



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 18, 2023
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Rachael Theisen, Vicar St. Andrews Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of Proclamations to Lucille Starnes Yount and Louise Starnes Triplett Honoring their 100th Birthdays. **(Exhibit IV.A.)**

Mayor Guess read and presented proclamations to Lucille Starnes Yount and Louise Starnes Triplett honoring their 100th birthdays.
- V. Persons Requesting to Be Heard
 - A. Ms. Daria Jackson, 133 17th Street SE, Hickory addressed concerns with housing.
 - B. Mr. Jason Crain, 1068 20th Avenue NW, Hickory discussed a mobile home park that his business owns. He requested a variance.
 - C. Mr. Robert Sherrill, 5th Avenue, discussed housing problems and the cost of rent.
- VI. Approval of Minutes
 - A** A. Regular Meeting of April 4, 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 19. **(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. Proclamation in Observance of Arbor Day, April 29, 2023. **(Exhibit VIII.A.)**
 - PH** B. Call for a Public Hearing to Consider the Community Development Block Grant 2023-2024 Annual Action Plan. **(Authorize Public Hearing for May 2, 2023, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**
 - PH** C. Call for a Public Hearing to Consider an Economic Development Agreement with Merchants Distributors, LLC and MDI Management, LLC. **(Authorize Public Hearing for**

May 2, 2023, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)

- A** D. Approval of the Agreement for New City Attorney, Tim Swanson, through Young, Morphis, Bach & Taylor, LLP, to be effective June 30, 2023. **(Exhibit VIII.D.)**
- A** E. Approval of the Citizens' Advisory Committee's Recommendation for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.E.)**

The following applicants were considered by the Citizens' Advisory Committee at their regular meeting on April 6, 2023:

- *Phyllis Chester, 1526 20th Street Drive NE, Hickory was recommended for approval of up to \$9,061 under the City of Hickory's 2022 Urgent Repair Program.*
- *Viola Earley, 571 9th Avenue Drive SE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*

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 requests for assistance through the City of Hickory's housing assistance programs.

- A1** F. Budget Revision Number 20. **(Exhibit VIII.F.)**
 - 1. *To appropriate \$11,363 from the sale of a vehicle to the Commercial Sanitation Division.*
 - 2. *To appropriate \$3,500 from a donation by the Friends of the Ridgeview Library to cover the cost of supplying a Makerspace Cart at Ridgeview Branch Library.*
 - 3. *To appropriate \$9,015 from a payment by Alexander County for water/sewer line materials.*
 - 4. *To correctly appropriate three separate payments of \$23,475, \$25,172, and \$26,558 received from the North Carolina Department of Justice towards opioid settlement funds.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of 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 – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 33.29 acres of a 46.66-acre property located at 3060 12th Avenue SE. This property is identified as part of PIN 3722-16-60-0176. The annexation area is currently located within the City's extra territorial jurisdiction (ETJ) and zoned Office – Institutional (OI). The property owner has requested annexation in order to connect the property to the City's utility system. Properties zoned OI can be utilized for office and residential purposes. Non-residential density is permitted at a maximum floor area ratio of 2:1, while residential density is permitted up to thirty units per acre. The property is currently vacant but has received approval to construct a 141-unit residential apartment

complex. Surrounding properties are zoned R-4 Residential and Office and Institutional (OI). These properties are occupied by residences and a church. The current tax value of the annexation area is \$281,100. Tax revenue generated by annexation of the area would be \$1,763.90. The property owner intends to construct an apartment complex on the entire tract, which would result in additional tax revenue once completed and assessed. 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 April 7, 2023.

- A** 2. Consideration of 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 – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Consideration of the voluntary contiguous annexation of 0.569 acres property located at 3204 16th Street NE. This property is identified as PIN 3714-16-84-7097. The property is occupied by a detached single-family residence, which represents the property's maximum development potential. The property owner has requested annexation in order to connect the property to the City's utility system. The property is located in the City of Hickory's ETJ, and zoned R-1 Residential. Properties zoned R-1 can be utilized for residential purposes at a maximum density of two (2) units per acre. The property is currently occupied by a detached single-family residence, which will be its continued use. The surrounding properties are zoned R-1 and R-2 Residential and are occupied by detached single-family residences. The current tax value of the property is \$176,900. Annexation of the property would generate \$1,100 in additional tax revenue. 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 April 7, 2023.

- A** 3. Consideration of Closing 8th Street Place SE located off of Lenoir-Rhyne Boulevard – Presented by Public Works Director Steve Miller. **(Exhibit XI.A.3.)**

Consideration of closing 8th Street Place SE, located off of Lenoir-Rhyne Boulevard as petitioned by Abel Cerda. The City Clerk received a petition from Abel Cerda owner of the property abutting 8th Street Place SE off of Lenoir-Rhyne Boulevard. The petition requests the City to close 8th Street Place SE off of Lenoir-Rhyne Boulevard, as per NCGS § 160A-299; 8th Street Place SE is bounded on the northwest and southeast sides by those tracts owned by the Petitioner Abel Cerda. The property is bounded at the dead end or northeast side by a tract owned by CNC Properties. The signature on the petition represents the owner of six of the seven tracts of property abutting this portion of the right-of-way. The petition fee of \$800 has been paid. A memo was sent to various departments for their input on the street closing. Fire responded the street closing would not affect their emergency response. Public Utilities responded that the property owner would be responsible for all infrastructure (utilities) not in deeded right of way or easement. Police department responded development of this property should improve trespass complaints. Staff recommends the Council's consideration of closing 8th Street Place SE located off of Lenoir-Rhyne Boulevard, as petitioned by Abel Cerda.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 24, March 31, April 7, and April 14, 2023.

B. Departmental Reports

NA 1. Third Quarter Financial Report – Presented by Deputy City Manager Rodney Miller

NA 2. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

Ward 1 (Wood Appoints)

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)

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**