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**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

March 19, 2024  
6:00 p.m.

- I. Call to Order
- II. Invocation by Mayor Guess
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of March 5, 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 16. **(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. Notification of Unpaid Delinquent Tax Amounts for the Current Fiscal Year in the City of Hickory Limits of Caldwell and Burke County, Real, Personal, and Business Property Taxes and Approval to Advertise Attempting to Collect the Outstanding Taxes. **(Exhibit VIII.A.)**

*North Carolina General Statute 105.369(a) mandates that the Tax Collector must first inform the governing body of and then advertise the "total amount of unpaid taxes for the current fiscal year that are liens on real property". 2023 Caldwell County real property taxes total \$6,711.88; Burke County real property taxes \$1,277.16, personal property taxes \$650.65, and business personal property taxes \$10,094.42, Total of \$12,022.23. A taxing unit has the option of advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees. North Carolina General Statute 105-369(c) requires that real property tax liens for the current year be advertised at any time from March 1 through June 30. Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the "total amount of unpaid taxes for the current fiscal year that are liens on real property". (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably, immediately upon receipt of the tax collector's report. (3) At least thirty days before the advertisement is published and posted, the tax collector must provide written notice to the affected taxpayers with the intent to publish outstanding current tax liens. When a taxpayer files a bankruptcy petition, an "automatic stay"*

*immediately becomes effective. Essentially this stay bars any effort by a creditor to collect a debt from the debtor in bankruptcy. The advertisement of a tax lien arguably qualifies as an act to enforce a tax lien and is therefore barred by the automatic stay. The Tax Collector has informed the City Council of the unpaid tax amounts for the current fiscal year. It is recommended that the City Council issue an order to advertise all real and personal current fiscal year tax amounts in the Hickory Daily Record to attempt collecting the outstanding taxes.*

- A B.** Approval of the Issuance of Pyrotechnic Display Permits to Pyro Shows Inc. for Firework Displays at the Hickory Crawdads Stadium. **(Exhibit VIII.B.)**

*Staff requests approval to issue pyrotechnic display permits to Pyro Shows Inc. for fireworks displays at the Hickory Crawdads stadium. Douglas Locascio, General Manager of the Hickory Crawdads, submitted a request to obtain permission to conduct public fireworks displays on the following dates: April 12, April 26, May 17, May 24, May 26, June 7, June 21, July 3, July 19, July 26, August 9, August 23, and September 6, 2024. The following would be rain dates: April 13, April 27, May 18, May 25, June 8, June 22, July 20, July 27, August 10, August 24, and September 7, 2024. 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 above pyrotechnics displays.*

- PH/A C.** Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 304.39-Acres Located at 2319 6<sup>th</sup> Street SE, PIN 3711-13-03-6026, Owned by the State of North Carolina. **(Authorize Public Hearing for April 2, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)**

- A D.** Approval of Applying for up to \$850,000 through the NC Department of Commerce's Rural Downtown Economic Development Program. **(Exhibit VIII.D.)**

*Staff requests approval to apply for up to \$850,000 through the NC Department of Commerce's Rural Downtown Economic Development Program. The North Carolina Department of Commerce recently advertised a program to provide grant funding for economic development. Since Hickory is located within a tier 2 County, as defined by the NC Department of Commerce, the City is eligible to apply for up to \$850,000 in funding for improvements to the downtown area. The program provides funding for streetscape improvements and other downtown development projects. Staff proposes applying for funding to upgrade the streetscapes on Government Avenue from 1<sup>st</sup> Street SW and 3<sup>rd</sup> Street SW and 1<sup>st</sup> Avenue NW between North Center Street at 2<sup>nd</sup> Street NW. These upgrades will include bulb-outs, improved outdoor spaces, and lighting to match the existing streetscapes in the downtown area. The grant requires a 5 percent match from the City of Hickory. The exact amount of the application will be determined by the preliminary estimate for the project in accordance with program guidelines. Staff recommends the Council authorize the City Manager to apply and execute all documents related to the grant application.*

- A E.** Approval of a Community Appearance Grant for Non-Residential Property owned by Marshall Kim Harkins, Located at 266 1<sup>st</sup> Avenue NW in the Amount of \$7,500. **(Exhibit VIII.E.)**

*The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by Marshall Kim Harkins and occupied by a commercial building, located at 266 1<sup>st</sup> Avenue NW in the amount of \$7,500. The City Council created the Community Appearance Grant program to provide*

*economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to the City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's awnings and stonework, the entrance steps, window replacement, and improvements to an entrance door. 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 has provided two estimates for the work listed above, the lowest estimates for the work totals \$14,145. If the Council moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$7,500 grant. The subject property's current tax value is assessed at \$276,100. The requested grant amounts to 2% of the property's tax value. The application was reviewed by the Community Appearance Commission and unanimously recommends funding of the grant application in the amount of \$7,500.*

- A F.** Approval of a Loan Settlement with Triple Crown Investments in the Amount of \$18,000 to Satisfy an Outstanding Lien for a CDBG Housing Rehabilitation Loan in the Amount of \$28,568.86 for Property Located at 518 1<sup>st</sup> Avenue SE. **(Exhibit VIII.F.)**

