



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, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Amy Spivey, St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - NA** A. Presentation of a Proclamation for Hispanic Heritage Month. **(Exhibit IV.A.)**
 - NA** B. Recognition of Street Maintenance Supervisor Bobby Hatley for Finishing First in the American Public Works Association's (APWA) National Excavator Competition, Third in their National Backhoe Competition and Second in their Overall National Competition.
- V. Persons Requesting to Be Heard
 - A. James Collins, 1601 4th Street NE, Apt. 25, Hickory will Discuss Information Regarding The Association for the Blind.

Mr. Collins was not present to speak.
- VI. Approval of Minutes
 - A** A. Regular Meeting of September 6, 2022. **(Exhibit VI.A.)**
 - A** B. Special Meeting of September 15, 2022. **(Exhibit VI.B.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A2** A. Budget Revision Number 5. **(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 a Cemetery Deed Transfer from Vicki Dawn Spencer, Executor of the Estate of Buster Rex Spencer; Vicki Dawn Spencer, unmarried; Terry Rex Spencer and wife, Patricia Blevins Spencer; Nelson Lee Spencer and wife, Donnetta Ward Spencer; and Rebecca Dawn Reid Yonamine and husband Dominic S. Yonamine to Terry Rex Spencer Married, Located in Oakwood Cemetery, being Section 46, Block E, Space 004. (Prepared by Jordan L. Faulkner). **(Exhibit VIII.A.)**

- A B.** Approval of a Cemetery Deed Transfer from Vicki Dawn Spencer, Executor of the Estate of Buster Rex Spencer; Vicki Dawn Spencer, unmarried; Terry Rex Spencer and wife, Patricia Blevins Spencer; Nelson Lee Spencer, and wife Donnetta Ward Spencer; Rebecca Dawn Reid Yonamine and husband Dominic S. Yonamine to Vicki Dawn Spencer, Unmarried, Located in Oakwood Cemetery, being Section 46, Block E, Spaces 001, 005, 006, and 007. (Prepared by Jordan L. Faulkner). **(Exhibit VIII.B.)**
- A/PH C.** Call for a Public Hearing to Consider the Closing of an Unopened Thoroughfare Off of 5th Street NE, as Petitioned by G&M Rentals LLC. **(Authorize Public Hearing for October 18, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)**
- A/PH D.** Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Brooks Furniture Xpress, Inc., Containing 26.672 Acres, Located at 1459 and 2819 Robinwood Road, as well as a Vacant Parcel Fronting Robinwood Road, Identified as PINs 3711-20-90-9923, 3711-20-90-9532, and 3711-20-90-9062. **(Authorize Public Hearing for October 4, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.D.)**
- A/PH E.** Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by CCF Fuller Family Holdings, LLC and Whitener Family Trust FBO Susan W. Denning, Containing 15.49 Acres, Located on Tate Boulevard SE South of 31st Street Place SE, Identified as PINs 3722-14-34-9561 and 3722-14-44-5073. **(Authorize Public Hearing for October 4, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E.)**
- A/PH F.** Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of Property Owned by Michael Wyant, Gregory Wyant, Jeffery Wyant, Lisa Wyant, Dana Wyant, Susan Denning, and Michael Whitener, Containing 158.8 Acres, Located at 3820 Hickory Lincolnton Highway and surrounding properties, Identified as PINs 3618-01-19-6254, 3618-01-08-7291, 3618-01-18-7760, 3618-01-17-4011 and 3618-01-37-2692. **(Authorize Public Hearing for October 4, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.F.)**
- PH G.** Call for a Public Hearing to Consider a Joint Economic Development Agreement for Property Located at 2084 Fairgrove Church Road and 20th Avenue SE, Containing 16.61 Acres, Identified as PINs 3721-16-83-3563 and PIN 3721-16-73-9055. **(Authorize Public Hearing for October 4, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.G.)**
- PH H.** Call for Public Hearings to Consider the following: 1) Rezoning Petition 22-08. Request by Michael Wyant, Gregory Wyant, Jeffery Wyant, Lisa Wyant, Dana Wyant, Susan Denning, and Michael Whitener for the rezoning of 158.8 acres of property located 3820 Hickory Lincolnton Hwy, and surrounding properties from 321-ED(I) to Industrial (IND). The subject properties are shown in more detail as PINs 3618-01-19-6254, 3618-01-08-7291, 3618-01-18-7760, 3618-01-17-4011, and 3618-01-37-2692; 2) Rezoning Petition 22-09. Request by Brooks Furniture Xpress, Inc. for the rezoning of 26.672 acres of property located at 1459 and 2819 Robinwood, including a vacant parcel fronting Robinwood Road, from Catawba County R-20 Residential to City of Hickory Industrial (IND). The subject properties are shown in more detail as PINs 3711-20-90-9923, 3711-20-90-9532, 3711-20-90-9062; 3) Rezoning Petition 22-10. Request by Breakwater Development, LLC, for the rezoning of 729 21st Street Drive SE, 669 21st Street Drive SE, and an adjacent parcel fronting Tate Boulevard SE from Industrial (IND) to General Business (C-2). The subject properties are shown in more detail as PINs 3722-09-05-2133, 3722-09-05-6984 and 3722-09-06-2615; 4) Rezoning Petition 22-11. Request by Walter Stephen Icard Revocable Trust for the rezoning of 1060 Southgate Corporate Park SW from Regional Commercial (C-3) to Industrial (IND). The subject property is shown in more detail as PIN 370213144561. **(Authorize the Public Hearings for October 4, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).** Call for a Public Hearing for Consideration of Updates to the Hickory by Choice 2030 Comprehensive Plan. **(Authorize**

