

A G E N D A
HICKORY CITY COUNCIL

August 18, 2015



7:00 p.m.



AGENDA
www.hickorync.gov

If you have any questions about any item on this agenda or if you need more information about any item in addition to the information contained in the agenda package, please call the City Manager at 323-7412. A “Citizen Comment Sheet”, which explains the procedure to address the City Council, is located on the table outside Council Chambers. We also encourage you to complete the Comment Sheet and offer any suggestions or questions you have. For more information about the City of Hickory go to: www.hickorync.gov.

Hickory City Council
76 North Center Street

August 18, 2015
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Ron Jones, Executive Pastor, Christ Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Business Well Crafted Award Presentation to Hickory Daily Record
 - B. Ryan Edwards - Update from University City Commission
 - C. Acceptance of the 2015 Updated Claremont Neighborhood Plan. **(Exhibit IV.C.)**

Claremont Neighborhood Association has worked with City Staff to update its neighborhood plan. The current Claremont Neighborhood Plan was accepted by Hickory City Council on August 5, 2008. The updated neighborhood plan contains strategies and recommendations put forth by the neighborhood, with emphasis placed upon the preservation of the character of the neighborhood. On May 21, 2015 Claremont Neighborhood Association voted to recommend City Council's acceptance of this updated neighborhood plan.
- V. Persons Requesting to Be Heard
 - A. Billy Sudderth – City Owned Vacant Lot Located at 121 7th Avenue SW
 - B. Deb McNeur – Problems with Wildlife in the Neighborhood
- VI. Approval of Minutes
 - A. Regular Meeting of August 4, 2015 **(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.
 - A. Approval of Annual Maintenance Agreement with Grayson Fitness Repair and Maintenance, Inc. **(First Reading Vote: Unanimous)**

- B. Acceptance of a Sanitary Sewer Line Easement for the Property of Josephine B. Hambrick, Wells Fargo NA, Margaret H. Glaze and Wilson E. Glaze II, described as PIN 3723-15-63-5314. **(First Reading Vote: Unanimous)**
 - C. Acceptance of a Sanitary Sewer Line Easement for the Property of Linda Bumgarner Sigmon described as PIN 3723-16-83-0899. **(First Reading Vote: Unanimous)**
 - D. Acceptance of a Sanitary Sewer Line Easement for the Property of Russell D. Dellinger and wife, Stacy J. Dellinger described as PIN 3723-15-64-7165. **(First Reading Vote: Unanimous)**
 - E. Acceptance of a Sanitary Sewer Line Easement for the Property of Chris Albert Bumgarner and wife, Lisa H. Bumgarner described as PIN 3723-11-75-1017. **(First Reading Vote: Unanimous)**
 - F. Acceptance of Bid and Award of Construction Contract with Hickory Sand Company, Inc. in the Amount of \$154,500 for the Construction of the NC Highway 64-90 Waterline Project. **(First Reading Vote: Unanimous)**
 - G. Approval of Renewal Agreement between the Western Piedmont Council of Governments (WPCOG) and the City of Hickory to Support the Western Piedmont Stormwater Partnership for Phase II Public Education. **(First Reading Vote: Unanimous)**
 - H. Approval of a Contract to Kercher Engineering, Inc. in the amount of \$57,375 for Pavement Management Study to Prioritize the Condition of Streets in the City of Hickory to better optimize the Resurfacing Schedule and Maintenance Operations. **(First Reading Vote: Unanimous)**
 - I. Approval of Awarding the Resurfacing Contract Utilizing Federal Funds to Maymead, Inc. for Asphalt Resurfacing. **(First Reading Vote: Unanimous)**
 - J. Approval of Awarding a Contract to J.T. Russell & Sons, Inc. for Asphalt Resurfacing for FY 15/16. **(First Reading Vote: Unanimous)**
 - K. Grant Project Ordinance Amendment Number 1. **(First Reading Vote: Unanimous)**
 - L. Budget Ordinance Amendment Number 2. **(First Reading Vote: Unanimous)**
 - M. Consideration of Designating the Whisnant Hosiery Mills Complex as a Local Historic Landmark. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. 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. Approval of a Revision to the Assistance and Procurement Policies. **(Exhibit VIII.A)**

In January 2015, the City of Hickory Community Development Division applied for funding through the North Carolina Housing Finance Agency's Urgent Repair Program. The City of Hickory has been awarded \$50,000 through this program in order to assist approximately 12 very low income homeowners with urgently needed repairs in an amount not to exceed \$8,000 per housing unit. The City of Hickory will provide an additional \$5,000 in matching funds, which are available from Rental Rehabilitation program income. The total program budget will be \$55,000. NC Housing Finance Agency requires the City of Hickory to prepare Assistance and Procurement Policies. These policies must be made available to the public and explain the guidelines of the URP15 program. City Council approved the original Assistance Policy on May 5, 2015.

A revision was made in the policy changing the income limits. Staff recommends approval of the revision to the Assistance Policy.

- B. Approval of the Fire Protection Service Agreement with the Town of Brookford for Fire Service Protection and Medical Related Services. **(Exhibit VIII.B.)**

Hickory Fire Department requests approval of the Fire Protection Service Agreement with the Town of Brookford. The agreement is to provide fire service protection and medical related services to the Town of Brookford from September 1, 2015 through December 31, 2020. Brookford does not have an established fire department and has requested the City of Hickory to provide fire protection to its citizens. The Town of Brookford shall pay the City of Hickory for services outlined within the agreement. Payments are to be made quarterly as outlined in Section 2 of the agreement. The City has provided this service to the Town of Brookford since 2010. Staff recommends approval of the Fire Protection Service Agreement with the Town of Brookford beginning September 1, 2015 through December 31, 2020.

- C. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.C.)**

The following requests were considered by the Citizens' Advisory Committee at their regular meeting on August 6, 2015:

- *John & Deborah Hollar, 820 9th Avenue Place NE, Hickory, were awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$10,000 for repairs to their house. Assistance would be in the form of a 0 percent interest deferred loan.*
- *Linda Pope, 1404 3rd Street SW, Hickory, was awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$10,000 for repairs to their house. Assistance would be in the form of a 0 percent interest deferred loan.*

Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation program income and/or program income received through the City of Hickory's Community Development Block Grant Program.

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

- D. Approval of a Contract for Maintenance between the Town of Hildebran and the City of Hickory for a Sanitary Sewer System. **(Exhibit VIII.D.)**

The Town of Hildebran and City of Hickory first entered into an agreement for Hickory to maintain the collection system owned by the Town of Hildebran in 2004. The contract for maintenance agreed to in 2004, by both parties, expired on June 30, 2015. The Town of Hildebran requested that the City of Hickory provide a contract renewal to continue the provisions of this service for the Town. The contract will continue services at the current level in all aspects of the operations including collection system permit compliance, maintenance and operations of lift stations, and operator in responsible charge duties and licensing. The base fee for this agreement is proposed to be \$75,360 per year for the first year for operations of the collection system, with subsequent year rate increases by the percentage approved by Hickory City Council for all customers of the Hickory utility system. This contract will not require the City of Hickory to hire additional staff to perform and continues an existing partnership at the current levels with the Town of Hildebran. The contract will expire June 30, 2035. Staff recommends Council's approval of this contract with the Town of Hildebran for maintenance of the sanitary sewer system.

- E. Approval of Change Order 1 with McGill Associates, PA in the Amount of \$40,650 for Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivisions Sanitary Sewer. **(Exhibit VIII.E.)**

Staff requests Council's approval of change order 1 with McGill Associates, PA for Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivision sanitary sewer project. The existing subdivisions are approximately 30 to 40 years old and are principally built out. This project will have a potential to serve approximately 226 homes and eliminate the potential public health hazard of septic tank system failures impacting surface waters. This project was envisioned to be designed, bid, and constructed as one project, however due to easement negotiations, regulation changes, and the need to renew some permits which had expired, this could not be achieved. These issues have resulted in additional work on the part of McGill Associates. This change order is intended to address all issues that have arisen on behalf of the engineer for each of the three subdivisions. City Council accepted the grant offer in July 2012 in the amount of \$2,946,042.99 for completion of this project. Funds for this change order have been approved by the NC Division of Water Infrastructure for inclusion in the grant money reimbursement request. Staff requests Council's approval of change order 1 in the amount of \$40,650 with McGill Associates, PA. Revised contract total to date will be \$169,950.

- F. Approval of Change Order 1 with Neill Grading & Constructing Company Inc. in the Amount of \$26,129.89 for the Eastwood Sanitary Sewer Project. **(Exhibit VIII.F.)**

The Eastwood Subdivision sanitary sewer project is the first of three subdivisions that the City of Hickory received grant money from the NC Division of Water Infrastructure-State Revolving Grant Fund to install sanitary sewer in. This project consisted of approximately 8,700 linear feet of 8 inch sanitary sewer lines with appurtenances serving 110 single family residential homes. Change order 1 consists of two items related to additional line being extended to serve the balance of the subdivision and the replacement of a storm drain junction box that was previously unforeseen. The contractor is requesting an extension of the contract time to account for 20 days of additional work with this change order. The revised contract total to date will be \$710,778.71. Necessary funds for this change order have been approved by the NC Division of Water Infrastructure for inclusion in the grant money reimbursement request. Staff recommends Council's approval of change order 1 with Neill Grading & Construction Company, Inc. in the amount of \$26,129.89.

- G. Call for Public Hearing for Consideration of Changes to Hickory City Code Ordinance Chapter 4 – Animal and Fowl. **(Authorize Public Hearing for September 1, 2015) (Exhibit VIII.G.)**

- H. Approval of a Cemetery Deed from City of Hickory to Eric Coutrier, (Southside Cemetery, Plot 4D, Lot Number 11 and 12, Section 4) (Prepared by Deputy City Attorney Arnita Dula).

- I. Approval of a Cemetery Deed from City of Hickory to Judy Ikard, (Southside Cemetery, Plot 4D, Lot Number 7 and 8, Section 4) (Prepared by Deputy City Attorney Arnita Dula).

- J. Budget Ordinance Amendment Number 3. **(Exhibit VIII.J.)**

1. *To budget \$2,450 of General Fund-Fund Balance Appropriated in the Recreation Departmental Supplies line item. Senior Games funds were unspent at the end of FY 2014-2015 and rolled into General Fund Balance. A budget amendment is necessary to budget these funds in the expenditure line item for use this fiscal year.*
2. *To transfer \$35,000 of General Fund-Fund Balance Appropriated to the 2014 Bond Referendum Business Park 1764 Miscellaneous line item. This transfer is necessary to pay Catawba County Economic Development Corporation for Business Park options and professional services reimbursements associated with the Business Park.*

- K. Capital Project Ordinance Number 1. **(Exhibit VIII.K.)**
 - 1. *To accept a \$35,000 transfer from General Fund-Fund Balance Appropriated to the 2014 Bond Referendum Business Park 1764 Miscellaneous line item. The funds will be used for payment to Catawba County Economic Development Corporation for Business Park options and professional services reimbursements associated with the Business Park.*
- L. Special Events Activities Application for Patriot's Day Remembrance Ceremony, Mandy Pitts, Communications Director/Brand Manager, September 11, 2015, Sails on the Square Stage, 10:30 a.m. to 1:30 p.m. **(Exhibit VIII.L.)**

IX. Items Removed from Consent Agenda

X. Informational Item

- A. Mayor Wright's travel to Raleigh, North Carolina, August 12, 2015 to the Historic Tax Credit Legislative Rally, (Meals: \$20.50, Parking: \$4.00 and Mileage Reimbursement: \$199.18). **(Exhibit X.A.)**

XI. New Business:

A. Public Hearings

B. Departmental Reports:

- 1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 At-Large Bert Showfety declined appointment 7-20-2015

COMMUNITY RELATIONS COUNCIL

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

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
 (Appointed by City Council)
 Burke County (Mayor to Nominate) VACANT Since 8-6-2008
 Brookford (Mayor to Nominate) VACANT Since 6-2006
 Catawba County (Mayor to Nominate) Oscar Vasquez
 (Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION (Exhibit XI.B.1.)

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

“As a Certified Local Government, the City of Hickory is expected to fill all vacancies on the Commission within 60 days of their occurrence. Potential members should have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. The vacancy is open to anyone living in the City of Hickory that meets the requirements. In order to maintain the City's status as a Certified Local Government, it is imperative that these vacancies be filled as soon as possible”.

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)
(10) Positions VACANT

PARKS AND RECREATION COMMISSION

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

PUBLIC ART COMMISSION

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

Mayor Wright to nominate Beth Bowman to Public Art Commission, At-Large Representative.

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by Mayor)
Tenant Representative (Mayor Nominates) VACANT

RECYCLING ADVISORY BOARD

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

YOUTH COUNCIL

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

Hickory Career Arts Magnet 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)(4)(5) 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 August 4, 2015 - NCGS §143-318.11(a)(1)
 - 2. Discussion of Economic Development - NCGS §143-318.11(a)(4)
 - 3. Discussion of Potential Property Acquisition - NCGS §143-318.11(a)(5)
- 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**

COUNCIL AGENDA MEMOS

Exhibit IV.C.

To: City Manager's Office
From: Planning and Development Services Department
Contact Person: Cal Overby
Date: August 6, 2015
Re: Claremont Neighborhood Plan Update

REQUEST

The Claremont Neighborhood Association requests the consideration of the acceptance of the 2015 updated Claremont Neighborhood Plan.

BACKGROUND

Over the course of fifteen (15) months the Claremont Neighborhood Association has worked with city staff to update its neighborhood plan. The current Claremont Neighborhood Plan was accepted by Hickory City Council on August 5, 2008. The current, and the updated neighborhood plan contain strategies and recommendations put forth by the neighborhood, with emphasis placed upon the preservation of the neighborhood character of the neighborhood.

ANALYSIS

The Claremont Neighborhood Association began evaluating its existing neighborhood plan on February 6, 2014 and continued this process for the following fifteen (15) months, which concluded on May 21, 2015. During the review process the Neighborhood Association, with assistance from city staff, evaluated the plan's original strategies and recommendations to determine what had been implemented and what changes were needed to reflect current conditions.

Throughout this process a common overarching goal was identified. This overarching goal was that the neighborhood, while respecting the needs of the neighborhood's non-residential neighbors, desired to retain its character as a core-area residential neighborhood. To further this goal the neighborhood worked to develop strategies and recommendations intended to further this goal.

RECOMMENDATION

After consideration the Claremont Neighborhood Association, at its May 21, 2015 General Meeting, voted to recommend City Council acceptance of this updated neighborhood plan.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier
Initiating Department Head

8/6/2015
Date

Auntie M. Dula
Deputy City Attorney, A. Dula

8-10-15
Date

Rodney Miller
Asst. City Manager Rodney Miller

8-7-15
Date

A. Surratt
Asst. City Manager, A. Surratt

8/11/15
Date

Melissa Miller
Finance Officer, Melissa Miller

8-10-15
Date

Bo Weichel
Purchasing Manager, Bo Weichel

8-10-15
Date

Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

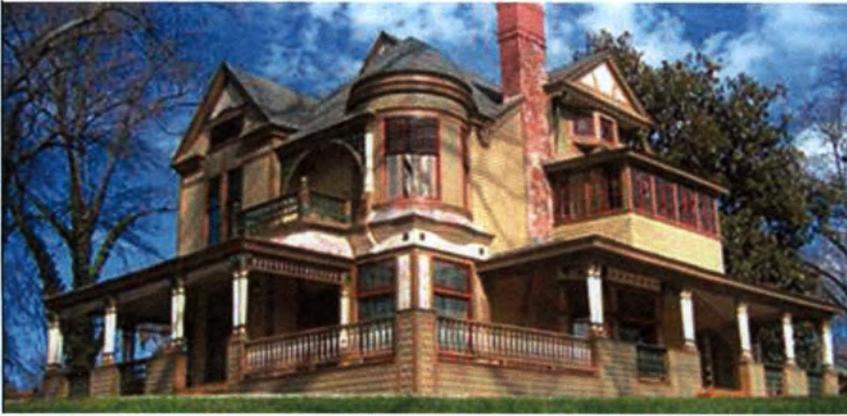
MB

City Manager, M. Berry

Date



2015



CLAREMONT NEIGHBORHOOD PLAN



CLAREMONT NEIGHBORHOOD PLAN

Table of Contents

INTRODUCTION 1
 Organization Of The Plan 2

Section I - THE PURPOSE OF THE PLAN 2
 Issues and Concerns 3
 Neighborhood Assets..... 4

Section II - THE PLANNING PROCESS 6
 Steps in the Planning Process 6
 Organization and Meeting Process 6
 Citizen Participation..... 6
 Plan Preparation and Review/Adoption..... 7
 Plan Update and Review / Adoption 7

Section III - NEIGHBORHOOD CHARACTER..... 8
 Community Facilities..... 9
 SALT Block 9
 Historic District 10
 Recreation Facilities 11
 Ivey Arboretum at Sally M. Fox Park 11
 McComb Park 12
 Maple Grove 13
 Hickory History Center / Harper House Museum 14
 Economic Growth Influences 14

Section IV - EXISTING CONDITIONS..... 16
 Institutional Influences 16
 Frye Regional Medical Center (2008 information provided) 16
 First United Methodist Church 17
 Lenoir-Rhyne University..... 17
 SALT Block..... 18
 Transportation Influences..... 18
 Streets..... 18
 Public Transit Service 19
 Demographic Characteristics 19
 Land Use Characteristics..... 21

Current Zoning..... 21

Zoning Overlay Districts 22

Mill Redevelopment and Brownfields..... 23

Inspiring Spaces 23

Environmental Characteristics 23

Public Infrastructure and Facilities..... 25

Sidewalks 25

Recreation – McComb Park and Sally M. Fox Park..... 26

Public Safety 26

Section V - THE PLAN..... 27

 Neighborhood Character 27

 I. Land Development and Zoning 27

 II. Thoroughfare Improvement Recommendations 28

 III. Traffic Safety 29

 IV. Community Safety..... 31

 V. Historic District..... 32

 VI. Parks and Recreation 33

 VII. Code Enforcement 35

 VIII. General Areas of Improvement..... 35

 IX. Neighborhood Association 36

CLAREMONT NEIGHBORHOOD PLAN 37

 Implementation of the Plan 37

 Plan Acceptance 37

 Plan Implementation 37

 Conclusion 38

APPENDIX - MAPS..... 39

INTRODUCTION

The focus of this plan is the Claremont Neighborhood, which is named for the former Claremont College. Claremont is a well-established historical neighborhood and a desirable place to live and raise children.

Located in the northeast quadrant of the city, Claremont Neighborhood contains an assortment of land uses including single-family and multi-family residences, public and private institutions, and commercial businesses. The neighborhood is dissected in a north to south fashion by NC Highway 127; bordered to the south by a regional rail line; and serves as the eastern starting point for the 2nd Avenue NE / 3rd Avenue NE one-way pairs.

Claremont Neighborhood has experienced social and physical change over the past thirty years. This change is evident in the demographics, types of new development, and overall appearance of the neighborhood. Some major factors contributing to the changes in the Claremont Neighborhood can be directly linked to the following: its proximity to Hickory's Central Business District, the widening of NC Highway 127 and the location of large institutional land uses within the neighborhood such as Frye Regional Medical Center, Lenoir-Rhyne College, and the Science, Arts and Literature Together (SALT) Block.

Although the factors outlined above have placed pressures on the Claremont Neighborhood, it has managed to maintain much of its original character and the neighborhood is considered a good place to live and raise a family.

The neighborhood is predominately residential (70 %), with office and institutional uses coming in a distant second (27%). Although the most common land use in the neighborhood is residential, research of recent census data indicates that only 52% of the residential units within the neighborhood are owner-occupied.

In examining the data collected during the planning process, it becomes apparent that significant changes have occurred within the Claremont Neighborhood's residential land use patterns. The data collected gives the appearance that new residential and the redevelopment of existing residential structures have occurred in a manner that has created many new renter-occupied residential units.

Residents of Claremont are also noticing an increase in the size and intensity of office and institutional land uses. Over the past thirty years, Frye Regional Medical Center has increased its size substantially and transformed into a true regional medical center. Lenoir-Rhyne University, the SALT Block and neighborhood churches have also been greatly expanded. All of these developments have increased traffic into and out of the neighborhood.

Although there has been an increase in rental housing and office and institutional land uses within the Claremont Neighborhood during the past thirty years, the neighborhood continues to be predominately residential, whether in the form of owner-occupied or rental units.

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The strategies, recommended actions, and programs set forth in the Plan are designed to meet the social and physical developmental needs of The Claremont Neighborhood over the next five to ten years.

Organization Of The Plan

The Claremont Neighborhood Plan is organized into seven sections.

Section I – Purpose of the Plan introduces the Claremont Neighborhood and identifies its issues, concerns and assets

Section II - The Planning Process outlines the process through which this entire plan is derived.

Section III - Neighborhood Character of Claremont presents a review and analysis of Claremont's historical development.

Section IV - Existing Conditions describes factors that have physical and social impact on the development and evolution of the neighborhood. These factors include demographics, land use, zoning, transportation, infrastructure, environmental characteristics, housing conditions, trends in homeownership and public safety. This section also summarizes different concerns, trends and issues raised during the Claremont Neighborhood planning process and is based on the perceptions of the Planning Committee and other concerned residents, as well as planning staff.

Section V - The Plan contains a full set of strategies and recommended actions and programs designed to provide guidance for Claremont's development over the next five to ten years.

Section VI - Implementation identifies the framework within which these strategies, recommended actions and programs should be implemented.

Section VII – Appendices contain a summary of recommendations and thematic mapping of existing land uses, future land uses, current zoning, existing and proposed sidewalks.

Section I - THE PURPOSE OF THE PLAN

The Claremont Neighborhood Plan is a working document that addresses the concerns of neighborhood residents and property owners in an attempt to preserve the livability and long-term viability of the neighborhood.

The foundation of this plan is based on active citizen participation and informed decision making. With the input of residents, this plan will be more effective in meeting the particular needs of this neighborhood and stands a better chance of being implemented.

This plan provides an analysis of a wide-range of factors that collectively foster Claremont's physical, social and economic environment, while affecting its capacity to continue to function as an integral and unique part of Hickory's neighborhood composition.

The Claremont Neighborhood Plan provides the most detailed guidance of any City of Hickory planning document on the issues of planning and development of the area. When guidance is needed on an issue for this neighborhood, it is important to refer to the Claremont Neighborhood

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Plan, The Hickory By Choice 2030 Comprehensive Plan, and all other pertinent adopted city plans to review and weigh all public interests in arriving at well thought out and viable decisions.

Issues and Concerns

The Claremont Neighborhood possesses qualities that make it a unique and desirable place to live and work. By and large the most prevalent land use in the neighborhood is residential, which is the historical development pattern within the neighborhood.

However, non-residential land uses within the neighborhood and others in relative close proximity to the neighborhood have and continue to impact the neighborhood. These issues and others identified through the neighborhood planning process are outlined within this section.

The issues were identified at well-attended community meetings. Active members of the Neighborhood Association felt that by planning together with the City, they could develop positive approaches to resolve the below-stated issues. By participating in the long-range planning process, neighbors wanted to benefit not only their neighborhood but the entire city.

The following issues were identified by the neighborhood request for planning assistance and their justification for wanting to address these concerns in the plan:

- Neighborhood traffic problems.
As with many neighborhoods, cut-through traffic, speeding, stop sign violations, dangerous intersections, and additional sidewalks were readily identified as concerns to public and personal safety. Neighborhood residents expressed the neighborhood's desire to formulate strategies that will address these matters to the betterment of the neighborhood.
- Public safety and crime prevention.
In general terms the neighborhood has expressed its desire to improve the overall safety of the neighborhood. It encourages neighborhood watch programs, adequate street lighting, a reduction in unwanted solicitations, and the installation of security cameras at Patrick Beaver Library.
- Land-use compatibility and land development concerns.
Issues concerning land-use and development are often difficult matters to solve and can create conflicts between established neighborhoods and changing conditions. The Claremont Neighborhood has voiced concerns involving intrusions into residential areas by non-residential land uses. Specifically, the Neighborhood has expressed its desires to protect the historical residential areas within the neighborhood.
- Improving the level of nuisance and minimum housing and commercial code enforcement.
Within Claremont there are some structures that need to be reviewed for their general appearance and impact on the overall neighborhood area. These include unkempt or unoccupied homes and apartments.

DRAFT*Neighborhood Assets*

Claremont has many strengths and assets that will contribute to success in developing and implementing a long-range neighborhood plan.

- History of success in addressing concerns.
The Claremont Neighborhood has experienced success in addressing concerns involving land-use, traffic, and community appearance.
- Neighbors know one another.
Residents of Claremont are friendly to their neighbors and welcome new families moving into the neighborhood. This sense of community creates an environment in which neighborhood planning may occur, as a well-connected neighborhood is more apt to readily identify issues and concerns that impact the neighborhood.
- Claremont has regular meetings that are well attended.
The Association meets periodically, with time off during the summer. Regularly scheduled events such as the annual Easter Egg Hunt, Ice Cream Social and Halloween Festival in McComb Park provide a sense of community. With the assistance of City Staff, the leadership of the Claremont Neighborhood Association gets the word out about neighborhood meetings, and all sections of the neighborhood are invited.



DRAFT*Claremont Neighborhood Plan*

- Excellent rapport with community police.
The neighborhood actively reports suspicious activities and neighborhood concerns to its PACT officers at its meetings and through one-on-one conversations.
- Positive working relationships with City Departments.
Claremont has enjoyed the advice and assistance of many City Departments. For example, the Planning and Traffic Departments worked with the neighborhood to have speed humps installed along 3rd Street NE. In addition, the Police Department has attended meetings and made presentations at meetings.
- Claremont is the type of neighborhood where people want to live, work, and raise families.
This is apparent by the number of long term residents and young families who reside in the neighborhood. The majority of the non-residential uses are institutional uses, such as the hospital, the college and the SALT Block. The Neighborhood Association has shown that it is willing to work on specific issues deemed important.
- Claremont has an active and energetic Neighborhood Association.
The Claremont Neighborhood is fortunate to have an active Neighborhood Association. Claremont's Neighborhood Association is formally recognized by the City of Hickory and is provided with a governmental liaison to maintain a clear line of communication between the neighborhood and the City.

The Claremont Neighborhood Association sponsors various fundraisers, such as bake sales, to raise funds for neighborhood events and improvements. The Neighborhood holds annual Easter Egg Hunts and Halloween activities for the children of the neighborhood. In addition to these activities, the Neighborhood Association holds covered dish dinners, an ice cream social, and other social events. All of these events help to maintain a cohesive and close knit neighborhood.

- Claremont has historical homes.
Claremont historical homes including the Shuler-Harper house, Eubert Lyerly home (location of the Hickory Museum), Maple Grove (location of the Hickory Landmarks Society), and other well-preserved historical homes which provide the neighborhood with a distinct character and historical roots.



DRAFT*Claremont Neighborhood Plan*

Section II - THE PLANNING PROCESS

In May of 1996, the Hickory City Council endorsed the concept of a ten-step neighborhood planning process as developed and presented by planning staff. This planning process is based on the philosophy of "What they plan, they own." No one knows better than the people who live and work in the neighborhood what their concerns and needs are and how those issues can be addressed.

The Claremont Neighborhood Plan is the result of a consensus building process. This process fostered honest, thoughtful and thorough discussions that assisted the Neighborhood in developing strategies to address concerns and implementation actions to achieve the Neighborhood's goals.

Steps in the Planning Process

Organization and Meeting Process

The residents of the Claremont Neighborhood came together as a body in the initial stages of the planning process, and throughout the process continued to provide meaningful dialogue necessary to complete the Claremont Neighborhood Plan.

The Neighborhood Association held monthly meetings to hear from resource professionals and to discuss their issues of concern and develop strategies to address such concerns. Prior to each of these monthly meetings, notifications were mailed to property owners and residents within the Neighborhood to notify them of the upcoming meeting.

In initiating the planning process, lines of communication were open between residents and the City. This communication is what ultimately made the planning process possible.

The Neighborhood's role in the planning process was to attend the meetings and discuss the issues. Each person's participation was key to understanding the concerns of the neighborhood and developing strategies to address such concerns.

Citizen Participation

The Claremont Neighborhood Plan represents a consensus of residents and property/business owners and others who participated in the initial planning process in 2006, and the plans update in 2013 - 2014.

On average, twelve to twenty residents attended and participated in the monthly planning meetings. Many more were kept abreast of the process through mailings and other communications.

Such an intensive undertaking would not have been possible without the dedication and determination of an involved group of neighbors who have a genuine desire to maintain and enhance the quality of life in Claremont.

DRAFT*Claremont Neighborhood Plan*

The Neighborhood met a total of ten times to hear from resource professionals, identify concerns and discuss strategies and recommendations to include in this plan.

Plan Preparation and Review/Adoption

The final stage of the planning process was reviewed and adopted in 2008, and subsequently updated and adopted in 2014. After receiving resident's comments as well as comments from City staff and other agencies, the draft plan was taken before the Hickory Regional Planning Commission for their review and recommendation. A final draft of the Plan was presented to City Council for adoption. This plan, was accepted by the Hickory City Council, and supplemented the Hickory By Choice Future Land Use and Transportation Plan.

Plan Update and Review / Adoption

In the fall of 2013 the Claremont Neighborhood Executive Committee, with the assistance of city staff, began to review its previously adopted Neighborhood Plan to analyze what actions had been completed, and to determine if new recommendations need to be included in the plan.

The review of the existing plan continued over the course of the following twelve (12) months, and culminated in the completion of the current plan, which was presented to the Claremont Neighborhood on May 21, 2015.

In reviewing the previously adopted plan the neighborhood noted the following items had been completed:

1. There was concern about the U.S. Postal Service wanting new residents to the area to place mailboxes at the street rather than have delivery at the house. Several neighbors have spoken to the Postal Service. This concern has been addressed;
2. Section Thoroughfare Improvement , Item 8
Pedestrian crossing concerns at 4th Avenue NE behind First Methodist Church have been properly addressed;
3. Section Land Development and Zoning, Item 5
The City has successfully adopted a Neighborhood Preservation Overlay district which covers most of the residential areas of the Neighborhood; and
4. Section Land Development and Zoning, Items 2 & 3
The Hickory By Choice Plan was updated, and renamed the Hickory By Choice 2030 Plan. The update of the plan addressed many of the land uses and planning related recommendations contained in the previous Claremont Neighborhood Plan.

DRAFT*Claremont Neighborhood Plan*

Section III - NEIGHBORHOOD CHARACTER

(Historical information obtained from "From Tavern to Town, Revisited", by Albert Keiser, Jr. and Angela May.)

The Claremont Neighborhood derives its name from the Claremont Female College, which was established in the area in 1883. The college was Hickory's first college and was brought about through the actions of the Corinth Reformed Church of Hickory and the Reverend A. S. Vaughn. The plans for the college were drawn up during a meeting in 1880. At that time, the members of the church were concerned about the education of the young women in Hickory and especially their daughters. Reverend Vaughn convinced the church that their modest plans to establish a small school should be expanded to found a school with broader goals and ideals to be patterned after Wellesley College. Henry W. Robinson was approached by the trustees and asked to donate land. He agreed and a price of \$319 was paid for the property.



(Girls from Claremont College Late 1800's)

The establishment of the college represented a significant step for the town of Hickory. The college was eventually replaced by the Claremont High School and the building is now home to The Arts and Science Center of Catawba Valley. This area has been associated with the educational and cultural components of the city since its beginning.

In addition, Lenoir-Rhyne was established in 1891 as a private, four-year, liberal arts, co-educational college by the Lutheran Church and continues to operate as an accredited institution affiliated with the North Carolina Synod of the Evangelical Lutheran Church of America.

The neighborhood's close proximity to the original city limits is another key factor in the development of the neighborhood. A 360-acre tract of land purchased by Jesse Robinson in 1798 comprises the bulk of the original corporate limits of the Town of Hickory. Claremont lies

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within the northeast corner of that tract. Other large landowners in Claremont were John and A. L. Shuford, William A. Lenoir and R.W. McComb. For many years the area was farmland. The combined properties of the McComb and Shuford Families became known as Combford Park.



(Harvey Ellis McComb Home Late 1800's)

The construction of Daniel Webster Shuler's home in 1887-1888 signaled a beginning to the more stylist residential development around Claremont College. Shuler's house, now known as The Shuler-Harper House, is considered the finest example of Queen Anne architecture in North Carolina.

In the 1870's, two blocks north of the SALT Block, Adolphus Lafayette Shuford had acquired about 70 acres for development of a dairy farm. On this land in 1883 he built a 2-story Italianate-style house known today as Maple Grove. On April 24, 1973 it became the first property in Hickory listed on the National Register of Historic Places

Community Facilities

SALT Block

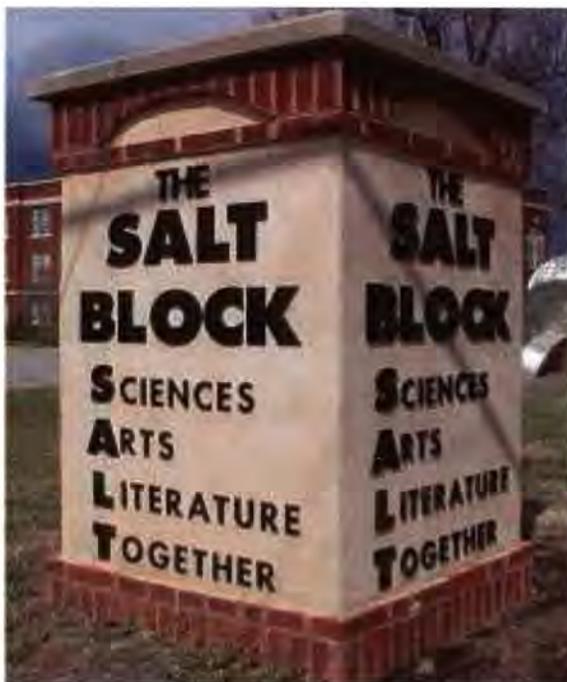
In 1883 the Claremont Female College occupied the site that is now the Arts & Science Center. In 1909 the trustees of the college turned it over to the Classis of the Reformed Church of North Carolina. The Classis subsequently subdivided nine acres of land along the western boundary in order to raise money. Eight lots were created but at the time only three lots were sold. The college continued to operate until 1916 when a fire destroyed the college.

In 1925 the site was redeveloped as Claremont High School, which was designed by Raleigh architect C. Gadsen Sayre, and consisted of three-story H-shaped building. The high school remained in operation until its closure in 1972. At that time, a Civics teacher, Charles Bagby suggested that the school be converted to an arts center. The Corinth Reformed Church leased the whole block to the Hickory Arts Center, Inc. for ninety-nine years. A funding campaign, led

DRAFT*Claremont Neighborhood Plan*

by Harley Shuford, raised money for the restoration of the structure. In 1986 arts organizations began moving in.

With the conversion of Claremont High School into the Arts and Science Center and the construction of Patrick Beaver Library in 1998, the entire block bounded by 2nd and 3rd Streets NE and 3rd and 4th Avenues NE has become known as the SALT Block.



The SALT Block continues to evolve. A Master Plan for the SALT Block was commissioned by the SALT Block Foundation and the Foundation has formally received “The Report”. The Foundation sub-leases the Block from Corinth Church. “The Report”, completed by Woolpert & Associates, will be used as a guiding document for the future development of the Block.

The Science Center has undergone a major expansion, which includes the addition of a planetarium and an aquarium. The building located at the Northeast corner of 3rd Avenue NE and 2nd Street NE, formerly part of the Catawba Valley High School, is currently used for office and classroom space for the Arts and Science Center and The Museum of Art.

Some of the possibilities for the Block include an amphitheater and expansion of the auditorium.

Historic District

Within the boundaries of the Claremont Neighborhood lies a National Register Historic District. Although it comprises only about one-fifth of the total neighborhood, the Claremont Historic District is an important reflection of Hickory's late ninetieth and early twentieth-century history.

According to From Tavern to Town, Revisited, Claremont Historic District consists of the late nineteenth and early twentieth century homes of four generations of businessmen, professionals, and educators. Through its surviving historic building stock, the historic district is a guidepost to Hickory's growth from a small trading center surrounded by farmland to a thriving manufacturing center in the twentieth century. The position of the earliest roads in the district also influenced the direction and nature of its development.

Residential development began away from the railroad tracks when the Fox-Ingold-Abernethy House and Maple Grove were built in the 1880's. In 1887, Daniel W. Shuler built the fashionable Queen Anne-style house at the northeast corner of Third Avenue NE and North Center Street. Further development did not occur until Harvey Ellis McComb built and moved into his house in 1889. The national economy and the local economy suffered for the next ten years. Although fewer homes were added in the area, more significant home building commenced again at the close of the 19th century and continued until 1915.

DRAFT

Claremont Neighborhood Plan

Two patterns became evident. The first pattern was the houses constructed just before and after the 20th century mark. These represented the development of new, fashionable residential areas away from the railroad tracks. A good portion of the homes constructed were built for sons and daughters of early residents. This pattern would be repeated in the later periods of growth.

In 1927 the second pattern occurred with construction of the Moss Apartments. This signaled a change in the single-family only environment of Claremont. Claremont High School had also been constructed by that time and the neighborhood continued to grow. From the 1920's through the 1940's, Claremont experienced growth as businesses flourished. Many of the people who had established these businesses moved into the Claremont area, thereby re-affirming Claremont's position as a fashionable neighborhood.

Three houses were moved around in Claremont in order to preserve them. The 1939 Richard Baker Nurses Facility was moved from 1st Street NE to 4th Avenue NE in the early 1970's. On September 21, 1987, the Corinth Reformed Church Parsonage was moved from 3rd Avenue NE to 3rd Street NE. In June of 2004, the Eubert Lyerly home was moved two lots from its location to the site of the new Hickory History Center and the Shuler-Harper house. There have been a number of demolitions in the Claremont area due to the expansions of Frye Regional Medical Center and the First United Methodist Church.

