



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

October 1, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Alderman Anthony Freeman
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation to Hickory Fire Department Staff for Fire Prevention Week October 6-12, 2024. **(Exhibit IV.A.)**

Mayor Guess read and presented the Fire Prevention Week Proclamation to Fire Department Staff in attendance.
- NA** B. Presentation of a Proclamation to Centro Latino for Hispanic Heritage Month, September 15 – October 15, 2024, **(Exhibit IV.B.)**

Mayor Guess read and presented the Hispanic Heritage Month Proclamation to representatives present from Centro Latino.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of September 17, 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 5. **(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 Citizens Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.A.)**

The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following requests were considered by the Citizens' Advisory Committee at a regular meeting on September 5,

2024.

- Donna Vaughn, 918 8th Street NE, Hickory, was recommended for approval of up to \$12,000 under the City of Hickory's 2024 Urgent Repair Program.
- Peggy Duke, 811 3rd Street SE, Hickory was recommended for approval of up to \$12,000 under the City of Hickory's 2024 Urgent Repair Program.

The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

PH/A B. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of 151.218-Acres, Located at 432 Catawba Valley Boulevard, SE, 2115 3rd Street Place SE, and Five Adjoining Parcels, Identified as PINs 3701-08-78-9470, 3701-08-77-5545, 3701-08-87-5621, 3701-12-87-7400, 3701-12-87-5316, 3701-11-66-6796, 3701-11-66-6796, Owned by Blueberry Farm Hickory, LLC. **(Authorize Public Hearing for October 15, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**

PH/A C. Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 3.799-Acres, Located at the Eastern Corner of the Intersection of 21st Street Drive SE, and 27th Street Drive SE, Identified at PIN 3722-14-32-1763, Owned by RFW Properties, LLC. **(Authorize Public Hearing for October 15, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)**

A D. Approval of the First Amendment to the Hickory-Catawba Wastewater Treatment Facility Expansion (ARPA) Agreement with Catawba County. **(Exhibit VIII.D.)**

Staff requests Council's approval of the First Amendment to the Hickory-Catawba Wastewater Treatment Facility Expansion (ARPA) Agreement between Catawba County and City of Hickory. The City of Hickory previously entered into an agreement with Catawba County on March 1, 2023, to expand the Hickory-Catawba Wastewater Treatment Facility from 1.5 million gallons per day to 3 million gallons per day to better manage the continued growth. The City of Hickory and Catawba County agree to amend Section 3.1 of the Hickory-Catawba Wastewater Treatment Facility Expansion (ARPA) Agreement. The modified agreement allows Catawba County to reimburse the City of Hickory for costs incurred for the approved activities under this agreement in the amount of \$1,400,000. Staff recommends Council's approval of the First Amendment to the Hickory-Catawba Wastewater Treatment Facility Expansion (ARPA) Agreement between Catawba County and City of Hickory.

A E. Approval of a Resolution Approving the Construction Management at Risk Construction Delivery Method for the Catawba River Environmental and Education Center Pursuant to the Provisions in NCGS 143-128.1. **(Exhibit VIII.E.)**

Staff requests Council's approval of the Resolution approving the construction management at risk construction delivery method for the Catawba River Environmental and Education Center. The Catawba River Environmental and Education Center Project will consist of an environmental and education center to be constructed on three parcels of land owned by the City of Hickory consisting of 24.51-acres located in Burke County. Staff has compared the advantages and disadvantages of using the construction management at risk construction delivery method for the project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G. S. 143-128(a1)(3). The construction management at risk construction delivery method allows for selection of the most qualified contractor for the project and provides an opportunity for involvement of the contractor during the design process for the purpose of providing the architect with feedback on constructability and other design issues. The method also requires the Construction Manager to use prequalified subcontractors and allows for transparency of the overall bidding and construction process, including the costs incurred by the Construction Manager. Staff

requests Council's approval of the Resolution approving the construction management at risk construction delivery method in accordance with G.S. 143-128.1.

- A F.** Approval of the Conveyance of 128.95 +/- Acres of City-Owned Property to the State of North Carolina as Additions to the North Carolina State Parks System for Public Access and Recreational Purposes. **(Exhibit VIII.F.)**

Staff requests Council's approval of the warranty deed to convey the properties located along Deitz Road and River Road, more particularly identified as a portion of 3701-16-84-4836 and all of 3701-15-73-4171, 3701-15-63-6164, and 3701-15-73-1634 to the State of North Carolina for the purposes of future development as additions to the North Carolina State Parks system. On January 15, 2019, Hickory City Council adopted Resolution Number 19-01, authorizing the City Manager to execute a letter of intent and any other necessary real estate documents for a future conveyance of the City's properties to the State of North Carolina, working through the Foothills Conservancy. The State of North Carolina is interested in the future development of these 128.95 +/- acres of properties located along Deitz Road and River Road into recreational and other opportunities for the public. The City of Hickory conveys the property in fee simple to the State of North Carolina as long as the State of North Carolina keeps the property predominately in its natural, scenic, or open condition and uses the entire property solely as an addition to the North Carolina State Parks system for public access and recreational purposes, and completes the construction of the amenities as defined in the Warranty Deed, as defined within ten years of the transfer of the property to the State of North Carolina. North Carolina General Statute 160A-279 permits the City to convey property to nonprofit entities. Staff recommends Council's approval of the warranty deed from the City of Hickory to the State of North Carolina for the purposes of a State Park for the conveyance of 128.95 +/- acres of City-owned property.

