A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred, NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied

A C T I O N A G E N D A

Hickory City Council
76 North Center Street

April 6, 2021
7:00 p.m.

I. Call to Order

II. Invocation by Reverend David E. Roberts II, Morning Star First Baptist Church

III. Pledge of Allegiance

IV. Special Presentations

A. MetroNet Presentation

Ms. Kathy Scheller, MetroNet's Director of Government Relations discussed MetroNet, a fiber-optic internet, television, and phone company.

B. Proclamation for Fair Housing Month – Presented to Tami Fox, Keller Williams on Behalf of Catawba Valley Association of Realtors

Mayor Guess presented the Proclamation for Fair Housing Month to Tami Fox from Keller Williams.

C. Catawba Re-Route 2021: A Community-Led Effort to Bus Route Changes – Presentation by Mobility Manager Aaron Kohrs, Greenway Public Transportation and Transportation Planning Manager Brian Horton, Western Piedmont Council of Governments

Greenway Public Transportation Mobility Manager Aaron Kohrs and Western Piedmont Council of Governments Transportation Planning Manager Brian Horton presented a proposal for bus route changes.

D. Presentation from Catawba Valley Quilters Guild for City of Hickory's Sesquicentennial

Catawba Valley Quilters Guild presented the City with a quilt commemorating the City's 150th Anniversary in 2020.

V. Persons Requesting to Be Heard

A. Mr. Allen Mitchell Jr. Regarding Cemetery Plots

Mr. Allen Mitchell Jr. discussed the need for more cemetery plots in the City.

B. Mr. David Crosby, 1046 3rd Avenue Drive NW, discussed concerns with his water bill.

VI. Approval of Minutes

A A. Regular Meeting of March 16, 2021. **(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 17. **(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 the Community Relations Council Spring 2021 Grant Recommendations. **(Exhibit VIII.A.)**

As part of the Community Relations Council's work plan and annual budget process, the Community Relations Council (CRC) receives funds to disperse during the fiscal year through the CRC grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area. For the Spring 2021 grant cycle, the CRC received eight grant applications for projects totaling $9,700 and is recommending approval of four grants totaling $5,000. The following are recommended for approval of the grants: Centro Latino $1,500; Women's Resource Center - $1,000; Hickory Community Theatre, Inc. $1,500; and Hickory Museum of Art - $1,000; for a total of $5,000. Funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the four grants listed above totaling $5,000.

A B. Approval of the Reappointment of Patsy Scott as the City of Hickory Tax Collector for an Additional Two-Year Term. **(Exhibit VIII.B.)**

Staff requests approval to reappoint Patsy Scott, current Senior Accountant in the Finance Department, as the City of Hickory Tax Collector for an additional two-year term. The City of Hickory is currently responsible for printing, mailing, collecting, answering taxpayer inquiries, advertisement, and enforcing collections procedures for the City of Hickory locations within Burke and Caldwell counties. Catawba County remains responsible for printing, mailing, collecting, answering taxpayer inquiries, advertisement, and enforcing collections procedures for the City of Hickory locations within the Catawba County taxing district. The City's Tax Collector's responsibilities include coordinating ad valorem tax administration with Burke, Caldwell, and Catawba counties. Patsy Scott was hired as the City's Senior Accountant effective March 1, 2017 and her initial two-year term as Property Tax Collector was approved by Council April 4, 2017. Patsy is currently certified as a Property Tax Collector with the North Carolina Tax Collectors' Association. Staff recommends approval to reappoint Patsy Scott as the City of Hickory Tax Collector for an additional two-year term. Pursuant to acceptance in the North Carolina Tax Collectors' Association for certification, Patsy will be required to perform ten hours of continuing education credits annually.