Recreation Facilities

Ivey Arboretum at Sally M. Fox Park

Sally M. Fox Park is a seven-acre arboretum owned by the City of Hickory. In the 1870's a mineral spring existed with supposedly healing waters. It was visited by residents and tourists, which led to its becoming a meeting place for all. In 1904 the City of Hickory purchased Sally M. Fox Park from the estate of John W. Robinson. The spring, however, dried up in 1907 after an adjacent property owner drilled a well that interrupted the flow of water. For the next ten years money was raised to make the site the first large park in Hickory.

In 1921 a public swimming pool was constructed with a wading pool and lily pond. During the Depression, the Works Progress Administration (WPA) constructed sidewalks. Beginning in 1936, George F. Ivey began the planting of numerous trees and the arboretum was born. Various efforts by civic groups have restored the arboretum to its present state. The Ivey Arboretum at Sally M. Fox Park is an interpretative restoration of George Ivey's collection of hardwoods. What is currently known as Sally M. Fox Park was formerly known as Carolina Park. This park's name was changed in 2014 to recognize long-time City Council woman Sally Fox. The restoration was a project of the Community Appearance Commission of the City of Hickory.

DRAFT*Claremont Neighborhood Plan*

Sally M. Fox Park consists of a passive recreational area with associated park benches and landscaping features, which provide neighborhood residents with open space and a community-gathering area. The original 1895 Corinth Church Parsonage was moved to the park and restored by the Hickory Landmarks Society. It is currently occupied by the Women's Resource Center. In addition, the Ivey Arboretum is a part of that park. In recent years, the City of Hickory received a grant from the Department of Forestry to place new identification signs on the trees planted in the arboretum. The City's Public Art Commission has also provided for the placement of sculptures in the park, which are named "Convergence" and "Lola". The Public Art Commission has also provided for the placement of numerous benches produced as part of its city-wide art bench project.

McComb Park

McComb Park is another passive facility within the Claremont Neighborhood. The property was acquired by the City of Hickory on January 1, 1938. The park remains in the ownership of the City of Hickory, and is utilized for weddings and other special events. The park contains a gazebo and fountain area, as well as other amenities. The park is home to the Beaver Memorial Garden and fountain.



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In 2014, Saint Aloysius Catholic Church dedicated the sculpture named “Fly Away” and reflection area to commemorate the one-hundredth (100th) anniversary of its Parrish.

*Maple Grove*

Maple Grove was purchased by the Hickory Landmarks Society in 1970. The funds utilized to purchase the facility were provided as a gift in memory of the late Wade Hampton Shuford by his widow. The Italianate-style farmhouse was built in 1883 by Adolphus and Mary Adelaide Shuford with the back portion of the house having been built ca. 1870. In 1976 it was transformed into a house museum and headquarters for the Hickory Landmarks Society. Restoration of Maple Grove to the c. 1895 period has been an ongoing project since 1992. The building and grounds are open to the visiting public, and guided or self-guided tours are available.



DRAFT*Claremont Neighborhood Plan*

Hickory History Center / Harper House Museum

The Shuler-Harper House, at 310 North Center Street, is a Queen Anne residence of the 1887-88 era which has been rehabilitated by the Catawba County Historical Association. The home is open to the public, and guided tours are offered.



A welcome center to the Shuler-Harper House is operated nearby at the Hickory History Center, which also contains exhibit space and association offices. The center is housed in another restored home, the Eubert Lyerly House, which was constructed in 1912 and remodeled in the early 1930s to a Tudor Revival form.

A momentous preservation project, with the Catawba County Historical Association raising \$2,000,000 for restorations, the Harper House welcomes visitors as a house museum, interpreting both Hickory history, through the numerous significant families who lived in the house, and Victorian life in the South, circa 1887, the date of the house's construction. On the same lot, the Lyerly House, rescued and moved for preservation on June 24, 2004, is devoted to the further interpretation of Hickory's rich past, serving as the Betty Allen Education Center and Margaret Huggins Gallery, as well as a conference facility.

Economic Growth Influences

Not until the end of the nineteenth century did building start anew. The population of the town had grown from approximately 2,500 people in 1900 to more than 3,700 people in 1910. Housing for the population expansion occurred all over the city as well as in the Claremont area. Growth and development in the hosiery, textile and furniture industries had a significant impact on the Neighborhood and City at large.

The houses constructed just prior to and after 1900 represent the development of new, fashionable, residential areas away from the railroad tracks and central business district. The continued development of the area progressed as children of earlier residents built their homes nearby. Purchasing land near Claremont College became popular. The land was reasonably priced and elevated away from the central business district. According to *From Tavern to Town, Revisited*, it was significant that many built their homes facing the College and not the area later to become known as Sally M. Fox Park. Although it may have been a decision to conform to the pattern established by the Reformed Church in the setting of its parsonage, it may also have reflected the desire to identify with the college and its role in the educational and cultural development of Hickory.

DRAFT*Claremont Neighborhood Plan*

In 1911 the Richard Baker Hospital opened just north of the Shuler-Harper House. It was also a reflection of the industrial and economic growth of Hickory, which continued until the onset of World War I.

The next active period of growth in the area began after World War I. According to the book From Tavern to Town, Revisited, “A general non-farm economic boom following the war was felt in Hickory and throughout North Carolina as new businesses and industries were developed. Furthermore, growth in the urban population created an increasing need for housing and service-related businesses as well as new educational and recreational facilities. Many of the people who established these businesses chose home sites in the district [Claremont] –even as outlying areas were being developed for residential sites-therby affirming Claremont’s position as one of the fashionable neighborhoods in Hickory.”

The expansion of Highway 127 in the late 1980’s and early 1990’s signaled some major changes to the look of the Claremont neighborhood. Highway 127 is a major arterial that bisects the neighborhood. Smaller homes that front along the highway, specifically from 3rd Avenue NE to 5th Avenue NE have undergone a transition from residential to office. This trend has caused concern among residents. In addition, since the beginning of the twenty-first century the south side of 3rd Avenue NE between North Center Street and 2nd Street NE has been converted to non-residential uses. The small strips of homes in that area have been re-developed into professional offices and service businesses. The property owners have maintained the charm of the historic district by combined parking in the rear of their buildings, using period lighting and minimizing signage with a common theme.

DRAFT*Claremont Neighborhood Plan***Section IV - EXISTING CONDITIONS**

This section describes and summarizes different concerns, trends and issues raised during the Claremont Neighborhood planning process, based on the perceptions of the neighborhood, as well as city staff.

The Claremont Neighborhood has four distinct geographic sections. The eastern portion of the neighborhood from 7th Avenue NE to 8th Avenue NE consists of two city blocks that are occupied by Lenoir-Rhyne University and other institutional land-uses.

The southeastern portion of the neighborhood along Main Avenue NE and North Center Street comprises the non-residential portion of the neighborhood. This particular area is occupied by retail, service, and office type land-uses.

The central and northwestern portions of the neighborhood bound roughly by 4th Street NW, 2nd Street NE (NC 127), 8th Avenue NE southward to Main Avenue SE and eastward to 5th Avenue NE are largely residential. This portion of the neighborhood consists predominately of single-family residential land-uses, but also includes multi-family structures as well as institutional land-uses.

The southwestern portion of the neighborhood from 5th Avenue NE southward to Main Avenue and eastward to 2nd Street NE (NC 127) includes the easternmost portion of the City's Central Business District.

Primarily, the neighborhood is void of large vacant properties, which makes new development in the neighborhood unlikely. However, the opportunity for the redevelopment of existing properties does exist.

Institutional Influences

*2014 update provided from the Institutional entities if a representative was available

Frye Regional Medical Center (2008 information provided)

The residents of Claremont had the opportunity during their planning sessions to hear from Mr. Jamie Smith of Frye Regional Medical Center. Frye's activities and programs can have a profound effect on the neighborhood.

The current needs of the hospital will be to complete the two vacant floors in the Heart Tower and provide more outpatient surgery. In the future, the hospital is looking at a couple of upgrades on its physical campus. Two possible upgrades are developing a level-three trauma center which would require a helicopter pad on the roof and a primary entrance on Highway 127.



DRAFT*Claremont Neighborhood Plan*

Representatives from Frye wanted feedback from the neighborhood as to what the neighborhood would like to see. Mr. Smith indicated that the hospital had no plans to expand further into the neighborhood beyond gaining direct access to Highway 127. This information was a relief to the residents. At this time, we were unable to receive an update from Frye before this went before Council for approval.

First United Methodist Church

In 2014, neighborhood met with Reverend Craig Langston to discuss the church's future plans and concerns. It was revealed the church does not have any immediate plans for expansion, but will be embarking on a facilities improvement initiative that will include painting, playground upgrades, and landscaping. Rev. Langston did indicate a concern regarding pedestrian safety along 3rd Street NE.

**Lenoir-Rhyne University**

In 2014, Mr. Peter Kendall from the university spoke to the neighborhood about the University's plans for the immediate future. During the original planning process, the neighborhood's greatest concern was the historic buildings on the campus and the desire to see Lenoir-Rhyne University renovate the buildings rather than demolish them. There were also concerns about the university acquiring more land and further impacting the neighborhood with additional parking and destruction of homes. For the most part, the residents co-exist with the university and actively utilize the sidewalks and streets of their neighborhood and the campus.

The University five-year plan was just completed for 2013-2018 which includes facilities and grounds. The university's new Chapel was completed in 2014. The Science building is scheduled to begin the summer of 2015 and will take a year and half to complete. Mr. Kendall did express concerns with the availability of low rent housing for students.

Mr. Kendall shared with the neighborhood that the University's major focus for growth was in the immediate future of the Physician Assistant program. It is scheduled to begin classes in 2016 once the building has been renovated. Mr. Kendall noted the University had leased a building on Lenoir Rhyne Boulevard at Highland Avenue SE to house the facility, with plans for additional growth in this area.



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Claremont Neighborhood Plan

SALT Block

In 2013, the neighborhood met with LT Thompson (SALT Foundation President), Tara Bland (Director of the SALT Block Foundation), and Beth Watts Rogers (Board Member) of the Foundation to discuss their plans moving forward. The SALT Block Foundation had previously completed a long range plan for the campus; however the recent economic downturn had negatively impacted the Foundation’s ability to bring these plans to fruition. Understanding the present economic realities, the Foundation has taken the stance of making improvements to the facilities and programs currently offered at the SALT Block, and plans for future expansion had been put on indefinite hold.



Transportation Influences

Streets

The neighborhood contains both major and minor thoroughfares, the most notable of which is 2nd Street NE (NC 127). This roadway was expanded in the 1990’s from a two-lane roadway to five-lane roadway. The widening greatly improved the function of the roadway, but it altered the character of the neighborhood quite dramatically.

Table 1. AVERAGE VEHICLES PER DAY ON MAJOR STREETS IMPACTING CLAREMONT

Roadway	2003	2005	2007	2009	2011	2013
Lenoir Rhyne Boulevard (North of Tate Blvd)	16,000	15,000	13,000	Not Available	11,000	14,000
Northern One-Way Pairs (combined counts)	15,500	14,700	13,100	12,000	11,700	11,700
2 nd Street NE / NC 127 (South of 8 th Ave NE)	26,000	28,000	24,000	25,000	24,000	25,000
Tate Boulevard (East of LR Blvd)	14,000	18,000	14,000	14,000	13,000	13,000

DRAFT*Claremont Neighborhood Plan***Public Transit Service**

The regional public transit authority, Greenway Public Transportation serves the Claremont Neighborhood with one route, Route 2 (NC 127 Springs Road). The transit systems also offers connections to other routes serving the Hickory Metro Area. Bus stops are located near Frye Regional Medical Center, Lenoir-Rhyne University and Patrick Beaver Memorial Library. The transit stop cycle is once every hour Monday through Friday, and every two hours on Saturday.

Greenway Public Transportation also offers complementary para-transit service for those who qualify. This service provides van service to those who are unable to access the fixed route service.

Demographic Characteristics

The demographic characteristics of Claremont have changed significantly over the years according to long-time residents. The US Census of Population and Housing information for 2010 was used to examine and describe the population in Claremont. The Census indicated a total population of 1,060 residents. In 2000 the population of Claremont was 1,017 residents.

Table 2 compares Claremont and the City of Hickory by race. According to 2010 Census data, 2.6% of the City's population resides in Claremont. Eighty-three (83%) percent of the residents in Claremont are white, which is higher than the City's sixty-nine (69%) percent. Eleven (11%) percent of the population of Claremont is black, while fourteen (14%) percent of the City's population is black.

Table 2. 2010 CENSUS DATA BY RACE
Claremont

White	Black	Amer. Indian	Asian	Hispanic	Mixed Race	Total
880	118	0	7	44	11	1,060
83.0%	11.1%	0.0%	0.6%	4.2%	1.0%	100%

Hickory

White	Black	Amer. Indian	Asian	Hispanic	Mixed Race	Total
27,750	5,638	76	1,264	4,544	738	40,010
69.4%	14.1%	0.2%	3.1%	11.4%	1.8%	100%

Table 3 shows the number of residents in Claremont and the City of Hickory who, in 2010, were either under 18 or 65 or older. Overall the neighborhood closely compares to the City's percentage for 65 and older, but Claremont had a lower percentage of under 18 age persons than the City.

Table 3. 2010 CENSUS DATA BY AGE & ONE PERSON/SINGLE PARENT HOUSEHOLDS
Claremont

Under 18	65 or Older	One-Person Household	Single Parent Household
156	163	152	20
14.7%	15.4%	41.5%	5.5%

Hickory

Under 18	65 or Older	One-Person Household	Single Parent Household
9,425	5,733	5,593	1,791
23.6%	14.3%	33.7%	10.8%

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Claremont Neighborhood Plan

Housing Values and Income

The median value of a home in Claremont in 2011 was \$171,444, above the City’s average of \$151,600. According to the Census Data, the median contract rent in Claremont was \$605, compared to \$629, the citywide average. The median household income for Claremont was \$41,653, higher than the citywide median of \$37,939.

School Data

School enrollment records indicate that 2.5 percent of all students in Hickory reside in Claremont. The school data below was included in the original version of the Claremont Neighborhood Plan. **During the 2014 plan update it was determined the data sets below were no longer available, but the data sets were kept for historical reference.

Table 4. PERCENT OF ALL HICKORY STUDENTS RESIDING IN CLAREMONT BY RACE
Hickory Students (2004 Data)**

Asian	Black	Hispanic	White	Amer. Indian	Total
275	1,325	619	2,305	8	4,532
6.1%	29.2%	13.7%	50.9%	0.2%	100%

Claremont Students

Asian	Black	Hispanic	White	Amer. Indian	Total
3	11	4	96	0	114
2.6%	9.6%	3.5%	84.2%	0.0%	100%

Percent of Hickory Students Residing in Claremont

Asian	Black	Hispanic	White	Amer. Indian	Total
1.1%	0.8%	0.6%	4.2%	0%	2.5%

Land Use Characteristics

The Claremont Neighborhood boundaries encompass approximately 239 acres or .37 square miles. Various maps for the Neighborhood are in the Appendix of this document.

Claremont is a predominately residential neighborhood with small pockets of non-residential areas. There are approximately 384 individual properties within the neighborhood, and of those, 53 properties (14%) are vacant. The vacant land means there are opportunities for in-fill development. The above referenced information was obtained by spatial analysis of the City of Hickory's Geographic Information System (GIS), as well as from information obtained from the U.S. Census Bureau.

The most significant institutional land uses in Claremont are Frye Regional Medical Center, the SALT Block, Lenoir-Rhyne University, and the First United Methodist Church.

The public and semi-public land in the neighborhood is primarily owned by the City of Hickory. Sally M. Fox Park/Ivey Arboretum and McComb Park, which are owned by the City, and collectively, consist of approximately 6 acres of passive recreation areas. The City of Hickory's Fire Station 1 is also located within the neighborhood at the southwest corner of 1st Avenue NE and NC 127.

Current Zoning

The current general zoning for the Claremont Neighborhood is illustrated by the *General Zoning* map in the Appendix. The neighborhood is comprised predominately of areas located within either the Medium Density Residential – 3 (R-3) District or the Office and Institutional (OI) District. The Medium Density -3 Residential (R-3) District provides locations for single, two and multi-family residential structures, as well as institutional uses such as churches and other religious institutions. The maximum residential intensities within the Medium Density Residential -3 (R-3) District are six (6) units per acre for single and two-family development and eight (8) units per acre for multi-family development. Properties located within Office and Institutional (OI) Districts are afforded the opportunity to develop as office, institutional and residential uses. Development intensities within Office and Institutional (OI) Districts are based upon the land area (acreage) of a specific parcel of property. (Some of the more technical descriptions of the zoning districts were deleted. This was done in an effort to eliminate confusion to those who may not understand some of the terminology.)

The remainder of the Neighborhood is comprised of areas located within the Central Business District and along the Norfolk Southern Railway. The Central Business District (C-1) is a mixed-use district which allows for office, service, retail, entertainment and residential land-uses. As with most urban areas, the Central Business District represents the City's historic and financial center. Development intensities within the Central Business District are typically more intense and provide for larger and taller buildings. The other commercial area along the Norfolk Southern Railway is located within a General Business (C-2) District. The General Business (C-2) District consists of areas within the City located along the railway, which contain a wide variety of office, service, retail and limited industrial uses. The General Business District provides for development intensities identical to those of the Office and Institutional District.

DRAFT*Claremont Neighborhood Plan*

Zoning Overlay Districts

A significant feature in the Claremont Neighborhood is the presence of several zoning overlay districts. Zoning overlay districts have the effect of adding, reducing or modifying the development standards of the underlying general district. The Claremont Neighborhood contains five (5) specific overlay districts, which include the following:

1. Historic Overlay (H-O). This zoning overlay district covers portions of 3rd Avenue NE, 3rd Street NE, 5th Avenue NE, and 2nd Street NE make up the locally designated Historic District, which consists of fifty-three (53) structures, while the larger National Register District contains one hundred seventy-seven (177) structures. The Claremont Historic District has been surveyed for possible expansion, which has not been funded but would add one hundred twenty-four (124) additional structures to the local district.

The historic designation protects the unique architectural character of the neighborhood by reviewing and regulating any exterior changes a homeowner proposes. The Claremont Historic District is listed as a National Register Historic District, which is an honorary designation and has no regulations attached. It is also a local district. A local district is a type of zoning, hence the overlay. The Historic Preservation Commission is the appointed body that oversees requests for renovations, demolition and other changes on properties in the historic district. The commission has design guidelines as well as Land Development Code which provide guidance in their deliberations. A public hearing is required for major changes; however, minor changes can be reviewed and approved by staff.

There are several structures along 3rd Avenue NE and 2nd Street NE that are in the office and institutional zones. These structures are being used for non-residential purposes, but are required to adhere to the Historic Preservation Design Review Guidelines.

2. NC 127 Central Corridor Overlay (NC 127-O). The NC 127-O covers a large portion of the Neighborhood between North Center Street, 8th Avenue NE, 3rd Street NE and 1st Avenue NE. This particular overlay was designed and adopted with the intent of crafting specific development standards that would allow for non-residential development, while ensuring the integrity and character of residential areas of the Neighborhood are protected.
3. Neighborhood Protection Overlay (NP-O). The NP-O district was expanded into the Claremont Neighborhood as a result of the City's comprehensive planning process titled Hickory by Choice 2030. This overlay covers much of the residential portion of the Neighborhood. The intent of the NP-O district is to place additional standards on development activities to ensure the integrity and character of the Neighborhood are protected and preserved.
4. Revitalization District Overlay (RD-O). The RD-O district was created with the intent of easing development standards within the Urban Revitalization Area (URA) to foster redevelopment of idle or marginal properties that may otherwise remain vacant or fall further into disrepair. A small portion of the RD-O existing within the Neighborhood, and is located along Main Avenue Se near the Central Business District.

DRAFT*Claremont Neighborhood Plan*

5. Watershed Protection Overlay (WP-O). The WP-O is an environmental overlay designed to minimize surface water pollutants which may flow back to Lake Hickory. The entirety of the Neighborhood is located in the Protect Area of the WP-O. Development activities within the overlay that meet reach specified development intensities are required to employ surface water control features designed to filter out pollutants prior to discharge into the Lake Hickory Water-Supply Watershed.

Mill Redevelopment and Brownfields

A number of former mill sites on the neighborhood's periphery have been identified as suspect Brownfields sites through the City's Community-Wide Brownfields Program. The U.S. Environmental Protection Agency (EPA) identifies Brownfields as property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Through the City's Brownfields Program, environmental analyses were conducted on several sites to assess the presence of environmental contaminants, clean-up alternatives, and land-use restrictions that could be put in place in order to put the properties back into productive use.

Three specific Brownfield redevelopment projects occurring immediately southeast of the neighborhood have had, or will have positive impacts on Claremont. These include the former Hollar Hosiery Mill on Highland Avenue, the former Moretz Mill located on Lenoir Rhyne Boulevard SE, and the former Lyerly Mill located on NC 127 South. Each of these redevelopment projects will breathe life back into long idle former industrial buildings. The uses occupying these redeveloped buildings include restaurants, office space, residential units, and an event spaces just to name a few.

Inspiring Spaces

The City's Inspiring Spaces initiative, which is a city-wide public property improvement initiative, contains a number of items in or near the Claremont Neighborhood. The initiative's plans for a linear park along Main Ave SE and the Norfolk-Southern Railway would bring a large public investment project to the area along the Neighborhood's southern boundary. This linear park is intended to provide amenities from downtown eastward to Lenoir Rhyne University. The proposed park would include pedestrian walkways and landscaping enhancements to name a few.

The initiative also includes plans for streetscape improvements along NC 127 from Cloninger Mill Road southward to the Norfolk Southern Railway. The plan's recommendation includes provisions for the construction of landscaped medians along a portion of NC 127 within the Claremont Neighborhood, which has been the desire of the neighborhood for many years.

Environmental Characteristics

Two creek beds control the natural drainage pattern in the neighborhood. One runs parallel to the northwest near 5th Avenue Place NE and 3rd Street NE. The second stream runs along 8th Avenue NE. These features can be scenic and provide wooded green space in the neighborhood, yet they can also collect litter, become overgrown, and are subject to potential flooding during heavy rainstorms.

In addition to the water features referenced above, the Claremont Neighborhood contains a healthy older growth tree canopy, which is typical of many of Hickory's older established neighbors. Two

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Claremont Neighborhood Plan

tree specimens have been nominated as treasured trees by the City’s Community Appearance Commission. The specimens include a Lace Bark Elm located at 205 3rd Street NE, and a Deodar Cedar located at 213 3rd Street NE.



The City of Hickory has also initiated a storm water public education program; to help citizens understand where the storm water runoff from their property goes after it enters the numerous storm drains in our community. Through this initiative city staff has installed signs along major streets as well as markers on storm drainage inlets. The intent is to help citizens understand that stormwater runoff from their property picks up pollutants from the surfaces it crosses and carries them directly to small streams and creeks in their neighborhoods. All of this stormwater runoff eventually finds its way into the Catawba River, which is the major source for drinking water for the region.

Another component of the City’s stormwater education program consists of staff members who go out into the community to speak to school groups, business entities, and other governmental groups about the impacts stormwater runoff has on our community. City staff members have spoken at numerous events, and continue to reach out to interested groups as part of their daily duties.



DRAFT*Claremont Neighborhood Plan***Public Infrastructure and Facilities****Sidewalks**

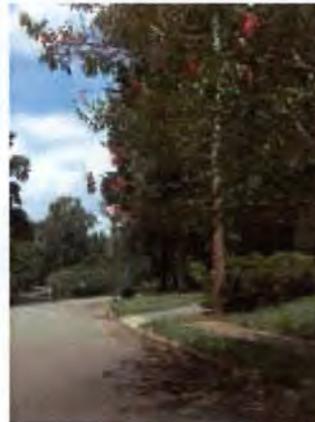
As part of the planning process, the location of existing sidewalks was mapped. By locating these, the neighbors and city staff are able to see where deficiencies in the system exist. The *Sidewalks* map can be found in the Appendix.

The mapping of the neighborhood sidewalks helped to identify areas absent of sidewalk. These areas were identified as 7th Avenue NE from Stasavich Place to 3rd Street NE (Picture A), 3rd Street NE from 5th Avenue Place NE to 8th Avenue NE, along the entirety of 4th Street NE, and along the eastern side of NC 127 from 2nd Avenue NE to 5th Avenue NE (Picture B).

(Picture A)



(Picture B)



During the planning process concerns were raised by the neighborhood about connecting sidewalks that are not completed near and around McComb Park, as well as the removal of the existing flower bed located on 5th Ave NE. (Picture C)



(Picture C)

DRAFT*Claremont Neighborhood Plan*

In addition, a recommendation was made to upgrade the crosswalks at 127 and 3rd Avenue NE with simulated brick sidewalks which would further identify a major crossing and traffic slowing.

Recreation – McComb Park and Sally M. Fox Park

The Claremont Neighborhood currently supports two parks, McComb Park and Sally M. Fox Park/Ivey Arboretum. Both are passive recreation facilities that provide benches and open space for the enjoyment of the neighborhood. The city as a whole supports the two parks.

In close proximity to the Claremont Neighborhood is the YMCA Foundation Center that borders the North West part of the Claremont Neighborhood

Public Safety

The City of Hickory is divided into five sections for police resource allocation purposes. Each section is known as a PACT, which stands for Police and Community Together. PACT's are the embodiment of Hickory's commitment to community policing. The Adam and Baker PACT (Police and Communities Together) are key to the Claremont Relationship.

DRAFT*Claremont Neighborhood Plan*

Section V - THE PLAN

The Claremont Plan is the result of a planning process that proactively involved the homeowners, residents, property owners and other interested individuals who worked together to identify their priorities and devise action steps, which meet the current and future needs of this neighborhood.

The set of strategies, action steps and recommendations in this plan were developed to preserve or improve the historic residential composition of the Claremont Neighborhood. While the plan does not attempt to address all the issues and concerns in the neighborhood, the plan does provide the framework to begin the process of insuring that living in Claremont continues to be desirable by promoting the following: encouraging homeownership, historic preservation, and housing rehabilitation; addressing concerns of public safety, traffic, and code enforcement; proposing zoning changes; and adopting innovative land development policies. The recommendations are the result of thoughtful consideration of information provided to the Planning Committee by the various resource people during the numerous planning meetings. Thorough analysis of the data presented and examination of feasible options aided in the group's justification for making the recommendations.

Neighborhood Character

Residents have indicated they would like to see something that distinguishes Claremont from the surrounding area. A motto was suggested – “Claremont – THE Place to Live”. Another person suggested that hanging baskets of flowers along 3rd Avenue would help. Welcome signs, sign toppers and banners were another suggestion to help identify the neighborhood.

1. Land Development and Zoning

The development and re-development of land in the Claremont neighborhood are a primary concern of the residents. The residents of Claremont have a strong desire to maintain the residential character of the neighborhood, which provides the neighborhood with its true identity. The Neighborhood also feels homeownership is key to achieving long-term stability.

Many of the concerns regarding residential stability within the neighborhood have been spurred by what the Neighborhood considers to be intrusions of multi-family residential and non-residential land-uses. Much of the concern regarding non-residential land-uses revolved around the re-development of residential properties along transportation corridor from residential to office / service type uses.

In developing the update to the Claremont Neighborhood Plan, residents found it more practical to offer policy recommendations regarding land-use decisions that can be looked back upon when land-use decision are being made by city staff, as well as appointed and elected officials. The policy recommendations expressed during the planning process concerning land-use decisions area as follows:

1. When petitions for zoning map amendments (rezonings) are filed, encourage the petitioners to utilize the conditional zoning process. The conditional zoning process provides the highest degree of certainty as to how property can be developed;

DRAFT*Claremont Neighborhood Plan*

2. When petitions for zoning map amendments (rezonings) are filed, encourage the petitioners to organize a meeting(s) with neighborhood residents to provide upfront notice of their intent, and to solicit input and/or concerns from the neighbors;
3. Discourage zoning map amendment (rezoning) that would introduce unlike or dissimilar land-uses into the fabric of the neighborhood. This includes rezonings to higher-intensity residential districts, where larger multi-family development types are permitted, and non-residential districts in areas dominated by lower-intensity single-family residential uses;
4. Encourage infill or residential re-development that complements the character of the existing neighborhood;
5. Encourage the preservation of a pedestrian friendly atmosphere within the neighborhood;
6. Recognize the importance of the large institutional neighbors (Frye Regional Medical Center, Lenoir Rhyne University, First Methodist Church and the SALT Block) to the neighborhood, while equally understanding the impacts they may have upon the residents of the neighborhood. Emphasis should be placed upon a concerted effort to strike a perfect median between institutional and residential land-uses, so that each may flourish;
7. Encourage the use of appropriate design elements in all development types, so that the unique characteristics of the neighborhood are preserved; and
8. Encourage the establishment of strong relationships amongst the neighborhood's residents, institutions, and businesses so that each group maintains lines of communications.
9. Support the City's First Time Homebuyers program to promote single-family, owner occupied housing in the neighborhood.

II. Thoroughfare Improvement Recommendations

1. Conduct a study to review the feasibility of a median on Highway 127 between 3rd Avenue and 8th Avenue. This would allow greater pedestrian connectivity within the neighborhood. Currently and since the early 90's, the neighborhood is divided by a five lane highway. This presents a challenge for pedestrians crossing Highway 127. The City of Hickory's Inspiring Spaces (Boost Hickory) Initiative calls for the inclusion of a median in the center of Highway 127. The Neighborhood strongly supports the recommendations of the Inspiring Spaces (Boost Hickory) Initiative, and urges the implementation of its recommendations.

Cost: Unknown

Time Table: 3 to 7 years

Responsible Party: NCDOT / City of Hickory

DRAFT*Claremont Neighborhood Plan*

2. Consideration of placement of decorative period lighting in historic areas of the Neighborhood. The inclusion of decorative period lighting, similar to what exists along part of 2nd Street NE (NC 127) would add to the historic character of the neighborhood.

Cost: Unknown

Time Table: 5 to 7 years

Responsible Party: City of Hickory

III Traffic Safety

Traffic safety is of primary importance to the Claremont Neighborhood. A number of concerns were expressed throughout the planning sessions. Speed, lack of sidewalks, sight distance concerns, wrong way traffic on 2nd Avenue NE and 3rd Avenue. NE, running of red lights and signage are among them.

The issue of a median on Highway 127 was addressed previously. It was recommended that the median extend from 3rd Avenue to 8th Avenue. It would transform the roadway and the character of the area. One concern is that access to certain properties would be more difficult. It was also recommended that simulated brick crosswalks be added to 127 and 3rd Avenue NE to assist in slowing traffic as well as providing a gateway to link the Hickory History Center and the SALT Block.

Recommendations:

1. Work with the NCDOT and City of Hickory's Public Services Department to improve pedestrian safety around the intersections of 3rd Street NE and 2nd Avenue NE and 2nd Avenue NE and Highway 127.

Cost: Unknown

Time Table: 2 years

Responsible Party: NCDOT and Public Services Department

2. Utilize the City's traffic calming program to address speeding throughout the neighborhood. Speed limits on roadways with documented speeding and safety problems should be changed to 25 mph.

Cost: Staff Time

Time Table: 2 years

Responsible Party: Neighborhood Residents and Public Services Department

3. Add sidewalks in the following areas:
 - 7th Avenue NE from Stasavich Place West
 - Connect McComb Park and 5th Avenue NE going east.
 - East side of NC 127 from 2nd Avenue NE to 5th Avenue NE
 - 5th Avenue NE at 4th Avenue NE

DRAFT*Claremont Neighborhood Plan*

Cost: \$10,000

Time Table: +5 years

Responsible Party: Public Services Department

Request that the identified sidewalks need to be added to the Sidewalk / Bikeway Master Plan. A safe, serviceable pedestrian circulation system needs to be established to serve the needs of the neighborhood and provide pedestrian access to the neighborhood. Also request the annual prioritization process for sidewalk construction be revisited to ensure areas with high pedestrian activity are identified, so sidewalk construction provides safe conditions for pedestrians. Also provide for a mechanism that solicits citizen input when updating and prioritizing the Sidewalk / Bikeway Master Plan.

4. Revisit speed limit signage on Highway 127 and reduce speed limit signs at overpass and Highway 127. Need to review the speed limit sign between 2nd Avenue SE to 8th Avenue NE.

Cost: \$1,000

Time Table: 2 years

Responsible Party: NCDOT, Traffic Division

5. Identify areas without inadequate street lighting, and provide mechanism for street lighting improvements. Request the recommendations of the Neighborhood and Traffic Department Street lights study be implemented. Street lights should be added to enhance motorist and pedestrian safety and deter crime.

Cost: Per light cost

Time Table: 3 years

Responsible Party: Neighborhood, Traffic Department, Duke Power

6. Examine lane stripping and traffic safety around McComb Park to ensure the safety of both pedestrians and motorists.

Cost: Staff time

Time Table: 2 years

Responsible Party: Traffic Division

7. Study the traffic patterns during university events around the intersection of 5th Avenue Place NE, 7th Avenue NE and Stasavich Place to ensure motorists approaching the intersection yield appropriately.

Cost: Staff time

Time Table: 2 years

Responsible Party: Traffic Division

8. Study the conversion of the intersection of North Center Street and 7th Avenue NE from a signalized intersection to a four-way stop. This stop light is located in a residential area with limited traffic and resources would be better utilized with a four way stop instead of electrical stop light system.

DRAFT*Claremont Neighborhood Plan*

Cost: Unknown
 Time Table: 2 years
 Responsible Party: Traffic Division

9. Study the provision of on-street parking along the stretch of 7th Avenue NE between North Center Street and 1st Street NW. Parking is an issue near the YMCA and this would be a better use of available space.

Cost: Unknown
 Time Table: 2 years
 Responsible Party: Traffic Division

IV Community Safety

Loud music from vehicles cruising through the neighborhood is disruptive and frustrating to residents. In response to complaints concerning “boom boxes” and loud music from vehicles, Hickory Police developed and are using a specific civil citation form to address violations of the noise ordinance. The civil citation carries a fine of \$50.00, which must be paid within 72 hours. The PACT Commander encouraged the neighbors to record the license tags, time and date each time someone drives through the neighborhood creating a disturbance, so that an officer can be made aware of the frequency of the problem.

Recommendations:

1. Encourage officers to be more diligent about issuing civil citations for violations of the noise ordinance.

Cost: None
 Time Table: On-Going
 Responsible Party: Neighborhood, Hickory Police Department

2. Encourage officers to be more diligent about speeding.

Cost: Unknown
 Time Table: On-Going
 Responsible Party: Hickory Police Department

3. Establish communication tools with the police to inform the neighborhood of events that may affect the neighborhood, including traffic changes, break-ins and other issues concerning Claremont. The development of a process to send e-mails or text messages to neighborhood residents should be considered.

Cost: Unknown
 Time Table: 1 year
 Responsible Party: Hickory Police Department and Claremont Neighborhood

DRAFT*Claremont Neighborhood Plan*

4. Encourage officers to monitor the Sally M. Fox and McComb parks for vagrancy activities including illegal activity, such as sleeping in car and vandalism.

Cost: Unknown

Time Table: On-Going

Responsible Party: Hickory Police Department

V Historic District

A portion of the Claremont neighborhood lies within a local and a National Register Historic District. Several years ago the National Register District was expanded. The local historic district, over which the Historic Preservation maintains design review authority, has not been expanded since the 1980s. The City of Hickory received a grant in 2014 to update its survey of historic properties. This survey will study additional properties within the Claremont neighborhood to ascertain whether or not there are additional properties that could be added to the National Register of Historic Places.

Recommendations:

1. Study additional properties within the Claremont neighborhood for possible inclusion on the National Register of Historic Places.

Cost: \$8,000 (required match for entire city-wide study)

Time Table: Underway – estimated completion 8/2015

Responsible Party: City Council, Neighborhood, Historic Preservation Commission, Planning and Development.

2. Conduct a study to determine properties eligible to be included with an expansion of the Local Claremont Historic District.

Cost: Unknown

Time Table: 1 year

Responsible Party: City Council, Neighborhood, Historic Preservation Commission, Planning and Development.

3. Establish working relationship with the US Postal Service to keep the area free of curb side mailboxes and continue delivery to the house. Review guidelines to preserve and enhance the existing character of the historic area. Postal home delivery provides a unique and essential service to the residential communities, particular with the elderly populations. Postal carriers have the benefits of getting to know customers and are often times first to notice irregularities among neighborhoods.

DRAFT*Claremont Neighborhood Plan*

Approve the established policy with the US Postal Service. Request the City of Hickory develop an ordinance requiring Historical Preservation Commission to review plan and require an application for a certificate of appropriateness.

Cost: None

Time Table: 1 year

Responsible Party: Neighborhood, Planning Department, Historic Preservation Commission, US Postal Service

VI Parks and Recreation

There are no active parks within the Claremont Neighborhood. There are two passive parks that are managed by the Landscape Services Division of the City of Hickory. The residents enjoy the parks located in the neighborhood. However, they did submit a request for dog stations for the parks. They also would like to have better lighting in McComb Park. McComb Park is used by the neighborhood. The neighborhood association holds its Easter Egg hunt, Ice Cream Social and Halloween Festival in the park. In addition, it has been recommended to include sidewalks leading to the park from 5th Ave Dr and one on 5th Ave NE. This would allow for easier access into the park.

Recommendations:

1. Establish dog stations in Sally M. Fox Park and McComb Park.

Cost: \$1,000

Time Table: 2 years

Responsible Party: Landscape Services Division

2. Add additional brick sidewalks within McComb Park that connect to 5th Avenue NE.

Cost: \$5,000

Time Table: 3 years

Responsible Party: Landscape Services Division

3. Encourage the use of non-invasive species in the area at McComb Park.

Cost: None

Time Table: On-going

Responsible Party: Landscape Services Division

4. Request the Landscaping Services Division keep McComb Park maintained by trimming the flower beds annually. The memorial marker in the middle of the park needs to be relocated to a safer location. The park should also be maintained with non-invasive plants and encourage plants common to this region of North Carolina.

