



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

December 6, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Rabbi Dennis Jones, Temple Beth Shalom
- III. Pledge of Allegiance
- IV. Election of Mayor Pro Tempore for Calendar Year 2023 Pursuant to NC General Statute §160A-70 and Section 2-54 of the Hickory City Code
- A** Alderwoman Williams was sworn in as Mayor Pro Tempore for Calendar Year 2023.
- V. Appointment of City Attorney for Calendar Year 2023 Pursuant to the Hickory City Code, Section 4.151 of the Charter
- A** Attorney John Crone was sworn in as City Attorney for Calendar Year 2023
- VI. Special Presentations
- NA** A. Proclamation in Recognition of the Hickory High School Boys Soccer Team 2022 State Champions. **(Exhibit VI.A.)**

Mayor Guess read and presented a Proclamation to the Hickory High School Boys Soccer Team 2022 State Champions.
- NA** B. Business Well-Crafted Awards.

Business Well-Crafted Awards were presented to nine businesses and individuals.
- VII. Persons Requesting to Be Heard
- A. Mr. Cliff Moone, 4340 North Center Street, Hickory discussed Human Rights Day and Bill of Rights Day.
- B. Mr. James Gantt, 827 6th Avenue SW, Hickory expressed concerns with the Code of Ordinance regarding property owners being contacted for issues rather than the person(s) renting the property.
- VIII. Approval of Minutes
- A** A. Regular Meeting of November 15, 2022. **(Exhibit VIII.A.)**
- IX. 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 Amend the Traffic Ordinance by Reducing the Speed Limit Along 4th Street SW/NW (SR1358) from 35 mph to 25 mph. **(First Reading Vote: Unanimous)**

A2 B. Budget Revision Number 10. **(First Reading Vote: Unanimous)**

X. 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 XI.

A A. Approval of a Cemetery Deed Transfer from the City of Hickory to Dwayne Martin, Southside Cemetery, Containing 80 square feet, Plot O, Lot Nos. 9 and 10, Section 5. (Prepared by Deputy City Attorney Arnita M. Dula). **(Exhibit X.A.)**

A B. Proclamation for Human Rights Day and Bill of Rights Day. **(Exhibit X.B.)**

A C. Approval of a Resolution to Declare Surplus 8,492 Discarded Library Items to be Given to the Friends of the Library to be Sold at the Friends "Corner Book Store" at Patrick Beaver Memorial Library and/or Special Book Sales. **(Exhibit X.C.)**

The Friends of the Library collect donated books and other materials on an ongoing basis to be sold at seasonal book sales and/or the Corner Book Store, the proceeds from which provide funds for library programming and other special activities. For many years, the library has given the Friends materials that have been removed from the collection because they are out of date, in poor condition, or no longer needed to meet the collection development goals of the library. The sale of donated and discarded books is the primary fundraising activity of the Friends of the Library, and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library and is an appropriate means of disposing of unneeded materials. The library requests that discarded library materials be declared surplus and given to the Friends of the Library for their use at the "Corner Book Store" and/or seasonal book sales.

Notice was advertised in a newspaper having general circulation in the Hickory area on November 18, 2022.

A D. Acceptance of the Bid and Approval of a Contract with Chad Sigmon Construction, LLC in the Amount of \$511,960 for the Short Road and Eller Drive Waterline Extension. **(Exhibit X.D.)**

Staff requests Council's acceptance of the bids and approval of a contract with Chad Sigmon Construction, LLC, for the Short Road and Eller Drive Waterline Extension Project in the amount of \$511,960. This project is the result of the Startown Road area and current development needs coupled with the ability to serve future land areas in the basin to spur economic development for the City of Hickory. This waterline extension will connect infrastructure from Robinson Road to Startown Road opening the corridor for development and creating a more robust distribution system. The Short Road and Eller Drive Waterline Extension Project was advertised, and bids were opened November 10, 2022. Five contractors submitted competitive bids on the project: Chad Sigmon Construction, LLC - \$511,960; Buckeye Bridge, LLC - \$571,690; M&M Construction of Banner Elk, Inc. - \$600,456.50; Kemp Sigmon Construction Co., Inc. - \$678,343; and Fuller & Co. Construction LLC - \$726,362. Staff recommends Council's acceptance of the bid and approval of a contract with Chad Sigmon Construction, LLC for the Short Road, and Eller Drive Waterline Extension in the amount of \$511,960.