A C. Approval to Issue an Order to Advertise All Real and Personal Current Fiscal Year Unpaid Tax Amounts. **(Exhibit VIII.C.)**

General Statute 105-369(a) mandates that the tax collector must first inform the governing body of and then advertise the "total amount of unpaid taxes for the current fiscal year that are liens on real property". The following are unpaid tax amounts for 2020: Caldwell County – Real Property Tax - $1,419.40; Personal Property Tax - $18.21; Public Service Property Tax - $4,862.97; Caldwell County Total $6,300.58. Burke County – Personal Property Tax - $44.08; Business Personal Property - $2,918.17; Burke County Total $2,962.25. A taxing unit has the option of advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees. General Statute 105-369(c) requires that real property tax liens for the current year

be advertised at any time from March 1 through June 30. Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the "total amount of unpaid taxes for the current fiscal year that are liens on real property". (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably, immediately upon receipt of the tax collector's report. (3) At least thirty days before the advertisement is published and posted, the tax collector must provide written notice to the affected taxpayers of the intent to publish outstanding current tax liens. When a taxpayer files a bankruptcy petition, an "automatic stay" immediately becomes effective. Essentially this stay bars any effort by a creditor to collect a debt from the debtor in bankruptcy. The advertisement of a tax lien arguably qualifies as an act to enforce a tax lien and is therefore barred by the automatic stay. The Tax Collector has informed City Council of the unpaid tax amounts for the current fiscal year. It is recommended that City Council issue an order to advertise all real and personal current fiscal year tax amounts in the Hickory Daily Record in an attempt to collect the outstanding taxes.

PH/A D. Call for a Public Hearing – Consideration of Closing a Portion of Amity Street, Newton. **(Authorize Public Hearing for May 4, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.D.)**

PH/A E. Call for a Public Hearing – Consideration of Closing an Unopen Portion of Lutetium Circle, Hickory. **(Authorize Public Hearing for May 4, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E.)**

PH/A F. Call for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of Property Owned by Lifestyle Investment Company, Containing Approximately .344 acres of Property, Located at 1317 Cloninger Mill Road, Hickory, Identified as PIN 3174-08-88-9113. **(Authorize Public Hearing for April 20, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.F.)**

A G. Acceptance of a North Carolina Department of Transportation Division of Aviation Grant in the Amount of $720,000 for Design/Bid Phase of Taxiway "A" Slope Repair Project. **(Exhibit VIII.G.)**

Staff r*equests City Council's acceptance of Grant 36244.33.15.1 awarded by the North Carolina Department of Transportation – Division of Aviation (NCDOT-DOA) in the amount of $720,000 for the design/bid phase of the taxiway "A" slope repair project. The NCDOT, by letter dated February 15, 2021, has allocated State funds in the amount of $720,000 with the local share of $80,000 for the design/bid phase of taxiway "A" slope repair project. General fund balance will be used for the local share. This grant will assist in the continuation of the airfield improvement program. This grant will be for the design/bid phase of the project whereby repairs will consist of grade reconstruction, paving and a retaining wall. Staff recommends City Council's acceptance of Grant 36244.33.15.1 in the amount of $720,000 from the North Carolina Department of Transportation – Division of Aviation.*

A H. Approval of Declaring a 2010 Chevrolet Ambulance as Surplus and Donating the Apparatus to Catawba Valley Community College. **(Exhibit VIII.H.)**

The City of Hickory Fire Department staff requests approval to donate a surplus 2010 Chevrolet Ambulance (VIN# 1GB9G5B6XA1124701) to Catawba Valley Community College for their Emergency Services Training Center. This vehicle will be utilized during training sessions that City Fire Department personnel attends along with the training of other local first responders served by the community college programs. This apparatus was one of two ambulances donated by Catawba County to the City of Hickory Fire Department in July 2019. The department has used this apparatus for parts to equip the second ambulance. Once the parts were removed, the apparatus was transferred to storage at the Parks and Recreation covered shelter at Fire Station 3. The Hickory Fire Department has received a written request from Catawba Valley Community College

requesting access to this ambulance. The intent of this request is to donate the ambulance to the community college for the purpose of training. Hickory Fire Department staff recommends declaring the 2010 Chevrolet Ambulance as surplus and donating said apparatus to the Catawba Valley Community College. In accordance with G.S. 160A-280 public notice was published in a newspaper having general circulation in the Hickory area on March 25, 2021.

