



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

August 15, 2023
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Bill Garrard, Former Pastor St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Mr. Michael Wise, 115 33rd Avenue NE, Hickory – Concerns with Property Located at 121 33rd Avenue NE, Hickory.

Prior to the meeting Mr. Wise advised the City Clerk he would postpone speaking to Council at a later date.
- VI. Approval of Minutes
 - A** A. Regular Meeting of August 1, 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 2. **(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 Purchase of a 2024 Freightliner M1106 Cab/Chassis with Automated Leaf Collection from Carolina Environmental Systems, Inc. for the N.C. Sheriffs Association Bid #22-06-0426 in the Amount of \$252,982. **(Exhibit VIII.A.)**

Staff requests Council's approval of a purchase from Carolina Environmental Systems, Inc. for a 2024 Freightliner M2106 cab/chassis with a Pac Mac 25yd chassis mounted automated leaf collection unit per the N.C. Sheriffs Association reference bid #22-06-0426 in the amount of \$252,982. The City uses automated leaf trucks for efficient collection of loose leaves within the Recycling Division's yard waste service. This unit allows for loose leaves to be collected by a single operator and collects approximately 5 loads per day at 6,000 pounds per load average. This truck will replace a similar piece of equipment purchased in 2009. The City participates in a buying cooperative with the NC Sheriffs Association that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The specified truck applies to the NC Sheriffs Association Bid #22-06-0426. The approved Solid Waste Recycling Division (4800) Capital Budget includes purchase of an automated leaf truck in the amount

of \$252,982. Staff recommends Council's approval of the purchase from Carolina Environmental Systems, Inc. for a 2024 Freightliner M2106 cab/chassis with a Pac Mac 25yd chassis mounted automated leaf collection unit per the N.C. Sheriffs Association reference bid #22-06-0426 in the amount of \$252,982.

- A B. Approval of the Purchase of a 2024 Freightliner M2106 Cab/Chassis with Rear Loader Refuse Body per the Heil/Sourcewell Contract 091219-THC from Carolina Environmental Systems Inc. in the Amount of \$199,669. **(Exhibit VIII.B.)**

Staff requests Council's approval of the purchase of one 2024 Freightliner M2106 Cab/Chassis with a Heil PT 1000-13yd rear loader refuse body complete from Carolina Environmental Systems Inc. per the Heil/Sourcewell contract 091219-THC in the amount of \$199,669. The City uses rear loading trucks for collection of bulky items refused from the curb with residential service. This particular unit allows for residential items to be collected by a non-CDL driver if needed and will provide support to normal routes as deemed necessary. The City participates in a buying cooperative with the Heil/Sourcewell contract 091219-THC that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The approved Residential Solid Waste Division (5480) Capital Budget includes the purchase of one semi-automated rear packing refuse truck. The approved Residential Solid Waste Division (5480) Capital Budget includes the purchase of one semi-automated rear packing refuse truck from the Heil/Sourcewell Contract 091219-THC in the amount of \$199,699. Staff recommends Council's approval of the purchase from Carolina Environmental Systems Inc. for one 2024 Freightliner M2106 Cab/Chassis with a Heil PT 1000-13yd rear loader refuse body complete per the Heil/Sourcewell Contract 091219-THC in the amount of \$199,669.

- A C. Approval of the Purchase of a 2024 Crane Carrier/Battle Motors LET2 Cab/Chassis with a Refuse Body from Carolina Environmental Systems, Inc. in the Amount of \$385,985 under the North Carolina Sheriffs Association Contract #24-08-0421. **(Exhibit VIII.C.)**

Staff requests Council's approval of the purchase from Carolina Environmental Systems, Inc. in the amount of \$385,985 for the replacement of a front-loading refuse truck under the North Carolina Sheriffs Association contract #24-08-0421. The City uses these front loader trucks for collection of refuse with dumpster service. This unit is operated daily in the Commercial Division of the Solid Waste Division and replaces truck unit #3713 which is a 2012 model. The City participates in a buying cooperative with the North Carolina Sheriffs Association. The approved Commercial Solid Waste Division (5482) Capital Budget includes purchase of a front load refuse truck in the amount of \$385,985. Staff recommends Council's approval of the purchase from Carolina Environmental Systems, Inc. for a 2024 Crane Carrier/Battle Motors LET2 cab/chassis with a Heil DuraPack half pack full eject refuse body per the North Carolina Sheriffs Association contract #24-08-0421 in the amount of \$385,985.