DRAFT

Claremont Neighborhood Plan

Cost: Unknown
Time Table: Underway and on-going
Responsible Party: Landscape Services Division

5. Removal of the planter located on 5th Ave NE.

Cost: Unknown
Time Table:
Responsible Party: Landscape Services Division

6. Provide additional trash cans in convenient locations throughout Sally M. Fox and McComb Parks.

Cost: Unknown
Time Table: 2 years
Responsible Party: Landscape Services Division

7. Encourage the Public Art Commission to involve the neighborhood when considering location for public art pieces.

Cost: Unknown
Time Table: On-going
Responsible Party: Public Art Commission

8. Encourage the continued advancement to the Charles Ivey Arboretum. Continued planting of new species in the park.

Cost: Unknown
Time Table: On-going
Responsible Party: Landscape Services Division

9. Updating the list of tree species that are currently location within the Charles Ivey Arboretum.

Cost: Unknown
Time Table: On-going
Responsible Party: Landscape Services Division

10. Replacement of tree identification signs within the Charles Ivey Arboretum.

Cost: Unknown
Time Table: 1-2 years
Responsible Party: Landscape Services Division



DRAFT*Claremont Neighborhood Plan*

11. Replacement of broken sidewalk in Charles Ivey Arboretum /Sally M. Fox Park.

Cost: Unknown
 Time Table: 1-2 years
 Responsible Party: Landscape Services Division

*VII Code Enforcement*

The residents expressed some concerns about housing code violations in their area. There are not many violations and most of the structures are in good condition.

Recommendations:

1. Code Enforcement officials should review all complaints and address the issues concerning minimum housing code. In addition, reviewing of the Future Land use, Land Development and the NC 127 Task Force recommendation be reviewed when development is requested.

Cost: Staff time
 Time Table: On-going
 Responsible Party: Hickory Police Department Code Enforcement Division

2. Enforcement of commercial property maintenance code.

Cost: Staff time
 Time Table: On-Going
 Responsible Party: Neighborhood, Code Enforcement Division

Review the commercial property maintenance code for commercial property along Main Avenue that borders the Claremont Neighborhood. Poorly maintained commercial properties are blight on the neighborhood and harm property value and the image of the neighborhood.

3. Pursue code enforcement on derelict property located at 401 2nd Ave. NE.

Cost: Unknown
 Time Table: On-going
 Responsible Party: Neighborhood, Code Enforcement Division

VIII General Areas of Improvement

1. Plant Crepe Myrtle trees along, 5th Ave N.E. and Main Ave N.E.

Cost: Staff time
 Time Table: On-Going

DRAFT

Claremont Neighborhood Plan

Responsible Party: Neighborhood, Code Enforcement Division

2. Provide trash can at the Bus Stop located on Main Ave N.E
Cost: Staff time
Time Table: On-Going
Responsible Party: Neighborhood, Code Enforcement Division

IX Neighborhood Association

The Claremont Neighborhood Association understands the roles its plays in making the Claremont Neighborhood a desirable place to live. The Neighborhood Association raises funds for annual social events held within the neighborhood.

Recommendations:

1. The Claremont Neighborhood Association will develop its own annual budget, which will be used to plan and pay for social activities with the funds raised during each year.

Cost: Neighborhood Association Time
Time Table: One Year and On-Going
Responsible Party: Neighborhood Association

DRAFT*Claremont Neighborhood Plan*

CLAREMONT NEIGHBORHOOD PLAN

Implementation of the Plan

Guidance offered in the Claremont Neighborhood Plan should be referred to during relevant decision-making processes about the area. To the extent that this Plan charts a course for Claremont's future, the strategies and recommended actions should be followed and carried out by the Neighborhood Association, the City and other agencies as referenced in the Plan. The residents of Claremont themselves, regardless of whether they participated in the planning process or not, are viewed as playing a key role in all implementation efforts. This section discusses the mechanisms that may be used toward that end.

Plan Acceptance

The residents of Claremont play an important role in moving a draft plan that they can support through the public review process to adoption, with a minimum of delays and serious changes. After the Claremont Plan is accepted by the Hickory City Council, it will become the official detailed guide for managing Claremont's future development. It will provide the most detailed guidance of any City document on planning and development issues within this neighborhood. This Plan is generally compatible and supportive of other City adopted plans.

Active citizen input was involved in the Plan's formulation, review and adoption and has resulted in a plan that reflects a community consensus on how Claremont should develop and address issues of concern.

Plan Implementation

The true measure of a Plan's acceptance may best be described in terms of the degree to which it is used and supported during relevant decision-making processes. The residents of Claremont, the Hickory City Council, service provider agencies, and the City Administration each have important roles in the implementation processes.

The residents of Claremont, particularly the members of the Planning Committee, have a very critical role in participating in and monitoring the use of the Plan's provisions. Claremont Neighborhood confirms its support for the Plan by including the recommendations in their Neighborhood Association activities and structure and by initiating the petition processes necessary to accomplish the recommended policy changes.

The City Council demonstrates its support for the Plan by accepting the Plan's strategies and encouraging timely implementation.

The Plan sets forth several strategies, which require the active involvement of service providing agencies, including the City. These organizations are important to the implementation of the Claremont Neighborhood Plan. The neighbors can participate in support of the programs

DRAFT*Claremont Neighborhood Plan*

provided by these organizations. Likewise, the programs can be used by the neighbors to address concerns, stabilize unhealthy trends and enhance the quality of life for all Claremont residents. Finally, the City Administration plays an important role by overseeing the implementation responsibilities assigned to the various departments. The specific city departments must commit to implementing the plan by incorporating the recommendations in the Plan into their work plans within the recommended timetable. Revising strategies and even seeking more resources at a later date may be necessary to follow through on implementation of the Plan.

Conclusion

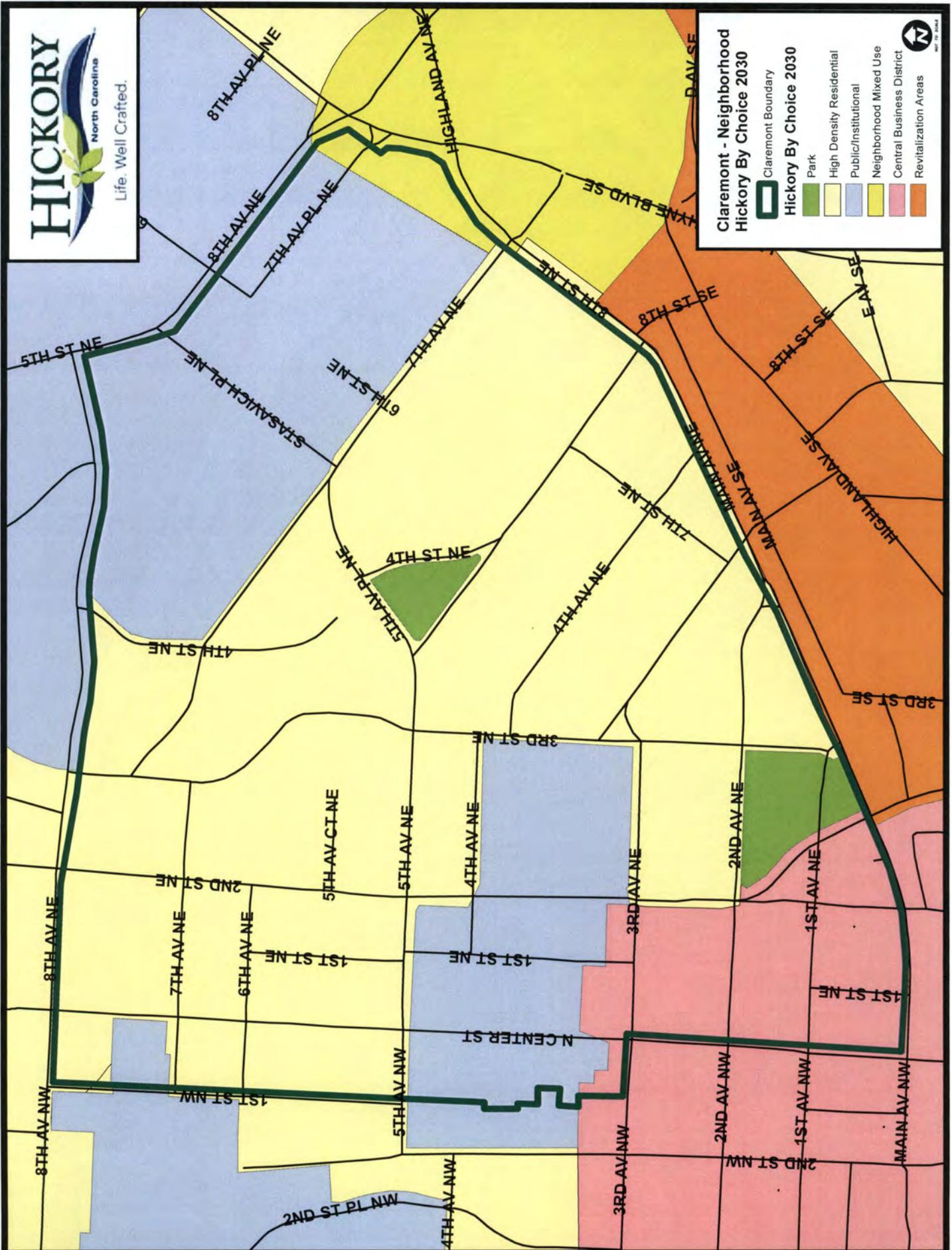
The Claremont Neighborhood Plan identifies the benefits of living in the area, issues and concerns of the neighborhood, the tasks involved in addressing them, a time frame in which the strategy or action should be implemented, and the various parties involved in resolving them. Implementation is by far the most difficult phase of any planning process.

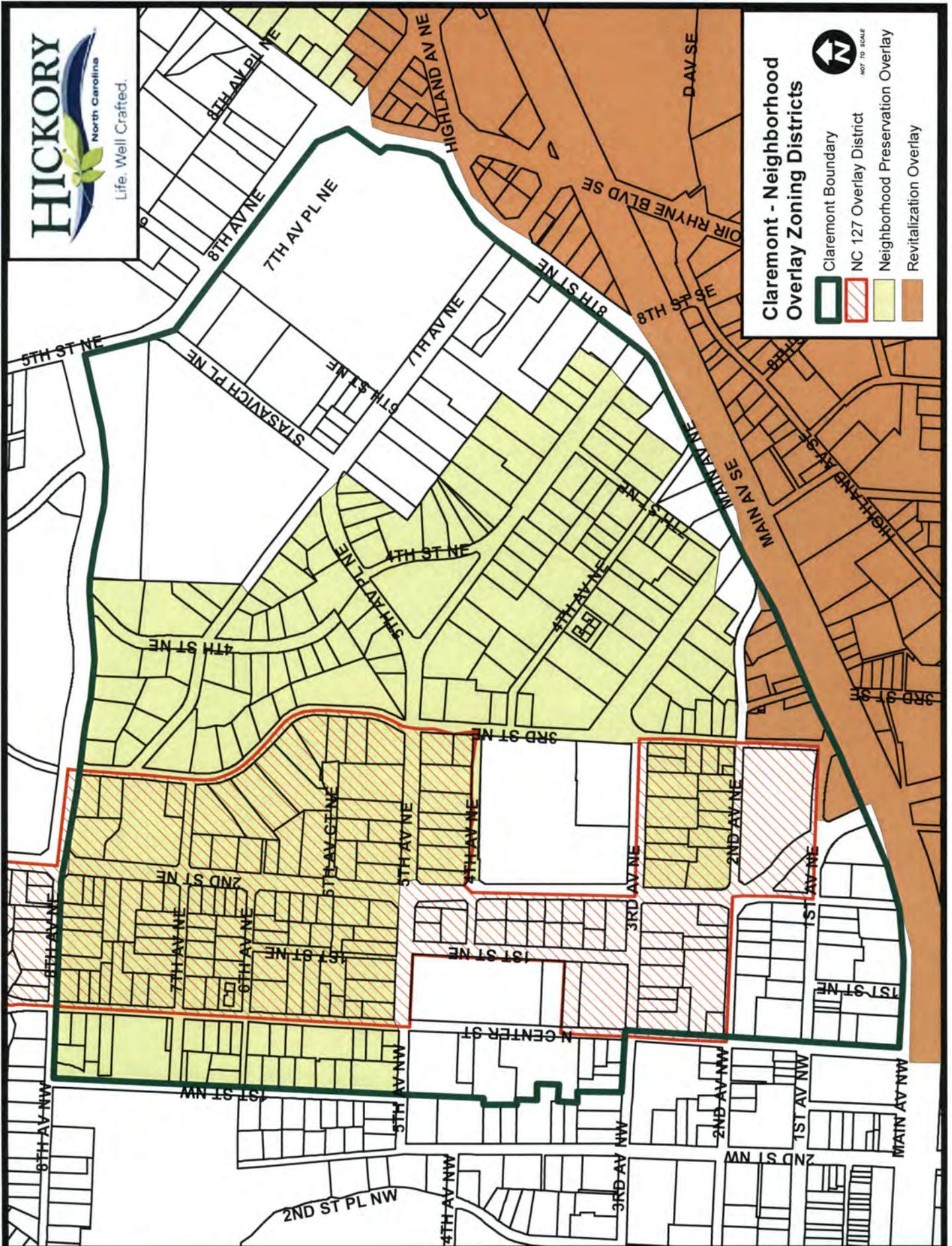
In short, this long-range neighborhood planning process offers the residents of Claremont the opportunity to plan proactively for their future.

APPENDIX - MAPS

Maps Included:

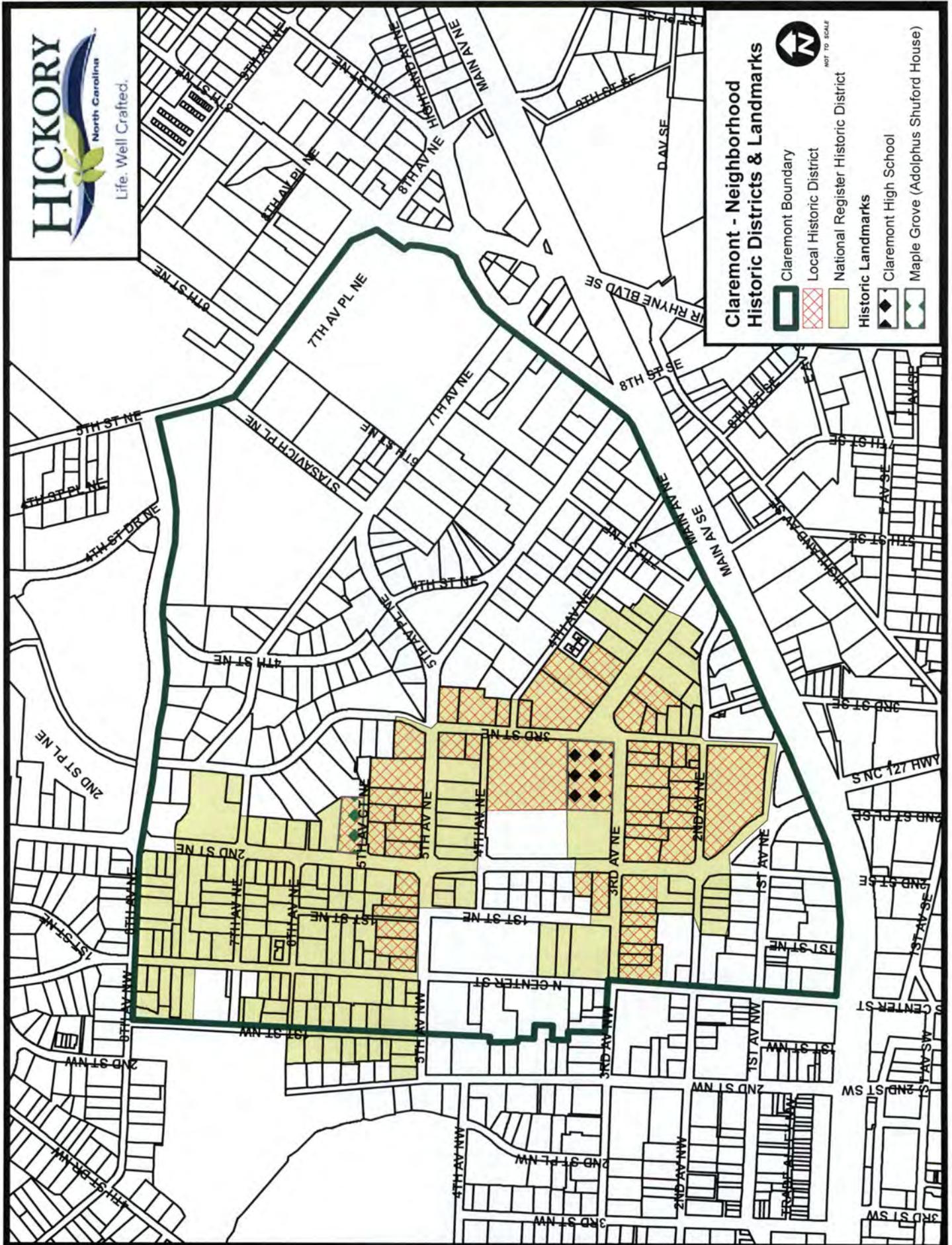
1. Hickory By Choice 2030 (Future Land Use Map)
2. General Zoning Districts
3. Overlay Zoning Districts
4. Historic District
5. Greater Hickory MPO Thoroughfare Plan
6. Greenway Transit System
7. Sidewalk Master Plan
8. Structures
9. Public Utilities
10. Art Walk
11. Residential Ownership and Rental

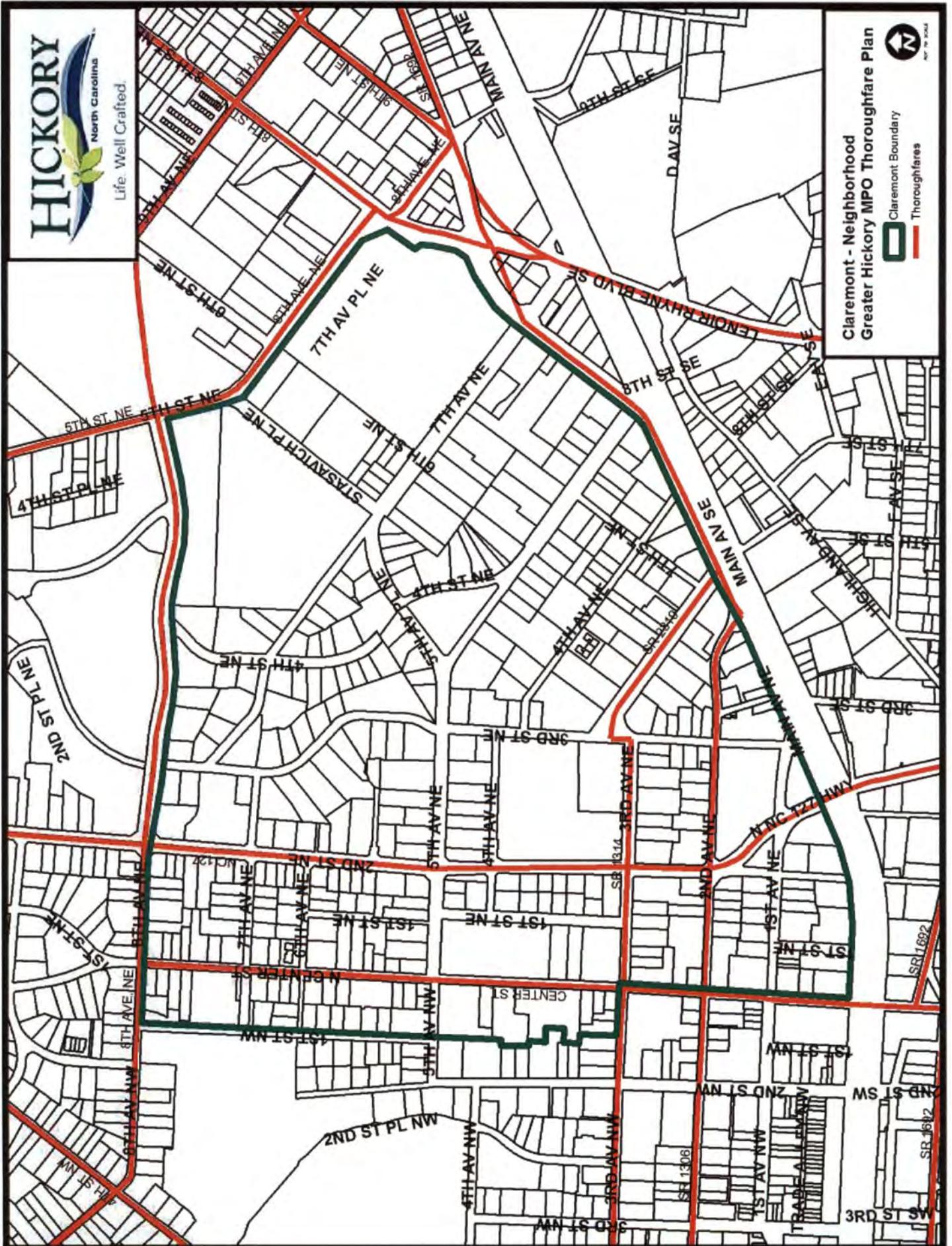


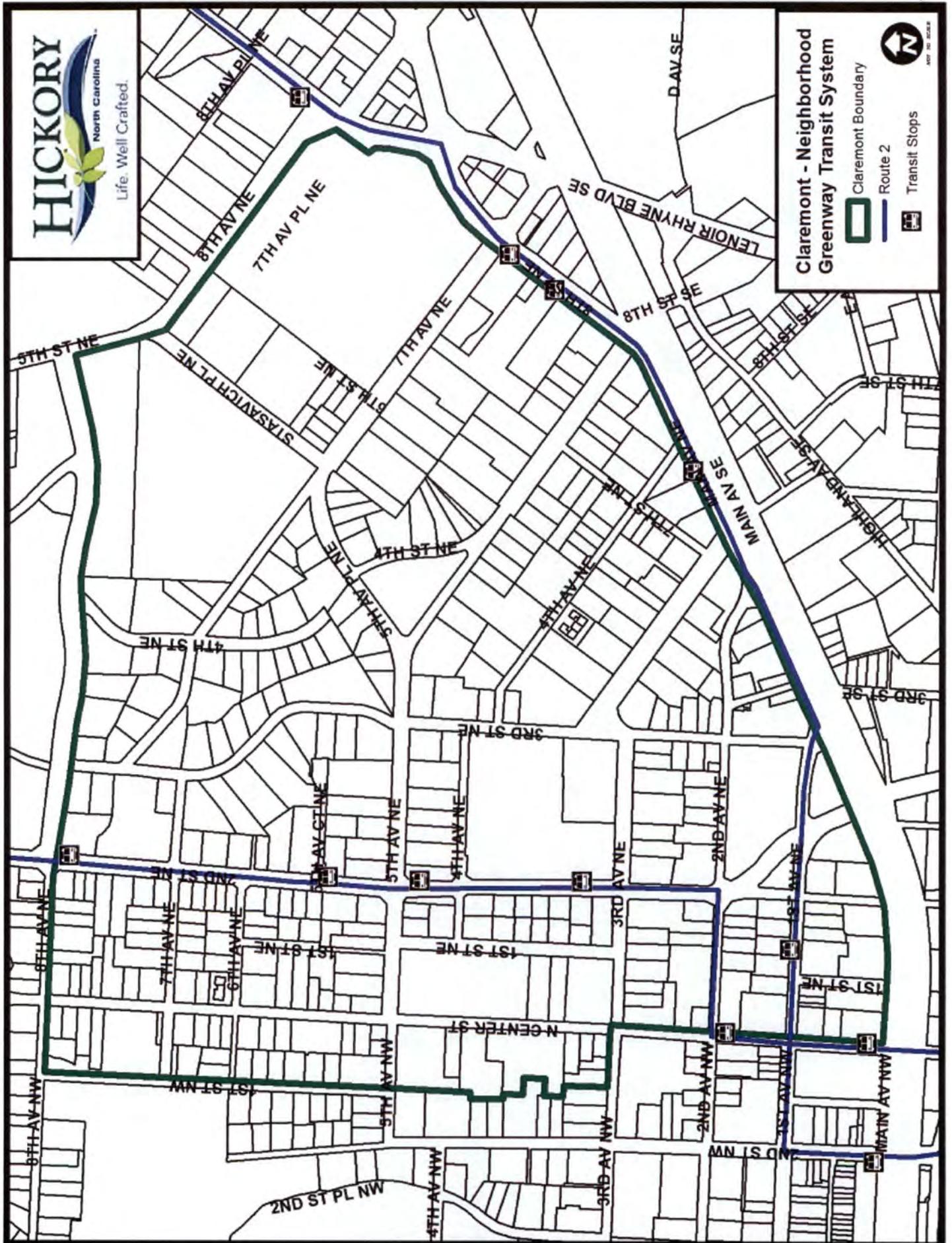


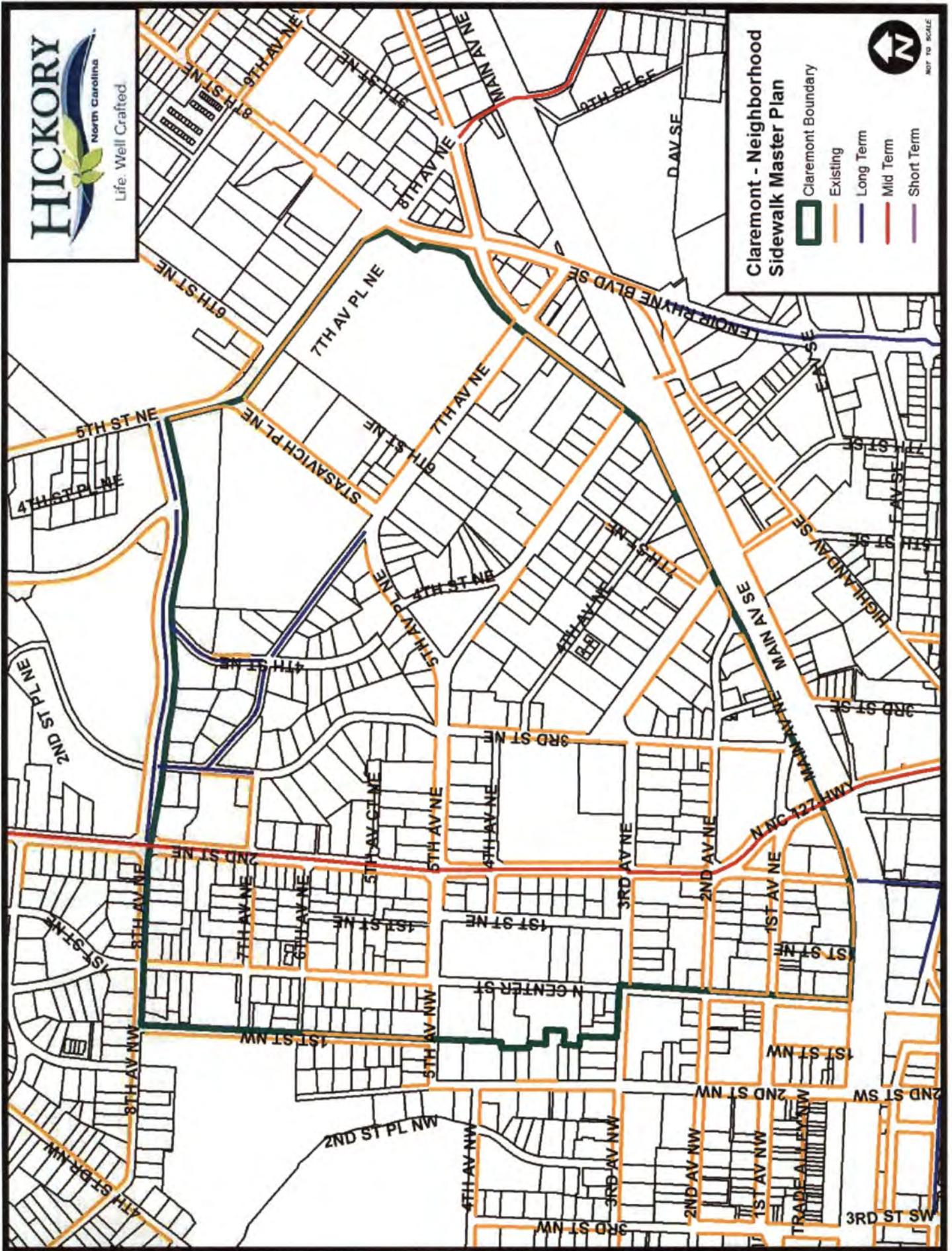
**Clarendon - Neighborhood
Overlay Zoning Districts**

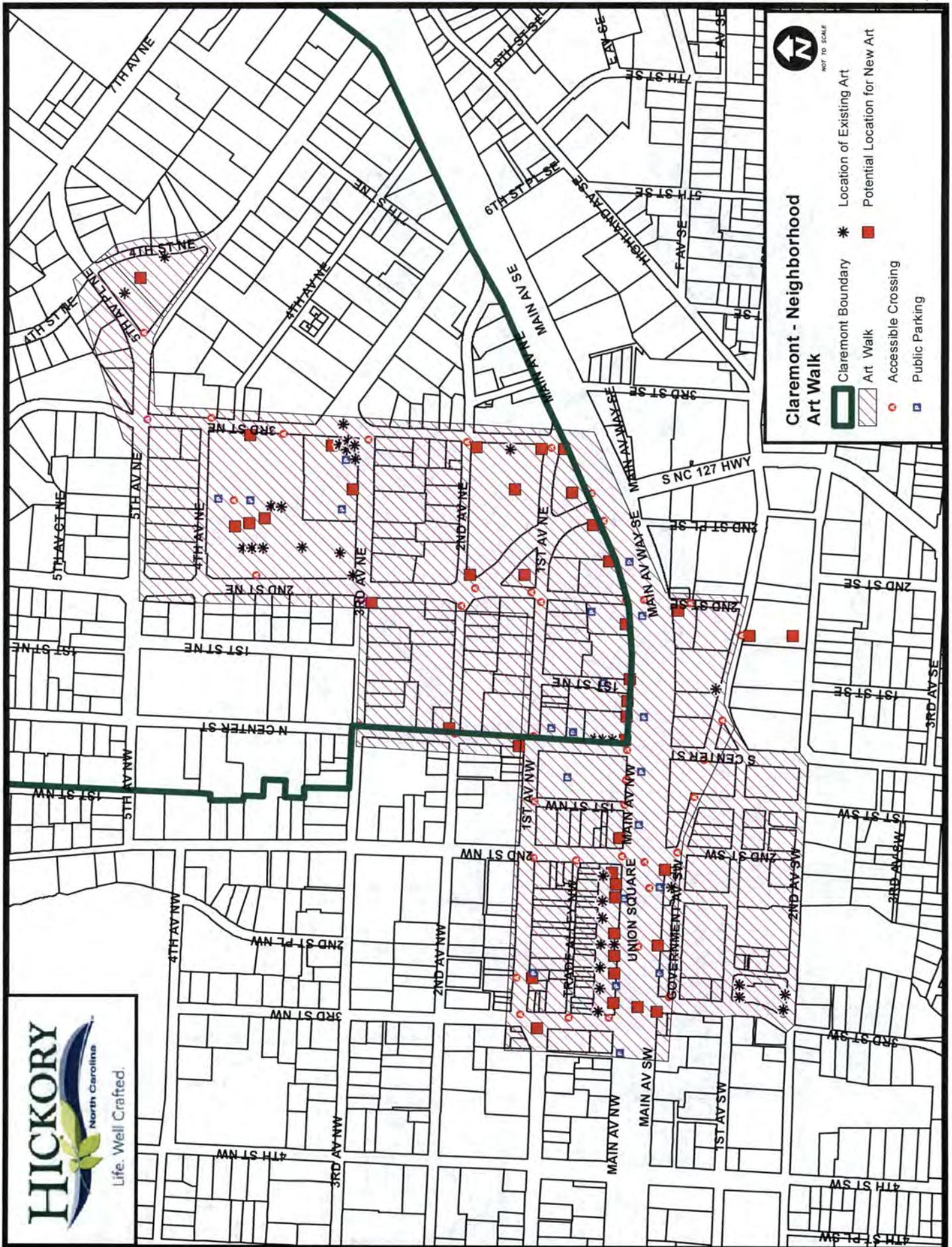
- Clarendon Boundary
- NC 127 Overlay District
- Neighborhood Preservation Overlay
- Revitalization Overlay

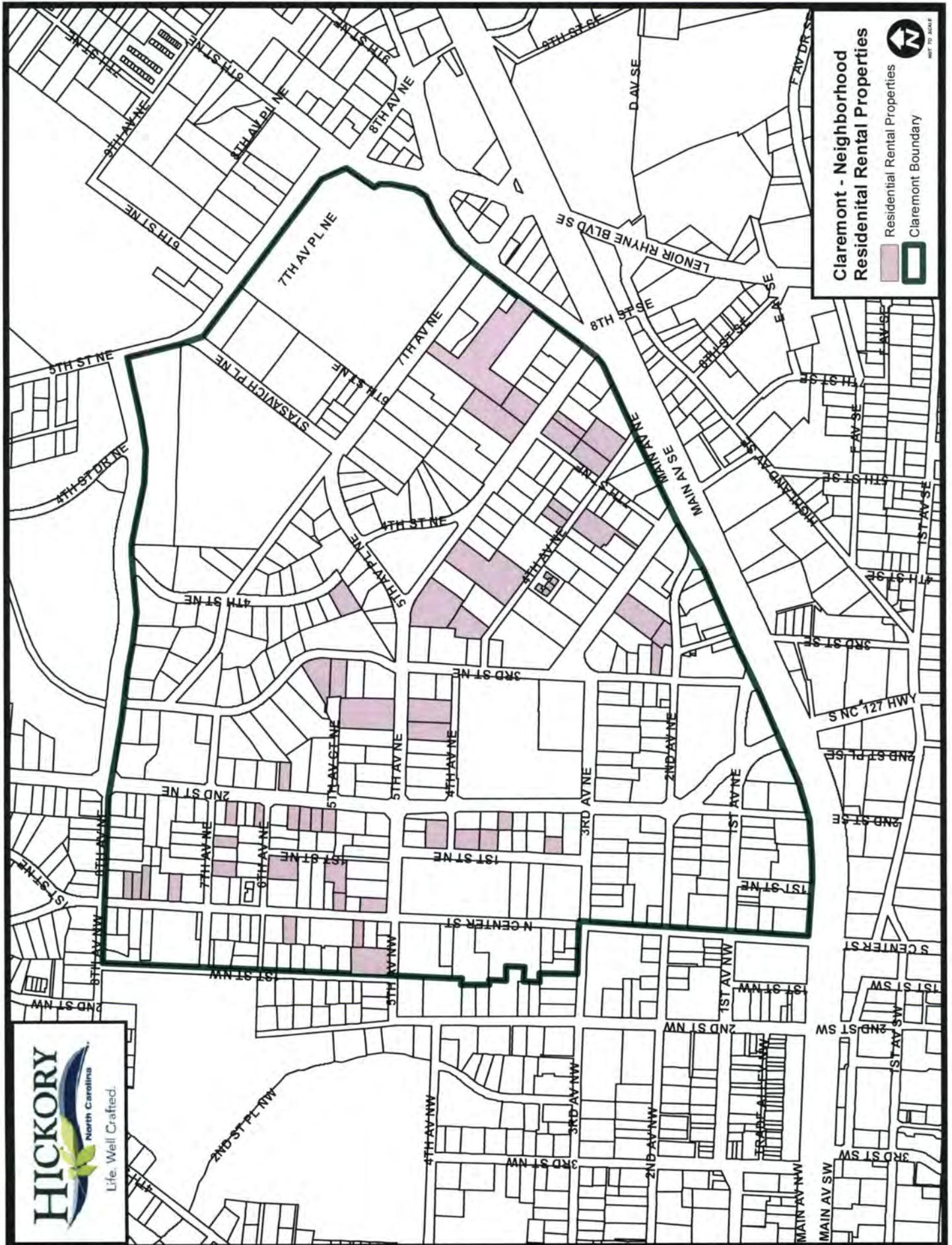












A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, August 4, 2015 at 7:00 p.m., with the following members present:

Brad Lail	Rudy Wright	Hank Guess
Bruce Meisner	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: Assistant City Manager Rodney Miller, Assistant City Manager Andrea Surratt, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, and City Clerk Debbie D. Miller

- I. Mayor Wright called the meeting to order. All Council members were present.
- II. Invocation by Rev. Bob Thompson, Pastor, Corinth Reformed Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Christine Winn– Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Ms. Christine Winn addressed City Council regarding the construction of the housing units in the 4th Street business district. She advised that a properties location is critical in the determination of its value. Consistent and conforming land and building uses create compatible neighborhoods that support and hopefully increase value over time. Adding a high density residential complex to an established and growing business district is not a compatible use and the long term effect is to devalue the existing businesses in the area. She stated that the overall effect will make the 4th Street housing project less attractive to investors in the future and more difficult for HUD to sell to a private investor as HUD has indicated is their desire and intent. She stated that this project has the potential to revitalize an area and add growth, but needs to border an existing residential location. Location is key but 4th Street is not the appropriate location. She advised that HUD had not been upfront with them in spite of their efforts to establish a level of trust. They had supplied them with several sites in good faith, some suitable some not, but according to the notes received from Bradley Newton at least two of the other sites are viable and are being considered. One of these sites is said to be under contract. They were told if they brought suitable sites to HUD for consideration that they would not exercise the option on 4th Street. They were told last week that in consideration of safety concerns that they, and the tenants had raised, that the number of units was being reduced to 28. They are now being told that was false. They cannot keep providing alternatives to HUD if they refuse to keep their word or put anything in writing. At least one of the sites that was refused was due to proximity of traffic on Highway 70. If that is the case, why is 4th Street still being considered for the same reason? They were told that the property must be vacant, and cannot have had a dwelling on it, even if the dwelling was removed it would not qualify. She stated that the 4th Street property had previously had a dwelling on it. She advised that she is a HUD approved appraiser and she knows from working with HUD that health, safety and security are key requirements focused on to protect the residents of their properties. She asked if HUD would open itself up to liability if a child is injured or killed on the highways especially after this concern was raised. She also asked if the City would open itself up to a potential lawsuit for the same reason. Ms. Winn had a map of crime statistics for the Hickory proper area. She noted that 4th Street is a very quiet area with almost no crime reported since January of 2015. Based on the map provided she asked what assurances that the City could provide the residents on 4th Street that this project will not negatively impact the crime rate on their street. She commented that HUD is now seeking adjoining property owned by the City. In an effort to increase the project, they employed City Council to deny an option on this property to HUD. They understand that the City needs to support HUD and their tenants, however the City must also show support for established businesses in the area and help protect local business interest by protecting their property values. The best way to do this is to appoint additional representation to the HUD Board including active tenant representation. The members of 4th Street still feel that a reduction from 60 to 28 units is an acceptable density and they further suggested that restriction of the units to 55 years and older would help reduce potential injury to children. They should use other safer sites provided for family occupancy. They asked for Council's support in helping guide the directors of HUD to do what was best for HUD, the community, and their tenants.

