



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

July 16, 2024  
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend David Roberts, Morning Star First Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Recognition of Retiring Finance Officer Melissa Miller  
  
City Council Members and City Manager Warren Wood expressed their gratitude to Finance Officer Melissa Miller for her many years of service to the City of Hickory.
  - B. Presentation of a Proclamation for Parks and Recreation Month. **(Exhibit IV.B.)**  
  
Mayor Guess read and presented a Proclamation for Parks and Recreation Month to Parks, Recreation and Sports Tourism staff and Parks and Public Properties staff in attendance.
- V. Persons Requesting to Be Heard
  - A. Mr. Bob Post, 1006 12<sup>th</sup> Avenue NW, Hickory expressed his concerns with the safety of the streets in Hickory.
- VI. Approval of Minutes
  - A. Regular Meeting of June 18, 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 23. **(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 of Speed Limit Reduction to 25mph along 20<sup>th</sup> Avenue NW between North Center Street (NC127) and 2<sup>nd</sup> Street NW, and along 20<sup>th</sup> Avenue Drive NW from 20<sup>th</sup> Avenue NW to the End of the Street. **(Exhibit VIII.A.)**

*Staff request Council's approval to implement a speed limit reduction to 25mph along 20<sup>th</sup> Avenue NW between North Center Street (NC 127) and 2<sup>nd</sup> Street NW, and along 20<sup>th</sup> Avenue Drive NW from 20<sup>th</sup> Avenue NW to the end of the street. 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 apply*

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 a certain percentage of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 20<sup>th</sup> Avenue NW with regards to the Neighborhood Traffic Calming Program and have found the property owners to comply with the guidelines. The petition does qualify for a speed limit reduction to 25mph. Forty-five (45) properties were included in the petition and twenty-seven (27) properties signed in favor of implementation. This represents at least 60% 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 the speed limit reduction to 25mph along 20<sup>th</sup> Avenue NW between North Center Street (NC 127) and 2<sup>nd</sup> Street NW, and along 20<sup>th</sup> Avenue Drive NW from 20<sup>th</sup> Avenue NW to the end of the street.

- A B. Approval of a Resolution Authorizing an Upset Bid Process for Property Located at 1560 4<sup>th</sup> Avenue SE, Hickory, NC for a Non-Exclusive Parking Lot Lease Agreement with One Kingdom Alliance International dba iChurch. **(Exhibit VIII.B.)**

*The City is the owner of the property located at 1560 4<sup>th</sup> Avenue SE, Hickory. One Kingdom Alliance International d/b/a iChurch requests to enter into a Non-Exclusive Lease of the parking lot for an initial term of 10-years with successive options to renew of five-years each. North Carolina General Statute Section 160A-272 permits North Carolina municipalities to lease real property for terms of more than 10-years by following the upset bid procedure set for in North Carolina General Statute Section 160A-269 for the sale of real property. Staff requests Council's approval of a Resolution authorizing an upset bid process for the property located at 1560 4<sup>th</sup> Avenue SE, Hickory, with respect to the proposed lease agreement with One Kingdom Alliance International d/b/a iChurch. If no qualifying upset bid is received Council directs the Mayor or City Manager to execute the Non-Exclusive Parking Lot Agreement with One Kingdom Alliance Internation d/b/a iChurch.*

- A C. Approval of a Resolution Authorizing an Upset Bid Process for the Advertisement of an Offer to Purchase City-Owned Property, Being Tract 1, Plat Book 17, at Page 54, Catawba County Registry, (Lot 1, 17<sup>th</sup> Avenue Place NW). **(Exhibit VIII.C.)**

*The City is the owner of Tract 1, Plat Book 17, at Page 54, Catawba County Registry, (Lot 1, 17<sup>th</sup> Avenue Place NW). The City has received an offer to purchase said property in the amount of \$75,000. North Carolina General Statute Section 160A-269 allows the City to receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. Staff requests Council's approval of a Resolution authorizing an upset bid process for Tract 1, Plat Book 54, Catawba County Registry. If no qualifying upset bid is received, Council directs the City Manager to execute the offer to purchase and contract and all documents related to the sale.*