Public Hearing for October 4, 2022, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.H.)

- A I.** Approval of Addendum Number 2 to the Grant Agreement with the United States Department of Transportation and Federal Highway Administration for the 2018 BUILD Transportation Discretionary Grant Award of the “Hickory Reconnected Through Transportation Infrastructure Investment” Application. **(Exhibit VIII.I.)**

Staff requests Council's approval of Addendum Number 2 to the grant agreement with United States Department of Transportation and Federal Highway Administration for the 2018 BUILD Transportation Discretionary Grant Award of the “Hickory Reconnected Through Transportation Infrastructure Investment” Application. The Hickory Reconnected Through Transportation Infrastructure Investment Project that the City of Hickory submitted application for is under construction. This project was an extension of the City of Hickory Bond Referendum projects to activate various parts of the City through multi-modal path interconnection. The grant agreement has been amended by City Staff, NCDOT Staff and USDOT-FHWA Staff to compile an acceptable agreement for all parties that addresses the concerns for each entity. This grant agreement states what the goals of the project are, establishes a calendar of dates for milestones that must be met to keep the project funding in-place and establishes the benchmark and reporting requirements for project tracking. This is a project that is being funded to the City from the Federal Government and the City has determined that it is beneficial to include NCDOT as the funding partner to assist with meeting the requirements of the Federal Grant. The City has been working directly with NCDOT to ensure that tracking and reimbursement requirements are achieved. The grant agreement is for \$17,092,608.00 from USDOT-FHWA with the City committing the remaining funds to complete the project. The purpose of Addendum No. 2 to FHWA FY 2018 BUILD Grant No. 6, is to recognize and accept modifications to extend the schedule for the “Hickory Reconnected Through Transportation Infrastructure Investment Project”. This Addendum will constitute a formal amendment to the Grant Agreement which was executed by the U.S. Department of Transportation, the Federal Highway Administration, and the City of Hickory. Staff recommends Council's approval of Addendum Number 2 to the grant agreement with United States Department of Transportation and Federal Highway Administration for the 2018 BUILD Transportation Discretionary Grant Award of the “Hickory Reconnected Through Transportation Infrastructure Investment” Application to extend the project schedule.

- A J.** Approval of the Management Plan for the Downtown Social District. **(Exhibit VIII.J.)**

Staff requests Council's approval of the Management Plan for the Downtown Hickory Social District. On September 10, 2021, Governor Cooper signed into law House Bill 890 ABC Omnibus Legislation (S.L. 2021-150). Certain provisions in the bill allow cities to create social districts. A social district is designated outdoor area in which individuals may consume alcoholic beverages sold by businesses with ABC permits. City Council approved an ordinance designating the Hickory Downtown Social District in November 2021. The district went into effect on March 15th. A recent change to the law by the North Carolina General Assembly requires that the City's Social District Management Plan be approved by City Council. The plan outlines the requirements for the district. The only substantive change is the addition of a requirement that participating ABC permit holders provide the City with a copy of the sticker or cup they will be using and sign an acknowledgement of the rules for the district. The hours of the social district will continue to be 10:00 a.m. to 10:00 p.m. Staff recommends Council's approval of the Management Plan for the Downtown Hickory Social District.

