



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

October 4, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Christy Lohr Sapp, St. Andrews Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Proclamation for Fire Prevention Week Presented to Hickory Fire Department Staff. **(Exhibit IV.A.)**
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of September 20, 2022. **(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 6. **(First Reading Vote: Unanimous)**
- A2** B. Rezoning Petition Number 22-07 for Property Located at 432 Catawba Valley Boulevard SE from R-1 Residential to R-2 Residential. **(First Reading Vote: Ayes: Mayor Guess, Alderman Wood, Alderwoman Williams, Alderman Seaver, Alderman Zagaroli, Alderwoman Patton; Nay: Alderman Williams)**
- 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 Robert L. Johnson, Jr. to Audrey Webber Esposito, Oakwood Cemetery, Plot J, Lot No. 10, Section 48, Grave Space No. 1, and No. 2. (Prepared by Attorney John G. Fuller). **(Exhibit VIII.A.)**
- A** B. Approval of a Cemetery Deed Transfer from Audrey Webber Esposito to Robert L. Johnson Jr., Oakwood Cemetery, Plot J, Lot No. 9, Section 48, Grave Space No. 1, and No. 2. (Prepared by Attorney John G. Fuller). **(Exhibit VIII.B.)**
- A** C. Approval of the Skybox Lease Agreement with Merchant Distributors Inc. **(Exhibit VIII.C.)**

Staff requests City Council's approval of the contract between Merchants Distributors, Inc., and the City for the use of a suite at L.P. Frans Stadium. As part of their original contribution to the L.P. Frans Stadium project Merchant Distributors, Inc. has access to a suite at the

stadium. The contract for use of the suite is currently up for renewal. The new agreement is for a term of nine-years, 11-months with a total lease amount of \$18,875. Staff recommends approval of the Skybox Lease Agreement with Merchant Distributors Inc.

Legal Notice was advertised in a newspaper having general circulation in the Hickory area on September 2, 2022.

- A D.** Approval of Supplemental Agreement Number 1 with Gannett Fleming, Inc. in the Amount of \$199,926.19 for CEI Services Related to the Riverwalk Project. **(Exhibit VIII.D.)**

Staff requests Council's approval of Supplemental Agreement Number 1 for Professional Services with Gannett Fleming, Inc. for CEI Services related to the Riverwalk Project (EB-5939) in the amount of \$199,926.19. The Riverwalk Bond Project is one of the core projects of the Bond Referendum and the third to move forward in construction. The Riverwalk will offer on-land connections to existing and future amenities, including the Lake Hickory Trails, paved greenway, the Boy Scout Cabin at Rotary-Geitner Park, the future Deidra Lackey Memorial Park, and the future pedestrian bridge across Lake Hickory. The funding for this project is apportioned 80/20, North Carolina Department of Transportation (NCDOT) and City respectively. NCDOT requires that recipients hire an engineering firm separate from the design firm to perform construction engineering and inspection services for oversight, materials testing, and record keeping. Gannett Fleming, Inc. was selected based on qualifications-based proposals with NCDOT concurrence. In November 2020, City Council approved the original agreement with Gannett Fleming for the project. Due to unforeseen conditions during the bridge construction and the 6-month extension with the contractor, Gannett Fleming is also requesting an extension of their agreement. Staff recommends Council's approval of Supplemental Agreement Number 1 for Professional Services with Gannett Fleming, Inc. for CEI Services related to the Riverwalk Project (EB-5939) in the amount of \$199,926.19.

