



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

December 19, 2023
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Amy Spivey, Senior Pastor St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Recognition of Hickory High School Football Team's 3A State Championship and Recognition of Hickory High School Football Day. **(Exhibit IV.A.)**

Mayor Guess recognized the Hickory High School Football Team for winning the 3A State Championship. He read and presented a Proclamation for Hickory High School Football Day.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A** A. Regular Meeting of December 5, 2023. **(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. Budget Revision Number 10. **(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.
 - A** A. Approval of an Agreement for Professional Services with Gannett Fleming Consulting Engineers for Preliminary Engineering and Design Services related to the Sandy Ridge Road Roundabout in the Amount of \$684,043.28. **(Exhibit VIII.A.)**

Staff requests Council's approval of an Agreement for Professional Services with Gannett Fleming, Consulting Engineers for preliminary engineering and design services related to the Sandy Ridge Road roundabout – C-5196 in the amount of \$684,043.28. The City applied for and received Congestion Management and Air Quality (CMAQ) funding approval from the Greater Hickory MPO and North Carolina Department of Transportation (NCDOT) for intersection improvements on 16th Street NE (Sandy Ridge Road) at 21st Avenue NE and at 29th Avenue Drive NE. The City requested and received supplemental agreements from the Greater Hickory MPO for additional funding. The City is in position to begin the preliminary engineering and design of the proposed roundabout at the intersection of 21st Avenue NE and Sandy Ridge Road. The two-lane road from 21st Avenue NE toward 29th Avenue Drive NE will remain, but there will be approximately 2,500 feet of

roadway construction on Sandy Ridge Road and 750 linear feet of roadway construction on 21st Avenue NE. Improvements to Sandy Ridge Road will include a bike lane and a sidewalk on each side. Staff requests Council's approval of an Agreement for Professional Services with Gannett Fleming Consulting Engineers for preliminary engineering and design services related to the Sandy Ridge Road roundabout – C-5196 in the amount of \$684,043.28, contingent upon NCDOT concurrence.

- A B. Accept and Enter Into the Minutes Certification of Votes from November 7, 2023, Election from the Catawba County Board of Elections. **(Exhibit VIII.B.)**

Ward 1	Tony Wood Write-In	959 30
Ward 2	Charlotte Williams Write-In	1,007 29
Ward 3	Daria Jackson Danny Seaver Write-In	422 679 9
Ward 4	Anthony J. Freeman Write-In	981 21

- A C. Approval of a Cemetery Deed Transfer from Caryl Ann Canella, Trustee of the Joan Theresa Barnhill Revocable Trust dated May 10, 2021, to Caryl Ann Canella, married, located in Oakwood Cemetery Plot M, Lot No. 8, Section 56. (Prepared by Casey W. Pope, Esq., Patrick, Harper & Dixon L.L.P.) **(Exhibit VIII.C.)**

- A1 D. Budget Revision Number 11. **(Exhibit VIII.D.)**

1. To appropriate \$8,273 from an insurance claim reimbursement for a damaged Water & Sewer vehicle.
2. To appropriate \$6,075 in Bill McDonald Scholarship revenues for the Parks, Recreation, and Sports tourism programs.
3. To appropriate \$8,595 in sponsorship revenues for Parks, Recreation, and Sports Tourism programming costs.
4. To appropriate \$29,680 from an insurance claim reimbursement for a damaged Fire truck.
5. To appropriate \$23,902 from an insurance claim reimbursement for a damaged Fire truck.
6. To transfer \$684,044 of previously approved funds within the Sandy Ridge Intersection project for a Professional Services Agreement with Gannett Fleming, Consulting Engineers.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A 1. Consideration of the Voluntary Contiguous Annexation of .553 Acres Located at 920 30th Avenue Drive NW, PIN 3704-11-55-0162, Owned by Pride Design Construction, Inc. - Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 0.553 acres property located at 920 30th Avenue Drive NW. This property is identified as PIN 3704-11-55-0162. The property is currently vacant and located within the City's Extra

Territorial Jurisdiction (ETJ). The property is zoned R-2, which permits residential development at 4 dwelling units per acre. Given its size, a property division could create two building lots; however, the owner intends to build a single home on the property. The property owner desires to connect the new home to city sewer service, which requires annexation. Surrounding properties are zoned R-2 Residential and occupied by single family homes or are vacant. The current tax value of the property is \$16,100. If annexed, the vacant property would generate \$73 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on December 9, 2023.

- A1** 2. Consideration of Rezoning Petition 23-07 for Property Owned by Michael and Kem Pollard Located at 2239 Robinson Road and Three Additional Parcels – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.2.)**

Michael and Kem Edward Pollard, requests consideration of the rezoning of their property located at 2239 Robinson Road (including three additional parcels) from R-1 Residential to R-2 Residential. The property has been annexed, and during the process the owners requested the property be rezoned to R-2 Residential. The subject property is currently zoned R-1 Residential, and totals 62.873 acres in total size. The current R-1 district provides areas for the development of low-density residential development, which includes single-family and two-family development at a rate of 2 dwelling units per acre. The requested R-2 Residential provides areas for the development of low to medium density residential development, which includes primarily single-family development at a rate of 4 dwelling units per acre. The Hickory Regional Planning Commission conducted a public hearing on December 6, 2023 to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on December 9, and December 16, 2023.

B. Departmental Reports

- A** 1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

Ward 1 (Wood Appoints)

VACANT

At-Large (Outside City but within HRP) (Council Appoints)

VACANT

Alderman Wood nominated Lynn Sampson as Ward 1 Representative on the Community Appearance Commission.

COMMUNITY RELATIONS COUNCIL

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

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

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

Ward 5 (Zagaroli Appoints) (Wallace Johnson Resigned 12-7-2023) VACANT

Alderman Zagaroli nominated Robert Lelewski as Ward 5 Representative on the Hickory Regional Planning Commission.

HISTORIC PRESERVATION COMMISSION

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

Historic Properties Owner (Council Appoints) VACANT

LIBRARY ADVISORY BOARD

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

Ward 3 (Seaver Appoints) VACANT

PUBLIC ART COMMISSION

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

Ward 3 (Seaver Appoints) VACANT

Alderman Seaver nominated Michael McLamb as Ward 3 Representative on the Public Art Commission.

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

- 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 October 17, 2023 - NCGS §143-318.11(a)(1)*
 - 2. *Discussion of Potential Litigation - NCGS §143-318.11(a)(3)*

- XV. 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**