Mayor Wright advised Ms. Winn to leave the maps with the City Clerk.

- B. Dr. Delores Hammer – Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Dr. Delores Hammer updated Council on Hickory Housing Authority. On April 30th, 4th Street, met with Alanda Richardson, Helen Jones, and Bradley Newton of the Hickory Housing Authority and also a police officer. The 4th Street group consisted of Kim Clarke,

Bill Mixon, Paul Gadd, and Crystal Rogers. She advised at that time Ms. Richardson offered to withdraw 4th Street property if they found her a suitable property to build. The key word “a” property not “several” properties. They delivered her 12 plus properties over the next several weeks. They would not have offered these properties without this incentive. She advised Council that they requested the pros and cons of the properties delivered so they could continue to improve and find properties that were suitable for them. Mr. Bradley Newton offered to give them these pros and cons but advised that he had to check with Ms. Richardson. After calling Ms. Richardson she refused to give them the details and advised them that it was an internal matter. They learned from the Hickory Daily Record on July 17th that not only was Ms. Richardson keeping the 4th Street property she had also put an option on one of the properties that they had gave her. The second property being located behind CommScope property. Dr. Hammer stated that she would refer to this parcel as “CommScope” property. She questioned where the ethics, honesty and trust were? On July 23rd they met with Hickory Housing Authority at their monthly meeting. The group pointed out their disappointment in them having an option on a property that they presented, but still they had an option on 4th Street. Dr. Sidney Myles, Chairman advised that he did not know where they were getting the idea if they gave them the property that they would abandon 4th Street. Dr. Hammer advised Dr. Myles from Ms. Richardson, which, Ms. Richardson denied it. She questioned why they were providing them with these other properties. They were not receiving commissions and had not asked for commissions. They advised the Commissioners that they were denied the pros and cons of the properties. Dr. Myles advised them that they were welcome to have them and they were offered to them on July 29th. They picked them up and it appears that they are looking at other properties that they had offered them. She advised that it took Dr. Myles to give them access to these properties that they had offered. They do not understand why they could not receive these pros and cons before this. It was to their advantage because they are finding larger tracts, lower densities and lower prices per acre. On July 27th Ms. Richardson called Ms. Kim Clarke, Mr. Paul Gadd, and Dr. Delores Hammer and advised each of them that the project on 4th Street would now only be two storeys, not three, and 28 units down from 60. They are going to build 30 units on the CommScope property and wanted two more properties to abandon 4th Street. They sent a letter to Dr. Myles and requested his signature for their assurances. Dr. Myles responded that he was not aware of going from 60 units to 28. He was not aware of offering two properties and getting off of 4th Street. Dr. Hammer questioned what was happening over there? She questioned who was “running the show”. She thought that the Board was the boss not Ms. Richardson. She advised that there is no communications, these are just more tricks. The level of dishonesty coming out of Hickory Housing is high. Their level of mistrust is very high. If Ms. Richardson is not going to be honest with them, is she honest with Council, tenants, employees, and HUD out of Greensboro who investigated her three years ago? Dr. Hammer advised that they need Commissioners who are willing to ask hard questions and get to the real honest answers. The tenants, and employees are desperate. They need Council’s help. They need board members who are willing to work.

C. Kim Clarke– Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Ms. Kim Clarke advised Council that she had appeared previously on May 19th and requested that Council appoint four additional Commissioners to the Housing Authority as permitted by law. She noted that Council had not increased the number of Commissioners. She also advised that during the Mayor’s tenure he had made appointments to the Housing Authority Board of Commissioners 22 times, but only twice had he appointed women. Those two were tenant representatives who do not have full voting privileges on that board. She advised for many years there had been a female executive director of the Housing Authority and she is surrounded by male Commissioners. Last month, with the retirement of Clement Geitner the Mayor had the opportunity to appoint a female Commissioner but he appointed yet another male. She voiced her concern that the female population does not have adequate representation on the Housing Authority Board of Commissioners. She specifically requested Council appoint at least one African-American female and one Caucasian female to the Housing Authority among the addition four appointments that she requested Council to make. She advised Council that she would like to be appointed to the Hickory Public Housing Authority Board of Commissioners. Ms. Clarke advised that she is a white female, and an attorney with over 30 years’ experience and licensed to practice law in two states. Her specialty being real property law and she was certified as a specialist in real property, residential, industrial and commercial transactions. She advised that she had been active in managing rental property for 15 years. She felt she was well qualified to contribute to the Housing Authority Board. She advised that she was a Morehead Scholar, and had served in a volunteer capacity on many boards and organizations. She advised of the numerous positions that she had held with these organizations. She advised that while serving with these organizations that she had never been offered a per diem allowance of \$75 for meals, as are the members of the Housing Authority Board of Commissioners. She had never been offered free meals at all of the meetings that she had attended over the years, as are the Housing Authority Commissioners, and she had never attended conferences at such exotic locations such as Martha’s Vineyard, Las Vegas, Hilton Head, and Louisville, as the

Housing Authority Commissioners are accustomed to having. She advised besides the experience and expertise that she could offer the Housing Authority, she admitted that she would enjoy going to these exciting places and having such a generous meal allowance. If she was appointed to this board she would lobby for training in Hickory, or maybe even suggest that a consultant come to Hickory to conduct training. That way there would be more money to spend on affordable housing and less money spent on meals and travel expenses of the Commissioners. She asked Council to appoint her to this Board.

- D. Paul Gadd– Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Prior to the City Council meeting Mr. Paul Gadd advised the City Clerk that he did not wish to speak.

- E. Crystal Rogers– Proposed Building of a Complex by the Hickory Public Housing Authority on 4th Street SW.

Ms. Crystal Rogers advised she was with Elite Properties, she has been on 4th Street for over ten years. She had restored many of the historic homes along there. She loves the neighborhood and what it has become, and that it is the most beautiful way into Hickory. She advised that she rode up and down 4th Street and counted eight single family residences. Almost all of the houses that are there don't have children. She advised that she counted over 65 business spaces between Highway 70, and Post Office BBQ and the Police Station. No multi-family, no duplexes, not one family with children. This is the area that is being considered for a high density multi-family project into. She advised that it just does not fit. She questioned locating a multi-family high density project in this business corridor. She advised that the tenants don't want to sit on their balcony and see a busy road, and the businesses don't want to see them. She advised if you are conducting business and are meeting with clients you don't want to look across the street and see 30 kids running around. It just doesn't fit. You are going to have these businesses relocating to a more professional atmospheres. You will then have owners of the buildings with empty spaces that they can't use for residential because they are commercial and nobody really wants them now for businesses because it is not a business atmosphere anymore. She sees boarded buildings. She stated that you would see the main entrance into Hickory go from this quaint, quiet, business corridor to boarded buildings. Anytime you come into a business area and change it that will happen. It can't be both. She did not see how this project benefits the tenants or the neighborhood. It will cause a certain decline to the neighborhood as a professional community. She questioned how you would contain 350 people on three acres on a busy road. You would be looking at major fencing that would also hurt the appearance, and not if, but when, and how many casualties when you have 100 plus children and adults crossing a major highway to get to Walmart. She commented that it makes no sense. The only possible reason that you would do this project is because it qualifies for so many tax credits. She knows that HUD is suffering financial from mismanaged funds and funds to be paid back. That is the only possible reason why this project would make sense. It is not a good place to live, and it would be certain decline for neighbors that are already there. She requested Council to help preserve the image of Hickory, the main road coming into Hickory. She commented that anything Council could do to reward entrepreneur's like them who had invested and improved the community and made it a wonderful beautiful place, they should do everything they can to keep it the way it is.

Mayor Wright asked if anyone else wanted to speak on that topic. No one appeared.

- F. Denise Poe – Corridor Reserved for Future Thoroughfare Located on Buckskin Drive, in Gunpowder Pointe.

Ms. Cynthia Denise Poe, 4042 5th Street NW, advised Council that she owned a piece of property in Gunpowder Point off of Grace Chapel Road. She had plans to build on the property, but her circumstances had changed and she was forced to sell. Her husband who was only 56 years old died unexpectedly of a heart-attack and was her sole source of income. She had, and could possibly still have a contract with a buyer on this property, but had to sign a letter of termination and return the earnest money due to a proposed right of way from 1986. They were told that the road would not be built but it prevented the buyer from getting a construction loan. She advised that she and the homeowners of Gunpowder Pointe need to have this outdated proposal removed from their deeds so they can grow and continue a good quality of life in their neighborhood. She requested Council's assistance in resolving this issue by a written request to have this outdated proposal removed. She advised that she had submitted a plat of the property, a petition signed by the homeowners in Gunpowder Pointe, and a packet of information from her realtor.

Mayor Wright advised that Council was in the process of gathering more information on that subject and that he was not prepared to discuss it at that time.

Alderman Lail commented that was the southern by-pass. He commented that project had long since been shelved. Alderman Lail moved that Council do what is necessary to remove that reservation of right of way from those deeds.

Mayor Wright questioned if it had been shelved.

Ms. Poe advised that they bought their property with the understanding that it had been.

Alderman Meisner advised to his knowledge that it had not been shelved.

Mayor Wright commented that he wanted to make sure that Council knows the facts because this is a sensitive matter for citizens. He commented that they were sympathetic to where Ms. Poe is right now. It is not just Council who have an interest and input into this decision. Council could not change that tonight by a motion from the table.

Alderman Lail moved to act to remove that designation, the right of way that the City holds that these property owners have not been compensated for.

Alderman Seaver seconded the motion for further discussion.

Alderman Meisner commented that Council needs further information.

Alderman Guess commented that it would be premature to move when Council does not have all the facts.

Alderman Meisner advised that he and Alderman Lail serve on the MPO, which is the body that plans the transportation for the next 40 years. He advised that Council needs more information. Who are they to say in 40 years what the traffic pattern is going to be. There is no alternative around northwest Hickory. There is no quick way to get to lower Caldwell County. Who knows in 30-40 years, we made need that. This connects I-40 to Highway 321.

Alderman Lail commented that Alderman Meisner did a great job with transportation. He commented that if we need it then we should have it, but it ought to be paid for. If these are on those deeds, to his knowledge, it is right of way that they are not able to do anything with, then Council has an obligation, if it is the City's, to either move forward with the project. At the time that project becomes available, perhaps Council could move to purchase right of way as needed.

Alderwoman Patton requested more information before they had any kind of vote.

Alderman Guess commented that Council needs the facts.

Alderwoman Patton needed clarification.

Alderman Meisner stated that it is a multi-jurisdictional decision. Not only Caldwell County, not only all the members of the MPO, City of Hickory's City Council, Granite Fall's City Council, one can't erase the lines. There are a lot of other lines in the CIP.

Mayor Wright asked for a timeframe of this matter.

Assistant City Manager Andrea Surratt advised that would be handled through the MPO and DOT process.

Mayor Wright advised that the MPO was the Metropolitan Planning Organization. That is a group of the counties and the cities in this area who together determine the traffic pattern and the rights of way needed that extend beyond one municipality and one county.

City Attorney John Crone commented perhaps depending on how Council's vote goes, Council could ask the appropriate Staff member to make a presentation regarding what the MPO is, what the City's role is with it, where this map is, the affected property. So Council could visualize it and have some input as to how it got on the map, how it can get off the map, and what the City's role is, if any, in getting it off the map.

Alderman Guess asked what the ramifications are.

Mayor Wright asked how many in the audience where in attendance for this issue. Three individuals raised their hands.

Ms. Poe advised that she had a petition with 25 names.

Mayor Wright suggested a workshop on it.

Ms. Poe advised that she had spoken with John Marshall with the MPO and he said as long as he had a letter from the City of Hickory and Caldwell County that they would take it and vote on it. He needs letters from the City and Caldwell County to release it.

Mayor Wright advised that Council needs to have an open discussion/workshop to get all the answers that they need to have before Council would decide to vote.

Alderman Lail amended his motion for a workshop. Alderman Seaver seconded the motion.

A citizen in the audience commented that she lives in the development and that would be great. Unless Council does, then nothing is going to be done and they are all under the assumption that it is never going to happen.

Mayor Wright thanked the citizens.

Alderman Meisner advised that 20-30 years ago cities and counties lobbied for the State for road projects. There was a group of cities and counties together that had a greater influence because roads don't go the city limits of Hickory and then stop. You have got a better propensity for getting major projects that go multi-jurisdictional through by having an MPO.

Mr. Crone advised there is a motion and second on the first motion he requested Council to vote on that motion.

Mayor Wright questioned if Alderman Lail could withdraw that.

Mr. Crone commented that there was a second there.

Alderman Seaver stated they both withdrew.

Mr. Crone advised Alderman Lail that he could modify his motion to have the workshop.

Alderman Lail withdrew his motion and substitute motion and moved to have a workshop aimed at understanding the circumstances related to the reservation of rights of way with these citizens and the process, and what the City might, or may not do with regards to keeping those lots so encumbered.

Alderman Seaver seconded the motion and commented that it had been sitting on the shelf since 1988, 27 years ago.

Alderman Meisner commented that there are roads that have sat longer than that one.

Mayor Wright mentioned that there are a lot of those right of ways committed for the 321 bridge. It is just not as simple as it might seem. He commented that there was a motion and a second. He asked for further discussion, there was none. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Lail seconded by Alderman Seaver and the motion carried unanimously.

- G. Mr. Steve Ivester, 910 14th Avenue NW, advised Council that he was pleased with what is happening with the Hickory Airport. He discussed an up-coming event on October 10, in Tullahoma, Tennessee in which AOPA, the largest organization of general aviation in business aviation in the country, has a fly-in. They have always had a national fly-in in Frederick, Maryland. Last year they had four regional fly-ins sponsored by the AOPA. He advised that on October 10th, Tullahoma, Tennessee would be having one of those regional fly-ins. He commented that Hickory Airport would be an ideal place to have a similar fly-in in 2016/2017. He advised that the event on October 10th would be a great opportunity for Council and Staff to witness how these events transpire. He commented that runway 119 could be shut down to park 500 airplanes. A good ramp and three new hangars, one for exhibitors, and two for seminars would be ideal for this kind of event. He advised this would be a good chance for some regional cooperation. He would like the Chambers of the three counties and the Hickory Metro to work together to plan an event of this type that approaches being a national event. He stated there would be approximately 300-500 planes. He advised that he had a Mooney Aircraft and had an event of 40 airplanes at the airport, with no money spent. People will come to this event. He mentioned that Tullahoma has camping and perhaps Morganton and Lenoir could be the camping sites. There are ways to make this a regional Hickory Metro event. He has had an airplane at Hickory, pretty continuously, since 1986. He advised of his upcoming plans for flying his airplane and commented that people do that regularly. General aviation can live in Hickory. We have the Hickory Air Museum, which he feels is under publicized. He advised that when Mr. Abernathy came to Hickory that he commented that he did not understand the region. He works with so many regions and they don't have anything to talk

about, Hickory and Catawba County, and the upper Catawba Valley have so much to talk about, and they don't talk about it. A fly-in like this, whether with the AOPA or some other event, is a chance to talk about it. He encouraged Council to involve Mandy Pitts, the three Chambers of Commerce, and the Hickory Air Museum and other flying organizations in the area and to think seriously about having an event like this at the Hickory Airport. He stated that the airport is looking very good.

Mayor Wright asked Mr. Ivester what a Mooney was.

Mr. Ivester replied that it is a brand of airplane, it is a retractable gear, four place airplane, a "sports car" of an airplane. It goes about 170-180 mph, it is a traveling airplane.

- H. Mr. Frank Simmons, 842 Wynnshire Drive, advised Council that he lives in Wynnshire Ridge off of 29th Avenue NE. The development contains approximately 77 families. When the development was put in it was a nice peaceful area. There was a nice apple orchard located behind the property, which has now been plowed down and burned. The neighbor has put a race track back there for their little cycles. At numerous times different people have called in and reported the problem. Numerous times the police have responded to the problem. They have issued some warnings. He advised that last Saturday night that there was a lot of noise made, and Officer Helton came out and issued some type of warning. The reason behind that the neighborhood feels like that it is against Ordinance 19.1, which is the noise ordinance that the City has in the fact that it does disturb the peace. He commented that he wanted to come to Council to find out which way they need to go and what they need to do and asked Council for their support with this.

Mayor Wright commented that Council needs to find out more about that too.

Mrs. Surratt advised that Staff would talk with Mr. Simmons again and give Council an update.

Mayor Wright asked if anyone else would like to speak. No one appeared.

Mayor Wright discussed the matters expressed regarding the Public Housing Authority. He advised that Council was going to have the Hickory Housing Authority make a presentation. The reason they have not asked for that yet is because Council still does not know what questions to ask. They are working on that part. They know the contact and the direct phone number of the HUD Director for North Carolina out of Greensboro. They plan to have a meeting either in person or by teleconference. The meeting would involve local Hickory Housing Authority Representatives, HUD, City Council and Staff. Unless there is more than a quorum of City Council members it will not be an advertised public meeting. As they have gone through this process, it important for the people to understand, that nationally HUD, without a great deal of publicity, are setting out to change the way public housing services are delivered in this country. It involves substitution of non-profits with government guaranteed rent vouchers that would be issued to tenants of the public housing units. They may be able to take those vouchers and go places other than public housing units. The idea is to disburse public housing rather than have it as it is in most places in the country, centered in certain locations. There is a lot of background to this. He is concerned about some confusion regarding the extent to which the Public Housing Authority is subject to the same public record rules as Hickory City Council. He cannot accept appointing board members to a group that does not have to follow the same public record laws as Council does. That is a concern that he has that has to be fixed for him to become satisfied with the arrangement. As far as the appointments are concerned, they had to make an appointment to fill a spot held by a member who asked not to be reappointed. They don't know if down the road that they want to appoint any members to Hickory Housing Authority or to just have HUD do all the public housing in Hickory. They don't know if they want to appoint more members, or leave it alone. There is a State statute that apparently governs the City's relationship between Hickory Housing and the City. It is a little vague. The City has the authority to appoint board members or terminate board members. Any termination is subject to an appeal process. But there is no guidelines of when the City has the authority to withdraw someone's appointment. Without knowing what direction they are going to go in, he is hesitant to take a position that they want to make a lot of changes in the relationship; which by coincidence happens to be at a time that they are making nationally dramatic changes in public housing. He does not want it to look like there is necessarily any connection with that. Council is trying to figure out what the City's relationship really is between Hickory Housing and HUD. Where it is headed? Other than the same requirements that the City has to meet zoning, and other City ordinances, what other ability and authority does City Council have to influence what Hickory Housing Authority does. He stated that he has shared his frustration of not knowing where we are headed with this. Although public housing involves people of all races, creeds, and color. There is always a little racial overtone to it that makes him very uneasy when he is treading somewhere where he does not know what the outcome is or where the end game is going to be. He stated that he has been very honest about why we are where we are right now.

August 4, 2015

Alderwoman Patton commented that she just wanted more information. She understood that where HUD was going is not where this proposed site fits in with that picture. She wants more information, workshop, or whatever needs to be done so that all of Council is comfortable with the make-up of the Housing Authority Board that Council appoints. Do they expand it? Whatever happens she wants to feel comfortable in making those decisions.

Mayor Wright commented that he did not realize that he had appointed 22 members.

Ms. Clarke advised a lot of them are reappointments of the same people. The 20th male appointee was last month.

Mayor Wright stated that he did not realize that the gender split was the way it was. He advised that is in the works that two or three Council members along with Staff, Hickory Housing Authority and HUD will be having a teleconference next week and will be getting closer to having the answers that they are seeking.

VI. Approval of Minutes

A. Regular Meeting of July 14, 2015

Alderman Seaver moved, seconded by Alderman Meisner that the Minutes of July 14, 2015 be approved. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderman Meisner and the motion carried unanimously.

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.

Alderwoman Patton moved, seconded by Alderman Lail that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderwoman Patton seconded by Alderman Lail and the motion carried unanimously.

- A. Approval to Purchase a CAD, RMS, and Message Switch Server from OSSI in the Amount of \$123,419. (First Reading Vote: Unanimous)
- B. Budget Ordinance Amendment Number 1. (First Reading Vote: Unanimous)
- C. Approval to Purchase .890 Acres Located at 1352 12th Avenue NE, Hickory, PIN 3713-14-43-2647 in the Amount of \$100,000. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. 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.

Alderman Meisner moved, seconded by Alderwoman Patton approval of the Consent Agenda. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Meisner seconded by Alderwoman Patton and the motion carried unanimously.

A. Approved the Issuance of a Pyrotechnic Display Permit to Hickory Crawdads.

Mark Seaman, General Manager of the Hickory Crawdads has submitted a request to obtain permission to have a public fireworks display on the following dates: September 11, 2015 with the rain date of September 12, 2015.

The North Carolina Fire Code requires a mandatory operational permit for the use and handling of pyrotechnic special effects material. The Division of Fire & Life Safety Bureau shall review all required documentation. The Fire Prevention Bureau will also inspect the pyrotechnics display area prior to the event to ensure compliance with all guidelines and codes. Staff recommends approval of the pyrotechnics displays.

B. Approved the Issuance of a Pyrotechnic Display Permit to Hickory Motor Speedway.

Kevin Piercy, General Manager of the Hickory Motor Speedway has submitted a request to obtain permission to have a public fireworks display on the following 2015 dates: August 15, 2015 and September 7, 2015.

The North Carolina Fire Code requires a mandatory operational permit for the use and handling of pyrotechnic special effects material. The Division of Fire & Life Safety Bureau shall review all required documentation. The Fire Prevention Bureau will also inspect the pyrotechnics display area prior to the event to ensure compliance with all guidelines and codes. Staff recommends approval of the pyrotechnics displays.

- C. Approved on First Reading an Annual Maintenance Agreement with Grayson Fitness Repair and Maintenance, Inc.

Since 2003 the City of Hickory Fire Department has deployed a series of physical fitness equipment. The department has had an annual preventive maintenance program since 2003 for the equipment in order to keep the equipment operational. Staff requests acceptance of a proposal from Grayson Fitness Repair & Maintenance Inc. to continue the quarterly service necessary to maintain the exercise equipment. The service agreement provides quarterly service to each piece of fitness equipment that is located at each of the fire stations. Staff recommends approval of the exercise equipment preventive maintenance agreement.

- D. Approved on First Reading Acceptance of a Sanitary Sewer Line Easement for the Property of Josephine B. Hambrick, Wells Fargo NA, Margaret H. Glaze and Wilson E. Glaze II, described as PIN 3723-15-63-5314.

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Josephine B. Hambrick, Wells Fargo NA, Margaret H. Glaze and Wilson E. Glaze II, described as PIN 3723-15-63-5314. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a total sum of \$5,000 in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- E. Approved on First Reading Acceptance of a Sanitary Sewer Line Easement for the Property of Linda Bumgarner Sigmon described as PIN 3723-16-83-0899.

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Linda Bumgarner Sigmon described as PIN 3723-16-83-0899. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a total sum of \$8,000 in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- F. Approved on First Reading Acceptance of a Sanitary Sewer Line Easement for the Property of Russell D. Dellinger and wife, Stacy J. Dellinger described as PIN 3723-15-64-7165.

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Russell D. Dellinger and wife, Stacy J. Dellinger described as PIN 3723-15-64-7165. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a total sum of \$2,694 in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- G. Approved on First Reading Acceptance of a Sanitary Sewer Line Easement for the Property of Chris Albert Bumgarner and wife, Lisa H. Bumgarner described as PIN 3723-11-75-1017.

Staff requests acceptance of a 25 foot temporary construction and 25 foot permanent sanitary sewer line easement for the property of Chris Albert Bumgarner and wife, Lisa H. Bumgarner described as PIN 3723-11-75-1017. This easement is necessary for completion of the Sherwood Forest Subdivision Sanitary Sewer Project. This project was awarded to the City as a State Revolving Grant by NCDENR-DWQ in 2012, in the amount of \$2.946 million dollars. The easement was negotiated for a one free sanitary sewer service connection in exchange for the easement. Staff recommends approval of this temporary construction and permanent sanitary sewer easement across the property.

- H. Approved Six Days of Vacation Time as Incentive Prizes for Participation in the Annual United Way Campaign.

The United Way Campaign Committee requests six days of vacation time to be used as prizes for participation in the annual United Way Campaign, which will be held in August

2015. The City is a strong supporter of United Way since they play an important and critical role in our community. We use our campaign to educate the City's workforce about the various programs and services United Way provides, and also to provide an easy way to make a donation. The opportunity to win some vacation time will provide an incentive for participation and contribute to the success of the campaign.

- I. Approved on First Reading Acceptance of Bid and Award of Construction Contract with Hickory Sand Company, Inc. in the Amount of \$154,500 for the Construction of the NC Highway 64-90 Waterline Project.

The NC Highway 64-90 waterline project consist of installing approximately 5,200 – linear foot of new 8-inch PVC waterlines, five new fire hydrants and other customary appurtenances in a previously unserved area. This project is intended to provide improved fire protection for Ellendale Elementary School and provide water service to customers along the line. Staff evaluated the bid packages and found Hickory Sand Company, Inc. to be the lowest responsible bidder. This is proposed to be funded as a component of the Public Utilities Department operating budget in the reimbursable materials line with funds already received from Alexander County Government. Staff recommends Council's acceptance and award of the project to Hickory Sand Company, Inc. in the amount of \$154,500 for the construction of the NC Highway 64-90 waterline project.

- J. Approved on First Reading a Renewal Agreement between the Western Piedmont Council of Governments (WPCOG) and the City of Hickory to Support the Western Piedmont Stormwater Partnership for Phase II Public Education.

The City was issued an NPDES Phase II Stormwater Permit by the North Carolina Department of Environment and Natural Resources on July 1, 2005. One of the requirements of the permit in the Public Education and Outreach Minimum Measure is that the City develop and implement a public education and outreach program to raise public awareness on the causes and impacts of stormwater pollution. This renewal agreement is the result of the establishment of a regionally focused and municipally supported Phase II public education and outreach coalition, the Western Piedmont Stormwater Partnership, which is administered by the WPCOG. The activities in this agreement will meet the public education and outreach minimum measures of this section of the NPDES Phase II Permit.

This agreement would be for the period July 1, 2015 through June 30, 2016. Payment would be in quarterly installments of \$2,758.25. Funding for this agreement is available from the current stormwater budget. Staff recommends Council's approval of the renewal agreement with WPCOG for an amount not to exceed \$11,033.

- K. Approved on First Reading a Contract to Kercher Engineering, Inc. in the amount of \$57,375 for Pavement Management Study to Prioritize the Condition of Streets in the City of Hickory to better optimize the Resurfacing Schedule and Maintenance Operations.

City Staff requested qualifications from firms, interviewed and selected the most qualified firm to meet the City's pavement condition needs. The last pavement condition assessment was done in 2007. This condition study is a vital tool that not only rates the streets with a numerical value, but also allows for the Street Department to plan needed maintenance for several years. The benefits of this study will provide the City with an outside professional source to provide data that will give us the tools to provide our citizens with the best use of our resurfacing funds and maximize the results of our street maintenance program. Staff recommends approval of the contract with Kercher Engineering, Inc. in the amount of \$57,375.

- L. Approved on First Reading Awarding the Resurfacing Contract Utilizing Federal Funds to Maymead, Inc. for Asphalt Resurfacing.

Staff prepared formal bid documents for an estimated 2,660 tons of asphalt surface course in-place and 4,000 square yards of asphalt milling. The asphalt binder unit price will be adjusted according to NCDOT standard procedures. All work will be paid on an in-place unit price basis as the Community Development Block Grant (CDBG) budget allows. Resurfacing under this contract will be performed in the CDBG eligible funding areas. Maymead, Inc. was the responsible responsive low bidder at the unit price of \$52 per ton for S9.5A asphalt surface, \$52 per ton for S9.5B asphalt surface, \$52 per ton for S4.75A asphalt surface, \$595 per ton for binder and \$4.75 per square yard for asphalt milling for the pavement resurfacing project. Currently there is \$75,000 in the CDBG Public Infrastructure line item. Unbudgeted program income may be added if it becomes available over the FY15-16 year. Staff recommends approval of the resurfacing contract utilizing federal funds be awarded to Maymead, Inc.

- M. Approved on First Reading Awarding a Contract to J.T. Russell & Sons, Inc. for Asphalt Resurfacing for FY 15/16.

Staff prepared formal bid documents for an estimated 10,650 tons of asphalt surface course in-place and 9,000 square yards of asphalt milling. The asphalt binder unit price will be adjusted according to NCDOT standard procedures. All work will be on an in-place unit price basis as the resurfacing budget allows. J.T. Russell & Sons, Inc. was the responsible responsive low bidder at the unit price of \$50.50 per ton for S9.5A asphalt surface, \$50 per ton for S9.5B asphalt surface, \$56 per ton for S4.75A asphalt surface, \$536 per ton for binder and \$7 per square yard for asphalt milling for the pavement resurfacing project. Total bid amount of \$919,900 (\$459,950 for the Fall 2015 schedule and \$459,950 for the Spring 2016 schedule). Funds are budgeted in the Street Division's FY15-16 budget. Staff recommends approval of the resurfacing contract with J.T. Russell & Sons, Inc.

- N. Adopted a Resolution to Reaffirm City Council's Support of the Deidra Lackey Memorial Park Project.

Staff requests Council to consider the Resolution declaring the City's intent to reaffirm their continued support and approval of the Deidra Lackey Memorial Park Project. The memorial park facilities would be a gift to the City of Hickory and the public. In addition, based on its location the memorial park would serve as an enhanced entry point to the proposed river walk. Council has previously expressed support for the project and the proposed resolution reaffirms Council's support for the project. Staff recommends Council adopt the Resolution declaring City Council's intent to reaffirm their continued support and approval of the Deidra Lackey Memorial Park Project.

RESOLUTION NO. 15-22
RESOLUTION OF SUPPORT

A Resolution Declaring the Intention of the City Council of the City of Hickory to Reaffirm Their Continued Support and Approval of the Deidra Lackey Memorial Park Project to be Located at the City of Hickory's Rotary-Geitner Park

WHEREAS, the City of Hickory owns and operates a number of city parks and recreational facilities, including the Rotary-Geitner Park ("Geitner Park"), to provide multiple recreational opportunities to the public; and

WHEREAS, Robert Lackey, a citizen of Hickory, desires to memorialize his late wife, Deidra Lackey, by constructing a waterfront memorial park, which will include certain facilities, gardens, and other amenities, on certain tracts located in Geitner Park; and

WHEREAS, Mr. Lackey will construct the memorial park facilities as a gift to the City of Hickory and the public; and

WHEREAS, Mr. Lackey also desires to continue partnering with the City in the expansion, operation, and maintenance of the memorial park facilities; and

WHEREAS, City staff and Mr. Lackey presented his proposal to the Hickory City Council ("Council") at its August 20, 2013 meeting; and

WHEREAS, upon hearing the presentation, Council unanimously voted for the proposed project to go forward thus expressing Council's commitment and support of Mr. Lackey's intent to benefit the City of Hickory and the public with this valuable gift; and

WHEREAS, a joint City Council and Parks and Recreation meeting was held on May 12, 2015. Following presentations and discussions concerning the conceptual site plan for the memorial park, an introduction to the agreements required for the project, and the city's partnership with Mr. Lackey, the Council unanimously voted to approve the conceptual site plan as presented; and

WHEREAS, at a special called meeting on June 22, 2015, Council participated in an extensive review of drafts of three proposed agreements for the memorial park project and Council expressed general consensus that they looked forward to the great partnership with Mr. Lackey.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory that:

1. The Hickory City Council reaffirms its continued support of Mr. Lackey intention to construct a memorial park at Geitner Park to honor his late wife and as a gift to the City and the public.
2. Council further reaffirms its support for Mr. Lackey to move forward with the detailed design plans for the project.
3. Council further acknowledges that Mr. Lackey and the City will memorialize their mutual support of the memorial park project by executing formal documents, and

more specifically Grant/Construction Easement, Conservancy, and Burial Agreements, in the near future. These agreements will delineate the specific rights and responsibilities of the respective parties.

- O. Approved on First Reading Grant Project Ordinance Amendment Number 1.

ORDINANCE NO. 15-35
GRANT PROJECT ORDINANCE AMENDMENT NUMBER 1

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, that the following amendment be made to the grant project ordinance for the duration of the project.

SECTION 1. To amend the Grant Project Fund, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Project – General Fund	836,563	6,563
TOTAL	836,563	6,563

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Governmental Revenue (Federal)	664,000	-
Other Financing Sources	166,000	-
TOTAL	830,000	-

SECTION 2. Copies of the grant project ordinance amendment shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- P. Approved on First Reading Budget Ordinance Amendment Number 2.

ORDINANCE NO. 15-36
BUDGET ORDINANCE AMENDMENT NUMBER 2

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2016.

SECTION 1. To amend the General Fund the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	900,000	-
TOTAL	900,000	-

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	900,000	-
TOTAL	900,000	-

SECTION 2. To amend the Transportation Fund the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	900,000	-
TOTAL	900,000	0

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	900,000	-
TOTAL	900,000	0

SECTION 3. To amend the Capital Reserve Fund, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	166,000	-
TOTAL	166,000	-

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	166,000	-
TOTAL	166,000	-

SECTION 4. Copies of the budget ordinance amendment shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved the Voluntary Contiguous Annexation of 2.001 Acres Located at 2191 13th Avenue Drive SE.

Burgin-Hickory Properties, LLC submitted a petition for the voluntary contiguous annexation of 2.001 acres of property located at 2191 13th Avenue Drive SE. The annexation area consists of a commercial development site, which is the proposed future location of a Sheetz retail facility. The owners of the property are seeking annexation in order to obtain utility services (water and sewer) for a commercial development site. The property is currently located within the City's extra-territorial jurisdictional area (ETJ) and is zoned Regional Commercial (C-3). Staff finds the petition to be in conformity with applicable statutes, and recommends approval of the voluntary annexation petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 17, 2015.

Assistant City Manager Andrea Surratt asked the City's Planning Director, Mr. Brian Frazier to the podium to present Council with a voluntary contiguous annexation of 2.001 acres located at 2191 13th Avenue Drive SE, which is a frontage road just off of McDonald Parkway south of I-40.

Planning Director Mr. Brian Frazier advised Council of the voluntary contiguous annexation. The applicant was Burgin-Hickory Properties, LLC for the property located at 2191 13th Avenue Drive SE, which is off of McDonald Parkway behind the plaza that houses Petco and Ross Dress for Less. Heading southward, turn right, and this would be the first property on the right. It is currently vacant. He showed a PowerPoint presentation and showed the current value of the property. The future development is for an approximate 6,900 Sheetz gasoline station and convenient store. The estimated construction cost is four million dollars. The annexation was being requested to obtain connection to the City's existing water and sewer systems. He pointed out on the PowerPoint the location of the property at McDonald Parkway. He pointed out the current properties located within the ETJ and the current existing city limits. He showed an aerial ortho view pointing out McDonald Parkway running north and south, the area of the subject property, the Corning facility, Valley Corner shopping center, which is cattycorner across McDonald Parkway from the Bob Evans Restaurant. The current land use is regional commercial and the surrounding area to the right is industrial. The voluntary annexation petition complies with all applicable annexation statutes for the State of North Carolina. Adequate public services, water, sewer, police, and fire protection, are all available. Regarding annexation of the property, Staff did not believe that would cause the available services to fall below their current acceptable levels. Based on these findings Staff recommended approval of the requested annexation to Council.

Alderman Meisner asked if there was any ongoing work to open up 13th.

Mr. Frazier commented not that he was aware of. That may be a question better directed to Mr. Chuck Hansen. To his knowledge he had not heard anything about it in quite an amount of time.

Mayor Wright advised that Mr. Hansen shook his head. He commented that they all would like to see something happen there.

Mayor Wright explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor to the proposal. No one appeared. Mayor Wright closed the public hearing.

Alderman Seaver moved, seconded by Alderman Zagaroli approval of the Voluntary Contiguous Annexation of 2.001 acres located at 2191 13th Avenue Drive SE. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderman Zagaroli and the motion carried unanimously.