- PH/A E.** Call for a Public Hearing for Consideration of Preliminary Assessment Roll No. 21-01, for Curb and Gutter Constructed along a Portion of 621 and 623 8th Street Drive NW. (Authorize Public Hearing for October 18, 2022, 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 Preliminary Assessment Roll No. 22-02, for Curb and Gutter Constructed along a Portion of 623 8th Street Drive NW. (Authorize Public Hearing for October 18, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). **(Exhibit VIII.F.)**

- A G.** Approval of a Resolution Accepting the Offer of \$250,000 from BCORE Hickory Owner, LP for the Purchase of the City-Owned Property Located at 1860 Amity Street SE, being Identified as PIN 3721-20-81-7553, Containing Approximately 24.30 Acres, and Authorize the Advertisement for Upset Bids. **(Exhibit VIII.G.)**

The City owns the property located at 1860 Amity Street SE, PIN 3721-20-81-7553. BCORE Hickory Owner LP has offered the City \$250,000 to purchase the property. The current tax value of the property is \$235,400. The potential buyer owns the land immediately to the north of the property and intends to expand the parking lot of the existing facility to the south. FedEx Ground, the current tenant, has outgrown the space, and the land will allow them to expand their parking and remain at that location. City Council hereby authorizes staff to proceed with the upset bid process for the sale of this property and allow other interested parties to bid on the property after the City Clerk places a public notice in the newspaper. Staff recommends that City Council adopt a Resolution accepting the offer from BCORE Hickory Owner LP for the property located at 1860 Amity Street SE and authorize staff to advertise for upset bids.

- A H.** Approval of the Master Plan/Site Plan for Miracle of Hickory Park Improvement Project Contingent Upon Securing of Funding from Grants and Additional Sponsors and Approval of Grant Submission. **(Exhibit VIII.H.)**

Staff requests Council approval of the master plan/site plan for Miracle of Hickory Park Improvement Project contingent upon the securing of funding from grants and additional sponsors. Approval of the pursuit of reimbursable Accessibility for Parks Grant, including local match of funds. Approval of the grant package with permission for staff to make edits, with staff leadership approval, prior to submission if needed. Approval of the certification on "2022 Basic Facts and Assurances". Miracle of Hickory Park improvements are projected for FY 23/24 in the City's 5-year CIP. The City is eligible to apply for a reimbursement grant known as the Accessibility for Parks Grant to help transform the park into one that meets the needs of veterans with disabilities who wish to interact with their children at the park. By using universal design concepts, park improvements would also meet the needs of adults and children with disabilities through features such as durable play equipment, sensory-friendly amenities, shade, and highly accessible routes. Aesthetics of the park would overtly honor our armed services while uniquely creating a "Miracle...Military...Music" themed experience. Proposed improvements are supported by findings from the Community Enhancement Project for Individuals with Disabilities (CEPID) as well as current public input from the parks and recreation master plan update and support via a unanimous vote from the Parks, Recreation & Sports Tourism Commission. The Army Reserve Center would like to enter into a Memorandum of Understanding to create additional parking opportunities and has expressed interest in increased community involvement as well. The Miracle of Hickory Park Improvement Project received unanimous support during a series of meetings with community groups/representatives such as the Hickory Disabled Veterans Chapter 34, Special Olympics, Foothills Veterans Helping Veterans, Parents Encouraging & Empowering Parents, Walkin' Roll Activities League and the Catawba County Veteran Services Office. It meets needs identified in last year's CEPID and is compatible with the master plan and project public input. Staff recommends approval of the requests as stated above.

- A I.** Acceptance of the Bulletproof Vest Grant in the Amount of \$18,060 to Assist in Funding for the Purchase of Bulletproof Vests for Police Officers. **(Exhibit VIII.I.)**

Hickory Police Department requests permission to accept the grant in the amount of \$18,060 to assist in funding the purchase of bulletproof vests for police officers. The City of Hickory will receive up to 50% reimbursement for each vest purchased. Since 1999, the Bulletproof Vest Grant program has provided an opportunity for law enforcement agencies to apply for a grant to receive up to 50% funding on the purchase of ballistic vests. In order to be eligible, the agency must have a policy in effect making it mandatory for uniformed officers to wear the vests while on duty. Hickory Police Department has the mandatory wear policy in effect and has been a recipient of this grant for numerous years. Monies are placed in the police department budget uniform line item annually to purchase vests for police officers. Life expectancy of each vest is approximately five years. The Police Department recommends the acceptance of this grant to receive up to 50% funding to purchase bulletproof vests for police officers.

