

A G E N D A
HICKORY CITY COUNCIL

August 2, 2016



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 2, 2016
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Bill Garrard, Retired United Methodist Pastor
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of July 19, 2016. **(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. Acceptance of an Offer to Purchase Property, PIN 3724-18-31-3226, in the Amount of \$6,000, Located East of 25th Street NE, Hickory. **(First Reading Vote: Unanimous)**
 - B. Approval of the Community Development Block Grant Funding Agreement between the City of Hickory and Greater Hickory Cooperative Christian Ministry. **(First Reading Vote: Unanimous)**
 - C. Approval of the Community Development Block Grant Funding Agreement between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc. **(First Reading Vote: Unanimous)**
 - D. Approval of the Application Development Contract in the Amount of \$87,996 with Western Piedmont Council of Governments to Provide Continued Services and Support for Fiscal Year 2016/2017. **(First Reading Vote: Unanimous)**
 - E. Approval of the Technical Assistance Services Contract in the Amount of \$74,340 with Western Piedmont Council of Governments to Provide Continued Services and Support for Fiscal Year 2016/2017. **(First Reading Vote: Unanimous)**
 - F. Approval of the Renewal of the Agreement with Western Piedmont Council of Governments to Support the Western Piedmont Stormwater Partnership for Phase II Public Education. **(First Reading Vote: Unanimous)**

- G. Approval to Retire Police Canine Gino and an Agreement to Allow Police Canine Gino to be adopted by Handler MPO Marcus Chapman. **(First Reading Vote: Unanimous)**
 - H. Budget Revision Number 1. **(First Reading Vote: Unanimous)**
 - I. Approval of a Memorandum of Understanding with Habitat for Humanity of the Catawba Valley, Inc. for the Housing Rehabilitation Programs. **(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. Call for a Public Hearing – Voluntary Contiguous Annexation of Property owned by Michael and Louise Maguth, 1730 30th Avenue Court NE. **(Authorize Public Hearing for August 16, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**
 - B. Acceptance of a Temporary Construction Easement for the Property of Jacomine Investments, LLC, PIN 3703-19-50-1115 for Installation of Utilities Infrastructure. **(Exhibit VIII.B.)**

Staff requests acceptance of a temporary construction easement located on either side of the existing infrastructure easements for the property of Jacomine Investments, LLC described as PIN 3703-19-50-1115 for installation of utilities infrastructure. The temporary easement is necessary for completion of the Central Business District infrastructure replacement and rehabilitation project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 million dollars. This easement is necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easement was negotiated for a total sum of recording fees in exchange for the easement. Staff recommends acceptance of a temporary construction easement for the property of Jacomine Investments, LLC described as PIN 3703-19-50-1115 for installation of utilities infrastructure.
 - C. Acceptance of a Temporary Construction Easement and Permanent Storm Drainage Easement for the Property of Jacomine Investments, LLC, PIN 3702-07-59-1955 for Installation of Utilities Infrastructure. **(Exhibit VIII.C.)**

Staff requests acceptance of a temporary construction easement and a permanent storm drainage easement located on either side of the existing infrastructure easements for the property of Jacomine Investments, LLC described as PIN 3702-07-59-1955 for installation of utilities infrastructure. The temporary and permanent easements are necessary for completion of the Central Business District infrastructure replacement and rehabilitation project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 million dollars. These easements are necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. These easements were negotiated for a total sum of recording fees in exchange for the easements. Staff recommends acceptance of a temporary construction easement and a permanent storm drainage easement for the property of Jacomine Investments, LLC described as PIN 3702-07-59-1955 for installation of utilities infrastructure.
 - D. Acceptance of a 7.5 foot Temporary Construction Easement for the Property of Arthur Plaster and wife, Nancy Plaster Described as PIN 3703-19-50-1165 for Installation of Utilities. **(Exhibit VIII.D.)**

Staff requests acceptance of a 7.5 foot temporary construction easement for the property of Arthur Plaster and wife, Nancy Plaster described as PIN 3703-19-50-1165 for installation of utilities infrastructure. This temporary easement is necessary for completion of the Central Business District infrastructure replacement and rehabilitation project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 million dollars. This easement is necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easement was negotiated for a total sum of recording fees in exchange for the easement. Staff recommends acceptance of a 7.5 foot temporary construction easement for the property of Arthur Plaster, and wife Nancy Plaster described as PIN 3703-19-50-1165 for installation of utilities infrastructure.

- E. Acceptance of a 25 foot Temporary Construction Easement and a 25 foot Permanent Sanitary Sewer Line Easement for the Property of Sharon Ann Hahn Described as PIN 3724-18-31-6461 for Installation of a Sanitary Sewer Line. **(Exhibit VIII.E.)**

Staff requests acceptance of a 25 foot temporary construction easement and a 25 foot permanent sanitary sewer line easement for the property of Sharon Ann Hahn described as PIN 3724-18-31-6461 for installation of a sanitary sewer line. This temporary and permanent easements are necessary for completion of the Random Woods 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. These easements are necessary for the construction of the infrastructure required to serve this area with sanitary sewer and will not increase the cost of this construction project. These easements were negotiated for one 4-inch sewer service connection in exchange for the easements. Staff recommends acceptance of a 25 foot temporary construction easement and a 25 foot permanent sanitary sewer line easement for the property of Sharon Ann Hahn described as PIN 3724-18-31-6461 for installation of a sanitary sewer line.

- F. Renewal of Taxicab and Other Passenger Vehicles for Hire Franchises. **(Exhibit VIII.F.)**

Company	Taxicabs	Passenger Vehicle for Hire
Platinum Limousine LLC	0	3
Total	0	3

Annually, companies apply for a renewal of their Certificate of Convenience and Necessity for the operation of taxicabs and other vehicles for hire.

- G. Special Event Activities Application Car Show for Special Olympics North Carolina, Lieutenant Cam Anderson, Hickory Police Department/Cosmo Motors – benefit Special Olympics North Carolina, September 10, 2016, 2:00 p.m. to 10:00 p.m., L.P. Frans Stadium, 2500 Clement Boulevard NW, Hickory. **(Exhibit VIII.G.)**
- H. Special Event Activities Application NBC Olympic Pep Rally, Hannah Welker, Reporter, WCNC/NBC Charlotte, August 12, 2016, 4:15 p.m. to 6:30 p.m., Sails on the Square. **(Exhibit VIII.H.)**
- I. Approval to Purchase Two 2017 F150 Extended Cab Trucks for the Fire Department’s Fire and Life Safety Division from Asheville Ford in the Amount of \$22,191.45 each. **(Exhibit VIII.I.)**

The Fire Department will be replacing two passenger vehicles from its fleet with two 2017 Ford F150 extended cab trucks in the amount of \$22,191.45 each. These trucks were bid out under the existing North Carolina Sheriffs’ Association bid award #16-02-0929, in which Asheville Ford was awarded the contract. The new trucks will be utilized daily by the Fire and Life Safety Division of the Fire Department for transporting personnel in their duties of fire inspections of local businesses, fire investigations, and fire education

programs. Staff recommends authorization to purchase the two trucks through Asheville Ford within the guidelines of the bid award and the City of Hickory's procurement laws. Funds are budgeted in fiscal year 2016/2017 Capital Outlay to purchase these vehicles.

- J. Approval of a Lease Agreement for Property Located at 304 3rd Street SW, Hickory to Jamie Janine Reed and Christopher Martin Stevey. **(Exhibit VIII.J.)**

Hickory Police Department purchased and renovated the property at 304 3rd Street SW Hickory. The property is adjacent to the current 6.18 acres of City owned property and would provide necessary land for any future expansion of the Police Department. The property has three bedrooms, two baths, stove, refrigerator, and microwave. Hickory Police Department requests leasing the property to Jamie Janine Reed and Christopher Martin Stevey in the amount of \$600 per month, beginning November 1, 2016. The tenant will be responsible for all utilities.

- K. Budget Revision Number 2. **(Exhibit VIII.K.)**

1. *To appropriate \$13,500 of Fire Department Miscellaneous Revenue monies to the Fire Department's M&R-Vehicle Line item. These funds were issued for the sale of (1) 1919 and (2) 1924 American LaFrance fire trucks. The surplus of these trucks was approved by Council on 06/21/2016; and the sale was finalized by check# 6753902153 from buyer George Mills on 07/07/2016. These funds were deposited in the Fire Department Miscellaneous Revenues fund on 07/08/2016. At request of Council members these funds are to be placed in the Fire Department's M&R-Vehicles line item to offset the cost of maintenance of our 1936 American LaFrance apparatus, which will be utilized at special events and parades.*
2. *To appropriate \$7,510 of General Fund Balance and budget same into the Boards and Commission's economic and community development expenditure line item for the Hickory International Council's International Springfest. This is to recognize and appropriate unspent donations during FY 2015-16.*
3. *To appropriate assigned fund balance into Public Service's Streets division for planned maintenance to the Horseford Creek Bridge on 21st Ave NW. Funds had been appropriated during 2015-16 and the project was bid, but construction did not begin before June 30, 2016. Since the project did not commence before the end of FY15-16, the funds rolled back into Fund Balance. As the bid process resulted in a low bid of \$163,440 by Astron General Contracting, the current amendment will re-appropriate the necessary monies according to the approved bid.*
4. *To appropriate NC State Unauthorized Substance Tax funds for the Hickory Police Department to equip officers with active shooter safety packages. The funds will purchase a total of 116 packages at \$274.00 each, for a total of \$31,784.*

- IX. Items Removed from Consent Agenda

- X. Informational Item

- A. Budget Transfer Report - August 2, 2016

Under Section 22 (b) of the Fiscal Year 2016-2017 Budget Ordinance, the City Manager is authorized to transfer appropriations with a report to City Council as follows:

Section 22 (b): "He may transfer amounts up to \$50,000 between functional areas including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Governing Board."

The following transfers under this provision occurred during July 2016:

1. To expedite the availability of insurance-claims revenue to the appropriate department, in lieu of a Budget Amendment the City has budgeted specific funds within the Risk Management division which, upon the case-by-case receipt of said revenues, may be transferred as necessary for making repairs and/or replacements in a timely manner.
 - a. July 20, 2016 (BT #2): \$5,193.00 transferred to Fire Department for damages sustained to Ladder Truck #2 when a county EMS unit struck its front bumper on 5-31-16.
 - b. July 25, 2016 (BT #3): \$3,183.00 transferred to Police Department for damages sustained to computer network equipment due to a lightning strike on 5-12-16.

XI. New Business:

A. Public Hearings

1. Consideration of Designating Lyerly Full Fashioned Mill as a Local Historic Landmark. **(Exhibit XI.A.1.)**

OHM Holdings recently completed a major rehabilitation of the former Lyerly Full Fashioned Mill building and has petitioned the City of Hickory to designate the parcel as a local historic landmark. The Lyerly Mill was constructed circa the early 1930's. In 2007, the building was listed on the National Register of Historic Places. Using historic tax credits, the property was rehabilitated to become the flagship building for the new Transportation Insight corporate campus. As part of the historic tax credit requirements, the building retained significant architectural features. If designated by Council, any changes to the site or exterior of the building would require a Certificate of Appropriateness (issued by the Historic Preservation Commission). Additionally, the property would be eligible for a 50 percent property tax deferment as long as it retains its historic integrity. This property was most recently assessed at \$2,840,100 by the Catawba County Tax Office. The Historic Preservation Commission conducted a public hearing on the petition on June 28, 2016. The Commission voted unanimously to recommend approval. Staff recommends Council approve the local landmark designation ordinance for the Lyerly Mill property.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 22, 2016.

B. Departmental Reports:

1. Appointments to Boards and Commissions

BOND IMPLEMENTATION COMMISSION

(Terms Expiring 2-1; 3 Year Terms) (Appointed by City Council)
 Mayor's Appointment Unexpired Term of Charlie Dixon (2-1-19)

BUSINESS DEVELOPMENT COMMITTEE

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

CITIZENS ADVISORY COMMITTEE

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

COMMUNITY APPEARANCE COMMISSION

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

Ward 4 (Guess Appoints)	VACANT
At-Large (Outside City but within Hickory Regional Planning Area) (Council Appoints)	VACANT
At Large (Council Appoints)	VACANT

COMMUNITY RELATIONS COUNCIL

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

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)	
Ward 2 (Tarlton Appoints)	VACANT
Burke County (Mayor to Nominate)	VACANT
Brookford (Mayor to Nominate)	VACANT

Mayor Wright to nominate Doug Minton as the Brookford Representative on the Hickory Regional Planning Commission.

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Historic Properties (Council Appoints)	VACANT
Building Trades Profession (Council Appoints)	VACANT
At-Large (1) (Council Appoints)	VACANT

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council) (6) Positions	VACANT
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LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Ward 4 (Guess Appoints)	VACANT
At-Large (Mayor Appoints)	VACANT

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Ward 2 (Tarlton Appoints)	Susan Sigler (Eligible for Reappointment/Willing to Serve)
At-Large (2) (Council Appoints)	VACANT
At-Large (3) (Council Appoints)	VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
At-Large (Mayor Appoints)	VACANT
At-Large (Mayor Appoints)	Harold Humphrey (Eligible for Reappointment/Willing to Serve)

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)	
Position 9	VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Ward 2 (Tarlton Appoints)	VACANT
Ward 3 (Seaver Appoints)	VACANT
Ward 4 (Guess Appoints)	VACANT
At-Large (Council Appoints)	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) 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 June 21, 2016, and June 28, 2016 - NCGS §143-318.11(a)(1)
 - 2. Discussion of Economic Development – NCGS §143-318.11(a)(4)
- 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.”

<p>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</p>

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, July 19, 2016 at 7:00 p.m., with the following members present:

	Aldermen	
Danny Seaver		Hank Guess David P. Zagaroli Jill Patton

A quorum was present.

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

City Attorney John Crone advised that a quorum was present and as the first order of business, since the Mayor and the Mayor Pro Tempore were absent, Council would nominate an individual to conduct the meeting.

Alderman Zagaroli moved, seconded by Alderman Seaver that Alderman Guess conduct the meeting. The motion carried unanimously.

I. Alderman Guess called the meeting to order. All Councilmembers were present except for Mayor Wright, Alderman Lail, and Alderman Tarlton

II. Invocation by Rev. Wil Posey, Associate Pastor, First United Methodist Church

III. Pledge of Allegiance

IV. Special Presentations

A. Recognition of Retiring Boards and Commissions Members

Citizens Advisory	Mark Huggins
Community Appearance	Debbie Rush Sam Hunt Janet Painter Candas Brown Andrew Straw David Moser
Community Relations	Darrell Rogers
Hickory Regional Planning Commission	Barbara Clemmons
Historic Preservation	Sarah Huffman Larry Triplett Steven Walker
Library Advisory	Juanita Dula
Parks & Recreation	Joyce Beard Angie Aycock
Public Art Commission	Phil Barringer
Recycling Advisory	Charlie Hayes Jeff Bartlett Jeff Wright
Youth Council	Grace Bollinger Tyler Cochrane Landen Linkous Jenny Kerley Paul Wood Emily Childers Andrew Howard Alanna Church Kyle Chang Emmy Williams Mary Kathryn Cockerham

Alderman Guess recognized all of the retiring boards and commissions members and presented those in attendance with certificates in appreciation for their service. In attendance were: Barbara Clemmons, Sarah Huffman, Steven Walker, Joyce Beard, Charlie Hayes, Jeff Wright, Tyler Cochrane, Landen Linkous, Jenny Kerley, and Andrew Howard.

V. Persons Requesting to Be Heard

- A. Dr. J.D. Robinette, 1850 Clement Blvd. NW, Hickory, Discussion of Business Signage.

Dr. J.D. Robinette advised he had served on many boards and he was a businessman in a dead part of the town. He commented that 321 north going out of Hickory was more like a graveyard than the biggest cemetery in town. Businesses are dying in that location and everybody is trying to do something about it. He advised that he moved here in 1998, and his dental facility is one of the best designed and best built on the east coast. He commented that he had experienced some theft during his time there. He advised that there were 12 street lights out between the bridge coming out of Northlakes and his office which is 1.5 miles away. He had joined an insurance pool and had put signs out advertising the insurance companies that his practice accepts. He was given a ticket for having the street signs on his property. He was threatened with a \$100 a day fine per sign, so he paid \$52. Dr. Robinette offered two solutions. The first solution was to do away with the ordinance for the people who are settled. He advised Council should allow the proprietors to put signs up, and maybe put a time limit on it, for example 90 days. The second solution was to make a permit where they could pay a dollar, or something reasonable, rather than threaten somebody with a \$100 a day fine. He also suggested they give ample time to respond to these types of notices.

Alderman Guess asked Dr. Robinette if he had spoken to Staff concerning these issues.

Dr. Robinette advised he was told there wasn't anything that he could do about, it was an ordinance ban so he would have to pull them down. Pretty cut and dry.

VI. Approval of Minutes

- A. Regular Meeting of June 21, 2016

Alderman Patton moved, seconded by Alderman Zagaroli that the Minutes of June 21, 2016 be approved. The motion carried unanimously.

- B. Special Meeting of June 28, 2016.

Alderman Seaver moved, seconded by Alderman Patton that the Special Meeting Minutes of June 28, 2016 be approved. 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.

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

- A. Approval of the Community Development Block Grant Funding Agreement between the City of Hickory and Safe Harbor Rescue Mission. (First Reading Vote: Unanimous)
- B. Approval of the Community Development Block Grant Funding Agreement between the City of Hickory and AIDS Leadership Foothills-Area Alliance, Inc. (First Reading Vote: Unanimous)
- C. Approval of Two Municipal Participation Agreements with North Carolina Department of Transportation. (First Reading Vote: Unanimous)
- D. Acceptance of the Bid and Award of the Contract to Carolina Courtworks in the Amount of \$35,839 for Construction of Hickory Optimist Park Pickleball Court. (First Reading Vote: Unanimous)
- E. Approval of a Contract with JK Landscaping & Grading in the Amount of \$44,200 for Improvements to Southside Heights Park. (First Reading Vote: Unanimous)
- F. Budget Ordinance Amendment Number 25. (First Reading Vote: Unanimous)
- G. Capital Project Ordinance Number 4. (First Reading Vote: Unanimous)
- H. Consideration of Rezoning Petition 16-03 for Hilton Materials, LLC for Rezoning of approximately 8.09 acres of property located at 1360 11th Avenue SE. The petition is to rezone the property from Regional Commercial (C-3) to Industrial (IND). (First Reading Vote: Unanimous)
- I. Approval of a Contract with Rite Lite of Concord in the Amount of \$453,044.30 for Wayfinding Signs along Major Gateways in Hickory. (First Reading Vote: Unanimous)

July 19, 2016

- J. Approval of a Contract with Andrea Surratt for Interim City Manager. (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 Guess moved, seconded by Alderman Seaver approval of the Consent Agenda. The motion carried unanimously.

- A. Approved on First Reading Acceptance of an Offer to Purchase Property, PIN 3724-18-31-3226, in the Amount of \$6,000, Located East of 25th Street NE, Hickory.

Staff requests approval of the purchase of property located east of 25th Street NE, PIN 3724-18-31-3226, Lot 4 in the E.O. Hefner Estate Unrecorded Subdivision, containing approximately 2.09 acres. The property is currently owned by Margaret Louise Barger, Richard Barger, Frances H. Hallman, Donna Kay Parker, and Larry Parker. Public Utilities plans to purchase the property in order to run a sewer line through it. The tax value of the property is currently \$16,300. The property is currently landlocked, which would make building on the property difficult. The property owners have offered the property to the City for the purchase price of \$6,000. Public Utilities acquisition funds are available to purchase the property which will assist Public Utilities in the Random Woods Sewer Project. Staff recommends Council's approval of the offer to purchase this property, (PIN 3724-18-31-3226) in the amount of \$6,000.

- B. Accepted the Donated Surplus Code 3 Light Bars from 144th Marketing Group.

Hickory Police Department requests Council's approve to accept donated surplus Code 3 Light Bars from 144th Marketing Group. 144th Marketing Group would like to donate surplus Code 3 Light Bar sets valued at \$1,000 to be installed at the Hickory Police Department firing range for the nighttime qualification for each officer as mandated by State requirements. The City of Hickory Building Services will install the blue lights. The current blue lights installed at the Hickory Police Department's firing range are over 15 years old and are starting to fail. Hickory Police Department recommends Council approve the acceptance of the donated surplus Code 3 Light Bar sets valued at \$1,000 from 144th Marketing Group.

- C. Approved the Renewal of Taxicab and Other Passenger Vehicles for Hire Franchises.