ANNEXATION ORDINANCE NO. 430
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)
Burgin-Hickory Properties, LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO GENERAL STATUTES 160A-31, AS AMENDED (CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory has been petitioned under G.S. 160A-31, as amended, to annex the area herein described; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building at 7:00 p.m. on the 4th day of August, 2015, after due notice by publication on July 17, 2015; and

WHEREAS, the City Council does find as a fact that said petition meets the requirements of G.S. 160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following-described territory is hereby annexed and made a part of the City of Hickory as of August 31, 2015

CONTIGUOUS ANNEXATION
BY THE CITY OF HICKORY
KNOWN AS:
BURGIN – HICKORY PROPERTIES, LLC

That certain parcel or tract of land lying and being about 3.2 miles east southeast of the center of the City of Hickory. Bounded on the north by the south right-of-way line of Interstate 40 exit ramp and existing City of Hickory city limits line as shown in Plat Book 40 at Page 84, on the east by the west right-of-way line of McDonald Parkway and existing City of Hickory city limits line as shown in Plat Book 51 at Page 11, on the south by the north right-of-way line of 13th Avenue Drive SE and existing City of Hickory city limits line as shown in Plat Book 72 at Page 101, and on the west by other lands of Burgin – Hickory Properties, LLC as shown in Plat Book 74 at Page 196 and more particularly described as follows to/wit:

Beginning at a R/W disk in the south right-of-way line of Interstate 40 exit ramp and in the existing City of Hickory city limits line as shown in P.B. 40 at Pg. 84, said R/W disk having North Carolina Grid Coordinates of N 720,122.177, E 1,328,377.771 (NAD 83) and running thence, as the west right-of-way line of McDonald Parkway and existing City of Hickory city limits line as shown in P.B. 51 at Pg. 11, the following calls: South 04 degrees 55 minutes 19 seconds East 197.51 feet to a R/W disk in said city limits line, thence South 12 degrees 09 minutes 45 seconds West 186.18 feet to a R/W disk in the north right-of-way line of 13th Avenue Drive SE and existing City of Hickory city limits line as shown in P.B. 72 at Pg.101; thence, as said city limits line, North 64 degrees 26 minutes 07 seconds West 307.50 feet to a 0.04' rebar in said city limits line; thence, a new City of Hickory city limits line, North 25 degrees 33 minutes 53 seconds East 337.60 feet to a 0.04' rebar in the south right-of-way line of Interstate 40 exit ramp and existing City of Hickory city limits line as shown in P.B. 40 at Pg. 84; thence, as said city limits line, South 69 degrees 12 minutes 36 seconds East 164.71 feet to the beginning. Containing 2.001 acres more or less.

Section 2. Upon and after the 31st day of August, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-31 (e), as amended.

Section 3. That the newly annexed territory described hereinabove shall become a part of Ward No. 3 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Section 5. That all ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after the 31st day of August, 2015.

2. Approved on First Reading Designating the Whisnant Hosiery Mills Complex as a Local Historic Landmark.

The Whisnant Hosiery Mills complex located at 74 8th Street SE was built in 1929 with significant expansions in 1937 and 1966. The complex serves as a reminder of the pivotal role that the hosiery industry played in the development of the City of Hickory. The property is now known as Moretz Mill and has recently undergone an extensive rehabilitation. The owners of the property have requested that the property be designated as a local historic landmark. The property has been listed on the National Register of Historic Places since 2013. If the property is designated as a local historic landmark all changes to the exterior of the building and site would need approval from the Hickory Historic Preservation Commission. If designated, there would be a 50 percent deferral on all property taxes provided that property maintains its historic integrity. Staff recommends Council approve the local landmark designation ordinance for the Whisnant Hosiery Mills property.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 24, 2015.

Mrs. Surratt advised Council that the public hearing was for the consideration of designating what is commonly known as the Moretz Mill, formerly known as the Whisnant Hosiery Mills complex, as a local historic landmark. She asked the City's Community Development Manager, Mr. Dave Leonetti to the podium to present that item to Council.

Community Development Manager Mr. Dave Leonetti presented Council with a PowerPoint presentation for the local historic landmark designation of Whisnant Hosiery Mill. He advised Council that their agenda contained a lot more information about the property in terms of photos, additional architectural and historical descriptions, in both the Local Designation Report and the previous National Register Designation Report that was completed approximately two years ago. The building was located at 74 8th Street SE, just south of Hollar Hosiery Mill and the railroad tracks. It was constructed in 1929 with significant expansions in 1937 and 1966. It was operated as a hosiery mill and a warehouse, before being vacant for quite a while and there was some storage in there as well. In recent years it had been revitalized and rehabilitated extensively into an event facility, a number of office and personal service uses, including a large logistic technology company that is in the process of going into the older portion of the building. By 1938 the mill had the capacity to produce 3500 dozen pair of men socks per day. The second largest producer of all of the mills in Hickory. The only mill that had a larger capacity at the time was the Elliott Knitting Mill. The Whisnant Hosiery Mill actually employed more people than the Elliott Knitting Mill which was the property just north of the Lyerly Mill where the parking lot for the new Transportation Insight was built. The 1966 addition symbolized the height of the hosiery industry in Hickory. The building at that point was a showplace of hosiery manufacturing facilities. He showed photographs of the building pointing out the north side of the building. He pointed out the images along 7th Street and 8th Street. He advised during some of the rehabilitation that some windows were added to the north side to allow light to go into the gym section of the building. The south side of the building is the main entrance where the Vitality Spa, Southeast Retirement Planners, and the event space are located. He showed an image of the renovated version of the original 1929 portion of the building. He pointed out that a lot of the old doors were reproductions, but was restored to look exactly like it did in the 1920's and 1930's. That had been completely covered with the 1966 addition to the building. They put in a new brick façade on that that matched the 1966 version. They brought that back to what it had looked like originally.

Mr. Leonetti discussed the effects of the local landmark designation. He advised that this property is already listed on the National Register of Historic places which is an honorary designation. The Federal governments list of buildings worthy of preservation. That makes the building eligible potentially for Federal, and up until recently, State historic tax credits. The local designation would designate the

property as historic locally and also would confer design authority over exterior changes to the building to the Hickory Historic Preservation Commission. Any changes they make to the exterior would require a Certificate of Appropriateness, either minor or major depending on the level of changes proposed. The other key to this designation is that it defers property taxes on the property by 50 percent as long as the property maintains its historic integrity. He advised that the Ordinance would be sent to Catawba County and they cut the property tax assessment in half. The assessment significance is related to National Register criteria (a), which is the association with historical events that contributed to the City's history. By the mid 1960's Alamance and Catawba County were basically the two biggest hosiery producers in the State. Those two counties actually had more than half of the State's hosiery mills. The integrity of the mill is in very good condition now since it has been rehabilitated. It was fully rehabilitated because it was a tax credit project in association with the Secretary of Interior's standards for rehabilitation of historic properties. That is basically the gold standard that the Federal government uses when looking at historic rehabilitations. The Historic Preservation Commission held a public hearing at their July meeting and they voted unanimously to recommend approval of the designation ordinance. Staff also recommends approval.

Mayor Wright asked if this was permanent.

Mr. Leonetti replied yes sir.

Mayor Wright asked if the owners could come back later and request it be removed from the historic designation.

Mr. Leonetti advised that you can repeal the Ordinance. He commented that would be more of a legal question as to what would actually happen with the property tax deferral in that case, if there hadn't actually been a material change to the building and it was just a decision to repeal the Ordinance.

Mayor Wright declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor to the proposal. No one appeared. Mayor Wright closed the public hearing.

Alderman Patton moved, seconded by Alderman Seaver approval of designating the Whisnant Hosiery Mills Complex located at 74 8th Street SE, as a Local Historic Landmark. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Patton seconded by Alderman Seaver and the motion carried unanimously.

ORDINANCE 15-37
AN ORDINANCE OF THE HICKORY CITY COUNCIL DESIGNATING THE
WHISNANT HOSIERY MILLS LOCATED AT 74 8TH STREET SE AS A LOCAL
HISTORIC LANDMARK.

WHEREAS, North Carolina General Statutes § 160A-400.5 states that the City of Hickory may adopt an ordinance designating a property as a local landmark; and WHEREAS, the City has complied with the required landmark designation procedures of § 160A-400.6 of the North Carolina General Statutes; and

WHEREAS, the Hickory Historic Preservation Commission conducted a public hearing on June 23, 2015 to consider the proposed designation; and

WHEREAS, the Hickory City Council conducted a public hearing on August 4, 2015 to consider the proposed designation; and

WHEREAS, Whisnant Hosiery Mill was constructed in 1929 and remains one of the most lasting reminders of the role that the hosiery industry played in the development of Hickory;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina:

1. That the exterior of the property known as the Whisnant Hosiery Mill is hereby designated a local historic landmark pursuant to Part 3B, Article 19, Chapter 160A of the North Carolina General Statutes.
2. The property subject to this designation is located at 74 8th Street SE. This property is more specifically described GIS PIN 3702-08-99-4831 on the Catawba County Tax Maps.

3. That said designated property may be materially altered, restored, moved, or demolished only following the issuance of a Certificate of Appropriateness by the Hickory Historic Preservation Commission. An application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B and amendments, thereto and hereinafter adopted. The regulations relating to Certificates of Appropriateness are found in the City of Hickory Land Development Code.
4. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration; demolition, or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is, required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.
5. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.
6. That the owners of the property known as the Whisnant Hosiery Mills be given the notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Catawba County Building Services Division, Catawba County Register of Deeds, and the Tax Supervisor as required by law.

B. Departmental Reports:

1. Airport Presentation - Settlement Agreement and Release of Claims.

As a result of a recent mediation effort between the City of Hickory and AGI Associates, LLC and CRA Enterprises, LLC, a settlement agreement was reached that gave back to the City of Hickory full control of remaining facilities at the airport that had been in dispute, specifically the leasehold interest of the Moose Hangar as well as other hangars on the property. The City gained \$2.1 million in the value of hangars and other assets for \$900,000.

Mrs. Surratt asked City Attorney John Crone to address Council regarding the airport presentation and discussion regarding the Settlement Agreement and Release of Claims. She advised that Attorney Frank Newton was also present and would address Council as well.

City Attorney John Crone recapped the events of the mediation that was held on July 13th in Charlotte regarding the parties involved in litigation pertaining to certain airport hangars at the Hickory Airport. AGI, the owner of the leasehold interest in a number of those hangars had brought a lawsuit against the City of Hickory claiming that the City had been unjustly enriched by ousting them from the airport and having them assume loans that were made years ago to entities that were in-charge of the airport at that time. Council had discussed in closed sessions that the funds derived from the loans of the entities of formerly held leasehold interest in the airport were used to construct certain hangars of which the City obviously benefited. The mediation that occurred in Charlotte lasted approximately 12 hours. The parties were AGI, their lawyers and representatives that had filed the lawsuit against the City of Hickory in Federal Court in the Western District of North Carolina. In attendance were Mr. John Crone, Mr. Sam Gorham, Airport Attorney Mr. Frank Newton, Mrs. Andrea Surratt, and Mr. Mick Berry. They were able to resolve the matters involving all of the hangars at the airport, well under their authority to settle that the City gave them in closed session. Even though the Moose Hangar that is owned by CRA was not part of the litigation, certain principles involved in CRA also had an interest in the AGI lawsuit. It was their desire to not resolve anything regarding the hangars unless it included termination of the Moose Hangar lease. Moose Hangar has been vacant for quite some time, although rents had been paid through a couple of months ago. There had been nobody in there and it was in a pretty bad state of repair. The City had gone in and made some repairs. The City has great use for that, and are already using that. In

order to do that the City needed a termination of the outstanding lease. Coincidental with the litigation by AGI against the City of Hickory, the City of Hickory filed an eviction action against CRA in Burke County, where the hangar is located, in an effort to evict them from their lease based on the neglect of the property, and them basically abandoning the property. He asked Mr. Frank Newton, as the Airport Attorney, to go into brief detail about the rationale and reasoning behind the settlement and why the Legal team and City Staff feel like that it was a win for the City and in the City's best interest. He also asked him to explain to Council and the public where the funds must come from and how the funds will be paid and allocated, and how the funds will come back to the City.

Airport Attorney Frank Newton addressed Council. He advised that the Airport was built and open for business around 1942. It served as a training base during World War II. The City took it over at the end of the war in a deed from the Federal Government. The City has operated it ever since. Only as of December 12, 2011, did the City really have control of the assets necessary to operate the airport for the benefit of the citizens of Hickory in the way that there was potential to do before, but not the ability. The reason for that was that successive members of the government and Staff of the City of Hickory had, as with many airports across the country, delegated the operation of the commercial services on the airport to private entities. In the course of time, the last of those private entities, Profile Aviation was not able to operate on a profitable basis and went into bankruptcy. It was through that bankruptcy proceeding that the City became the owner, unfettered of any leasehold interest, of all of the properties of the airport. During the mid to late 90's, Profile had constructed four hangars at the airport that were modern hangars built to today's standards. All with the floor space for aircraft of over 12,000 square feet and with four of them having additional office space and maintenance facilities of over 3,000 square feet each. Profile borrowed two million and sixty-six thousand dollars from Royal Bank of Canada to finance those facilities. Pursuant to its leases they were allowed to mortgage its leasehold interest to the bank to secure the repayment of those loans. Before Profile went into bankruptcy it had already defaulted on those loans to the bank, and the bank had sold the notes as well as the security interest to AGI who was the Plaintiff in this lawsuit. AGI's claims were, among others, that the City had been unjustly enriched by the bankruptcy of Profile it did not compensate Royal Bank of Canada, and now AGI for the amount of money it had loaned to build the facilities that the City of Hickory now owns and operates.

Mr. Newton continued, those four hangars are designated as S5, W2, W4, and W5. Hangar S5 is leased to Commscope for \$72,000 per year. Hangar W2 is leased to North Carolina Forestry Service for \$77,000 per year and has an escalating rental on it. W4 is used as a maintenance hangar and as an aircraft storage hangar and it is generating presently about \$50,000 per year. Hangar W5 is leased to the helicopter wing, the air ambulance wing of the Carolina's Medical Center in Hickory, as well as to other aircraft storage. It has a potential of generating over \$76,000 per year. For potential income from those hangars in today's dollars of \$275,000 per year. The City did receive substantial benefit, at no cost, from the failure of Profile by receiving the right to these hangars and the right to operate them for revenue to the City, many years before the Profile lease would have expired. They looked at all of these facts and appraised the values of those hangars in several different ways. They came up with a range of valuations. Council authorized Counsel, Mr. Crone, Mr. Gorham, and Mr. Newton to go into the mediation with authority to settle the matter. The matter was settled for \$900,000. That was \$100,000 less than the authority that was given to Counsel, plus they saved the risk of losing more had they gone to trial, plus the cost of litigation which would have been substantial. He advised that this was a really big deal and a homerun for the City of Hickory. The City now enjoys the opportunity to operate the airport on a revenue self-sufficient basis. There is excellent management from Terry Clark and his Staff out there who are doing all they can do every day to sell as much fuel as possible, and to keep these hangars full of airplanes and to attract more businesses and more airplanes to the airport and to the community.

Mr. Newton referenced Mr. Ivester's previous conversation of the possibility of the City's Airport being the focal point of a community event called a fly-in. For that to happen and to have 300-500 airplanes visit here, they would all have to purchase fuel at the airport. The City of Hickory sells them that fuel. For every gallon of fuels sold at the airport there will be money generated to help pay for the airport. This airport has the potential to operate on a financial sound and surplus basis. Because this airport has over the years, and most recently received Federal funds from the FAA to pay for improvements on the airport, there are strings attached to those dollars. The City is not permitted to take any revenue off of the airport. All the revenue generated off the airport must be used to pay for the cost of the airport, or be kept on the airport in a separate fund. The airport fund would

accumulate capital surplus there for the benefit of the airport and aviation uses. The City is permitted to use taxpayer money into the airport. That has been the practice over many, many years. They think that the potential of taking the airport and these facilities over and operating them on a businesslike basis spells the end for that. They feel that this is an opportunity for the airport to be financially self-sustaining.

Mr. Newton discussed the \$900,000 that would have to be paid for the settlement. That money should come from the airport. However, the airport has not accumulated that \$900,000 in surplus. Mr. Newton proposed that the General Fund make a loan to the Airport Fund of \$900,000. The City should charge the Airport Fund with the cost of the settlement in the amount of \$900,000. The City should cause the Airport Fund to generate a note, payable to the General Fund in the amount of \$900,000, payable over 30 years at an interest rate which is financially feasible. He suggested three percent. On that bases the Airport would generate payments back to the City of approximately \$51,000 per year. Eventually the General Fund would recover the money back, plus interest, and it would be coming back from the airport. He advised that is the only way that the City could take airport revenues into the General Fund, by first loaning the money to the airport. This makes the City financially whole on the basis of the airport, and it puts the airport on a financially sustaining basis. He thinks that it is a really good thing and a big deal.

Alderman Lail questioned the appropriation of the \$900,000 that was on the agenda for second reading. He advised that was just an appropriation, it did not mention a note, or a loan. He asked if the appropriation should be reversed.

Assistant City Manager Rodney Miller advised that Staff could do it administratively.

Mr. Newton mentioned that the ability for the airport to make these payments each year will be dependent upon it being operated as a business, keeping good books so you know what your revenues and expenses are. You can document what the surpluses are and the inter-fund transfers from the Airport Fund to the General Fund. But there is always the possibility in downturns in the economy that there might be years in which the airport doesn't generate a \$51,000 surplus. In that event any deficiency, and this should be written into the note, should be capitalized, rolled into the amount of the note, and then continued to be recovered over time. If it is done that way there is no chance that the City won't get its money back and there is no chance that if the FAA were to audit the City's stewardship of the airport revenues that the City wouldn't be able to document the soundness of what is being done.

Alderman Lail commended Mr. Crone and Mr. Newton for a fabulous job. When you hear lawsuits and settlements, you tend to think that somebody is right and somebody is wrong. So often as occurs in business, and the City is an eighty million dollar business, there is that area, if we had the hindsight maybe we wouldn't have allowed private companies to borrow money and build on the City's airport property. That might have been the right decision at the time. This is definitely the best route to go because that upper limit of the value that was estimated was close to two million dollars.

Mr. Newton advised that the cost of the facilities was two million sixty-six thousand dollars. If the City was building them today, they could not build them for that amount. He appraised them on the basis of a depreciated value of \$1.3 million dollars, but they are really closer to two million dollars or greater.

Mr. Crone commented that Council had received a lot of compliments about the new leadership of the airport and the service out there. Mr. Terry Clark's doors are always open for positive reinforcement or constructive suggestions on how to make the airport better. He stated that the City is very fortunate to have him at the airport. He also said that the City is very fortunate to have Mr. Frank Newton with his knowledge of airports and representation of airports to be on the City's team.

Mr. Newton gave credit to all the City Staff that were so important and supportive of the work of the lawyers and getting them to this point. He included Terry Clark and his Staff, the Finance Department, the Clerk's Office, Deputy City Attorney Arnita Dula, and Assistant City Manager Andrea Surratt. It was a team effort. He commented that Council was the most important part of all.

Mayor Wright pointed out this was not what the City set out to have happen a dozen years ago. The City ended up in a situation where people were not happy with the airport and it was reflecting on the City. It was reflecting poorly on the City to a very important group of people. Council took a step at a time and with the leadership of Mr. Crone, Mr. Gorham, Mr. Newton, and Mr. Terry Clark and Staff,

we now how have an airport which is the envy of other places. He doesn't ever hear anything except compliments about the job being done out there. There was a time when somebody brought up the airport that he knew he was going to get beat-up.

Alderman Lail commented that it closes a door on a chapter of the airport and a new door is opening. That is the financial viability and movement of the airport forward.

Mayor Wright stated that it is a good chance to discuss closed session matters and open matters. He advised that when Council went into closed session last week that he said that there would probably be some action taken at the end of the meeting. Staff could not negotiate with them if Council was telling everyone what their position was in open session. Council discusses with Attorney's in closed session about what the City's position is and what they are willing to do. Once the decision is made and they are ready to announce it, they want to announce it that moment and not a minute later. They came back in to open session to accept the Resolution and that became a public record at that very moment. He advised that this presentation was not necessary, except to make sure that citizens don't think that Council did something by cover of darkness and tried not to talk about it. He is very pleased with the settlement and that Council handled it in the right way. He thanked Mr. Newton.

Mrs. Surratt advised that Mr. Mick Berry was not present tonight, but extremely instrumental in that entire process. She thanked Mr. Berry.

2. Information Presentation – Proposed Changes to Chapter 4 (Animal and Fowl) Ordinance.

The City of Hickory approves organizations to use public property to host events for the public. Over the years, citizens and staff have expressed concerns about animals being allowed at these events due to public safety concerns for the citizens and animals attending the event. City Staff to include, Legal, Police, Parks and Recreation, and Branding/Public Information Office have worked together to develop proposed changes to Chapter 4 (Animal and Fowl) Ordinance restricting animals within the "footprint" of the approved special event on public property. These proposed changes are in the interest of protecting the public from potential aggressive animals that could cause harm to a human or another animal, and to ensure the appropriate public health and sanitation of food and surrounding areas. Staff requests City Council's feedback in order to precede with any changes to Chapter 4 (Animal and Fowl) Ordinance that would restrict animals from approved special events on public property.

Mrs. Surratt asked the City's Police Chief Tom Adkins to the podium to present Council with proposed changes to Chapter 4, Animal and Fowl Ordinance.

Chief of Police Tom Adkins advised Council this would be an informational presentation. The Police Department, Legal Department, Parks and Recreation, the Brand Manager, and Public Information Office are all working together to try to come up with a proposed Ordinance that would allow restrictions of animals at a special event on City property. When an entity comes to the City and wants to have an event on City property they fill out a special events application. In that special events application they have to do a diagram or a "footprint" of where they are going to hold the event. A lot of these events are held on Union Square. He showed a PowerPoint presentation giving some examples of special event applications that had been filed. Council approves the use of City property for these events. Other areas might be the SALT Block, or the steps at City Hall. There are also events that are sponsored by the City's Parks and Recreation Department, the Bark Bash and the Wolfe Walk. This Ordinance would not apply to any events that are sponsored by the City themselves and held on City property.

Chief Adkins discussed why the City needs the restriction which was for public safety. The City does not want to have an animal situation on Union Square where a person gets bitten by an animal. We do not want another animal biting another animal at the event. The City has a leash law, so the folks that have these animal's downtown, i.e. dogs, cats, snakes, etc., leashes can be trip hazards for folks attending events. The second item of concern was public health. Chief Adkins had spoken with Mr. Doug Urland from the Catawba County Department of Public Health and discussed animal waste on the property itself. These animals would expel waste on the footprint of the properties. Mr. Urland's main concern was the animal bites. If an animal would bite another animal and or a person they would have to be quarantined for 10 days, which would have to be run through the Animal Shelter themselves. The animal would have to be quarantined to make sure that they have the proper rabies vaccinations, and that they are not exhibiting

any type of behavior that would be associated with having rabies. If that was to happen the person bitten would have to go through a series of shots. Mr. Urland's main focus was the rabies vaccination. The waste themselves, dog's mark their territory, and have marked their territory on vendor's products and displays. Mr. Urland's also discussed outside dining with Chief Adkins. The restriction of outside dining had loosened up a lot over the years. You see more and more animals in the outside dining areas. Mr. Urland gets calls of animals that are in those areas. Chief Adkins commented about his experience at a restaurant where this was an outside patio and there was two different patrons with three dogs. Everything was fine until those animals got close to each other, then they had to be separated and had to use separate exits to get out. That is the main thing. Animals may be great around humans, but they may get aggressive when they are put together. Event sponsors themselves have requested the restrictions. The Farmer's Market has done the restriction on their own. Waste being put on the product themselves has caused them to restrict citizens inside that footprint area.

Chief Adkins showed the definition of an animal on his PowerPoint presentation. He advised mainly dogs, but there could be cats, livestock, birds, snakes. There would be exceptions to the Ordinance if adopted. Service animals as defined by the Americans with Disability Act (ADA) would be exempt from this Ordinance. Animals that are part of the event, parade or exhibit. If there is a parade through the downtown footprint of an event those would be exempt. If the event themselves had a petting zoo that would be exempt from this Ordinance. Animals controlled by Public Safety would also be exempt. Animals for hire, there is business downtown that has carriage rides that would be exempt from this footprint. The event themselves could apply for a waiver from of this Ordinance, which would obviously be approved by Council. If that was the case then the event sponsor would be asked to have the appropriate amount of liability insurance coverage if an event would happen to a patron or an animal.

Chief Adkins addressed enforcement of the Ordinance if adopted. He advised that they would educate the public. We have had animals in the downtown area and citizens have become accustomed to that. The events themselves could advertise through their flyers to mention the passing of the Ordinance if adopted, and get the word out to anyone that would seek that event. Police officers would take a community policing approach and inform citizens that an Ordinance had been passed and ask them to remove their animal from the footprint of the area. As a last resort they could cite a person for refusing to take an animal from the footprint area. That could be a civil or a criminal citation. Of all of those Chief Adkins felt that most people would cooperate and leave the area. He discussed areas with similar ordinances, which were Apex, Morganton, and Asheville. They have similar type ordinances that talk about special events on their city property.

Chief Adkins discussed the next steps. Staff would like feedback from Council and if advised to move forward Staff would request City Council to call for a public hearing on the next Council meeting of August 18th. If Council moves forward with this Ordinance, the Public Information Office has organized two public presentations that would be held on August 11th and 13th. Those target audiences being the veterinary services, services that cater to the pet population, and have those citizens, and any others talk through some of the Ordinance and provide Council with feedback that they may have during those two informational sessions. Then a public hearing could be scheduled for August 18th if Council so desired. So others would have an opportunity for input on the Ordinance.

Alderman Zagaroli asked about the footprint that Chief Adkins was suggesting.

Chief Adkins advised that would be whatever the event applicant put as a footprint. He used the Farmer's Market for an example. It is usually Under the Sails, so if somebody was walking in front of the Tap Room that is not actually in the footprint of the event itself. Each applicant provides the City an area where they want to use City property. The Oktoberfest uses across the tracks, Government Avenue all the way down to North Center Street, 3rd Street and 2nd Avenue NW. That would be the footprint area for that event. Each event would have a different one. If they have an event at the SALT Block in the grassy area, anybody walking around the Library may not be in that footprint. The officers that are working would know where that footprint would be and event staff would know as well.

Alderman Lail commented that the City has allowed the Farmer's Market to exclude animals from that event.

Chief Adkins commented that they have asked animals not to come into the Farmer's Market.

Alderman Lail commented so they are self-governing that. He questioned if it would be possible for the event organizers, as part of the special event, indicate that generally animals are allowed unless the event organizer says we do not want animals at the event.

Chief Adkins advised that would depend more on what the City is trying to accomplish. If you take the animal out of the equation then the public safety issue is definitely there.

Alderman Lail commented that currently in the City's Ordinance animals are required to be on leash and they are required to be under the control of the owner at all times. He asked if there was issues with people that have animals that are not under control.

Chief Adkins responded that most of time they have animals that get aggressive towards other animals. You have children approaching animals. He advised that he wasn't aware of a bite, but we don't want to have a bite.

Alderwoman Patton commented that they did have issues at the Farmer's Market with animals.

Alderman Lail commented that he could certainly see in crowded places that it would not make sense to have animals within crowded places, like Oktoberfest.

Alderwoman Patton commented that people bring their animals.

Alderman Lail the leash tripping and knocking people over is a big of hazard as anything.

Mayor Wright commented or falling yourself.

Alderman Meisner commented that it is definitely overdue and there had been some close scares. This is just preventative policing.

Mayor Wright asked if August 18th was too soon for the public hearing.

Alderman Lail requested to see the language to the Ordinance prior to Council calling for the public hearing.

Mrs. Surratt advised Council that there would be a process to advertise and to present it to Council in the form of an Ordinance Amendment. She advised that Staff would follow those steps and possibly bring it to Council at the first meeting in September. Unless Council is ready to call for the public hearing tonight.

Alderwoman Patton requested to have the language to review before calling for the public hearing in case they have questions.

Mayor Wright didn't want to move to fast on the issue.

Mrs. Surratt advised that Staff would bring the Ordinance language back to Council on August 18th, and advertise accordingly for a future public hearing.

3. Update from Bond Implementation Commission on Bond Projects

Mrs. Surratt updated City Council on the Bond Implementation Commission's bond projects. She presented a PowerPoint presentation. She advised that their activities had been significant over the summer and they have been working with the Bond Consultants, Freese Nichols to begin developing cost estimates and conceptual plans for some of the projects related to the bond program. There is a lot more work to be done. She advised this was just base information to start developing cost estimates and were not in any way final drawings or recommendations. She went back to the Inspiring Spaces Plan noting that everything related to the Bond Referendum, minus the 1764 Park, had been recommended through Inspiring Spaces as a part of improvements to the area, and to improve the economic development opportunity of Hickory. Identified were the areas that need to be upgraded which included the city-walk, river-walk, five gateways and seven streetscapes. The Bond Commission worked on that list and are starting to develop cost estimates for those projects. That information will be brought to Council in January/February of 2016. They have begun to gather data to develop the plan for the river-walk. They selected the river-walk because they heard the most information about the significance of that project. They did not have the cost estimates and the conceptual plans ready, so it became the first one "out of the gate". She advised that the consultants had done a lot of investigative work and had walked the entire length of the river-walk from the 321 bridge to

Geitner Park. They did a great deal of inventorying the terrain and the facilities there. There are some competing uses in that area, of not least is the Water Treatment Plant. There will be some things to work around and with. There are also some Park Facilities in that area. There are some opportunities in that area that can be expanded upon and make the river-walk a part of. That included the greenway that is currently there, Boy Scout cabin, existing bike trails, plus the work being done by the Lackey family at the Rotary-Geitner Park.

Mrs. Surratt commented that the Bond Commission is thinking big and are looking at other greenway examples across the country. Mrs. Surratt showed images of other greenways. They are thinking about types of greenways that are along a river or along a body of water, or that might be built into a hillside. She advised that those scenarios are what we are dealing with along the river-walk. There might be hard structure. It is not easy to put a graveled or paved path along that river-walk area. It is wooded up to the shore. The Commission has started working on a conceptual plan. They have done some brainstorming with the River-walk Subcommittee. They want to make sure they focus on how that area looks as a gateway into Hickory, Catawba County, from Caldwell County along the bridge. Making that area a destination regionally, and also a gateway and a real iconic point of interest for our community. She showed the draft conceptual plan, which was just the first pass, but it is a place to start. She advised that the information was located on the City's website on the bond page. She pointed out the existing bike trail and greenway connection and the footprint of the Lackey Project. It connects the greenway to the existing bike trail and those Improvements will coordinate together. The river-walk itself was shown right at the river's edge. She advised that there are three areas that would be scenic overlooks along the river-walk. It is anticipated to be a decking material, and maybe some concrete, a hardened surface to be utilized. She pointed out the footprint of the facilities at the Water Treatment Plant. She advised that there were some limitations on how close that we can get to those facilities and crowd them up with people. They identified those areas as separate, and identified some access points in and around those facilities that want be a problem for the day to day operation of the Treatment Plant. She showed sketches of how the river-walk might look. The impression from the River-walk Subcommittee was they want to be close to the water, a connection with the water and save as many trees as possible. A combination of decking, like a composite decking and concrete would be the preferred path. She showed examples. A lot of thought needs to go into lighting, landscaping, fencing, benches and safety. The Subcommittee is working quite a bit on those details. They are gathering all of that information, and coming up with a sketch. There will be a future full design of plans that will be done by another company later on to get to the final construction drawings and something that is ready to be built. She reiterated that this is the data gathering in order to identify the cost for the project. She showed a rendering from a landscape architect that works for Freese Nichols. She pointed out the elevation of the land in that area. You are going straight uphill, it is heavily wooded, and the river-walk would be closer to the water.

Mrs. Surratt advised that the contract with Freese Nichols identified point "A" to point "B", Geitner Park to 321 bridge, but there is also a future section beyond the 321 bridge toward the baseball stadium that is not addressed and might have different uses. There might be an eventual third connection that might occur along the railroad right of way or Old Lenoir Road connecting down to city-walk. She advised that was not included in the presentation and was not being considered. She showed another image showing the combination of the concrete and the decking. She commented that a serious mountain biker might still want to be up in the woods doing mountain biking on those trails. The image was more of a boardwalk/walkway, runners, joggers, and people with pets. You would not want a lot of heavy duty biking to compete with the pedestrians. It would be more of a 10-12 foot wide path.

Mrs. Surratt commented that there was a YouTube video of the river area so people could see that it is densely wooded, and very steep. She advised Council of the next Subcommittee meetings for the Bond Commission which were on August 24th and 25th. August 24th at 8:30 a.m., River-walk and at 5:00 p.m. City-walk. August 25th at 5:00 p.m. Streetscapes and Gateways. Those meeting will be to focus on supplemental funding. Mrs. Surratt commented on Jessica Martin-Lane, with Martin-McGill, who has significant resources for grant writing. They wrote the City's Tiger Grant. Part of their work is to keep the City thinking about public/private partnerships and other grants to go after. The Subcommittee will receive the numbers for the river-walk concept at the meeting on August 24th as a place to start.

Alderman Lail commented as we enter into this process, one of the recommendations from Inspiring Spaces was that the river-walk would be visually

inspiring and impressive coming south from Caldwell County into Hickory. You would know that you are arriving somewhere. Hopefully the Committee can begin to wrap their heads around that. What does that look like? This is a great piece to have the trail along there, but he doesn't see it as the end game by any means.

Alderman Seaver commented that he was sure there would be some development wanting to come in there along that walk, but with the steep area he didn't know how much you could do.

Alderman Lail commented that maybe the terrain could be used as an advantage to show it off.

Mayor Wright commented that we certainly need to have some spectacular lighting so that at night it would really stand out.

Alderman Seaver stated that if the bridge is nicely done, it would be like you are coming in for a landing there into Hickory. The understanding is the bridge is going to be higher up. We might could even keep a lower bridge for pedestrians.

Mrs. Surratt advised Council that she would take back Council's comments and suggestions to the Commission.

4. Appointments to Boards and Commissions

CATAWBA COUNTY ECONOMIC DEVELOPMENT BOARD OF DIRECTORS FOR HICKORY

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

Position One Gary Garvey and Stephen Shuford have expressed interest

Mayor Wright nominated Stephen Shuford to the Catawba County Economic Development Board of Directors for Hickory.

CITIZENS ADVISORY COMMITTEE

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

At-Large Bert Showfety declined appointment 7-20-2015

COMMUNITY RELATIONS COUNCIL

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

Caucasian	VACANT
Other Minority	VACANT
Other Minority	VACANT

Alderwoman Patton nominated Sandi Fotheringham to Community Relations Council, Caucasian Representative.

HICKORY REGIONAL PLANNING COMMISSION

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

Burke County	(Mayor to Nominate)	VACANT Since 8-6-2008
Brookford	(Mayor to Nominate)	VACANT Since 6-2006
Catawba County	(Mayor to Nominate)	Oscar Vasquez (Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

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

At-Large (3) VACANT

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)

(10) Positions VACANT

LIBRARY ADVISORY BOARD

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

Ward 1	VACANT
Ward 3	VACANT

Alderman Lail nominated Barbara De La Garza to Library Advisory Board, Ward 1 Representative.

Alderman Seaver nominated Joy Tilton to Library Advisory Board, Ward 3 Representative.

PARKS AND RECREATION COMMISSION

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

PUBLIC ART COMMISSION

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

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms (Appointed by Mayor)
Tenant Representative (Mayor Nominates) VACANT

RECYCLING ADVISORY BOARD

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

UNIVERSITY CITY COMMISSION

(Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council)
At-Large VACANT

Alderman Seaver nominated Mary-Margaret Baker to University City Commission, At-Large Representative.

YOUTH COUNCIL

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

Hickory Career Arts Magnet VACANT

Alderman Seaver moved seconded by Alderwoman Patton approval of the above nominations. The motion carried unanimously.

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

Alderman Seaver wished Bob Vollinger a Happy 53rd Anniversary.

Alderman Zagaroli acknowledged Alderman Meisner's 32nd anniversary serving on City Council.

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)

Alderman Guess moved that Council go into closed session to consult with the attorneys to discuss the items below, seconded by Alderman Seaver. The motion carried unanimously.

1. Approval of Closed Session Minutes of June 16, 2015 - NCGS §143-318.11(a)(1)
2. Approval of Closed Session Minutes of June 22, 2015 - NCGS §143-318.11(a)(1)
3. Approval of Closed Session Minutes of July, 14, 2015 - NCGS §143-318.11(a)(1)
4. Discuss Potential Litigations - NCGS §143-318.11(a)(3)

No action was taken upon return to open session.

XIV. There being no further business, the meeting adjourned at 9:56 p.m.

Mayor

City Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Dave Leonetti, Community Development Manager, Planning Department

Contact Person: Dave Leonetti

Date: July 31, 2015

Re: Revision to the 2015 Urgent Repair Program Grant

REQUEST

Please review the attached Urgent Repair Program Grant from North Carolina Housing Finance Agency in the amount of \$50,000 along with program Assistance and Procurement Policies for the grant. This is a revision to the original Assistance Policy that was approved at the May 5, 2015 City Council meeting. The only change in the policy is the Income Limits.

BACKGROUND

In January 2015, the City of Hickory Community Development Division applied for funding through the North Carolina Housing Finance Agency's Urgent Repair Program. The City of Hickory has been awarded \$50,000 through this program in order to assist approximately 12 very low income homeowners with urgently needed repairs in an amount not to exceed \$8,000 per housing unit. The City of Hickory will provide an additional \$5,000 in matching funds, which are available from Rental Rehabilitation program income. The total program budget will be \$55,000. NC Housing Finance Agency requires the City of Hickory to prepare Assistance and Procurement Policies. These policies must be made available to the public and explain the guidelines of the URP15 program. Copies of the proposed policies are attached.

ANALYSIS

The City of Hickory Community Development Department, in complying with the N.C. Housing Finance Agency's funding requirements for URP15 has prepared an Assistance Policy and Procurement Policy which reflect program requirements. The policies incorporate program requirements, applicant eligibility standards, and program capabilities. Upon approval by Hickory City Council, these policies will be submitted along with additional required information to the NC Housing Finance Agency. Upon receipt and acceptance by NCHFA, funds will be dispersed to the City of Hickory in order to begin repairs to eligible homes.

