



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

July 18, 2023
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Tamika Garrison, Director of Community Relations Carolina Caring.
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Oath of Office to City Attorney Timothy Swanson.
- NA** B. Proclamation for Parks and Recreation Month. **(Exhibit IV.B.)**
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of June 20, 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 24. **(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 a Resolution Supporting the Grant Applications to the Greater Hickory Metropolitan Planning Organization (MPO) and Committing to the 20% Match in the Amount of \$2,750,000. **(Exhibit VIII.A.)**

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 \$8,750,000; 80% Federal Funding - \$7,000,000, 20% Local Match - \$1,750,000. 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 21st 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 \$2,750,000.

- A B.** Approval of the Building Resilient Infrastructure and Communities Planning Grant Agreement in the Amount of \$486,736.95 and the Designation of Applicant Agent for the Snow Creek Pump Station Planning Project. **(Exhibit VIII.B.)**

Staff requests Council's approval of the grant agreement and designation of applicant agent for the Snow Creek Pump Station planning project funded through a FEMA Building Resilient Infrastructure and Communities (BRIC) Grant. Staff has identified opportunities to seek Federal funding to assist in making improvements to provide resiliency to critical infrastructure. The Federal Government provides funding through the FEMA Building Resilient Infrastructure and Communities (BRIC) program. The BRIC grant program requires a 25% local match and provides funding to mitigate risks to infrastructure to better protect public investment and the environment. Due to the significant damage and environmental impact resulting from flooding events over the past several years, these projects qualify for grant funding. In February 2021, Council approved a Resolution authorizing Public Utilities to apply for a FEMA BRIC grant. FEMA approved this application and awarded the City of Hickory, through the North Carolina Department of Public Safety, a Phase 1 planning grant in the amount of \$486,736.95 on June 23, 2023 for pump station relocation and streambank restoration along Snow Creek. The City of Hickory will utilize Phase 1 funds to complete the design, surveying, and permitting required to move forward with Phase 2. This grant requires the designated applicant agent be the same individual who submitted the grant application as well as an agreement between NCDPS and the City of Hickory to disburse funds and administer the grant. Staff recommends approval of the grant agreement in the amount of \$486,736.95 and the designation of an applicant agent for the Snow Creek Pump Station planning project funded through a FEMA BRIC Grant.

- A C.** Approval of a Contract with KCI Technologies, Inc. in the Amount of \$1,090,910 for Construction Project Administration for the FEMA BRIC Grant Project for Flood Mitigation at the Snow Creek Pump Station. **(Exhibit VIII.C.)**

Staff requests Council's approval of the contract with KCI Technologies Inc. in the amount of \$1,090,910 for the design, permitting, bidding, grant administration, and construction project administration for the FEMA BRIC grant project for flood mitigation at the Snow Creek Pump Station. Staff has applied for and received FEMA grant assistance for a flood mitigation project at the Snow Creek Pump Station. 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. The City of Hickory was awarded a grant for flood mitigation efforts at the Snow Creek Pump Station on March 16, 2022. This project will require the completion of the preliminary design that was part of the grant application as well as grant and project administration. Statement of Qualifications (SOQs) were solicited and accepted on April 1, 2022. KCI Technologies Inc. was the only respondent but their familiarity with the project due to their assistance with developing the grant application makes them the best qualified firm. Staff recommends Council's approval of the contract with KCI Technologies Inc. in the amount of \$1,090,910 for the design, permitting, bidding, grant administration, and construction project administration for FEMA BRIC grant project for flood mitigation at the Snow Creek Pump Station.

- A D.** Approval of the Final Adjusting Change Orders with Neill Grading and Construction Co., Inc. in the Amounts of -\$19,178.01 and -\$93,412.01 of the Contract for Construction of the Trivium Corporate Center Roadways Projects. **(Exhibit VIII.D.)**

Staff requests Council's approval of the final adjusting change orders of the contract for construction of the Trivium Corporate Center Roadways Projects, TIP# U-6238 & NCDOT 48962 project with Neill Grading and Construction Co. Inc., in the amount of -\$19,178.01 and -\$93,412.01. This phase of the Trivium project consisted of the construction of the

turn lanes on Robinwood Road to Lutetium Circle, the completion of Trivium Court, water lines, curb and gutter, street trees, sidewalk, and park signage. Neill Grading and Construction Co., Inc. bid \$1,102,657. Quantities have been reconciled and the total project has finished under budget by a total of \$112,590.02. Staff recommends Council's acceptance of the final adjusting change orders of the contract for construction of the Trivium Corporate Center Roadways Projects, TIP# U-6238 & NCDOT 48962 project with Neill Grading and Construction Co. Inc., in the amount of -\$19,178.01 and -\$93,412.01.

