



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

October 18, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Susan Smith, Exodus Missionary Outreach Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Special Meeting October 4, 2022. **(Exhibit VI.A.)**
 - B. Regular Meeting October 4, 2022. **(Exhibit VI.B.)**
- 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 7. **(First Reading Vote: Unanimous)**
 - A2 B. Rezoning Petition 22-08 for Property Located at 3820 Hickory Lincolnton Highway and Surrounding Properties from 321 ED(1) to City of Hickory Industrial (IND). **(First Reading Vote: Unanimous)**
 - A2 C. Rezoning Petition 22-09 for Property Located at 1459 and 2819 Robinwood Road, and Vacant Parcel Fronting Robinwood Road from Catawba County R-20 Residential to City of Hickory Industrial (IND). **(First Reading Vote: Unanimous)**
 - A2 D. Rezoning Petition 22-10 for Property Located at 669 21st Street Drive SE, 729 21st Street Drive SE, and an Adjacent Lot Fronting Tate Boulevard SE from Industrial (IND) to General Business (C-2). **(First Reading Vote: Unanimous)**
 - A2 E. Rezoning Petition 22-11 for Property Located at 1060 Southgate Corporate Park SW from Regional Commercial (C-3) to Industrial (IND). **(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.
 - A1 A. Approval to Implement a Speed Limit Reduction to 25 MPH along 4th Avenue Drive NW between 7th Street NW and 9th Street NW and along 8th Street NW between 4th Avenue Drive NW and 4th Avenue NW. **(Exhibit VIII.A.)**

Staff requests Council's approval to implement a speed limit reduction to 25mph along 4th Avenue Drive NW between 7th Street NW and 9th Street NW and along 8th Street NW between 4th Avenue Drive NW and 4th Avenue NW. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 4th Avenue Drive NW and 8th Street NW with regards to the Neighborhood Traffic Calming Program and have found the property owners to be compliant with the guidelines. The petition does qualify for a speed limit reduction to 25mph. Nineteen properties were included in the petition and fifteen properties signed in favor of implementation. This represents at least 75% approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to implement a speed limit reduction to 25mph along 4th Avenue Drive NW between 7th Street NW and 9th Street NW and along 8th Street NW between 4th Avenue Drive NW and 4th Avenue NW.

- A** **B.** Acceptance of the 2022 Justice Assistance Grant in the Amount of \$16,903. **(Exhibit VIII.B.)**

Hickory Police Department requests approval to accept the 2022 Justice Assistance Grant. City of Hickory has received notification of acceptance to receive \$16,903 under the 2022 Justice Assistance Grant (JAG) Program. The JAG Program is a formula-based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct Federal grant awards. There is no match required. Hickory Police Department will use the grant funds for annual licensing fee for two Grayshift forensic devices in collaboration with Catawba County Sheriff's Office. The JAG legislation requires counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on a required Memorandum of Understanding (MOU). Hickory Police Department recommends acceptance of the JAG grant and partner with Catawba County Sheriff's Office for the 2022 Justice Assistance Grant in the amount of \$16,903. Hickory Police and Catawba County Sheriff's Office will share the remaining expense of the annual licensing fee to use two Grayshift forensic devices for the FY2023-2024.

- A** **C.** Approval of Change Directive Number 1 with Fuller & Co. Construction, LLC in the Amount of \$93,247.01 for the Murray Basin Sewer Project. **(Exhibit VIII.C.)**

Staff requests Council's approval of change directive number 1 with Fuller & Co. Construction, LLC, for the Murray Basin Sewer Project (SRF CS370389-22) in the amount of \$93,247.01. The Murray Basin is one of the older sections of the City of Hickory collection system and serves a densely developed portion of the City of Hickory's southeast quadrant from Springs Road to Tate Boulevard. Currently, wastewater discharge is being treated at the Conover North Facility and this project will convey flows to the City of Hickory Henry Fork Facility. Council approved the original contract with Fuller & Co. Construction, LLC on May 18, 2021, in the amount of \$5,624,051.11. Clean Water State Revolving Funds have been approved for the funding of this project at a low interest loan of 1.04% for 20-years. This change directive is for the installation of additional sewer line, manholes, and a change to infrastructure to improve existing gravity sewer in the area of this project. The change directive also reflects a 130-day time extension for both supply chain delays and additional work. Staff recommends Council's approval of change directive number 1 with Fuller & Co. Construction, LLC, for the Murray Basin Sewer Project (SRF CS370389-22) in the amount of \$93,247.01.