Company	Taxicabs	Passenger Vehicle for Hire
Mile High Enterprises dba The Hickory Hop	0	7
Yellow Cab	13	1
Diamond Cab of Hickory	3	0
Hickory Limousine	0	3
Total	16	11

Annually, these companies apply for a renewal of their Certificate of Convenience and Necessity for the operation of taxicabs and other vehicles for hire.

- D. Approved on First Reading the Community Development Block Grant Funding Agreement between the City of Hickory and Greater Hickory Cooperative Christian Ministry.

In February 2016, the City of Hickory's Department of Planning and Development Services requested applications from local nonprofit organizations for funding under the Community Development Block Grant (CDBG) Program. The Citizen's Advisory Committee reviewed and recommended funding for these applications as part of the City's Annual Action Plan. The Annual Action Plan was approved by City Council following a public hearing on May 3, 2016. The Community Development Block Grant Funding Agreement describes the requirements for the City and Greater Hickory Cooperative Christian Ministry to ensure that all applicable federal regulations are met. Funds will be used to assist the NETworX Catawba Program which is a 15 week program that provides training to individuals looking to break the cycle of generational poverty. Greater Hickory Cooperative Christian Ministry has requested and been approved for funding in the amount of \$8,000 through the City of Hickory's Community Development Block Grant program. Staff recommends approval of the CDBG funding agreement between the City of Hickory, North Carolina, and Greater Hickory Cooperative Christian Ministry.

- E. Approved on First Reading the Community Development Block Grant Funding Agreement between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc.

In February 2016, the City of Hickory's Department of Planning and Development Services requested applications from local nonprofit organizations for funding under the Community

Development Block Grant (CDBG) Program. The Citizen's Advisory Committee reviewed and recommended funding for these applications as part of the City's Annual Action Plan. The Annual Action Plan was approved by City Council following a public hearing on May 3, 2016. The Community Development Block Grant Funding Agreement describes the requirements for the City and Habitat for Humanity of the Catawba Valley to ensure that all applicable federal regulations are met. Funds will be used for rehabilitation of owner occupied single family residences with households earning less than 80 percent of the area median income. Habitat for Humanity of the Catawba Valley has requested and been approved for funding in the amount of \$30,000 through the City of Hickory's Community Development Block Grant program. Staff recommends approval of the CDBG funding agreement between the City of Hickory, North Carolina, and Habitat for Humanity of the Catawba Valley, Inc.

- F. Approved the Special Event Activities Application, The Favor Center Church Outdoor Worship Service, Ritchie Naraidu, Church Administrator, The Favor Center Church, September 10, 2016, 4:00 p.m. to 10:00 p.m., Sails on the Square.
- G. Approved the Special Event Activities Application, 2016 Walk to End Alzheimer's – Hickory, Meghan Lawton, Regional Manager, October 29, 2016, 7:00 a.m. to 1:00 p.m., L.P. Frans Stadium.
- H. Approved the Special Event Activities Application, NC Foothills Race for the Cure, Gina Simmons, Event and Development Coordinator, Susan G. Komen Northwest NC, Set Up: October 14, 2016 at 8:00 a.m., Event Date/Time: October 15, 2016, 8:00 a.m. to 2:00 p.m., LP Frans Stadium.
- I. Approved on First Reading the Application Development Contract in the Amount of \$87,996 with Western Piedmont Council of Governments to Provide Continued Services and Support for Fiscal Year 2016/2017.

Western Piedmont Council of Governments has provided many departments of the City with application development and general GIS services for many years. The services they provide continue to be a valuable resource to the Council, City Staff, and the members of the community at large. Staff recommends approval of the Application Development Contract with Western Piedmont Council of Governments in the amount of \$87,996 to provide continued services and support for fiscal year 2016/2017. Funds are included in FY2016/2017 budget.

- J. Approved on First Reading the Technical Assistance Services Contract in the Amount of \$74,340 with Western Piedmont Council of Governments to Provide Continued Services and Support for Fiscal Year 2016/2017.

Western Piedmont Council of Governments has provided many departments of the City with application development and general GIS services for many years. The services they provide continue to be a valuable resource to the Council, City Staff, and the members of the community at large. Staff recommends approval of the Technical Assistance Services Contract with Western Piedmont Council of Governments in the amount of \$74,340 to provide continued services and support for fiscal year 2016/2017. Funds are included in FY2016/2017 budget.

- K. Approved on First Reading the Renewal of the Agreement with Western Piedmont Council of Governments 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. Staff requests approval of the renewal contract with the Western Piedmont Council of Governments (WPCOG) to implement the National Pollutant Discharge Elimination System (NPDES) Phase II Public Education program through the Western Piedmont Stormwater Partnership. This agreement is for an amount that shall not exceed \$11,033. Funds are available from the current stormwater budget. Staff recommends City Council's approval of the renewal agreement with the WPCOG for assistance in implementation of the NPDES Phase II public education and outreach program for an amount not to exceed \$11,033.

- L. Approved the Acceptance of a Cemetery Deed from Laura H. George and husband Samuel D. George Jr. (Oakwood Cemetery, Plot X, Lot No. 3&4, Section 57A) (Prepared by Deputy City Attorney Arnita M. Dula). Approved the Transfer of a Cemetery Deed from the City of Hickory to Laura H. George and husband Samuel D. George Jr. (Oakwood Cemetery, Plot W, Lot No. 1&2, Section 57A, Containing 80 Square Feet) (Prepared by Deputy City Attorney Arnita M. Dula).

The exchange of these cemetery plots is due to mature shrubbery/trees being located on the lots currently owned by the George's. These plots are no longer suitable for interment, therefore the City is exchanging lots with the George's so they may have plots that are usable.

- M. Called for a Public Hearing for Consideration of Designating Lyerly Full Fashioned Mill as a Local Historic Landmark. (Authorize Public Hearing for August 2, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).
- N. Approved the Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements along a Portion of the North Side of the 3300 Block of 48th Avenue Lane NE, Petition No. 16-02. (Authorize Public Hearing for August 16, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

Certificate of Sufficiency
(No. 16-02)

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the annexed petition of property owners for the improvement of a portion of 3313 48th Avenue Lane NE, Hickory was lodged with me on the 7th day of July, 2016, and that I have investigated the sufficiency of said petition; and that the results of my investigation are as follows:

The total number of owners of land abutting on the parts of said street proposed by said petition to be improved is one (1). The number of said owners who signed said petition is one (1), a majority.

The total number of lineal feet of said lands upon the parts of the street proposed by said petition to be improved is 248.52 feet. The number of said lineal feet represented by said owners who signed said petition is 248.52 feet, a majority.

For the purposes of said petition a majority in interest of owners of undivided interest in any piece of property have been deemed and treated by me as one person.

I find that the said petition is in all respects sufficient and in conformity with all requirements of Chapter 160 A, Article 10 of the General Statutes of North Carolina, as amended. I find also the parts of said street proposed by said petition to be improved have been definitely laid out, and that the boundaries of same have been definitely fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory, this the 7th day of July, 2016.

/s/ Debbie D. Miller

RESOLUTION NO. 16-13

PRELIMINARY RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF HICKORY
(NO. 16-02)

WHEREAS, on the 7th day of July, 2016, property owner of 3313 48th Avenue Lane NE, filed with the City Engineer of the City of Hickory a petition for improving said street by placing and constructing thereon curb and gutter according to plans and specifications on file in the Office of the City Engineer; and

WHEREAS, the City Clerk has certified to this Board that said petition is sufficient in all respects.

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

1. That the above-mentioned petition is found to be sufficient in all respects.
2. That, that portion of 3313 48th Avenue Lane NE be improved by placing and constructing thereon curb and gutter in accordance with plans and specifications on file in the Office of the City Engineer under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129 of the General Statutes of North Carolina.
3. That 50 percent of the total cost of the said improvements may be assessed against the property receiving the improvement for constructing curb and gutter -

\$24.00 per linear foot plus \$0.00 per linear foot for storm drain piping for a total of \$24.00 per linear foot excluding driveway cuts and \$48.50 per linear foot of driveway apron measured at its narrowest point plus \$0.00 per linear foot for storm drain piping for a total of \$48.50 per linear foot of driveway apron.

4. That the assessment herein provided for shall be payable in cash, or if the property owners shall so elect, in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment in five (5) equal annual installments, to bear interest at the rate of 8 percent per annum.
 5. That a public hearing on all matters covered by this resolution shall be held on August 16, 2016, at 7:00 p.m. in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- O. Approved on First Reading Retirement of Police Canine Gino and an Agreement to Allow Police Canine Gino to be adopted by Handler MPO Marcus Chapman.

The Hickory Police Department will retire police canine, Gino from service on July 1, 2016 due to injury after seven years of service. His handler, MPO Marcus Chapman, would like to adopt him after his retirement and would like to assume responsibility and care of the canine. Gino has a special skill set due to his previous training as a police dog, and because of this training he is a danger to public welfare, and may be adopted by his handler. Staff requests approval to retire canine Gino on July 1, 2016 and approval of the Retiring Canine Agreement allowing MPO Marcus Chapman to adopt Gino.

- P. Approved an Amendment to the FY 2016/2017 Fee Schedule.

City Council approved the annual FY 2016/2017 Fee Schedule on June 21, 2016 along with the annual Budget Ordinance. Following this action Staff realized there were several omissions and misstated fees on the initial draft presented to City Council. The following items include the additions and specific fees to be amended. The City's practice has been to increase service fees according to the most recent Consumer Price Index, (currently 0.7%) with the resulting fee rounded either up or down to the nearest quarter-dollar. The following adjustments adhere directly to that practice or require adjustment due to other factors as noted:

- Under Fire Department "Thirty-six Month Inspections," add "Mercantile (more than 10 tenants)" at \$278.00. Note: This one fee replaces the former categories of "11 to 20 tenants" and "more than 20 tenants" which had been charging \$276.00 and \$552.00 respectively.
- Under Fire Department Construction Permits, change Automatic Sprinkler System Installation (per sq. ft.) and Fire Alarm and Detection System Installation (per sq. ft.) from \$0.01 to \$0.0149. This specific amount was, in fact, entered correctly into the spreadsheet but the display cell rounded it to two decimal places.
- Cemetery:

Cemetery Lots	14-15	15-16	Current	Corrected
Oakwood (must purchase two lots and not pre-need)	\$1029 each	\$1029 each	\$1029 each	\$1036.25 each
Fairview	\$729	\$734.75	\$734.75	\$740
Southside	\$729	\$734.75	\$734.75	\$740
Baby Grace with identification marker	\$729	\$734.75	\$734.75	\$740
Cemetery Permits				
Internment Permit	\$61.75	\$62.25	\$62.25	\$62.75
Monument Permit	\$12.50	\$12.50	\$12.50	No change
Inurnment Permit	\$12.50	\$12.50	\$12.50	No change
Niche Opening After Initial Inurnment	\$180.75	\$182.25	\$182.25	\$183.50
Columbarium				
Single Niche	\$1480.50	\$1492.25	\$1492.25	\$1502.75
Double Niche	\$2220	\$2237.75	\$2237.75	\$2253.50

- Shuford Garden Rental: Change from \$173.25 to \$174.50.
- Recycling:

Change "Residential Recycling Bags (tax included)" to read "Residential Recycling Bags, Clear (tax included)". Reduce the fee from \$17.25 back to \$17.00 which, without the CPI increase, more accurately reflects the actual cost of the product.
- Sanitation:

Change “Residential Trash Bags (per hundred) (tax included)” to read “Residential Trash Bags, Black (per hundred) (tax included)”. Reduce the fee from \$17.25 back to \$17.00 which, without the CPI increase, more accurately reflects the actual cost of the product.

The following Commercial Waste fees must be amended due to limitations in the billing process software that require twice-per-month collections to be billed at double the rate of once-per-month accounts. This in effect requires the new fee to be slightly higher than the CPI rate of 0.7%:

- 4 yard BC – 2 pickups per month: change from \$19.75 to \$20.00
- 6 yard BC – 2 pickups per month: change from \$31.25 to \$31.50
- 8 yard BC – 2 pickups per month: change from \$37.25 to \$37.50

- Parks & Recreation:

Correct Henry Fork River Regional Recreation Park Non-Resident Full Day (8 hours) 2015-2016 fee from \$569.00 to \$269.00 and update 2016-2017 fee to \$288.00.

Q. Approved a Resolution for Two Additional Commissioners on the Hickory Public Housing Authority.

Pursuant to North Carolina General Statute 157-5 (a) allows the number of commissioners to consist of not less than five nor more than eleven commissioners appointed by the Mayor. The recommendation is for Hickory City Council to approve a Resolution increasing the current number of commissioners on the Public Housing Authority Board from seven to nine, effective July 19, 2016.

RESOLUTION 16-14

RESOLUTION OF THE HICKORY CITY COUNCIL

BE IT RESOLVED by the City Council of the City of Hickory, North Carolina:

WHEREAS, The City of Hickory heretofore adopted a Resolution organizing and constituting the City of Hickory Public Housing Authority under and by virtue of Chapter 157 of the General Statutes of North Carolina;

WHEREAS, Hickory City Council, by resolution, on June 5, 1984 increased the number of commissioners on the Hickory Public Housing Authority to seven, effective July 1, 1984.

WHEREAS, North Carolina General Statute 157-5 (a) allows the number of commissioners to consist of not less than five nor more than eleven commissioners appointed by the Mayor.

WHEREAS, Hickory City Council has determined that two additional Commissioners need to be appointed.

NOW, THEREFORE, BE IT RESOLVED:

The number of Commissioners for the City of Hickory Public Housing Authority is hereby increased from seven to nine, effective July 19, 2016, to be appointed by the Mayor, as provided by General Statutes 157-5 (a).

The term, duties and authorities of said additional Commissioners shall be the same as other Commissioners.

R. Approved on First Reading Budget Revision Number 1.

ORDINANCE NO. 16-31
BUDGET REVISION NO. 1

BE IT ORDAINED by the Governing Board of the City of Hickory that pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2017 and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY2016-17 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	12,180	-
Culture & Recreation	78,824	-

TOTAL	91,004	-
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To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	91,004	-
TOTAL	91,004	-

SECTION 2. To amend Capital Project #B1A001, "Bond Projects- Administrative Costs", the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	-	1,370
TOTAL	-	1,370

To amend the project revenues for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	-	1,370
TOTAL	-	1,370

SECTION 3. Copies of the budget revision 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

- A. Report of Alderman Guess' Travel to Town Hall Day, Raleigh, NC, June 8, 2016 (Registration - \$25; Meals - \$20.50).
- B. Report of Former City Manager Mick Berry's Travel to NCCCMMA Summer Conference, Asheville, NC, June 23 – June 24, 2016 (Lodging - \$202.27; Meals - \$41.00; Registration - \$250.00; Mileage Reimbursement - \$81.32).

Interim City Manager Andrea Surratt reiterated the travel for Alderman Guess and former City Manager Mick Berry.

XI. New Business:

A. Public Hearings

B. Departmental Reports:

- 1. Approved on First Reading a Memorandum of Understanding with Habitat for Humanity of the Catawba Valley, Inc. for the Housing Rehabilitation Programs.

Habitat for Humanity approached the City regarding a new partnership which will enable the expansion of their housing rehabilitation program in the hopes of benefiting more families in the City of Hickory. The Memorandum of Understanding (MOU) describes the coordination efforts that each organization will take when managing their housing rehabilitation programs. This was suggested by Habitat for Humanity to assist them in outlining their partnership with the City of Hickory when requesting funds from local donors and other agencies. Habitat's rehabilitation program is set to receive \$30,000 through the 2016-2017 Community Development Block Grant Program. In addition, the City and Habitat will continue their partnership where the City offers reimbursement for the cost of water and sewer taps for new homes. This program is funded through the Public Utilities Division budget. Habitat requests funds through this program on an annual basis. The dollar value of these water and sewer taps has been valued at between \$2,000 and \$3,000 per year over the past few years. Staff recommends approval of the Memorandum of Understanding between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc.

Interim City Manager Andrea Surratt asked the City's Community Development Manager Dave Leonetti to the podium to present Council with a Memorandum of Understanding with Habitat for Humanity of the Catawba Valley Inc. for the Housing Rehabilitation Program. She advised that Habitat for Humanity's Executive Director Mitzi Gellman was also present for the presentation.

Community Development Manager Dave Leonetti presented City Council with a Memorandum of Understanding between the City of Hickory and Habitat for Humanity of the Catawba Valley Inc. He presented a PowerPoint presentation.

He discussed background which went back to the 2015-2019 consolidated plan which is prepared every five years through the Community Development Block Grant (CDBG) program. That was adopted in May of 2015. One of the high priority goals listed in that plan was the development and stability for owner occupied housing within the City of Hickory to help stabilize the housing stock. That was talked about a lot during the public meetings and the meetings with other organizations. Many of the low income families within the City lack the funds to perform basic maintenance on their homes. A lot of times that leads to small issues that then become big issues, where they are calling the City and the City needs to provide assistance with a \$2000 or \$3000 dollar repair that could have been done more easily if they had the \$400-\$500 to fix it more easily. The City's Code Enforcement Division estimated at least 500 houses in the City which need some level of repair. Repairs range from HVAC systems; old fuse boxes which need replacement; or plumbing leaks. Plumbing leaks are one of the big ones, which is one of the things that causes the huge problems. For example they would have to do the entire floor of a house where there was a leak in the kitchen.

Mr. Leonetti advised the City currently has two separate programs. Forgivable loans through urgent repair funding which comes from the Housing Finance Agency. The City had received \$75,000 from the North Carolina Housing Finance agency this year, which was the most that they had ever gotten from them. They are planning on doing 10-12 homes with that funding, spending up to \$8000 on an individual house. They also have CDBG funding, which included deferred loans for citizens that earn less than 50 percent of the area median income, and amortized loans for citizens earning between 50 and 80 percent of the area median income. For example 50 percent of the area median income is \$28,000 to \$29,000 for a family of four, and 80 percent of the area median income is around \$39,000 for family of four living in the City. With a deferred loan, they don't make any payments as long as they continue to live in the house. If they live there for at least five years then half of the balance is forgiven, the remainder is paid off whenever they sell the house or move out. The amortized loans are three percent interest rates which are paid on a monthly basis.

Alderman Seaver asked if the City took a lien on the ones that half was forgiven.

Mr. Leonetti advised that the City puts a lien on both of the CDBG programs. They sign a promissory note for the urgent repair forgivable loan, but that it is not a secured loan. The Housing Finance Agency does require the City to do that. He advised the City had partnered with Habitat on new construction for a number of years with water and sewer taps and other funds as they have become available on new construction. The housing rehabilitation was newer for the past few years and the City had provided some funding for them to do rehabilitation mainly on Habitat's houses. The Habitat homes are aging and are starting to have some significant upgrades needed. For example, new roofs, or heating systems. That was what the funding had been used for the last few years. The Habitat repairs program is branching out to the general public. With City funding they had worked on five or six houses in 2014/2015 and eight so far with 2015/2016 funding. The goal with this partnership is to serve as many families as possible. Overall the City's funding had been down consistently over the past few years, with the exception of the North Carolina Housing Finance Agency, being able to get an extra \$25,000 from them. There are also fewer households meeting the loan criteria for the amortized and deferred loans. They can't do the deferred loans if there is no equity in the house. Habitat will work with the ones that don't meet the loan criteria and they can also handle some of the smaller jobs because they have some skilled staff and volunteers which they are able to leverage on some of the jobs. The City has to bid out all of our jobs. They can spend \$300-\$400 on a house. The City would not be able to get involved, with having to bid the job out a lot of contractors won't bid on items that are less than \$1,500 or \$2,000.

Alderman Seaver asked if the work would be provided by Habitat for rehabilitation.

Mr. Leonetti responded yes, for Habitat's portion. The City will still continue on the loan programs to bid those jobs out. Habitat is also able to leverage some different funding from private foundations and private companies. Piedmont Natural Gas had given them some funding that they are able to use for energy efficiency improvements. He advised the funding agreement in the amount of \$30,000 and was approved on the consent agenda. The budget for the funds was done in May with the Action Plan. They also have approximately \$25,000 to \$28,000 of funding that they are working through that was approved originally in December. Some of those funds remain as well. Habitat will also provide in-kind shingle donations to the City for use on the City's jobs. It helps make the funding go further. He advised with urgent repairs the City is limited to \$7,200 in hard cost. He shared a story where the City was able to do the roof and the entire kitchen floor and cabinets of a home for \$7,200. Whereas, without the shingle donation

the roof would have cost approximately \$5,000 and there would have only been \$2,000 left that might have fixed the leak but not actually repaired the floor. He gave another example of those dollars helping the citizens. Using those materials cut approximately \$19 per month off the payment to the City. That is \$19 more a month that citizen has in his pocket because the City was able to make use of those donated shingles from Habitat. He advised that the Memorandum of Understanding was to coordinate to insure that they are not duplicating services. The City having use of the in-kind donated roof shingles and other materials as available. They are planning on continuing as much funding as is available. There was not a commitment in the Memorandum of Understanding. The funding agreements will remain separate, those will be done with the CDBG budget cycle each year. Council will approve those in April or May and the funding agreements will follow in June or July. One of the big things too is Habitat will have this partnership outlined in a document so they can show that to other funders, cities, foundations, and organizations when they are doing their fund raising. This Memorandum of Understanding will end June 30, 2018 and it will be reevaluated at that time. Staff recommended approval. He asked Mitzi Gellman to the podium to update Council on Habitat. He thanked Charlie Dixon for all of his hard work on the partnership. They had been working with Mr. Dixon over the past year with this agreement. Unfortunately Mr. Dixon did not get to see it through.