- A D. Approval of the Purchase of a 2024 Freightliner M2106 Cab/Chassis with a Hook Lift Unit in the Amount of \$164,592 under the North Carolina Sheriffs Association Bid #24-08-0421. **(Exhibit VIII.D.)**

Staff requests Council's approval of the purchase from Carolina Environmental Systems Inc. in the amount of \$164,592 for a 2024 Freightliner M2106 cab/chassis with a swap loader CL 222 chassis mounted hook lift unit per the N.C. Sheriffs Association reference bid #24-08-0421. The City uses hook lift trucks to provide the large container service within the Commercial Division's service offerings. This unit allows for 15yd containers to be delivered to both commercial and residential addresses. This truck will replace a similar piece of equipment purchased in 2001. This vehicle also includes a Roll-Rite DC203 Tarping System. The approved Solid Waste Commercial Division (5482) Capital Budget includes purchase of a hook lift truck in the amount of \$164,592. Staff recommends Council's approval of the purchase from Carolina Environmental Systems, Inc. for a 2024 Freightliner M2106 cab/chassis with a swap loader CL222 chassis mounted hook lift

system collection unit per the N.C. Sheriffs Association reference bid #24-08-0421 in the amount of \$164,592.

A/PH E. Call for a Public Hearing to Consider Closing a Portion of 1st Avenue NW, as petitioned by Mitloop, LLC, David E. Looper, and James R. Mitchell. **(Authorize Public Hearing for September 19, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E.)**

A F. Approval of a Community Appearance Grant for Non-Residential Property Owned by Debra Moore, Located at 1054 3rd Avenue Drive NW (Old Lenoir Road) in the Amount of \$7,500. **(Exhibit VIII.F.)**

The Community Appearance Commission requests Council's approval of a Community Appearance Grant for non-residential property owned by Debra Moore and occupied by a commercial building located at 1054 3rd Avenue Drive NW (Old Lenoir Road) in the amount of \$7,500. The grant proposal involves the replacement of the building's awnings and windows, as well as exterior painting. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant. The applicant provided 2 estimates, the lowest estimate for the work totaled \$15,546.81. The proposed grant at the lower of the estimates qualifies for a \$7,500 grant. The subject property's current tax value is assessed at \$614,000. The requested grant amounts to 2.5% of the property's tax value. The application was reviewed by the Community Appearance Commission. After consideration the Commission scored the application at 25 points out of a possible 36 points, which placed the application into the high category of scoring. Given the score, the Community Appearance Commission unanimously recommended funding of the grant application in the amount of \$7,500.

A G. Approval of a Vacant Building Revitalization Performance Agreement with Falling Creek Investments, LLC in the Amount of \$33,000 for Property Located at 3211 Falling Creek Road NE. **(Exhibit VIII.G.)**

Staff requests approval of a Vacant Building Revitalization Performance Agreement with Falling Creek Investments, LLC. Falling Creek Investments, LLC applied for funding in the amount of \$33,000 to assist in the renovation of the vacant building at 3211 Falling Creek Road NE. The applicant plans to renovate the 105,535 +/- square foot building for warehouse or light manufacturing use. The applicant plans to invest at least \$3,071,869 in real property improvements to rehabilitate the building and to install a sprinkler system. This makes the project eligible for a \$33,000 forgivable loan. No funds will be paid until the improvements are complete and the building is occupied. No payments will be required on the loan provided that the building remains occupied for at least 3 years. The Business Development Committee reviewed the application and recommends City Council approve the Vacant Building Performance Agreement with Falling Creek Investments, LLC in the amount of \$33,000.

A H. Approval of the Issuance of Pyrotechnic Display Permits PyroStar Entertainment and Contracted Pyrotechnic for Fireworks Displays at Lenoir-Rhyne University and Hickory Motor Speedway. **(Exhibit VIII.H.)**

Staff requests approval to issue pyrotechnic display permits to: PyroStar Entertainment for a fireworks display at Hickory Motor Speedway, September 16, 2023, (rain date November 25, 2023); and Contracted Pyrotechnics for fireworks display at Lenoir-Rhyne University, September 2, September 16, September 30, October 14, and November 4, 2023, (no rain dates were requested). 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 events, 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 displays.