A I. Acknowledgement of the Publication of Notice of a Conflict of Interest Stemming from a Nonprofit's Application for Funding from the City's Community Development Block Grant Program. **(Exhibit VIII.I.)**

Staff requests Council to acknowledge the publication of the notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program (CDBG). The City of Hickory (City) is a participating jurisdiction in the United States Department of Housing and Urban Development's Community CDBG program that allows funding to nonprofits through Public Service Activities. The City has received an application for funding from a nonprofit who has a current City employee who sits on its board of directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application. Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, hereby is providing public notice of the potential conflict of interest raised by the nonprofit's application to the City's CDBG Program. The notice is posted on the City's website and at the Patrick Beaver and Ridgeview Libraries. Staff requests Council to acknowledge publication of the notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program.

A J. Approval of a Professional Services Agreement with The Right of Way Group, LLC in the Amount of $152,000 for Services Related to Right-of-Way Acquisition for EB-5937 (Historic Ridgeview Walk). **(Exhibit VIII.J.)**

Staff requests Council's approval of an agreement for Professional Services with The Right of Way Group, LLC for services related to right-of-way acquisition for EB-5937 in the amount of $152,000, contingent upon North Carolina Department of Transportation concurrence. The Historic Ridgeview Walk Multi-Use Trail Project is one of the projects envisioned in the Bond Referendum and is intended to provide improved connectivity from City Walk through the Ridgeview Community to US 70. The Historic Ridgeview Walk Multi-Use Trail project is an element of the Bond Referendum that was to be added in the future as a continued development of the multi-use path around the City that connected all parts of the City for citizens and visitor's enjoyment. This project has received Federal funding at an 80/20 ratio, Federal and City, respectively. The Agreement for the Historic Ridgeview Walk Multi-Use Trail identifies additional services that include right-of-way acquisition along the corridor. City of Hickory's portion of fees will be funded by Bond proceeds. Staff recommends Council's approval of the agreement for Professional Services with The Right of Way Group, LLC for additional right-of-way acquisition services related to EB-5937 in the amount of $152,000, contingent upon NCDOT concurrence.

A K. Approval of a Professional Services Agreement with The Right of Way Group, LLC in the Amount of $13,000 for Services Related to Right-of-Way Acquisition for EB-5938 (Historic Ridgeview Walk). **(Exhibit VIII.K.)**

Staff requests Council's approval agreement for Professional Services with The Right of Way Group, LLC for services related to right-of-way acquisition for EB-5938 in the amount of $13,000, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. The Historic Ridgeview Walk Multi-Use Trail Project is one of the projects envisioned in the Bond Referendum and is intended to provide improved connectivity from City Walk through the Ridgeview Community to US 70. The Historic Ridgeview Walk Multi-Use Trail project is an element of the Bond Referendum that was to be added in the future

as a continued development of the multi-use path around the City that connected all parts of the City for citizens and visitor's enjoyment. This project has received Federal funding at 80/20 ratio, Federal and City, respectively. The agreement for the Historic Ridgeview Walk Multi-Use Trail identifies additional services that include right-of-way acquisition along the corridor. City of Hickory's portion of fees will be funded by Bond proceeds. Staff recommends Council's approval agreement for Professional Services with The Right of Way Group, LLC for additional right-of-way acquisition services related to EB-5938 in the amount of $13,000, contingent upon NCDOT concurrence.