- A J.** Acceptance of the State Capital & Infrastructure Fund Grant Awarded by the North Carolina Department of Transportation – Division of Aviation in the Amount of \$700,000 for Airport Improvements. **(Exhibit VIII.J.)**

Staff requests City Council's acceptance of the State Capital & Infrastructure Fund (SCIF) Grant 36244.33.16.1 awarded by the North Carolina Department of Transportation – Division of Aviation (NCDOT-DOA) in the amount of \$700,000 for airport improvements. Ten airports were appropriated grant funding as part of S.L. 2022-74, including Hickory Regional Airport. These State Capital & Infrastructure Funds (SCIF) are available to be used for any capital improvement project at the airport. Eligible projects include real property acquisition, new construction or rehabilitation of facilities, and repairs and renovations. The NCDOT-DOA, by letter dated September 1, 2022, has allocated the SCIF grant in the amount of \$700,000, with no local match required. This grant will assist in the continuation of the airfield improvement program as recommended by the Airport's Task Force and go towards Hickory Regional Airport improvements. Staff recommends City Council's acceptance of Grant 36244.33.16.1 in the amount of \$700,000 from the North Carolina Department of Transportation – Division of Aviation.

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

1. To appropriate \$118 from Library revenues to assist with programming at the Ridgeview Branch Library.
2. To recognize and appropriate \$80,000 in 2022-2023 Urgent Repair Program funds.
3. To appropriate \$10,000 in Recreation revenues towards playground equipment in Bruce Meisner Park.
4. To recognize receipt of the 2022 Bulletproof Vest Partnership Grant (\$18,060) and establish Grant Project Ordinance #G51108 in the amount of \$36,120. This is a 50/50 Federal matching grant with the local portion to be taken from the Police Department's Uniforms account.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of the Voluntary Non-Contiguous Annexation of 158.8 Acres of Property Located at 3820 Hickory Lincolnton Highway and Surrounding Area, Owned by Michael Wyant, et. al. – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary non-contiguous annexation of 158.8 acres of property located at 3820 Hickory Lincolnton Highway and surrounding properties. These properties are identified as PINs 3618-01-19-6254, 3618-01-08-7291, 3618-01-18-7760, 3618-01-17-4011, and 3618-01-37-2692. The applicants have petitioned for the voluntary non-contiguous annexation of 158.8 acres of property located at 3820 Hickory Lincolnton Highway and surrounding properties. The annexation is being requested to obtain city services. The subject properties are unincorporated and within Catawba County's jurisdiction. The subject properties are currently zoned 321 ED(I), which is an industrial district. The annexation area totals 158.8 acres. If annexed, the properties would subsequently be zoned Industrial (IND). One of the subject properties is occupied by a single-family residence, while the remainder are used for agricultural purposes or wooded. Future development plans are currently unknown. The value of the properties, as shown by Catawba County tax records, is \$2,308,800. However, the current assessed tax value of the properties is \$211,300. This is due to reductions from either homestead or agricultural programs. At the current assessed value, annexation of the properties would generate additional tax revenues of \$1,326. If the properties were to be removed from the deferment program, they are part of, annexation of the properties would generate \$12,793 in additional tax revenues. 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 September 23, 2022.

- A1** 2. Consideration of Rezoning Petition 22-08 for Property Located at 3820 Hickory Lincolnton Highway and Surrounding Properties from 321 ED(1) to City of Hickory Industrial (IND) – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Consideration of rezoning petition 22-08. Michael Wyant, Jeffery Wyant, Gregory Wyant, Dana Wyant, and Whitener Family Trust (FBO Susan Denning and Michael Whitener) have submitted a petition requesting consideration of rezoning property

located at 3820 Hickory Lincolnton Hwy, and other surrounding properties, from Catawba County 321 ED(I) to City of Hickory Industrial (IND). The subject properties are unincorporated and within Catawba County's jurisdiction. The subject properties have an area of 158.8 acres, and are currently zoned 321 ED(I), which is an industrial district. The subject properties are currently in the process of being annexed into the City of Hickory, as such the city is statutorily required to rezone the properties. Should the rezoning petition be approved, the density and use types would not change, as the existing zoning classification is also an industrial district. The Hickory Regional Planning Commission conducted a public hearing on September 28, 2022, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with Catawba County's long-range plans for the area and recommended approval. As of September 21, 2022, staff has received two (2) inquiries regarding this petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 24, and 30, 2022.