- A D. Approval of the Purchase of a Heil DuraPack Half Pack Front-End Loading Refuse Body, and a 2025 Mack Terrapro Cab Chassis in the Amount of \$364,994.66 from Carolina Environmental Systems, Inc. under the NCSA Contract #24-08-0421. **(Exhibit VIII.D.)**

*Staff requests the approval of the purchase of a Heil DuraPack Half Pack 40 cubic yard heavy duty front-end loading refuse body complete with all standard specifications and NCSA base body specification package in the amount of \$183,994.66, and a 2025 Mack Terrapro cab chassis complete as per the specifications, to include a five year 250,000 mile engine, engine aftertreatment system warranty, and a five year unlimited mile transmission warranty in the amount of \$181,000, under the NCSA Contract #24-08-0421, from Carolina Environmental Systems, Inc. The Commercial Solid Waste Division capital equipment improvement plan includes the replacement of a front load refuse truck in FY24-25. These trucks are used to collect commercial solid waste dumpsters and account for nearly 50 percent of the waste collected. Staff recommends Council's approval of the purchase of the front-end loading refuse body and the 2025 Mack Terrapro cab chassis*

from Carolina Environmental Systems, Inc. in the total amount of \$364,994.66 under the NCSA Contract #24-08-0421.

- D E. Approval of an Ordinance Amending the Parking Enforcement Provisions of the City of Hickory Code of Ordinances. **(Exhibit VIII.E.)**

*Staff requests approval of amending the parking enforcement provisions of the City of Hickory Code of Ordinances for the following: Section 11-47. - Fire Lanes - Section 11-47(d) shall be amended and Section 11-47(e) shall be added; Section 18-121. – Violations shall be amended; Section 18-122. - Enforcement, generally; payment to satisfy violation shall be amended; Section 18-212. - Handicapped parking privileges, Section 18-212 (e) shall be deleted; Section 18-213. - Special parking places restricted to handicapped – shall be amended; Section 18-214. - Privileges extended to non-handicapped operator(s) shall be amended; and Section 18-215. - Penalty for violation – shall be amended. The changes are intended to ensure more effective enforcement and compliance with parking regulations. Staff recommend approval of the amendments to the parking enforcement provisions of the City of Hickory Code of Ordinances.*

- A F. Approval of the First Amendment to the Economic Development Agreement with Corning Optical Communications. **(Exhibit VIII.F.)**

*Staff requests Council's approval of the first amendment to the economic development agreement with Corning Optical Communications. The City and Corning Optical Communications previously entered into an Economic Development Agreement dated September 28, 2021. The following shall be amended as described in the First Amendment to the Economic Development Agreement (EDA): Section 1- Company, paragraphs 1, 3, and 4, shall be amended, which modifies Corning's responsibility to create a minimum of 200 new jobs and capital improvements to their property; Section II – City, paragraph 6(a), (b), (c), and (d) shall be amended, which reflects the City of Hickory's requirements for payment of economic development incentives for real and personal improvements and for job creation; Section II – City, Exhibit "A" of the EDA shall be amended. Except where a covenant or provision is explicitly amended, all covenants and provisions in the Economic Development Agreement shall remain in full force and effect Staff recommends approval of the First Amendment to the Economic Development Agreement with Corning Optical Communications.*

- A G. Approval to Apply for the Airport Terminals Program funded by the Bipartisan Infrastructure Law in the Amount of \$2 Million Dollars in Grant Funding. **(Exhibit VIII.G.)**

