



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

June 4, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Steve Caldwell, Mt. Zion Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Frye Regional Medical Center CEO, Dr. Philip Greene - Presentation of the 2023 Community Benefit Report

Frye Regional Medical Center CEO, Dr. Philip Green presented the 2023 Community Benefit Report.
- V. Persons Requesting to Be Heard
 - A. Krystal Miller, Property Manager of One North Center, 1 North Center Street, Hickory, discussed trash violations and parking concerns at One North Center.
- VI. Approval of Minutes
 - A. Regular Meeting of May 21, 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 21. **(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 requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- PH** A. Call for a Public Hearing to Consider the Community Development Block Grant FY 2024/2025 Annual Action Plan. **(Authorize Public Hearing for June 18, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**
- A** B. Approval to Award Retiring MPO Kim Craig her Service Weapon and Badge. **(Exhibit VIII.B.)**

Hickory Police Department requests the City Council award retiring MPO Kim Craig her service weapon (Glock Model - Serial # BUBU435) and badge upon her retirement. MPO Kim Craig retired from the City of Hickory Police Department on March 1, 2024, after completing over 21 years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to

MPO Kim Craig upon her retirement from Hickory Police Department. Upon approval from the City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to MPO Kim Craig upon her retirement from Hickory Police Department.

- A C.** Approval of the Resolution Accepting the Bid and Awarding the Contract to Chatham Civil Contracting, LLC in the Amount of \$2,110,000, Contingent Upon North Carolina Department of Transportation Concurrence for the 17th Street NW Extension. **(Exhibit VIII.C.)**

Staff requests Council's acceptance of the bid and award of the contract for construction of the Project TIP # HL-0004 – 17th Street NW Extension to Chatham Civil Contracting, LLC, in the amount of \$2,110,000, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. The project is funded 80% by North Carolina Department of Transportation 20% by City of Hickory. This new connector will serve as an alternative route to US 321 for local traffic and also provide additional access for the newly planned Appalachian State University Campus. A contractor is needed for the construction of 17th Street NW Extension, including a multi-use path, from 9th Avenue NW to Clement Boulevard NW. The extension would provide a continuous route from US 70 to Clement Boulevard NW and could provide a parallel alternative to US 321. The connection from the 17th Street NE Extension would also provide a safer route for cyclists to reach Aviation Walk that includes a bicycle and pedestrian bridge over US 321 north of Clement Boulevard. Bids were advertised for the project and received on May 9, 2024. Five bids were received and opened, and the results are as follows: Chatham Civil Contracting, LLC – \$2,110,000; Zoladz Construction Company, Inc. – \$3,495,916.75; Kemp Sigmon Construction Company, Inc. - \$2,478,912.35; Neill Grading and Construction Company, Inc. – \$2,259,000; and Mountaineer Contractors, Inc. – \$2,825,976.86. Staff recommends the Council's acceptance and award of the contract for construction of Project TIP # HL-0004 – 17th Street NW Extension to Chatham Civil Contracting, LLC in the amount of \$2,110,000, contingent upon NCDOT concurrence.

- A D.** Approval of the Resolution to Direct the Expenditure of Opioid Settlement Funds. **(Exhibit VIII.D.)**

The City of Hickory has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids. The allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA") and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation ("SAAF"). The City of Hickory has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA. Section E.6 of the MOA states that, before spending opioid settlement funds, the local government's governing body must adopt a resolution that: indicates that it is an authorization for expenditure of opioid settlement funds; states the specific strategy or strategies the municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy; and states the amount dedicated to each strategy for a specific period of time. In alignment with the NC MOA and SAAF, the City of Hickory authorizes the expenditure of opioid settlement funds as set out in the Resolution. The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$100,000.

- A1 E.** Budget Revision Number 22. **(Exhibit VIII.E.)**

1. *To appropriate \$5,428 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*

2. To appropriate \$17,000 in intergovernmental library revenues towards the construction of an outdoor stage at Patrick Beaver Memorial Library.
3. To appropriate \$300,000 in General Fund Balance for the purchase of a replacement HVAC unit for the Hickory Police Department Headquarters.
4. To appropriate a total of \$2,110,000 to award the construction contract to Chatham Civil Contracting, LLC for the 17th Street Extension Project. \$1,688,000 will come from Federal Revenue Sources with a local match of \$422,000 from the General Fund.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business

A. Public Hearings

- A** 1. Consideration of the Voluntary Contiguous Annexation of 12.45-Acres Located at 2301 21st Avenue NE, Hickory, PIN 3713-08-97-7949, Owned by the City of Hickory – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 12.45 acres of property located at 2301 21st Avenue NE, identified as PIN 3713-08-97-7949. The property is currently vacant and located within the planning jurisdiction of the City of Hickory and zoned Medium Density Residential (R-3). Properties zoned R-3 can be utilized primarily for residential purposes, at a maximum density of eight single-family dwelling units and ten multi-family dwelling units per acre. If annexed, the City staff requested the property be zoned Office and Institution (OI), with their further intentions being the construction of a City Park. The surrounding properties are zoned R-3 Residential and are occupied by detached single-family residences. Upon analysis, staff has 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 a general circulation in the Hickory area on May 25, 2024.

- A1** 2. Consideration of Rezoning Petition 24-09 for Property Located at 2301 21st Avenue NE, Owned by the City of Hickory – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

A petition has been submitted requesting the consideration of rezoning property located at 2301 21st Avenue NE from Medium Density Residential (R-3) to Office and Institutional (OI). The subject property is currently zoned R-3 Residential and totals +/- .12.45 acres in total size. The current R-3 zoning district is primarily residential and permits one and two-family residential uses at a density of eight dwelling units per acre and multi-family uses at ten dwelling units per acre. The subject property is currently vacant. The City's intention is to construct a City Park. The Hickory Regional Planning Commission conducted a public hearing on May 22, 2024, to consider the petition. During the public hearing, one person spoke in favor of the rezoning, with no one speaking in opposition of the rezoning. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) 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 a general circulation in the Hickory area on May 25, and June 1, 2024.

- A** 3. Consideration of the Resolution Directing the Street Improvement Project be Undertaken for Curb and Gutter Petition 24-01 for Property Located at 525 9th Avenue NW – Presented by Public Works Director Steve Miller. **(Exhibit XI.A.3.)**

The City Clerk received a petition from the owner of the property along 9th Avenue NW to install curb and gutter along a portion of their street as per Section 29-2 of the Hickory Code of Ordinances. The petitioner(s) represents a majority, greater than 50% of the property owner(s) as well as a majority, greater than 50% of the property footage of the property frontage requested in the petition and therefore qualifies as a valid petition. The signature(s) on the petition represent 100% of the property owner(s) affected, who in turn represent 100% of the property footage affected. The City Clerk validated these numbers. Staff recommends Council's approval of the resolution directing the street improvement project be undertaken for curb and gutter petition number 24-01.

The public hearing was advertised in a newspaper having a general circulation in the Hickory area on May 11, 2024.

- A1** 4. Consideration of the City Manager's FY2024-2025 Recommended Budget – Presented by City Manager Warren Wood. **(Exhibit XI.A.4.)**

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 25, 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) Macgregor Vanbeurden 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
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**