



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

August 6, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Charles Kyker, Christ United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of July 16, 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. Approval of Speed Limit Reduction to 25mph along 20th Avenue NW between North Center Street (NC127) and 2nd Street NW, and along 20th Avenue Drive NW from 20th Avenue NW to the End of the Street. **(First Reading Vote: Unanimous)**
 - A2** B. Budget Revision Number 20EC. **(First Reading Vote: Unanimous)**
 - A2** C. Budget Revision Number 1. **(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 Awarding Service Weapon and Badge to Retiring Hickory Police Department Sergeant Randy Isenhour. **(Exhibit VIII.A.)**

Hickory Police Department requests City Council's approval to award Sergeant Randy Isenhour with his service weapon (Glock Model - Serial # UHF233) and badge upon his retirement August 1, 2024. Sergeant Randy Isenhour will retire from the City of Hickory Police Department August 1, 2024, after completing over 29 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 Sergeant Randy Isenhour upon his retirement from Hickory Police Department. Upon approval from 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 Sergeant Randy Isenhour upon his retirement from Hickory Police Department.
 - A/PH** B. Approval of the Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along 16th Street Place SE, Hickory, Petition Number

August 6, 2024

24-02. (Authorize Public Hearing for September 3, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)

- A C.** Approval of the Purchase of Equipment, plus an Extended Warranty, from Transource Per the NCSA Contract #22-08-0421, in the Amount of \$354,883.20. **(Exhibit VIII.C.)**

Staff requests Council's approval of the purchase of a 2024 New Way Sidewider 29 cab/chassis, in the amount of \$173,962.02, with a New Way Body, in the amount of \$176,049.18, plus an extended warranty, for a total amount of \$354,883.20, per the NCSA Contract #22-08-0421. The City uses automated side loader trucks for collection of refuse with residential service. This unit is operated daily and will replace a 2017 model. The maintenance of these trucks is very expensive due to the level of difficulty in the hydraulics and electronics, so the division has adopted a practice to replace trucks prior to major expenses for mechanical repairs that typically come with older equipment. The City participates in a buying cooperative with the NCSA. The approved Residential Solid Waste Division Capital Budget includes the purchase of this equipment. Staff recommends Council's approval of the purchase of the equipment from Transource, plus an extended warranty, per the NCSA Contract #22-08-0421, in the amount of \$354,883.20.

- A/PH D.** Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 15.543-Acres, Located on Kool Park Road, across from 24th Street NE, Hickory, PIN 3724-1722-2019, Owned by Limited NC Properties, LLC. **(Authorize Public Hearing for August 20, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.D.)**

- A/PH E.** Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 17.57-Acres, Located adjacent to 298 19th Avenue SE, Hickory, PIN 3701-0767-5744, Owned by Futuro, LLC, **(Authorize Public Hearing for August 20, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E.)**

- A F.** Approval of an Asset Transfer Agreement with Catawba County for Water and Sewer Facilities and Utility Easements. **(Exhibit VIII.F.)**

Staff requests Council's approval of an Asset Transfer Agreement between City of Hickory and Catawba County for water and sewer facilities and utility easements. In 2008, Catawba County constructed water and sewer facilities along NC Highway 10, Hickory Lincolnton Highway and Rocky Ford Road to serve County owned property. The facilities consist of a 12" water line, a sewer pump station, and 6" sewer force main. The City of Hickory and Catawba County are seeking the asset transfer in order for the City of Hickory to provide water and sewer service to Microsoft Corporation at 3820 Hickory Lincolnton Highway. Along with the water and sewer facilities, associated utility easements will also be transferred. The Asset Transfer is pursuant to the Annexation Agreement with the City of Newton, adopted at the July 19, 2022 Council meeting, to provide water and sewer services to drive economic development. The consideration for the Asset Transfer includes the City agreeing to accept and treat landfill leachate generated by Blackburn Landfill at the County's current disposal rate. The City of Hickory is currently designing extensions to the City's existing infrastructure to connect to the facilities in the Asset Transfer Agreement. Staff recommends Council's approval of an Asset Transfer Agreement between City of Hickory and Catawba County for water and sewer facilities and utility easements.

