



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

September 5, 2023
6:00 p.m.

- I. Call to Order
- II. Invocation by Mayor Guess
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Recognition of Lieutenant Andrew Robison regarding his Application to Consider the Hickory Police Department for the US Secretary of Defense Freedom Award.
- V. Persons Requesting to Be Heard
 - A. Ms. Daria Jackson, 133 17th Street SE, Hickory discussed the need for sidewalks on Springs Road near the Walmart complex.
- VI. Approval of Minutes
 - A** A. Regular Meeting of August 15, 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 3. **(First Reading Vote: Unanimous)**
 - A2** B. Consideration of Rezoning Petition 23-03 for Property Located at 1120 22nd Street NE, Rezoning from R-4 Residential to Commercial Corridor (CC-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 a Cemetery Deed Transfer from Larry Joe Powell, a widower, to Tamara Adams, a married woman, Fairview Cemetery, Plot No. 13, Block "A", containing 165 square feet more or less, and being 4 gravesites. (Prepared by Vanderbloemen, Fleischer & White, PLLC **(Exhibit VIII.A.)**)
 - A** B. Approval of a Proclamation for Constitution Week 2023. **(Exhibit VIII.B.)**
 - A** C. Approval of the Purchase of a 2023 John Deere 200 G-Tier Excavator in the Amount of \$243,551 from James River Equipment. **(Exhibit VIII.C.)**

Staff requests Council's approval of the purchase of a John Deere 200 G-Tier excavator in the amount of \$243,551 from James River Equipment. Public Services Streets Division

September 5, 2023

currently uses a 2003 model trackhoe excavator to handle construction materials, debris management, ditch maintenance and repair, and roadway construction. The equipment on that unit is outdated, no longer working, and parts are difficult to find. The equipment is being replaced as a component of the Public Services Street Division's normal Capital Budget. The 2023 John Deere 220 G-Tier Trackhoe Excavator is budgeted in this Fiscal Year in Street Division (5460) Capital Budget. Specifications were prepared by the Street and Fleet Divisions to ensure the purchase of the type of equipment that would best serve the Division. Staff recommends Council's approval of the purchase of a John Deere 200 G-Tier excavator in the amount of \$243,551 from James River Equipment.

- A** **D.** Approval of the Issuance of Pyrotechnic Display Permits to Pyro Shows Inc. and PyroStar Entertainment for Fireworks Displays. **(Exhibit VIII.D.)**

Staff requests approval to issue pyrotechnic display permits to Pyro Shows Inc. for fireworks display at the Hickory Crawdads stadium and to PyroStar Entertainment for fireworks displays at the Hickory Motor Speedway. Douglas Locascio, General Manager of the Hickory Crawdads, has submitted a request to obtain permission to conduct public fireworks display on September 12, 2023 (rain date September 13, 2023). Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted a request to obtain permission to conduct public fireworks displays on September 30, 2023, and October 6, 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 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 areas before the events 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 pyrotechnics displays.

- PH/A** **E.** Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of Property Owned by Barbara Vellan Revocable Living Trust, Barbara Vellan Trustee; and Larry J. Guthrie Grantor Trust, Trustees, Larry J. Guthrie and/or Kimberly K. Montgomery, Located at 1448 Zion Church Road, PIN 3701-18-31-5906, Containing Approximately 30.36-Acres. (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.)**

- PH/A** **F.** Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of Property Owned by Legacy Home Builders, LLC, Located at 34th Street Place NE, Hickory, PIN 3724-19-70-3169, Containing Approximately 1.85-Acres. (Authorize Public Hearing for September 19, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). **(Exhibit VIII.F.)**

- PH** **G.** Call for a Public Hearing to Consider the FY2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER). (Authorize Public Hearing for September 19, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). **(Exhibit VIII.G.)**

- A** **H** Acceptance of Golden Leaf Funding in the Amount of \$200,000 for the Construction of an Access Road to Fairgrove Business Park and Approval of a Grant Administrative Agreement with the Western Piedmont Council of Governments in the Amount of \$10,000. **(Exhibit VIII.H.)**

