



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

April 4, 2023
7:00 p.m.

- I. Call to Order
- II. Invocation by Major David Repass, Co-Officer in Charge The Salvation Army of Greater Hickory and the High Country
- III. Pledge of Allegiance
- IV. Special Presentations
Mayor Guess recognized a Scout in attendance.
- NA** A. Presentation of a Proclamation for National Public Safety Telecommunications Week to Hickory Police Department Telecommunicators. **(Exhibit IV.A.)**
Mayor Guess read and presented the Proclamation for National Public Safety Telecommunications Week to Hickory Police Department Telecommunicators.
- NA** B. Presentation of a Proclamation for Fair Housing Month to Members of the Catawba Valley Association of Realtors. **(Exhibit IV.B.)**
Mayor Guess read and presented a Proclamation for Fair Housing Month to the 2023 President Elect Carlita Smith, of the Catawba Valley Association of Realtors.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of March 21, 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. Budget Revision Number 18. **(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/PH** A. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Redwood Hickory 12th Avenue Southeast NCP1, LLC, Located at 3060 12th Avenue SE, PIN 3722-16-60-0176, Containing Approximately 33.29-Acres. **(Authorize Public Hearing for April 18, 2023, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**

A/PH B. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Brandon Serrano, Located at 3204 16th Street NE, PIN 3714-16-84-7097, Containing Approximately .569-Acres. **(Authorize Public Hearing for April 18, 2023, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**

A C. Reject the Upset Bid for the Sale of City-Owned Property at 1100 Highway 70 SE. **(Exhibit VIII.C.)**

Staff requests the rejection of the current highest bid for the sale of City-owned property at 1100 Highway 70 SE and authorize staff and the City's real estate broker to seek additional offers. The City owns approximately 1.66-acres of property located at 1100 Highway 70 SE and is currently vacant. CPM Enterprise LLC originally offered \$250,000 for the purchase of the property subject to the upset bid process. RIMS USA, LLC made an upset bid on the property for \$300,000 and the process repeated. In the second upset bid period, Staff received an upset bid that was \$100 less than the required amount for a valid upset bid. Staff feels this calculation error was in good faith, and the bidder meant to raise the bid by the proper amount. However, based on the upset bid statute, the \$300,000 offer remains the high bid on the property. The presence of multiple bidders indicates that the value of the property is likely to remain higher than the current high bid. The spirit of the upset bid process is to obtain the greatest possible value for surplus City-owned property. City Council retains the right to reject all upset bids at the conclusion of the process. The property remains listed with a real estate broker. If City Council rejects the bid, the broker would be free to solicit new bids for the property and start the upset bid process again. Staff recommends City Council reject the current high bid on the property at 1100 Highway 70 SE and authorize the City's real estate broker to solicit offers for the property.

A D. Approval of the Sale of City-Owned Property at 1100 Highway 70 SE to CPM Enterprise, LLC, and Authorize Staff to Advertise for Upset Bids. **(Exhibit VIII.D.)**

Staff requests approval of the sale of City-owned property at 1100 Highway 70 SE to CPM Enterprise, LLC. The City owns approximately 1.66-acres of property located at 1100 Highway 70 SE and the site is currently vacant. CPM Enterprise, LLC has offered \$314,950 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 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 five 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 E. Approval of an Agreement with Piedmont Natural Gas Company, Inc. for Henry Fork Solids Handling Facility Upgrade in the Amount of \$810,524. **(Exhibit VIII.E.)**

Staff requests Council's approval of an agreement for construction of facilities to provide natural gas service with Piedmont Natural Gas Company, Inc. for the contribution in aid of construction for service to the Henry Fork Solids Handling Facility upgrade in the amount of \$810,524. In May 2022, Council approved a contract with PC Construction Co. for the construction of the new solids handling facility to be placed at the Henry Fork Wastewater Treatment Facility. As the biosolids dryer will require natural gas service at the facility, City staff began discussions with Piedmont Natural Gas in June 2020 to provide such natural gas service. On March 17, 2023, Piedmont Natural Gas requested a contribution in aid of construction to install the necessary service to the facility in the amount of \$810,524. This will enable Piedmont Natural Gas to ensure construction of the necessary natural gas service along River Road to the Henry Fork Wastewater Treatment Facility. Staff recommends Council's approval of an agreement for construction of facilities to provide natural gas service with Piedmont Natural Gas Company, Inc. for the contribution in aid of

construction for service to the Henry Fork Solids Handling Facility upgrade in the amount of \$810,524. This is a sole source contract award (General Statute 143-129 (e)(6)) due to Piedmont Natural Gas being the only natural gas provider.

A1 F. Budget Revision Number 19. (Exhibit VIII.F.)

1. To close the Justice Assistance Grant project for 2021 and return the remaining funds from the project (\$ 7,970) back to the General Fund.
2. To close the Bulletproof Vest Partnership for 2021 and return the remaining funds from the project (\$8) back to the General Fund.
3. To close the Ridgeview Library Expansion project for 2021 and return the remaining funds from the project (\$119,629) back to the General Fund.
4. To appropriate \$4,108 from the sale of a vehicle to the Landscape Division.
5. To appropriate \$47,674 from General Fund Balance to the Police department for the cost of two canines, registration for the canine course, and six weeks lodging for two handlers.
6. To appropriate \$788 from an insurance payment to cover damages to a fire hydrant. DOL 6/8/21.
7. To appropriate \$268 from an insurance payment to cover damages to a fire hydrant. DOL 6/8/21.
8. To appropriate \$3,000 from a donation by the Friends of the Library to cover the cost of supplies/prizes for the Summer Learning Program 2023 at Hickory Public Library.
9. To appropriate \$810,524 from Water & Sewer Fund Balance to cover the cost for Natural Gas Service with Piedmont Natural Gas Company, Inc. for the contribution in aid of construction for service to the Henry Fork Bio-Solids Project.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports

NA 1. North Carolina Department of Transportation Updates – Presentation by Transportation Planning Manager John Marshall

A 2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

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

At-Large (Council Appoints) (Clise Plant Resigned 2-27-2023) VACANT

Alderman Wood Nominated Steven Kiger as an At-Large Representative for the Citizens Advisory Committee.

COMMUNITY APPEARANCE COMMISSION

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

Ward 1 (Wood Appoints) (William Richter Resigned 3-27-23) VACANT

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) VACANT

Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT
Differently Abled (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) 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**