- A1** E. Consideration of an Ordinance Amending Chapter 2, Article II, Division 2, Section 2-52 Regular Meetings of the City of Hickory Code of Ordinances. **(Exhibit VIII.E.)**

Consideration of amending Chapter 2, Article II, Division 2, Section 2-52 of the City of Hickory Code of Ordinance amending the City Council meeting times from 7:00 p.m. to 6:00 p.m., effective August 15, 2023.

- A** F. Approval of the Issuance of a Pyrotechnic Display Permit to PyroStar Entertainment for a Fireworks Display at Hickory Motor Speedway. **(Exhibit VIII.F.)**

Staff requests approval to issue a pyrotechnic display permit to PyroStar Entertainment for fireworks display at the Hickory Motor Speedway for Saturday, July 29, 2023, (Rain Date: Saturday, September 16, 2023. 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 Council's approval of the pyrotechnics displays.

- A1** G. Budget Revision Number 23 EC. **(Exhibit VIII.G.)**

1. *To correct an error in BR 23, item 11, that was processed inadvertently for Fiscal Year 2022-2023.*

- A1** H. Budget Revision Number 1. **(Exhibit VIII.H.)**

1. *To appropriate \$66,985 of General Fund Balance towards Miscellaneous expenses for Astronomy education. This is the remaining amount of the Astronomy donation that the Library received in FY15. These funds were unable to be spent prior to the end of last fiscal year.*
2. *To appropriate \$12,789 of General Fund Balance and budget in the Police Department's Contracted Services line item. This amendment is necessary to pay for Smith Rogers PLLC Attorneys at Law for annual legal support. These funds are from State Unauthorized Tax money and are received and reside in General Fund Balance until the time of appropriation for specific uses under the State guidelines.*
3. *To amend 2022 Justice Assistance Grant project and appropriate \$50,595 towards the purchase of software for forensic use by the Hickory Police Department. \$16,903 will come from the fund itself, while matching amounts of \$16,846 will come from Catawba County and City of Hickory Police Department*
4. *To appropriate \$122,500 from the Water and Sewer Fund Balance to the Sludge Fund for continued operations of the Regional Compost Facility.*
5. *To amend the Trivium Corporate Center Roadways project budget to reflect the actual amount of funds used, which was \$112,590.02 less than originally budgeted.*
6. *To appropriate \$1,400,000 from Water and Sewer Fund Balance for Professional Services Agreement with McGill Associates for the engineering and design of the Hickory-Catawba Wastewater Treatment Facility.*

7. *To appropriate \$1,090,910 towards Snow Creek Pump Station FEMA Grant project for Professional Services Agreement with KCI Technologies for the design and construction for flood mitigation at the Snow Creek Pump Station. The city will receive a planning grant for phase 1 in the amount of \$486,737. The city's 25% match will be \$120,516 while \$366,221 will come from FEMA. The city will appropriate \$604,173 from Public Utilities Fund Balance to pay for the rest of the contract, but FEMA BRIC grant is expected to reimburse after design is completed an amount of \$453,129.75.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of Closing a Portion of Southgate Corporate Parkway SW – Presented by Public Works Director Steve Miller. **(Exhibit XI.A.1.)**

Staff requests Council's consideration of closing a portion of Southgate Corporate Parkway SW as petitioned by R.H. Barringer Distributing Company, Inc. The City Clerk received a petition from R.H. Barringer Distributing Company, Inc., owner of the property abutting Southgate Corporate Parkway SW. The petition requests the City to close a portion of Southgate Corporate Parkway SW, as per NCGS § 160A-299. The portion of the street is bounded by the tract owned by the Petitioner R.H. Barringer Distributing Company, Inc. The signature on the petition represents the owner of the 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. Public Utilities responded that "1155 Corporate Park SW is connected to the sewer line that is inside this portion of the street that is petitioned to be closed. The petitioner must relay an easement to the City of Hickory for this sewer line or make accommodations for the service to 1155. A waterline and two fire hydrants are in this street as well. Petitioner can abandon this section of the line but is responsible for fire protection to any new structures." The comments were also made that the City needs to make sure there is some type of sewer easement for city access, and it places a viable business in the business park. Staff recommends Council conduct the public hearing to consider closing a portion of Southgate Corporate Parkway SW, as petitioned by R.H. Barringer Distributing Company, Inc.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on June 24, July 1, July 8, July 15, 2023.