Alderman Seaver commented that the way City Staff managed the CDBG money was admirable. The way they recycle the money to help more people all of the time. He asked how many families had been served by Habitat.

Executive Director Mitzi Gellman asked for clarification on Alderman Seaver's question.

Alderman Seaver responded homeowners specifically, if it was rehab or building a home.

Ms. Gellman advised in terms of new homes approximately 175. She advised that some of the members would live in the house and then sell it back to them and they would put another family into it. She estimated in terms of new homes into homeownership was 178 to 180. She advised the program had been successful in terms of repairs. From February 12, 2016 to July 15, 2016 they averaged two people per day looking for repairs. Some days it is three or four. Most of them are elderly women, who are widowed and have lived in their homes for 30 years plus and they are trying to maintain where they are. In terms of people that have called for service, 180 during the period of February to July. They had 88 applications out and pending. She advised that have a short application process which is sent out to people who call. They can choose to send it in or not. There is paperwork which is required to verify their income. There are 10 applications currently in processing right now through Family Services. She advised that Construction Supervisor, Richard Greathouse had 12 applications on his desk which are waiting for a site visit to do an assessment of the work that is needing to be done. There was a total of ten applications for completion of the work after the site visit and they had discussed the payments with the families. They have 59 applications that they have closed. Either at the time they called they did not have funding available, or they were unable to make any payments back to Habitat for any of the services, or they lived in mobile homes, or maybe they didn't own the house, they were actually renting it. The program is set up for homeowners, for homeownership. Low income, disabled, elderly, or families with a lot of children will be considered as well. When they set it up they were thinking that they could work as high as 80 percent of the area median income, but they found that most of the applications that they are receiving is well below that. Most of the applicants are 10 to 30 percent of the area median income. They are scaling the payments so when the family qualifies they may make only two payments, typically the amount is around \$100, sometimes \$30 at the beginning of the project and another \$30 or \$40 at the end of the project because that is all they can actually afford. They are gauging that based on what their monthly income is, and it is a percentage of their monthly income over the first part of the project, and the end of the project. Their goal is not to be competitive with the Urgent Repair Program through the Housing Finance Agency, but whether to take that program, leave it in place, and see what else that can do in addition to what is already available. They want to be able to serve a lot more families. She referenced Mr. Leonetti's comments about the roof shingles, which made her feel good about that. When she was before Council in December to make the presentation one of the things that she discussed was that it was going to be little small drops in the bucket. Eventually it might make a difference for some people, and to know that \$19 in some guys pocket on a monthly basis can actually change the way that he lives. For some of those folks on a margin, it really does make a huge difference. She thanked Staff for the Memorandum of Understanding. She advised they had discussed it for months and that it had taken a lot of work to get it ironed out. She advised that she and

Cliff Moone went to see Mr. Dixon in the nursing home at Apex before Mr. Dixon was too ill to take guests. She had told Mr. Dixon that they had the Memorandum agreed to and it was going to City Council. That made him smile. It was important to Mr. Dixon because he knew that in his years with helping non-profits raise money, it was the best thing to have an endorsement from the City of Hickory in your back pocket when you went out into the County. Habitat's plans are to do that now. She was grateful for Staff's work on that.

Ms. Gellman updated Council on where they are now. They started in December with their Habitat families. They worked with the Habitat families to begin with. If they made mistakes it was better to do it with people who knew them rather than with people who didn't. They intentionally worked with some of their older Habitat families to get some of their houses back into shape where they needed to be. The building code/standards had changed dramatically since the first house that they built 30 years ago. She suggested that Council see an example of that on Falling Creek in the Habitat neighborhood there. She advised that the new houses they were building were terrific. They have worked through most of their problems with their Habitat families and now they have been casting their net out into the County and with a couple of homeowners within the City of Hickory. She gave an example of one of the homeowners that they worked with. She was roughly 80 years old and had COPD. She lived not far from Lenoir-Rhyne University. She had lived alone for a couple of years, but right now is raising her granddaughter. With COPD she is on oxygen. She has a kerosene heater because her gas furnace failed about a year ago. Her choices to keep warm in the wintertime were to turn off her oxygen to turn on the kerosene heater. When the house got warm enough, she would turn off the kerosene heater and turn her oxygen back on. They have worked with more than one or two, or three or four elderly women in need of repairs, and with income that couldn't substantiate any repairs at all.

Ms. Gellman advised that they are still launching their capital campaign. They are in a silent phase right now. They have money from Piedmont Natural Gas, which included two gifts totaling \$95,000, which are restricted to Piedmont Natural Gas customers for weatherization and also new heating systems. With the City of Hickory's additional funding that was voted and approved on in December they now have \$80,000. They also received a gift for \$50,000 from ER Carpenter, which they hope will be one of the first gifts with another two hopefully pledged toward the campaign. Tomorrow she will be submitting a request for \$200,000 to an unnamed person for the program as well. She advised there was another \$15,000 or so in miscellaneous gifts. They are forming their committees now and will begin making solicitations. She commented that some of Council was on their list, and she asked for them to be nice to them. She thanked Charlie Dixon for helping them get started with this. It was his idea that they do something big for their 30th Anniversary. She thought they might have bit off more than they could chew right now, but they seem to be pulling it together.

Alderman Seaver commented he didn't know if anybody knew what all that Mr. Dixon did in the City of Hickory and Catawba County. It was immeasurable. He found out new things all of the time. He commented when Mr. Dixon got things on his mind he would call him early on with his idea.

Ms. Gellman advised that she had five phone calls on July 4th a few years ago. Mr. Dixon would always start off by saying "have you thought about", or "I have been thinking about have you thought about this", and "what do you think". She was grateful to have gotten to know Mr. Dixon.

City Attorney John Crone commented that Mr. Dixon was one of the greatest lawyers in the Country, and a debate champ at Chapel Hill with Hershel Keener, another hometown person. What a great human-being.

Alderman Zagaroli commented that they would miss him.

Alderman Guess agreed. He asked if there was any further discussion regarding the partnership with Habitat for Humanity.

Alderman Seaver moved seconded by Alderman Zagaroli approval of the Memorandum of Understanding with Habitat for Humanity of the Catawba Valley, Inc. The motion carried unanimously.

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

2. Appointments to Boards and Commissions

BOND IMPLEMENTATION COMMISSION

(Terms Expiring 2-1; 3 Year Terms) (Appointed by City Council)
 Mayor's Appointment Unexpired Term of Charlie Dixon (2-1-19)

BUSINESS DEVELOPMENT COMMITTEE

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

CITIZENS ADVISORY COMMITTEE

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

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 3 (Seaver Appoints) VACANT
 Ward 4 (Guess Appoints) VACANT
 At-Large (Outside City but within Hickory Regional Planning Area)
 (Council Appoints) VACANT
 At Large (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

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

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
 (Appointed by City Council)
 Ward 2 (Tarlton Appoints) VACANT
 Burke County (Mayor to Nominate) VACANT
 Brookford (Mayor to Nominate) VACANT

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Historic Properties (Council Appoints) VACANT
 Building Trades Profession (Council Appoints) VACANT
 At-Large (1) (Council Appoints) VACANT

INTERNATIONAL COUNCIL

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

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 4 (Guess Appoints) VACANT
 At-Large (Mayor Appoints) VACANT

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 2 (Tarlton Appoints) Susan Sigler
 (Eligible for Reappointment/Willing to Serve)
 At-Large (2) (Council Appoints) VACANT
 At-Large (3) (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 At-Large (Mayor Appoints) VACANT
 At-Large (Mayor Appoints) Harold Humphrey
 (Eligible for Reappointment/Willing to Serve)

PUBLIC HOUSING AUTHORITY

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

Contingent upon the passing of the Resolution to increase the number of commissioners, Mayor Wright appoints Dr. Trish Johnson to Position 8 on the Public Housing Authority.

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 2 (Tarlton Appoints) VACANT
 Ward 3 (Seaver Appoints) VACANT
 Ward 4 (Guess Appoints) VACANT
 At-Large (Council Appoints) VACANT

At-Large (Council Appoints)

VACANT

City Attorney John Crone advised that Mayor Wright had requested to appoint Dr. Trish Johnson to the Public Housing Authority Board pursuant to Council's authority to do so from the Resolution which had changed the board members from seven to nine.

Alderwoman Patton moved seconded by Alderman Guess approval of Mayor Wright's appointment of Dr. Trish Johnson to the Public Housing Authority Board Position 8. The motion carried unanimously.

Alderman Guess announced that the motion was made by Alderwoman Patton, he seconded, and 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

Alderwoman Patton commented that the new Dog Park opened this past weekend and it was a very nice facility and had lots of happy furry animals there. It was a lot of fun.

Alderman Guess joked that the City had officially gone to the dogs.

Alderman Seaver asked if there had been any questions or request from Uber.

Interim City Manager Andrea Surratt advised that they had not received any request about Uber.

Alderman Guess commented that he was asked as well, and some other Councilmembers had been asked the same thing. He wasn't sure how that worked, if it was an individual, or a company. He was not that familiar with it. He requested that Staff look into that and find out how it works.

XIV. There being no further business, the meeting adjourned at 7:46 p.m.

Alderman Guess

City Clerk

COUNCIL AGENDA MEMOS**To: City Manager's Office****From: Planning & Development Services Department****Contact Person: Cal Overby, Principal Planner****Date: July 21, 2016****Re: Call for Public Hearing – Voluntary Contiguous Annexation of property owned by Michael and Louise Maguth****REQUEST**

Call for Public Hearing, to be held on August 16, 2016, for the consideration of the voluntary contiguous annexation of 1.005 acres (43,777.8 ft²) of property located at 1730 30th Avenue Court NE, which is also identified as PIN 3714-16-82-1626.

BACKGROUND

Michael and Louise Maguth have submitted a petition for the voluntary contiguous annexation of 1.005 acres of property located at 1730 30th Avenue Court NE. The annexation area is the proposed location of a single-family residence. The annexation is being requested in order to gain water and sewer service from the City of Hickory. Please refer to the accompanying maps for more detail.

ANALYSIS

The owners of the property are seeking annexation in order to obtain utility services (water & sewer) for the construction of a single-family residence. The subject property is currently located within the city's extra-territorial jurisdictional area (ETJ), and zoned Medium Density Residential – 2 (R-2). The petitioner has requested the property retain its current zoning classification upon annexation.

The current tax value of the vacant land is \$24,800.00. If annexed with its present value, the property would generate approximately \$140.50 in additional tax revenues. The estimated tax values of the five (5) adjacent single-family residences is currently \$269,660.00. If the residence constructed on the proposed property holds a similar tax value, then the tax revenue would increase to \$1,527.62.

Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available.

RECOMMENDATION

Staff finds the petition to be in conformity with applicable statutes, and recommends authorization of a public hearing to be held on August 16, 2016.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier 7/21/2016
Initiating Department Head Date

Rodney Miller 7-26-16
Asst. City Manager Rodney Miller Date

Melissa Miller 7-25-16
Finance Officer, Melissa Miller Date

Date

Amy M. Dula 7-22-16
Deputy City Attorney, A. Dula Date

A. Surratt _____
Asst. City Manager, A. Surratt Date

Bo Weichel 7-25-16
Purchasing Manager, Bo Weichel Date

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

A. Surratt
Interim City Manager, A. Surratt

7/27/16
Date

RESOLUTION NO. 16-15
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Michael Maguth and wife, Louise Maguth requesting annexation of an area described in a petition was received on June 28, 2016 by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

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

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

1730 30th Avenue Court NE, Hickory, NC, containing one acre more or less

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 12th July, 2016.



Debbie D. Miller

Debbie D. Miller, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on August 16, 2016 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

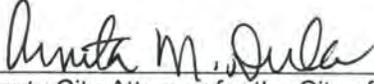
Property of Michael Maguth and wife, Louise Maguth, located at 1730 30th Avenue Court NE, Hickory, North Carolina, containing one acre more or less.

Section 3: Notice of said public hearing shall be published in *The Hickory Daily Record*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

Rudy Wright
Mayor

Andrea Surratt, Interim City Manager

Approved As To Form:


Deputy City Attorney for the City of Hickory

RESOLUTION NO. 16-16

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY MICHAEL MAGUTH AND WIFE, LOUISE MAGUTH AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Michael Maguth and wife, Louise Maguth are the owners of certain real property as described herein, which property is located at 1730 30th Avenue Court NE, Hickory containing 1 acre more or less; and

WHEREAS, such property is immediately adjacent to the existing corporate limits of the City of Hickory; and

WHEREAS, it is in the best interest of the health, safety and well being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 2nd day of August 2016, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on August 16, 2016, in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on a maps entitled Maguth – Voluntary Annexation Map 1, Existing City Boundary, outlined in red; Maguth – Voluntary Annexation Map 2, Surrounding Land Uses, subject property outline in red; Maguth – Voluntary Annexation, Map 3, Current Zoning, subject property outlined in red; and Maguth – Voluntary Annexation, Map 4, Hickory by Choice 2030, annexation area shown on map.

Section 4: Notice of said public hearing shall be published in *The Hickory News*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

Done this 2nd day of August, 2016.

(SEAL)

THE CITY OF HICKORY, A
North Carolina Municipal Corporation

Attest:

By: _____
Rudy Wright, Mayor

Debbie D. Miller, City Clerk

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

Arnita Dula, Deputy City Attorney

432

**CITY OF HICKORY
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 6-28-16 ?

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I (We), the undersigned, do hereby respectfully make application and petition for voluntary annexation into the municipal limits of the City of Hickory, and have provided an annexation plat meeting the requirements of the City of Hickory

- 1. The property be voluntarily annexed is located on _____
between _____ and _____
_____ and is shown in more detail on the attached survey.

?

PIN NO. (S): 3714-16-82-1626

Physical (Street) Address: 1730 30TH AVE. COURT, N.E. HICKORY, 28601

- 2. The property is owned by: (please print) MICHAEL & LOUISE MAGUTH
(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.) HLID, SETTLEMENT STATEMENT.

Owner Information: mlmaguth@gmail.com

Name: MICHAEL & LOUISE MAGUTH

Address: 3184 17TH ST., LANE NE. HICKORY, N.C. 28601

Phone Number: 910-264-4768, 910-262-0885

- 3. The petition is submitted by: MICHAEL & LOUISE MAGUTH
(If the Petition is submitted by someone other than the owner, the attached agent authorization must be signed, notarized and submitted from the owner(s) authorizing the agent to act on his behalf.)

Agent Information:

Name: _____

Address: _____

Phone Number: _____

- 4. If annexation is approved by the Hickory City Council, and if the property(s) is not currently zoned by the City of Hickory, the applicant would request that the property be placed into a R-2 zoning district.

5. WATER AND SEWER AVAILABILTY AND CONNECTIONS

We, the undersigned property owner(s), herby understand and agree we shall be responsible for all costs associated with providing for extensions and/or connections to the City of Hickory public utility system (water and sewer). This includes all design, permitting, construction, legal and applicable City of Hickory Tap Fees. Furthermore, we shall be responsible for obtaining any and all necessary easements and encroachment agreements needed to provide for such extensions or connections and provide those to the City of Hickory as appropriate.

The undersigned owner further acknowledges, they shall be responsible for any future utility extensions required to serve the property due to subdivision of the property.

6. APPLICANT'S AFFIDAVIT

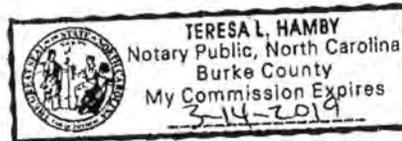
We, the undersigned property owners(s), hereby certify that the information contained herein and submitted in support of this application is true and correct and the property owner's list and associated envelopes were obtained using the most recent Tax Office property information and are true, correct and complete.

MICHAEL & LOUISE MAGUTH
Printed Name of Property Owner(s)
3184 17TH ST. LANE N.E.
HICKORY, N.C. 28601
Address of Property Owner(s)

Michael Maguth, Louise A. Maguth
Signature of Property Owner(s)
910-264-4768, 910-262-0885
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

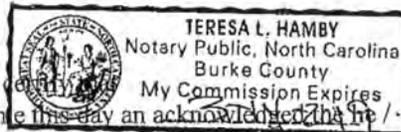
State of North Carolina - County of Burke



I, the undersigned Notary Public of the County and State aforesaid, certify that Michael F. Maguth personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 28 day of June, 2016.

My Commission Expires: 3-14-2019
Teresa L. Hamby
Notary Public

State of North Carolina - County of Burke



I, the undersigned Notary Public of the County and State aforesaid, certify that Michael & Louise A. Maguth personally came before me this day and acknowledged that he / she is the OWNER of _____ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this

28 day of June, 2016.
My Commission Expires: 3-14-2019
Teresa L. Hamby
Notary Public

Annexation Plat Checklist

The survey map of your property is not acceptable as an annexation plat. Therefore, a Professional Land Surveyor must prepare an annexation plat of the area to be annexed. The surveyor will complete the checklist below as part of the preparation of the plat. The checklist must be returned with the plat before the review of the petition will begin.

Annexation know as: Contiguous Annexation by the City of Hickory Known as Michael Maguth and Louise Maguth Property Date: June 16, 2016

To expedite the annexation process, you must submit two (2) copies of an annexation plat that has the information specified below, and shown on its face.

- Title ("Satellite Annexation" or "Contiguous Annexation").
- Title (known as _____) *Should include the name of the property owner(s).
- Address (Physical Address if property has one).
- Parcel Identification Number (PIN).
- Date of Survey
- Township.
- County.
- Map scale (Both numeric and graphic).
- Existing City Limits if contiguous shown as bold broken lines as labeled as "Existing City Limits". Also list the plat book and page where the existing City Limits may be found. (For assistance, contact the City Surveyor's Office at 828.323.7414).
- New City Limits line(s) shown as bold solid lines and labeled "New City Limit Line".
- Bearing and distances for all City Limits lines.
- Area in Acres.
- North Arrow.
- Mayor / City Clerk Certification (see sample plat).
- Notary Certification for City Clerk.
- Register of Deeds Certification.
- Map Review Officer Certification.

N/A Grid Tie – If within 2,000 feet of grid monument tie to grid and rotate bearings north to grid north.
If not, tie to intersection of two streets.

Type & size of existing property corner markers.

Vicinity map.

Adjacent owner's names, Deed Book and Page number for each adjacent owner.

Adjacent street names.

N/A If petition consists of a satellite annexation, the map must show the area proposed for annexation with relation to the primary corporate limits of the City of Hickory, (i.e., distance between nearest line of area being annexed and existing contiguous city limits). When there is question as to whether the area may be closer to another city than the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city.

Map must conform to G.S. 47-30 (a) 18" X 24" and 47-30 (b) transparent and archival.

Two copies of the transparent and archival map, with all original signatures, must be submitted.

Professional Land Surveyor Information

Name: Donald S. Miller

Address: 328 4th Street SW - Hickory, NC 28602

Telephone Number: 828-322-4013

E-mail: millersurveyinghickory@gmail.com

3348-0888

FILED ELECTRONICALLY
CATAWBA COUNTY NC
DONNA HICKS SPENCER

FILED Jun 24, 2016
AT 11:51:00 AM
BOOK 03348
START PAGE 0888
END PAGE 0890
INSTRUMENT # 10356
EXCISE TAX \$112.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 112.00

Parcel Identifier No. 3714-16-82-1626 Verified by _____ County on the ____ day of _____, 20__
By: _____

Mail/Box to: Young M. Smith, Jr., Attorney, LLP, 225 Fourth Street, NW, Hickory, NC 28601

This instrument was prepared by: Young M. Smith, Jr., Attorney, LLP, 225 Fourth Street, NW, Hickory, NC 28601

Brief description for the Index: 30th Avenue Court, NE

THIS DEED made this 14th day of June, 2016, by and between

GRANTOR

GRANTEE

Matthew R. Hale and wife,
Katherine W. Hale
315 15th Avenue, NW
Hickory, North Carolina 28601

Michael Maguth and wife,
Louise Maguth
3184 17th Street Lane, NE
Hickory, North Carolina 28601

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of N/A, Hickory Township, Catawba County, North Carolina and more particularly described as follows:

See Schedule "A" attached.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3253 page 1391.