- A G.** Approval to Apply for the 2024 Justice Assistance Grant and Partner with Catawba County Sheriff's Office in the Amount of \$29,590 (Catawba County \$11,664, and Hickory Police Department \$17,926) and Approval of the Interlocal Agreement with Catawba County. **(Exhibit VIII.G.)**

Hickory Police Department requests approval to apply for the 2024 Justice Assistance Grant in collaboration with Catawba County Sheriff's Office. City of Hickory has received notification of approval to receive \$17,926 based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. There is no match required. Catawba County Sheriff's Office has received notification of approval to receive \$11,664 based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. Hickory Police Department will use the grant funds for annual licensing fee for two GrayKey forensic devices from Magnet Forensics in collaboration with Catawba County Sheriff's Office. The JAG legislation requires counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on a required Memorandum of Understanding (MOU). Hickory Police Department recommends approval to apply and partner with Catawba County Sheriff's Office for the 2024 Justice Assistance Grant in the amount of \$29,590 (Catawba County Sheriff's Office – \$11,664 and Hickory Police - \$17,926). Hickory Police and Catawba County Sheriff's Office will share the remaining expense of the annual licensing fee to use two GrayKey forensic devices from Magnet Forensics for the FY2025-2026 fiscal year.

- A1 H.** Budget Revision Number 6. **(Exhibit VIII.H.)**
1. To recognize and appropriate \$132,000 in 2024-2025 Urgent Repair Program funds.
 2. To appropriate \$95,833 from General Fund Balance to roll forward remaining funds from the 911 FY23-24 budget.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business

A. Public Hearings

- A** 1. Consideration of the Preliminary Assessment Roll for Curb and Gutter Petition 24-01, for Property Located at 525 9th Avenue NW, Hickory – Presented by Public Works Director Steve Miller. **(Exhibit XI.A.1.)**

The City Clerk received petition number 24-01 from the owners of property along 525 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 petition was a single-party petition. The City Council adopted a Resolution Directing that Street Improvement Project Be Undertaken. Construction of the curb and gutter was completed on August 2, 2024. The preliminary assessment roll number 24-01 has been prepared based on the curb and gutter constructed along a portion of 525 9th Avenue NW in response to a petition by property owners. The City Clerk mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. The Resolution confirms the assessment roll. Staff recommends approval of Assessment Roll 24-01 for curb and gutter constructed along a portion of 525 9th Avenue NW.

Notice of the public hearing was advertised in a newspaper having general circulation in the Hickory area on September 21, 2024.

- A** 2. Consideration of Closing an Unnamed Alley Located Between 1st Street SW and 2nd Street SW as requested by RGS Property LLC – Presentation by Public Works Director Steve Miller. **(Exhibit XI.A.2.)**

The City Clerk received a petition from RGS Property, LLC owner of the properties abutting an unnamed alley located between 1st Street SW and 2nd Street SW. The petition requests the City to close the unnamed alley per NCGS § 160A-299. The unnamed alley is bound on the north, south, east and west by the property owned by the Petitioner RGS Property LLC. The signature on the petition represents all the owner(s) of the property abutting this portion of the right-of-way. The petition fee of \$930 has been paid. A memo was sent to various departments for their input on the street closing. No public water or sewer is located in the street to be closed. Staff recommends Council's consideration of closing an unnamed alley located between 1st Street SW and 2nd Street SW, as petitioned by RGS Property LLC.

Notice of the public hearing was advertised in a newspaper having general circulation in the Hickory area on September 7, 14, 21, and 28, 2024.

- D** 3. Consideration of a Resolution to Abolish the City of Hickory Public Housing Authority and Transfer to the Western Piedmont Council of Governments – Presentation by Warren Wood. **(Exhibit XI.A.3.)**

The United States Department of Housing and Urban Development (HUD) provides funds for the provision of affordable housing through its public housing programs. The City of Hickory Public Housing Authority (HPHA) was created to administer said funds and manage all associated assets with the public housing program. HUD issued reports in 2012 and 2015 detailing a lack of adequate housing authority board oversight and administration and the City continues to receive complaints about the HPHA. HUD encourages the consolidation of public housing authorities to provide better administration of HUD programs and funds. A regional public housing authority provides greater economic and housing

mobility for program clients. The Western Piedmont Council of Governments (WPCOG) has been designated as a regional public housing authority since January 1, 1978 pursuant to Chapter 157 of the North Carolina General Statutes. North Carolina General Statutes §§ 160A-475 and 157-4.1A authorizes the City of Hickory to delegate by Resolution any powers to the WPCOG, including the transfer of its public housing authority. Staff recommends City Council's consideration of the Resolution to abolish the City of Hickory Public Housing Authority and approve the transfer to the Western Piedmont Council of Governments effective July 1, 2025.

Notice of the public hearing was advertised in a newspaper having general circulation in the Hickory area on September 21, 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

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
 Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT

Alderman Freeman nominated Angela Hairston as an African-American 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
 At-Large (Mayor Appoints) (Dana Andreasson Resigned 9-5-2024) 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

Alderman Freeman nominated Lauren Jordan as Ward 4 Representative on the Recycling Advisory Board.

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. 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