



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

January 3, 2023
7:00 p.m.

- I. Call to Order
- II. Invocation by Retired Clergy, Reverend Bill Garrard
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting December 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 12. **(First Reading Vote: Unanimous)**
 - A2** B. Rezoning Petition 22-13 for 3.54-Acres of Property Located within the Trivium Corporate Center. **(First Reading Vote: Unanimous)**
 - A2** C. Rezoning Petition 22-14 for 104.19-Acres of City-Owned Property Located along Deitz Road and River Road. **(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.
 - PH/A** A. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by East Coast Builders, Inc. located at 2069 25th Street Drive NE, which includes part of the Right of Way of 25th Street Drive NE, PIN 3723-10-27-6343. **(Authorize Public Hearing for January 17, 2023, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**
 - A1** B. Approval to Implement a Speed Limit Reduction to 25-MPH along 8th Avenue NW between 4th Street Drive NW and North Center Street and along 8th Avenue NE between North Center Street and 2nd Street NE (NC Highway 127). **(Exhibit VIII.B.)**

Staff requests Council's approval to implement a speed limit reduction to 25-mph along 8th Avenue NW between 4th Street Drive NW and North Center Street and along 8th Avenue NE between North Center Street and 2nd Street NE (NC Hwy 127). City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request.

Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75 percent of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 8th Avenue NW and 8th Avenue NE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for a speed limit reduction to 25-mph. Thirty-six properties were included in the petition and twenty-nine properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to implement a speed limit reduction to 25-mph along 8th Avenue NW between 4th Street Drive NW and North Center Street and along 8th Avenue NE between North Center Street and 2nd Street NE (NC Hwy 127).

- A C. Approval of a Professional Services Agreement with Vaughn & Melton Consulting Engineers, Inc. in the Amount of \$584,241.12, Contingent Upon North Carolina Department of Transportation's Concurrence for Historic Ridgeview Walk Construction, Engineering, and Inspection Services. **(Exhibit VIII.C.)**

Staff requests Council's approval of an Agreement for Professional Services with Vaughn & Melton for construction, engineering, and inspection services related to the Historic Ridgeview Walk (EB-5937/EB-5938/HL-0002) in the amount of \$584,241.12. 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. Vaughn & Melton was selected based on qualifications-based proposals and was concurred with by North Carolina Department of Transportation (NCDOT). Vaughn & Melton's fees were negotiated by City of Hickory staff and NCDOT staff. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT and 20% City of Hickory. Construction, engineering, and inspection services include the following: construction inspections; construction materials testing; and construction administration. Staff requests Council's approval of an Agreement for Professional Services with Vaughn & Melton Consulting Engineers, Inc. for construction, engineering, and inspection services related to the Historic Ridgeview Walk Project in the amount of \$584,241.12, contingent upon NCDOT concurrence.

- A D. Approval of the Establishment of a Special Revenue Fund for the Opioid Settlement Funds. **(Exhibit VIII.D.)**

Staff requests City Council's approval to establish a Special Revenue Fund for the Opioid Settlement Funding from the North Carolina Department of Justice. The Opioid Settlement Funds were distributed to North Carolina Local Governments. The City of Hickory received payments of \$23,474.98 on June 17, 2022 and \$25,171.40 on November 22, 2022 to date. As required by Section D.1 of the Memorandum of Agreement (MOA), the Finance Department will be required to create a separate special revenue fund that is designated for the receipt and expenditure of opioid settlement funds. The City of Hickory will be creating a new Fund 048 to track all revenues and expenses related to the opioid funds received by the City. Section E.6 of the MOA describes the process that every local government must follow in order to draw funds from this special revenue fund. Section E.6 states that "Opioid Settlement Funds can be used for a purpose when the Government Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time." Staff recommends that City Council approve the establishment of a Special Revenue Fund to account for the Opioid Settlement Funds.

- A1 E. Budget Revision Number 13. **(Exhibit VIII.E.)**

1. To appropriate \$6,301 from the sale of a vehicle towards the Central Services M&R Buildings operating account.
2. To appropriate \$90,000 from the Water & Sewer Fund Balance towards the cost of irrigation work at Catawba Tree Farm and trees along the Lyle Creek sewer project.
3. To appropriate \$47,690 from Airport Fund Balance towards replacing security/decorative fencing beside the Fixed Base Operator. Funds were left over from PO #81099 in FY 22.
4. To appropriate two separate payments of \$23,475 and \$25,172 received from the North Carolina Department of Justice towards opioid settlement funds.
5. To appropriate \$4.1 million in funds freed up from ARPA funds to be used for transportation related projects (\$2,000,000) and Economic Development (\$2,100,000).

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of a Joint Economic Development Agreement for the Conveyance of City-Owned Property Located in Downtown Hickory on Main Avenue NE. Presentation by Business Services Manager Dave Leonetti. **(Exhibit XI.A.1.)**

Staff requests Council's consideration of a Joint Economic Development Agreement to convey two parcels of City-Owned property located at 111 and 131 Main Avenue NE, PINs 3702-07-69-6633 and 3702-07-69-8603. The property is currently unoccupied, and the buyer seeks to develop a mixed-use project with residential and retail uses. The City issued a request for proposals for the two properties in 2021. Delco Partners submitted the only response that called for a comprehensive redevelopment of both properties. The conveyance of the property would be subject to a Joint Economic Development Agreement. The buyer estimates private investment of at least \$20 million dollars in the development of a multi-family building with at least 80-units and the redevelopment of the building located at 131 Main Avenue NE for retail use. The estimated market value of the land is \$575,000, and the conveyance is for the full market value of the land. Staff recommends City Council's approval of a Joint Economic Development Agreement and Purchase Contract with Delco Partners for the conveyance of property on Main Avenue NE.

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

B. Departmental Reports

- NA** 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)

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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**