All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book N/A page N/A.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

All street and utility easements and rights of way of record, Catawba County Registry.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: _____ (Entity Name) Matthew R. Hale (SEAL)
Print/Type Name: Matthew R. Hale

By: _____ Katherine W Hale (SEAL)
Print/Type Name: Katherine W Hale

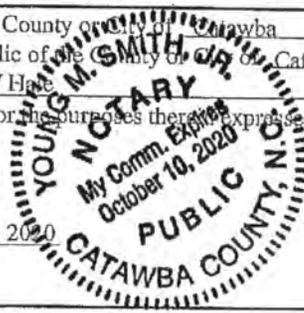
By: _____ (SEAL)
Print/Type Name & Title: _____
Print/Type Name: _____

By: _____ (SEAL)
Print/Type Name & Title: _____
Print/Type Name: _____

State of North Carolina - County or City of Catawba

I, the undersigned Notary Public of the County or City of Catawba County and State aforesaid, certify that Matthew R. Hale and Katherine W Hale personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 24th day of June, 2016.

My Commission Expires: October 10, 2020
(Affix Seal)



Young M. Smith, Jr.
Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that _____ he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, _____ he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

Schedule "A"

Beginning at an iron pin in the southern margin of 30th Avenue Court NE (S.R. 1401), said iron pin marking the northwest corner of Lot 79 of Lawson's Creek Subdivision, Phase 3-B, as shown on a plat recorded in Plat Book 61 at Page 164, Catawba County Registry, and lying North 63° 22' 55" West 158.29 feet from a spike in the center of the intersection of 30th Avenue Court NE and 30th Avenue Place NE, and proceeding thence with the western lines of Lots 79, 80, and 81 of Lawson's Creek Subdivision South 34° 32' 15" West 300.88 feet to an iron pin in the northern line of Roger L. Vanskike and, subsequently, Jonathan A. Moseley (see Book 3029 at Page 1242) North 55° 59' 30" West 144.79 feet to an iron pin in the southeast corner of Joshua A. Bengé (see Book 3242 at Page 1726); thence with Bengé's eastern line North 34° 29' 10" East 302.70 feet to an iron pin in the southern margin of 30th Avenue Court NE; thence with the southern margin of 30th Avenue Court NE South 55° 16' 30" East 145.07 feet to the Beginning, and containing approximately 1.00 acre, according to a survey by James D. Ferguson, P.L.S., dated July 29th, 2014.

VOLUNTARY CONTIGUOUS ANALYSIS

APPLICANT: Michael and Louise Maguth

PROPERTY LOCATION (See Map 1): 1730 30th Avenue Court NE

PIN NUMBER: 3714-16-82-1626

WARD: If annexed, the subject property will be located in Ward 2 (Councilman Tarlton).

REQUESTED ACTION: The request is for a voluntary contiguous annexation. The annexation is being requested to obtain connections to the City's water and sewer system.

ACREAGE: 1.005 acres (43,777.8 ft²)

DEVELOPMENT POTENTIAL: The subject property is currently located within the city's extra-territorial jurisdictional (ETJ) area, and zoned Medium Density Residential -2 (R-2). Properties located within R-2 districts can be developed primarily for single-family residential uses at a maximum density of four (4) dwelling units per acre, with the minimum building lot size being 10,890 ft² (1/4 acre). Given this prescribed maximum density, the property could theoretically yield up to four (4) residential dwelling units. However, due to the lot's size and configuration a more practical expectation would be lot being developed for the location of one (1) single-family residence. The petitioners have indicated their desire to develop the property for the location of one (1) single-family residence

TAX VALUE: The current tax value of the vacant land is \$24,800.00. If annexed with its present value, the property would generate approximately \$140.50 in additional tax revenues. The estimated tax values of the five (5) adjacent single-family residences is currently \$269,660.00. If the residence constructed on the proposed property holds a similar tax value, then the tax revenue would increase to \$1,527.62.

POPULATION INCREASES: As previously outlined, the property is proposed to be developed for the location of one (1) single-family residence. The U.S. Census bureau estimates the average household size in the Greater Hickory Metropolitan Statistical Area (MSA) to be 2.42 occupants. Given this estimate, the City could anticipate adding two (2) to three (3) citizens to its overall population.

SCHOOL DISTRICTS: The property is located within the jurisdictional area of the Catawba County Public School System, and located in the following school districts:

School Type	School District	Student Multiplier Per Dwelling	Number of Potential Dwelling Units	Potential Additional Students
Elementary	Clyde Campbell	0.32	1	0.32
Middle	Arndt	0.10	1	0.10
High	St. Stephens	0.14	1	0.14

**Note: The student multipliers above reflect numbers for single-family dwellings only.*

SURROUNDING LAND USE AND ZONING (See Maps 2 & 3):

- **North:** The properties are zoned Medium Density Residential – 2 (R-2), and are occupied by single-family residences (Lawson’s Creek);
- **South:** The properties are zoned Medium Density Residential – 2 (R-2), and are occupied by single-family residences (Herbert Lee Propst Estate Subdivision);
- **East:** The properties are zoned Medium Density Residential – 2 (R-2), and are occupied by single-family residences (Lawson’s Creek); and
- **West:** The property is zoned Medium Density Residential – 2 (R-2), and is occupied by a single-family residences (This parcel is was part of an organized development plan.)

UTILITY SERVICE: Water and wastewater infrastructure are available to serve the property, and are located to the north along 30th Avenue Court NE. The property owners shall be responsible for providing with the required connections.

ACCESS: Access to the subject property is available, and planned to be from 30th Avenue Court NE.

DISTANCE FROM CITY LIMITS (See Map 1): The proposed annexation area is immediately adjacent to the City’s existing corporate boundary on its northern and eastern boundaries.

STAFF COMMENTS:

- **Fire:** Annexation of this property would not adversely affect the operations of the fire department. The property is currently in Engine 6 fire district and will remain.
- **Police Department:** Police protection is adequate. The property will be located within the patrol area of Baker PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** Solid Waste can service this property with no issues or disruptions to our current service level.

- Public Utilities: No Objections
- Legal: No objections.
- City Manager's Office: No objections.

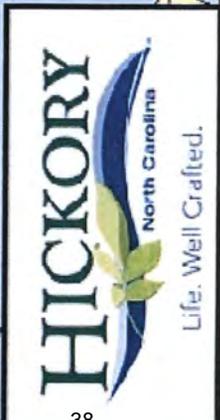
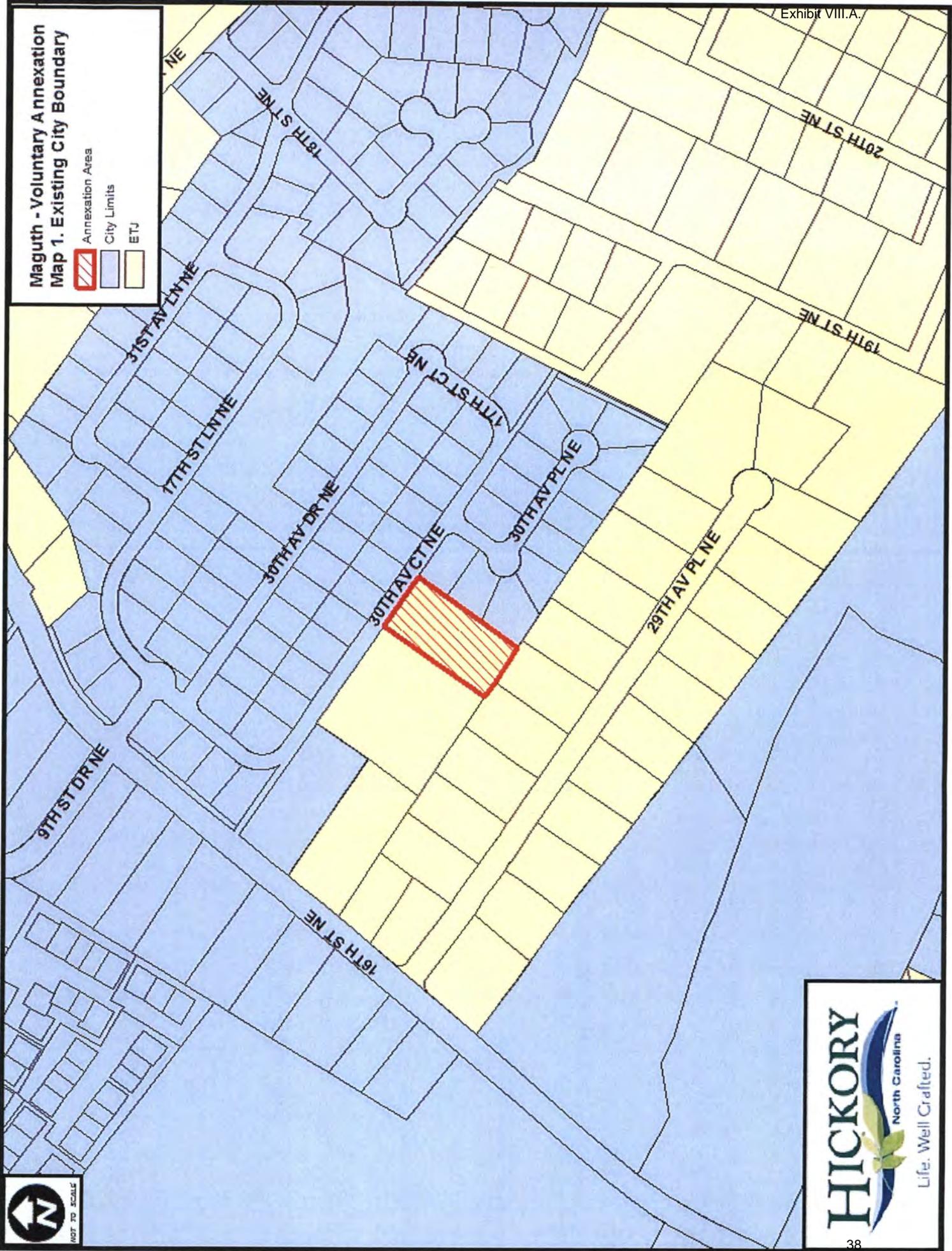
STAFF RECOMMENDATION: Upon evaluation staff has found the following:

1. The voluntary annexation petition complies with all applicable statutes regarding the voluntary annexation of contiguous properties;
2. Adequate public services are available in sufficient quantities to properly serve the subject property; and
3. The annexation of the property will not cause available public services to fall below acceptable levels.

Based upon the findings provided above, staff recommends City Council approve the voluntary contiguous annexation petition.

**Maguth - Voluntary Annexation
Map 1. Existing City Boundary**

-  Annexation Area
-  City Limits
-  ETJ



Maguth - Voluntary Annexation
Map 2. Surrounding Land Uses



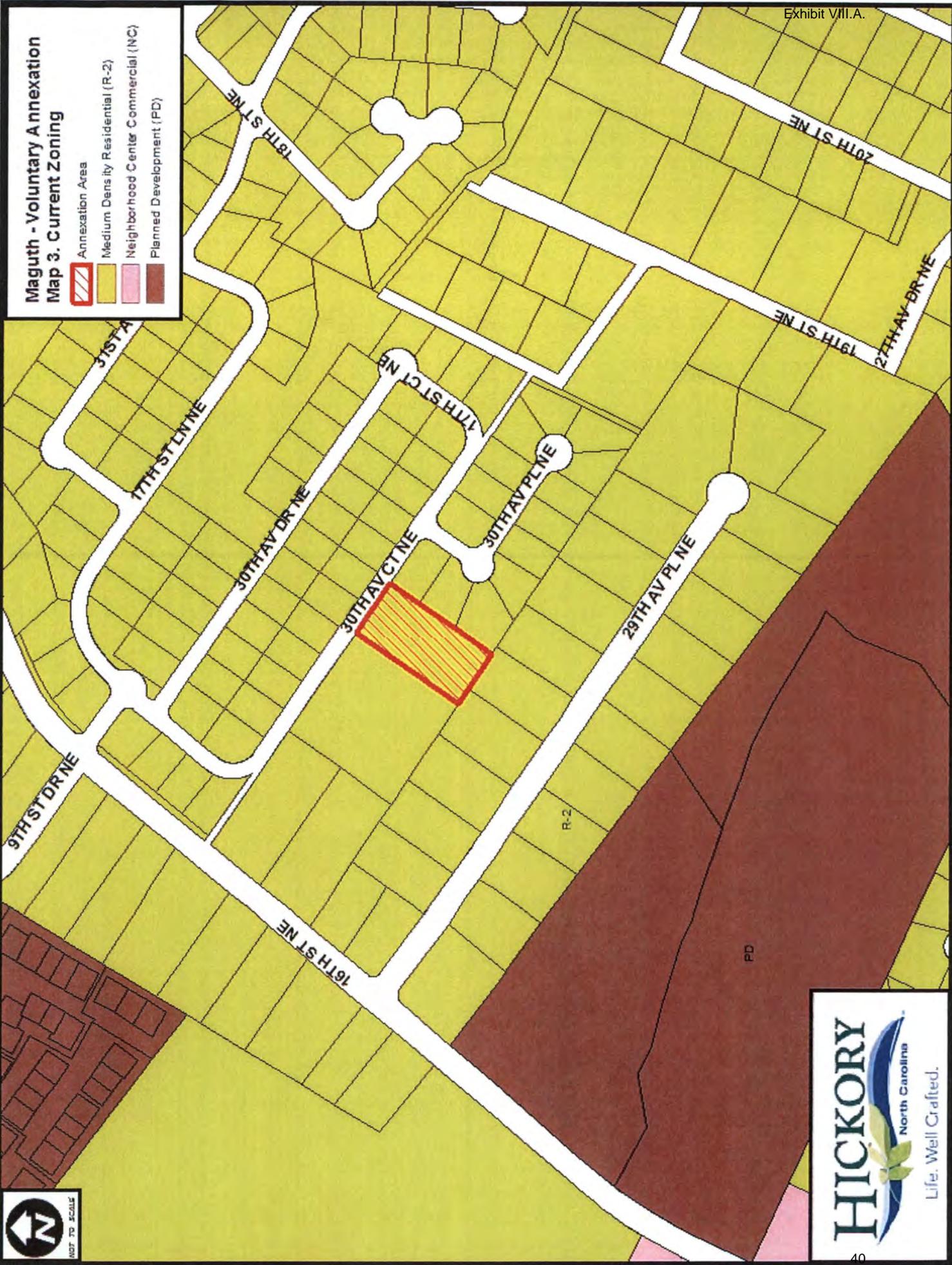
Annexation Area



HICKORY
North Carolina
Life. Well Crafted.

Maguth - Voluntary Annexation Map 3. Current Zoning

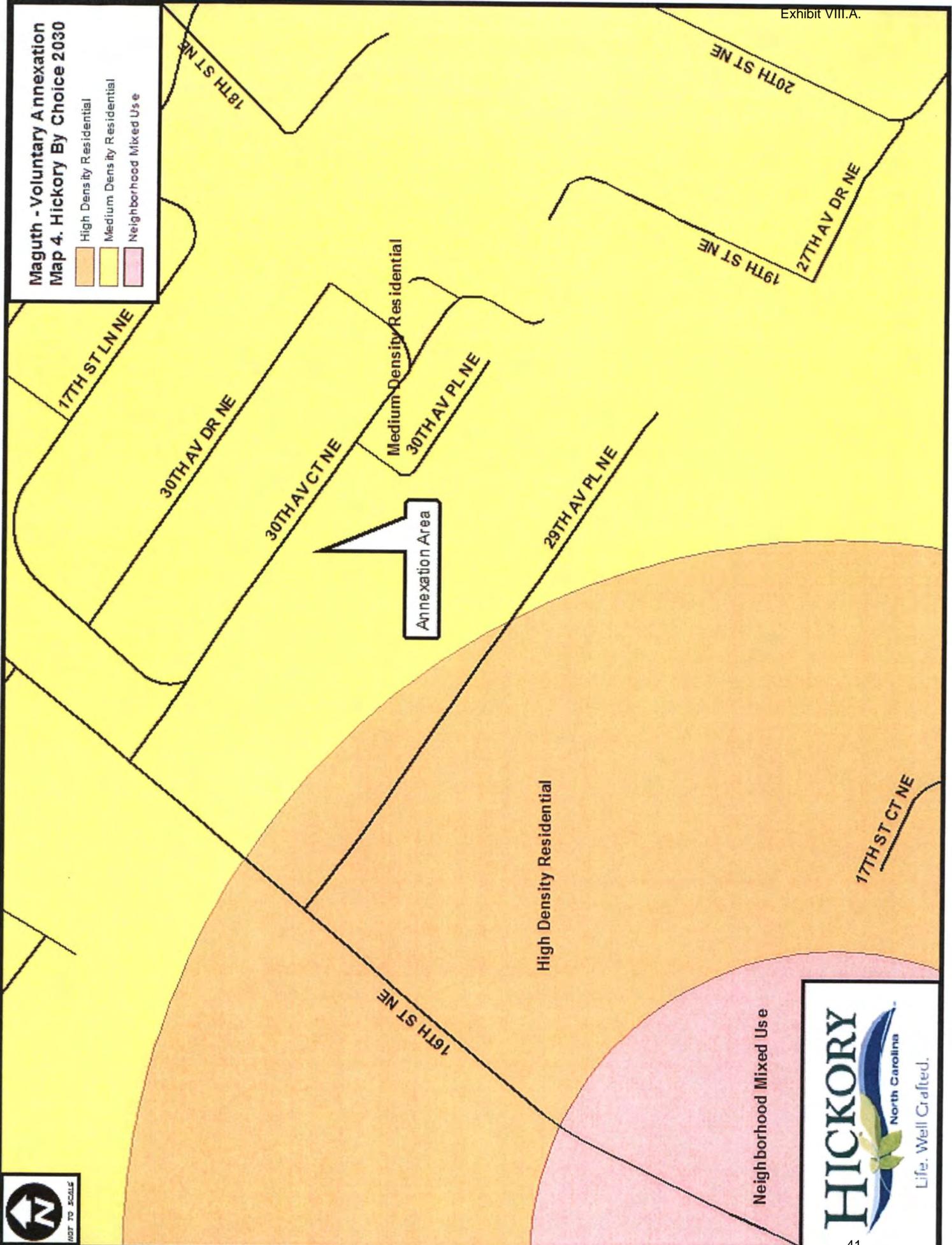
-  Annexation Area
-  Medium Density Residential (R-2)
-  Neighborhood Center Commercial (NC)
-  Planned Development (PD)




HICKORY
North Carolina
Life. Well Crafted.

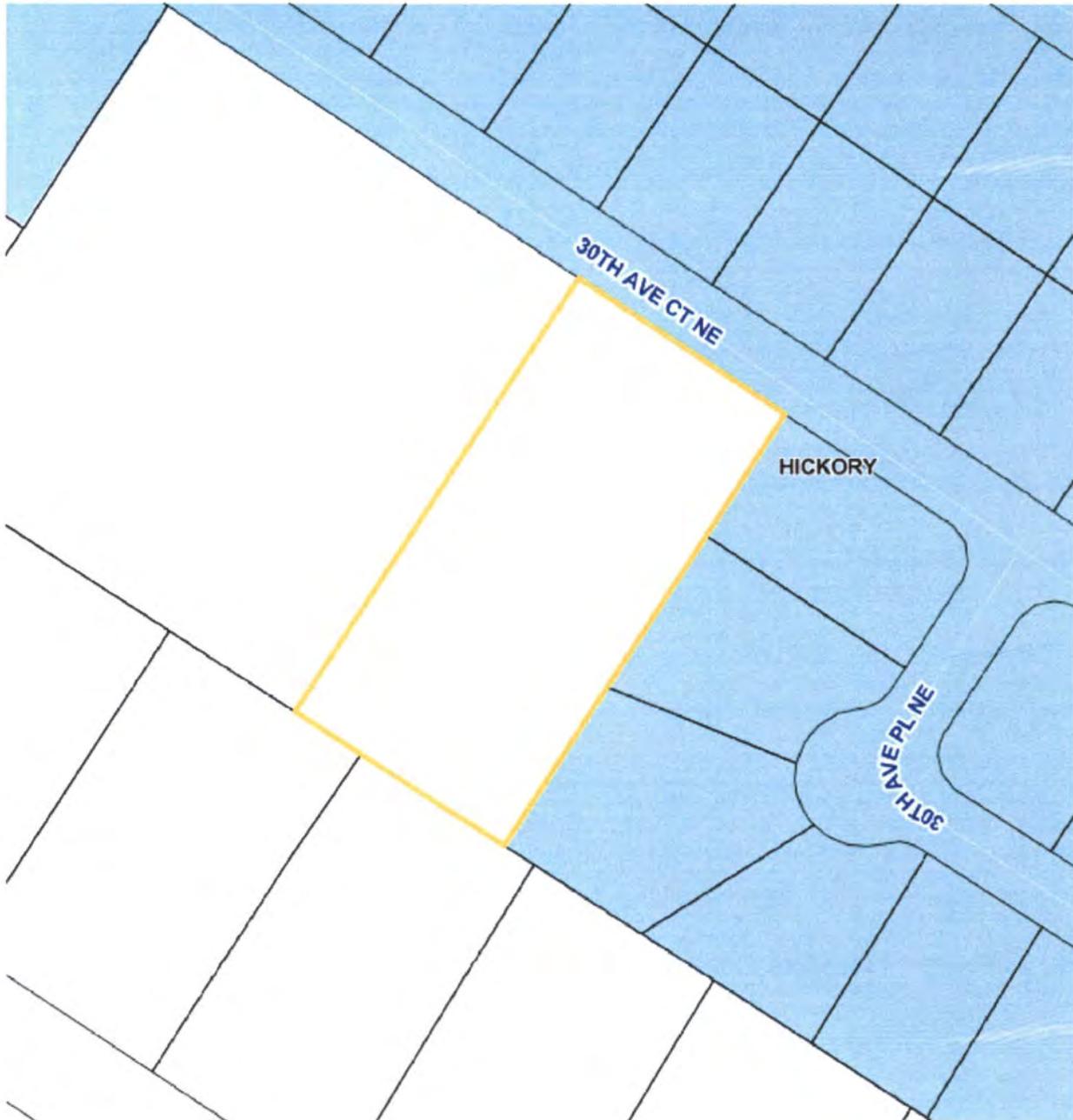
Maguth - Voluntary Annexation
Map 4. Hickory By Choice 2030

- High Density Residential
- Medium Density Residential
- Neighborhood Mixed Use



Neighborhood Mixed Use

HICKORY
North Carolina
Life. Well Crafted.