A E. Approval of Change Order Number 4 to the Agreement for Professional Services with Kimley-Horn and Associates, Inc. for Additional Services Related to EB-5937 (Historic Ridgeview Walk) in the Amount of \$39,564.77, Contingent Upon North Carolina Department of Transportation Concurrence. **(Exhibit X.E.)**

Staff requests Council's approval of change order number 4 to the Agreement for Professional Services with Kimley-Horn and Associates, Inc. for additional services related

to EB-5937 in the amount of \$39,564.77, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. 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. Change order number 4 for Book Walk (Historic Ridgeview Walk) identifies additional project management and coordination services needed for the project. Staff recommends Council's approval of change order number 4 to the Agreement for Professional Services with Kimley-Horn and Associates, Inc. for additional project management and coordination services related to EB-5937 in the amount of \$39,564.77, contingent upon NCDOT concurrence.

- A F.** Approval of Change Order Number 3 to the Agreement for Professional Services with Kimley-Horn Associates, Inc. for Additional Services Related to EB-5938 (Historic Ridgeview Walk) in the Amount of \$39,564.77, Contingent Upon North Carolina Department of Transportation Concurrence. **(Exhibit X.F.)**

Staff requests Council's approval of change order number 3 to the Agreement for Professional Services with Kimley-Horn and Associates, Inc. for additional services related to EB-5938 in the amount of \$39,564.77, 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. Change order number 3 for Book Walk South (Historic Ridgeview Walk) identifies additional project management and coordination services needed for the project. Staff recommends Council's approval of change order number 3 to the Agreement for Professional Services with Kimley-Horn and Associates, Inc. for additional project management and coordination services related to EB-5938 in the amount of \$39,564.77, contingent upon NCDOT concurrence.

- A G.** Approval of Work Authorization Amendment Number 1 in the Amount of \$86,554.79 with Talbert, Bright & Ellington for Project 36237.66.8.1 Taxiway Intersection Reconfiguration. **(Exhibit X.G.)**

Staff requests City Council's approval of the Talbert, Bright & Ellington, Inc. (TBE) Work Authorization Amendment for the Taxiway Intersection Reconfiguration (Design) project in the amount of \$86,554.79. Hickory Regional Airport currently has a mass intersection where four taxiways (Taxiway A, A3, B, and W) intersect at the same point. Due to the proximity of the intersection to Runway 1-19 and Runway 6-24, the intersection can be difficult to navigate and can cause confusion with pilots. During the most recent Part 139 Inspection, the FAA Inspector notified the Airport that this intersection needs modifications to improve safety. With the anticipated closure of Runway 1-19, this project will include the design phase to reconfigure the intersection. This reconfiguration will include the conversion of Runway 1-19 to a taxiway, demolition of a portion of Taxiway B, and the relocation of direct runway access taxiways at Taxiway S, Taxiway A2 and Taxiway A3 so the airport configuration meets the current FAA regulations. This Work Authorization Amendment will add the completion of the required National Environmental Policy Act (NEPA) documentation, topographic survey, and the preliminary geotechnical investigation services required for the project. The North Carolina Division of Aviation completed the required Independent Fee Analysis (IFA) and approved TBE's proposed fee. This project is being funded by Non-Primary Entitlement (NPE) funding, which will be added to the existing grant (WBS: 36237.66.8.1), 90 percent FAA and 10 percent City of Hickory. Staff recommends approval of the Amended Work Authorization for the design of the Taxiway Intersection Reconfiguration project in the amount of \$86,554.79.

- A H.** Approval of a Non-Federal Reimbursable Agreement in the Amount of \$160,663.16 with t

the Department of Transportation Federal Aviation Administration. **(Exhibit X.H.)**

Staff requests City Council's approval of the Non-Federal Reimbursable Agreement between the Federal Aviation Administration and the Hickory Regional Airport for "Modifications to Runway 24 Medium Intensity Approach Light System with Runway Alignment Indicator Lights (MALSR)" as part of the upcoming Runway 24 Engineered Material Arresting System (EMAS) project in the amount of \$160,663.16. Due to deficiencies in the dimensions existing in Hickory Regional Airport's Extended Runway Safety Area (ERSA) for Runway 24, an EMAS is schedule to be installed which will bring the Airport back into compliance with FAA standards. This EMAS will require four of the FAA owned approach light towers to be removed and replaced within the Runway 24 ERSA. This Non-Federal Reimbursable Agreement with the FAA will fund the design services, construction and resident engineer services, technical representative services, inspection services, and commissioning flight checks required by the FAA to remove and replace these approach light towers being impacted by the Runway 24 EMAS project. A portion of this reimbursable agreement (\$146,165.16) will be funded by a 100% Non-Primary Entitlement (NPE) grant. The City will then pay the remainder of the reimbursable agreement (\$14,498) and be reimbursed with an upcoming federally funded construction grant. Staff recommends approval of the Non-Federal Reimbursable Agreement with the Depart of Transportation Federal Aviation Administration in the amount of \$160,663.16.