- A K.** Approval of the Naming of the Gym Floor at Brown Penn Recreation Center to “Michelle Dula Court” and the Naming of the Field Complex at Stanford Park to “Danny Thompson Field Complex”.

- A1 L.** Budget Revision Number 6. **(Exhibit VIII.L.)**

1. To establish 2022 Justice Assistance Grant project and appropriate \$48,295 towards the purchase of software for forensic use by the Hickory Police Department. \$16,903 will come from the grant itself, while matching amounts of \$15,696 will come from Catawba County and City of Hickory Police Department.
2. To appropriate \$1,181,000 for water and sewer extensions. All funds will come from Catawba County.
3. To appropriate \$50,000 from an insurance claim reimbursement towards Hickory Police Department operations for total loss of Hickory Police Vehicle #170 on 5/13/2022.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of the FY 2021-2022 Consolidated Annual Performance and Evaluation Report (CAPER) – Presentation by Community Development Manager Karen Dickerson. **(Exhibit XI.A.1.)**

Staff requests Council's consideration of the FY 2021-2022 Consolidated Annual Performance and Evaluation Report (CAPER) for submission as required by the U.S. Department of Housing and Urban Development. The U.S. Department of Housing and Urban Development requires the 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 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. In Program Year 2021-2022, CDBG resources were used for activities such as housing rehabilitation for low and moderate income homeowners and housing rehab administration; public infrastructure improvements such as updates to parks and streets; grants to public service agencies (non-profits) such as ALFA, Exodus Ministries, Catawba Science Center, Family Care Center, Family Guidance Center, and the Hickory Soup Kitchen; Microenterprise Grants for small business and entrepreneurship development; Fair Housing Promotion; and CDBG-CV Coronavirus funds for emergency payments of rent and utilities during the height of the pandemic as well as CDBG-CV program administration. The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, has prepared the CAPER, for submission to HUD. The CAPER outlines the City's CDBG expenditures from July 1, 2021 thru June 30, 2022.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 4, 12, and 20, 2022.

- A1** 2. Consideration of Rezoning Petition 22-07 for Property Located at 432 Catawba Valley Boulevard SE from R-1 Residential to R-2 Residential – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Tim Sheehy submitted a petition requesting the consideration of rezoning property located at 432 Catawba Valley Boulevard SE from R-1 Residential to R-2 Residential. The subject properties are currently zoned Low Density Residential (R-1) and are 135.45 acres in total area and are currently vacant. The owner is also seeking annexation into the City. The applicants have requested the properties be zoned Medium Density Residential (R-2). If zoned Medium Density Residential (R-2), the property could be developed for residences at a rate of 4 units per acre. Given the property's size, future development could theoretically produce 271 dwelling units as it is currently zoned. If rezoned, the property could theoretically produce 542 dwelling units. The Hickory Regional Planning

Commission conducted a public hearing on August 25, 2022, to consider the petition. During the public hearing, the design engineer provided the Commission with a brief overview of the owners' future intentions. Two neighboring residents spoke in opposition of the petition citing stormwater runoff and potential traffic impacts. 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 (7-0) to recommend 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 September 9, and 16, 2022.

B. Departmental Reports

A 1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

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

At-Large (Council Appoints)

VACANT

(Greg Schauble Resigned 8-22-2022)

Alderman Wood Nominated Vickie Wiley as an At-Large Representative on the Citizens Advisory Committee.

COMMUNITY APPEARANCE COMMISSION

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

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

VACANT

At-Large (Council Appoints)

VACANT

Alderwoman Patton Nominated Anthony (Tony) Jackson as an At-Large 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

HISTORIC PRESERVATION COMMISSION

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

Licensed Architect (Council Appoints)

VACANT

PUBLIC ART COMMISSION

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

Ward 4 (D. Williams Appoints)

VACANT

RECYCLING ADVISORY BOARD

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

Ward 6 (Patton Appoints)

VACANT

UNIVERSITY CITY COMMISSION

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

At-Large Not Including ETJ (Council Appoints)

VACANT

At-Large Not Including ETJ (Council Appoints)

VACANT

At-Large Not Including ETJ (Council Appoints)

VACANT

Alderwoman Patton Nominated Brandon Pope as an At-Large Representative on the University City Commission.

- 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)(4)(6) 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 July 19, 2022 - NCGS §143-318.11(a)(1)*
 - 2. *Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)*
 - 3. *Discussion of Personnel Matter - NCGS §143-318.11(a)(6)*
- 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**