



**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

October 3, 2023  
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Christy Lohr Sapp, St. Andrews Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation for Fire Prevention Month. **(Exhibit IV.A.)**
- V. Persons Requesting to Be Heard
- NA** A. Linda Begnoche, 4621 19<sup>th</sup> Street Court NE, Hickory regarding Traffic Light at Cloninger Mill Road, and 16<sup>th</sup> Street NE.  
  
Ms. Begnoche was not present to be heard.
- VI. Approval of Minutes
- A** A. Regular Meeting of September 19, 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 of an Amendment to Section 18-59 of the City of Hickory Code of Ordinance to Permit the Operation of E-Bikes and other Electric Vehicles on Multi-Use Paths. **(First Reading Vote: Unanimous)**
- A2** B. Approval of the Implementation of an All-Way Stop at the Intersection of 5<sup>th</sup> Street SE, 3<sup>rd</sup> Avenue SE and 3<sup>rd</sup> Avenue Drive SE. **(First Reading Vote: Unanimous)**
- A2** C. Budget Revision Number 5. **(First Reading Vote: Unanimous)**
- A2** D. Consideration of Rezoning Petition Number 23-04 for Property Located at 1448 Zion Church Road, Hickory from Industrial (IND) to R-2 Residential. **(First Reading Vote: Unanimous)**
- A2** E. Consideration of Rezoning Petition Number 23-05 for Property Located at 34<sup>th</sup> Street Place NE from Catawba County R-20 to Neighborhood Commercial (NC). **(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/PH A.** Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of Property Owned by Boureanu and Creech Properties, LLC, Located at 3940 River Road, Hickory, PIN 3710-09-17-5434, Containing Approximately 49.21. (Authorize Public Hearing for October 17, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). **(Exhibit VIII.A.)**
- A B.** Approval of a Cemetery Deed Transfer from Ethel Mozeley Sutton, widowed to Paula Sutton White, widowed, Oakwood Cemetery, Gravesites No. 7, 8, 3, and 4 of Section 12, Block G, Lot 1. (Prepared by Robert A. Mullinax). **(Exhibit VIII.B.)**
- A C.** Approval of a Cemetery Deed Transfer from Ethel Mozeley Sutton, widowed, to Deborah Sutton McGee, married, Oakwood Cemetery, Gravesites No. 1 and 2 of Section 12, Block G, Lot 1. (Prepared by Robert A. Mullinax). **(Exhibit VIII.C.)**
- A D.** Approval of an Agreement for Professional Services with Gannett Fleming Consulting Engineers for Construction, Engineering, and Inspection Related to OLLE Art Walk in the Amount of \$1,265,001.88, Contingent Upon North Carolina Department of Transportation Concurrence. **(Exhibit VIII.D.)**

*Staff requests Council's approval of an Agreement for Professional Services with Gannett Fleming (GF) for construction, engineering, and inspection (CEI) services related to the OLLE Art Walk (EB-5911/EB-5977) in the amount of \$1,265,001.88, contingent on North Carolina Department of Transportation (NCDOT) approval, EB-5911 - \$1,120,795.05 and EB-5977 - \$144,206.83. The OLLE Art Walk Multi-Use Trail project is an element of the Bond Referendum that was to be added in the future as a continued development of the multi-use path around the City that connected all parts of the City for citizens and visitor's enjoyment. This project has received Federal funding at an 80/20 ratio, Federal and City respectively. Gannett Fleming (GF) was selected based on qualifications-based proposals and was concurred with by NCDOT. GF's fees were negotiated by City of Hickory staff and NCDOT staff. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT and 20% City of Hickory. CE&I services include the following: construction inspections, construction materials testing, and construction administration. Staff requests Council's approval of an Agreement for Professional Services with Gannett Fleming Consulting Engineers for CEI Services related to OLLE Art Walk Project in the amount of \$1,265,001.88, contingent upon NCDOT concurrence.*

- A E.** Approval of a Resolution for Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Way for the 17<sup>th</sup> Street NE Extension and Associated Multi-Use Trail. **(Exhibit VIII.E.)**