A I. Approval of Southeastern Industrial Solutions LLC's Assignment of Purchase Contract and Assignment of Joint Economic Development Agreement to SEIS FPB LLC. **(Exhibit X.I.)**

Staff requests Council's consideration of the Southeastern Industrial Solutions, LLC's ("SEIS, LLC") Assignment of Purchase Contract and Assignment of Joint Economic Development Agreement. On October 4, 2022, Council approved a Joint Economic Development Agreement (EDA) with SEIS, LLC. The primary term of the EDA, the sale of 16.61 acres located at 2084 Fairgrove Church Road SE and 20th Avenue SE to SEIS, LLC to SEIS, LLC to develop two industrial buildings on the site. After Council approved the EDA, SEIS, LLC created a new corporation, SEIS FPB, LLC. SEIS, LLC intends for the new corporation to hold title to the 16.61 acres per the Purchase Agreement and also the EDA and any rights and privileges it creates for SEIS, LLC. The Purchase Agreement permits SEIS, LLC to assign the agreement to another entity without Council's consent. However, Section III, Paragraph 21r of the EDA states that SEIS, LLC may transfer or assign the EDA with the prior written approval of the City. The EDA states the City will not unreasonably withhold its approval of the requested assignment. Staff recommends City Council approve the Assignment of Purchase Contract and Assignment of Joint Economic Development Agreement.

A1 J. Budget Revision Number 11. **(Exhibit X.J.)**

1. *To decrease \$12,789 of General Fund Balance from the Police department's Contracted Services line item due to the fact that this money was appropriated twice in Budget Revision #2 and Budget Revision #3. These funds are used to pay for Smith Rodgers PLLC Attorneys at Law for annual legal support.*
2. *To appropriate \$36,000 received from the sale of a vehicle towards the Solid Waste Departmental Supplies operating account.*
3. *To appropriate \$734 received from the sale of a vehicle towards the General Fund Departmental Supplies operating account.*
4. *To appropriate \$2,829 received from the sale of a vehicle towards the General Fund Departmental Supplies operating account.*
5. *To appropriate \$2,829 received from the sale of a vehicle towards the General Fund Reimbursable Materials operating account.*
6. *To appropriate \$9,225 received from the sale of a vehicle towards the Solid Waste Departmental Supplies operating account to help pay for rollouts.*
7. *To appropriate \$2,135 within the General Fund to roll forward the remaining balance for the Community Navigator to FY 22-23.*
8. *To appropriate \$97,804 within the General Fund to roll forward the remaining 911 funds of the approved FY21-22 budget by the 911 Board. Approved amount was*

\$104,604 HPD had an amount of \$6,800 that was rolled forward for a purchase that had not been received and subtracted from the approved amount.

9. *To appropriate \$100 in the Hickory Women's Club Donations towards Library operations.*
10. *To appropriate \$555,000 from PU Fund Balance to cover the increased cost of operation.*
11. *To appropriate \$14,040,000 in a General Capital Project loan towards the Hickory Metro Convention Center project for an agreement with the Hickory Construction Company to construct an addition and complete renovations. While any loan is outstanding, TDA will pay Hickory for the cost of loan payments from proceeds of the Hickory-Conover room occupancy tax.*
12. *To appropriate \$568,254 in Multi-Year Grant Project Funds towards the Hickory Motor Speedway for grant usage from the North Carolina Department of Commerce for improvements. The NC Department of Commerce has awarded two grants, being \$83,254 & \$485,000 totaling \$568,254 to Hickory Motor Speedway for Capital Improvements.*
13. *To appropriate \$12,231 in Recreation Revenues received from jerseys individuals bought for youth sports uniforms.*
14. *To appropriate \$511,960 from Water & Sewer Fund Balance towards contracting Chad Sigmon Construction LLC for the Short Rd. & Eller Dr. Waterline Extension Project. This waterline extension will connect infrastructure from Robinson Road to Startown Road opening the corridor for development and creating a more robust distribution system.*
15. *To appropriate \$86,556 towards the modification of the Hickory Regional Airport Taxiway Intersection to ensure the Airport meets the current FFA regulations for commercial service operations. The State of North Carolina Division of Aviation will provide 90% of the funding through \$77,900 in grant funding, the City has a 10% match of \$8,656 from Airport Fund Balance.*
16. *To appropriate \$160,664 towards the modification of the Hickory Regional Airport Runway 24, Hickory E-Mass Project, to ensure the Airport meets the current FFA regulations and standards. The Non-Federal Reimbursable Agreement with the FAA will provide \$146,166 in grant funding, the City will provide \$14,498 from Airport Fund Balance.*

