



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

September 3, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Bill Garrard, Retired United Methodist Clergy
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Ms. Lucy Lail, 3131 12th Avenue SE, Hickory, discussed concerns with her water bill.
 - B. Dr. Kimberly Turk, 2436 29th Avenue Court NE, Hickory, discussed concerns with the water quality.
 - C. Mr. Michael McLamb, 1135 13th Avenue NE, Hickory, discussed concerns with the water quality.
- VI. Approval of Minutes
 - A** A. Regular Meeting of August 20, 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 3. **(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 a Proclamation for Constitution Week 2024. **(Exhibit VIII.A.)**
 - A** B. Approval of the Purchase of a 2024 Freightliner M2106 Cab/Chassis with a Mounted Automated Leaf Collection Unit in the Amount of \$272,982 from Carolina Environmental Systems, Inc. **(Exhibit VIII.B.)**

Staff requests Council's approval of the purchase of a 2024 Freightliner M2106 Cab/Chassis with a Pac Mac 25-yard chassis mounted automated leaf collection unit per the N.C. Sheriffs Association reference Bid #24-08-0421 in the amount of \$272,982 from Carolina Environmental Systems, Inc. The City uses automated leaf trucks for efficient collection of loose leaves within the Recycling Division's Yard Waste Service. This unit allows for loose leaves to be collected by a single operator and collects approximately 6,000 pounds per load on average. This truck will replace a similar piece of equipment purchased in 2009. The Solid Waste Recycling Division capital equipment improvement

plan includes the replacement of an Automated Leaf Truck in FY 24-25. The specified truck applies to the NC Sheriffs Association Bid #24-08-0421. Staff recommends Council's approval of the purchase of a 2024 Freightliner M2106 Cab/Chassis with a Pac Mac 25-yard chassis mounted automated leaf collection unit per the NC Sheriffs Association reference Bid #24-08-0421 in the amount of \$272,982 from Carolina Environmental Systems, Inc.

- A1 C. Approval of an Ordinance Amendment Adding Section 23-9 to the Hickory Code of Ordinances for Nonresidential Fees. **(Exhibit VIII.C.)**

The City recognizes that residents contribute to the costs of programs and services provided by the City through payment of local taxes. As a method of equalizing the burden of supporting programs and services provided by the City, unless otherwise specified in the fee schedule, participants residing outside of the City will be required to pay additional fees for parks and recreation programs and services provided by the City in accordance with the fee schedule as is set from time to time by the City Council. On July 1, 2024, the City began charging a yearly fee for nonresidents to use City indoor recreation facilities. The code of ordinances should reflect this change. This nominal fee was put in place for nonresidents since programs and facilities are paid for through resident's taxes. The fee provides an avenue for nonresidents to share in upkeep and maintenance of City facilities. Parks, Recreation & Sports Tourism recommends City Council's approval to amend the code of ordinances to add Section 23-9 for nonresidential fees.

- A D. Approval of the Issuance of Pyrotechnic Display Permit to PyroStar Entertainment for a Fireworks Display at the Hickory Motor Speedway. **(Exhibit VIII.D.)**

Staff requests approval of the issuance of a pyrotechnic display permit to PyroStar Entertainment for fireworks display at Hickory Motor Speedway. Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted requests to obtain permission to conduct public fireworks display on the following date September 14, 2024 (rain date November 16, 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 display.

- PH E. Call for a Public Hearing to Consider the FY2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER) for Submission as Required by the US Department of Housing and Urban Development. **(Authorize Public Hearing for September 17, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.E.)**

- PH/A F. Call for a Public Hearing to Consider Closing an Unnamed Alley Located Between 1st Street and 2nd Street SW, as Requested by RGS Property LLC. **(Authorize Public Hearing for October 1, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.F.)**

- A G. Approval of Change Order 1 with Thomas, Gordan, and Shook (TGS) Consulting Engineers, Inc. in the Amount of \$20,000, Contingent on North Carolina Department of Transportation Approval, for Right of Way Services Related to the Aviation Walk Connector Multi-Use Trail (17th Street NW Extension). **(Exhibit VIII.G.)**

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 right of way services related to the Aviation Walk Connector Multi-Use Trail Project –