- A** 3. Consideration of the Voluntary Contiguous Annexation of 26.672 Acres of Property Located at 1459 and 2819 Robinwood Road and a Vacant Parcel Fronting Robinwood Road, Owned by Brooks Furniture Xpress Inc. – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.3.)**

Consideration of the voluntary contiguous annexation of 26.672 acres of property located at 1459 and 2819 Robinwood Road, as well as a vacant parcel fronting Robinwood Road. These properties are identified as PINs 371120909923, 371120909532, and 371120909062. The applicants have petitioned for the voluntary contiguous annexation of 26.672 acres of property located at 1459 and 2819 Robinwood Road, as well as a vacant parcel fronting Robinwood Road. The annexation is being requested to obtain city services. The subject properties are unincorporated, under the jurisdiction of Catawba County, and zoned R-20 Residential. The current district permits one and two-family residential development at a maximum density of two units per acre. Should the properties be annexed, the petitioner has requested the properties be rezoned to Industrial (IND), which has no intensity limitations. One of the properties is occupied by a trucking / logistics business, while the other two remain vacant. The petitioner has indicated the company's desire to expand its current operations. The properties to the north, west and south are zoned R-20 residential by Catawba County. These properties are occupied by residences or vacant. The properties to the east are zoned IND-CZ by the City of Hickory and are part of the Trivium Business Park. These properties are occupied by industrial uses or vacant. The value of the properties, as shown by Catawba County tax records is \$982,500. In their current state, annexation of the properties would generate \$6,165 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.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 23, 2022.

- A1** 4. Consideration of Rezoning Petition 22-09 for Property Located at 1459 and 2819 Robinwood Road, and Vacant Parcel Fronting Robinwood Road from Catawba County R-20 Residential to City of Hickory Industrial (IND) – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.4.)**

Anthony Brooks, of Brooks Furniture Xpress, has submitted a petition for consideration of rezoning property located at 1459 and 2819 Robinwood Road, and surrounding properties from Catawba County R-20 Residential to City of Hickory Industrial (IND). The property is currently within the jurisdiction of Catawba

County. The owners' intention is for the property to continue its current use as a trucking business, The subject properties are currently zoned R-20 Residential by Catawba County, and totals 26.672 acres in total size. The current R-20 zoning districts permits one and two-family residential uses at a density of two dwelling units per acre. The Hickory Regional Planning Commission conducted a public hearing on September 28, 2022, 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 and recommended approval.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 24, and 30, 2022.

- A** 5. Consideration of the Voluntary Contiguous Annexation of 15.49 Acres of Property located on Tate Boulevard SE South of 31st Street Place SE, Owned by CCF Fuller Family Holdings, LLC, and Whitener Family Trust FBO Susan Denning and FBO Michael J. Whitener – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.5.)**

Consideration of the Voluntary Contiguous Annexation of 15.49 acres owned by CCF Fuller Family Holdings, LLC, and the Whitener Family Trust FBO Susan Denning and FBO Michael J. Whitener. The applicants have petitioned for the voluntary contiguous annexation of 15.49 acres of property located on Tate Boulevard SE south of 31st Street Place SE. The annexation is being requested to obtain city services. The subject properties are unincorporated and within Hickory's extra-territorial jurisdiction (ETJ). The subject properties are currently zoned Industrial (IND). This zoning district does not have intensity limitations. The subject properties are currently vacant. Future development plans are not currently known. The surrounding properties are also zoned industrial and used for such purposes or vacant. The value of the properties, as shown by Catawba County tax records is \$549,300. In their current state, annexation of the properties would generate \$3,446 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.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 23, 2022.