- A1** 2. Consideration of Rezoning Text Amendment 23-01 to the Hickory Land Development Code, Article 4, Section 4.6 Airport Overlay – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

The City of Hickory staff requests Council's consideration of amendments to the Hickory Land Development Code, Article 4, Section 4.6 Airport Overlay. The proposed amendments are intended to strengthen the current Airport Overlay District. The current overlay primarily regulates height and lighting in one of the specific protection zones as identified in the Hickory Regional Airport Master Plan. The proposed amendments strengthen the existing overlay district by better defining protection zones, permitting responsibilities, and enacting new land-use development regulations on surrounding private properties. The Hickory Regional Planning Commission conducted a public hearing on June 28, 2023, to consider the proposed amendments. The Planning Commission recommended two changes to the amendments as presented. It was recommended to include in Section 4.6.3 the FAA could require heights lesser than those contained within the

current ordinance; and to modify Section 4.6.10 to allow the Airport Director opportunity to give oral testimony at any required public hearing, rather than written comments, as quasi-judicial hearings require comments be presented under oath. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the amendments consistency with the Hickory by Choice 2030 Comprehensive Plan and voted unanimously (8-0) to recommend approval of the amendments. 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 July 8, and July 15, 2023.

B. Departmental Reports

A 1. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

At-Large (Council Appoints) VACANT

At-Large (Council Appoints) VACANT

CITIZENS ADVISORY COMMITTEE

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

At-Large (Council Appoints) Steven Kiger

Eligible for Reappointment/Willing to Serve Again

Small Cities Project Area (Council Appoints) Mark Huggins

Eligible for Reappointment/Willing to Serve Again

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

Caucasian (Council Appoints) VACANT

Other Minority (Council Appoints) Leslie Mancilla

Eligible for Reappointment/Willing to Serve Again

Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Alderwoman Williams Nominated MacGregor VanBeurden as a Caucasian Representative on the Community Relations Council.

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

HISTORIC PRESERVATION COMMISSION

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

Historic Properties Owner VACANT

Building Trades Profession Simon Lucas

Eligible for Reappointment/Willing to Serve Again

LIBRARY ADVISORY BOARD

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

Ward 3 (Seaver Appoints) VACANT
Ward 4 (Freeman Appoints) Allison Little
Eligible for Reappointment/Willing to Serve Again
At-Large (1) (Mayor Appoints) VACANT
At Large (2) (Mayor Appoints) Michael McLamb
Eligible for Reappointment/Willing to Serve Again

Alderman Freeman Nominated Allison Little as Ward 4 Representative for the Library Advisory Board

Mayor Guess Nominated Michael McLamb as the At-Large (2) Representative for the Library Advisory Board

PARKS RECREATION AND SPORTS TOURISM

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints) Timothy Shuford
Eligible for Reappointment/Willing to Serve Again

Alderman Freeman Nominated Timothy Shuford as the Ward 4 Representative for the Parks Recreation and Sports Tourism Board

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints) VACANT
Ward 4 (Freeman Appoints) Wesley Christopher
Eligible for Reappointment/Willing to Serve Again
Ward 5 (Zagaroli Appoints) Brittany Marinelli Moved Out of Ward 5 VACANT
Ward 6 (Patton Appoints) VACANT

Alderman Freeman Nominated Wesley Christopher as the Ward 4 Representative for the Public Art Commission Board

Alderwoman Patton Nominated Clise Plant as the Ward 6 Representative for the Public Art Commission Board

PUBLIC HOUSING AUTHORITY BOARD

(Terms Expiring 6-30; 5-Year Terms) (Appointed by Mayor)
Position (4) Dr. Michael Wimberly Eligible for Reappointment
Tenant Representative Velecia Wynette Hackett Eligible for Reappointment

Mayor Guess Nominated Michael Wimberly as the Representative for the Public Housing Authority Board

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints) Deborah Hollingsworth Eligible for Reappointment
Ward 6 (Patton Appoints) VACANT
At-Large (Council Appoints) William Bost Eligible for Reappointment
At-Large (Council Appoints) Tawana Thomas Eligible for Reappointment
At-Large (Council Appoints) VACANT

Alderman Freeman Nominated Deborah Hollingsworth as Ward 4 Representative for the Recycling Advisory Board

TOURISM DEVELOPMENT AUTHORITY

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

Mayor Guess Nominated Kimberly George as the Demonstrates Interest Representative for the Tourism Development Authority.

- 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. Closed Session Per NC General Statutes 143-318.11(a)(1)(6) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)
 - 1. *Approval of Closed Session Minutes of March 7, 2023 - NCGS §143-318.11(a)(1)*
 - 2. *Discussion of Personnel Matter - NCGS §143-318.11(a)(6)*
- XV. 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**