



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 15, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Alderman Williams
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Catawba County Teen Court Program – Presentation by Christopher White, Restorative Practices Coordinator/Program Manager, Licensed Mediator NCDRC

Restorative Practices Coordinator/Program Manager, Licensed Mediator NCDRC Christopher White and Executive Director Cathy Starnes shared information about the Catawba County Teen Court Program.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting November 1, 2022. **(Exhibit VI.A.)**
- A** B. Special Joint Meeting November 9, 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 9. **(First Reading Vote: Unanimous)**
- A2** B. Consideration of Text Amendment 22-01 to the Land Development Code. **(First Reading Vote: Unanimous)**
- A2** C. Consideration of Rezoning Petition 22-12 for Approximately 300-Acres of Property. **(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.
- A1** A. Approval to Amend the Traffic Ordinance by Reducing the Speed Limit Along 4th Street SW/NW (SR1358) from 35 mph to 25 mph. **(Exhibit VIII.A.)**

Staff requests Council's approval to amend the Traffic Ordinance by reducing the speed limit along 4th Street SW/NW (SR 1358) from 35 mph to 25 mph. In an effort to make the speed limit consistent along 4th Street SW/NW and to help with pedestrian safety along

City Walk, North Carolina Department of Transportation (NCDOT) is requesting the speed limit ordinance be amended to post a speed limit of 25 mph between the north and south one-way pairs. NCDOT has evaluated speeds along 4th Street SW/NW in the areas affected by this request and has determined that 25 mph is appropriate. Public Services Traffic Division has worked with NCDOT regarding the new ordinances and agree to the speed limit adjustments along 4th Street SW/NW (25 mph) between 1st Avenue SW and 3rd Avenue NW. Staff will change/install speed limit signage along this roadways reflecting new speed limits, as needed, at the request of NCDOT. Reimbursement per the Municipal Maintenance Agreement will apply from NCDOT for the sign installation. Staff recommends Council's approval to amend the Traffic Ordinance by reducing the speed limit along 4th Street SW/NW (SR 1358) from 35 mph to 25 mph.

PH/A B. Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of Property Owned by the City of Hickory, Containing 172.10-acres, Located at 1777, 1795, 1875, 2015, 2057 Deitz Road, and two unaddressed parcels, Catawba County PINs 3701-19-51-3290; 3701-19-51-7487; 3701-19-61-4849; 3701-15-73-4171; 3701-15-63-6164; 3701-15-73-1634; and 3701-16-84-4836. **(Authorize Public Hearing for December 6, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**

PH/A C. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by McDonald Road Properties LLC, Containing 2.316-acres, Located at the Southwest Corner of McDonald Parkway, and 13th Avenue Drive SE, Identified as PIN 3711-08-89-8554. **(Authorize Public Hearing for December 6, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)**

A D. Approval of the Citizens' Advisory Committee's Recommendation for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.D.)**

The following applicants were considered by the Citizens' Advisory Committee at their regular meeting on November 3, 2022:

- *Patricia Sullivan, 1014 16th Street SE, Hickory, was recommended for approval of up to \$8,058 under the City of Hickory's 2022 Urgent Repair Program.*
- *Larry & Marta Rockett, 1211 11th Street NE, Hickory, was recommended for approval up to \$8,236 under the City of Hickory's 2022 Urgent Repair Program.*
- *Barbara Byrd, 117 8th Avenue Drive SW, Hickory, was recommended for approval up to \$7,739 under the City of Hickory's 2022 Urgent Repair Program.*

Funds are budgeted for these items through the City of Hickory's former Housing Rehabilitation Program income received in FY 2022 and/or program income received through the City of Hickory's Community Development Block Grant Program. The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

A E. Approval of a Permanent Utility Easement with North Carolina Department of Transportation for Property Located at the Intersection of Clement Boulevard NW and US 321 NW. **(Exhibit VIII.E.)**

Staff requests City Council's approval of a right of way settlement with North Carolina Department of Transportation (NCDOT) for property located at the intersection of Clement Boulevard NW and US 321 NW. As part of the US 321 widening project, NCDOT is purchasing right of way and utility easements on several City properties. This property is located at the intersection of US 321 and Clement Boulevard just north of the Pizza Hut. The parcel is further identified as PIN 2793-12-75-6227. A portion of the property was sold to NCDOT for intersection improvements related to the US 321 widening project in September 2021. An update to the design of the project has necessitated that NCDOT acquire an additional permanent utility easement on the remainder of the property. The utility easement was appraised for \$2,725. The parcel previously housed landscaping and a "Welcome to Hickory" sign that was removed several years ago. The property is currently

unbuildable, and the remnant will remain unbuildable. The lot can continue to be used as a location for gateway landscaping. Staff recommends approval of the right of way agreement with NCDOT in the amount of \$2,725.

A1 F. Budget Revision Number 10. (Exhibit VIII.F.)

1. To appropriate \$12,231 from Recreation revenues towards the Recreation Supplies operating account.
2. To appropriate \$4,818 received from the Downtown Development Association for police security.
3. To appropriate \$5,000 from Fire Department Donations towards the Fire Departmental Supplies operating account. These funds were donated by ShurTape Technologies to the fire department for the purchase of firefighting extinguishing foam.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

- A**
1. Consideration of 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 - Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1)**

Staff requests consideration of the voluntary contiguous annexation of 3.54-acres of property located on Trivium Parkway. This property is identified as a portion of PIN 3721-17-12-4395. The applicant has petitioned for the voluntary contiguous annexation of 3.54-acres of property located on Trivium Parkway. The annexation is being requested to obtain City services. The property is unincorporated and within Catawba County's jurisdiction. The property is currently zoned R-20 Residential, where residential uses are permitted at two dwelling units per acre. The subject property is currently vacant. Future development plans are not currently known. Surrounding properties are zoned Industrial - Conditional (IND-CZ) and R-20 Residential. The properties zoned IND-CZ are either vacant or occupied by industrial uses, while the property zoned R-20 is occupied by a church. The tax value of the entire parcel is \$659,900. The tax value of the annexation area is estimated to be \$104,989. In its current state, annexation of the property would generate \$659 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 November 4, 2022.

B. Departmental Reports

- A**
1. Quarterly Financial Report – Presentation by Deputy City Manager Rodney Miller

Approved amending the contract with Martin Starnes to extend the deadline for the audit to January 31, 2023.

- NA**
2. 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) 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) 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

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Mayor Appoints) (Mark Thomas Resigned 11-3-2022) 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. 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**