



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 20, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend William Sturm, Sandy Ridge Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of August 6, 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 Amending the Parking Enforcement Provisions of the City of Hickory Code of Ordinance. **(First Reading Vote: Unanimous)**
 - A2** B. Budget Revision Number 2. **(First Reading Vote: Unanimous)**
 - A2** C. Consideration of Text Amendment 24-01 to the City's Land Development Code. **(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 Purchase of Equipment from White's International Truck in the Amount of \$145,728, through the NC State Contract 22-08-0913. **(Exhibit VIII.A.)**

Staff requests Council's approval of the purchase of a 2024 CV515 SFA (CV515) truck with Adkins model 134-94-DW 11' heavy duty service body with warranty on the cab and chassis in the amount of \$145,728 from White's International Truck, through the NC State Contract 22-08-0913. The equipment is being replaced as a component of the Public Services Street Division's Capital Budget. Specifications were prepared by the Street and Fleet Divisions to ensure the purchase of the type of equipment that would best serve the Division and this model meets all specifications. Staff recommends Council's approval of the purchase of a 2024 CV515 SFA (CV515) truck with Adkins model 134-94-DW 11' heavy duty service body, with warranty on the cab and chassis, in the amount of \$145,728 from White's International Truck through the NC State Contract 22-08-0913.
 - A** B. Approval of the Contract Amendment with KCI Technologies, Inc. in the Amount of \$43,890 for Grant Administration for the Snow Creek Pump Station Project. **(Exhibit VIII.B.)**

August 20, 2024

Staff requests Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$43,890 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Snow Creek Pump Station. On January 21, 2024, Public Utilities applied for supplemental grant funding for an Emergency Management Disaster Relief and Mitigation grant through the NC Department of Public Safety (NCDPS). This grant application was intended to assist with cost overruns anticipated due to construction cost increases realized between the FEMA BRIC grant award and projected construction. NCDPS approved this application and awarded the City of Hickory a grant in the amount of up to \$736,523 on May 3, 2024, for Snow Creek Pump Station relocation, flood hardening, and streambank restoration along Snow Creek, which Council approved on June 18, 2024. Council approved the contract with KCI Technologies Inc. for the design, permitting, bidding, grant administration, and construction project administration for FEMA BRIC grant project for flood mitigation at the Snow Creek Pump Station on July 19, 2023. This contract amendment will include the necessary grant management, reporting, and reimbursement requests required of the additional Disaster Relief and Mitigation Grant. Staff recommends Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$43,890 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Snow Creek Pump Station.

- A C.** Approval of the Contract Amendment with KCI Technologies, Inc. in the Amount of \$52,000 for Grant Administration for the Northeast Wastewater Treatment Facility Project. **(Exhibit VIII.C.)**

Staff requests Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$52,000 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Northeast Wastewater Treatment Facility (WWTF). On January 21, 2024, Public Utilities applied for supplemental grant funding for an Emergency Management Disaster Relief and Mitigation grant through the NC Department of Public Safety (NCDPS). This grant application was intended to assist with cost overruns anticipated due to construction cost increases realized between the FEMA BRIC grant award and projected construction. NCDPS approved this application and awarded the City of Hickory a grant in the amount of up to \$901,669 on May 3, 2024, for flood hardening and streambank restoration along Falling Creek at the Northeast WWTF, which Council approved on June 18, 2024. Council approved the contract with KCI Technologies Inc. for the design, permitting, bidding, grant administration, and construction project administration for FEMA BRIC grant project for flood mitigation at the Northeast WWTF on June 21, 2022. This contract amendment will include the necessary grant management, reporting, and reimbursement requests required of the additional Disaster Relief and Mitigation Grant. Staff recommends Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$52,000 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Northeast WWTF.

- A D.** Acknowledgement of the Conflict of Interest for Two Non-Profit Applicants from the City's Community Development Block Grant Program. **(Exhibit VIII.D.)**

Staff requests Council's acknowledgement of the publication of the notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program (CDBG). The City of Hickory is a participating jurisdiction in the United States Department of Housing and Urban Development's (HUD) Community CDBG program that allows funding to nonprofit organizations to undertake eligible activities. The City has received an application for funding from a nonprofit who has a Citizen's Advisory Committee member who sits on its Board of Directors and another nonprofit who has two current City employees who sit on its Board of Directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application. Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R.

§570.611), the City, as a participating jurisdiction in the CDBG Program, hereby is providing public notice of the potential conflicts of interest raised by the nonprofit's application to the City's CDBG Program. The notice is posted on the City's website, City Hall, Patrick Beaver Memorial Library and the Ridgeview Library. Staff requests Council's acknowledgement of the publication of notice of a conflict of interest stemming from two nonprofit's application for funding from the City's Community Development Block Grant Program.