- A** **D.** Approval of a Cemetery Deed from the City of Hickory to Raymond L. Bumgarner, Southside Cemetery, Section 5, Lot O, Space 13 and 14, (Prepared by Arnita M. Dula, Deputy City Attorney). **(Exhibit VIII.D.)**

A1 E. Budget Revision Number 8. (Exhibit VIII.E.)

1. *To transfer \$199,927 in 2019 GO Bond Proceeds to the Riverwalk project for additional construction inspection services due to the project timeline being extended.*
2. *To budget \$75,094 towards the purchase of playground equipment for Bruce Meisner Park. \$55,094 will come from General Fund Balance, while \$20,000 will come from two separate donations of \$10,000 each received for this project.*
3. *To appropriate \$225,000 from General Fund Balance for the purchase of 6.75-acres of property adjacent to the Hickory Regional Airport. These funds will be reimbursed through State grant funding in early 2023.*
4. *To appropriate \$630,000 for the purchase of 34-acres of property for the purposes of watershed protection along lake hickory. Equal amounts of \$315,000 will be appropriated from both General Fund Balance and water and sewer fund balance.*
5. *To appropriate \$576,000 from General Fund Balance towards the purchase of two tracts of land adjacent to Henry Fork River Park. Cost will be reimbursed by State grant funding in early 2023.*
6. *To appropriate \$15,320 from General Fund Balance to roll forward unspent appropriations from FY21-22 into Parks, Recreation & Sports Tourism's FY22-23 budget to include the following activities: \$411 for Enrichment Activities, \$8,976 for Bill McDonald Scholarship program, \$1,814 for One Purpose Parks & Recreation Council, \$3,556 for Senior Games, and \$563 for Greater Hky Metro Basketball.*
7. *To appropriate \$175 of Community Navigator donations towards Police Department supplies.*
8. *To appropriate \$93,248 from Water & Sewer Fund Balance towards the Murray Basin Sewer Project for additional unit price costs related to the installation of this new sewer line.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of Preliminary Assessment Roll No. 21-01, for Curb and Gutter Constructed along a Portion of 621 and 623 8th Street Drive NW – Presentation by Public Works Director Steve Miller. **(Exhibit XI.A.1.)**

The City Clerk received petition number 21-01 from the owners of property along 621 and 623 8th Street Drive NW to install curb and gutter along a portion of their street in accordance with Section 29-2 of the Hickory Code of Ordinances. The petition was a single-party petition. City Council adopted a Resolution Directing that Street Improvement Project Be Undertaken. Construction of the curb and gutter was completed on July 12, 2022. Preliminary assessment roll number 21-01 has been prepared based on the curb and gutter constructed along a portion of 621 and 623 8th Street Drive NW. The City Clerk, as shown on the Certification, has mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff recommends approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 7, 2022.

- A** 2. Consideration of Preliminary Assessment Roll No. 22-02, for Curb and Gutter Constructed along a Portion of 623 8th Street Drive NW – Presentation by Public Works Director Steve Miller. **(Exhibit XI.A.2.)**

Licensed Architect (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT

RECYCLING ADVISORY BOARD

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

UNIVERSITY CITY COMMISSION

(Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council)
At-Large Not Including ETJ (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 October 4, 2022 - NCGS §143-318.11(a)(1)*
2. *Discussion of Pending Litigation – NCGS §143-318.11(a)(3)*
3. *Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)*

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**