on in the City and were looking forward to more.

City Manager Warren Wood welcomed Mr. Chad Hunsucker, the new Airport Manager for the City of Hickory. Mr. Hunsucker was a Catawba County native. He graduated from Fred T. Foard High School, along with Steve Miller. Right out of high school, he joined the Navy where he spent a career in the aviation field. He completed his college degree while in the military and went on to become a commissioned officer. After 26 years of service in the Navy, he retired as a Lieutenant Commander. He had a lot of experience working with airports around the country. He has spent the last six years, since his retirement from the Navy, working at the City of Concord's Airport. They were thrilled to have Mr. Hunsucker on board. He lives in Catawba County and was a Catawba County native. It was good to have him back home working here.

Mayor Guess welcomed Mr. Hunsucker. He advised him most of the Airport Managers stay at least 20 years, that was what the expectation was there. He appreciated him and noted it was good to have him on board.

- XIV. There being no further business, the meeting adjourned at 6:12 p.m.

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Mayor

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City Clerk