1in=100ft



Parcel: 371416821626, 1730 30TH AVE CT NE HICKORY, 28601

Owners: HALE MATTHEW R, HALE KATHERINE W

Owner Address: 315 15TH AVE NW

Values - Building(s): \$0, Land: \$24,800, Total: \$24,800

This map/report product was prepared from the Catawba County, NC Geospatial Information Services. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map or data on this report. Catawba County promotes and recommends the independent verification of any data contained on this map/report product by the user. The County of Catawba, its employees, agents, and personnel, disclaim, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arises or may arise from this map/report product or the use thereof by any person or entity.

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COUNCIL AGENDA MEMOS

Exhibit VIII.B.

To: City Manager's Office
From: Kevin B. Greer, PE, Assistant Public Services Director-Public Utilities
Contact Person: Kevin B. Greer, PE
Date: July 19, 2016
Re: Central Business District Infrastructure Project Utility Easement

REQUEST

Staff requests acceptance of a Temporary Construction easement either side of existing Infrastructure easements for the property of Jacomine Investments, LLC described as PIN: 3703-19-50-1115 for installation of utilities infrastructure.

BACKGROUND

This temporary easement is necessary for completion of the Central Business District Infrastructure Replacement and Rehabilitation Project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 Million.

ANALYSIS

This easement is necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easement was negotiated for a total sum of recording fees in exchange for the easement.

RECOMMENDATION

Staff recommends acceptance of a Temporary Construction easement either side of existing Infrastructure easements for the property of Jacomine Investments, LLC described as PIN: 3703-19-50-1115 for installation of utilities infrastructure.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Chuck Hansen *CH*
Initiating Department Head

6/22/2016
Date

Auntie M. Dula
Deputy City Attorney, A. Dula

7-22-16
Date

Rodney Miller
Asst. City Manager Rodney Miller

7-26-16
Date

A.S.
Asst. City Manager, A. Surratt

Date

Melissa Miller
Finance Officer, Melissa Miller

7-25-16
Date

Bo Weichel
Purchasing Manager, Bo Weichel

7-25-16
Date

Date

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

M. Berry
City Manager, M. Berry, Interim

Date

DRAWN BY: Arnita M. Dula, Deputy City Attorney, City of Hickory
P.O. Box 398, Hickory, NC 28603

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

**DEED OF EASEMENT
(Utility Easement)**

THIS DEED OF EASEMENT, made this ____ day of _____, 2016, by and between **JACOMINE INVESTMENTS, LLC**, having a mailing address of **Post Office Box 1417, Hildebran, NC 28637** (hereinafter referred to as "Grantor", whether singular or plural), and the **City of Hickory**, a North Carolina Municipal Corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of **Post Office Box 398, Hickory, North Carolina 28603**, and being situated in Catawba County, (hereinafter referred to as "Grantee");

THAT WHEREAS, said Grantors own a certain tract of land located in Hickory Township, Catawba County, State of North Carolina, the same being the land conveyed to them pursuant to deed recorded in Book 3292 at Page 1469 in the Office of the Register of Deeds of Catawba County, State of North Carolina; which deed is hereby referred to for greater certainty of description; and

NOW, THEREFORE, said Grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable consideration paid to the Grantor by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain,

**JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT**

-- 1 --

sell and convey unto the said Grantee, its successors and assigns, a temporary construction easement and a perpetual right and easement for City owned public utility infrastructure which may include water, sanitary sewer and storm drainage easements over, under, through, across, along and upon all that certain lot, tract, or parcel of land of the Grantor situated in Hickory Township, Catawba County, North Carolina, as depicted on the attached map and more particularly described as follows, to-wit:

Being all of that area as shown on the attached Exhibit "A" entitled "Utility Easement Acquisition for City of Hickory", Prepared by Edwin S. Godsey, Professional Land Surveyor L-3470, dated February 2016 to which reference is hereby made for greater certainty of description. And being a portion of that certain property described in Deed Book 3292 at Page 1469 of the Catawba County Registry. The subject property's North Carolina Parcel Identification Number is 3703-19-50-1115.

TO HAVE AND TO HOLD the said grant of right and easement unto it, the said Grantor, its successors and assigns forever.

The Grantor acknowledges that the City is acquiring this easement for the purpose of storm drainage, erecting, constructing and installing a sanitary sewer within the described easement, and specifically grants unto the Grantee the right to construct such structures or make the improvements on that grade according to such plans and specifications, as will, in the Grantee's opinion, best serve the public purpose. The Grantor further grants unto the Grantee or its agents the right to exceed this easement to cut and fill slopes, construct drainage structures and erosion control structures beyond the described easement. The payment of the purchase price for the easement conveyed shall be considered full compensation for the easement, and for any diminution in value that may result to the remaining property by virtue of proximity to the project, grade alignment, utility installation, or the alteration of drainage patterns and facilities.

The said grant shall include the right of ingress and egress over the easement on the land of the Grantor for the purpose of storm drainage, constructing, maintaining, repairing and enlarging said sewer line or removing any obstruction interfering with the enjoyment of this line and, in general, any rights and privileges which may be necessary for the permanent maintenance of said sewer line; provided, however, that nothing herein contained shall directly or indirectly be construed as authorizing the City of Hickory or its successors or assigns to injure, damage or remove any structure upon said land, and the Grantor herein expressly retains for himself, his heirs and assigns, the right to construct and maintain any and all buildings he may desire upon the said premises, provided the sewer line is protected in the manner required by the City Engineer.

**JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT**

-- 2 --

As used herein, the term "drainage" shall connote the flow of normal and excess rainwater across the easement premises and shall be deemed to permit the installation of drainage piping and other equipment and structures necessary for proper drainage.

The Grantor retains the right to use and cultivate said land along and upon said right-of-way.

Grantee shall use its best efforts to minimize the removal of grass, shrubbery, plants, or other vegetation occasioned by the Grantee in constructing, maintaining, or altering said sewer line.

Grantee agrees to plant grass seed on and/or mulch the area disturbed during the sewer line construction process or after any maintenance or repair to the sewer line.

Should one or more of the Grantors be natural persons not joined by their respective spouses, it is conclusively presumed that the land conveyed is not the residence or business homestead of such Grantor. Should one or more of the Grantors be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

TO HAVE AND TO HOLD the same, together with all the rights and appurtenances belonging thereto, unto the City of Hickory, its successors and assigns forever, and Grantor is hereby bound, together with all heirs, executors, administrators, or successors, to warrant and forever defend the easement granted herein unto the City of Hickory, its successors and assigns, against every person lawfully claiming the easement or any part thereof.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

 (SEAL)
JACOMINE INVESTMENTS, LLC
Member/Manager of Jacomine Investments
LLC

JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT

STATE OF NORTH CAROLINA
COUNTY OF CALDWELL

I, KATRINA M. KIRKPATRICK, a Notary Public of CALDWELL County,
North Carolina, do hereby certify that JEFF JACOMINE,
Member/Manager of Jacomine Investments, LLC personally appeared before me this
day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this 24 day of May, 2016.



Katrina M. Kirkpatrick
Notary Public

My Commission Expires: May 24, 2020

JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT

ACCEPTANCE

Accepted by the Hickory City Council for and on behalf of the City of Hickory, North Carolina, this ____ day of _____, 2016.

**THE CITY OF HICKORY,
A North Carolina Municipal Corporation**

ATTEST:

(SEAL)

Andrea Surratt, Interim City Manager

Debbie D. Miller, City Clerk

Approved as to form on behalf of the City of Hickory this ____ day of _____, 2016.

Arnita M. Dula, Deputy City Attorney

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

I, _____, a Notary Public of said County and State, certify that Andrea Surratt personally appeared before me this day and acknowledged that she is the Interim City Manager 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 by the Interim City Manager, sealed with its corporate seal and attested by Debbie D. Miller as its City Clerk.

Witness my hand and seal this _____ day of _____, 2016.

Notary Public

(SEAL)

My Commission Expires: _____

**JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT**

- LEGEND**
- PERM. SANITARY SEWER ESMT.
 - PERM. STORM DRAINAGE ESMT.
 - PERM. SANITARY SEWER/ STORM DRAINAGE ESMT. (OVERLAP)
 - TEMP. CONST. EASEMENT
 - EIP -EXISTING IRON PIN
 - CP -COMPUTED POINT
 - PKS -P-K NAIL SET

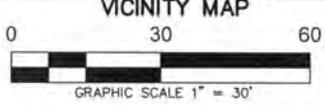
THE STATE PLANE COORDINATES (SPC) FOR THIS PROJECT WERE PRODUCED WITH STATIC GPS OBSERVATIONS AND PROCESSED WITH ONLINE POSITIONING USER SERVICE (OPUS). THE NETWORK POSITIONAL ACCURACY OF THE OPUS DERIVED POSITIONAL INFORMATION IS 0.04 FT. THE FOLLOWING CORRS WERE USED BY OPUS: PID, DM3523-NCHI HICKORY & PID, DEB425-GAST GASTON. HORIZONTAL POSITIONS ARE REFERENCED TO NAD83(2011). COMBINED FACTOR: 0.99985830.

(GRID NAD-83)



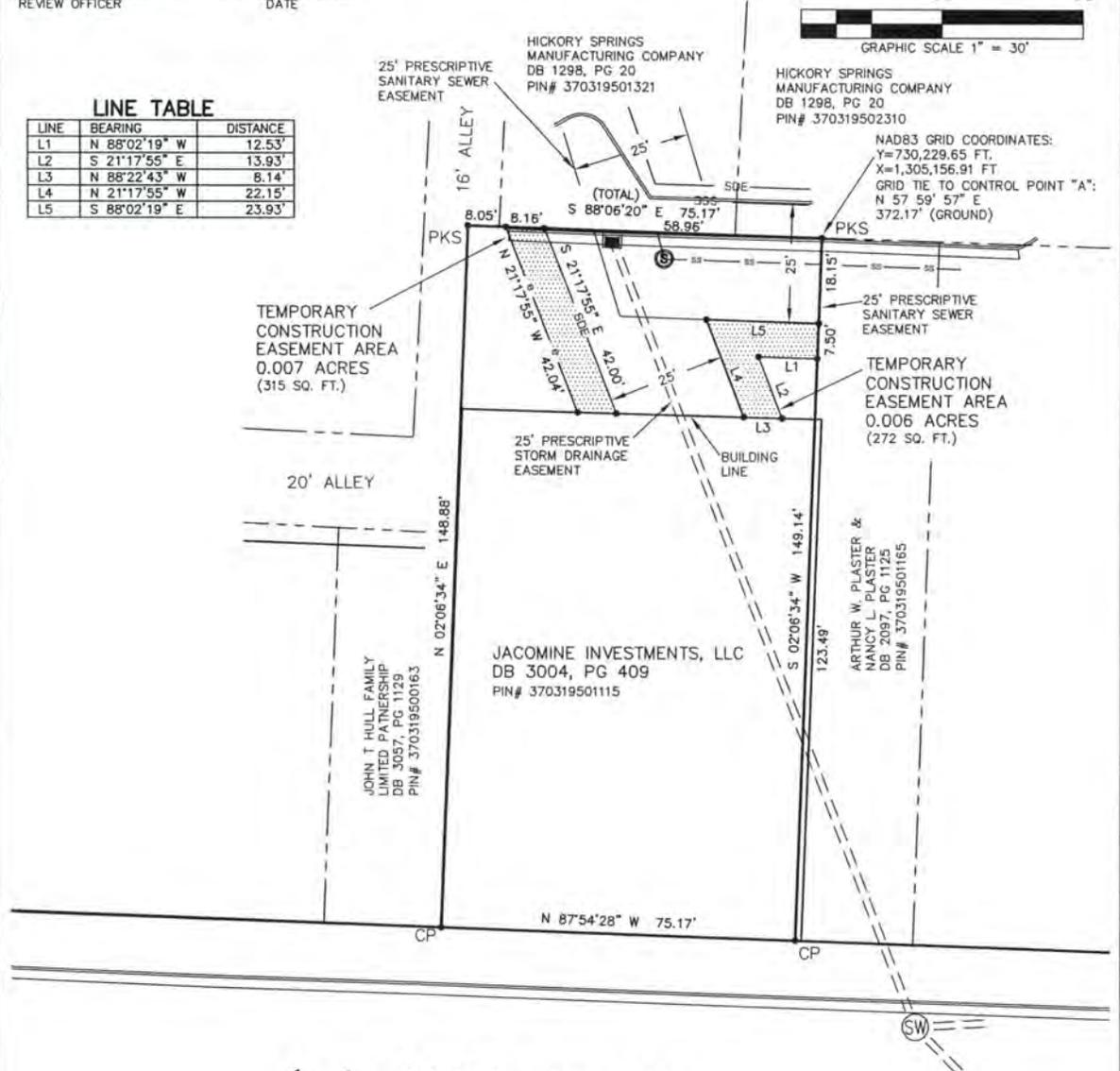
I, Cal Overby, REVIEW OFFICER OF CATAWBA COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

Cal Overby 4-5-2016
REVIEW OFFICER DATE



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 88°02'19" W	12.53'
L2	S 21°17'55" E	13.93'
L3	N 88°22'43" W	8.14'
L4	N 21°17'55" W	22.15'
L5	S 88°02'19" E	23.93'



1st AVENUE NW



PREPARED BY:
LANDTEC
137 CROSS CENTER RD #253
DENVER, NC 28037
704-483-3201

This map was prepared from an actual field survey performed by LANDTEC for the purpose of easement acquisition only, and is not to be construed to be a boundary survey of the property shown.

Edwin S. Godsey
N.C. Professional Land Surveyor L-3470

CITY OF HICKORY
CATAWBA COUNTY, NORTH CAROLINA
UTILITY EASEMENT ACQUISITION EXHIBIT FOR:
CITY OF HICKORY

SURVEY DATE(S):	2-16
PLAT DATE:	3-16
DRAWING SCALE:	1"=30'



137 CROSS CENTER RD #253 DENVER, NC 28037 OFFICE 704-483-3201 FAX 704-483-3202

NC FIRM LICENSE# F-1329

3/29/16

3

COUNCIL AGENDA MEMOS

Exhibit VIII.C.

To: City Manager's Office
From: Kevin B. Greer, PE, Assistant Public Services Director-Public Utilities
Contact Person: Kevin B. Greer, PE
Date: July 19, 2016
Re: Central Business District Infrastructure Project Utility Easement

REQUEST

Staff requests acceptance of a temporary construction and permanent storm drainage easement either side of existing Infrastructure easements for the property of Jacomine Investments, LLC described as PIN: 3702-07-59-1955 for installation of utilities infrastructure.

BACKGROUND

This temporary and permanent easement is necessary for completion of the Central Business District Infrastructure Replacement and Rehabilitation Project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 Million.

ANALYSIS

This easement is necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easement was negotiated for a total sum of recording fees in exchange for the easement.

RECOMMENDATION

Staff recommends acceptance of a temporary construction and permanent storm drainage easement either side of existing Infrastructure easements for the property of Jacomine Investments, LLC described as PIN: 3702-07-59-1955 for installation of utilities infrastructure.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Chuck Hansen
Initiating Department Head

06/22/2016
Date

A. Dula
Deputy City Attorney, A. Dula

7-22-16
Date

Rodney Miller
Asst. City Manager Rodney Miller

7-25-16
Date

A. Surratt
Asst. City Manager, A. Surratt

Date

Melissa Miller
Finance Officer, Melissa Miller

7-25-16
Date

B. Weichel
Purchasing Manager, B. Weichel

7-25-16
Date

Date

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

M. Berry
City Manager, M. Berry

7/27/16
Date

DRAWN BY: Arnita M. Dula, Deputy City Attorney, City of Hickory
P.O. Box 398, Hickory, NC 28603

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

**DEED OF EASEMENT
(Utility Easement)**

THIS DEED OF EASEMENT, made this ____ day of _____, 2016, by and between **JACOMINE INVESTMENTS, LLC**, having a mailing address of **Post Office Box 1417, Hildebran, NC 28637** (hereinafter referred to as "Grantor", whether singular or plural), and the **City of Hickory**, a North Carolina Municipal Corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of **Post Office Box 398, Hickory, North Carolina 28603**, and being situated in Catawba County, (hereinafter referred to as "Grantee");

THAT WHEREAS, said Grantors own a certain tract of land located in Hickory Township, Catawba County, State of North Carolina, the same being the land conveyed to them pursuant to deed recorded in Book 3292 at Page 1472 in the Office of the Register of Deeds of Catawba County, State of North Carolina; which deed is hereby referred to for greater certainty of description; and

NOW, THEREFORE, said Grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable consideration paid to the Grantor by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain,

**JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT**

-- 1 --

sell and convey unto the said Grantee, its successors and assigns, a temporary construction easement and a perpetual right and easement for City owned public utility infrastructure which may include water, sanitary sewer and storm drainage easements over, under, through, across, along and upon all that certain lot, tract, or parcel of land of the Grantor situated in Hickory Township, Catawba County, North Carolina, as depicted on the attached map and more particularly described as follows, to-wit:

Being all of that area as shown on the attached Exhibit "A" entitled "Utility Easement Acquisition for City of Hickory", Prepared by Edwin S. Godsey, Professional Land Surveyor L-3470, dated February 2016 to which reference is hereby made for greater certainty of description. And being a portion of that certain property described in Deed Book 3292 at Page 1472 of the Catawba County Registry. The subject property's North Carolina Parcel Identification Number is 3702-07-59-1955.

TO HAVE AND TO HOLD the said grant of right and easement unto it, the said Grantor, its successors and assigns forever.

The Grantor acknowledges that the City is acquiring this easement for the purpose of storm drainage, erecting, constructing and installing a sanitary sewer within the described easement, and specifically grants unto the Grantee the right to construct such structures or make the improvements on that grade according to such plans and specifications, as will, in the Grantee's opinion, best serve the public purpose. The Grantor further grants unto the Grantee or its agents the right to exceed this easement to cut and fill slopes, construct drainage structures and erosion control structures beyond the described easement. The payment of the purchase price for the easement conveyed shall be considered full compensation for the easement, and for any diminution in value that may result to the remaining property by virtue of proximity to the project, grade alignment, utility installation, or the alteration of drainage patterns and facilities.

The said grant shall include the right of ingress and egress over the easement on the land of the Grantor for the purpose of storm drainage, constructing, maintaining, repairing and enlarging said sewer line or removing any obstruction interfering with the enjoyment of this line and, in general, any rights and privileges which may be necessary for the permanent maintenance of said sewer line; provided, however, that nothing herein contained shall directly or indirectly be construed as authorizing the City of Hickory or its successors or assigns to injure, damage or remove any structure upon said land, and the Grantor herein expressly retains for himself, his heirs and assigns, the right to construct and maintain any and all buildings he may desire upon the said premises, provided the sewer line is protected in the manner required by the City Engineer.

**JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT**

-- 2 --

As used herein, the term "drainage" shall connote the flow of normal and excess rainwater across the easement premises and shall be deemed to permit the installation of drainage piping and other equipment and structures necessary for proper drainage.

The Grantor retains the right to use and cultivate said land along and upon said right-of-way.

Grantee shall use its best efforts to minimize the removal of grass, shrubbery, plants, or other vegetation occasioned by the Grantee in constructing, maintaining, or altering said sewer line.

Grantee agrees to plant grass seed on and/or mulch the area disturbed during the sewer line construction process or after any maintenance or repair to the sewer line.

Should one or more of the Grantors be natural persons not joined by their respective spouses, it is conclusively presumed that the land conveyed is not the residence or business homestead of such Grantor. Should one or more of the Grantors be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

TO HAVE AND TO HOLD the same, together with all the rights and appurtenances belonging thereto, unto the City of Hickory, its successors and assigns forever, and Grantor is hereby bound, together with all heirs, executors, administrators, or successors, to warrant and forever defend the easement granted herein unto the City of Hickory, its successors and assigns, against every person lawfully claiming the easement or any part thereof.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.



JACOMINE INVESTMENTS, LLC (SEAL)
Member/Manager of Jacomine Investments LLC

**JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT**

STATE OF NORTH CAROLINA
COUNTY OF CALDWELL

I, KATRINA M. KIRKPATRICK, a Notary Public of CALDWELL County,
North Carolina, do hereby certify that JEFF JACOMINE,
Member/Manager of Jacomine Investments, LLC personally appeared before me this
day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this 24 day of May, 2016.

Katrina M Kirkpatrick
Notary Public



My Commission Expires: May 24, 2020

JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT

ACCEPTANCE

Accepted by the Hickory City Council for and on behalf of the City of Hickory, North Carolina, this ____ day of _____, 2016.

**THE CITY OF HICKORY,
A North Carolina Municipal Corporation**

ATTEST:

(SEAL)

Andrea Surratt, Interim City Manager

Debbie D. Miller, City Clerk

Approved as to form on behalf of the City of Hickory this ____ day of _____, 2016.

Arnita M. Dula, Deputy City Attorney

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

I, _____, a Notary Public of said County and State, certify that Andrea Surratt personally appeared before me this day and acknowledged that she is the Interim City Manager 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 by the Interim City Manager, sealed with its corporate seal and attested by Debbie D. Miller as its City Clerk.

Witness my hand and seal this ____ day of _____, 2016.

Notary Public

(SEAL)

My Commission Expires: _____

**JACOMINE INVESTMENTS, LLC
TO CITY OF HICKORY
DEED OF EASEMENT**

3RD STREET NW

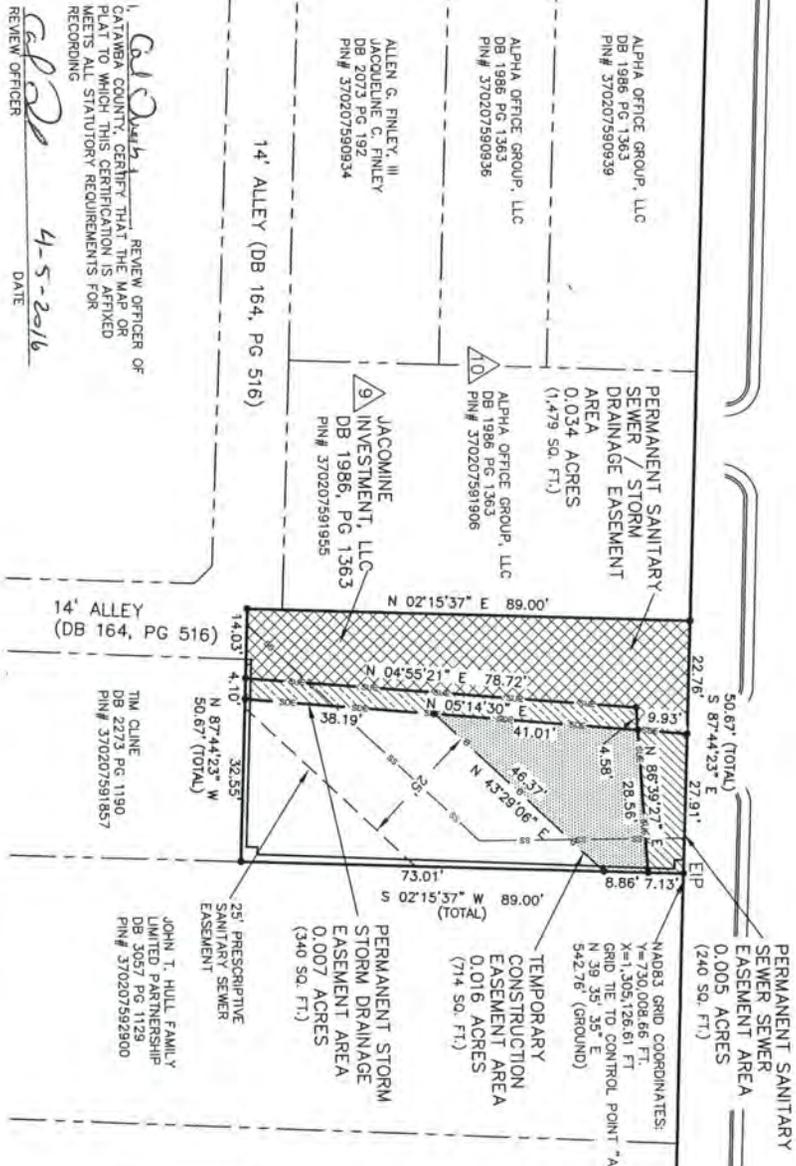
VICINITY MAP



(GRID NAD-83)

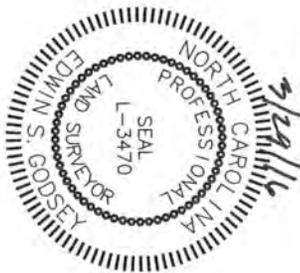
- LEGEND**
- ▨ PERM. SANITARY SEWER ESMT.
 - ▨ PERM. STORM DRAINAGE ESMT.
 - ▨ PERM. SANITARY SEWER/STORM DRAINAGE ESMT. (OVERLAP)
 - ▨ TEMP. CONST. EASEMENT
 - ⊖ EXISTING IRON PIN
 - ⊙ COMPUTED POINT
 - PKS -P-K MAIL SET

1st AVENUE NW



GPS CONTROL POINT "A"
 EOD NAIL
 NAD83 COORDINATES:
 Y=730,426.84 FT.
 X=1,305,472.48 FT.

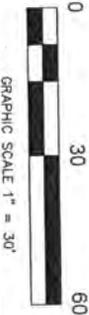
THE STATE PLANE COORDINATES (SPC) FOR THE PROJECT WERE PRODUCED WITH STATIC GPS OBSERVATIONS AND PROCESSED WITH ONLINE POSITIONING USER SERVICE (OPUS). THE NETWORK POSITIONAL ACCURACY OF THE OPUS DERIVED POSITIONAL INFORMATION IS 0.04 FT. THE FOLLOWING CORRS WERE USED BY OPUS: P10, DM3523-NCH HICKORY & P10, DE8425-GAST GASTON, HORIZONTAL POSITIONS ARE REFERENCED TO NAD83(2011). COMBINED FACTOR: 0.99985830.



PREPARED BY:
 LANDTEC
 137 CROSS CENTER RD #253
 DENVER, NC 28037
 704-483-3201

This map was prepared from an actual field survey performed by LANDTEC for the purpose of easement acquisition only, and is not to be construed to be a boundary survey of the property shown.

N.G. Professional Land Surveyor L-3470



CITY OF HICKORY
 CATAWBA COUNTY, NORTH CAROLINA
 UTILITY EASEMENT ACQUISITION EXHIBIT FOR:
CITY OF HICKORY

SURVEY DATES:	2-16
PLAT DATE:	3-16
DRAWING SCALE:	1"=30'

LANDTEC
 SURVEYING & MAPPING

137 CROSS CENTER RD #253
 DENVER, NC 28037
 OFFICE: 704-483-3201
 FAX: 704-483-3202

NC FIRM LICENSE# F-1329

I, **Edwin S. Godsey**, REVIEW OFFICER OF CATAWBA COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

4-5-2016 DATE

4

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: July 19, 2016
Re: Central Business District Infrastructure Project Utility Easement

REQUEST

Staff requests acceptance of a 7.5-ft temporary construction easement for the property of Arthur and wife Nancy Plaster described as PIN: 3703-19-50-1165 for installation of utilities infrastructure.

BACKGROUND

This temporary easement is necessary for completion of the Central Business District Infrastructure Replacement and Rehabilitation Project. This project is partially funded by Public Utilities Department Fund Balance and all sanitary sewer improvements are to be funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$1.3641 Million.

ANALYSIS

This easement is necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easement was negotiated for a total sum of recording fees in exchange for the easement.

RECOMMENDATION

Staff recommends acceptance of a 7.5-ft temporary construction easement for the property of Arthur and wife Nancy Plaster described as PIN: 3703-19-50-1165 for installation of utilities infrastructure.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

<u>Chuck Hansen</u> <i>ck</i> Initiating Department Head	<u>6/22/2016</u> Date	<u>Amita M. Dula</u> Deputy City Attorney, A. Dula	<u>7-20-16</u> Date
<u>Rodney Miller</u> Asst. City Manager Rodney Miller	<u>7-26-16</u> Date	<u>[Signature]</u> Asst. City Manager, A. Surratt	<u> </u> Date
<u>Melissa Miller</u> Finance Officer, Melissa Miller	<u>7-25-16</u> Date	<u>Bo Weichel</u> Purchasing Manager, Bo Weichel	<u>7-25-16</u> Date
<u> </u>	<u> </u> Date		

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

[Signature]
City Manager, M. Berry *Interim*

7/27/16
Date

DRAWN BY: Arnita M. Dula, Deputy City Attorney, City of Hickory
P.O. Box 398, Hickory, NC 28603

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

**DEED OF EASEMENT
(Utility Easement)**

THIS DEED OF EASEMENT, made this 25 day of May, 2016, by and between **ARTHUR W. PLASTER AND WIFE, NANCY L. PLASTER**, having a mailing address of **1220 20th Ave NW, Hickory, NC 28601** (hereinafter referred to as "Grantors", whether singular or plural), and the **City of Hickory**, a North Carolina Municipal Corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of **Post Office Box 398, Hickory, North Carolina 28603**, and being situated in Catawba County, (hereinafter referred to as "Grantee");

THAT WHEREAS, said Grantors own a certain tract of land located in Hickory Township, Catawba County, State of North Carolina, the same being the land conveyed to them pursuant to deed recorded in Book 2097 at Page 1125 in the Office of the Register of Deeds of Catawba County, State of North Carolina; which deed is hereby referred to for greater certainty of description; and

NOW, THEREFORE, said Grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable consideration paid to the Grantor by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain,

**ARTHUR W. PLASTER AND WIFE, NANCY L. PLASTER
TO CITY OF HICKORY
DEED OF EASEMENT**

-- 1 --

sell and convey unto the said Grantee, its successors and assigns, a temporary construction easement and a perpetual right and easement for City owned public utility infrastructure which may include water, sanitary sewer and storm drainage easements over, under, through, across, along and upon all that certain lot, tract, or parcel of land of the Grantor situated in Hickory Township, Catawba County, North Carolina, as depicted on the attached map and more particularly described as follows, to-wit:

Being all of that area as shown on the attached Exhibit "A" entitled "Utility Easement Acquisition for City of Hickory", Prepared by Edwin S. Godsey, Professional Land Surveyor L-3470, dated February 2016 to which reference is hereby made for greater certainty of description. And being a portion of that certain property described in Deed Book 2097 at Page 1125 of the Catawba County Registry. The subject property's North Carolina Parcel Identification Number is 3703-19-50-1165.

TO HAVE AND TO HOLD the said grant of right and easement unto it, the said Grantor, its successors and assigns forever.

The Grantor acknowledges that the City is acquiring this easement for the purpose of storm drainage, erecting, constructing and installing a sanitary sewer within the described easement, and specifically grants unto the Grantee the right to construct such structures or make the improvements on that grade according to such plans and specifications, as will, in the Grantee's opinion, best serve the public purpose. The Grantor further grants unto the Grantee or its agents the right to exceed this easement to cut and fill slopes, construct drainage structures and erosion control structures beyond the described easement. The payment of the purchase price for the easement conveyed shall be considered full compensation for the easement, and for any diminution in value that may result to the remaining property by virtue of proximity to the project, grade alignment, utility installation, or the alteration of drainage patterns and facilities.

The said grant shall include the right of ingress and egress over the easement on the land of the Grantor for the purpose of storm drainage, constructing, maintaining, repairing and enlarging said sewer line or removing any obstruction interfering with the enjoyment of this line and, in general, any rights and privileges which may be necessary for the permanent maintenance of said sewer line; provided, however, that nothing herein contained shall directly or indirectly be construed as authorizing the City of Hickory or its successors or assigns to injure, damage or remove any structure upon said land, and the Grantor herein expressly retains for himself, his heirs and assigns, the right to construct and maintain any and all buildings he may desire upon the said premises, provided the sewer line is protected in the manner required by the City Engineer.

**ARTHUR W. PLASTER AND WIFE, NANCY L. PLASTER
TO CITY OF HICKORY
DEED OF EASEMENT**

-- 2 --

As used herein, the term "drainage" shall connote the flow of normal and excess rainwater across the easement premises and shall be deemed to permit the installation of drainage piping and other equipment and structures necessary for proper drainage.

The Grantor retains the right to use and cultivate said land along and upon said right-of-way.

Grantee shall use its best efforts to minimize the removal of grass, shrubbery, plants, or other vegetation occasioned by the Grantee in constructing, maintaining, or altering said sewer line.

Grantee agrees to plant grass seed on and/or mulch the area disturbed during the sewer line construction process or after any maintenance or repair to the sewer line.

Should one or more of the Grantors be natural persons not joined by their respective spouses, it is conclusively presumed that the land conveyed is not the residence or business homestead of such Grantor. Should one or more of the Grantors be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

TO HAVE AND TO HOLD the same, together with all the rights and appurtenances belonging thereto, unto the City of Hickory, its successors and assigns forever, and Grantor is hereby bound, together with all heirs, executors, administrators, or successors, to warrant and forever defend the easement granted herein unto the City of Hickory, its successors and assigns, against every person lawfully claiming the easement or any part thereof.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Arthur W. Plaster (SEAL)
ARTHUR W. PLASTER

Nancy L. Plaster (SEAL)
NANCY L. PLASTER

ARTHUR W. PLASTER AND WIFE, NANCY L. PLASTER
TO CITY OF HICKORY
DEED OF EASEMENT

STATE OF NORTH CAROLINA
COUNTY OF Catawba

I, Mary B Smith, a Notary Public of Iredell County,
North Carolina, do hereby certify that Arthur W. Plaster and Nancy L. Plaster, personally
appeared before me this day and acknowledged the execution of the foregoing
instrument.

Witness my hand and seal this 25 day of May, 2016.

(SEAL) **MARY B SMITH**
Notary Public
Iredell Co., North Carolina
My Commission Expires Mar. 14, 2020

Mary B Smith
Notary Public

My Commission Expires: 3-14-2020

**ARTHUR W. PLASTER AND WIFE, NANCY L. PLASTER
TO CITY OF HICKORY
DEED OF EASEMENT**

ACCEPTANCE

Accepted by the Hickory City Council for and on behalf of the City of Hickory, North Carolina, this ____ day of _____, 2016.

**THE CITY OF HICKORY,
A North Carolina Municipal Corporation**

ATTEST:

(SEAL)

Andrea Surratt, Interim City Manager

Debbie D. Miller, City Clerk

Approved as to form on behalf of the City of Hickory this ____ day of _____, 2016.

Arnita M. Dula, Deputy City Attorney

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

I, _____, a Notary Public of said County and State, certify that Andrea Surratt personally appeared before me this day and acknowledged that she is the Interim City Manager 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 by the Interim City Manager, sealed with its corporate seal and attested by Debbie D. Miller as its City Clerk.

Witness my hand and seal this _____ day of _____, 2016.

Notary Public

(SEAL)

My Commission Expires: _____

**ARTHUR W. PLASTER AND WIFE, NANCY L. PLASTER
TO CITY OF HICKORY
DEED OF EASEMENT**



Cal Overby
 REVIEW OFFICER OF
 CATAWBA COUNTY, CERTIFY THAT THE MAP OR
 PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
 MEETS ALL STATUTORY REQUIREMENTS FOR
 RECORDING
Cal Overby 4-5-2016
 REVIEW OFFICER DATE

THE STATE PLANE COORDINATES (SPC) FOR
 THIS PROJECT WERE PRODUCED WITH STATIC
 GPS OBSERVATIONS AND PROCESSED WITH
 ONLINE POSITIONING USER SERVICE (OPUS). THE
 NETWORK POSITIONAL ACCURACY OF THE OPUS
 DERIVED POSITIONAL INFORMATION IS 0.04 FT.
 THE FOLLOWING CORS WERE USED BY OPUS:
 PID, DM3523-NCH1 HICKORY & PID,
 DE8425-GAST GASTON.
 HORIZONTAL POSITIONS ARE REFERENCED TO
 NAD83(2011). COMBINED FACTOR: 0.99985830.

GPS CONTROL POINT "A"
 60d NAIL
 NAD83 COORDINATES:
 Y=730,426.84 FT.
 X=1,305,472.48 FT.

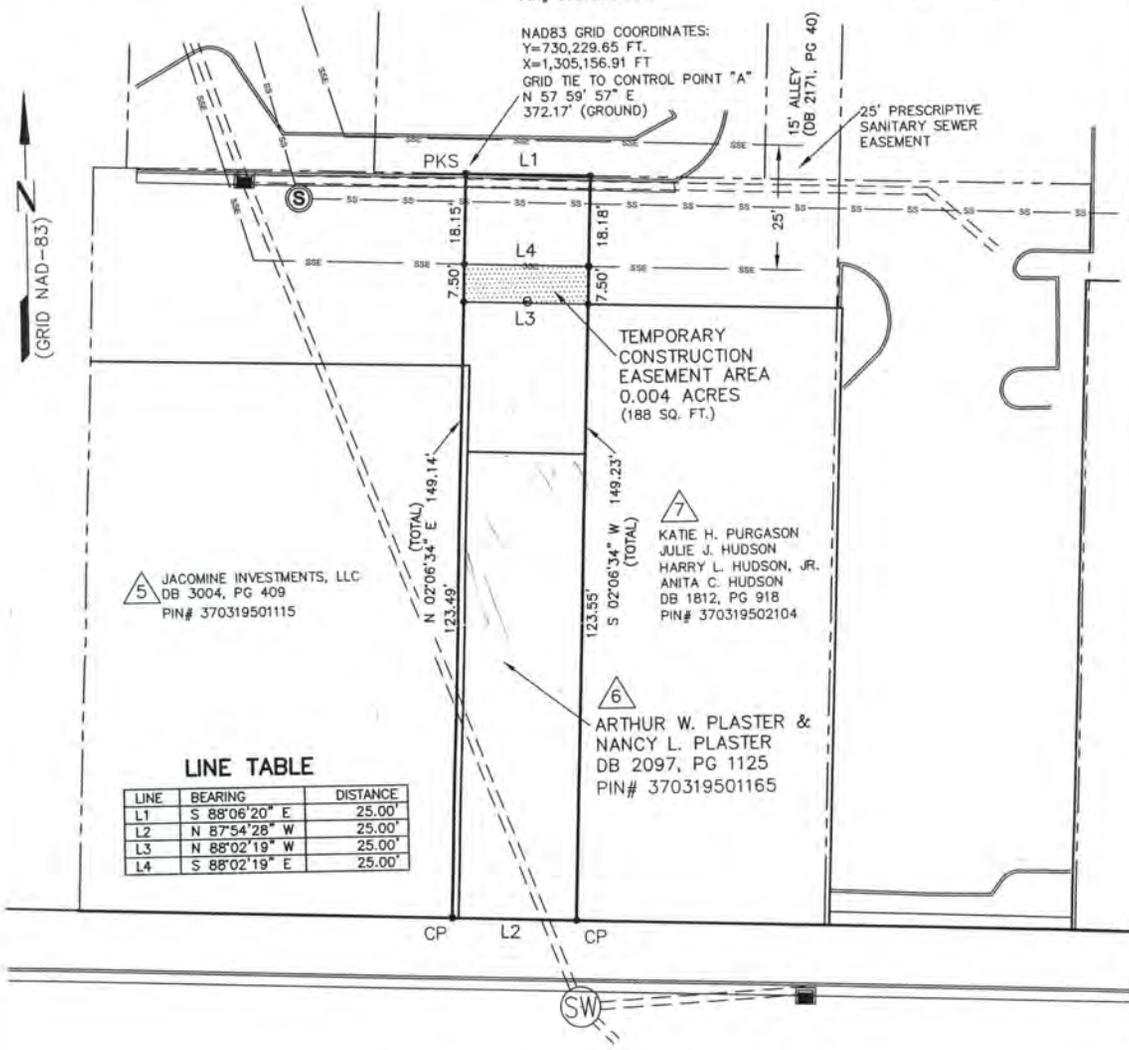
- LEGEND**
- PERM. SANITARY SEWER ESMT.
 - PERM. STORM DRAINAGE ESMT.
 - PERM. SANITARY SEWER/ STORM DRAINAGE ESMT. (OVERLAP)
 - TEMP. CONST. EASEMENT
 - EIP -EXISTING IRON PIN
 - CP -COMPUTED POINT
 - PKS -P-K NAIL SET

VICINITY MAP

4 HICKORY SPRINGS
 MANUFACTURING COMPANY
 DB 1298, PG 20
 PIN# 370319502310

NAD83 GRID COORDINATES:
 Y=730,229.65 FT.
 X=1,305,156.91 FT.
 GRID TIE TO CONTROL POINT "A"
 N 57° 59' 57" E
 372.17' (GROUND)

15' ALLEY (DB 2171, PG 40)
 25' PRESCRIPTIVE
 SANITARY SEWER
 EASEMENT



5 JACOMINE INVESTMENTS, LLC
 DB 3004, PG 409
 PIN# 370319501115

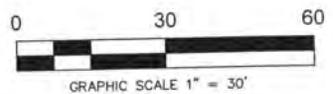
7 KATIE H. PURGASON
 JULIE J. HUDSON
 HARRY L. HUDSON, JR.
 ANITA C. HUDSON
 DB 1812, PG 918
 PIN# 370319502104

6 ARTHUR W. PLASTER &
 NANCY L. PLASTER
 DB 2097, PG 1125
 PIN# 370319501165

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 88°06'20" E	25.00'
L2	N 87°54'28" W	25.00'
L3	N 88°02'19" W	25.00'
L4	S 88°02'19" E	25.00'

1st AVENUE NW



PREPARED BY:
 LANDTEC
 137 CROSS CENTER RD #253
 DENVER, NC 28037
 704-483-3201

This map was prepared from an actual field
 survey performed by LANDTEC for the
 purpose of easement acquisition only, and is
 not to be construed to be a boundary survey
 of the property shown.