- A E.** Approval of Change Order Number 1 with Thomas, Gordan and Shook Consulting Engineers, Inc. in the Amount of \$49,897.54, Contingent upon North Carolina Department of Transportation Concurrence. **(Exhibit VIII.E.)**

Staff requests Council's approval of change order number 1 to the Agreement for Professional Services with Thomas, Gordan and Shook (TGS) Consulting Engineers, Inc. for construction phase services including design modifications and consulting services as directed by the City of Hickory during the construction phase of HL-0004 in the amount of \$49,897.54, contingent upon 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. Construction phase services are needed for 17th Street NW Extension, including a multi-use path, from 9th Avenue NW to Clement Boulevard NW. TGS provided PE and Design service for HL-0004 and this change order will be an extension to their existing contract adding construction phase services including design modifications and consulting services. Staff recommends Council's approval of change order number 1 to the Agreement for Professional Services with Thomas, Gordan and Shook (TGS) Consulting Engineers, Inc. for design modifications and consulting services related to HL-0004 in the amount of \$49,897.54 contingent upon NCDOT concurrence.

- A1 F.** Budget Revision Number 3. **(Exhibit VIII.F.)**

1. *To appropriate \$3,000 in grant funds to the Hickory Police Department for event programming costs.*
2. *To appropriate a total of \$22,305 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*
3. *To appropriate \$52,000 in Water & Sewer Fund Balance for grant administration services in a professional services agreement with KCI Technologies for the Northeast Wastewater Treatment Facility Project.*
4. *To appropriate \$43,890 in Water & Sewer Fund Balance for grant administration services in a professional services agreement with KCI Technologies for the Snow Creek Pump Station Project.*
5. *To transfer \$49,898 from the General Fund for additional design costs within the 17th Street Northwest Extension Project.*
6. *To appropriate \$1,200,000 towards the 17th Street Northwest Extension Project for right of way costs, \$958,000 will come from NCDOT, while \$242,000 will come from the General Fund.*
7. *To appropriate \$1,130,000 towards the Sandy Ridge Intersection Project for construction costs, \$904,000 will come from NCDOT, while \$226,000 will come from General Fund Balance.*
8. *To appropriate \$12,789 of General Fund Balance and budget in the Police Department's Contracted Services line item. This amendment is necessary to pay for Smith Rogers PLLC Attorneys at Law for annual legal support. These funds are from State Unauthorized Tax money and are received and reside in General Fund Balance until the time of appropriation for specific uses under the State guidelines.*

- 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 15.543-Acres, Located on Kool Park Road, across from 24th Street NE, Hickory, PIN 3724-1722-2019, Owned by Limited NC Properties, LLC – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary satellite annexation of 15.543 acres of property located on Kool Park Road NE across from 24th Street NE, identified as PIN 372417222019. The property is currently located within the City of Hickory's extraterritorial jurisdiction and zoned R-2. The specific zoning permits single family attached and detached dwelling at a rate of 4 units per acre. The property owner has expressed interest in constructing housing on the property, but at this time the type and number of dwellings have not been disclosed. The property owner desires to connect the property to City sewer service, which requires annexation. Surrounding properties are zoned R-1 and R-2 Residential. The surrounding areas consist largely of single-family residences. The current tax value of the property is \$153,700. If annexed, the property would generate \$699 in additional tax revenues. This value does not consider any new lots or residences constructed upon them. Upon analysis, staff determined the petition meets the statutory requirements for voluntary satellite annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on August 10, 2024.

- A** 2. Consideration of 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 – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Consideration of the voluntary satellite annexation of 17.57 acres of property located adjacent to 298 19th Avenue SE, identified as PIN 370107675744. The property is currently located within the City of Hickory's extraterritorial jurisdiction and is being developed as the second and final phase of the Stonebrook residential subdivision. The property is zoned Planned Development, which was initially approved in the late 1990s, and consisted of several hundred single and multi-family homes. Through the years the plans have changed to where the development now consists of only single-family homes. The current approved plans for phase 2 of the development are 185 single-family lots. The property owner desires to connect the property to City sewer service, which requires annexation. Surrounding properties are zoned R-1 and R-2 Residential, as well as Planned Development. The surrounding areas consist of residences and vacant land. The current tax value of the property is \$309,787. If annexed, the property would generate \$1,410 in additional tax revenues. This value does not consider any new lots or residences constructed upon them. Upon analysis, staff determined the petition meets the statutory requirements for voluntary satellite annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on August 10, 2024.

B. Departmental Reports

- A** 1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

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

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

Alderwoman Patton nominated Tara Bland as an At-Large Representative on the Citizens Advisory Committee.

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

Alderman Wood nominated Lynn Sampson for Reappointment as Ward 1 Representative on the Community Appearance Commission.

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

Alderwoman Williams nominated Charles Anthony Moretz Jr. as a Caucasian 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

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
Homeschool VACANT

Staff Liaison Recommends the Appointment of Za’Kira Hewitt as a Hickory High School Representative on the Youth Council.

Mayor Guess nominated Za’Kira Hewitt 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. 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.
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