RECOMMENDATION

Staff recommends that city council accept the 2015 Urgent Repair Program Grant and approve the Assistance and Procurement Policies.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

X

No

LIST THE EXPENDITURE CODE:

500-3000-558.57-02

056-1614-558.32-03

056-1614-558.32-01

Reviewed by:

Brian M. Frazier

7/31/14

Initiating Department Head

Date

Deputy City Attorney, A. Dula

Date

8-7-15

Asst. City Manager, W. Wood

Date

8/11/15

Asst. City Manager, A. Surratt

Date

8-10-15

Finance Officer, Melissa Miller

Date

Administrative Services Director
M. Bennett

Date

8-10-15

Purchasing Manager, B6 Weichel

Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

City Manager, M. Berry

Date

URGENT REPAIR PROGRAM

City of Hickory

Hickory, North Carolina

ASSISTANCE POLICY

2015

URGENT REPAIR PROGRAM ASSISTANCE POLICY

INTRODUCTION

The North Carolina Housing Finance Agency has approved the City of Hickory's grant request for funding to assist qualifying very low and low-income homeowners, residing within the municipal boundaries of the City of Hickory, in need of urgent housing repairs. The amount of \$50,000.00 shall be made available from the North Carolina Housing Finance Agency (NCHFA) to the City of Hickory to implement the City's "Urgent Repair Program 2015". The funds provided by NCHFA come from the North Carolina Housing Trust Fund. The City of Hickory shall provide an additional \$5,000 to be used in conjunction with these funds. The following assistance policy has been modeled from the guidelines prescribed by the North Carolina Housing Finance Agency for recipients of "Urgent Repair Program" funds:

1.0 GOALS AND OBJECTIVES

1.1 GOALS

The goals of the City of Hickory's "Urgent Repair Program 2015" ("URP '15") are:

1. To alleviate housing conditions which pose an imminent threat to the life or safety of very low and low-income homeowners with special needs;
2. To provide accessibility modifications and other repairs necessary to prevent displacement of very low and low-income homeowners with special needs, such as frail elderly and persons with disabilities;
3. To assist a minimum of Twelve (12) eligible homes within the municipal boundaries of the City of Hickory.

1.2 OBJECTIVES

The objectives of the City's "URP '15" are:

1. To serve eligible households located within the municipal boundaries of the City of Hickory with urgent repair needs which cannot be met through other state- or federally-funded housing assistance programs;
2. To enable frail elderly and others with physical disabilities to remain in their homes by providing funding for essential accessibility modifications.

2.0 PROGRAM REQUIREMENTS

2.1 USE OF FUNDS

1. Only repairs that address imminent threats to the life and/or safety of occupants of the dwelling unit or accessibility modifications will be performed under the City's URP. It should be noted that all deficiencies in a home may not be rectified with the available funds.
2. "URP '15" funds must be used either for hard costs or for "URP '15" support associated with "URP '15" eligible repairs or modifications.

3. Eligible repairs must meet the goals as stated in section 1.1 above and rectify deficiencies including:
 - 1) combustion appliance and chimney hazards;
 - 2) electrical system hazards;
 - 3) plumbing system hazards;
 - 4) imminent structural system failures (e.g., porches, steps, and roofs);
 - 5) mitigation of environmental hazards such as lead-based paint, asbestos, or soil gases;
 - 6) repairs necessary to prevent the imminent displacement of eligible households;
 - 7) repairs designed to increase the accessibility of the unit to frail or disabled residents, including ramps, hand rails and grab bars, kitchen and bathroom adaptations and door alterations, etc.; or
 - 8) other repairs approved by the Agency on a case-by case basis.
4. Hard costs are defined, in the case of an independent private contractor performing the repair work, as the contract price; or in the case of City work crews performing the repairs, as the direct costs associated with the repairs including labor, materials, mileage, and tool rental.
5. The maximum amount of the loan will depend on the scope of work necessary to address the identified imminent threats to life and/or safety, and that will be determined by the city's rehabilitation specialist. There is no minimum to the amount of the loan; however the maximum life-time limit according to the guidelines of URP15 is \$8,000.
6. Program funds must not be used:
 - 1) in conjunction with any source of state or federal housing assistance (CDBG, HOME, HPG, 504 grants, etc.) ;
 - 2) on any dwelling unit for which other sources of state or federal assistance are available at the time of the repair work; or
 - 3) on any dwelling unit for which other sources of state or federal assistance are likely to become available within six months following the completion of the repair work under the "URP '15".

2.2 PROHIBITED ACTIVITIES

1. None of the funds provided under the City's "URP '15" shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.
2. There shall be no religious instruction conducted in connection with activities under the City's "URP '15";
3. The City will not discriminate against any person employed in the performance of the "URP '15", or against any applicant for assistance under the "URP '15" because of race, sex, age, creed, color, physical handicap or national origin. The City will ensure that applicants are processed and that employees are treated during employment, without regard to race, sex, age, creed, color, physical handicap, or national origin.

4. No employee, officer or agent of the City shall participate in the selection, or in the award or administration of a contract funded by the City's "URP '15" if a conflict of interest, real or apparent, would be involved.

2.3 FORM OF ASSISTANCE

1. The City of Hickory's "URP '15" funds shall be made available to qualifying owner-occupant beneficiaries in the form of a loan. Homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of \$1,000 per year, until the principal balance is reduced to zero.
2. The City of Hickory shall use loan documents prescribed and provided by the NCHFA in the administration of URP assistance to qualifying beneficiaries.

2.4 ELIGIBLE HOUSEHOLDS

1. Only qualified low and very low-income owner occupants with special needs can be assisted under the City's "URP '15". A minimum of 50% of the City's "URP '15" funds shall benefit very low-income households with the remainder going to benefit low-income households.
2. City of Hickory low-income households are those with gross annual incomes not exceeding 50% of the Median Family Income for North Carolina as defined in the NCHFA "Urgent Repair Program" manual by number of persons in the household (see Income Limits schedule below).
3. City of Hickory very low-income households are those households with gross annual incomes not exceeding 30% of the Median Family Income for North Carolina as defined in the NCHFA "Urgent Repair Program" manual by number of persons in the household (see Income Limits schedule below).
4. Eligible households with special needs include households with:
 - 1) Elderly household member who is at least sixty-two (62) years old;
 - 2) Handicapped or disabled members, defined as follows:
 - a) A person shall be considered handicapped if he or she has a physical or mental impairment that 1) is expected to be of long-continued and indefinite duration; 2) substantially impedes the person's ability to live independently; or 3) is such that the person's ability to live independently could be improved by more suitable housing conditions. A person with a developmental disability as defined by the Developmental Disabilities Assistance and Bill of Rights Act (42 USC 6001(7)) shall be considered handicapped. An adult who has a chronic mental illness shall be considered handicapped if he or she has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently and whose impairment could be improved by more suitable housing conditions.
 - b) A person shall be considered disabled if they are receiving Social Security Disability, Railroad Retirement Disability, or Supplemental Security Income as disabled, one hundred percent Veteran's Administration Disability benefits or is determined to be disabled by a licensed practicing physician.

- c) c) A person whose sole impairment is alcoholism or drug addiction shall not be considered handicapped or disabled under the Urgent Repair Program.
 - 3) A single-parent with at least one dependent child in residence.
 - 4) Five or more persons.
 - 5) Children below the age of six (6) whose elevated blood lead levels are between 10 µg/dl and 20 µg/dl.
5. The following guidelines shall be used for income determination:
- a) Household income is defined as the projected gross annual income of all household members based on the twelve month period preceding the date of application. The income of household members, other than the applicant, who are under 18 years of age or who are full time students, is excluded.
 - b) Household income includes wages, salary, overtime pay, commission, fees, tips, bonuses, interest, dividends, social security, annuities, pensions, retirement funds, insurance policy dividends, disability benefits, alimony, child support, regular contributions from persons not occupying the unit, and public assistance allowances.
 - c) Household income excludes casual or sporadic gifts, monies received as reimbursement for medical expenses, lump-sum payments such as inheritances, insurance settlements, capital gains, settlements for personal or property losses, educational scholarships, government benefits to a veteran for education, foster child care payments, food stamps, and government relocation payments.
 - d) Household income for self-employed persons will be determined by averaging the reported net income on federal income tax returns for the previous two years. If the head of household is self-employed for less than two years, the applicant must submit the most recent year's personal income tax return.

**URGENT REPAIR PROGRAM 2015
INCOME LIMITS FOR
CITY OF HICKORY BENEFICIARIES**

Number in Household	Very Low Income (30% of Median)	Low Income (50% of Median)
1	\$ 12,150	\$ 20,250
2	13,900	23,150
3	15,650	26,050
4	17,350	28,950
5	18,750	31,250
6	20,150	33,600
7	21,550	35,900
8	22,950	38,200

Income limits presented in this schedule are for Sate wide non-metropolitan, Median Family Income \$57,900.

2.5 REPAIR STANDARDS

Program funds may be used to affect urgently needed repairs or modifications without regard to whether the dwelling unit shall meet any local, state or federal housing quality standards. However, all work done using “URP ‘15” funds must meet North Carolina State Residential building code standards and be done in compliance with all state or local permitting, inspections, licensing, and insurance requirements.

3.0 CITY OF HICKORY’S “URP ‘15” PROGRAM REQUIREMENTS

3.1 “URP ‘15” PROGRAM SCHEDULE

The City’s “Urgent Repair Program for 2015” shall begin in September of 2015 or sooner, based on approval by NC Housing Finance Agency, at which time the City of Hickory’s Community Development Department shall seek applicants by making known to the public the availability of funding through published announcements in local newspapers, through the distribution of “URP ‘15” brochures, press releases, and announcements posted in public places such as the Municipal Building and Recreation Centers in eligible neighborhoods. The City’s “URP ‘15” program shall be completed by December 31, 2016, no exceptions.

3.2 GEOGRAPHICAL DISTRIBUTION OF “URP ‘15” FUNDS

Applications shall be accepted from all qualifying residents who live within the municipal boundaries of the City of Hickory.

3.3 BENEFICIARY SELECTION PROCESS

Approximately twelve (12) units will be assisted through the 2015 Urgent Repair Program. Applications for assistance will be accepted on a first come first-served basis.

All applications, along with financial documentation, shall be delivered to the City of Hickory’s Citizens’ Advisory Committee regularly scheduled meeting on the 1st Thursday of each month. A minimum of 50% of the units assisted under the 2015 Urgent Repair Program must have income limits less than 30% of the area median. No units with stated income above 30% of the area median will be repaired until the 50% threshold has been met.

3.4 APPLICATION PROCESS

1. Media and personal contact shall be used throughout the City to encourage prospective beneficiaries to make application for “URP ‘15” assistance. The City of Hickory Community Development Department shall provide technical assistance to potential beneficiaries in completing applications for “URP ‘15” funds. All applications, along with financial documentation, shall be delivered to the City of Hickory’s Citizens’ Advisory Committee. At regularly scheduled meetings, the Citizens’ Advisory Committee shall review all eligible applications submitted, and shall prioritize applications to ensure that beneficiary distribution is consistent with the City of Hickory’s “URP ‘15” application with NCHFA and the guidelines prescribed by NCHFA for grant recipients.

Applications shall consist of three parts:

- 1) Application for determination of eligibility;
- 2) Housing inspection report;

- 3) Work write-up and cost estimate.
2. Complaints concerning the City's "URP '15" program shall be in writing and addressed to the City of Hickory Community Development Department. A representative of the City of Hickory Community Development Department shall contact the person making the complaint and attempt to resolve the problem. A written response will be made within 15 working days of contact. If the complaining party is not satisfied with the response, he or she may file a complaint with the Citizens' Advisory Committee who will schedule a meeting with the complaining party. The decision of the Committee shall be final and will be made in writing within 5 days.

3.5 CONTRACT AND REPAIR PROCESS

1. The City's Rehabilitation Specialist will visit the homes of potential grant recipients to determine the need and feasibility of repairs/modifications. All parts of the home must be made accessible for inspection, including the attic and crawlspace, if any. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks and the like. The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up". A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bidding is completed.

Only repairs that address imminent threats to the life and/or safety of occupants of the dwelling unit or accessibility modifications will be performed under the City's URP. It should be noted that all deficiencies in a home may not be rectified with the available funds.

2. After approval of the work write-up, the homeowner will sign a formal agreement that will explain and govern the repair/modification process. This agreement will define the roles of the parties involved throughout the process.
3. The City is obligated under "URP '15" to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. To meet those very difficult requirements, the City will invite bids only from contractors who are part of an "approved contractor registry".
4. The City will maintain a list of contractors eligible to bid on work financed by "URP '15" funds (approved contractors registry). Such contractors must present evidence of their rehabilitation experience, ability to complete work items in a workmanlike manner, possession of liability and workman's compensation insurance, ability to work with the homeowner and City staff, and to complete work on schedule. Contractors not on this list must supply evidence of their qualifications to the City and shall be reviewed for approval by the City. All contractors performing work under this program shall obtain city privilege licenses and must possess other contracting licenses as required by the adopted building codes.

5. The City's bid package consisting of a detailed work write-up, contract document, cost proposal form, and instructions to the bidder will be mailed to a minimum of three contractors on the approved contractors registry who will be given a specific period of time in which to inspect the property and prepare bid proposals. The names of the invited contractors will be supplied to the homeowner. Each will need access to those areas of the house, in which work is to be performed, in order to prepare a bid. A bid opening will be conducted at the Community Development office at a specified date and time, with all bidders and the homeowner invited to attend.

After review of bid breakdowns and timing factors, the winning bidder will be selected. Typically, the contract or contracts will be awarded to the low bidder(s). In addition, the selected contractor's bid must be within 10 percent (10%) of the City's cost estimate.

All bidders and the homeowner will be notified of (1) the selection, (2) the amount, (3) the amount of the City's cost estimate, and (4) if other than the lowest bidder is selected, of the specific reasons for the selection.

6. The loan will be executed as well as the repair/modification contract. The contract for repairs will be let by the homeowner and will be between the homeowner and contractor.
7. A pre-construction conference will be held at the home or City of Hickory offices. At this time, the homeowner, contractor and program representatives will discuss the details of the work to be done. Starting and ending dates will be agreed upon, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home (such as old plumbing, etc.). Within 24 hours of the pre-construction conference, the City will issue a "proceed order" formally instructing the contractor to commence by the agreed-upon date.
8. The contractor will be responsible for obtaining any required building permits for the project before beginning work. The permit must be posted at the house during the entire period of construction. Program staff will closely monitor the contractor during the construction period to make sure that the work is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Code Enforcement Officers will inspect new work for compliance with the State Building Code as required by the guidelines of URP15. The homeowner will be responsible for working with the contractor toward protecting personal property by clearing work areas as much as practicable.
9. Contractors shall be permitted one partial payment during construction. This payment shall be eighty percent (80%) of the value of work completed when fifty percent (50%) or more of the work is completed. Work will be inspected by Community Development Staff and City of Hickory code enforcement officers.
10. Contractors must supply lien waivers, signed by all any sub-contractors employed on the job and by all material suppliers from whom materials for the job were purchased, and warranties to the homeowner upon completion of work.

11. All Change Orders to the bid specifications must be approved by the homeowner, contractor and a representative of the City. The change order must be reduced to writing as a contract amendment ("change order"). Loan funds shall not be advanced beyond the permitted maximum to cover Change Orders.
12. Following construction the contractor and a City Community Development Staff member will sit down with the homeowner one last time. At this conference the contractor will provide any owner's manuals and warranties on equipment. The contractor and the City Community Development Staff member also will go over operating and maintenance requirements for any new equipment installed and discuss general maintenance of the home with the homeowner. The homeowner will have the opportunity to ask any final questions about the work.
13. Once all work has been completed in accordance to the Contract and the homeowner has signed a Certificate of Satisfaction, the job will be closed out.
14. In the event of any dispute between the homeowner and the contractor concerning the rehabilitation work, City Community Development Department staff will work with both parties to negotiate a satisfactory solution. If a mutually satisfactory solution cannot be found, the Citizens' Advisory Committee will have final authority on when the job has been satisfactorily completed.

3.6 CLIENT REFERRALS

The City of Hickory's Community Development Department has a Community Service Directory available to all applicants who are interested or in need of other assistance. Please contact the Community Development Department for your free copy.

2015 Urgent Repair Program Assistance Policy, approved and adopted by the City of Hickory, this ____ day of _____, 2015.

By: _____
Rudy Wright, Mayor

Date: _____

Approved as to form
Anita M. Juwa

City of Hickory – Legal Dept.

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Fred Hollar, Fire Chief
Contact Person: Fire Chief Fred Hollar
Date: August 3, 2015
Re: Brookford Fire Protection Service Agreement

REQUEST

The City of Hickory Fire Department requests the approval of the Fire Protection Service Agreement with the Town of Brookford. The agreement is to provide fire service protection and medical related services to the Town of Brookford from September 1, 2015, through December 31, 2020.

BACKGROUND

Brookford does not have an established fire department but is requesting for the City of Hickory to provide fire protection to its citizens. Hickory is incorporated and is chartered to provide fire protection to areas in Catawba County located outside the corporate limits of municipalities within the County and to municipalities within the County that do not have their own established fire departments. The term of this agreement shall begin on September 1, 2015, and shall continue through December 31, 2020. The Town of Brookford shall pay the City of Hickory for services outlined within the agreement. Payments are to be made quarterly as outlined in Section 2 of the agreement. We have provided this service to the Town of Brookford since 2010.

ANALYSIS

Hickory will furnish fire protection to Brookford including all persons and property, real and personal, located therein, and will answer each and every call during the terms of this Agreement, as quickly and expeditiously as possible under the existing circumstances. Hickory will use the proper and accepted methods and procedures in fighting any and all fires that might start or spread into the corporate limits of Brookford and which are reported to Hickory. Hickory will furnish medical first responder services to Brookford as part of the Agreement. Hickory shall respond to medical emergencies when dispatched by the Catawba County Communications Center and shall provide emergency care until relieved by Catawba County EMS personnel.

RECOMMENDATION

Staff recommends approval of the Fire Protection Service Agreement with the Town of Brookford beginning September 1, 2015, through December 31, 2020.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE: N/A (revenue only)

Reviewed by:

C. Fred Hollar

Initiating Department Head

8/3/15

Date

Armita M. Dula

Deputy City Attorney, A. Dula

8-10-15

Date

Rodney Miller

Asst. City Manager, R. Miller

8-7-15

Date

A. Surratt

Asst. City Manager, A. Surratt

8-11-15

Date

Melissa Miller

Finance Officer, Melissa Miller

8/10/15

Date

Administrative Services Director

Date

Bo Weichel

Purchasing Manager, Bo Weichel

8-10-15

Date

Recommended for approval and placement on _____ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).

MB
City Manager, M. Berry

Date

PREPARED BY:

Arnita M. Dula, Staff Attorney

P.O. Box 398, Hickory, North Carolina 28601

STATE OF NORTH CAROLINA

FIRE PROTECTION SERVICE

AGREEMENT

COUNTY OF CATAWBA

THIS AGREEMENT, made this 1st day of September, 2015 by and between the City of Hickory, a North Carolina municipal corporation, having a mailing address of P.O. Box 398, Hickory, NC 28603, (hereinafter "Hickory") and the Town of Brookford (hereinafter "Brookford"), a North Carolina municipal corporation having a mailing address of 1700 South Center Street, Hickory, NC 28602.

WITNESSETH:

WHEREAS, Brookford does not have an established fire department but is desirous of providing fire protection to its citizens; and

WHEREAS, Hickory is incorporated and is chartered to provide fire protection to areas in Catawba County located outside the corporate limits of municipalities within the County and to municipalities within the County that do not have their own established fire departments.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. EFFECTIVE DATE AND TERM

- 1.1 The term of this Agreement shall commence on the 1st day of September 2015 and shall continue thereafter through the 31st day of December 2020.

FIRE PROTECTION SERVICES AGREEMENT

CITY OF HICKORY AND TOWN OF BROOKFORD

August 2015

2. FEES

- 2.1 Brookford shall pay Hickory for services outlined herein an amount of \$9,900 for the year beginning July 2015 and ending June 2016, and \$8,400 annually from July 2016 and ending December 2020.
- 2.2 Payments are to be made quarterly in the amount of Two Thousand Four Hundred and Seventy-Five Dollars and No Cents (\$2,475) per quarter for the year beginning July 2015 and ending June 2016, and Two Thousand One Hundred Dollars and No Cents (\$2,100.00) per quarter beginning July 2016 and ending December 2020. For the years under the Agreement, quarterly installments are due and payable on January 10th, April 10th, July 10th, and October 10th of each year. Should a payment date fall on a weekend or a holiday, the payment shall be due on the next business day following the required date.

3. OBLIGATIONS OF THE CITY HICKORY

- 3.1 Hickory will furnish fire protection to Brookford including all persons and property, real and personal, located therein, and will answer each and every call during the terms of this Agreement, as quickly and expeditiously as possible under the existing circumstances, and will use the proper and accepted methods and procedures in fighting any and all fires that might start or spread into the corporate limits of Brookford and which are reported to Hickory.
- 3.2 Hickory shall have the right to use water from the City of Hickory water system located in Brookford for the purpose of fighting fires and training fire fighters within the corporate limits of Brookford.
- 3.3 Hickory shall, within 90 days of the execution of the Agreement, cause its entire water system, including but not limited to all fire hydrants, to be inspected and tested for proper operation and maintenance in accordance with the American Water Works Association Manual M-17 standards. City of Hickory Fire Department personnel shall perform the inspections and tests. Hickory shall inspect and check for flow of hydrants on an annual basis throughout the Agreement period.
- 3.4 Hickory will furnish medical first responder services to the Brookford as part of the Agreement. Hickory shall respond to medical emergencies when dispatched by the Catawba County Communications Center and shall provide emergency care until relieved by Catawba County EMS personnel.

FIRE PROTECTION SERVICES AGREEMENT

CITY OF HICKORY AND TOWN OF BROOKFORD

August 2015

Page 2 of 8

4. OBLIGATIONS OF THE TOWN OF BROOKFORD

- 4.1 Brookford shall pay annual fees to Hickory in accordance with Section 2 of this Agreement.

5. DEFAULT AND TERMINATION

- 5.1 Either party may terminate this agreement at any time by giving a Sixty (60) day written notice to the other party.
- 5.2 Default. Should Brookford fail to make two (2) consecutive quarterly payments, Hickory shall have the right to immediately terminate this Agreement for cause and Hickory shall not be obligated to perform any of the services contained herein.

6. MISCELLANEOUS PROVISIONS

- 6.1 Hickory and Brookford each have among their powers the authority to contract with one another to perform such undertaking as described in this Agreement.
- 6.2 Entry into this Agreement by either party will not violate any law, judgment, order, ruling, or regulation applicable and does not constitute a breach of or default under any agreement or instrument by which either of the entities is bound.
- 6.3 No litigation is pending against Hickory or Brookford which would impair either entity's ability to perform its duties and obligations under this Agreement.
- 6.4 This Agreement, and any amendments which the parties may execute hereto, sets forth all the promises, agreements, conditions, and understandings between Hickory and Brookford, and there are no other promises, agreements, conditions, and understandings between Hickory and Brookford relative to the Fire Services Protection Agreement, and there are no other promises, agreements, conditions and understandings, either oral or written, between them.
- 6.5 No subsequent alteration, amendment, change, or addition to this agreement shall be binding on Hickory or Brookford, unless same has been reduced to writing and executed by said parties.

FIRE PROTECTION SERVICES AGREEMENT

CITY OF HICKORY AND TOWN OF BROOKFORD

August 2015

Page 3 of 8

- 6.6 All notices given pursuant to the terms of this Agreement shall be in writing and delivered in person or transmitted by certified mail, return receipt requested, postage prepaid, to the following entities:

Hickory: Hickory City Manager
P.O. Box 398
Hickory, North Carolina 28603

Brookford: Brookford Town Manager
1700 S. Center St.
Hickory, NC 28602

- 6.7 Neither Party shall be entitled to sell, convey or otherwise alienate the rights and obligations created herein without the prior written permission of the other Party to this Agreement.
- 6.8 Nothing contained herein shall be construed to place the parties in the relationship of partners or joint venturers, and neither party shall have the power to obligate or bind the other party in any manner whatsoever.
- 6.9 No written waiver by any party at any time of any breach of any other provision of this Agreement shall be deemed a waiver of a breach of any provision herein or a consent to any subsequent breach of the same or any other provisions. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.
- 6.10 The various rights, powers and remedies herein contained and reserved to either Brookford or Hickory shall not be considered as exclusive of any other right, power or remedy, but the same shall be construed as cumulative and shall be in addition to every other right, power or remedy now or hereafter existing at law, in equity or by statute. No delay or omission of a party to exercise any right, power or remedy arising from any omission, neglect or default of the other party shall impair any such right, power or remedy or shall be construed as a waiver of any such default or an acquiescence therein.
- 6.11 In the event either of the parties receives notice of or undertakes the defense

FIRE PROTECTION SERVICES AGREEMENT

CITY OF HICKORY AND TOWN OF BROOKFORD

August 2015

or the prosecution of any actions, claims, suits, administrative or arbitration proceedings or investigations in connection with this Agreement, the party receiving such notice or undertaking such prosecution shall give the other party timely notice of such proceedings and will inform the other party in advance of all hearings regarding such proceedings.

- 6.12 The captions, section numbers and article numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe or describe the scope of such paragraphs or articles of this Agreement nor in any way affect this Agreement.
- 6.13 This Agreement shall be governed by and interpreted in accordance with the laws of the State of North Carolina.
- 6.14 Time shall be of the essence of this Agreement and each and every term and condition thereof.
- 6.15 Words of any gender used in this Agreement shall be held to include any other gender, and words in the singular number shall be held to include the plural, when sense requires.
- 6.16 This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully-executed counterpart.
- 6.17 Both Brookford and Hickory acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining. As such, the doctrine of construction against the drafter shall have no application to this Agreement.
- 6.18 Each of the parties agrees that this Agreement is not an executory contract subject to assumption as defined by the Bankruptcy Code. The parties further specifically acknowledge that this provision is critical to the Agreement and was bargained for and part of the consideration for the Agreement.
- 6.19 If any provision under this Agreement or its application to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity does not affect any other provision of this Agreement or its application that can be given effect without the invalid provision or application.
- 6.20 In the event of litigation between Brookford and Hickory as to the terms, performance, or any other aspect of this Agreement, this Agreement shall remain in force and effective during such litigation.

FIRE PROTECTION SERVICES AGREEMENT

CITY OF HICKORY AND TOWN OF BROOKFORD

August 2015

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the date first above written.

CITY OF HICKORY,

A North Carolina Municipal Corporation

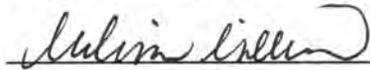
By: _____

Rudy G. Wright, Mayor

ATTEST: (SEAL)

Debbie Miller, City Clerk

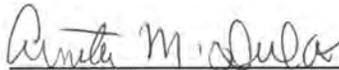
This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

 _____

Melissa Miller, Finance Director

City of Hickory

Approved as to form only on behalf of the City of Hickory, North Carolina, this ____ day of 2015.

 _____

Attorney for the City of Hickory

**FIRE PROTECTION SERVICES AGREEMENT
CITY OF HICKORY AND TOWN OF BROOKFORD**

August 2015

The Town of Brookford

A North Carolina Municipal Corporation

By: _____

Thomas Schronce, Mayor

Attest: (SEAL)

By: _____

Marshall Eckard, Town Clerk of Brookford

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Marshall Eckard, Finance Director

Town of Brookford

Approved as to form only on behalf of the Town of Brookford, North Carolina, this ____ day of 2015.

Attorney for the Town of Brookford

**FIRE PROTECTION SERVICES AGREEMENT
CITY OF HICKORY AND TOWN OF BROOKFORD**

August 2015

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

I, _____, a Notary Public of said County and State, certify that Debbie Miller personally came before me this day and acknowledged that she is the City Clerk of the City of Hickory, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the City Council of the City of Hickory, the foregoing instrument was signed in its name and by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal, this the _____ day of _____, 2015.

(SEAL)

My Commission expires: _____

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

I, _____, a Notary Public of said County and State, certify that Marshall Eckard personally came before me this day and acknowledged that he is the Town Clerk of the Town of Brookford, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the Board of Alderman of the Town of Brookford, the foregoing instrument was signed in its name and by its Mayor, sealed with its corporate seal and attested by her/him as its Town Clerk.

Witness my hand and seal, this the _____ day of _____, 2015.

(SEAL)

My Commission expires: _____

**FIRE PROTECTION SERVICES AGREEMENT
CITY OF HICKORY AND TOWN OF BROOKFORD**

August 2015

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Dave Leonetti, Community Development Manager
Contact Person: Dave Leonetti, Community Development Manager
Date: August 6, 2015
Re: Citizen's Advisory Committee Recommendations

REQUEST Recommendations for assistance through the City of Hickory's Housing Programs.

BACKGROUND The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all of 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.

ANALYSIS The following requests were considered by the Citizens' Advisory Committee at their regular meeting on August 6, 2015:

- John & Deborah Hollar, 820 9th Avenue Place NE, Hickory, were awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$10,000.00 for repairs to their house. Assistance would be in the form of a 0% interest deferred loan.
- Linda Pope, 1404 3rd Street SW, Hickory, was awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$10,000.00 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.

Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation program income and/or program income received through the City of Hickory's Community Development Block Grant Program.

RECOMMENDATION The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs. Dave Leonetti, Community Development Manager, will be in attendance to answer any questions. Additional information that may be required can be discussed in closed session.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian M. Frazier

Initiating Department Head

8/06/15

Date

Amanda M. Dula

Deputy City Attorney, A. Dula

8-10-15

Date

Rodney Miller

Asst. City Manager, W. Wood

8-7-15

Date

A. Surratt

Asst. City Manager, A. Surratt

8-11-15

Date

Melissa Miller

Finance Officer, Melissa Miller

8-10-15

Date

Administrative Services Director

M. Bennett

Date

Bo Weichel

Purchasing Manager, Bo Weichel

8-10-15

Date

Recommended for approval and placement on _____ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).

MS

City Manager, M. Berry

Date



CITIZENS' ADVISORY COMMITTEE

City of Hickory
PO Box 398
Hickory, NC 28603

, Chairperson

Paul Carswell	Mark Huggins	Joseph Hart
Yvonne Setzer	Ola Maye Williams	Mary Young

MEMO

TO: City of Hickory - Community Development Office

DATE: August 6, 2015

FROM: Citizens' Advisory Committee

SUBJECT: Housing Rehabilitation Loan

During a regular meeting on August 6, 2015, Linda E. Pope was (approved / declined) by the Citizens' Advisory Committee for recommendation to Hickory City Council for a 0% interest deferred loan in the amount of \$10,000 to assist with renovations for her house located at 1404 3rd Street SW.

 Chairman, Citizens' Advisory Committee



CITIZENS' ADVISORY COMMITTEE

City of Hickory
 PO Box 398
 Hickory, NC 28603

, Chairperson

Paul Carswell	Mark Huggins	Joseph Hart
Yvonne Setzer	Ola Maye Williams	Mary Young

MEMO

TO: City of Hickory - Community Development Office

DATE: August 6, 2015

FROM: Citizens' Advisory Committee

SUBJECT: Housing Rehabilitation Loan

During a regular meeting on August 6, 2015, John & Debora Hollar was (approved / declined) by the Citizens' Advisory Committee for recommendation to Hickory City Council for a 0% interest deferred loan in the amount of \$10,000 to assist with renovations for their house located at 820 9th Avenue Place NE.

Mark Huggins

 Chairman, Citizens' Advisory Committee

Yvonne Setzer
Mary Young

19

COUNCIL AGENDA MEMOS

To: City Manager's Office
From : Kevin B. Greer, PE/Assistant Public Services Director
Contact Person: Kevin B. Greer, PE
Date: August 18, 2015
Re: Contract for Maintenance Sanitary Sewer System for the Town of Hildebran.

REQUEST

Staff requests Council approval of this Contract for Maintenance Sanitary Sewer System between the Town of Hildebran and the City of Hickory.

BACKGROUND

The Town of Hildebran and City of Hickory first entered into an agreement for Hickory to maintain the Collection System owned by the Town of Hildebran in 2004. The Contract for Maintenance agreed to in 2004 by both parties expired recently on June 30, 2015. The Town of Hildebran requested that the City of Hickory provide a contract renewal to continue the provision of this service for the Town. The contract will continue services at the current level in all aspects of the operations including Collection System permit compliance, maintenance and operations of lift stations and Operator in Responsible Charge duties and licensing. The renewal term of this contract expires on June 30, 2035.

ANALYSIS

The term of this renewed contract expires on June 30, 2035. Staff from the Town of Hildebran and City of Hickory have negotiated this Agreement for Wastewater Operations to recognize the benefits and conditions of the previous agreement. The proposed agreement has a term of twenty years to recognize the necessity of long term planning for provision of this service to the Town of Hildebran. This Contract for Maintenance allows for the continuation of an economical alternative to the Town of Hildebran's need to hire qualified, licensed operations professionals by employing the services of the City of Hickory Public Utilities Department.

The proposed agreement details the City of Hickory continuing to provide all services necessary for the successful operation of a Collection System, including line maintenance, permit compliance, normal and necessary program implementation and necessary licensed operators.

The Base Fee for this agreement is proposed to be \$75,360 per year for the first year for operations of the Collection System, with subsequent year rate increases by the percentage approved by Hickory City Council for all customers of the Hickory Utility System. The Town of Hildebran remains responsible for all expenses related to utilities necessary for lift station operation. The Town of Hildebran shall be responsible for all enforcement actions and cost thereof that are not directly attributed to neglect by Hickory in operations. The Town of Hildebran shall be responsible for all Capital Improvements. The Town of Hildebran agreed to fund a capital project for replacement of lift station telemetry at their four (4) lift stations to upgrade the existing units to match the City of Hickory standard equipment.

This contract will not require the City of Hickory to hire additional staff to perform and continues an existing partnership at the current levels.

RECOMMENDATION

Staff recommends Council approval of this Contract for Maintenance Sanitary Sewer System between the Town of Hildebran and the City of Hickory.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Chuck Hansen
Initiating Department Head

8/06/2015
Date

Asst. City Manager Rodney Miller

8-7-15
Date

Finance Officer, Melissa Miller

8-10-15
Date

Deputy City Attorney, A. Dula

8-10-15
Date

Asst. City Manager, A. Surratt

8-11-15
Date

Purchasing Manager, Bo Weichel

8-10-15
Date

Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

City Manager, M. Berry

Date

**PREPARED BY: Arnita Dula, Deputy City Attorney, City of Hickory
PO Box 398, Hickory, NC 28603**

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

**CONTRACT FOR MAINTENANCE
SANITARY SEWER
SYSTEM**

THIS CONTRACT is made and entered into this _____ day of _____, 2015, by and between **THE CITY OF HICKORY**, a North Carolina Municipal Corporation, having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, acting by and through the Mayor and the City Council, hereinafter referred to as "Hickory", **THE TOWN OF HILDEBRAN**, a North Carolina Municipal Corporation, having a mailing address of P.O. Box 87, Hildebran, North Carolina 28637, acting by and through the Mayor and the Town Council, hereinafter referred to as "Hildebran".

WITNESSETH

WHEREAS, Hickory and Hildebran have jointly expressed the desire for Hickory to provide maintenance and operation services for Hildebran's municipal sanitary sewer system, located approximately as reflected on the map attached hereto as Exhibit "A", which is incorporated herein by reference as if more fully set forth, and which is owned by the Town of Hildebran (referred to as the "System" herein); and

WHEREAS, the parties wish to establish the terms and conditions for such maintenance and operation services, and enter into an agreement establishing the terms and conditions for the continued operation of the System and guarantee adequate service to the residents of the Town of Hildebran;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. REPRESENTATIONS:

1.1 The City of Hickory is a Municipal Corporation created as a political subdivision of the State of North Carolina. Hickory has the requisite power and authority to enter into this Agreement, and the signatories hereto have been authorized to execute the documents necessary on behalf of the City of Hickory by the City Council.

- 1.2 The Town of Hildebran is a Municipal Corporation created as a political subdivision of the State of North Carolina. Hildebran has the requisite power and authority to enter into this Agreement, and the signatories hereto have been authorized to execute the documents necessary on behalf of the Town of Hildebran by the Town Council.
- 1.3 Entry into this Agreement by either party will not violate any law, judgment, order, ruling or regulation applicable and does not constitute a breach of or default under any agreement or instrument by which either of the municipalities are bound.
- 1.4 To Hildebran's knowledge, there are no claims, suits, actions pending or judgments entered which, if successful, would have a material adverse effect on the ability of either Hildebran or Hickory to perform their obligations hereunder.
- 1.5 The Town of Hildebran has or holds, and will continue to have or hold through the date of transfer and closing, all appropriate Permits necessary to effectuate its responsibilities under this Agreement.

2. TERM

This Agreement shall commence on the latest date of approval of this Agreement by the parties, and unless earlier terminated in accordance with the terms hereof, shall expire on the 30th day of June, 2035. This Agreement may thereafter be extended by the parties upon such terms as they may agree upon at the time. In the event that negotiations are occurring in good faith for the continuance of this Agreement upon its expiration, the same shall continue in full force and effect under the terms established herein, as the same may be amended in writing from time to time, until the execution of a new Agreement or the parties cease negotiation and either opts to terminate the relationship.

3. OBLIGATIONS OF HILDEBRAN

- 3.1 Hildebran shall and does by this document grant to Hickory the authority to manage, operate, repair and otherwise control its municipal sanitary sewer system as reflected on Exhibit "A" as Hickory, in its sole discretion, determines appropriate.
- 3.2 Hildebran shall pay to Hickory the minimum Base Fee of Seventy Five Thousand, Three Hundred and Sixty Dollars and 00/100 (\$75,360.00) annually, payable at a rate of Six Thousand, Two hundred and Eighty and 00/100 (\$6,280.00), per month for

operation of the System. This amount reflects the minimum to be paid for the services itemized on Exhibit "B" attached hereto and incorporated herein by reference as if more fully set forth. In the event additional services are required, the same shall be billed to Hildebran as set forth in this Agreement.

