



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

June 6, 2023  
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Bill Garrard, Retired Clergy
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation for National Homeownership Month, to Ms. Jenna Ross, Habitat for Humanity, and Members of the NAACP Equity and Inclusion Taskforce Housing Committee. **(Exhibit IV.A.)**
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of May 16, 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 Amend the Traffic Ordinance by Reducing the Speed Limit along 13<sup>th</sup> Avenue Drive SE from Lenoir-Rhyne Boulevard SE to end, 17<sup>th</sup> Street Drive SE from 13<sup>th</sup> Avenue Drive SE to US Highway 70 SE, and 19<sup>th</sup> Street Drive SE from 13<sup>th</sup> Avenue Drive SE to US Highway 70 SE from 35mph to 25mph. **(First Reading Vote: Unanimous)**
  - A2** B. Budget Revision Number 22. **(First Reading Vote: Unanimous)**
  - A2** C. Consideration of Rezoning Petition Number 23-01 for Property Owned by Discovery Christian Fellowship Church, Inc., Located at 2201 Startown Road. **(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 Issuance of a Pyrotechnic Display Permit to PyroStar Entertainment for Fireworks Display at the Hickory Motor Speedway on June 23, 2023 (Rain Date September 16, 2023). **(Exhibit VIII.A.)**

*Staff requests approval to issue a pyrotechnic display permit to PyroStar Entertainment for fireworks display at the Hickory Motor Speedway for June 23, 2023, rain date September 16, 2023. Kevin Piercy, General Manager of Hickory Motor Speedway, submitted a request to obtain permission to conduct a public fireworks display on the aforementioned dates. The North Carolina Fire Code requires an operational permit for the use and handling of*

*pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics display.*

- A B.** Approval of the Issuance of a Pyrotechnic Display Permit to Pyro Shows Inc. for Fireworks Display at the Hickory Crawdads Stadium for June 23, 2023 (Rain Date July 21, 2023). **(Exhibit VIII.B.)**

*Staff requests approval to issue a pyrotechnic display permit to Pyro Shows Inc. for fireworks display at the Hickory Crawdads stadium for June 23, 2023 (rain date July 21, 2023). Douglas Locascio, General Manager of the Hickory Crawdads, has submitted a request to obtain permission to conduct a public fireworks display. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics display.*

- A C.** Approval of a Resolution Approving the City of Hickory (PWS:01-18-010) Water Shortage Response Plan. **(Exhibit VIII.C.)**

*Staff requests Council's approval of a Resolution approving the City of Hickory (PWS: 01-18-010) Water Shortage Response Plan. North Carolina General Statute (NCGS) 143-355 (1) requires all public water systems have a Water Shortage Response Plan (WSRP). This plan establishes authority for declaration of a water shortage, defines different phases of water shortage severity, and outlines appropriate responses for each phase. A system's WSRP needs to be reviewed and updated every five years. After approval by NC DWR, the system must have the WSRP approved by their governing board. The Public Utilities Department reviewed the Water Shortage Response Plan to ensure it reflects the most up to date needs, priorities, and plans for the City of Hickory in the event of a water shortage. This plan is required by NC General Statute and is intended to establish responses in the event of a water shortage, whether it be drought or other cause of water shortage. The City of Hickory Water Shortage Response Plan has been reviewed by NCDENR and has been found to be in compliance with NCGS 143-355 (1). Staff recommends Council's approval of a Resolution approving the City of Hickory (PWS: 01-18-010) Water Shortage Response Plan.*

- A D.** Approval of a Resolution Approving the Town of Catawba (PWS:01-18-040) Water Shortage Response Plan. **(Exhibit VIII.D.)**

*Staff requests Council's approval of a Resolution approving the Town of Catawba (PWS: 01-18-040) Water Shortage Response Plan. North Carolina General Statute (NCGS) 143-355 (1) requires all public water systems have a Water Shortage Response Plan (WSRP). This plan establishes authority for declaration of a water shortage, defines different phases of water shortage severity, and outlines appropriate responses for each phase. A system's WSRP needs to be reviewed and updated every five years. After approval by NC DWR, the system must have the WSRP approved by their governing board. The Public Utilities Department has reviewed the Water Shortage Response Plan to ensure it reflects the most up to date needs, priorities, and plans for the Town of Catawba in the event of a water shortage. This plan is required by NC General Statute and is intended to establish*

responses in the event of a water shortage, whether it be drought or other cause of water shortage. The Town of Catawba Water Shortage Response Plan has been reviewed by NCDENR and has been found to be in compliance with NC GS 143-355 (I). Staff recommends Council's approval of the Resolution approving the Town of Catawba (PWS: 01-18-040) Water Shortage Response Plan.

- A E.** Approval of a Resolution Supporting the Grant Applications to the Greater Hickory Metropolitan Planning Organization (MPO) and Committing to the 20% Match in the Amount of \$2,125,000. **(Exhibit VIII.E.)**

*Staff requests approval of the STBG-DA/CMAQ/CR Grant Submittals to the Greater Hickory MPO. The City plans to submit three grant applications to the Greater Hickory Metropolitan Planning Organization: OLLE Art Walk Multi-Use Trail Supplemental – Additional construction funding to supplement EB-5911 to create a connection between City Walk, Aviation Walk and River Walk along Old Lenoir Road. Estimated Total Supplemental Cost \$6,250,000; 80% Federal Funding - \$5,000,000, 20% Local Match - \$1,250,000. Historic Ridgeview Walk Multi-Use Trail Supplemental – Additional construction funding to supplement EB-5938 to create a connection between City Walk and the Ridgeview Community and to US 70. Estimated Total Supplemental Cost \$2,000,000; 80% Federal Funding - \$1,600,000, 20% Local Match - \$400,000. Aviation Museum Connector Multi-Use Trail – Project funding to create a connection between the Aviation Walk Connector and Aviation Museum along Clement Boulevard 21<sup>st</sup> Street NW. Estimated Cost \$3,000,000; 80% Federal Funding - \$2,400,000, 20% Local Match - \$600,000. Staff requests Council's approval of the Resolution supporting the grant applications and committing the 20% match in the amount of \$2,125,000.*

