



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 17, 2023  
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend David Roberts, Morning Star First Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation in Recognition of Lenoir-Rhyne University's Triathlon Team for winning the NCAA DII National Championship. (Lenoir-Rhyne University's First Women's Team in their History to Win a National Championship). **(Exhibit IV.A.)**
- NA** B. Special Recognition of Hickory Firefighters – Presented by Fire Chief Matthew Hutchinson
- NA** C. Recognition of Ward 4, Alderman Williams
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting January 3, 2023. **(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 8<sup>th</sup> Avenue NW between 4<sup>th</sup> Street Drive NW and North Center Street and along 8<sup>th</sup> Avenue NE between North Center Street and 2<sup>nd</sup> Street NE (NC Highway 127). **(First Reading Vote: Unanimous)**
- A2** B. Budget Revision Number 13. **(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 Skybox Lease Agreement with Pepsi-Cola Bottling Company of Hickory NC. **(Exhibit VIII.A.)**

*Staff requests Council's approval of the contract between Pepsi-Cola Bottling Company of Hickory, 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 Pepsi-Cola Bottling Company of Hickory 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 ten-years with a total lease amount of \$15,000.*

Legal notification was advertised in a newspaper having general circulation in the Hickory area on December 16, 2022 in accordance with North Carolina General Statute 160A-272 of Council's intent to authorize the lease.

- A B. Approval of a Resolution Adopting the Amended Caldwell County Animal Care Enforcement Ordinance. **(Exhibit VIII.B.)**

*Staff requests Council's consideration of a Resolution adopting the amended Caldwell County Animal Care Enforcement Ordinance. In late 2022, the Caldwell County Board of Commissioners approved amending the Caldwell County Animal Care Enforcement Ordinance. Section 90.5 §90.05 ENFORCEMENT IN MUNICIPALITIES; RESTRICTED states that Caldwell County Animal Care Enforcement officers have no authority to enforce the ordinance within the boundaries of any municipality unless the municipality's governing body adopts a resolution stating Caldwell County is authorized to enforce the ordinance within the municipality and repeals any inconsistent ordinance. There are a few properties within the City of Hickory's limits that also lie in Caldwell County. In order for Caldwell County to enforce its animal care ordinance on these properties, Council must adopt a resolution authorizing Caldwell to enforce the ordinance. Because the affected owners know their properties are within the City of Hickory limits, it's likely they will contact the Hickory Police Department first of any animal control issues they experience. Adopting the resolution will not limit the City's authority to enforce its animal ordinance on these properties. Staff recommends Council approve the Resolution Adopting the Amended Caldwell County Animal Care Enforcement Ordinance.*

- A C. Approval to Apply for the 2023 Urgent Repair Program (URP23) through the North Carolina Housing Finance Agency (NCHFA). **(Exhibit VIII.C.)**

*Staff requests Council's approval to apply for the 2023 Urgent Repair Program (URP23) through the North Carolina Housing Finance Agency (NCHFA). The Urgent Repair Program provides funding in the form of a forgivable loan to low and extremely low-income homeowners with special needs at a maximum of \$12,000 per dwelling unit. The City has applied for these funds numerous times in recent years. During the 2021-2022 fiscal year ten homeowners received home repairs through the program. Staff plans to apply for \$70,000 of funding through the program. This funding will assist at least six eligible homeowners with repairs. The City of Hickory will provide \$5,000 in matching funds. This is available from program income that was received through the former Rental Rehabilitation Program. The Urgent Repair Program funds will be used to supplement the City's Community Development Block Grant Housing Rehabilitation Loan Program, which generally works on larger projects with families that have slightly higher income. Staff will prepare an application that incorporates program requirements, applicant eligibility standards, and program capabilities. Upon approval by City Council, the application will be submitted with the required \$75 application fee to the NCHFA. Staff recommends City Council's authorization for staff to apply for the 2023 Urgent Repair Program through the North Carolina Housing Finance Agency.*

- A/PH D. Approval of a "Resolution of the City Council of the City of Hickory, North Carolina, Authorizing the Negotiation of an Installment Financing Contract and Providing for Certain Other Related Matters Thereto" for Improvements to the Hickory Metro Convention Center. **(Exhibit VIII.D.)**

- A1 E. Budget Revision Number 14. **(Exhibit VIII.E.)**

- 1. *To appropriate \$50 in Donations from Willie Mayfield towards Library programming materials.*

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 East Coast Builders, Inc. located at 2069 25<sup>th</sup> Street Drive NE, which includes part of the Right of Way of 25<sup>th</sup> Street Drive NE, PIN 3723-10-27-6343 – Presented by Planning Manager Cal Overby. **(Exhibit XI.A.1.)**

*Consideration of the petition for the voluntary contiguous annexation of 0.433 of property located at the 2069 25<sup>th</sup> Street Drive NE, which includes part of the right-of-way of 25<sup>th</sup> Street Drive NE. This property is identified as PIN 372310276343. This request has been made to allow for the property to connect to the City's utility system. The property is unincorporated and within the City's extra territorial jurisdiction (ETJ). The property is currently zoned R-2 Residential. A single-family home is currently being constructed on the property, which represents the maximum development that is permitted. Surrounding properties are zoned R-2 Residential and Commercial Center (CC-1). These properties are occupied by residences and businesses. The current tax value of the property is \$14,300. A building permit for construction of the referenced residence has been issued, and the permit's listed value is \$143,435. Combined the land and permit value is \$157,735, which would generate \$989 in new tax revenue. This value may increase once a property assessment is conducted by the Catawba County Tax Department. Upon analysis, staff 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 January 6, 2023.*

B. Departmental Reports

- NA** 1. Discussion of Ward 4 Replacement
- A** 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

Alderwoman Patton nominated Ernest Sills as the Licensed Architect on the Historic Preservation Commission.

**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

Mayor Guess nominated Jennie Dulin as At-Large Representative to the Library Advisory Board.

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 5 (Zagaroli Appoints) Megan Carfagno Resigned 1-4-2023  
Ward 4 (D. Williams Appoints)

VACANT

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

Alderman Wood nominated Eric Trent Wood 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)(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 December 6, 2022 - NCGS §143-318.11(a)(1)*
  - 2. *Discussion of Pending Litigation - NC General Statutes 143-318.11(a)(3)*
  - 3. *Discussion of a Personnel Matter - NC General Statutes 143-318.11(a)(6)*
- 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.  
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