*Staff requests Council's consideration of a Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-way for construction of an extension street and associated multi-use path - 17<sup>th</sup> Street NW Extension. The City of Hickory received \$6M from a Surface Transportation Block Grant – Direct Attributable Award in 2020 from the Greater Hickory Metropolitan Planning Organization (MPO) to extend 17<sup>th</sup> Street NW from 9<sup>th</sup> Avenue NW to Clement Boulevard NW. This new connector will serve as an alternative to US 321 for local traffic and also provide additional access for the newly planned Appalachian State University Campus. Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-way for the construction of a .22-mile street extension and associated 10-foot-wide multi-use pathway. The proposed resolution authorizes staff and legal counsel to institute the condemnation proceedings on these properties. Staff recommends Council's approval of the Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-way for the 17<sup>th</sup> Street NW extension and associated multi-use trail.*

- A**      **F.**      Approval of a Utility Relocation Agreement with Duke Energy for an Estimated Amount of \$372,623.05 for Relocation of Overhead Powerlines and Poles Necessary for Construction of the 17<sup>th</sup> Street NW Extension and Multi-Use Trail. **(Exhibit VIII.F.)**

*Staff requests Council's approval of the Utility Relocation Agreement with Duke Energy with an estimated amount of \$372,623.05 for relocation of overhead power lines and poles necessary for construction of 17<sup>th</sup> Street NW extension and multi-use trail – HL-0004. The City of Hickory received \$6M from a Surface Transportation Block Grant – Direct Attributable Award in 2020 from the Greater Hickory Metropolitan Planning Organization (MPO) to extend 17<sup>th</sup> Street NW from 9<sup>th</sup> Avenue NW to Clement Boulevard NW. This new connector will serve as an alternative to US 321 for local traffic and also provide additional access for the newly planned Appalachian State University Campus. Duke Energy is directly affected in several locations as a part of this project that will require relocation. Staff requested a Utility Relocation Agreement with Duke Energy for the construction necessary to accommodate the 17<sup>th</sup> Street NW extension and multi-use trail. Duke Energy will invoice the costs based on the actual costs involved with the work. Duke Energy's estimated relocation costs are \$372,623.05. Staff recommends Council's approval of the Utility Relocation Agreement with Duke Energy for an estimated amount of \$372,623.05 for relocation of overhead power lines and poles necessary for construction of the 17<sup>th</sup> Street NW extension and multi-use trail – HL-0004.*

- A**      **G.**      Approval of the Offer to Purchase City-Owned Property and Authorize Staff to Advertise for Upset Bids. **(Exhibit VIII.G.)**

*Staff requests approval of an offer to purchase a piece of City-owned property at 6301 Hayden Drive that is currently undeveloped. The parcel is further identified by PIN 3735-11-55-0641 on the Catawba County Tax Maps. An existing sewer line runs through the middle of the property. The adjacent property owner has offered \$10,000 for the property. The tax value is \$19,100. However, the property cannot be developed as a single family home due to the sewer line running through the property. Therefore, staff feel that this is a fair offer for the property. A 25-foot sewer easement will be recorded prior to the property closing. As this is surplus property, the sale is required to go through the upset bid process as defined in North Carolina General Statute (NCGS) §160A-269. This process will ensure any other interested parties can bid on the property. Staff requests approval of the offer to purchase City-owned property and authorizes staff to advertise for upset bids.*

- A1**      **H.**      Budget Revision Number 6. **(Exhibit VIII.HI.)**

1.      *To appropriate \$2,030 from an insurance claim reimbursement in the Solid Waste Fund.*
2.      *To appropriate \$372,624 for the 17<sup>th</sup> Street Extension Project to relocate overhead power lines in a Utility Relocation Agreement with Duke Energy, \$298,099 will be reimbursed from Federal Revenues with a local match of \$74,525 from the General Fund.*

**IX.**      Items Removed from Consent Agenda

**X.**      Informational Item

**XI.**      New Business:

**A.**      Public Hearings

**B.**      Departmental Reports

**NA**      1.      Affordable Housing – Presentation by Business Services Manager Dave Leonetti.

**A**      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

Alderman Zagaroli nominated Bianca Carter as an At-Large Representative on the Business Development Committee.

**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)

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

**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)

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. 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.”**

<p><b>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</b></p>
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