- A/PH F.** Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by LPA N. Hickory Land, LLC, Located at 4331 and 4405 North Center Street Hickory, PIN 3715-18-30-6570, Containing Approximately 19.413-Acres. **(Authorize Public Hearing for June 20, 2023, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).** **(Exhibit VIII.F.)**

- A G.** Acceptance of the Bid and Authorize the City Manager to Execute the Contract with Hickory Construction Company in the amount of \$1,453,000 for the Construction of 12 New T-Hangars at the Hickory Regional Airport. **(Exhibit VIII.G.)**

*Staff requests City Council's acceptance of the construction bid with Hickory Construction Company and authorize the City Manager to approve a construction contract in the amount of \$1,453,000 to construct 12 new T-Hangars on the North Ramp of Hickory Regional Airport. The City requested construction bids in February and received a total of three bids. The lowest responsive bidder was Hickory Construction Company with a low bid amount of \$1,453,000. The new T-Hangars will include LED lighting and will accommodate small to midsize Aircraft. They planned to be constructed on the north ramp adjacent to existing hangars N1 and N2. The new hangar development aligns with the recommendations of the Hickory Regional Airport Task Force Report to promote and expand the assets at the airport to increase revenues through expansion of the number of base aircraft. The project will be financed and repaid with funding from additional property tax revenues received from the City of Hickory and Burke County per a 2021 agreement to assist with the addition of airport hangars to meet increased demand from the aviation community. Additional hangar rental revenue and fuel sales will also assist in repayment of the debt. Staff recommends City Council's acceptance of a construction bid and authorize the City Manager to approve a construction contract with Hickory Construction Company in the amount of \$1,453,000 for the construction of 12 new T-hangars at the Hickory Regional Airport.*

- A H.** Approval of the Contract with RIMS USA, LLC, or Assigns, in the Amount of \$500,000 for the City-Owned Property Located at 1100 Highway 70 SE, Hickory. **(Exhibit VIII.H.)**

*The City owns the parcel located at 1100 Highway 70 SE, PIN 3712-17-11-8376. An offer was accepted by City Council at the April 4, 2023, City Council meeting, in the amount of*

\$314,950. When staff advertised for upset bids, an interested party bid on the property. The parcel was advertised four times with the price increasing to \$500,000. The most recent upset bid period ended on May 30, 2023 with no additional bids received. RIMS USA, LLC, or assigns were the highest bidder. Staff recommends approval of the offer from RIMS USA, LLC, or assigns, for the sale of the property located at 1100 Highway 70 SE, PIN 3712-17-11-8376.

**A1** I. Budget Revision Number 23. **(Exhibit VIII.I.)**

1. To appropriate \$1,009 in Recreation revenues to purchase youth sports uniforms.
2. To transfer \$32,388 from the General Fund to be used for the Aviation Walk Bathroom/Shelter structure.
3. To appropriate \$210,628 in Catawba County revenues to purchase swift water rescue equipment for the Fire Department
4. To appropriate \$10,500 in sponsorship funds to be used for branding items in Communications.
5. To appropriate \$53,000 in Fire Department Revenues for safety improvements at Fire Station 2.
6. To appropriate \$7,787 from the sale of the District Court building towards City Hall improvements.
7. To appropriate \$650,000 in Catawba County revenues for infrastructure improvements for the Fire Training building at the CVCC Public Safety Facility.
8. To appropriate \$210,010 in Burke County tax revenues to be used to install twelve T-Hangars at Hickory Regional Airport.
9. To transfer \$205,900 from the General Fund towards airport drainage repairs in accordance with FAA requirements.
10. To appropriate \$550,000 in additional occupancy revenues estimated through the end of the fiscal year.
11. To decrease \$554,081 in the General Fund to correct an error in Budget Revision #21 by appropriating the same revenue twice.
12. To appropriate \$558 from an insurance reimbursement to be used for a general liability claim.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A1** 1. Consideration of the City Manager's FY2023-2024 Recommended Budget – Presented by City Manager Warren Wood. **(Exhibit XI.A.1.)**

*The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 19, 2023.*

- A1** 2. Consideration of Rezoning Petition 23-02 for Property Owned by Kincade Properties, LLC, located on 22<sup>nd</sup> Avenue NE between North Center Street and 1<sup>st</sup> Street NE – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

*Kincade Properties, LLC submitted a petition requesting the consideration of rezoning property located on 22<sup>nd</sup> Avenue NE between North Center Street and 1<sup>st</sup> Street NE from Office and Institutional (OI) to Commercial Corridor (CC-2). The subject property is currently zoned Office and Institutional (OI), and totals .27 acres in total size. The current OI zoning district is intended to provide for transitional land-uses between residential and commercial uses. OI districts providing transitional areas are generally characterized as smaller sites allowing for small-scale offices. The subject property is currently vacant. The owners' intention is to combine the property with property located at 2208 North Center Street for future*

development. The Hickory Regional Planning Commission conducted a public hearing on May 24, 2023, to consider the petition. During the public hearing, one person spoke in favor of the rezoning petition. No one spoke in opposition. 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 (7-0) 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 26, and June 2, 2023.

B. Departmental Reports

NA

1. 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)

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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