Edwin S. Godsey
 N.C. Professional Land Surveyor L-3470



CITY OF HICKORY
 CATAWBA COUNTY, NORTH CAROLINA
 UTILITY EASEMENT ACQUISITION EXHIBIT FOR:
CITY OF HICKORY

SURVEY DATE(S):	2-16
PLAT DATE:	3-16
DRAWING SCALE:	1"=30'



137 CROSS CENTER RD #253 DENVER, NC 28037 OFFICE 704-483-3201 FAX 704-483-3202

NC FIRM LICENSE# F-1329

To: City Manager's Office
From: Kevin B. Greer, PE, Assistant Public Services Director-Public Utilities
Contact Person: Kevin B. Greer, PE
Date: July 19, 2016
Re: Random Woods Subdivision Sanitary Sewer Easement

REQUEST

Staff requests acceptance of a 25-ft temporary construction and 25-ft permanent sanitary sewer line easement for the property of Sharon Ann Hahn described as PIN: 3724-18-31-6461 for installation of a sanitary sewer line.

BACKGROUND

This temporary and permanent easement is necessary for completion of the Random Woods 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.

ANALYSIS

This easement is necessary for the construction of the infrastructure required to serve this area with sanitary sewer and will not increase the cost of this construction project. The easement was negotiated for one 4-inch sewer service connection in exchange for the easement.

RECOMMENDATION

Staff recommends acceptance of a 25-ft temporary construction and 25-ft permanent sanitary sewer line easement for the property of Sharon Ann Hahn described as PIN: 3724-18-31-6461 for installation of a sanitary sewer line.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

<u>Chuck Hansen</u> Initiating Department Head	<u>6/22/2016</u> Date	<u>Amata M. Dula</u> Deputy City Attorney, A. Dula	<u>7-22-16</u> Date
<u>Rodney Miller</u> Asst. City Manager Rodney Miller	<u>7-26-16</u> Date	<u>A. Surratt</u> Asst. City Manager, A. Surratt	_____ Date
<u>Melissa Miller</u> Finance Officer, Melissa Miller	<u>7-25-16</u> Date	<u>Bo Weichel</u> Purchasing Manager, Bo Weichel	<u>7-25-16</u> Date
_____	_____ Date		

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

M. Berry
City Manager, ~~M. Berry~~ Interim

7/27/16
Date

DRAWN BY: Arnita M. Dula, Deputy City Attorney, City of Hickory
P.O. Box 398, Hickory, NC 28603

STATE OF NORTH CAROLINA

**DEED OF EASEMENT
(Sewer)**

COUNTY OF CATAWBA

THIS DEED OF EASEMENT, made this ____ day of _____, 2016, by and between **SHARON ANN HAHN**, having a mailing address of **63 Hahn Point Dr, Hickory, North Carolina 28601** (hereinafter referred to as "Grantor", whether singular or plural), and the **City of Hickory**, a North Carolina Municipal Corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of **Post Office Box 398, Hickory, North Carolina 28603**, and being situated in Catawba County, (hereinafter referred to as "Grantee");

THAT WHEREAS, said Grantor owns a certain tract of land located in Hickory Township, Catawba County, State of North Carolina, the same being the land conveyed to them pursuant to deed recorded in Book 1857 at Page 1062 in the Office of the Register of Deeds of Catawba County, State of North Carolina; which deed is hereby referred to for greater certainty of description; and

WHEREAS, the City Council of the City of Hickory has determined that it is in the public interest to install, construct and maintain a sanitary sewer to serve the public in the vicinity of the described property, as well as throughout the City of Hickory.

**SHARON ANN HAHN TO CITY OF HICKORY
DEED OF EASEMENT**

- 1 -

NOW, THEREFORE, said Grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable consideration paid to the Grantor by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said Grantee, its successors and assigns, a perpetual right and easement to install, construct and maintain a sanitary sewer, together with the attendant customary uses, including drainage and utilities, over, under, through, across, along and upon all that certain lot, tract, or parcel of land of the Grantor situated in Hickory Township, Catawba County, North Carolina, and more particularly described as follows, to-wit:

Temporary Easement:

Being all that temporary right of way sewer easement across the Grantor's property in the City of Hickory, shown on the attached Exhibit "A" entitled "Sanitary Sewer Easements for: City of Hickory across the properties of: Sharon Ann Hahn", prepared by Christopher F. Jordan, Professional Land Surveyor L-4956, dated May 25, 2016 to which reference is hereby made for greater certainty of description. And being a portion of that certain property described in Deed Book 1857 at Page 1062 of the Catawba County Registry. The subject property's North Carolina Parcel Identification Number is 3724-18-31-6461.

Permanent Easement:

Being all the permanent right of way sewer easement across the Grantor's property in the City of Hickory, shown on the attached Exhibit "A" entitled "Sanitary Sewer Easements for: City of Hickory across the properties of: Sharon Ann Hahn", prepared by Christopher F. Jordan, Professional Land Surveyor L-4956, dated May 25, 2016 to which reference is hereby made for greater certainty of description. And being a portion of that certain property described in Deed Book 1857 at Page 1062 of the Catawba County Registry. The subject property's North Carolina Parcel Identification Number is 3724-18-31-6461.

TO HAVE AND TO HOLD the said grant of right and easement unto it, the said Grantor, its successors and assigns forever.

The Grantor acknowledges that the City is acquiring this easement for the purpose of erecting, constructing and installing a sanitary sewer within the described easement, and specifically grants unto the Grantee the right to construct such structures or make the improvements on that grade according to such plans and specifications, as will, in the Grantee's opinion, best serve the public purpose. The Grantor further grants unto the Grantee or its agents the right to exceed this easement to cut and fill slopes, construct drainage structures and erosion control structures beyond the described easement. The payment of the purchase price for the easement conveyed shall be considered full compensation for the easement, and for any diminution in value that may

**SHARON ANN HAHN TO CITY OF HICKORY
DEED OF EASEMENT**

- 2 -

result to the remaining property by virtue of proximity to the project, grade alignment, utility installation, or the alteration of drainage patterns and facilities.

The said grant shall include the right of ingress and egress over the easement on the land of the Grantor for the purpose of constructing, maintaining, repairing and enlarging said sewer line or removing any obstruction interfering with the enjoyment of this line and, in general, any rights and privileges which may be necessary for the permanent maintenance of said sewer line; provided, however, that nothing herein contained shall directly or indirectly be construed as authorizing the City of Hickory or its successors or assigns to injure, damage or remove any structure upon said land, and the Grantor herein expressly retains for himself, his heirs and assigns, the right to construct and maintain any and all buildings he may desire upon the said premises, provided the sewer line is protected in the manner required by the City Engineer.

The Grantor retains the right to use and cultivate said land along and upon said right-of-way.

Grantee shall use its best efforts to minimize the removal of grass, shrubbery, plants, or other vegetation occasioned by the Grantee in constructing, maintaining, or altering said sewer line.

Grantee agrees to plant grass seed on and/or mulch the area disturbed during the sewer line construction process or after any maintenance or repair to the sewer line.

The temporary easement will expire upon final completion of the project, including final certification and DENR acceptance.

Should one or more of the Grantors be natural persons not joined by their respective spouses, it is conclusively presumed that the land conveyed is not the residence or business homestead of such Grantor. Should one or more of the Grantors be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

TO HAVE AND TO HOLD the same, together with all the rights and appurtenances belonging thereto, unto the City of Hickory, its successors and assigns forever, and Grantor is hereby bound, together with all heirs, executors, administrators, or successors, to warrant and forever defend the easement granted herein unto the City of Hickory, its successors and assigns, against every person lawfully claiming the easement or any part thereof.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

**SHARON ANN HAHN TO CITY OF HICKORY
DEED OF EASEMENT**

Sharon Ann Hahn (SEAL)
SHARON ANN HAHN

STATE OF NORTH CAROLINA
COUNTY OF Catawba

I, Kimberly D Johnson, a Notary Public of Caldwell County, North Carolina, do hereby certify that Sharon Ann Hahn, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this 20 day of June, 2016.



Kimberly D Johnson
Notary Public

My Commission Expires: 5-19-2019

SHARON ANN HAHN TO CITY OF HICKORY
DEED OF EASEMENT

THE CITY OF HICKORY,
A North Carolina Municipal Corporation

ATTEST:

(SEAL)

Andrea Surratt, Interim City Manager

Debbie D. Miller, City Clerk

Approved as to form on behalf of the City of Hickory this 27th day of July, 2016.

Arnita M. Dula
Arnita M. Dula, Deputy City Attorney

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, _____, a Notary Public of said County and State, certify that Andrea Surratt personally appeared before me this day and acknowledged that she is the Interim City Manager 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 by the Interim City Manager, sealed with its corporate seal and attested by Debbie D. Miller as its City Clerk.

Witness my hand and seal this _____ day of _____, 2016.

Notary Public

(SEAL)

My Commission Expires: _____

SHARON ANN HAHN TO CITY OF HICKORY
DEED OF EASEMENT

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Police
Contact: Captain Vidal Sipe
Date: 07/15/16

Re: Annual Taxicab Certificates of Convenience and Necessity

REQUEST: Hickory Police Department recommends approval of Certificates of Convenience and Necessity for Platinum Limousine LLC to operate taxicabs and/or passenger vehicles for hire within the city.

BACKGROUND: Section 30-41 of Hickory City Code states that no person shall operate any taxicab or other passenger vehicle for hire in the city without first having obtained a certificate of public convenience and necessity from the city council authorizing such operation.

ANALYSIS: The following business is applying for the annual renewal of Certificates of Necessity for the operation of taxicabs and other vehicles for hire.

Platinum Limousine LLC
Jamie Roebuck, President
Vickie Roebuck, VP
1589 Airport – Rhodhiss Road
Hickory, NC 28601

- The business has applied for a certificate for the use of three passenger vehicles for hire for the fiscal year 2016-2017.

RECOMMENDATION: Hickory Police Department recommends the issuance of Certificates of Convenience and Necessity for Platinum Limousine LLC to operate taxicabs and/or passenger vehicles for hire within the city for the fiscal year of 2016-2017.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Thurman Whisnant 7/15/16
Initiating Department Head Date



[Signature] 7-22-16
Deputy City Attorney, A. Dula Date

[Signature] 7-26-16
Asst. City Manager Rodney Miller Date

[Signature] _____
Asst. City Manager, A. Surratt Date

[Signature] 7-25-16
Finance Officer, Melissa Miller Date

[Signature] 7-25-16
Purchasing Manager, Bo Weichel Date

Date

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

[Signature]
Interim City Manager, A. Surratt

7/27/16
Date



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: Car Show for Special Olympics North Carolina
 Applicant Name & Title: Cam Anderson, Lieutenant
 Organization: Hickory Police Department/Cosmo Motors - benefit Special Olympics North Carolina
 Mailing (Billing) Address: 347 2nd Av SW
 City / State / Zip: Hickory, NC 28602
 Daytime Phone: 828-261-2677 Cell: 828-320-7074 Email: canderson@hickorync.gov
 Description of the Event: Car show open to the public and awards presented in different categories.

Does the event have a Twitter, Facebook or other social networking page? Yes
 If yes, please list URL(s): Hickory Police Department Facebook, Cosmo Motors Facebook/Twitter

Event Address: LP Frans Stadium, 2500 Clement Blvd NW, Hickory, NC 28601	
Date of Event: September 10th, 2016	
Event Start Time: 4:00 pm	Event End Time: 9:00 pm
Road Closure Begins (if applicable): None	Road Closure Ends (if applicable):
Set-Up Begins: 2:00 pm	Clean-Up Ends: 10:00 pm
Preferred Date & Time of Inspection: 9/10/2016 2:00 pm	
Estimated Attendance: 300	
The Event is: <input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public	
Describe the procedures to be used for selecting participants and vendors for this event: Open to all interested in event and local vendors involved in fundraising events.	

APPLICANT'S SIGNATURE Cam Anderson DATE: 06/24/2016

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: _____ Phone: _____ Email: _____

VOICE/MUSIC AMPLIFICATION

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: _____
Type(s) of music: _____

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: 4:00 pm Finish time: 9:00 pm

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)
PDQ	2060 Hwy 70 SE, Hickory, NC 28602	828-475-0281
	Others pending confirmation	
	will amend if necessary	

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
9/10/2016	2:00 pm	Vendors arrive and setup	
9/10/2016	4:00 pm	Event starts	
9/10/2016	7:00 pm	Winners announced by classification	3 categories
9/10/2016	9:00 pm	Event ends	
9/10/2016	9:30 pm	Clean up begins	
9/10/2016	10:00 pm	All vendors gone from event	

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? 12
 How many recycling bins are you requesting for recycling? 2

Delivery Location?
LP Fries Stadium, 2500 Clement Blvd NW, Hickory, NC 28601

Date and Time for trash or recycling bins to be emptied/picked up? 9/12/2016 8:00 am

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? **Volunteers are responsible for all trash pickup.**

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
- Wastewater Service
- Portable Toilet 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: 9/10/2016 2:00 pm - 10:00 pm

Security provided by: Hickory Police Department Number of Security Personnel: 8

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.)

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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. CA

Must include a certificate of liability insurance for walk, run, and/or cycle event if the start/finish are on public property. CA

Must include a plan for volunteers for events with an anticipated attendance of 100 participants or more (how many, their duties). CA

Must include a parking plan for participants and volunteers (can be included in site plan). CA

The provision of twenty foot (20') minimum emergency access lanes throughout the event site. CA

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. CA

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). CA

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. CA

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
- Parking Plan for participants and volunteers (May be included in site plan)
- 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

-Waiver Request

- I am requesting a waiver from the Section which prohibits animals from special events on City property. I have included the required safety plan with the application.

**** 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 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.
- No person shall bring an animal, on a leash or otherwise, into the boundaries of this 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. Exceptions shall include service dogs or other animals relied upon by persons with disabilities, and animals owned and controlled by public law enforcement agencies, or animals used by a vehicle for hire in accordance with applicable City ordinances. The special event operator and sponsor are responsible for immediately cleaning up and removing any animal waste from animals that are part of an authorized event, exhibit, or parade. All animal waste shall be disposed of properly. The event organizer 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. To request a waiver from this provision, please complete the appropriate section of the special event application.

Special Olympics North Carolina

NAME OF NON-PROFIT ORGANIZATION

BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:

To raise funds that will benefit gifted athletes and their families participating in Special Olympics events.

LIST ORGANIZATIONS OFFICERS:

Lt. Cam Anderson

828-320-7074

TELEPHONE

TELEPHONE

TELEPHONE

CHAIRPERSON OF THE SPECIAL EVENT:

Lt. Cam Anderson

828-320-7074

NAME

TELEPHONE

347 2nd Av SW, Hickory, NC 28602

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 **Special Olympics North Carolina** _____, a non-profit organization with its principal place of operation being Wake 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 _____ day of _____, 20_____.

President

Google Maps

2500 Clement Blvd NW

L.P. Frans Stadium Parking Lot



Imagery ©2016 Google, Map data ©2016 Google

50 ft



Exhibit VIII.H.
 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: NBC Charlotte Olympic Pep Rally
 Applicant Name & Title: Hannah Welker, Reporter
 Organization: WCNC/NBC Charlotte
 Mailing (Billing) Address: 1001 Wood Ridge Center Dr.
 City / State / Zip: Charlotte, NC 28217
 Daytime Phone: _____ Cell: 980-214-0923 Email: hwelker@wcnc.com
 Description of the Event: We will be doing LIVE segments on our 5pm evening show to celebrate the Olympics with the Hickory community.
 Does the event have a Twitter, Facebook or other social networking page? Facebook: NBC Charlotte
 If yes, please list URL(s): Twitter: @wcnc @hannahwelker

Event Address: Sails on the Square	
Date of Event: August 12, 2016	
Event Start Time: 5pm	Event End Time: 6pm
Road Closure Begins (if applicable):	Road Closure Ends (if applicable):
Set-Up Begins: 4:15pm	Clean-Up Ends: 6:30pm
Preferred Date & Time of Inspection: August 4, 2016	
Estimated Attendance: TBA	
The Event is: <input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public	
Describe the procedures to be used for selecting participants and vendors for this event: Looking for local athletes in Olympic sports (gymnastics, swimming, volleyball?) local musicians? restaurants?	

APPLICANT'S SIGNATURE Hannah Welker Digitally signed by Hannah Welker
Date: 2016.07.25 08:23:33 -04'00' **DATE:** 7/25/2016

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: _____ Phone: _____ Email: _____

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: _____
Type(s) of music: _____

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: _____ Finish time: _____

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)

<i>VENDOR</i>	<i>COOKING METHOD</i>	<i>FOOD ITEM</i>

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
8/12/2016	4:15pm	NBC Charlotte LIVE crew arrives	LIVE from 5pm-6pm

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.
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-Public Property Event at the Airport:

- Email from Airport Director Terry Clark indicating approval of the event date

-Waiver Request

- I am requesting a waiver from the Section which prohibits animals from special events on City property. I have included the required safety plan with the application.

**** 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 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.
- No person shall bring an animal, on a leash or otherwise, into the boundaries of this 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. Exceptions shall include service dogs or other animals relied upon by persons with disabilities, and animals owned and controlled by public law enforcement agencies, or animals used by a vehicle for hire in accordance with applicable City ordinances. The special event operator and sponsor are responsible for immediately cleaning up and removing any animal waste from animals that are part of an authorized event, exhibit, or parade. All animal waste shall be disposed of properly. The event organizer 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. To request a waiver from this provision, please complete the appropriate section of the special event application.

NAME OF NON-PROFIT ORGANIZATION

BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:

LIST ORGANIZATIONS OFFICERS:

_____	TELEPHONE
_____	TELEPHONE
_____	TELEPHONE

CHAIRPERSON OF THE SPECIAL EVENT:

NAME	TELEPHONE
------	-----------

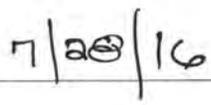
ADDRESS

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 _____, a non-profit organization with its principal place of operation being _____ 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 _____ day of _____, 20_____.

