



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

February 21, 2023
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Monica Childers, Associate Pastor St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - NA** A. Oath of Office for Appointed Ward 4 Alderman Reverend Dr. Anthony Freeman
 - NA** B. Presentation of a Proclamation for SkillsUSA Week to Gary Muller, CVCC Executive Dean, Economic Development and Corporate Education and Tammy Muller, Executive Director, Strategic Business Partnerships and Skills USA. **(Exhibit IV.B)**
 - NA** C. Presentation of the Year of the Trail Proclamation to Hickory Metro Convention Center & Visitors Bureau, Chief Executive Officer Mandy Hildebrand and Director of Sales and Marketing Sarah Jones. **(Exhibit IV.C.)**
 - NA** D. Presentation of a Proclamation Celebrating a 30-Year Sister Cities German Partnership to Western Piedmont Sister City Association Chair and Catawba County Designee, Tracy Trimble. **(Exhibit IV.D.)**
 - NA** E. Annual Audit - Presentation by Kari Dunlap, Martin Starnes & Associates.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A** A. Special Meeting of February 6, 2023. **(Exhibit VI.A.)**
 - A** B. Regular Meeting of February 7, 2023. **(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 15. **(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 Citizens' Advisory Committee's Recommendation for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.A.)**

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on February 2, 2023:

- Teresa Robinson, 3271 Blue Sky Court SE, Newton, was recommended for approval of up to \$10,292 under the City of Hickory's 2022 Urgent Repair Program.

Funds are budgeted for this item 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 request for assistance through the City of Hickory's housing assistance programs.

- A B. Approval of a Cemetery Deed Transfer from Joan English Dellinger and husband, Michael Ray Dellinger to Deborah Allen Dietz, located in Oakwood Cemetery, Lot 11, Plot V, Section 55, Containing 2 Graves, 80 Square Feet, (Prepared by Attorney Kimberly H. Whitley). **(Exhibit VIII.B.)**

- A C. Approval of the Sale of City-Owned Property Located at 1100 Highway 70 SE to CPM Enterprise, LLC Subject to the Upset Bid Process. **(Exhibit VIII.C.)**

Staff requests approval of the sale of City-owned property at 1100 Highway 70 SE to CPM Enterprise, LLC. The City owns the approximately 1.66-acre property located at 1100 Highway 70 SE. The City became the owner of the property after the completion of an infrastructure repair on the site. The site is currently vacant. CPM Enterprise, LLC has offered \$250,000 for the purchase of the property. The property has remained vacant for the entire time it has been owned by the City of Hickory. Sale to the private sector will place the property back on the property tax roll and allow for future development. North Carolina General Statutes require that surplus property be sold competitively. The property would need to be sold subject to the upset bid statute and allow other interested parties to bid on the property after the City Clerk places a public notice in the newspaper. The contract does not include an examination period and calls for closing 30-days after contract execution. The offer includes the required 5 percent deposit. Staff recommends that City Council adopt a Resolution accepting the offer from CPM Enterprise, LLC and authorize staff to advertise for upset bids.

- A D. Approval of Addendum No. 2 (Revised) to the Grant Agreement with the United States Department of Transportation and Federal Highway Administration for the 2018 BUILD Transportation Discretionary Grant Award. **(Exhibit VIII.D.)**

Staff requests Council's approval of Addendum No. 2 (Revised) to the grant agreement with United States Department of Transportation and Federal Highway Administration for the 2018 BUILD Transportation Discretionary Grant Award of the "Hickory Reconnected Through Transportation Infrastructure Investment" Application. The purpose of Addendum No. 2 (Revised) to FHWA FY 2018 BUILD Grant No. 6, is to recognize and accept modifications to extend the schedule for the "Hickory Reconnected Through Transportation Infrastructure Investment Project". This Addendum will constitute a formal amendment to the Grant Agreement which was executed by the U.S. Department of Transportation, the Federal Highway Administration, and the City of Hickory. FHWA also requested the following change for Section 1.5 Period of Performance: Existing Language 1.5 Period of Performance. The period of performance for this award begins on the date of this agreement and ends on the project end date in FMIS. Proposed Language 1.5 Period of Performance. The period of performance for this award begins on the date of this agreement and ends on the project end date in FMIS, which will be the same as the budget period end date listed in section 1.6. Staff recommends Council approval of Addendum No. 2 (Revised) to the grant agreement with United States Department of Transportation and Federal Highway Administration for the 2018 BUILD Transportation Discretionary Grant Award of the "Hickory Reconnected Through Transportation Infrastructure Investment" Application to extend the project schedule and amend language.

