



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

May 16, 2023
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Bob Thompson, Corinth Reformed Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - NA** A. Presentation of a Proclamation for National Police Week – May 15 - 20, 2023. **(Exhibit IV.A.)**
 - NA** B. Presentation of a Proclamation for National American Public Works Week – May 21 - 27, 2023. **(Exhibit IV.B.)**
 - NA** C. Presentation of a Proclamation for National Tennis Month. **(Exhibit IV.C.)**
 - NA** D. Hickory High School AP Government & Politics Class Presentation.

Hickory High School Students presented Council with various topics including homelessness, potholes, etc.
- V. Persons Requesting to Be Heard
 - NA** A. Mr. Nick Reese, 2828 Childers Nursery Circle, Connelly Springs, NC 28612, to discuss Vehicles on City Walk.

Mr. Nick Reese was not present to be heard.
- VI. Approval of Minutes
 - A** A. Regular Meeting of May 2, 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 21. **(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. Call for a Public Hearing for Consideration of the City Manager's FY2023-2024 Recommended Budget. **(Authorize Public Hearing for June 6, 2023, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).**

A B. Approval to Apply for the 2023 Bulletproof Vest Grant. (Exhibit VIII.B.)

Hickory Police Department requests permission to apply for a grant to assist in funding the purchase of bulletproof vests for police officers. The City of Hickory will receive up to 50% reimbursement for each vest purchased. Since 1999, the Bulletproof Vest Grant program has provided an opportunity for law enforcement agencies to apply for a grant to receive up to 50% funding on the purchase of ballistic vests. In order to be eligible, the agency must have a policy in effect making it mandatory for uniformed officers to wear the vests while on duty. Hickory Police Department has the mandatory wear policy in effect and has been a recipient of this grant for numerous years. Monies are placed in the police department budget uniform line item annually to purchase vests for police officers. Life expectancy of each vest is approximately five years. The Police Department recommends approval to submit the grant application to receive up to 50% funding to purchase bulletproof vests for police officers.

A C. Consideration of a Resolution Authorizing the Assignment of the Lease Agreement between the City of Hickory and Hickory Baseball, Inc. to DBH Hickory, LLC Pursuant to the Provisions of NCGS 160A-272. (Exhibit VIII.C.)

On February 18, 2008, the City of Hickory entered into a Non-Exclusive Lease with Hickory Baseball, Inc. to lease the property at 2500 Clement Boulevard NW for periodic but not exclusive use for a term of 15-years. On October 3, 2017, the City entered into a First Amendment to the Non-Exclusive Lease with Hickory Baseball, Inc., amending the Lease to, among other things, extend the term thereof for five years to and until December 31, 2027. Hickory Baseball, Inc. has requested the City of Hickory consent to the assignment of the Lease from Hickory Baseball, Inc. to DBH Hickory, LLC, the purchaser of substantially all of the assets of Hickory Baseball, Inc. Staff requests approval of a Resolution authorizing the assignment of the Lease Agreement between the City of Hickory and Hickory Baseball, Inc. to DBH Hickory, LLC.

The public notice was advertised in a newspaper having general circulation in the Hickory area on April 8, 2023.

A D. Approval of the Agreement with Olde Hickory Brewery for the Selling of Malt Beverages During the 2023 Sails Original Music Series Event. (Exhibit VIII.D.)

Staff requests approval of the vendor agreement with Olde Hickory Brewery (OHB) for the selling of malt beverages during the Sails Original Music Series events on Friday evenings in May, the first three in June, and Fridays in September 2023. The events are being held on Union Square within the Social District beginning at 7:00 p.m. and ending at 9:00 p.m. OHB will begin serving alcohol between 6:00 p.m. and 9:00 p.m. OHB will serve malt beverages within the social district, as marked by signs, and in accordance with the social district rules. On Friday, September 15, OHB will serve malt beverages at the Samuel Davis Field at the Sails Original Music Series event that is held in that location. There is a designated area for the sales of malt beverages in accordance with NCGS 18B-1114.5. OHB, LLC has an ALE Malt Beverage Special Event Permit that allows them to provide craft beverages to audiences at events, as well as a Certificate of Insurance is provided to the City, along with a Memorandum of Agreement signed by both parties. Staff recommends approval of the agreement with Olde Hickory Brewery for the selling of malt beverages during the 2023 Sails Original Music Series event.