*Staff requests Council's approval of a CDBG (Community Development Block Grant) loan settlement of \$18,000 for 518 1<sup>st</sup> Avenue SE. The home at 518 1<sup>st</sup> Avenue SE has been vacant for approximately seven years and has an older Community Development loan balance of \$28,568.86. It has delinquent property taxes dating back to 2009 in the amount of \$21,031.08. The remaining balance on the CDBG loan as of March 7, 2024, is \$28,568.86. Triple Crown Investments has made an offer to settle this debt with a payment to the City of Hickory in the amount of \$18,000 and this has been approved by the Citizen's Advisory Committee. Staff recommends approval of a loan settlement with Triple Crown Investments in the amount of \$18,000 to satisfy the outstanding lien for CDBG Housing Rehabilitation Loan in the amount of \$28,568.86 for the property at 518 1<sup>st</sup> Avenue SE.*

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

*The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following requests were considered by the Citizens' Advisory Committee at their regular meeting on March 7, 2024:*

- *Debora Jenkins, 2013 13<sup>th</sup> Avenue NE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*
- *Betty Clark, 264 5<sup>th</sup> Avenue SW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for assistance due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.*
- *Maria Lira, 134 40<sup>th</sup> Avenue Place NW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for approval due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.*

*The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.*

A H. Approval of the Arbor Day Proclamation for April 27, 2024. **(Exhibit VIII.H.)**

A1 I. Budget Revision Number 17. **(Exhibit VIII.I.)**

1. To appropriate a total of \$12,908 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.
2. To appropriate \$550,000 in Water & Sewer Fund Balance to cover half of the cost of an acquisition of 13.37 acres to be used for watershed protection.
3. To appropriate \$500,000 in Water & Sewer Fund Balance to account for its cost share of the Munis Tyler Technologies Project. \$500,000 will be sent back to General Fund Balance to reimburse the General Fund.
4. To return \$1,401 in remaining funds from the Ridgeview Library Expansion Project to General Fund Balance and close out the project.

IX. Items Removed from Consent Agenda – Item “F”

A Item “F” was removed from the Consent Agenda, Discussed, and Approved.

X. Informational Item

XI. New Business

A. Public Hearings

A1 1. Consideration of Rezoning Petition 24-03 for Property Located at the Southeast Corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.1.)**

*Staff requests consideration of Rezoning Petition 24-03 as requested by Shilpababen and Pravinkumar Patel for rezoning of 2.76 acres of property located at the southeast corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial. The current R-3 Residential district allows residential uses (single, two family and multifamily) at maximum density of 8 dwelling units per acre for single-family and 10 units per acre for multifamily. Under the current zoning the properties could theoretically yield up to 27 new dwelling units. The requested NC Neighborhood Commercial district allows residential, office, retail, and mixed-use development. Residential density is permissible up to 30 units per acre, while non-residential development is permissible up to a floor area ratio of 2:1. These intensities could theoretically produce up to 83 new dwellings or over 100,000 square feet of non-residential or mixed-use development. However, design constraints would reduce the stated maximums. The Hickory Regional Planning Commission conducted a public hearing on February 28, 2024, 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 and voted unanimously 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 March 9 and 16, 2024.*

A 2. Consideration of the Voluntary Contiguous Annexation of 11.147-Acres Located at 2536 Startown Road, PIN 3721-1950-9129, Owned by Matthew Varney, and wife Yer Vang – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.2.)**

*Consideration of the voluntary contiguous annexation of 11.147 acres of property located at 2536 Startown Road, identified as PIN 372119509129. The property is currently occupied by a single-family residence and located within the jurisdiction*

of Catawba County, zoned Catawba County R-20 Residential. If annexed the owner has requested the property be zoned R-2 Residential. The property owner desires to connect the property to the city sewer service, which requires annexation. The property could potentially be the location of a new residential subdivision. The current tax value of the property is \$376,400. If annexed, the vacant property would generate \$1,712.62 in additional tax revenues. Upon analysis, staff determined the petition meets the statutory requirements for voluntary 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 9, 2024.

**A1**

3. 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 – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.3.)**

Staff requests consideration of Rezoning Petition 24-04 as requested by Piedmont Companies, Inc., agents for Matthew Varney and Yer Vang for the consideration of rezoning of 11.147 acres of property located at 2536 Startown Road from Catawba County R-20 Residential to City of Hickory R-2 Residential. The property is currently occupied by a single-family residence and located within the jurisdiction of Catawba County. The property is zoned R-20, which permits residential development at 2 dwelling units per acre. Given its size, a property subdivision could theoretically create up to 23 dwellings. This is a residential district, which permits a maximum density of 4 dwelling units per acre. The property could theoretically yield up to 45 dwellings. The Hickory Regional Planning Commission conducted a public hearing on February 28, 2024, 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 and voted unanimously 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 March 9 and 16, 2024.

**B. Departmental Reports**

**A**

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  
Other Minority (Council Appoints)  
Other Minority (Council Appoints)  
Other Minority (Council Appoints)

VACANT  
VACANT  
VACANT  
VACANT

Mayor Guess nominated Amira Sago as an Other Minority Representative on the Community Relations Council.

**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  
Ward 6 (Patton Appoints) Clise Plant Resigned 3-13-2024 VACANT

Alderwoman Patton nominated Pamela Walters as Ward 6 Representative on the Public Art Commission.

**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  
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**