- 3.3 All rates set forth in this Section shall be subject to review and adjustment on an annual basis beginning July 1, 2016, subject to the following provisions.
- 3.3.1 The Base Fee is subject to any annual rate adjustments based upon Hickory Rate Model Projections and approved by the Hickory City Council for all customers of the Hickory system. Any adjustment to Hildebran's rates shall be equivalent to the amount applied to customers located inside the City limits of Hickory.
- 3.3.2 Prices shall not be adjusted more frequently than annually, normally on July 1 of each calendar year, without approval by Hickory City Council and prior written notification to customers. Hickory shall notify Hildebran not later than Sixty (60) days prior to any price increase.
- 3.4 Hildebran shall provide to Hickory all technical materials or manuals in the possession or the care, custody or control of Hildebran relating to the construction, maintenance, or operation of the System without cost. Upon the termination of this Agreement, Hickory shall return the same to Hildebran within a reasonable period of time.
- 3.5 Hildebran shall provide to Hickory all maps, records and tap logs that may be necessary to efficiently and effectively operate the system in the possession or the care, custody or control of Hildebran relating to the construction, maintenance, or operation of the System without cost, including, but not limited to, a list and map of all high priority lines and aerial crossings. Upon the termination of this Agreement, Hickory shall return the same to Hildebran within a reasonable period of time.
- 3.6 Hildebran shall provide to Hickory, at Hildebran's cost and expense, updated comprehensive system maps as required by the NCDENR-NDPU Collection System Permit. Updated maps shall include service connection locations within ten (10) years. Updated comprehensive maps including maps of all new extensions shall be provided within one (1) year of completion of such extension.

- 3.7 Hildebran shall transfer all licenses, permits, permissions, or other authority necessary from any governing body, regulatory agency or other entity necessary for the operation of the System. Hildebran shall further be responsible for the payment of any fines levied by NCDENR, USEPA, EMC or any other authority having jurisdiction over the System or the parties.
- 3.8 Hildebran shall be responsible for all expenses for any utilities associated with the operation of the System, including, but not limited to, electricity, telephone, or computer or internet connectivity.
- 3.9 Hildebran shall be responsible for all capital purchases related to any equipment associated with the operation of the System, including, but not limited to, pump stations, flow meters, ring and covers for manholes, or new or replaced construction materials which exceed the normal prudent scope of repairs.
- 3.10 Hildebran shall be responsible for enforcement actions taken by regulators, except for those actions directly related to Hickory's failure to perform its duties under this contract. (Matching provision in 4.8 under Hickory Obligations)
- 3.11 Hildebran shall be responsible for the installation of all necessary telemetry equipment at any pump station used with the System.
- 3.12 Hildebran shall generate and fund a capital improvement plan to address minimum reinvestment into the system as required by the NCDENR-NDPU Collection System Permit, and shall provide information sufficient to audit the reserves associated therewith to the satisfaction of the City of Hickory.
- 3.13 Hildebran shall, at its own cost and expense, continue to meet all existing obligations to customers, professional organizations and/or vendors/service providers as the same may relate to collection system operations.
- 3.14 On or before October 31, 2015, Hildebran shall approve purchase of four (4) replacement telemetry units for Lift Stations owned by the Town of Hildebran. Telemetry units shall be standard units deployed by the City of Hickory to allow for monitoring and operation under this contract. The total for the four units shall not exceed a price of Ten Thousand and 00/100 dollars (\$10,000.00).

4. OBLIGATIONS OF HICKORY

- 4.1 The City of Hickory does accept the responsibility to maintain and operate the System described herein, EXCEPT, the City of Hickory reserves the right to terminate this Agreement at any time in the future if hazardous or toxic waste or materials (as defined in applicable federal and/or state laws and regulations) are uncovered by Hickory, it shall not be the obligation of Hickory to remove and dispose of such hazardous substances.
- 4.1.1 Hickory shall immediately notify Hildebran upon becoming aware of the presence of such hazardous or toxic waste or materials, and shall immediately notify such other governmental agencies as may be required by law and shall take such further actions which in its opinion is necessary to assist Hildebran in protecting the health, safety and welfare of the public.
- 4.1.2 The parties legally responsible for the disposal, discharge, spill or leak shall pay all costs for such removal of the offending materials and any clean-up activities associated with such disposal, discharge, spill or leak.
- 4.2 Hickory shall manage, operate, maintain, repair and improve the System at all times on under the same terms and conditions, and upon an equal footing with the Systems and other equipment currently owned and operated by the City of Hickory, and in compliance with all federal, state and local laws, regulations and Permits. Hickory shall at all times strive to keep the System in good repair and working order and shall manage, operate, maintain, repair and improve the System in an efficient and economical manner in accordance with prudent industry and utility practice. Hickory shall as promptly as is reasonable respond to customer problems and emergencies relating to the System. All repairs and/or improvements to the System shall be made by Hickory in accordance with existing ordinances, policies and procedures relating to work of this nature within the City of Hickory, regardless of whether or not the actual location of such repair and/or improvement shall be within or without the corporate limits of the City of Hickory.
- 4.3 Hickory shall cooperate in good faith with Hildebran, its agents, contractors, and subcontractors and shall work for the orderly transition of services from the Town of Hildebran and/or its contractors to Hickory without interruption or disruption of services.

- 4.4 Hickory shall provide Operator Responsible Charge (ORC) and Backup ORC for the System as required by the NCDENR-NDPU Collection Systems Permit.
- 4.5 Hickory shall perform and provide documentation related to all actions which may be required by the NCDENR-NDPU Collection System Permit.
- 4.6 Hickory shall perform engineering plan review for Hildebran on sewer line extensions.
- 4.7 Hickory shall provide new service connections as scheduled by Hildebran at a rate equal to the then current rate for similarly situated customers located outside the corporate limits of the City of Hickory.
- 4.8 Hildebran shall be responsible for enforcement actions taken by regulators, except for those actions directly related to Hickory's failure to perform its duties under this contract. (Matching provision in 3.10 under Hildebran Obligations)
- 4.9 Hickory agrees, to the extent feasible, to notify Hildebran in writing in advance of any necessary capital expenditures, and to obtain Hildebran's approval prior to making such expenditures.

5. DEFAULT AND TERMINATION

This Agreement may be terminated prior to its stated expiration date by Hildebran or Hickory on the terms and conditions set forth herein. The rights of Hildebran and Hickory to terminate this Agreement shall be strictly construed in accordance with the provisions herein.

5.1 Termination for cause by Hildebran

5.1.1 Upon the happening of any of the following events of default by Hickory, Hildebran shall have the right to terminate this Agreement:

5.1.1.1 The failure of Hickory to perform or observe any of its material covenants, agreements, obligations and/or duties created by this Agreement.

5.1.1.2 The persistent and repeated failure by Hickory to operate, maintain and/or manage the System in

accordance with the material terms and provisions of this agreement;

5.1.1.3 The determination that any representation, warranty or covenant made by Hickory is false and/or misleading in any material respect;

5.1.1.4 The commencement of any bankruptcy, insolvency, liquidation and/or similar proceeding against Hickory, which materially and adversely affects Hickory's ability to perform its duties or obligations under this Agreement.

5.1.2 Upon the happening of any event described in the preceding section, Hildebran shall provide written notice to Hickory setting forth in detail the alleged failure and/or deficiency. Thereafter, Hickory shall have sixty (60) days to cure and/or correct such failure and/or deficiency, or to deliver to Hildebran a written notice alleging that no such event has occurred and setting forth in detail its reasoning as to why no such event has occurred. Within thirty (30) days of Hickory's notice to Hildebran that the problem has been resolved or no breach of this Agreement has occurred, if the alleged default continues or the parties disagree as to whether the matter has been resolved, Hildebran may then send written notice to the City of Hickory of this position, declare an impasse and proceed to enforce all rights and remedies available to it either in equity or at law.

5.2 Termination for cause by Hickory.

5.2.1 Upon the happening of any of the following events of default by Hildebran, Hickory shall have the right to terminate this Agreement:

5.2.1.1 The failure of Hildebran to perform or observe any of its material covenants, agreements, obligations and/or duties created by this Agreement.

5.2.1.2 The determination that any representation, warranty or covenant made by Hildebran is false and/or misleading in any material respect;

5.2.1.3 The commencement of any bankruptcy, insolvency, liquidation and/or similar proceeding

against Hildebran which materially and adversely affects Hildebran's ability to perform its duties or obligations under this Agreement.

- 5.2.1.4 The failure of Hildebran to make any payment required to be made by it pursuant to the terms of this Agreement within sixty (60) days of its receipt of notice from Hickory that any such payment is overdue.
- 5.2.2 Upon the happening of any event described in the preceding section, Hickory shall provide written notice to Hildebran setting forth in detail the alleged failure and/or deficiency. Thereafter, Hildebran shall have sixty (60) days to cure and/or correct such failure and/or deficiency, or to deliver to Hickory a written notice alleging that no such event has occurred and setting forth in detail its reasoning as to why no such event has occurred. Within thirty (30) days of Hildebran's notice to Hickory that the problem has been resolved or no breach of this Agreement has occurred, if the alleged default continues or the parties disagree as to whether the matter has been resolved, Hickory may then send written notice to the City of Hickory of this position, declare an impasse and proceed to enforce all rights and remedies available to it either in equity or at law.
- 5.3 Termination without Cause -- This Agreement may be terminated by either party at any time by serving a three hundred sixty five (365) day written notice upon the other party. Upon termination, the City will be entitled to receive payment for the work accomplished according to this Agreement that has been undertaken prior to the effective date of the termination.
- 5.4 Each of the parties to this Agreement shall be entitled to pursue a claim against the other for any non-monetary remedies available and any additional actual damages suffered as a result of any default of the other, plus attorneys' fees. Notwithstanding anything in this Agreement to the contrary, neither party shall be responsible to the other for any indirect, third-party or consequential damages arising from a breach of this Agreement.

6. EMERGENCY SITUATIONS

- 6.1 Hickory shall immediately notify Hildebran of any activity, problem, or circumstance it should reasonable become aware of which

threatens the safety, health or welfare of the users of the System or the residents of Hildebran.

- 6.2 In the event of damage or destruction of the Sanitary Sewer System or any emergency which, in the reasonable judgment of Hickory, is likely to result in material loss or damage to the Sanitary Sewer System or constitute a material threat to human health or safety, Hickory may suspend operation of the System.
- 6.3 Hickory's response to emergencies and unusual circumstances shall be in accordance with applicable policies, regulations and requirements and with such personnel and equipment as necessary to maintain or restore the operations of the System in a timely manner with the least possible disruption or inconvenience to the users of the System.

7. OPERATIONS COMMITTEE

Hickory and Hildebran shall establish an Operations committee, consisting of two (2) representatives of each of the parties hereto, which shall meet not less than quarterly to discuss issues related to the operation, maintenance and management of the System; to receive and review reports; and generally as a means of enhancing communication between Hickory and Hildebran. No authority is bestowed upon the Operations Committee except as delegated by the respective governing bodies.

8. MISCELLANEOUS PROVISIONS

- 8.1 To the extent allowed by law, Hickory shall indemnify, defend and hold harmless Hildebran, its elected and appointed officers, and its duly authorized agents, servants and employees from any and all costs, expenses or liabilities (including costs, expenses or liabilities to third parties and attorney's fees) which are caused by or arise from Hickory's breach of this Agreement or the negligent or willful acts or omissions of Hickory or its agents, servants, employees or subcontractors provided such cost, expenses or liabilities do not arise as a result of the negligent or willful acts or omissions of Hildebran.
- 8.2 To the extent allowed by law, Hildebran shall indemnify, defend and hold harmless Hickory, its elected and appointed officers, and its duly authorized agents, servants and employees from any and all costs, expenses or liabilities (including costs, expenses or liabilities to third parties and attorney's fees) which are caused by or arise from Hildebran's breach of this Agreement or the negligent or willful

acts or omissions of Hildebran or its agents, servants, employees or subcontractors provided such cost, expenses or liabilities do not arise as a result of the negligent or willful acts or omissions of Hickory.

- 8.3 All notices given pursuant to the terms of this Agreement shall be in writing and delivered in person or transmitted by certified mail, return receipt requested, postage prepaid, to the following entities:

Hickory: Hickory City Clerk
P.O. Box 398
Hickory, NC 28603

Hildebran: Hildebran Town Clerk
202 South Center St.
Hildebran, NC 28637

- 8.4 This Agreement, and any exhibits attached hereto, embody the entire agreement between the parties in connection with this transaction and there are no oral or parole agreements, representations or inducements existing between the parties relating to this transaction which are not expressly set forth herein and covered hereby; this Agreement may not be modified except by a written agreement signed by all of the parties.
- 8.5 Nothing contained herein shall be construed to place the parties in the relationship of partners or joint ventures and neither party shall have the power to obligate or bind the other party in any manner whatsoever.
- 8.6 Hickory may assign or transfer this Agreement to any entity. Upon such assignment or transfer, assignee or transferee shall expressly assume all of Hickory's rights, duties, obligations and liabilities hereunder and Hickory shall be relieved of all rights, duties, obligations and liabilities.
- 8.7 No written waiver by any party at any time of any breach of any other provision of this Agreement shall be deemed a waiver of a breach of any provision herein or a consent to any subsequent breach of the same or any other provisions. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.

- 8.8 The various rights, powers and remedies herein contained and reserved to either Hickory or Hildebran shall not be considered as exclusive of any other right, power or remedy, but the same shall be construed as cumulative and shall be in addition to every other right, power or remedy now or hereafter existing at law, in equity or by statute. No delay or omission of a party to exercise any right, power or remedy arising from any omission, neglect or default of the other party shall impair any such right, power or remedy or shall be construed as a waiver of any such default or and acquiescence therein.
- 8.9 The captions, section numbers and article numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe or describe the scope of such paragraphs or articles of this Agreement nor in any way affect this Agreement.
- 8.10 This Agreement shall be governed by and interpreted in accordance with the laws of the State of North Carolina.
- 8.11 Time shall be of the essence of this Agreement and each and every term and condition thereof.
- 8.12 Words of any gender used in this Agreement shall be held to include any other gender, and words in the singular number shall be held to include the plural, when the sense requires.
- 8.13 This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully-executed counterpart.
- 8.14 Both Hickory and Hildebran acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by Counsel for both Hickory and Hildebran. As such, the doctrine of construction against the drafter shall have no application to this Agreement.
- 8.15 If any provision under this Agreement or its application to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity does not affect any other provision of this Agreement or its application that can be given effect without the invalid provision or application.

In Witness Whereof, the parties have executed this Agreement and authorized or accepted conveyance of the real and personal property described herein, as appropriate, the day and year above first written.

CITY OF HICKORY,
a North Carolina Municipal Corporation

By: _____
Rudy Wright, Mayor

ATTEST: (SEAL)

Debbie Miller, City Clerk

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Melissa Miller
Melissa Miller, Finance Officer
City of Hickory

Approved as to form on behalf of the City of Hickory this _____ day of _____, 2015.

Attorney for the City of Hickory

ATTEST: (SEAL)

TOWN OF HILDEBRAN,
A North Carolina Municipal Corporation

By: Virginia Cook
Virginia Cook, Mayor

By: Larry L. Lowman
Larry L. Lowman, Mayor Pro Tem

Alice Sanders
Alice Sander, Town Clerk

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Fredrick Rankins Jr
Fredrick Rankins, Finance Director

Approved as to form on behalf of the Town of Hildebran this 28th day of July, 2015.

[Signature]
Redmond Dill, Town Attorney

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

I, _____, a Notary Public of said County and State, certify that **Debbie Miller** personally came before me this day and acknowledged that she is City Clerk of the City of Hickory, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the City Council of the City of Hickory, the foregoing instrument was signed in its name and by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal, this the _____ day of _____, 2015.

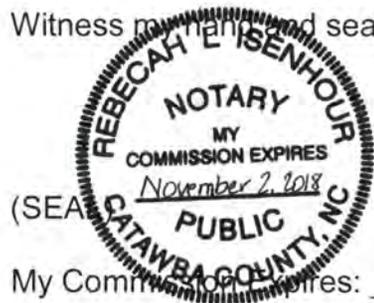
Notary Public

My Commission Expires:

**STATE OF NORTH CAROLINA
COUNTY OF BURKE**

I, Rebecah L. Tsenhour a Notary Public of said county and state, certify that **Alice Sanders** personally came before me this day and acknowledged that she is Town Clerk of the Town of Hildebran, a North Carolina municipal corporation, and that by authority duly given and as the act of the Town Council of the Town of Hildebran, the foregoing instrument was signed in its name and by its Mayor, sealed with its corporate seal and attested by her as its Town Clerk.

Witness my hand and seal this 28th day of July, 2015.



[Signature]
Notary Public

My Commission Expires: November 2, 2018

7

COUNCIL AGENDA MEMOS

Exhibit VIII.E.

To: City Manager's Office

From: Kevin B. Greer, PE /Assistant Public Services Director

Contact Person: Kevin B. Greer, PE/Assistant Public Services Director

Date: August 18, 2015

Re: Change Order 1 to the Agreement for Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivisions Sanitary Sewer.

REQUEST

Staff requests Council approval of Change Order 1 Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivisions Sanitary Sewer Project with McGill Associates, PA in the amount of \$40,650.00.

BACKGROUND

The Public Utilities Department and Catawba County Environmental Health identified these three areas as areas of concern in 1998 as a part of the future service areas for the City of Hickory Sanitary Sewer System. Staff originally applied for State Revolving Grant funds for completion of this project April 1, 1999. Staff was contacted in 2008 about the status of these projects and then asked to resubmit an updated Preliminary Engineers Report in 2009. NCDENR Division of Water Quality and NC Construction Grants and Loans issued final approval of the Preliminary Engineers Report on May 10, 2010. The project consists of three identified concentrations of residential housing that have historically experienced issues with problematic septic tank systems.

The existing subdivisions are approximately 30 to 40 years old and are principally built out. This project will have a potential to serve approximately 226 homes and eliminate the potential public health hazard of septic tank system failures impacting surface waters.

City of Hickory City Council accepted the Grant Offer for State High Unit Cost Grant Account of the Water Infrastructure Fund in July 2012 in the amount of \$2,946,042.99 for completion of this project.

ANALYSIS

This project was envisioned to be designed, bid and constructed as one project, however due to easement negotiations, regulation changes from the time it was previously designed and the need to renew some permits which had expired, this could not be achieved. These issues have resulted in additional work on the part of McGill Associates to address or overcome. This change order is intended to address all issues that have arisen on behalf of the engineer for each of the three subdivisions.

Change issues include:

1. Update NCDOT Encroachment agreements due to expiration.
2. Revised easement plats for properties related to Sherwood Forest Subdivision and Random Woods Subdivision.
3. Design and permitting of 380-lft of additional line to serve residents at Eastwood Subdivision.
4. Revised plans and specifications for Sherwood Forest due to route modifications due to easement negotiations and expired permit.
5. Documents and time associate with three (3) separate bids for the overall project versus the previously intended single bid.

Revised contract total to date will be \$169,950.00. Necessary funds for this Change Order have been approved by the NC Division of Water Infrastructure for inclusion in the grant money reimbursement request.

RECOMMENDATION

Staff requests Council approval of Change Order 1 Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivisions Sanitary Sewer Project with McGill Associates, PA in the amount of \$40,650.00.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Chuck Hansen
Initiating Department Head

8/06/2015
Date

Amita M. Dula
Deputy City Attorney, A. Dula

8-10-15
Date

Rodney Miller
Asst. City Manager Rodney Miller

8-7-15
Date

A. Surratt
Asst. City Manager, A. Surratt

8-11-15
Date

Melissa Miller
Finance Officer, Melissa Miller

8-10-15
Date

Bo Weichel
Purchasing Manager, Bo Weichel

8-10-15
Date

Date

Recommended for approval and placement on _____ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).

M. Berry
City Manager, M. Berry

Date



July 17, 2015

Mr. Kevin Greer, P.E.
Assistant Public Services Director-Public Utilities
City of Hickory
1441 9th Avenue NE
Hickory, North Carolina 28601

RE: Eastwoods, Random Woods, Sherwood Forest
Sewer System Improvements

Dear Mr. Greer:

The purpose of this letter is to request an amendment to our "Agreement for Engineering Services" for the project entitled Sanitary Sewer Service to Eastwood, Random Woods, and Sherwood Forest areas of the City of Hickory dated August 20, 2012. The Eastwood section of this project has been bid and construction of that portion of the project is complete with final punch list items remaining. All easements from private land owners have been secured for the Sherwood Forest section and we are in the bidding phase for this project with bids due on August 18th. Based upon these changes to the schedule I am requesting the following amendment to our "Agreement for Engineering Services".

1. Section 2.1.12 of the Agreement addresses permits to NCDOT. These permits were secured for the project shortly after McGill Associates was authorized to begin work on the project. A single NCDOT encroachment agreement was submitted for all three sections of the project. Due to the lack of easements only the Eastwood section has been bid to date. Due to delays in getting the project bid after the date when the NCDOT encroachment was secured the encroachment agreement expired. NCDOT required a new encroachment agreement application be submitted for each of the three project areas. McGill Associates provided additional services to complete this service and we are requesting an increase in our fee for Planning, Design and Bidding and Award Phase as defined in section 6.1.1 in the amount of \$2,950.00.
2. McGill Associates scope of services included the preparation of easement plats from private property owners for the project. Two previously prepared easements were required to be modified for the Sherwood Forest project and a new easement plat was required as a result of revisions to sewer line alignment. We are requesting an increase in our fee for Planning, Design and Bidding and Award Phase as defined in section 6.1.1 in the amount of \$2,400 for this additional work.

3. McGill Associates was requested to design and permit and extension of line "D" on the Eastwood project to provide sewer service to properties not previously served with the original design. This 380 linear foot extension will provide service to several additional properties. This additional work will be added to the current on-going construction contract via change order. In accordance with section 3.3 of the Agreement the cost associated with change orders is deemed to be additional services. We are requesting an amendment to increase our fee for Planning, Design and Bidding and Award Phase as defined in section 6.1.1 in the amount of \$3,600 for this additional work.
4. McGill Associates has been requested to take the original plans for the project and breakout the Sherwood Forest section of the project for bids. This includes modifications to the drawings to reflect changes in the alignment of the sewer line as a result of easement negotiations and the need to modify the route of the sewer. This re-design required additional design survey and staff time for the design. We are requesting an amendment to increase our fee for Planning, Design and Bidding and Award Phase as defined in section 6.1.1 in the amount of \$9,600 for this additional work.
5. The original agreement and fee presented assumed that the project was to be bid as a single project. Due to the difficulty of obtaining easements needed for the project the project was divided into different phases. The Eastwood section has been bid and construction is complete. We are now advertising for bid the Sherwood Forest phase and anticipate the Random Woods phase will be bid later in the year, but as a separate bid. The project is funded by a grant from the NCDENR, Division of Water Infrastructure. This program has a number of requirements associated with the bidding process that must be followed to ensure and maintain funding eligibility. We are requesting an amendment to increase our fee for Planning, Design and Bidding and Award Phase as defined in section 6.1.1 in the amount of \$8,200 for this additional work for the Sherwood Forest section of the project and an additional \$8,200 for the Random Woods project assuming the project will be bid at a later date and as a separate date.
6. Based upon previous discussion it appears that there will be a required revision to two easements for the Random Wood phase of the project. As previously discussed our scope of services included the preparation of easement plats from private property owners for the project. We are requesting an increase in our fee for Planning, Design and Bidding and Award Phase as defined in section 6.1.1 in the amount of \$1,700 for this additional work.
7. The original agreement and fee presented assumed that the project would be constructed as a single contract with one contractor. Therefore all change orders and applications for payment and other contract items would be by a single contractor. It was also assumed that the contractor would have more than one crew working at any given time and that our construction field representative (CFR) would be able to observe the work at multiple locations as a part of their normal site visits. Given the fact that we are now at the point to advertise and bid the Sherwood Forest phase and anticipate the Random Woods phase will

Mr. Kevin Greer, PE
 July 17, 2015
 Page 3 of 3

be bid later in the year, we anticipate that our construction phase services will continue for the next 9 to 12 months. To date we have expended approximately 62 percent of our original \$71,000 fee for construction administration services on the Eastwoods portion of the project. Some of these expenditures are the result of overruns in contract time and not meeting the original project schedule by the Contractor. The fee remaining for Construction Phase Services appears to be adequate to cover the construction phase activities for the Sherwood Forest project. As the Sherwood Forest project concludes we will have a better understanding of the schedule for the Random Woods project and will address any additional services for Construction Phase Services at that time.

In summary as a result of the project being prolonged, not being bid and constructed as a single project and the additional services associated with modifications to the drawings to allow for bidding the project in phases, two additional project bidding services and additional construction service times we are amended increase in our Agreement for Engineering Services fees as follows:

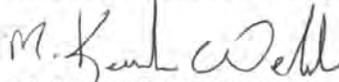
Planning, Design and Bidding and Award Phase (Including the preparation of easement plats):	Increase from \$54,300 to \$94,950.
--	-------------------------------------

Construction and Post-Construction Phase:	No changes at this time
---	-------------------------

Should you have any questions please let me know.

Sincerely,

McGILL ASSOCIATES, P.A.



M. KEITH WEBB, P.E.

Vice President - Principal

CC: Doug Chapman
 RJ Mozeley
 Jared Wright

11.01100/letters/kg17july15

THE CITY OF HICKORY,
A North Carolina Municipal Corporation

By: _____
Mick Berry, City Manager

Date: _____

Attest:

(SEAL)

Debbie D. Miller, City Clerk

This document has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Melissa Miller, Finance Officer

Approved as to form on behalf of the City of Hickory only:

Arnita Dula, Deputy City Attorney

8

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Kevin B. Greer, PE, Assistant Public Services Director - Public Utilities
Contact Person: Kevin B. Greer, PE
Date: August 18, 2015
Re: Eastwood Sanitary Sewer Project Change Order 1
(E-SRG-T-080140).

REQUEST

Staff requests Council approval of Change Order #1 with Neill Grading & Construction Company, Inc. for the construction of the Eastwood Sanitary Sewer Project (E-SRG-T-080140) in the amount of \$26,129.89.

BACKGROUND

The Public Utilities Department and Catawba County Environmental Health identified Eastwood Subdivision as one of three areas of concern in 1998 as a part of the future service areas for the City of Hickory Sanitary Sewer System. Staff originally applied for State Revolving Grant funds for completion of this project April 1, 1999. Staff was contacted in 2008 about the status of these projects and then asked to resubmit an updated Preliminary Engineers Report in 2009. NCDENR Division of Water Quality and NC Construction Grants and Loans issued final approval of the Preliminary Engineers Report on May 10, 2010. The project consists of three identified concentrations of residential housing that have historical problematic septic systems within the existing City of Hickory ETJ and accessible to existing City of Hickory sanitary sewer lines. Eastwood Subdivision consists of 100 residential lots with homes principally built in the 1960's and 1970's. The project was approved for a grant to fund construction of necessary sanitary sewer infrastructure to provide public sewer to the homes in this subdivision.

ANALYSIS

The Eastwood Subdivision Sanitary Sewer Project is the first of three (3) subdivisions that the City of Hickory received Grant money from the NC Division of Water Infrastructure- State Revolving Grant Fund to install sanitary sewer in. This project consisted of approximately 8,700-lf of 8-inch sanitary sewer lines with appurtenances serving 110 single family residential homes.

The current contract amount is \$684,648.82 which includes no previously approved change orders.

Change Order 1 consists of two (2) items related to additional line being extended to serve the balance of the subdivision and the replacement of a storm drain junction box that was previously unforeseen. The single largest item that is included in this change order is \$23,584.69 for the addition of 380-lf of 8-inch gravity sewer and 2 manholes to serve the balance of the subdivision. The second item consists of replacement of an unforeseen brick junction box with a NCDOT approved precast storm drain blind junction box in the amount of \$2,545.20. The contractor is requesting an extension of the contract time to account for 20 days of additional work with this Change Order 1.

Revised contract total to date will be \$710,778.71. Necessary funds for this Change Order have been approved by the NC Division of Water Infrastructure for inclusion in the grant money reimbursement request.

RECOMMENDATION

Staff recommends Council approval of Change Order #1 with Neill Grading & Construction Company, Inc. for the construction of the Eastwood Sanitary Sewer Project (E-SRG-T-080140) in the amount of \$26,129.89.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

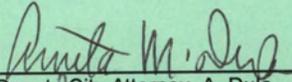
No

LIST THE EXPENDITURE CODE:

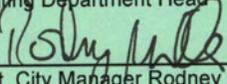
Reviewed by:

Chuck Hansen 
Initiating Department Head

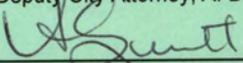
8/06/2015
Date


Deputy City Attorney, A. Dula

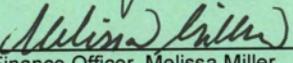
8-10-15
Date


Asst. City Manager Rodney Miller

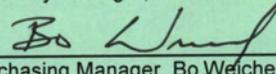
8-7-15
Date


Asst. City Manager, A. Surratt

8-11-15
Date


Finance Officer, Melissa Miller

8-10-15
Date


Purchasing Manager, Bo Weichel

8-10-15
Date

Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).


City Manager, M. Berry

Date

Change Order No. 1-Final

Date of Issuance: July 17, 2015	Effective Date: July 17, 2015
Owner: City of Hickory	Owner's Contract No.:
Contractor: Neill Grading & Construction Company, Inc.	Contractor's Project No.:
Engineer: McGill Associates	Engineer's Project No.: 10.01100
Project: Eastwood Sewer Project	Contract Name: E-SRG-T-080140

The Contract is modified as follows upon execution of this Change Order:

Description:

Adjust the Contract Price to include replacement of an existing brick junction box, installation of additional sewer line, manholes, and service connections, and reflect final installed quantities

Adjust the Contract Time to allow for additional work included in the approved sewer line extension

Attachments: *Contractor's Change Order Request (junction box), Spreadsheet showing Final Installed Quantities*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 684,648.82	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: <u>180</u> days or dates
{} Increase {} Decrease from previously approved Change Orders No. ___ to No. ___: \$ N/A	{} Increase {} Decrease from previously approved Change Orders No. ___ to No. ___: Substantial Completion: _____ Ready for Final Payment: <u>N/A</u> days or dates
Contract Price prior to this Change Order: \$ 684,648.82	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: <u>180</u> days or dates
{} Increase {} Decrease of this Change Order: \$ 22,311.20	{} Increase {} Decrease of this Change Order: Substantial Completion: _____ Ready for Final Payment: <u>45</u> days or dates
Contract Price incorporating this Change Order: \$ 706,960.02	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: <u>225</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u>	By: _____	By: <u>[Signature]</u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Vice President</u>	Title _____	Title <u>vice-president</u>
Date: <u>8-7-15</u>	Date _____	Date <u>8-7-15</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Eastwoods Sewer

NO	DESCRIPTION	UNIT	QTY	BID		TOTAL INSTALLED		VARIANCE	
				UNIT PRICE	TOTAL	QTY	TOTAL	QTY	TOTAL
1	Mobilization	1	LS	\$20,500.00	\$20,500.00	1.00	\$20,500.00	-	\$0.00
2	8" SDR 35 Gravity Sewer 0-6 Ft. Depth	1,740	LF	\$48.50	\$84,390.00	1,740.00	\$84,390.00	-	\$0.00
3	8" SDR 35 Gravity Sewers 6-8 Ft. Depth	2,270	LF	\$49.50	\$112,365.00	2,270.00	\$112,365.00	-	\$0.00
4	8" SDR 35 Gravity Sewers 8-10 Ft. Depth	1,325	LF	\$50.50	\$66,912.50	1,325.00	\$66,912.50	-	\$0.00
5	8" SDR 35 Gravity Sewers 10-12 Ft. Depth	600	LF	\$52.50	\$31,500.00	600.00	\$31,500.00	-	\$0.00
6	8" SDR 35 Gravity Sewers 12-14 Ft. Depth	550	LF	\$55.50	\$30,525.00	550.00	\$30,525.00	-	\$0.00
7	8" DI CL 150 Gravity Sewers 0-6'	1,320	LF	\$55.50	\$73,260.00	1,650.00	\$91,575.00	330.00	\$18,315.00
8	8" DI CL 150 Gravity Sewers 6.1'-8'	125	LF	\$56.50	\$7,062.50	445.00	\$25,142.50	320.00	\$18,080.00
9	8" DI CL 150 Gravity Sewers 8.1'-10'	185	LF	\$57.50	\$10,637.50	185.00	\$10,637.50	-	\$0.00
10	8" DI CL 150 Gravity Sewers 10.1'-12'	85	LF	\$59.50	\$5,057.50	85.00	\$5,057.50	-	\$0.00
11	8" DI CL 150 Gravity Sewers 12.1'-14'	470	LF	\$62.50	\$29,375.00	470.00	\$29,375.00	-	\$0.00
12	4' Diameter Standard Manhole 0-6' Depth	10	EA	\$1,400.00	\$14,000.00	10.00	\$14,000.00	-	\$0.00
13	4' Diameter Standard Manhole 6.1'-8.0' Depth	15	EA	\$1,600.00	\$24,000.00	18.00	\$28,800.00	3.00	\$4,800.00
14	4' Diameter Standard Manhole 8.1'-10.0' Depth	10	EA	\$1,750.00	\$17,500.00	11.00	\$19,250.00	1.00	\$1,750.00
15	4' Diameter Standard Manhole 10.1'-12.0' Depth	3	EA	\$2,050.00	\$6,150.00	3.00	\$6,150.00	-	\$0.00
16	4' Diameter Standard Manhole 12.1'-14.0' Depth	4	EA	\$2,550.00	\$10,200.00	4.00	\$10,200.00	-	\$0.00
17	Doghhouse MH 4 Ft. Diameter 6.1'-8.0' Depth	2	EA	\$2,200.00	\$4,400.00	2.00	\$4,400.00	-	\$0.00
18	Doghhouse MH 4 Ft. Diameter 8.1'-10.0' Depth	1	EA	\$2,500.00	\$2,500.00	1.00	\$2,500.00	-	\$0.00
19	Doghhouse MH 4 Ft. Diameter 12.1'-14.0' Depth	1	EA	\$3,000.00	\$3,000.00	1.00	\$3,000.00	-	\$0.00
20	16" x 0.25" Wall Thickness Steel Encasement Pipe, Bore and Jacked Complete with 8" Class 350 Ductile Iron Gravity Sewer Carrier Pipe	340	LF	\$130.00	\$44,200.00	305.00	\$39,650.00	(35.00)	-\$4,550.00
21	Same Side Service Connection	60	EA	\$450.00	\$27,000.00	57.00	\$25,650.00	(3.00)	-\$1,350.00
22	Opposite Side Service Connection	50	EA	\$770.00	\$38,500.00	47.00	\$36,190.00	(3.00)	-\$2,310.00
23	Manhole Outside Drop Assembly	2	EA	\$0.01	\$0.02	2.00	\$0.02	-	\$0.00
24	Stabilization Stone in trench, 6" Depth	700	LF	\$7.00	\$4,900.00	194.00	\$1,358.00	(506.00)	-\$3,542.00
25	Silt Fence Installed per Details	2000	LF	\$2.00	\$4,000.00	574.00	\$1,148.00	(1,426.00)	-\$2,852.00
26	Straw Roll Wattle	80	EA	\$25.00	\$2,000.00	43.00	\$1,075.00	(37.00)	-\$925.00
27	Asphalt Pavement Cut and Patch	130	LF	\$0.01	\$1.30	130.00	\$1.30	-	\$0.00
28	Asphalt Driveway Repair	250	LF	\$0.01	\$2.50	250.00	\$2.50	-	\$0.00
29	Concrete Driveway Repair	600	LF	\$0.01	\$6.00	600.00	\$6.00	-	\$0.00
30	Gravel Driveway Repair	400	LF	\$0.01	\$4.00	400.00	\$4.00	-	\$0.00
31	Rip-Rap on creekbanks Class B Stone	80	TON	\$40.00	\$3,200.00	10.00	\$400.00	(70.00)	-\$2,800.00
32	Ditch Liner/ Matting	7,500	LF	\$1.00	\$7,500.00	2,650.00	\$2,650.00	(4,850.00)	-\$4,850.00
CO	Replace Junction Box				\$0.00	1.00	\$2,545.20	1.00	\$0.00
TOTAL BID PRICE					\$684,648.82		\$706,960.02		\$19,766.00



Request For Change

RFC # 1

Date: Wednesday, April 08, 2015

To: Jared Wright
McGill AssociatesProject: Eastwood Sewer
Neill Project: 5140

Description	QTY	UM	Unit Price	Total Price
Extra Work Due To Storm Drainage Conflict				
Remove Homemade Brick Junction Box & Existing Pipe	1.00	EA	\$ 800.00	\$ 800.00
Install New NCDOT Stamped Junction Box & Relay Exiting Pipe	1.00	LS	\$ 1,720.00	\$ 1,720.00

Subtotal	\$ 2,520.00
1% Bond Increase	\$ 25.20
Total	\$ 2,545.20

If you have any questions regarding this proposal, please contact Mike Wilson at (828) 244-6263.
Please sign and email (mike@neillgrading.com) or fax (828) 324-9632 back for approval of this RFC

Submitted By: Michael Wilson
Project Manager - Neill Grading and Construction Co., Inc.

4/8/2015

Date

Approved By: Jared Wright McGill Associates

Date

9

COUNCIL AGENDA MEMOS

Exhibit VIII.G.

To: City Manager's Office
From: Tom Adkins, Chief of Police
Contact Person: Tom Adkins/Arnita Dula
Date: 7 August 2015
Re: Call for Public Hearing on Proposed Changes to Hickory City Code Chapter 4 (Animal and Fowl)

REQUEST: Staff requests City Council to call for a public hearing to consider changes Hickory City Code Chapter 4 (Animal and Fowl) that would restrict animals on public property during approved special events.

BACKGROUND: The City of Hickory approves organizations to use public property (Union Square and other venues) to host events for the public. These events include Music under the Sails, Oktoberfest, The Farmer's Market, special events in the parks not hosted by Hickory Parks and Recreation and many other events. Over the years, citizens and staff have expressed concerns about animals being allowed at these events because of public safety concerns for the citizens and the animals attending the event.

ANALYSIS: City Staff to include Legal, Police, Parks and Recreation and Branding/Public Information Office have worked together to develop proposed changes to Hickory City Code Chapter 4 (Animal and Fowl) restricting animals within the "footprint" of the approved special event on public property. These proposed changes are in the interest of protecting the public from potential aggressive animals that could cause harm to a human or another animal.