A L. Approval of the Purchase of a 2022 Smeal/Spartan Custom Pumper in the Amount of $647,415 from Atlantic Coast Fire Trucks LLC Through the Houston Galveston Area Council (HGAC) Interlocal Contract. **(Exhibit VIII.L.)**

Staff requests approval of the contract for the purchase of a 2022 Smeal/Spartan custom pumper from Atlantic Coast Fire Trucks LLC through the Houston Galveston Area Council (HGAC) Interlocal Contract. The custom pumper will be purchased from Atlantic Coast Fire Trucks, LLC (the dealer for Smeal/Spartan Fire Apparatus) under the guidelines and stipulations set forth by the HGAC contract. The City of Hickory has participated in this purchasing format since November 2012. This new Smeal/Spartan fire apparatus will include an aluminum body, a Spartan Metro-Star Cab and Chassis, and a 1,500 gallon per minute (gpm) fire pump. The total cost of this new custom pumper is $647,415. This is an 80/20 price agreement that provides a total discount of $10,765, if a pre-payment of $517,932.00 is paid within 10 days of fully-signed contract. The total price includes a Performance and Payment Bond of $2,777, which protects the pre-payment amount from the City of Hickory. Hickory Fire Department staff recommends approval of the proposed contract for the purchase of a 2022 Smeal/Spartan custom pumper for the total sum of $647,415, utilizing the 80/20 pre-payment option that will be protected by a Performance and Payment Bond. Funds are budgeted in the FY 2020/2021 budget.

A M. Approval of a Resolution Accepting a North Carolina Clean Water State Revolving Fund Loan in the Amount of $30 Million Dollars Towards the Henry Fork Wastewater Treatment Facility Solids Handling Facility Upgrade. **(Exhibit VIII.M.)**

Staff requests approval of a Resolution accepting the State Revolving Fund Loan for the Henry Fork Wastewater Treatment Facility solids handling facility upgrade project in the amount of $30 million dollars at .10 percent interest for 30 years. The City of Hickory, City of Conover and Catawba County formed the Regional Sludge Consortium to develop and manage the Regional Sludge Management Facility (RSMF). The RSMF is jointly owned and operated by the City of Hickory with, City of Conover and Catawba County. As of July 1, 2019, Catawba County has withdrawn as a partner from the Consortium. Area municipalities take residuals from their wastewater treatment facilities to the RSMF where it is processed through drying and mixing to produce a quality compost product. The Consortium contracts with Veolia Water North America for the operation and maintenance of the Facility. The RSMF is a corrosive environment and requires frequent extensive maintenance and large financial investments. On behalf of the City, HDR Engineering, Inc. of the Carolinas (HDR) conducted a condition assessment to evaluate, plan and budget for current and future needs. Ultimately the report recommended that the RSMF be decommissioned, and that the City invest in another type of biosolids stabilization process at one of the City's existing wastewater treatment facilities. In October 2019, Council approved an agreement with HDR for the design of the new solids handling facility to be placed at the Henry Fork Wastewater Treatment Facility. During this period of time, Staff have reviewed multiple funding options and applied for State Revolving Funds to help finance the facility. On March 1, 2021, the City was notified that funds were approved for the project. Conditions of funding include a 25 percent grant to be realized as a one percent reduction in interest for the 30-year loan, bringing the rate to 0.10 percent. The City is required by the State Revolving Loan Program to approve a Resolution agreeing to provisions of the loan program and agreement and designating an Authorized Representative, including loan closing cost of two percent ($600,000) to be paid to the State. This application for State Revolving Loan funds was previously approved by City Council in Resolution 20-10 dated March 3, 2020. Staff recommends Council's approval

of Resolution and designation of Authorized Representative for State Revolving Loan for the Henry Fork Wastewater Treatment Facility solids handling facility upgrade project in the amount of $30 million dollars at 0.10 percent interest for 30-years.