- A G.** Approval of a Microenterprise Grant Agreement with Golden Rule Music School, LLC in the Amount of \$4,000. **(Exhibit VIII.G.)**

Staff requests Council's approval of a Microenterprise Grant agreement with Golden Rule Music School, LLC. In its 2020-2024 Consolidated Plan for Housing and Community Development, the City of Hickory identified increasing entrepreneurship opportunities as a high priority need. This includes a program to provide microenterprise grants to businesses looking for funding necessary to take their business to the next level. The 2024 Community Development Block Grant (CDBG) Annual Action Plan has \$4,000 allocated towards

assistance for entrepreneurial activities more than \$60,000 remaining from previous plan years. According to the US Department of Housing and Urban Development, a microenterprise is a business that has fewer than five employees, one of whom is the owner of the business. The program offers grants of up to \$4,000 for low to moderate income business owners for business property, inventory, necessary fixed assets, marketing and business promotion, or other improvements approved by the Business Development Committee. Applicants are required to submit a business plan and have a counseling session with a local business support organization. Owner/Manager Jamie Stephens applied for a Microenterprise Grant to support and enhance his existing small business, Golden Rule Music School. Golden Rule Music School is a local Music School that offers private guitar, bass, piano, ukulele, mandolin, banjo, drum, and percussion lessons. The Business Development Committee reviewed the application and recommended approval of the grant in the amount of \$4,000. The grant funds will be used to purchase equipment and for marketing and promotion. Staff recommends Council's approval of the Microenterprise Grant Agreement with Golden Rule Music School, LLC.

- A H. Approval of an Agreement with Rummel, Klepper, & Kahl, LLP for Construction, Engineering, and Inspection (CEI) Services Related to the 17th Street NW Extension in the Amount of \$626,814.67, Contingent on NCDOT Concurrence. **(Exhibit VIII.H.)**

Staff requests Council's approval of an Agreement for Professional Services with Rummel, Klepper, & Kahl, LLP (RK&K) for CEI Services related to the 17th Street NW Extension (HL-0004) in the amount of \$626,814.67, contingent on North Carolina Department of Transportation (NCDOT) concurrence. The City of Hickory received \$6M from a Surface Transportation Block Grant – Direct Attributable Award from the Greater Hickory Metropolitan Planning Organization (MPO) to extend 17th Street NW from 9th Avenue NW to Clement Boulevard NW. This new connector will serve as an alternative to US 321 for local traffic and provide additional access for the newly planned Appalachian State University Campus. A construction, engineering, and inspections firm is needed for construction services for 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. Rummel, Klepper, & Kahl, LLP (RK&K) was selected based on qualifications-based proposals and was concurred with by NCDOT. RK&Ks fees were negotiated by City of Hickory staff and NCDOT staff. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT (\$501,451.74) and 20% City of Hickory (\$125,362.93). CE&I services include the following: construction inspections, construction materials testing, and construction administration. Staff recommends Council's approval of an Agreement for Professional Services with Rummel, Klepper, & Kahl, LLP (RK&K) for CEI Services related to the 17th Street NW Extension (HL-0004) in the amount of \$626,814.67, contingent on NCDOT concurrence.

- A I. Approval of the Issuance of Pyrotechnic Display Permit(s) to Contracted Pyrotechnics for Fireworks Displays at Lenoir-Rhyne University. **(Exhibit VIII.I.)**

Staff requests Council's approval to issue a pyrotechnic display permit(s) to Contracted Pyrotechnics for fireworks displays at the Lenoir-Rhyne University during the 2024 football season. Justin Hay, Deputy Athletic Director for External Relations at Lenoir-Rhyne University, submitted a request to obtain permission to conduct public fireworks displays on the following dates: September 7, 2024; September 14, 2024; September 28, 2024; October 12, 2024; October 26, 2024; November 2, 2024; and November 16, 2024. There are no rain dates 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 above pyrotechnics displays.

- A** **J.** Approval to Apply for the Great Trail State Program Grant Funded by the State of North Carolina in the Amount of \$500,000 with a 2:1 Match of \$250,000 for a Total of \$750,000. **(Exhibit VIII.J.)**

Staff requests Council's approval to apply for the Great Trail State Program Grant funded by the State of North Carolina. For fiscal year 2025, the State of NC allocated \$25 million for trail development throughout the State, including new trail development and the extension of existing trails anywhere in the State. This includes paved trails or greenways, natural surface trails, biking trails, equestrian trails, and any other type of trail recognized by the Department of Natural and Cultural Resources. Staff wish to apply for this \$500,000 grant to reconstruct the elevated boardwalk at Glenn C. Hilton, Jr. Memorial Park. The grant, coupled with a 2:1 local match (\$250,000) for a total of \$750,000, will partially fund the reconstruction of approximately 2,200 feet (0.42 miles) of elevated boardwalk through a tree-shaded wetland area adjacent to the park. This project aligns with the broader City goals of inclusivity and accessibility, ensuring that everyone, regardless of physical ability, can enjoy the serenity and beauty of our natural landscapes. City Staff are working with the engineering firm McGill and Associates on improvements to designs and cost determinations. The application for this grant is due on September 3, 2024. This project has been deemed necessary for the overall benefit of Glenn C. Hilton, Jr. Memorial Park and the overall trail system for the City of Hickory. Staff recommends Council's approval to apply for the Great Trail State Grant Program in the amount of \$500,000 with a 2:1 local match of \$250,000 for a grand total of \$750,000.

- A1** **K.** Approval of Amending the Parking Enforcement Provisions of the City of Hickory Code of Ordinances. **(Exhibit VIII.K.)**

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(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.

