



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

November 1, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Kay Smith, Staff Chaplain at Frye Regional Medical Center and Co-Pastor Zion United Church of Christ
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting October 18, 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. Approval to Implement a Speed Limit Reduction to 25 MPH along 4th Avenue Drive NW between 7th Street NW and 9th Street NW and along 8th Street NW between 4th Avenue Drive NW and 4th Avenue NW. **(First Reading Vote: Unanimous)**
 - A2** B. Budget Revision Number 8. **(First Reading Vote: Unanimous)**
 - A2** C. Consideration of Closing an Unopened Thoroughfare off of 5th Street NE as Petitioned by G&M Rentals LLC. **(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's Fall 2022 Grant Recommendations. **(Exhibit VIII.A.)**

As part of the Community Relations Council's (CRC) workplan and annual budget process, the Community Relations Council 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 Fall 2022 grant cycle, the CRC received 4 grant applications for projects totaling \$4,350 and recommends approval of three grants totaling \$2,850. Funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the three grants totaling \$2,850.

- A B. Approval of a Pyrotechnic Display Permit to PyroStar Entertainment LLC for a Fireworks Display at the Hickory Motor Speedway. **(Exhibit VIII.B.)**

Staff requests approval to issue a pyrotechnic display permit to PyroStar Entertainment LLC for a fireworks display at the Hickory Motor Speedway for November 26, 2022, (rain date November 27, 2022). Frank Terzino Jr. owner of PyroStar Entertainment LLC submitted a request to obtain permission to conduct a public fireworks display. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics display.

- A/PH C. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Trivium Corporate Center Inc., Containing 3.54 Acres, Located on Trivium Parkway, Identified as a Portion of PIN 3721-17-12-4395. **(Authorize Public Hearing for November 15, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)**

- A D. Approval of a Resolution Accepting the Offer of \$1 from Catawba County Chamber of Commerce for the Purchase of the City-Owned Property Located at 1055 Southgate Corporate Park SW, being Identified as PIN 3702-13-14-6836, Containing Approximately 3.03-Acres, and Authorize the Advertisement for Upset Bids. **(Exhibit VIII.D.)**

The City owns the parcel located at 1055 Southgate Corporate Park SW (Parcel ID: 3702-13-14-6836). This 3.03-acre parcel is currently being ground leased to the Catawba County Chamber of Commerce, which owns the building located on the site. The Chamber has expressed interest in purchasing the property. The Chamber of Commerce's lease runs through July 1, 2076. The Chamber has offered the City \$1 plus closing costs to purchase the property. They would be required to continue to operate a Chamber of Commerce within the City of Hickory for at least 20-years or pay the City \$250,000 in liquidated damages. The property must be sold subject to the upset bid process. Any upset bidder would also be required to continue to operate a Chamber of Commerce in Hickory for at least 20-years or pay the City \$250,000 in liquidated damages. Staff recommends that City Council adopt a Resolution accepting the offer from the Chamber of Commerce and authorize staff to advertise for upset bids.

- A1 E. Budget Revision Number 9. **(Exhibit VIII.E.)**

1. *To appropriate \$14,950 from Airport Fund Balance towards requisition #81771 Airport Hangar W5 with Clayton Engineering.*
2. *To appropriate \$5,466 from the General Fund towards mutual aid from Boone Police Department and Appalachian State Police Department.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

- A1 1. Consideration of Text Amendment 22-01 to the Land Development Code – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.)**

Annually, Planning and Development staff conducts a review of the City’s Land Development Code to identify modifications needed or required to maintain the document’s effectiveness. In 2022, staff also conducted an update to the Hickory by Choice 2030 Comprehensive Plan. This update warranted a review of the City’s Land Development Code to ensure it continues working to implement the City’s comprehensive plan. As part of its review, staff identified several portions of the City’s Land Development Code requiring revision to maintain the overall document’s effectiveness. The Hickory Regional Planning Commission conducted a public hearing on October 26, 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 October 21, and 28, 2022.

- A1 2. Consideration of Rezoning Petition 22-12 for Approximately 300-Acres of Property – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

The City of Hickory has submitted a petition to rezone five areas within the City. These areas include: Area A - 706 1st Street SW, 730 3rd Street SW, and 735 3rd Street SW; Area B – 1451 8th Street Drive NE, and 705 13th Avenue NE; Area C – 1570 Old Lenoir Road, 1560 12th Street Drive NW; 1615 12th Street Drive NW, and 2085 12th Street Drive NW; Area D – 960 20th Street NW, 950 20th Street NW, 936 20th Street NW, 931 18th Street Place NW and an unaddressed parcel; Area E – partially bounded by Clement Boulevard, 20th Street NW and 14th Avenue Circle NW, including 1305 20th Street NW, 2010 Clement Boulevard NW, 2544 14th Avenue Circle NW, 2500 Clement Boulevard NW and properties located at 1832 9th Avenue NW, 1811 18th Avenue NW, 825 18th Street NW and 815 18th Street NW, and total approximately 300 acres in total area. The properties are occupied by an assortment of land uses, including parks, libraries, businesses, and residences. The rezoning of Ridgeview Library and Stanford Park are being considered to apply a zoning district that better fits their current use. The rezoning of the Riverwalk area is being sought to accommodate future plans for the area. The remainder of the rezonings are being considered to enhance development and redevelopment activities in the vicinity of the new Appalachian State campus and Hickory Regional Airport. The Hickory Regional Planning Commission conducted a public hearing on October 26, 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.

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B. Departmental Reports

- NA 1. Appointments to Boards and Commissions

<u>COMMUNITY APPEARANCE COMMISSION</u>	
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
At-Large (Outside City but within HRP) (Council Appoints)	VACANT
 <u>COMMUNITY RELATIONS COUNCIL</u>	
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Other Minority (Council Appoints)	VACANT
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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) 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) 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)(4) 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 18, 2022 - NCGS §143-318.11(a)(1)*
2. *Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)*

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**