A1 N. Budget Revision Number 18. **(Exhibit VIII.N.)**

1. *To recognize and appropriate $25,000 in revenues received from the sale of the Fire Department's 1995 Spartan fire apparatus to the Town of Matthews, NC. The funds will be placed into the Fire Department's capital account for future vehicle purchases.*
2. *To recognize and appropriate a total of $30,000,000 in State Revolving Funds into the BioSolids Project (#803306) Capital Project Ordinance along with $600,000 from Water and Sewer Fund Balance to cover the 2% loan closing cost requirement. The State SRF program is financing the biosolids handling facility upgrade at the Henry Fork Wastewater Treatment Facility for a 30-year term at 0.10% interest.*
3. *To establish the Taxiway "A" Slope Repair Capital Project Ordinance (#650031). The NCDOT Division of Aviation has awarded the Hickory Regional Airport a State grant of $720,000 to be matched with a local share of $80,000 from General Fund Balance. This will cover the initial Design/Bid phase of the project to address the reconstruction of a slope parallel to Taxiway "A".*
4. *To establish the Airport Hangar W3 Capital Project Ordinance (#APH0W3). The project will be funded with $1,053,072 of insurance claims revenues received due to previous hangar storm damage.*

IX. Items Removed from Consent Agenda – Item "L"

Item "L" was removed from the consent agenda, discussed and approved.

X. Informational Item

XI. New Business:

A. Public Hearings

A 1. Consideration of a Voluntary Non-Contiguous Annexation of Property Owned by Larry and Cindy Williams, Containing Approximately 4.573 acres of Property (which includes street right-of-way), Located at 4763 1st Street NW, Hickory, Identified as PIN 3715-15-53-4888 and PIN #3715-15-53-2719. – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

The Williams' have petitioned for the voluntary non-contiguous annexation of 4.573 acres of property located 4763 1st Street NW. The subject property is currently located within Hickory's extraterritorial jurisdictional area (ETJ), and zoned Medium Density Residential (R-2). The annexation is being requested in order to connect to the City's sewer system. Under the current zoning the property can be developed for single-family residential uses at a density of four dwelling units per acre. This density is reduced by being located within the Lake Hickory Watershed, where residential density is restricted to two dwelling units per acre. The subject property is currently vacant; however, the property owners intend to construct a single-family residence on the property. The current tax value of the property is $357,100. If annexed with its present value, the property would immediately generate additional tax revenues of $2,098. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-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.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 25, 2021.

A1 2. Consideration of Rezoning Petition 21-01 for Property Located at 2565 Section House Road NE, Rezoning Area Containing Approximately .48 Acres (+ or -) of a .99 Acre (+ or -) Tract from Low Density Residential (R-1) to Neighborhood Center Commercial (NC) – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Scott Riley has petitioned for the rezoning of +/- 0.48-acre of a larger +/- 0.99-acre parcel located at 2565 Section House Road NE from Low Density Residential (R-1) to Neighborhood Center Commercial (NC). The subject property is currently vacant. The owner is seeking to rezone part of the property to provide an area for a non-residential development. The subject property is currently zoned Low Density Residential (R-1) and could potentially yield up to two dwelling units. The request is to rezone a portion of the property to Neighborhood Commercial (NC). Should the property be rezoned to Neighborhood Commercial (NC), the property could be utilized for multi-family residential, at a density of thirty dwelling units per acre, or for non-residential purposes at a maximum floor area ration of 0.85. The applicant has indicated their intention is to construct an office on the property. Given this intention, the portion of the property requested to be rezoned property could be developed to contain up to 17,772.48 square feet of total floor area. The Hickory Regional Planning Commission conducted a public hearing on March 24, 2021 to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (10-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 26, and April 2, 2021.

B. Departmental Reports

NA 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 HRPA) (Council Appoints) VACANT

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
Differently-Abled and is African-American or Other Minority (Council Appoints) VACANT

HICKORY REGIONAL PLANNING COMMISSION
(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Brookford (Mayor Appoints with Recommendation from Brookford) VACANT

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

PUBLIC HOUSING AUTHORITY
(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 3 (Mayor Appoints) VACANT
Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements) VACANT

YOUTH COUNCIL
(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)
Youth Council Applicant Review Committee Recommends the Following Appointments:

FTF	VACANT
HCAM	VACANT
HHS	VACANT
Homeschool	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. 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