



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

April 2, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Susan Smith, Assistant Executive Director of Exodus Homes, and Senior Associate Pastor of Exodus Missionary Outreach United Church of Christ
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation for Fair Housing Month to Catawba Valley Association of Realtors, Karleta Sharisse Smith. **(Exhibit IV.A.)**

Mayor Guess read and presented the Proclamation for Fair Housing Month to Karleta Sharisse Smith, Catawba Valley Association of Realtors.
- V. Persons Requesting to Be Heard
- NA** A. Mr. Clifton Bennett to Discuss the Salvation Army Boys & Girls Club.

Mr. Clifton Bennett discussed the Salvation Army Boys & Girls Club.
- VI. Approval of Minutes
- A** A. Regular Meeting of March 19, 2024. **(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 17. **(First Reading Vote: Unanimous)**
- A2** B. Consideration of Rezoning Petition 24-03 for Property Located at the Southeast Corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial. **(First Reading Vote: Unanimous)**
- A2** C. Consideration of Rezoning Petition 24-04 for Property Located at 2536 Startown Road, Containing 11.147-Acres from Catawba County R-20 Residential to City of Hickory R-2 Residential. **(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 Community Relations Council's Spring 2024 Grant Recommendations. **(Exhibit VIII.A.)**

The Community Relations Council (CRC) requests the City Council's approval of the Spring 2024 grant cycle. As part of the CRC work plan and annual budget process, the Community Relations Council receives funds to disperse during the fiscal year through the CRC grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program will serve to improve human relations in the Hickory area. For the Spring 2024 grant cycle, the CRC received 9 grant applications for projects totaling \$13,500 and is recommending approval of 2 grants, The Salvation Army- \$1,500 and Catawba County Hispanic Ministry, Inc. - \$1,500, totaling \$3,000. Funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the 2 grants listed totaling \$3,000.

- A B.** Approval of a Pyrotechnic Display Permit with Pyrotechnics for a Fireworks Display at Lenoir-Rhyne University on April 29, 2024. **(Exhibit VIII.B.)**

Justin Hay, Deputy Director for External Relations at Lenoir-Rhyne University, has submitted a request to obtain permission to conduct public fireworks display on April 29, 2024, no rain date was 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 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 recommend approval of the pyrotechnics display permit.

- A C.** Approval to Donate VIPER Radio Network Expansion Equipment to the State of North Carolina at the Riverbend Road VIPER P25 RF Site in Catawba County. **(Exhibit VIII.C.)**

Hickory Police Department requests approval to donate VIPER Radio Network Expansion equipment to the State of North Carolina at the Riverbend Road VIPER P25 RF site in Catawba County. Hickory Police Department is in the process of switching to the North Carolina Viper Radio Network. Hickory Police Department purchased VIPER Radio Network Equipment from Motorola Solutions to be installed at the Riverbend Road Viper P25 RF Tower site in Catawba County. This equipment is needed to expand the channel capacity at the Riverbend Road site to prepare for the future increased usage by the Hickory Police Department. The requested VIPER equipment list to be donated is as follows: 1 – GTR 8000 Expandable Site Sub-System Channel Addition Upgrade; 1 – 700/800 MHZ; 1 – GTR Base Radio; 1 – Astro 25 Site Repeater SW; and 1 – Astro System Release 2019.2. This equipment was purchased by the Hickory Police Department from Funds budgeted in the FY 2022/2023 CIP. The cost of this equipment was \$31,620. Once donated, the State of North Carolina will assume ownership of this equipment, be responsible for installation, future maintenance, and system upgrades as needed. North Carolina General Statute 160A-280 grants cities the authority to donate surplus, obsolete, or unused equipment to other governmental entities after posting a five-day public notice, followed by City Council's approval in the form of a resolution. Notice was posted on the City's website on March 21, 2024. The donation of the VIPER equipment is required to allow the State to take possession of and assume the responsibility for all future updates and maintenance. The Hickory Police Department recommends that the above listed VIPER Radio Network Expansion equipment be donated to the State of North Carolina.