- A E.** Approval of an Agreement with Catawba County for the Sewer Extension Microsoft/DEQ in the Amount of \$8,800,000. **(Exhibit VIII.E.)**
- Staff requests Council's approval of an agreement with Catawba County for the sewer extension (Microsoft/DEQ), in the amount of \$8,800,000. With the announcement of Microsoft building infrastructure in Catawba County, this agreement has been made between the two parties to best serve the area with sewer service. Catawba County is a recipient of a direct wastewater project appropriation in the amount of \$8,800,000 in the FY 2021-2022 Budget Bill (S.L. 2021-180) of the General Assembly of North Carolina, Section 12.13.(f). The NC DEQ/Division of Water Infrastructure (Division) is administering the funds. The Division pays out these grant funds to the local government unit (the Recipient) on a reimbursement basis after the recipient awards a division-approved construction contract. Recipients must use the ARPA funds in accordance with all applicable Federal law and guidance, as well as NC State statutes. City of Hickory, as a subrecipient, and its contractor must also utilize the funds in accordance with Federal and State laws and guidance. Staff recommends Council's approval of an agreement between Catawba County and City of Hickory, Sewer Extension (Microsoft/DEQ), in the amount of \$8,800,000.*
- A F.** Approval of an Agreement with Catawba County for the McLin Creek/Lyle Creek Sewer Project in the Amount of \$3,500,000. **(Exhibit VIII.F.)**
- Staff requests Council's approval of an agreement with Catawba County for the McLin Creek/Lyle Creek Sewer Project in the amount of \$3,500,000. In 2018, Council approved a contract with Claremont for the treatment of their wastewater. In the agreement, the City of Claremont wishes to purchase the right to treat 450,000 gallons per day at a cost of \$1,860,000. With this contract Claremont would also be allowed to purchase additional 50,000-gallon increment of right to treat. Claremont will receive inside City of Hickory rates for treatment with a discount if the Operation and Maintenance contract is in place. This contract for Right to Treat will be valid for a minimum of 20-years with 5-year review periods and renewals. This agreement will require both the City of Claremont and the City of Hickory to install additional infrastructure to transfer the wastewater to the Hickory-Catawba Wastewater Treatment Facility. This project was advertised and bid on May 25, 2022. The City of Claremont will be constructing a line and metering station to connect this segment of line to their Wastewater Treatment Facility. Buckeye Bridge, LLC, was low bidder at \$5,122,839 and awarded the project. The City of Hickory and Catawba County will be sharing the cost of installation for this sewer system. This agreement covers the cost of Catawba County's portion of the project of \$3,500,000. Staff recommends approval of the agreement with Catawba County for the McLin Creek/Lyle Creek sewer project in the amount of \$3,500,000.*
- A G.** Approval of an Agreement with Catawba County for the Hickory-Catawba Wastewater Treatment Facility Expansion Design in the Amount of \$1,500,000. **(Exhibit VIII.G.)**
- Staff requests Council's approval of an agreement with Catawba County for the Hickory-Catawba Wastewater Treatment Facility expansion design in the amount of \$1,500,000. With the continued growth in the southeast Catawba County corridor, plans for expansion of the wastewater need to be forecast and completed when needed. City of Hickory will complete the design of the expansion of the Hickory-Catawba Wastewater Treatment Facility from 1.5 million gallons per day to 3 million gallons per day. In doing so, Hickory will post the Request for Qualifications, select a design firm, design the project, and permit it for construction. Construction will not be part of this project. Staff recommends Council's approval of an agreement with Catawba County for the Hickory-Catawba Wastewater Treatment Facility expansion design in the amount of \$1,500,000.*
- A H.** Approval of the Professional Services Agreement with KCI Technologies, Inc. in the Amount of \$35,100 for Additional Services Related to the FEMA BRIC Grant Project for Flood Mitigation at the Wastewater Treatment Facility. **(Exhibit VIII.H.)**

Staff requests Council's approval of a Professional Services Agreement with KCI Technologies Inc. in the amount of \$35,100 for additional soils characterization related to the FEMA BRIC grant project for flood mitigation at the Northeast Wastewater Treatment Facility. Due to the increased frequency of significant damaging flood events, Staff has applied for and received FEMA grant assistance for a flood mitigation project at Northeast Wastewater Treatment Facility. The Federal Government provides funding through the FEMA Building Resilient Infrastructure and Communities (BRIC) program. The BRIC grant program provides funding to mitigate risks to infrastructure to better protect public investment and the environment. Due to the significant damages and environmental impact resulting from flooding events over the past several years, the City of Hickory was awarded a grant for flood mitigation efforts at the Northeast Wastewater Treatment Facility on March 16, 2022. This project requires that a clean closure certificate be obtained from NCDEQ prior to construction activities. Staff recommends Council's approval of a Professional Services Agreement with KCI Technologies Inc. in the amount of \$35,100 for additional soils characterization related to the FEMA BRIC grant project for flood mitigation at the Northeast Wastewater Treatment Facility.

- A I. Approval of the Resolution Approving an Installment Financing Contract and a Deed of Trust with Respect Thereto and Delivery Thereof and Providing for Certain Other Related Matters Regarding the Hickory Metro Convention Center Improvements. **(Exhibit VIII.I.)**
- A J. Approval of the Resolution Authorizing the Execution of Opioid Settlements and Approving the Supplemental Agreement for Additional Funds between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation. **(Exhibit VIII.J.)**
- A1 K. Budget Revision Number 16. **(Exhibit VIII.K.)**
 - 1. To appropriate \$8,487 from reimbursement for damaged vehicles to the Hickory Police Department.
 - 2. To appropriate \$19,661 from the sale of vehicles to the Solid Waste Division.
 - 3. To appropriate \$18,225 from the sale of a vehicle to the Traffic Department.
 - 4. To appropriate \$8.8 million dollars in Catawba County revenues to be used for sewer line extension.
 - 5. To appropriate \$1.5 million in Catawba County revenues to be used for design services for the expansion of the Hickory-Catawba Wastewater Treatment Facility.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

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)
African American (Council Appoints) (Nathaniel Holmes Resigned)
Other Minority (Council Appoints)
Other Minority (Council Appoints)
Other Minority (Council Appoints)
Differently Abled (Council Appoints) (Ruthie Hill Resigned)

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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 VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints)

VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 6 (Patton 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**