*Staff requests the Council's approval to apply for the Airport Terminals Program funded by the Bipartisan Infrastructure Law. Five billion dollars has been allocated over five years to provide competitive grants for airport terminal development projects that address the aging infrastructure of the nation's airports. These grants will fund safe, sustainable, and accessible airport terminals. City staff wish to apply for this grant funding for renovations and improvements at the Hickory Regional Airport Phil C. Yount Terminal. Currently, the terminal is not used for its original intended purpose of commercial passenger service. Crosswinds Restaurant, Sky View Aviation Flight Instruction, the Hickory Hop, and the Hickory Aviation Museum are current tenants inside the terminal. The proposed renovations would include but are not limited to Americans with Disabilities Act (ADA) accessibility improvements, improved energy-efficient lighting, and renovations to the current Airport Museum for office or workspace for future economic development purposes. The City wishes to improve the current terminal with the understanding that there may be future opportunities to reinstitute passenger service at the Hickory Regional Airport. City Staff are currently working with the airport's engineering firm, Talbert, Bright, and Ellington, to determine the scope and cost of these improvements. The application for this grant is due on July 31, 2024. This is a project that has been deemed necessary to the overall benefit of Hickory Regional Airport, the future growth and expansion of private, charter, freight, and possible future commercial services. There will be 5% local matching funds for the City to consider. Staff recommends that the Council approve the City's application for*

*the Bipartisan Infrastructure Law—Airport Terminals Program, in the amount of \$2 million dollars of grant funding, which includes 5% in local matching funds.*

- A H.** Approval of an Addendum to the Contract with City of Claremont for Sale of Wastewater Services to Change the Metering Location for the McLin Outfall. **(Exhibit VIII.H.)**

*Staff requests Council's approval of an addendum to the January 14, 2019, City of Hickory Contract with City of Claremont for Sale of Wastewater Services to change the metering location for the McLin Outfall. The City of Claremont approached the City of Hickory in 2009 with desires to employ the services of the City of Hickory Public Utilities Department to operate, maintain and manage two wastewater treatment Facilities, five collection system lift stations, provide operator in responsible charge credentials for distribution and collections systems, and provide ancillary operations testing, flushing, engineering etc. Claremont now seeks to employ the treatment services of the Hickory-Catawba Wastewater Treatment Facility (WWTF) to provide modern, cost-effective treatment services to the City of Claremont for the long term. This contract amendment changes the metering location from the original "Point A", along McLin Creek, to "Point B" near the Hickory-Catawba WWTF. There are provisions in the amendment to deduct amount charged for wastewater flowing from current or future Catawba County customers also connected to the new outfall. Staff recommends Council's approval of an addendum to the January 14, 2019, City of Hickory Contract with City of Claremont for Sale of Wastewater Services to change the metering location for the McLin Outfall.*

- A I.** Approval of Change Order 3 with Fuller & Co. Construction, LLC for a Contract Deduction in the Amount of \$273,788.45 for the Murray Basin Sewer Project. **(Exhibit VIII.I.)**

*Staff requests Council's approval of change order number 3 with Fuller & Co. Construction, LLC for a contract deduction in the amount of \$273,788.45 for the Murray Basin Sewer Project (SRF CS370389-22). The Murray Basin Project includes the addition of multiple pumping stations, force main and the upgrade of existing gravity sanitary sewer lines. Flows from the existing system relayed back to existing City of Hickory WWTF will result in a net savings of approximately \$400,000 annually. Additionally, the additional flows of the Murray Basin into the Henry Fork WWTF will be welcome addition as the facility currently is running at approximately 27% capacity. Council approved the original contract with Fuller & Co. Construction, LLC on May 18, 2021 in the amount of \$5,624,051.10. These changes account for as-built quantities and will serve as the final change order to zero out the remaining line items not being constructed/billed as part of this project. Staff recommends Council's approval of change order number 3 with Fuller & Co. Construction, LLC, for a contract deduction in the amount of \$273,788.45 for the Murray Basin Sewer Project (SRF CS370389-22).*

- A J.** Approval of a Contract with the North Carolina Department of Commerce for the Downtown Streetscape Improvement Grant in the Amount of \$850,000. **(Exhibit VIII.J.)**

*Staff requests approval of a Rural Downtown Economic Development Agreement with the North Carolina Department of Commerce for the improvement of downtown streetscapes. The North Carolina Department of Commerce has 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 was 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 applied 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 and 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 NC Department of Commerce announced the approval of the \$850,000 grant in June 2024. Staff have begun full design work on the improvements, and the project should be competitively bid later this year. All work must be completed by December 31, 2026. Staff recommends approval of the Rural Downtown Economic Development Grant Agreement with the NC Department of Commerce.*