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 applicant was considered by the Citizens' Advisory Committee at their regular meeting on May 4, 2023:

- *Janice Abernethy, 745 7th Avenue Court SE, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$20,000.00 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. Approval to Amend the Traffic Ordinance by Reducing the Speed Limit along 13th Avenue Drive SE from Lenoir-Rhyne Boulevard SE to end, 17th Street Drive SE from 13th Avenue Drive SE to US Highway 70 SE, and 19th Street Drive SE from 13th Avenue Drive SE to US Highway 70 SE from 35mph to 25mph. **(Exhibit VIII.F.)**

Staff requests Council's approval of amending the traffic ordinance by reducing the speed limit along 13th Avenue Drive SE from Lenoir-Rhyne Boulevard SE to end, 17th Street Drive SE from 13th Avenue Drive SE to US Highway 70 SE, and 19th Street Drive SE from 13th Avenue Drive SE to US Highway 70 SE from 35mph to 25mph. In an effort to reduce speeding along 13th Avenue Drive SE, 17th Street Drive SE, and 19th Street Drive SE, the Traffic Division and Public Works are requesting the speed limit ordinance be amended to post a speed limit of 25 mph near the Convention Center. The Traffic Division has evaluated speeds along 13th Avenue Drive SE, 17th Street Drive SE, and 19th Street Drive SE and determined that 25mph is appropriate. Currently the 85th percentile speeds exceed the citywide speed limit of 35mph which is currently in effect along the stated roadways. As vehicle and pedestrian traffic grow in this area due to the expansion of the Convention Center, this is a necessary step to enhance roadway safety. The required 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 of amending the Traffic Ordinance by reducing the speed limit along 13th Avenue Drive SE from Lenoir-Rhyne Boulevard SE to end, 17th Street Drive SE from 13th Avenue Drive SE to US Highway 70 SE, and 19th Street Drive SE from 13th Avenue Drive SE to US Highway 70 SE from 35mph to 25mph.

- A1** G. Budget Revision Number 22. **(Exhibit VIII.G.)**

1. To appropriate \$3,265 from a payment received from CVCC for Police apprenticeship.
2. To appropriate \$5,162 from Recreation revenues to purchase additional software/hardware.
3. To transfer \$600,000 from Debt Service to complete a waterline extension with the ARC Grant - 9th AV Project.
4. To appropriate \$39,566 to cover the cost of CEI Services with Vaughn & Melton related to the Historic Ridgeview Walk Multi-Use Trail Project. Eighty percent of the cost will come from NCDOT, while the remaining 20% will come from Hickory.
5. To appropriate \$5.2 million in additional Transportation Surface Block Grant Program Funds to reimburse the City for City funds used in bond project and capital projects. .
6. To appropriate \$685,000 from funds received from the sale of NC Data Campus property and water and sewer funds received towards future City economic development projects.
7. To appropriate \$856,872 in proceeds from the sale of Neill Clark property and other city properties to landscape services for improvements to park properties.

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 Discovery Christian Fellowship Church, Inc. Located at 2201 Startown Road, PIN 3721-13-22-2922, Containing 17.728-Acres – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 17.728 acres property located at the 2201 Startown Road. This property is identified as PIN 3721-13-22-2922. The property is currently located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes, but also permits churches and other religious institutions. The annexation has been requested to allow for the property to connect to the City's utility system. If annexed, the property owners have requested the property be zoned R-2 Residential. Upon reviewing the Hickory by Choice 2030 Comprehensive Plan, staff would recommend R-4 Residential, as it would be consistent with the comprehensive plan. Either district will accommodate the current and future use of the property. Properties zoned R-4 Residential can be utilized for residential purposes at a density of twelve units per acres for detached single-family residences and twenty units per acre for multi-family residences. The R-4 district also permits churches and similar religious institutions, which is the current use of the property. Surrounding properties are zoned R-20 Residential and Industrial Conditional (IND-CZ) and are occupied by detached single-family residences, and part of the Trivium Corporate Center. The current tax value of the property is \$3,160,300. There would be no tax revenue generated by the annexation, as the property is tax exempt. 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.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 5, 2023.