- A1** 6. Consideration of Rezoning Petition 22-10 for the Property Located at 669 21st Street Drive SE, 729 21st Street Drive SE, and an Adjacent Lot Fronting Tate Boulevard SE from Industrial (IND) to General Business (C-2) – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.6.)**

Breakwater Development, LLC has submitted a petition for consideration of rezoning property located at 669 21st Street Drive SE, 729 21st Street Drive SE and an adjacent lot fronting Tate Boulevard SE from Industrial (IND) to General Business (C-2). The subject properties are unincorporated and within Hickory's extra-territorial jurisdiction. According to tax records, the subject properties have an area of 73.38 acres, and are zoned Industrial (IND). The subject properties are vacant, but the applicant has expressed interest in constructing residential townhomes on the properties, which is permitted by-right within General Business (C-2) districts. The current zoning allows for properties to be used primarily for industrial, distribution and office uses. This district does not have limitation on development intensity. The requested General Business (C-2) district allows properties to be used for retail, service, office, and some light manufacturing. This district also permits for single-family attached (townhome) development. That maximum intensity for non-residential development is a floor area ratio of 2:1, while residential development is thirty dwelling units per acre. The Hickory Regional Planning Commission conducted a public hearing on September 28, 2022, 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 and recommended approval.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 24, and 30, 2022.

A1

7. Consideration of Rezoning Petition 22-11 for Property Located at 1060 Southgate Corporate Park SW from Regional Commercial (C-3) to Industrial (IND) – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.7.)**

R.H. Barringer, Inc. has submitted a petition for consideration of rezoning property located at 1060 Southgate Corporate Park SW from Regional Commercial (C-3) to Industrial (IND). The property is undeveloped, and according to tax records, is 31.95 acres in size. The applicant has expressed interest in constructing a distribution facility, which is permitted by-right within Regional Commercial districts (C-3) but is limited to 50,000 ft² in total area. Rezoning the property to Industrial (IND) would eliminate the size cap, as IND districts do not have intensity limits. The current zoning allows for properties to be used primarily for retail/commercial uses but does permit for limited distribution operations. The maximum non-residential intensity for the C-3 district measured by a floor area ratio, which is 2:1. Individual properties, subject to their individual size, can potentially be developed for distribution uses but are limited to a maximum area of 50,000 ft². If rezoned to Industrial (IND), the property could be used for manufacturing warehousing, distribution and office uses. Industrial (IND) districts do not have limitation on development intensity. The Hickory Regional Planning Commission conducted a public hearing on September 28, 2022, 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 and recommended approval.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 24, and 30, 2022.

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8. Consideration of a Joint Economic Development Agreement with Southeastern Industrial Solutions, LLC for Property Located in Fairgrove Business Park – Presented by Business Services Manager Dave Leonetti. **(Exhibit XI.A.8.)**

Staff requests Council's consideration of a Joint Economic Development Agreement to convey two parcels of City-Owned property located in Fairgrove Business Park to Southeastern Industrial Solutions, LLC. The subject property is located at 2084 Fairgrove Church Road SE and 20th Avenue SE. The property contains 16.61 acres and identified as Catawba County GIS PINs 3721-16-83-3563 and 3721-16-73-9055. The property is currently undeveloped, and the buyer seeks to develop two industrial buildings on the site. The conveyance would be subject to a Joint Economic Development Agreement. The buyer estimates private investment of at least \$16,500,000 in the development of two industrial buildings and the creation of 25 jobs at the site. The estimated market value of the land is \$332,200 (\$20,000 per acre). The buyer seeks to purchase the land for \$83,050 (\$5,000 per acre). The sale of the property will stimulate and stabilize the local economy and result in the creation of a substantial number of new, permanent jobs in the county. Staff recommends City Council approve a Joint Economic Development Agreement for the conveyance of property in Fairgrove Business Park to Southeastern Industrial Solutions, LLC.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 23, 2022.

B. Departmental Reports

A

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) Robert Weaver Resigned 9-26-2022

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)
At-Large Not Including ETJ (Council Appoints)

VACANT

VACANT

Alderwoman Patton nominated Taylor Newton 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)(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 September 20, 2022 - 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**