Staff requests acceptance of the Golden Leaf Funding for the construction of an access road in Fairgrove Business Park and the approval of a Grant Administration Agreement with the Western Piedmont Council of Governments. City Council approved an economic development agreement in October of 2022, for the construction of two buildings on City-owned property in Fairgrove Business Park. As part of the agreement the City agreed to construct an access road to provide access to the second parcel. The total construction

cost for the project is estimated at \$2,000,000. The City has been awarded \$1,000,000 from the Appalachian Regional Commission, \$350,000 from the NC Department of Transportation, and \$200,000 from the Golden Leaf Foundation. The remaining \$450,000 will be provided by the City of Hickory as matching funds. The grant funds will allow the City to participate in the industrial access road construction supporting the economic agreement and providing two additional sites for future development. The City was approved for a \$200,000 grant from the Golden Leaf Foundation on August 3, 2023. Staff requests approval of the acknowledgement and agreement to access the funding. Staff also requests the approval of the Grant Administration Agreement with the Western Piedmont Council of Governments, in the amount of \$10,000, to administer the grant funding and submit all required reporting for the project.

- A** I. Acceptance of the Bid and Approval of a Contract with Midstate Contractors, Inc. for Asphalt Resurfacing. **(Exhibit VIII.I.)**

Staff request Council's approval of a contract with Midstate Contractors, Inc. for asphalt resurfacing in the amount of \$59.75 per ton for S9.5B asphalt surface, \$53.35 per ton for S9.5C asphalt surface, \$57.00 per ton for asphalt parking lots for S9.5B, \$640 per ton for binder, \$62 per ton for levelling course, \$131 per ton for patching, \$4 per square yard for edge milling, \$14 per square yard for asphalt milling (100-1,000 square yards), \$13 per square yard for asphalt milling (1,001-3,000 square yards) and \$11 per square yard (3,001-6,000 square yards). Public Services Department -Street Division Staff prepared a detailed scope of work including a complete set of specifications and an invitation to bid package (Bid No. 24-005). Midstate Contractors, Inc. was the lowest qualified bidder for this project. Unit prices remain the same with a provision for adjustment of the liquid asphalt prices if adopted by North Carolina Department of Transportation (NCDOT). This project is awarded based on unit prices to allow for a variation of quantities that the City will pay for to complete the project. Staff will work with contractors to provide quantity control. This work is budgeted in the Street Division's FY 23-24 budget. Staff requests Council's acceptance of the bid and approval of a contract with Midstate Contractors, Inc. for asphalt resurfacing in the amounts referenced above.

- A** J. Approval of a Vacant Building Revitalization Performance Agreement, Including a Fire Suppression Forgivable Loan with YN & MJ Properties, LLC in the Total Amount of \$28,000 for Property Located at 1020 South Center Street. **(Exhibit VIII.J.)**

Staff requests Council's approval of a Vacant Building Revitalization Performance Agreement and Fire Suppression Forgivable Loan with YN & MJ Properties, LLC. YN & MJ Properties, LLC has applied for funding in the amount of \$28,000 to assist in the renovation of the vacant building at 1020 South Center Street. The applicant plans to renovate the 15,000 square foot building for food and retail space use. The applicant plans to invest at least \$1,372,000 in real property improvements to rehabilitate the building and to install a sprinkler system. This makes the project eligible for a \$20,000 forgivable loan and an \$8,000 fire suppression forgivable loan. The applicant plans to install HVAC equipment, complete interior renovations, install a sprinkler system, and make numerous other improvements to bring the building up to code for food and retail space use. No funds will be paid until the improvements are complete and the building is occupied. No payment will be required on the loan provided that the building remains occupied for at least three years. The Business Development Committee reviewed the application and recommended approval. Staff recommends City Council's approval of the Vacant Building Performance Agreement and Fire Suppression Forgivable Loan with YN & MJ Properties, LLC.