- A1** 2. Consideration of Rezoning Petition Number 23-01 for Property Owned by Discovery Christian Fellowship Church, Inc., Located at 2201 Startown Road – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Consideration of Rezoning Petition 23-01. The City of Hickory has submitted a petition requesting the consideration of rezoning property located at 2201 Startown Road Newton, NC from Catawba County R-20 Residential to R-4 Residential. The subject property is currently zoned R-20 Residential by Catawba County, and totals 17.72 acres in total size. The current R-20 zoning district is primarily residential and permits one and two-family residential uses at a density of two dwelling units per acre. The subject property is currently occupied by the Discovery Christian Fellowship Church. The owners' intention is to continue utilizing the property as a church. The City of Hickory Land Use Development Code allows for religious institutions in all zoning districts. The Hickory Regional Planning Commission conducted a public hearing on April 26, 2023, to consider the petition. During the public hearing, no one spoke in favor or in opposition of the rezoning petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 5, and May 12, 2023.

- A** 3. Consideration of System Development Fee Update Compliant with the Requirements of S.L. 2017-138 – Presented by Daryll Parker, Willdan Financial Services. **(Exhibit XI.A.3.)**

Staff requests Council's review and adoption of System Development Fees compliant with the requirements of SL 2017-138 from the prescribed methodology completed by Willdan Financial Services. In 2017, Session Law 2017-138 was passed which required that any fees collected for services furnished, or to be furnished, have a comprehensive study performed by a licensed financial professional or professional engineer to establish the formula and matrix by which System Development Fees will be calculated. A public comment period of 45-days was provided for comments for this study from March 3, 2023 through April 17, 2023. A public hearing by Council is required to adopt the supporting analysis and any modifications or revisions recommended. This analysis must be updated at least every 5 years. City of Hickory Public Utilities last completed a similar study in 2018 and an update is required by statute. In accordance with the requirements of SL 2017-138, the Public Utilities Division has completed the mandated System Development Fee study to allow for continued collection of fees related to one-time charges for connection to the system related to capacity. Willdan Financial Services worked with staff to determine the appropriate method of analysis and has reviewed all information related to assets and debts that can be considered for determining System Development Fees. Staff working with Willdan Financial Services chose the combined method for analysis to realize both the maturity of the City's system and the planned facilities required to perpetuate or expand service. Funds collected by this fee must now be justified through a formula established by the financial professional, must be collected as a one-time charge to new connections, must be accounted for separately to ensure use for the prescribed expenses, and must be used for reinvestment into the existing system assets. Staff recommends Council's review and adoption of the System Development Fees compliant with the requirements of SL 2017-138 from the prescribed methodology completed by Willdan Financial Services.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 5, 2023.

B. Departmental Reports

- A 1. Consideration of an Amendment to the Resolution of the Hickory City Council Creating the University City Commission – Presented by University City Commission Chair Constance Snyder. **(Exhibit XI.B.1.)**

In 2013, City Council created the University City Commission by Resolution for the purpose of broadening the relationship between the City of Hickory and Lenoir-Rhyne University. Council desires to expand the University City Commission membership to include other resident institutions of higher education located within the community to include Appalachian State University and Catawba Valley Community College.

- 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

LIBRARY ADVISORY BOARD

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

Ward 3 (Seaver 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)
 - A Approved the Rejection of the Bids Related to the Historic Ridgeview Walk (EB-5937, EB-5938, and HL-002) and authorized staff to rebid.
- 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.
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