RECOMMENDATION: Staff recommends City Council call for a public hearing to consider changes to Hickory City Code Chapter 4 (Animal and Fowl) that would restrict animals on public property during approved special events.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Tom Adkins

Tom Adkins
Initiating Department Head

8/7/15
Date

Annita M. Dula

Deputy City Attorney, A. Dula

8-10-15

Date

Rodney Miller

Asst. City Manager Rodney Miller

8-7-15

Date

A. Surratt

Asst. City Manager, A. Surratt

8-11-15

Date

Melissa Miller

Finance Officer, Melissa Miller

8-10-15

Date

Bo Weichel

Purchasing Manager, Bo Weichel

8.10.15

Date

Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

M. Berry
City Manager, M. Berry

Date

REVISED Chapter 4 of the Hickory City Code

Approved on first reading

Approved on second reading

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 4 (ANIMALS AND FOWL) OF THE CODE OF ORDINANCES OF THE CITY OF HICKORY

WHEREAS, the City of Hickory has the authority, pursuant to N.C.G.S. § 160A-186, to regulate the keeping of domestic animals; and

WHEREAS, the authority to regulate the keeping of domestic animals is applicable to the keeping of animals on public properties and at public events; and

WHEREAS, the City Council has determined it is in the interest of the public's health, safety and welfare to amend Chapter 4 of the City Code to address certain animal matters in relationship to their impact upon public properties and public events;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY THAT:

Section 1. Amended.

Chapter 4 of the Hickory City Code is amended as set forth herein.

Section 2. Amendment

Section 4-25 which has been reserved shall now be utilized and the following provision assigned to that section in its entirety:

4-25. Animals at events.

(a) Applicability. This section shall apply to any public event on city property, in which a special event application is required. The presence of animals at these events poses health and safety concerns for both the spectators and animals. Sponsors of other events may also request the city manager or his authorized designee in writing to apply the provisions of this section to such events.

(b) Unlawful to have animal at an event. It shall be unlawful for any person owning, having possession, charge, custody or control of any animal, as defined in subsection (f) herein, to take that animal, whether on a leash or otherwise, into or allow the animal to enter the boundaries of any event. The boundaries and the interior of a special event shall consist

of any area part of the event or parade route and shall include any public street, road, highway, sidewalk, alley, parking lot, grassy area, right-of-way or other publicly owned area.

(c) Failure to remove animal. It shall be unlawful for any person with an animal within the boundaries of a special event to fail to obey the command of a law enforcement officer or animal control officer to remove such animal from the event.

(d) Exceptions. This section shall not apply to those animals part of an authorized event, exhibit, or parade. The special event operator and sponsor shall be responsible for immediately cleaning up and removing any animal waste from animals that are part of an authorized exhibit or parade. All animal waste shall be disposed of properly. This section also shall not apply to service dogs or other animals relied upon by persons with disabilities, to animals owned and controlled by public law enforcement agencies, or to animals used by a vehicle for hire in accordance with applicable City ordinances.

(e) Waivers. An organizer of an event to which this ordinance applies may request a waiver from this ordinance. The sponsor shall submit plans specifying how the public will be protected from the animals. Requests shall be reviewed as part of the special event permitting process and may be approved or denied as part of that process.

(f) Definitions. For the purposes of this section, the term "animal" shall mean every vertebrate and invertebrate nonhuman species of animal, wild or domestic, male or female, including but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish. The term "event" is applicable to all public events on city property for which a special event application is required.

Section 3: Severability.

If any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Repealed.

All ordinances or provisions of the Hickory City Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

Section 5. Effective Date.

This Ordinance shall become effective immediately upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this the _____ day of _____, 2015

THE CITY OF HICKORY
A North Carolina Municipal Corporation

(SEAL)
ATTEST:

By: _____
Rudy Wright, Mayor

Debbie Miller, City Clerk

Approved as to form this _____ day of _____, 2015.

Arnita M. Dula, Deputy City Attorney

BUDGET ORDINANCE AMENDMENT # 3

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2016.

SECTION 1. To amend the General Fund the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture and Recreation	2,450	
Other Financing Uses	35,000	
TOTAL	37,450	-

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	37,450	-
TOTAL	37,450	-

SECTION 2. Copies of the budget ordinance amendment shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

Adopted this ____ day of _____, 2015

Mayor

Clerk

CAPITAL PROJECT ORDINANCE # 1

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, that the following capital project ordinance is hereby adopted for the duration of this project.

SECTION 1. To amend the Capital Project Fund, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Project	35,000	
TOTAL	35,000	0

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	35,000	-
TOTAL	35,000	0

SECTION 2. Copies of the capital project ordinance shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

Adopted this ____ day of _____, 2015

Mayor

Clerk



City of Hickory
 PO Box 398
 Hickory, NC 28603
 Telephone
 828-323-7410
 Fax 828-323-7474

City of Hickory
Special Events/Activities Application
 (Must be submitted to Planning & Development)

SPECIAL EVENT APPLICATION

The purpose of this application is to provide information about your event or activity in order for various departments and agencies to determine if they need to be involved in the approval and/or permitting process. Depending on the specific event, a permit application and/or fee(s) from individual departments may be required.

The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan. The applicant is also responsible for notifying the Planning Department of any changes. Incomplete applications will not be accepted. **For public property events a complete application should be submitted at least **90 days** prior to the planned event to allow sufficient review time. For private property events a complete application should be submitted at least **30 days** prior to the planned event. Public officials may contact you with specific questions. Any official may require a pre-planning meeting.

Applications and events are prioritized based on a first come-first served basis and the City may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

****If the event is to be held on public property, approval to use the property must be obtained from City Council; therefore the application must be submitted 90 days prior to the event.**

APPLICANT INFORMATION

Name of Event: Patriot's Day Reembrace Ceremony
 Applicant Name & Title: Mandy Pitts, Communications Director/Brand Manager
 Organization: City of Hickory
 Mailing (Billing) Address: PO Box 398
 City / State / Zip: Hickory, NC 28603
 Daytime Phone: 828-261-2290 Cell: 828-320-8953 Email: mpitts@hickorync.gov
 Description of the Event: A ceremony to remember our country's tragic loss on September 11, 2001, now referred to Patriot's Day.
 Does the event have a Twitter, Facebook or other social networking page? YES
 If yes, please list URL(s): HickoryNC.gov

Event Address: Sails on the Square Stage in Downtown Hickory	
Date of Event: Friday, September 11 at 12:30 p.m.	
Event Start Time: 12:30 p.m.	Event End Time: 1 p.m.
Road Closure Begins (if applicable): N/A	Road Closure Ends (if applicable):
Set-Up Begins: 10:30 a.m.	Clean-Up Ends: 1:30 p.m.
Preferred Date & Time of Inspection: N/A	
Estimated Attendance: 200	
The Event is: <u> </u> Private (by invitation only) or <u> </u> * <u> </u> Open to General Public	
Describe the procedures to be used for selecting participants and vendors for this event: N/a	

APPLICANT'S SIGNATURE Mandy Pitts **DATE:** August 14, 2015

A pre-planning meeting may be required and will be scheduled to include the appropriate staff. The event applicant must attend the meeting. The city reserves the right to require others to attend.

TENTS & MEMBRANE STRUCTURES

**** Tent** is a structure, enclosure, or shelter, with or without sidewalls or drops **

Will tent(s) be used for the event? Yes No (If no, proceed to next section)

of Tent(s) _____ (fabric structure that is ENCLOSED with sidewalls or drops exceeding 400 square feet)

of Tent(s) _____ (fabric structure that is OPEN on all sides exceeding 700 square feet)

Are there multiple tents without sidewalls placed side by side such that the total square footage of all the tents in this group exceeds 700 square feet without 12 feet of clear space between all other permanent and temporary structures? Yes No

**** Membrane** structure is an air-inflated or air supported structure **

Will Membrane(s) be used for the event? Yes No (If no, proceed to next section)

of Membrane Structure(s) _____ exceeding 400 square feet

POWER SOURCES

Will you use electric generators? Yes No

If yes, will Power Distribution boxes be used? Yes No

Provide contact information for contractor supplying generator power:

Name: _____ Phone: _____ Email: _____

Will you use electric power from an existing structure? Yes No

If yes, will direct wiring to breakers be required? Yes No

Provide contact information for person responsible for setup of power:

Name: Mandy Pitts Phone: 828-261-2290 Email: mpitts@hickorync.gov

VOICE/MUSIC AMPLICATION

Are there any musical entertainment features related to your event? Yes No
(If no proceed to next section)

If yes, state the number of bands and type of music: Number of bands: 0

Type(s) of music: Will sing National Anthem

Will a portable or temporary stage be utilized? Yes No

If yes*, state the number of portable or temporary stages: _____

Provide contact information for contractor providing stage:

Name: _____ Phone: _____ Email: _____

A Temporary Stage Certification Form must be completed for Catawba County Building Services

Will your event use amplified sound? Yes No

If yes, please indicate times: Start time: 12:30 p.m. Finish time: 1 p.m.

HAZARDOUS MATERIALS

Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? Yes * No
If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.

Will there be any portable heaters? Yes * No

Will there be any deep fat fryers? Yes * No

Will there be any fireworks, lasers, torches, candles or pyrotechnics? Yes * No
If yes, contact the City of Hickory Fire Prevention office at 828-323-7522 for more information.

ALCOHOL

Will alcoholic beverages be served? Yes * No (If yes, NC ABC permit required)

Will alcoholic beverages be sold? Yes No (If yes, NC ABC permit required)

What type of alcohol will be served?
 Draft Beer Can/Bottle Beer Wine Liquor

Who will be serving the alcohol?

Times for alcohol to be served:

Locations within event site where alcohol will be served:

Have you applied for a North Carolina temporary ABC permit? Yes No

VENDORS

*List all commercial vendors who will be present during the event (serving, selling, sampling, or displaying).
 (Use additional sheet of paper if necessary)*

VENDOR NAME	ADDRESS	PHONE NUMBER(S)

Does the event include mechanical rides, or other similar attractions? Yes * No
 If yes, please describe attractions:

Applicants contracting with amusement ride companies are required to provide the City of Hickory with a certificate of insurance, naming applicant and the City of Hickory (if applicable) as additional insured on general liability.

VENDORS

Does the event include food vendors? ___ Yes ___*___ No

If the event will have food vendors, please check the following that apply:

___ Served ___ Sold ___ Free ___ Catered ___ Prepared Outdoors

An applicant having any food service must contact the Catawba County Health Department at (828) 465-8270 for approval of any food preparation or service.

Does the event include food concession and/or cooking areas? ___ Yes ___ No

If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other)

(Use additional sheet if necessary)

VENDOR	COOKING METHOD	FOOD ITEM

Fire Code requires a fire extinguisher at each cooking location. Food and beverages shall not be sold at an event unless approved and licensed, if necessary, by the Catawba County Health Department. Event organizers are responsible for arranging health inspections for their events.

EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed. (Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES
9.11.15	10:30 a.m.	Set up sound system, podium, bell, set up stage with what is needed including taking down backdrop, open restrooms, set up chairs where needed.	
9.11.15	12:30 p.m.	Ceremony begins which includes: Welcome, Present the colors, pledge of allegiance, Comments about the day that we will never forget, Speaker (former FBI agent who lives in Hickory who was lead FBI investigator for Flight 93), the timeline (with the bell ringing after remembering all 4 planes that went down), sing the National Anthem, then closing prayer.	
9.11.15	1 p.m.	Estimated time to finish ceremony	
9.11.15	1:30 p.m.	Clean up over	
NOTE:		In case of bad weather, would like to hold in City Council Chambers at Hickory City Hall	

CITY SERVICES

The City of Hickory does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment.

TRASH AND RECYCLING PLAN

In order to determine what types of containers are needed for the event, please answer the following questions:

How many trash bins are you requesting for trash? 0

How many recycling bins are you requesting for recycling? 0

Delivery Location?

Date and Time for trash or recycling bins to be emptied/picked up? _____

Applicants are responsible for cleaning and restoring the site after the event. The cost of any employee overtime incurred because of an applicant's failure to clean and/or restore the site following the event will be paid for by the applicant. If you reasonably believe that no litter will be generated during your event, please state this in your plan.

PUBLIC PROPERTY CLEAN-UP

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event?

If City personnel are needed to assist with event site clean-up the applicant will be required to hire off duty personnel.

If needed, please list preferred Date & Time for clean-up staff arrival: _____

Will any of the following services be used for the event:

- | | |
|--------------------------|-------------------------------|
| _____ Water Service | _____ Portable Toilet Service |
| _____ Wastewater Service | ___*___ Public Restrooms |

SAFETY AND SECURITY (CHECK TYPES OF SECURITY USED)

- Beer/Alcohol Security
 Stage Security
 Event Area Security
 Gate Security
 Road Closure Security
 Money Handling Security
 Other _____
 Overnight Security
 From _____: _____ To _____: _____

Dates & Times security will be on site: HPD Fire/Police part of event _____

Security provided by: _____ Number of Security Personnel: _____

Applicant may be required to hire sworn off-duty City of Hickory police officers to provide security to insure public safety. The Hickory Police Department will determine the number of security personnel required on site.

SITE PLAN

Please attach a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

WALK, RUN, CYCLE EVENTS ON PUBLIC ROADWAYS

Number of participants expected: _____ % of participants expected under 18: _____

*Must be at least 100 participants and no more than 2,000 per route.

Number of volunteers expected: _____ % of volunteers expected under 18: _____

Check the approved City/NCDOT Route on public roadways below

___ **5K 1 Downtown 5k** (Not allowed on Saturdays during the Downtown Hickory Farmers Market: Mid April-November)

___ **5K 2 Hickory Foundation YMCA** (Can start and finish in Downtown District or other locations on route)

___ **5K 3 FRMC 5K** (Can start and finish in Downtown District or other locations on route)

___ **5K 4 Neill Clark Park 5k** (Must contact Parks and Recreation Director Mack McLeod mmcleod@hickorync.gov or 828-322-7046 and submit email confirmation with Special Event application.)

___ **5K 5 Winkler Park 5k** (Must contact Parks and Recreation and Hickory Crawdads and submit email confirmation with Special Event application. Approval from Mack McLeod 828-322-7046 or mmcleod@hickorync.gov and Hickory Crawdads Mark Seaman 828-322-3000 or mseaman@hickorycrawdads.com.)

___ **5K 6 LRU 5K** (Must clear route with LRU before submitting Special Event application. (Can start and finish in various locations, including First Methodist Church)

___ **10K 1 Hickory Foundation YMCA** (Can start and finish in Downtown District)

___ **10K 2** Do a 5k route twice, which 5k route? _____

___ **Half Marathon 1** (13.1 miles)

___ **Cycle Route 1** (10 mile)

___ **Cycle Route 2** (32 mile)

APPROVED ROUTES/EVENTS AT THE AIRPORT AND PUBLIC PARKS

AIRPORT ROUTE

___ Hickory Regional Airport 5k ___ Approval from Airport Manager Terry Clark

*The second and fourth Saturdays have existing events in the morning hours. Check with Airport Manager Terry Clark 828-323-7408 or tclark@hickorync.gov on availability.

Name the new date proposed and time: _____

(Please include email confirmation with approval to use airport with application.)

PUBLIC PARKS ROUTES

Approval for park use may be obtained from Parks and Recreation Director Mack McLeod 828-322-7046 or mmcleod@hickorync.gov

___ Hickory City Park to Geitner-Rotary Park 5k via paved

(Please include email confirmation with approval to use park with application.)

___ Henry Fork River Regional Recreation Park

(Please include email confirmation with approval to use park with application.)

___ Neill W. Clark Jr. Recreation Park - **Event within park, could be different activities on fields**

(Please include email confirmation with approval to use park with application.)

___ Highland Recreation Center at Stanford Park Options

___ 3.2 option ___ 3.1 option ___ 4.5 option – **All options along sidewalks**

(Please include email confirmation with approval to use park with application.)

ADDITIONAL GUIDELINES AND REQUIREMENTS

Please initial all guidelines below and provide the information requested at the time the application is submitted.

Must use a preapproved route from the City/NCDOT and/or preapproved neighborhood route and/or track or one of the options not on roadways that are available at the airport or at a park. *MP*

Must include a certificate of liability insurance for walk, run, and/or cycle event if the start/finish are on public property. *MP*

Must include a plan for volunteers for events with an anticipated attendance of 100 participants or more (how many, their duties). *MP*

Must include a parking plan for participants and volunteers (can be included in site plan). *MP*

The provision of twenty foot (20') minimum emergency access lanes throughout the event site. *MP*

Temporary signs may be used to mark a course. No markings of any kind (permanent or temporary) are allowed on roadways, sidewalks, or parking lots. *MP*

Any unauthorized traffic control device or other sign or message placed on the highway right-of-way by a private organization or individual constitutes a public nuisance and should be removed. Any violations of this policy will result in disapproval of future event(s). *MP*

Do not assume, advertise, or promote your event until you have a signed permit from the Hickory Police Department, along with permission from city staff and Hickory City Council. Conflicts do arise and changes to the request may be necessary. *MP*

ATTACHMENTS CHECKLIST

In addition to the Special Event Application form, the following supporting documents are required to complete your application package and begin the review process:

All Events:

* Site Plan Sketch

n/a Parking Plan for participants and volunteers (May be included in site plan)

n/a Volunteer Plan for events with an anticipated attendance of 100 participants or more (how many, their duties)

All Public Property Events:

* Certificate of Insurance listing the City of Hickory as certificate holder and additional insured.

-Public Property Event at a Public Park:

Email from Parks and Recreation Director Mack Mcleod indicating approval of the event date

-Public Property Event at the Airport:

Email from Airport Director Terry Clark indicating approval of the event date

**** THIS SECTION IS ONLY TO BE COMPLETED IF REQUESTING TO HOLD AN EVENT ON UNION SQUARE COMMON, STREETS ADJOINING THERETO OR OTHER PUBLIC PLACES, PARKS, AND THE AIRPORT ****

USE OF UNION SQUARE AND OTHER PUBLIC PLACES

RULES REGULATING THE USE OF UNION SQUARE COMMON, STREETS ADJOINING THERETO AND OTHER PUBLIC PLACES, PARKS AND THE AIRPORT FOR SPECIAL EVENTS

- Special events may be held in one or more of the following areas:
 - Union Square Common, north of the Southern Railway tracks, east of Third Street, NW, and west of Second Street, NW.
 - Streets adjoining Union Square, including Third Street, NW, between the Southern Railway tracks and the northern margin of First Avenue, NW; First Avenue, NW between Third Street, NW and Second Street, NW; Second Street, NW from the Southern Railway tracks to the northern margin of First Avenue, NW; and Trade Alley.
 - Any other public building, park or property owned or possessed by the City of Hickory which, by its nature, is suitable for any certain special event that may be applied for, provided that said event remains open to the public at large.
- The City Council reserves the right to reject any application as to the use of any area described above for any special event. If the City Council learns that the event or vendors participating were misrepresented to the City Council or that the event in any way fails to comply with the rules regulating the use of Union Square Common or fails to comply with any applicable local, state, or federal laws, it reserves the right to rescind any approved application up to and during the course of the event. In the case of a special event being held at a City-owned facility for which a rental fee is usually charged, the normal rental fee shall be charged to the applicant unless the City Council waives such rental.
- Application must be filed in the City Manager's Office at least ninety (90) days prior to the time that the applicant desires to first take possession of the area to make preparations for the special event. The applicant for a special event must be a non-profit organization, organized and existing for the purpose of either some charitable or public benefit or for the promotion of business in the Downtown Area of Hickory. In addition, said non-profit organization may at the request of the Council be required to produce evidence of their non-profit corporation status as defined by state and federal laws. In addition, procedures to be used for selecting participants and vendors must be included with the application.
- The applicant shall provide to the City Manager at least two (2) weeks prior to the beginning of the public participation in the special event a list of all of the vendors or others having booths or display tables during the special event. No other persons may sell merchandise or operate any booth or display tables during the special event, unless the applicant, in writing, requests the City Manager to amend such list accordingly and permission is granted.
- No motor vehicles or other large equipment or manufactured items or livestock will be permitted within the area unless they are clearly identified and described and the proposed location is stated in the application and specific approval is given.
- The size, type of construction and location of display tables and booths must be described generally in the application; all construction must be safe and self-sustaining; no spikes or other holding devices may be driven into the ground of any street, sidewalk or tied to any tree.
- When food preparation, painting and/or pottery -making activities or similar activities are held, appropriate protective materials must be placed over any paved or brick areas for protection.

- No tents may be placed in the area without being described and exhibited to the Fire Prevention Inspectors of the Hickory Fire Department and special approval by the City Council.
- Public address systems can be used only if specifically requested in the application and special permission given, including limitations as to use.
- Sufficient portable toilets shall be provided for the expected number of participants.
- If the applicant desires to sell alcoholic beverages, it shall specifically so state in its application and shall provide a sketch of the area where the same will be sold and consumed. The area shall be delineated by barricades, with the entrance to be clearly marked and so constructed as to allow ready control of patrons, including viewing of identification to avoid underage persons being within the barricaded area. Signs shall be posted stating that no one shall leave the barricaded area with alcoholic beverages. Application must be made to proper State authorities for special permit for sale of alcoholic beverages. Special permit shall be available for inspection by the City at any time.
- The applicant shall assume full liability for all accidents or claims of accidents as a result of activities taking place at the special event and during the time the area is being readied for the event and while it is being cleaned up following the event. A copy of the insurance policy must be submitted to the City Manager's office prior to the event. The applicant must add the city as an additional insured on the policy. The policy is to be one of comprehensive general liability in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury per person and One Million Dollars (\$1,000,000.00) per occurrence and not less than One Hundred Thousand Dollars (100,000.00) for property damage per occurrence.
- The applicant will be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event.
- Applicants must obtain any special use permits required by the Hickory Fire Inspector, must comply with all applicable provisions of the North Carolina Fire Code and must at all times insure that all fire lanes in the area to be used remain unobstructed.
- Applicants must comply with all applicable Health Department regulations pertaining to the scheduled event.
- Applicants must comply with the requirements of the Hickory Sign Ordinance.
- Applications must comply with any and all local, state, and federal laws pertaining to equal opportunity and should make every effort to make events accessible to the disabled public. In addition, applicants shall not deny access or a vendor's booth to any group based on national origin, race, religion, age, sex, or disability.

City of Hickory

NAME OF NON-PROFIT ORGANIZATION

BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:

Local Government

LIST ORGANIZATIONS OFFICERS:

Mick Berry, City Manager

828-323-7400
TELEPHONE

TELEPHONE

TELEPHONE

CHAIRPERSON OF THE SPECIAL EVENT:

Mandy Pitts, Chief Tom Adkins, Chief Fred Hollar
NAME

828-261-2290
TELEPHONE

City of Hickory Department Heads

ADDRESS

The undersigned Applicant is aware of the rules regulating the use of Union Square Common, streets adjoining thereto and other public places and parks for special events, and will abide with the same; and further understands that the City of Hickory will not be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event. The undersigned Applicant agrees to reimburse the City of Hickory for the additional cost of providing police department and/or fire department personnel to supervise the event, including services rendered both before, during and after the event itself, to ensure the compliance with all laws and ordinance, to direct traffic and to promote the safety and welfare of participants and other citizens.

Date

President

Non-Profit Organization

Approved by:

CITY MANAGER

DATE

DATE APPROVED BY HICKORY CITY COUNCIL: _____

NORTH CAROLINA

RELEASE AND INDEMNITY AGREEMENT

CATAWBA COUNTY

THIS RELEASE AND INDEMNITY AGREEMENT, entered into by **THE CITY OF HICKORY**, a North Carolina Municipal Corporation, City, and the City of Hickory, Local Government, a non-profit organization with its principal place of operation being Catawba _ County, North Carolina, Applicant:

WITNESSETH:

WHEREAS, City desires to allow the Applicant to conduct a special event within the City Limits of Hickory, North Carolina, pursuant to the Hickory City Code; and

WHEREAS, the Applicant desires to conduct a special event within the City Limits of Hickory, North Carolina; and

WHEREAS, to this end, said Applicant has previously filed with the City of Hickory an application for approval of said event, and wishes to enter into this Release and Indemnity Agreement pursuant to the Hickory City Code and the administrative rules of the City of Hickory;

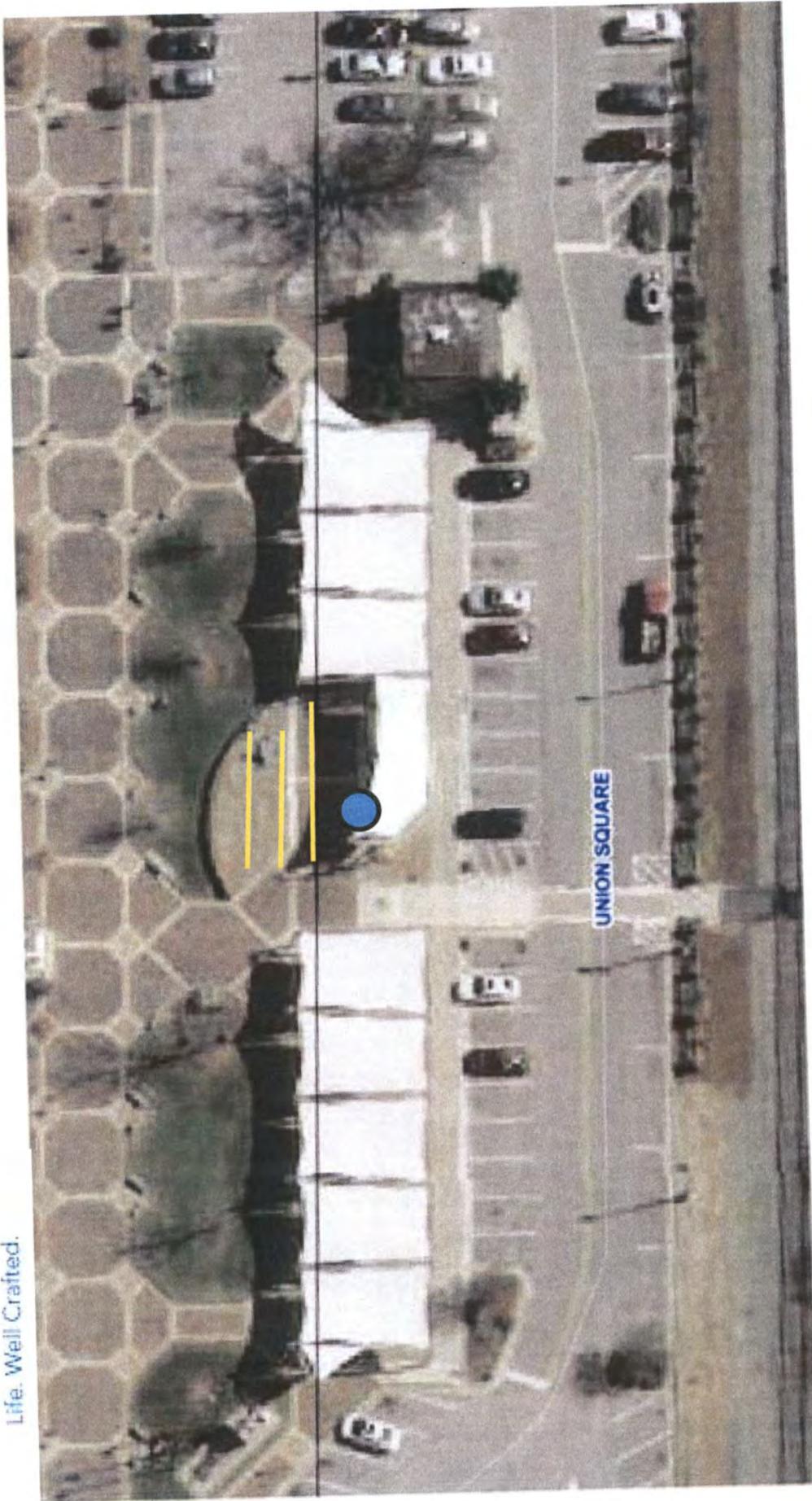
NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and for other good and sufficient consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. That the Applicant hereby completely and unequivocally releases the City, the officials of the City, and all employees of the City, and their families, from any and all claims, damages, injuries or rights of action which the Applicant may incur by reason of the special event being conducted by the Applicant.
2. That the Applicant hereby agrees to indemnify, defend, and hold harmless the City for any liability, injury or claim which may arise to the benefit of the Applicant as a result of the special event being conducted by the Applicant.

3. That the parties to this Release and Indemnity Agreement stipulate and acknowledge that there exists sufficient consideration for the execution of this instrument.

This the 14 day of August, 2015.

Mandy Pitts
One of the Chairs



Notes: The bell, sound system, chairs for participants/speakers, will be on the stage under the Sails on the Square stage. Chairs can be set up near the seating area (half moon bench) if needed.

— = Chairs if needed

● = Presentation of Colors Area

CITY OF HICKORY TRAVEL EXPENSE REPORT

Exhibit X.A.

Name of Coworker: Rudy Wright

Travel dates: 8/12/2015 - 8/12/2015

Date of Report: August 12, 2015

(Must be submitted no later than
10 days after date of return)

Historic Tax Credit Legislative Rally
Course description

Historic State Capitol, Raleigh, NC
Location

PLEASE ATTACH ALL REQUIRED RECEIPTS

	SUN	MON	TUES	WED	THURS	FRI	SAT	TOTALS		
								Cash	Credit Card	Vendor Ck
Room										
Meals				20.50				20.50		
Registration Fees										
Airfare Expense										
Rental Car										
City Vehicle Expense										
Personal Vehicle (1)		Parking	4.00		Mileage	199.18		203.18		
City Fuel Card										
Other (2)										
								\$223.68		

If personal vehicle was used, please fill in the number of miles driven: 346

(See notes #1 and #2)

Total Cash Expenses	\$ <u>223.68</u>	Balance Due Coworker	\$ <u>223.68</u>	Account #	<u>010-4100-515-14.01</u>
Cash Advanced	\$ _____	Balance Due City	\$ _____	Account #	<u>010-4100-512-10.02</u>
Credit Card	\$ _____			Account #	_____
Vendor Check	\$ _____				

CERTIFICATION: I certify that the above described travel was authorized official business, was not reimbursed by any other entity, and was performed in accordance with the City of Hickory Travel Policy and that no compensation was of a personal nature.

Coworker's Signature _____

Approved by

Date

1 - Current federal rate is \$0.575 per mile. May only receive reimbursement for use of a personal vehicle if City vehicle was not available.
2 - List other expenses on reverse side

APPLICATION FOR APPOINTMENT TO CITY OF HICKORY BOARDS AND COMMISSIONS

PLEASE INDICATE BY NUMBER YOUR PREFERENCE TO SERVE ON ANY OF THE FOLLOWING BOARDS AND COMMISSIONS: (1, 2, OR 3)

- | | |
|--|---|
| <input type="checkbox"/> Business Development Committee | <input type="checkbox"/> Library Advisory Board |
| <input type="checkbox"/> Citizens Advisory Committee | <input type="checkbox"/> Public Art Commission |
| <input checked="" type="checkbox"/> 2 Community Appearance Commission | <input type="checkbox"/> Public Housing Authority |
| <input type="checkbox"/> Community Relations Council | <input checked="" type="checkbox"/> 1 Recreation Commission |
| <input type="checkbox"/> Hickory Regional Planning Commission | <input type="checkbox"/> Recycling Advisory Board |
| <input checked="" type="checkbox"/> 3 Historic Preservation Commission | <input type="checkbox"/> University City Commission |
| <input type="checkbox"/> International Council | <input type="checkbox"/> Youth Council |

NAME: Greg Moser RACE*: White
 NATIONALITY: USA COUNTRY OF BIRTH: USA
 HOME ADDRESS: 727 21 Ave NE TELEPHONE: (828) 855-8244
 CITY, STATE, ZIP: Hickory, NC 28601 EMAIL: gregmoser3113@outlook.co
 BUSINESS ADDRESS: 23 South Brady Ave TELEPHONE: (828) 695-4317
 CITY, STATE, ZIP: Newton, NC 28658
 MARITAL STATUS: Married NAME OF SPOUSE: Brenda Moser
 DO YOU LIVE WITHIN THE HICKORY CITY LIMITS? [] YES [] NO WARD NO. 2
 HOW LONG HAVE YOU BEEN A RESIDENT OF HICKORY? 2 1/2 years
 NAME & LOCATION OF HIGH SCHOOL ATTENDED: Bunker Hill High School - Claremont, NC
 COLLEGE/UNIVERSITY CVCC MAJOR: Horticulture Technology
 EMPLOYED BY: City of Newton POSITION: Parks Maintenance
 CURRENT MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: Appearance Commission
Newton, NC; Tree Board Newton, NC; Customer Service Design Team Newton,
 DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A BOARD
 OR COMMISSION? [] YES [] NO - IF YES, EXPLAIN _____

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions, and it may be used as news release information to identify you to the community.

Gregory K Moser 6-15-15
 Signature Date

* Some boards require minority representation; therefore, identification of race is necessary.

PLEASE RETURN TO:
 City Clerk
 P. O. Box 398
 Hickory, NC 28603

Fax: 828-323-7550
 email dmiller@hickorync.gov

RECEIVED
 BY: 19 Miller
 DATE: 6-15-15

APPLICATION FOR APPOINTMENT TO CITY OF HICKORY BOARDS AND COMMISSIONS

PLEASE INDICATE BY NUMBER YOUR PREFERENCE TO SERVE ON ANY OF THE FOLLOWING BOARDS AND COMMISSIONS: (1, 2, OR 3)

- | | |
|--|---|
| <input type="checkbox"/> Business Development Committee | <input type="checkbox"/> Library Advisory Board |
| <input type="checkbox"/> Citizens Advisory Committee | <input type="checkbox"/> Public Art Commission |
| <input type="checkbox"/> Community Appearance Commission | <input type="checkbox"/> Public Housing Authority |
| <input type="checkbox"/> Community Relations Council | <input type="checkbox"/> Recreation Commission |
| <input type="checkbox"/> Hickory Regional Planning Commission | <input type="checkbox"/> Recycling Advisory Board |
| <input checked="" type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> University City Commission |
| <input type="checkbox"/> International Council | <input type="checkbox"/> Youth Council |

NAME: Jeff T. Mitchell RACE*: white
 NATIONALITY: American COUNTRY OF BIRTH: USA
 HOME ADDRESS: 648 6th St. NW TELEPHONE: 828-312-5410
 CITY, STATE, ZIP: Hickory, NC 28601 EMAIL: Mitchcojie@gmail.com
 BUSINESS ADDRESS: same TELEPHONE: _____
 CITY, STATE, ZIP: _____
 MARITAL STATUS: Married NAME OF SPOUSE: Ellen G. Mitchell
 DO YOU LIVE WITHIN THE HICKORY CITY LIMITS? YES NO WARD NO. 5
 HOW LONG HAVE YOU BEEN A RESIDENT OF HICKORY? 18 years
 NAME & LOCATION OF HIGH SCHOOL ATTENDED: Hickory High
 COLLEGE/UNIVERSITY NCSU MAJOR: Mech. Eng.
 EMPLOYED BY: Mitchco POSITION: President
 CURRENT MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: _____

DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A BOARD OR COMMISSION? YES NO - IF YES, EXPLAIN _____

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions, and it may be used as news release information to identify you to the community.

Signature: [Handwritten Signature] Date: 8/28/14

* Some boards require minority representation; therefore, identification of race is necessary.

PLEASE RETURN TO:
 City Clerk
 P. O. Box 398
 Hickory, NC 28603

Fax: 828-323-7550
 email dmiller@hickorync.gov

RECEIVED
 BY: J. Miller
 DATE: 8-28-14 164

APPLICATION FOR APPOINTMENT TO CITY OF HICKORY BOARDS AND COMMISSIONS

PLEASE INDICATE BY NUMBER YOUR PREFERENCE TO SERVE ON ANY OF THE FOLLOWING
BOARDS AND COMMISSIONS: (1, 2, OR 3)

- On any board or commission the Mayor or Council feel my service would benefit the City.*
- Business Development Committee
 - 1** Citizens Advisory Committee
 - 2** Community Appearance Commission
 - 2** Community Relations Council
 - Hickory Regional Planning Commission
 - 3** Historic Preservation Commission
 - International Council
 - Library Advisory Board
 - Public Art Commission
 - Public Housing Authority
 - Recreation Commission
 - Recycling Advisory Board
 - University City Commission
 - Youth Council

NAME: Cliff Moore RACE*: Caucasian
 NATIONALITY: American COUNTRY OF BIRTH: U.S.
 HOME ADDRESS: 2925 8th St NE TELEPHONE: (828) 612-6407
 CITY, STATE, ZIP: Hickory, NC 28601 EMAIL: moonesmark@gmail.com
 BUSINESS ADDRESS: _____ TELEPHONE: _____

CITY, STATE, ZIP: _____
 MARITAL STATUS: M NAME OF SPOUSE: Gaye S. Moore
 DO YOU LIVE WITHIN THE HICKORY CITY LIMITS? YES NO WARD NO. 2
 HOW LONG HAVE YOU BEEN A RESIDENT OF HICKORY? Since 1988
 NAME & LOCATION OF HIGH SCHOOL ATTENDED: Jordan H.S. Durham, NC
 COLLEGE/UNIVERSITY UNC-CH MAJOR: Education
 EMPLOYED BY: _____ POSITION: _____

CURRENT MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: Bl member Hickory Rotary Club, Bl member Habitat for Humanity, Chair, Bl NC DP Plans, Org. Revision Committee
 DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A BOARD OR COMMISSION? YES NO - IF YES, EXPLAIN _____

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions, and it may be used as news release information to identify you to the community.
 Signature: Cliff Moore Date: 5/5/15

* Some boards require minority representation; therefore, identification of race is necessary.

PLEASE RETURN TO:
City Clerk
P. O. Box 398
Hickory, NC 28603

Fax: 828-323-7550
email dmiller@hickorync.gov

RECEIVED
 BY: D. Miller
 DATE: 5-5-15 165