- A K. Approval of a Resolution Authorizing the Execution of Kroger Opioid Settlement and Approving the Second Supplementary Agreement for Additional Funds. **(Exhibit VIII.K.)**

*Staff requests Council's approval of a Resolution authorizing the execution of the Kroger Opioid Settlement and approving the second supplementary agreement for additional funds. The City of Hickory joined thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct. A settlement was reached in litigation against the Kroger Co. as well as its subsidiaries, affiliates, officers, and directors named in the Kroger Settlement. Representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a second supplemental agreement for additional funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements. By joining the settlements and approving the SAAF-2, the State and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible. It is advantageous to the City of Hickory and its residents to sign onto the settlements and SAAF-2 and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the State and this municipality to help abate the harm. The SAAF-2 directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis. Staff recommends Council's approval of the Resolution authorizing the execution of the Kroger Opioid Settlement and approving the second supplementary agreement for additional funds.*

- A1 L. Budget Revision Number 20EC. **(Exhibit VIII.L.)**

- 1. *To correctly account for grant funds received in fiscal year 23/24 for cybersecurity infrastructure in the Information Technology Department.*

- A1 M. Budget Revision Number 1. **(Exhibit VIII.M.)**

- 1. *To appropriate \$3,000,000 for the Aviation Museum Connector project to cover design and construction expenses. NCDOT funds in the amount of \$2,400,000 will fund 80% of the project and the City's 20% match of \$600,000 will come from the General Fund.*

- IX. Items Removed from Consent Agenda – Item “E”

Item “E” was removed from the Consent Agenda for consideration by City Council at a future meeting.

- X. Informational Item

- XI. New Business

- A. Public Hearings

- B. Departmental Reports

- A 1. Appointments to Boards and Commissions

**BUSINESS DEVELOPMENT COMMITTEE**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large (Council Appoints)

VACANT

**CITIZENS ADVISORY**

(Terms Expiring 6-30; 3-Year Terms) Appointed by City Council

At-Large (Council Appoints) VACANT  
At-Large (Council Appoints) VACANT

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 1 (Wood Appoints) Lynn Sampson Eligible for Reappointment  
At-Large (Outside City but within HRP A) (Council Appoints) VACANT

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
African American (Council Appoints) VACANT  
Caucasian (Council Appoints) VACANT  
Caucasian (Council Appoints) VACANT  
Caucasian (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)  
Ward 1 (Wood Appoints) Bill McBrayer Eligible for Reappointment  
Ward 2 (Williams Appoints) (Philip Reed Resigned Effective 8-1-2024)  
Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

Alderman Wood Nominated Bill McBrayer for Reappointment as Ward 1 Representative on the Hickory Regional Planning Commission.

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Historic Properties Owner (Council Appoints) VACANT

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 3 (Seaver Appoints) Pamela Kiefer Eligible for Reappointment

**PARKS RECREATION AND SPORTS TOURISM**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 1 (Wood Appoints) Susan Bisulca Eligible for Reappointment

Alderman Wood Nominated Susan Bisulca for Reappointment as Ward 1 Representative on the Parks Recreation and Sports Tourism Board.

**PUBLIC ART COMMISSION**

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

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 4 (Freeman Appoints) VACANT  
Ward 5 (Zagaroli Appoints) VACANT  
Ward 6 (Patton Appoints) VACANT  
At-Large (Council Appoints) VACANT  
At-Large (Council Appoints) VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Hickory High School VACANT

Recommendation of Meah Wilkins as a Hickory High School Representative

Hickory High School VACANT

Homeschool VACANT

Mayor Guess Nominated Meah Wilkins as a Hickory High School Representative on the Youth Council.

- 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)(6) 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 December 19, 2023 - NCGS §143-318.11(a)(1)*
  - 2. *Discussion of Personnel Matter - NCGS §143-318.11(a)(6)*
- 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**