- A1** **L.** Budget Revision Number 2. **(Exhibit VIII.L.)**

1. *To appropriate \$86,681 towards the Parks, Recreation, and Sports Tourism Department for building improvements to the Brown Penn Senior Center, \$76,750 will come from an Energy Efficiency and Conservation Block Grant from the U.S. Department of Energy while \$9,931 will come from General Fund contingency.*
2. *To appropriate \$24,756 from General Fund Balance to roll forward unspent appropriations from FY 23-24 into the Parks, Recreation, and Sports Tourism budget for the following activities: \$7,573 for Enrichment Activities, \$5,635 for Bill McDonald Scholarship program, \$1,304 for One Purpose Parks & Recreation Council, and \$10,244 for Senior Games.*
3. *To appropriate \$87,760 in General Fund Balance towards the Trivium Corporate Center Project to purchase land in conjunction with the ITM property closing.*
4. *To appropriate \$300 in Library donations towards Library programming.*
5. *To appropriate \$59,489 from General Fund Balance in unspent Astronomy funds for the Library from FY23-24 towards Astronomy-related expenses in FY 24-25.*
6. *To appropriate \$27,195 in Catawba County Revenues towards the purchase of forensic software for the Hickory Police Department.*

7. To appropriate \$626,815 towards the 17th Street NW Extension project for an agreement for professional services with Rummel, Klepper, & Kahl, LLP \$501,452 will come from NCDOT grant revenues while the City match will be \$125,363.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business

A. Public Hearings

- A1**
1. Consideration of Text Amendment 24-01 to the City's Land Development Code – Presentation By Planning Manager Cal Overby. **(Exhibit XI.A.1.)**

The City's Land Development Code serves as the City's regulatory document dealing with development activities within its jurisdiction. The document is intended to change from time to time to reflect changes in development concepts and present-day trends. Annually, staff reviews the document to identify updates of modification needed to comply with relevant statutes and conform to new development trends. Text amendment 24-01 amends Article 2 – Development Review Procedures; Article 3 – Base Zoning Districts; Article 4 – Overlay and Special Purpose Districts; Article 6 – Use Regulations; Article 7 – Intensity, Dimensional Design Standards; Article 1 – Subdivision Standards; Article 9 – Standards of General Applicability; Article 10- Signs; Article 12 – Nonconformities; and Article 14 – Definitions. The proposed amendments are intended to modify sections that did not work as intended and bring forward amendments needed to provide greater flexibility in dealing with current development trends. The Hickory Regional Planning Commission conducted a public hearing on July 24, 2024, to consider the proposed amendments and acknowledged the amendments 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 amendments. 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 July 27, and August 3, 2024.

B. Departmental Reports

- NA**
1. Traffic Update – Presentation by Hickory Police Department Chief of Police Reed Baer

- A**
2. Approval of the Creating Outdoor Recreation Economies Strategic Plan – Presentation by Business and Community Development Manager Dave Leonetti. **(Exhibit XI.B.2.)**

Staff requests Council's approval of the Creating Outdoor Recreation Economies Strategic Plan developed with assistance from the North Carolina Department of Commerce. The Creating Outdoor Recreation Economies (CORE) Program is being offered by the NC Department of Commerce and funded by the American Rescue Plan. The goal of the program is to assist communities in North Carolina to leverage outdoor recreation to spur economic investment in their communities. The plan is focused on positioning the region to leverage growth of the outdoor gear manufacturing and retail businesses and promote Hickory as a location for businesses in this sector to grow and/or develop in Hickory. The plan provides a vision for outdoor related business development along with a roadmap and action items for the City to leverage its position and location in proximity to promote growth in this business sector. Staff recommends City Council approve the Creating Outdoor Recreation Economies Strategic Plan.

A

3. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

VACANT

Alderman Williams nominated William Roberts as an At-Large Representative on the Business Development Committee.

CITIZENS ADVISORY

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

VACANT

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) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
African American (Council Appoints)
Caucasian (Council Appoints)
Caucasian (Council Appoints)
Caucasian (Council Appoints)
Other Minority (Council Appoints)
Other Minority (Council Appoints)

VACANT

VACANT

VACANT

VACANT

VACANT

VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Term Expiring 6-30; 3-Year Terms with Unlimited Appointments) (Appointed by City Council)

Ward 2 (Williams Appoints)

VACANT

Burke County Representative (Mayor Appoints with Recommendation from Burke County)

VACANT

Alderman Williams nominated Christina McNally as Ward 2 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

Alderman Seaver nominated Pamela Kiefer for Reappointment as Ward 3 Representative on the Library Advisory Board.

PUBLIC ART COMMISSION

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

VACANT

VACANT

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)

Appointment of a Staff Liaison to the Public Housing Authority Board

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
Homeschool	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