XI. Items Removed from Consent Agenda – None

XII. Informational Item

XIII. New Business:

A. Public Hearings

- A**
1. Consideration of 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 - Presentation by Planning Manager Cal Overby. **(Exhibit XIII.A.1.)**

Consideration of the voluntary non-contiguous annexation of 172.10 acres of property located on Deitz Road. This property is identified as 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, 3701-16-84-4836. The property is unincorporated and within both the City of Hickory's and Catawba County's jurisdiction. The property is currently zoned R-1 Residential, R-20 Residential, and 321 ED-MX. The subject properties are currently vacant. Future development plans are not currently known. The current tax value of the entire annexation area is \$1,147,600. The properties are currently under public ownership, with the City of Hickory being the owner, as such the property does not currently generate any tax revenues. If the properties were to be sold into private ownership in their current state, they would generate

\$6,501 in tax revenues. If the properties to be developed once they were in private ownership, the tax revenues would subsequently increase, with the increase being predicated upon the type of development. 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 November 18, 2022.

- A** 2. Consideration of 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 - Presentation by Planning Manager Cal Overby. **(Exhibit XIII.A.2.)**

Consideration of the voluntary contiguous annexation of 2.316 acres of property located at the southwest corner of McDonald Parkway and 13th Avenue Drive SE. This property is identified as PIN 3711-08-89-8554. The applicant has petitioned for the voluntary contiguous annexation of 2.316 acres of property located on McDonald Parkway. The property is unincorporated and within the City of Hickory's ETJ and is currently zoned Regional Commercial (C-3). The subject property is currently vacant but is the site of a planned quick service restaurant. Surrounding properties are zoned commercial. These properties are either vacant or occupied by businesses. The current tax value of the property is \$811,900. In its current state, annexation of the property would generate \$5,094 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 18, 2022.

B. Departmental Reports

- A** 1. Approval of Phase II Development and Purchase Agreement with JRN Development to Construct Affordable Housing on City-Owned Property – Presentation by Community Development Manager Karen Dickerson. **(Exhibit XIII.B.1.)**

Staff requests City Council's approval of Phase II Development and purchase agreements with JRN Development to construct affordable housing on City-owned property. In late 2021, the City partnered with JRN Development to construct six homes on City-owned property. These lots were purchased with Community Development Block Grant funding, so the land had to be used to benefit low- and moderate-income residents. These homes were completed and sold to income eligible homebuyers in October, 2022. There are an additional ten City-owned lots along 8th Avenue Drive SW, 3rd Street Place SW, and 3rd Street Court SW that meet the same criteria for affordable housing development. JRN Development has approached the City with a development proposal to build ten affordable housing units for owner occupants on these ten additional lots. The development agreement requires that a deed restriction be placed on the ten parcels to ensure that the parcels are only sold to households earning less than 80 percent of the area median income. The developer has agreed to pay \$3,000 per lot (\$30,000 total) to purchase the property. Staff believes the sales price to be reasonable based on the restriction placed on the lots and current tax value. The proceeds from the lot sales will be Community Development Block Grant program income and will be used to meet program objectives. NCGS 160D-1316 permits municipalities to sell property for affordable housing by private sale without having

to go through the upset bid process. The development agreement requires completion of the homes within 12-months of the property sale. Based on the timeline in the agreement, construction will begin approximately 90-days after the sale of the property. Staff recommends approval of the development and purchase agreements with JRN Development.

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

XIV. Matters Not on Agenda (requires majority vote of Council to consider)

XV. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

XVI. Closed Session Per NC General Statutes 143-318.11(a)(1)(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 November 1, 2022 - NCGS §143-318.11(a)(1)
2. Discussion of Personnel Matter – NCGS §143-318.11(a)(6)

XVII. 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.
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with disabilities at least 48 hours before the scheduled meeting.
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