- A** K. Approval of Amendment No. 2 to the Professional Services Agreement with WK Dickson & Co., Inc. in the Amount of \$10,990 for Trivium East Road Widening and Traffic Signal Design Project. **(Exhibit VIII.K.)**

Staff requests Council's approval of Amendment No. 2 to the Professional Services Agreement with WK Dickson & Co., Inc. in the amount of \$10,990 for Trivium East road widening and traffic signal design project. This phase of the project will consist of the main entrance and access for the business park. This will include road widening on Startown

Road and traffic signal design along with all associated work. North Carolina Department of Transportation (NCDOT) standards will be followed for the widening of Startown Road. Included in this project is the design of a 12" water main into the park to serve the future business. This agreement will be from design thru bidding, construction, and closeout with an expected duration of 150 days for design and permitting. On May 17, 2022, Hickory City Council approved a Professional Services Agreement with WK Dickson for the Trivium Corporate Center East road widening and traffic signal design in the amount of \$232,000. Additional surveying was required and approved as amendment number 1. Amendment number 2 is required for revisions to completed plans for erosion control and construction impacts for NCDEQ permitting due to neighboring property impacts. Staff recommends Council's approval of amendment number 2 to the Professional Services Agreement with WK Dickson & Co., Inc., in the amount of \$10,990 for Trivium East road widening and traffic signal design project.

- A L. Approval of a TIPS Contract with GeoSurfaces Southeast in the Amount of \$604,557 for Construction and Installation of a Third Artificial Turf Field at the Henry Fork Soccer Complex. **(Exhibit VIII.L.)**

Staff requests Council's approval of a contract with GeoSurfaces Southeast for construction and installation of a third artificial turf field at Henry Fork Soccer Complex in the amount of \$604,557. The City of Hickory purchased and graded twenty-one acres adjacent to Henry Fork River Park in 2021 to add additional parking for visitors and to allow the expansion of three additional artificial turf fields (total of 4). In the summer of 2021, GeoSurfaces was selected as the best vendor to install a second artificial turf field based on their success with the first project and the desire to have the new field match the other turf field. The contract was awarded as a TIPS (The Interlocal Purchasing System) contract which is a purchasing cooperative offered to local governments under a competitively procured purchasing contract for its membership. The City has engaged GeoSurfaces to install a third turf field at Henry Fork under the TIPS program at a cost of \$604,557. This includes the exact same field dimensions as the other two fields, along with fencing around the perimeter and netting behind the goals. Funding is available in the Fiscal Year 23/24 budget. Staff recommends Council's approval of a TIPS contract with GeoSurfaces Southeast for construction and installation of a third artificial turf field at the Henry Fork Soccer Complex in the amount of \$604,557.

- A1 M. Budget Revision Number 4. **(Exhibit VIII.M.)**
 1. To appropriate \$200,000 in funds from Golden Leaf for the construction of an access road in Fairgrove Business Park.
 2. To appropriate \$110 in donations from Friends of the Library to cover programming expenses at Ridgeview Branch Library.
 3. To appropriate \$47,142 from an insurance claim reimbursement towards Police Department to cover total loss of PD165 damaged on 7/1/2023.
 4. To appropriate \$3,877 in funds received from CVCC for an apprenticeship program at the Police Department.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

- A. Public Hearings

- 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

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) VACANT
At-Large (1) (Mayor Appoints) VACANT

Mayor Guess Nominated Rebecca Alt as an At-Large Representative on the Library Advisory Board.

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints) VACANT
Ward 5 (Zagaroli Appoints) VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 6 (Patton Appoints) VACANT
At-Large (Council 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. Closed Session Per NC General Statutes 143-318.11(a)(1)(3)(4) 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 July 18, 2023 - NCGS §143-318.11(a)(1)*
 2. *Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)*
 3. *Discussion of Pending Litigation - NCGS §143-318.11(a)(3)*
- 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**