BL-0067 in the amount of \$20,000, contingent on North Carolina Department of Transportation (NCDOT) approval. The City applied for and received State Transportation Block Grant - Directly Attributable (STBG-DA) funding approval from the Greater Hickory MPO and North Carolina Department of Transportation (NCDOT) for Aviation Walk Connector Multi-Use Trail. The multi-use trail will connect 17th Street NW Extension (HL-0004) with the Aviation Walk (EB-6038). The connector is needed to join the future 17th Street NW Extension Multi-Use Trail with the Aviation Walk Multi-Use Trail. The trail will connect Appalachian State's new campus and with Aviation Walk and provide a safe crossing for students over US 321 to join with the City's trail system. The extension is also along the established Hickory Urban Bike Loop (HUB) which is identified in the "Walk-Bike-Hickory Plan". Cyclists use 17th Street NW on a regular basis and this project would fill in a gap to provide a continuous route from US 70 to Clement Boulevard NW to Aviation Walk. Right of Way Acquisition is needed to connect the future 17th Street NW Extension Multi-Use Trail and the existing Aviation Walk Multi-Use Trail along Clement Boulevard and 19th Street Lane NE. 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 right of way services related to the Aviation Walk Connector Multi-Use Trail Project – BL-0067 in the amount of \$20,000, contingent on NCDOT approval.

- A H. Approval of an Agreement for Professional Services with VHB Engineering NC, P.C. in the Amount of \$200,000, to Develop the Safe Streets for All Comprehensive Safety Action Plan. **(Exhibit VIII.H.)**

Staff requests Council's approval of the \$200,000 agreement for professional services with VHB Engineering NC, P.C. to complete the City's Safe Streets for All Comprehensive Safety Action Plan. The Bipartisan Infrastructure Law (BIL) established the new Safe Streets and Roads for All (SS4A) discretionary program, with \$5 billion in appropriated funds over five years, 2022-2026. The SS4A program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. It supports the U.S. Department of Transportation's National Roadway Safety Strategy and the goal of zero roadway deaths. The City of Hickory has received a \$200,000 grant from the Federal Highway Administration to create a Safe Streets For All Comprehensive Safety Action Plan. The Safe Streets for All Planning and Demonstration Grants provide Federal funds to develop, complete, or supplement a comprehensive safety action plan. The City of Hickory will use the Safe Streets for All Planning Grant to work with VHB Engineering to develop a comprehensive Safe Streets and Roads Action Plan. Once the City of Hickory has a plan, it may then apply for the Safe Streets for All funding for implementation activities to improve safety on roadways and at intersections. VHB Engineering was selected to develop the plan based on qualification-based proposals. Fees are eligible for reimbursement with Federal Highway Administration funds at a ratio of 80% FHWA (\$160,000) and 20% City of Hickory (\$40,000). Staff recommends Council's approval of the \$200,000 agreement for professional services with VHB Engineering NC, P.C. to develop the Safe Streets for All Comprehensive Safety Action Plan, with an 80/20 match (\$160,000 federal/\$40,000 local match).

- A I. Approval to Pursue the GameTime Community Champions Grant in the Amount of \$49,750 for Play Equipment Replacement at Cliff Teague Park. **(Exhibit VIII.I.)**

Staff requests approval to pursue the GameTime Community Grant in the amount of \$49,750 for play equipment replacement at Cliff Teague Park. The grant offers 100% matching funds for play systems that exceed \$75,000 in cost. Staff will be pursuing a system priced at \$99,500. The City match will be \$49,750 and will be taken from the 24/25 5-Year CIP funds earmarked for the replacement of play equipment at Cliff Teague Park. Funds will be used to create an upgraded and inclusive playground at Cliff Teague Park. This meets the recommendation of park revitalization found in the park, recreation and sports tourism comprehensive master plan. Pursuit of the GameTime Community Champions grant for an inclusive system was unanimously supported by the Parks, Recreation & Sports Tourism Commission at their August 13, 2024 meeting. Staff requests approval to pursue the GameTime Community Champions Grant in the amount of \$49,750.