- A1 D.** Approval of an Ordinance Amending Section 1-2 and Adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances. **(Exhibit VIII.D.)**

Staff requests the Council's approval of an Ordinance amending Section 1-2 and adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances. The City of Hickory has a significant governmental interest in protecting the health, safety, and welfare

of its employees, customers, and the public and in preserving the public order. The City Council has determined that it is necessary and will serve the governmental interest to establish certain ground rules for aircraft located at the Hickory Regional Airport. Section 1-2 of the Hickory Code of Ordinances shall be amended to definitions. Section 3-30, "Ground Rules for Aircraft". Section 3-31 "Enforcement", and Section 3-32, "Penalties for Violations" shall be added to the Hickory Code of Ordinances. Staff recommends the City Council's approval of the Ordinance amending Section 1-2 and adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances.

A E. Approval of a Cemetery Deed Transfer from Charles Edward Hayes, Jr., and wife Kimberly C. Hayes to Adele Reese Barrier, and husband Neill Lee Barrier, Jr., Oakwood Cemetery, Plot A, Lot No. 4, Section 56, containing 80 square feet more or less. (Prepared by Susannah L. Brown, Attorney at Law). **(Exhibit VIII.E.)**

A F. Approval of the Acceptance of the Offer of Public Dedication of Street Right of Way for 14th Avenue Drive NE. **(Exhibit VIII.F.)**

Consideration of the acceptance of the offer of public dedication of street right-of-way, being 14th Avenue Drive NE. In 2024 construction was bonded or completed on a new street providing access to a new hotel and restaurant off US Hwy 70 SE. As part of this development, a new street was constructed to provide access to new building lots. The City has been presented with an offer of public dedication of street right-of-way as shown on a plat recorded at Plat Book 84, Page 75 of the Catawba County Registry. The area offered for public dedication is a 45-foot-wide right-of-way known as 14th Avenue Drive NE. The street will or has been constructed by the developer as part of a new commercial development. The street will be or has been properly inspected by the City of Hickory and found to meet the minimum design requirements necessary for public maintenance. Public use and maintenance of street right-of-way cannot occur unless the City Council formally accepts the offer of public dedication by means of a duly executed resolution. This requirement is outlined in the North Carolina General Statutes, as well as the City's Land Development Code. Staff recommends the City Council's approval of the resolution accepting the offer of public dedication of a 45-foot-wide right-of-way containing a newly constructed street known as 14th Avenue Drive NE.

A1 G. Budget Revision Number #18. **(Exhibit VIII.G.)**

1. *To appropriate \$2,184 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*
2. *To appropriate \$19,192 from an insurance claim reimbursement within the Solid Waste Fund.*
3. *To appropriate \$450,000 in State Capital & Infrastructure Fund Revenues from OSBM to be distributed to local non-profits in the Hickory Metro Area.*
4. *To appropriate \$197 from a reimbursement from Catawba County for use of City Fire Department supplies towards supply costs for the Hickory Fire Department.*
5. *To appropriate \$3,000 in donation revenues for summer programming costs at Patrick Beaver Memorial Library.*
6. *To appropriate \$905 in refund revenues towards Fixed Based Operations costs at Hickory Regional Airport.*
7. *To appropriate \$1,500,000 in revenues from Catawba County to go towards construction costs for the Hickory Aviation Museum & Catawba Valley Community College Workforce & Innovation Center Project.*
8. *To return \$3 in remaining funds from JAG 2022 Project to General Fund Balance and close out the project.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business

A. Public Hearings

- A** 1. Consideration of the Voluntary Non-Contiguous Annexation of 304.39-Acres Located at 2319 6th Street SE, PIN 3711-13-03-6026, Owned by the State of North Carolina – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 304.39 acres of property located at 2319 6th Street SE, identified as PIN 3711-13-03-6026. The property is currently vacant and located within the City's extraterritorial jurisdiction. The property is zoned R-1 Residential, which permits residential development at 2 dwelling units per acre. The property is currently owned by the State of North Carolina. The State of North Carolina has petitioned annexation so that the property can be located within Hickory's corporate limits. While the property is slated to be a new State Park, no definitive park plans have been developed. Surrounding properties are zoned Catawba County R-20 Residential and City of Hickory R-1 Residential and occupied by single family homes, vacant or under development. The property is under the ownership of the State of North Carolina, and as such would not be taxable. The current listed tax value of the property is \$1,112,100. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on March 23, 2024.

B. Departmental Reports

- NA** 1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Caucasian (Council Appoints) Cliff Moone Resigned 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 (Council Appoints) VACANT
Building Trades Profession (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) VACANT

RECYCLING ADVISORY BOARD

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

**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**