A I. Approval of the Citizens' Advisory Committee's Recommendation for Assistance through the City of Hickory's Housing Programs. (Exhibit VIII.I.)

The following applicants were considered by the Citizens' Advisory Committee at their regular meeting on August 3, 2023:

- *Priscilla Hoyle, 1174 2nd Street Place SE, Hickory was recommended for approval of up to \$12,000 under the City of Hickory's 2022 Urgent Repair Program.*
- *Shirley Stansford, 163 12th Street Court SE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$15,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*
- *Dehaven Phillips, 1218 E 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 for repairs to his house. Assistance would be in the form of a 0% interest deferred loan.*
- *Barbara Byrd, 117 8th Avenue Drive SW Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$20,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*

Funds are budgeted for these items through the City of Hickory's former Housing Rehabilitation Program income received in FY 2023 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.

A J. Approval of a Resolution for the Issuance of up to \$12,000,000 Multifamily Housing Revenue Bonds to Provide Financing for Hilltop Apartments to Satisfy Section 147(f) of the Internal Revenue Code. (Exhibit VIII.J.)

The Hickory Public Housing Authority wishes to issue Multifamily Housing Revenue Bonds in an amount up to \$12 million which will ultimately be used by Hilltop NC TC, LP to make physical improvements to Hilltop Apartments which is low to moderate income housing and whose premises reside in both the City of Hickory and the Town of Longview. These bonds will only qualify for tax-exempt status if the bonds satisfy the "Public Approval" requirement under Treas. Reg. 1.147(f)-1(b). This requires, among other things, that the bond issue be approved by the issuer (Hickory Public Housing Authority) and the host municipality. The host municipality is defined as the governmental unit presiding over the area in which a bond-financed project will be located. Host approval comes in the form of the attached resolution. In this instance, with Hilltop Apartments being located in both the City of Hickory and the Town of Longview, both will need to approve the issue. The Town of Longview has already passed their resolution. The hosts (Hickory and Longview) will have no financial responsibility with respect to the bonds. Staff recommends approval.

A1 K. Budget Revision Number 3. (Exhibit VIII.K.)

1. *To appropriate \$79,078 from an insurance claim reimbursement to the Street Division to replace a 2005 Freightliner Street Sweeper damaged on 4/27/23.*
2. *To appropriate \$28,761 from General Fund Balance to cover the cost for the canine course, meals, and lodging for two handlers.*
3. *To transfer \$88,040 from Water and Sewer Fund Balance for a Professional Services Agreement with Raftelis Financial Consultants, Inc. for the evaluation and recommendation of Water and Sewer Utility Rates.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

A1 1. Consideration of Rezoning Petition 23-03 for Property Located at 1120 22nd Street NE, Rezoning from R-4 Residential to Commercial Corridor (CC-2) – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.1.)**

Amy Sain, agent for Fred Parsons, submitted a petition requesting the consideration of rezoning property located 1120 22nd Street NE from R-4 Residential to Commercial Corridor (CC-2). The subject property is currently zoned R-4 Residential, and totals 0.55 acres in total size. The current R-4 zoning district provides areas for the development of high-density residential development, which includes single-family, as well as multi-family residential uses at a rate of 20 dwelling units per acre. The requested Commercial Corridor (CC-2) zoning permits commercial, office and residential uses. The maximum density for non-residential development is a floor area ratio of 2:1 (two square feet of floor area for each 1 square foot of land area), while residential density is permitted at a maximum density of 30 units per acre. The Hickory Regional Planning Commission conducted a public hearing on July 26, 2023, to consider the 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 (7-1) 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 August 5, and August 12, 2023.

B. Departmental Reports

NA 1. Update for MyHKY - Presentation by Communications and Marketing Manager, Dana Kaminske

NA 2. 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

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

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

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints)
At-Large (1) (Mayor Appoints)

VACANT

VACANT

PUBLIC ART COMMISSION

(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)
At-Large (Council Appoints)

VACANT

VACANT

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

City Council considered and approved a request from the Hickory Crawdads to issue a Pyrotechnic Display Permit to Pyro Shows Inc. for a fireworks display on September 3, 2023, at the Hickory Crawdads Stadium.

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.”

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