- A** **J.** Acceptance of the Bid and Award the Contract to Wilkie Construction Company SE, LLC to Construct a Group Hangar, Office Complex, and a Concrete Pad at the Hickory Regional Airport. **(Exhibit VIII.J.)**

Staff requests City Council's acceptance of the bid and award the construction contract to Wilkie Construction Company SE, LLC and authorize the City Manager to approve the construction contract in the amount of \$2,767,000 for a new group hangar at Hickory Regional Airport and an alternate bid for a concrete pad in the amount of \$33,700. The City requested construction bids in June and received a total of five bids. The lowest responsive bidder was Wilkie Construction Company with a low bid amount of \$2,767,000, plus an alternate bid in the amount of \$33,700. The project consists of a new 12,000 square foot group hangar and the addition of a 2,700 square foot office complex. The new building will be constructed on the west ramp adjacent to an existing hangar. The concrete pad is planned to accommodate air traffic from the NC Forest Service and Atrium Health, who are leasing space at the airport. The new hangar development aligns with the recommendations of a Hickory Regional Airport Task Force Report to promote and expand the assets at the airport to increase revenues through expansion of the number of base aircraft. The additional office space will be attractive to corporate partners seeking a location for their aviation operations, which will, in turn, create additional airport revenue. The project will be funded with NC Department of Transportation Reserve Funds that were originally allocated in the fiscal year 23-24 budget. Staff recommends Council accept the bid and award the construction contract to Wilkie Construction Company SE, LLC, and authorize the City Manager to approve the construction contract in the amount of \$2,767,000 for the construction of a new group hangar at Hickory Regional Airport and an alternate bid for a concrete pad in the amount of \$33,700.

- A1** **K.** Approval of the Implementation of a Speed Limit Reduction to 25mph along 11th Avenue NE from 5th Street NE to 3rd Street Drive NE, and along 4th Street NE from 11th Avenue NE to 10th Avenue Drive NE. **(Exhibit VIII.K.)**

Staff request Council's approval to implement a speed limit reduction to 25mph along 11th Avenue NE from 5th Street NE to 3rd Street Drive NE, and along 4th Street NE from 11th Avenue NE to 10th Avenue Drive NE. 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 requesting traffic calming measures are required to complete and submit a petition with a certain percentage of properties in favor of implementation for a request to move forward. The City performs analysis to determine what, if any, measures are warranted. Traffic Division staff received the completed petition from property owners along 11th Avenue NE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be compliant with the guidelines. The petition qualifies for a speed limit reduction to 25mph. twenty-two (22) properties were included in the petition and sixteen (16) 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 11th Avenue NE from 5th Street NE to 3rd Street Drive NE, and along 4th Street NE from 11th Avenue NE to 10th Avenue Drive NE.

- A1** **L.** Budget Revision #4. **(Exhibit VIII.L.)**

1. *To appropriate \$41,250 in Water & Sewer Fund Balance for biological assessment services in a professional services agreement with Carolina Ecosystems within the Northwest Sewer Extension Project.*
2. *To appropriate a total of \$12,000 for the Building Reuse Grant administered by the Western Piedmont Council of Governments. \$6,000 will come from Catawba County while the City's \$6,000 match will come from General Fund Contingency.*
3. *To appropriate \$26,000 in State revenues for the Governor's Highway Safety Program Grant for overtime and travel costs within the Hickory Police Department.*

4. *To appropriate a total of \$200,000 for the City's Safe Streets for All Comprehensive Safety Action Plan in a professional services agreement with VHB Engineering. \$160,000 comes from Federal grant revenues from the Federal Highway Administration with the other \$40,000 in City matching funds coming from General Fund Balance.*
5. *To appropriate a total of \$4,850 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business

A. Public Hearings

- A** 1. Consideration of a Resolution Directing that the Street Improvement Project be Undertaken for Curb and Gutter Petition 24-02 for a Portion of 290 16th Street Place SE – Presentation by Public Works Director Steve Miller. **(Exhibit XI.A.1.)**

The City Clerk received a petition from the owner of the property along 16th Street Place SE 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) represent 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. Staff recommends Council's approval of the resolution directing that the street improvement project be undertaken for Petition No. 24-02 to construct curb and gutter in front of the business at 290 16th Street Place SE (PIN 3712-06-48-0633).

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

B. Departmental Reports

- NA** 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

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)
African American (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)
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)
At-Large (Mayor Appoints)

VACANT
VACANT

RECYCLING ADVISORY BOARD

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

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YOUTH COUNCIL

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

Youth Council Applicant Review Committee Recommends the Following Appointments:

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. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) 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 July 16, 2024 - NCGS §143-318.11(a)(1)*
2. *Consultation with Attorney - NCGS §143-318.11(a)(3)*

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.
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with disabilities at least 48 hours before the scheduled meeting.
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