President

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Matthew Hutchinson
Contact Person: Matthew Hutchinson
Date: July 21, 2016
Re: Staff Vehicle Purchase

REQUEST: Approval from City Council to purchase two 2017 Ford F150 Extended Cab trucks for the Fire Department's Fire and Life Safety Division from Asheville Ford.

BACKGROUND The fire department has been allotted funds in FY16/17 capital outlay to purchase two staff vehicles in the amount of \$50,000.

ANALYSIS: The fire department will be replacing two passenger vehicles from its fleet with two 2017 Ford F150 Extended Cab trucks for \$22,191.45 each. They have been bid out under the existing North Carolina Sheriffs' Association Bid Award #16-02-0929, to which Asheville Ford was awarded the contract. The formal quote for the trucks and their options are attached for review.

The new trucks will be utilized daily by the Fire and Life Safety Division of the fire department. They will transport personnel in their duties of fire inspections of local businesses, fire investigations, and fire education programs.

Upon delivery of the new trucks, the fire department will review their existing fleet and determine which two vehicles will be sent to surplus and listed for auction through GovDeals.

RECOMMENDATION

Staff recommends authorization to purchase the two trucks through Asheville Ford within the guidelines of the bid award and the City of Hickory's procurement laws.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

010-5300-527.75-01 (Vehicles)

Reviewed by:

C. Fred Hollar
Initiating Department Head

7-21-16
Date

Annita M. Dula
Deputy City Attorney, A. Dula

7-25-16
Date

Rodney Miller
Asst. City Manager Rodney Miller

7-26-16
Date

A. Surratt
Asst. City Manager, A. Surratt

Date

Melissa Miller
Finance Officer, Melissa Miller

7-25-16
Date

Bo Weichel
Purchasing Manager, Bo Weichel

7-25-16
Date

Date

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

A. Surratt
Interim City Manager, A. Surratt

7/27/16
Date



Asheville Ford Lincoln
611 Brevard Rd., Asheville, North Carolina, 28806
Office: 828-253-2731 Fax: 828-258-6012

Customer Proposal

Prepared for:

Hickory Fire Department

Prepared by:

Jeffrey Williams
Office: 828-279-4933
Email: jwilliams@ashevilleford.com

Date: 07/19/2016

Vehicle: 2016 F-150 XL
4x2 SuperCab Styleside 6.5' box 145" WB





Asheville Ford Lincoln
611 Brevard Rd., Asheville, North Carolina, 28806
Office: 828-253-2731

2016 F-150, SuperCab Styleside
4x2 SuperCab Styleside 6.5' box 145" WB
XL(X1C)

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Window Sticker	6



Selected Options

Code	Description
Base Vehicle	
X1C	Base Vehicle Price (X1C)
Packages	
100A	Equipment Group 100A Base
Powertrain	
998	Engine: 3.5L V6 Ti-VCT FFV
446	Transmission: Electronic 6-Speed Automatic <i>Includes tow/haul mode.</i>
X19	3.55 Axle Ratio
STDGV	GVWR: 6,100 lbs Payload Package
Wheels & Tires	
STDTR	Tires: P245/70R17 BSW A/S
64C	Wheels: 17" Silver Steel
Seats & Seat Trim	
C	Cloth 40/20/40 Front Seat <i>Includes 2-way manual driver/passenger adjustment and armrest.</i>
Other Options	
145WB	145" Wheelbase
STDRD	Radio: AM/FM Stereo w/6 Speakers
53B	Class IV Trailer Hitch Receiver <i>Includes towing capability up to 5,000 lbs., smart trailer tow connector and 4-pin/7-pin wiring harness.</i>
PAINT	Monotone Paint Application
Fleet Options	
85A	XL Power Equipment Group REQUIRES valid FIN code.
Interior Colors	
CG_01	Dark Earth Gray
Primary Colors	
YZ_01	Oxford White

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Asheville Ford Lincoln
611 Brevard Rd., Asheville, North Carolina, 28806
Office: 828-253-2731

Exhibit VIII.I.

2016 F-150, SuperCab Styleside
4x2 SuperCab Styleside 6.5' box 145" WB
XL(X1C)

Selected Options (cont'd)

Code

Description

Upfit Options

Sierra

Rancho Sierra Camper Cover

Paint to match camper cover for 6.5' pick up bed.

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Hickory Fire Department
By: Jeffrey Williams Date: 07/19/2016 | Price Level: 615 Quote ID: 0708201609



Asheville Ford Lincoln
 611 Brevard Rd., Asheville, North Carolina, 28806
 Office: 828-253-2731

Exhibit VIII.I.

2016 F-150, SuperCab Styleside
 4x2 SuperCab Styleside 6.5' box 145" WB
 XL(X1C)

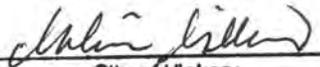
Pricing - Single Vehicle

	MSRP
<i>Vehicle Pricing</i>	
Vehicle Price	\$30,375.00
Options & Colors	\$1,265.00
Upfitting	\$1,295.00
Destination Charge	\$1,195.00
Subtotal	\$34,130.00
<i>Pre-Tax Adjustments</i>	
Description	
Fleet Concession	-\$8,264.00
DEALER DISCOUNT	-\$3,674.55
Total	\$22,191.45

Customer Signature

Acceptance Date

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


 City of Hickory
 Finance Officer

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Prepared for: Hickory Fire Department
 By: Jeffrey Williams Date: 07/19/2016 | Price Level: 615 Quote ID: 0708201609

Asheville Ford Lincoln
 611 Brevard Rd., Asheville, North Carolina, 28806
 Office: 828-253-2731



2016 F-150, SuperCab Styleside
 4x2 SuperCab Styleside 6.5' box 145" WB XL(X1C)

Major Equipment

(Based on selected options, shown at right)

- 3.5L V-6 DOHC w/SMPI 282hp
- 6 speed automatic w/OD
- * 4-wheel ABS
- * Electric parking brake
- * P 245/70R17 BSW AS S-rated tires
- * Advance Trac w/Roll Stability Control
- * Tinted glass
- * Daytime running
- * Variable intermittent wipers
- * Dual front airbags
- * Airbag occupancy sensor
- * Tachometer
- * Reclining front split-bench seats
- * Steering-wheel mounted audio controls
- * Front spring rating: 3225 lbs.
- * Frame section modulus: 5 cu.in.

- Exterior:Oxford White
- Interior:Dark Earth Gray
- * Brake assistance
- * Traction control
- * Battery with run down protection
- * Air conditioning
- * AM/FM stereo with seek-scan, auxiliary audio input
- * Dual manual mirrors
- * 17 x 7.5 steel wheels
- * Driver and front passenger seat mounted side airbags
- * SecurILock immobilizer
- * Underseat ducts
- * 60-40 folding rear split-bench
- * Class IV hitch
- * Rear spring rating: 3300 lbs.
- * Frame Yield Strength 49300 psi

Fuel Economy



City 18 mpg
 Hwy 25 mpg

Selected Options

STANDARD VEHICLE PRICE	MSRP
Equipment Group 100A Base	\$30,375.00
145" Wheelbase	N/C
Monotone Paint Application	STD
Oxford White	STD
Engine: 3.5L V6 Ti-VCT FFV	N/C
GVWR: 6,100 lbs Payload Package	Included
3.55 Axle Ratio	Included
Cloth 40/20/40 Front Seat	Included
Class IV Trailer Hitch Receiver	Included
XL Power Equipment Group	\$95.00
Dark Earth Gray	\$1,170.00
Transmission: Electronic 6-Speed Automatic	N/C
Tires: P245/70R17 BSW A/S	Included
Radio: AM/FM Stereo w/6 Speakers	Included
Auxiliary Audio Input Jack	Included
Power Glass Sideview Mirrors w/Black Skull Caps	Included
Illuminated Entry	Included
MyKey	Included
Perimeter Alarm	Included
Power Door Locks	Included

Exhibit VIII.I.

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Hickory Fire Department
 By: Jeffrey Williams Date: 07/19/2016 | Price Level: 615 Quote ID: 0708201609



Asheville Ford Lincoln
611 Brevard Rd., Asheville, North Carolina, 28806
Office: 828-253-2731

2016 F-150, SuperCab Styleside
4x2 SuperCab Styleside 6.5' box 145" WB XL(X1C)

Power Tailgate Lock	Included
Power Front & Rear Windows	Included
Wheels: 17" Silver Steel	STD
<hr/>	
SUBTOTAL	\$31,640.00
Destination Charge	\$1,195.00
<hr/>	
TOTAL	\$32,835.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Hickory Fire Department | Price Level: 615 Quote ID: 0708201609
By: Jeffrey Williams Date: 07/19/2016

CERTIFICATION STATEMENT

By executing the underlying Agreement/Contract, Contractor hereby certifies that Contractor is not listed on the Iran Final Divestment List ("List") created by the State Treasurer pursuant to N.C.G.S. 147-86.58, Iran Divestment Act ("Act"). In compliance with the Act's requirement and N.C.G.S. § 147-86.59, Contractor shall not utilize in the performance of this agreement/contract any subcontractor that is identified on the List. The List can be found on the State Treasurer's website at the address www.nctreasurer.com/iran and should be updated at least every 180 days.

Signature/Title

Date

9

COUNCIL AGENDA MEMOS

Exhibit VIII.J.

To: City Manager's Office

From: Police Department/Chief Thurman Whisnant

Contact Person: Lisa Drum

Date: July 19, 2016

Re: Request to Lease home at 304 3rd Street SW, Hickory, NC

REQUEST: Hickory Police Department requests approval to lease the property at 304 3rd Street SW, Hickory, NC, to Jamie Janine Reed and Christopher Martin Stevey. The lease will be for one year beginning November 1, 2016.

BACKGROUND: Hickory Police Department purchased the property in 2010 after the property became vacant and was a foreclosure. The tax value at the time was \$80,600 and was purchased for \$25,900. The property is adjacent to the current 6.18 acres of the City of Hickory and would provide necessary land for any future expansion of the Police Department.

ANALYSIS:

Hickory Police Department purchased and renovated the property at 304 3rd Street SW, Hickory, NC. The property has three bedrooms, two baths, stove, refrigerator, and microwave. Monies will be placed in the General Fund. The tenant will be responsible for all utilities.

RECOMMENDATION:

Hickory Police Department recommends leasing property located at 304 3rd Street SW, Hickory, NC, to Jamie Janine Reed and Christopher Martin Stevey in the amount of \$600.00 per month beginning November 1, 2016.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Thurman Whisnant
Initiating Department Head

7/20/16
Date

Armita M. Dula
Deputy City Attorney, A. Dula

7-25-16
Date

Rodney Miller
Asst. City Manager Rodney Miller

7-26-16
Date

AS
Asst. City Manager, A. Surratt

Date

Melissa Miller
Finance Officer, Melissa Miller

7-25-16
Date

Bo Weichel
Purchasing Manager, Bo Weichel

7-25-16
Date

Date

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

A. Surratt
Interim City Manager, A. Surratt

7/27/16
Date

RENTAL AGREEMENT

THIS AGREEMENT made this 1st Day of November, 2016, by and between City of Hickory Police Department, herein called "Landlord," and Jamie Janine Reed and Christopher Martin Stevey, herein called "Tenant." Landlord hereby agrees to rent to Tenant the dwelling located at 304 3rd Street SW, Hickory, NC under the following terms and conditions.

1. The continued occupancy is contingent up City Council's approval of the lease. Should Council fail to approve the lease agreement, Janine Reed and Christopher Martin Stevey will vacate the property by November 30, 2016.
2. **FIXED-TERM AGREEMENT (LEASE):**
Tenants agree to lease this dwelling for a fixed term of one year, beginning November 1, 2016 and ending October 31, 2017. Upon expiration, this Agreement shall become a month-to-month agreement AUTOMATICALLY, UNLESS either Tenants or Owners notify the other party in writing at least 30 days prior to expiration that they do not wish this Agreement to continue on any basis.
3. **RENT:**
Tenant agrees to pay Landlord as base rent the sum of \$ 600.00 per month, due and payable monthly in advance on the 1st day of each month during the term of this agreement. The first month's rent is required to be submitted on or before move-in.
4. **FORM OF PAYMENT:**
Tenants agree to pay their rent in the form of a personal check, a cashier's check, or a money order made out to the Landlord.
5. **RENT PAYMENT PROCEDURE:**
Tenants agree to pay their rent by mail addressed to the Landlord (replace this with landlord's mailing address) 347 2nd Avenue SW, Hickory, NC 28602, or in person at the same address, or in such other way as the Landlord will advise the Tenant in writing.
6. **RENT DUE DATE:**
Tenant hereby acknowledges that late payment will cause Landlord to incur costs not contemplated by this Rental Agreement. We allow for a 3 day grace period. In the event rent is not received prior to the 10th of the month, Tenant agrees to pay a \$25 late fee,. Neither ill health, loss of job, financial emergency, or other excuses will be accepted for late payment.
7. **BAD-CHECK SERVICING CHARGE:**
In the event Tenant's check is dishonored and returned unpaid for any reason to Landlord, Tenant agrees to pay a returned check charge of \$25 AND accept whatever consequences there might be in making a late payment. If for any reason a check is returned or dishonored, all future rent payments will be cash or money order.
8. **SECURITY DEPOSIT:**
Tenants hereby agree to pay a security deposit of \$ 600.00 to be refunded upon vacating, returning the keys to the Landlord and termination of this contract according to other terms herein agreed. This deposit will be held to cover any possible damage to the property. No interest will be paid on this money and in no case will it be applied to back or future rent. It will be held intact by Landlord until at least thirty (30) working days after Tenants have vacated the property. At that time Landlord will inspect the premises thoroughly and assess any damages and/or needed repairs. This deposit money minus any necessary charges for missing/dead light bulbs, fixtures, repairs, cleaning, etc., will then be returned to Tenant with a written explanation of deductions, within 60 days after they have vacated the property.
9. **REMOVAL OF LANDLORD'S PROPERTY:**
If anyone removes any property including light fixtures belonging to Landlord without the express written consent of the Landlord, this will constitute abandonment and surrender of the premises by

Tenant and termination by them of this Rental Agreement. Landlord may also take further legal action.

10. CHANGES IN TERMS OF TENANCY:

(This paragraph applies only when this Agreement is or has become a month-to-month agreement).
Owners shall advise Tenants of any changes in terms of tenancy with advance notice of at least thirty (30) days. Changes may include notices of termination, rent adjustments, or other reasonable changes in the terms of this Agreement.

11. TENANT COOPERATION:

Tenant agrees to cooperate with the Landlord is showing property to prospective tenants, prior to termination of occupancy.

12. TENANT INSURANCE:

Landlord will not be liable for any loss of Tenant's property. Tenant hereby acknowledges this and agrees to make no such claims for any losses or damages against Landlord, his agents, or employees. Tenants agree to purchase insurance – at their own expense – sufficient to protect themselves and their property from fire, theft, burglary, breakage, electrical connections. They acknowledge that if they fail to procure such insurance, it is their responsibility and they alone shall bear the consequences.

13. ABANDONMENT:

If Tenants leave the premises unoccupied for 15 days without paying rent in advance for that month, or while owing any back rent from previous months, which have remained unpaid, the Landlord and/or his representatives have the right to take immediate possession of the property and to bar the Resident from returning. Landlord will also have the right to remove any property that the Residents have left behind and store it at the Tenant's expense.

14. LOCK POLICY:

No additional locks will be installed on any door without the written permission of Landlord. Landlord will be given duplicate keys for all locks so installed at tenants' expense, before they are installed.

15. LOCKOUTS:

Should tenants lock themselves out of their dwelling and be unable to gain access through their own resources, they may call upon professional locksmith or the Owners to let them in. In either case, they are responsible for payment of the charges and/or damages involved. Owners charge a fee of \$15 for providing this service between the hours of 8 a.m. and 6 p.m., Monday through Friday, excepting holidays, and a fee of \$25 for all other times. This fee is due and payable when the service is provided.

16. CONDITION OF PREMISES:

The Tenants hereby acknowledge that the said property is in good condition. If there is anything about the condition of the property that is not good, they agree to report it to the Landlord within 3 days of taking possession of the property. They agree that failure to file any written notice of defects will be legally binding proof that the property is in good condition at the time of occupancy.

17. INVENTORY AND INSPECTION RECORD:

An inventory and inspection Record has been provided for the Tenants' use. Only after this has been filled out (within the 3-day time limit) will the Landlord take any action to complete necessary repairs. Landlord warrants that all major systems will be functional and in good repair at the time of possession. Light switches, wall plugs, doors, windows, faucets, drains, locks, toilets, sinks, etc. will either be in working order or will be repaired once the Tenants have completed the Inspection and Inventory Record. Tenants are encouraged to report any necessary repairs, no matter how slight, in writing, but they are advised that Landlord does not normally repair or replace nonfunctional items such as paint, carpets, etc., every time a property changes possession. Those items are scheduled for repair/replacement at regular intervals regardless of tenant turnover.

18. TENANT RESPONSIBILITY:

Good housekeeping is expected of everyone. Tenant agrees to keep quarters clean and in a sanitary condition. The Tenants agree not to permit any deterioration or destruction to occur while they are occupying the property. The tenant will keep the exterior of the home in a clean and sanitary condition with the landscape and all exterior home surroundings.

19. ALTERATIONS:

Tenant shall make no alterations, decorations, additions, or improvements in or to the premises without Landlords' prior written consent, and then only by contractors or mechanics, or other approved by Landlord. All alterations, additions, or improvements upon the premises, made by either party, shall become the property of the Landlord and shall remain upon, and be surrendered with said premises, as a part thereof, at the end of the term hereof.

They acknowledge that they will be responsible for and pay any damage done by rain, wind, hail, tornadoes, etc., if this damage is caused by leaving windows open, allowing stoppage and/or overflow or water and/or sewage pipes, broken windows or doors, torn screens, broken door and window locks, etc. or any damage caused while Tenant has occupancy.

20. UTILITIES:

Resident will be responsible for payment of all utilities, telephone, gas, water, or other bills incurred during their residency. They specifically authorize Landlord to deduct amounts of unpaid bills from their Security Deposits in the event they remain unpaid after termination of this agreement. The Landlord/Owner agrees to only pay water, garbage, and sewer bills.

Tenant shall be responsible for the following utilities and services in connection with the Premises:

- Electricity
- Gas
- Heating
- Telephone
- Water
- Sewer
- All other utilities and services not listed under the Landlords responsibility

Tenant acknowledges that Landlord has fully explained to the Tenant the utility rates, charges and services for which Tenant will be required to pay (if any), other than those to be paid directly to the utility company furnishing the service.

21. NOTIFICATION OF SERIOUS BUILDING PROBLEMS:

Tenant agrees to notify Landlord immediately if roof leaks, water spots appear on ceiling, or at the first sign of termite activity. Tenants also agree to notify the Owners immediately upon first discovering any signs of serious building problems such as foundation cracks, a tilting porch, a crack in plaster, buckling drywall or siding, a spongy floor, a leaky water heater, etc. If the tenant does not notify landlord in a prompt matter the tenant may be held financially responsible.

22. REASONABLE TIME FOR REPAIRS:

Upon being notified by Tenants that there is some building defect in which is hazardous to health, life, or safety, Owners shall undertake repairs as soon as possible. Should there be a delay of more than seventy-two (72) hours in making repairs, due to difficulty in scheduling the work or obtaining parts or for any other reason beyond the Owners' control, Owners agree to keep Tenants informed about the progress of work.

23. DRAIN STOPPAGES:

As of the date of this Agreement, Owners warrant that the dwelling's sewage drains are in good working order and that they will accept the normal household waste for which they were designed. They will not accept things such as diapers, sanitary napkins, tampons, children's toys, wads of toilet paper, balls of hair, grease, oil, table scraps, clothing, rags, sand, dirt, rocks, or newspapers. Tenants agree to pay for clearing the drains of any and all stoppages except those which the plumber who is called to clear the stoppage will attest in writing were caused by defective plumbing, tree roots, or acts of God. Please use a drain filter to save unnecessary time & money with repairs.

24. BACKYARD & GARDENS:

The Tenants agree to never use any form of pesticides (including rat poison, roach sprays, etc), or fertilizers unless written permission is granted from the Landlord.

25. REPAIRS:

All repairs will be completed by the Landlord.

26. ACCESS TO PREMISES:

The Owner reserves the right to enter the residence at reasonable times to inspect, make necessary repairs, supply services, or show it to prospective residents, purchasers, workmen, or contractors. Whenever practicable, a two-day notice of the Owner's intent to enter shall be given to the Resident.

27. SUBLETTING & ASSIGNMENT:

Tenants shall not sublet the entire premises or any part of the premises, nor shall they assign this Agreement to anyone else without first obtaining Landlords' written permission. Prospective sub lessees or assignees must submit an application to the Landlord and must agree to credit, background, reference, and employment verification as well as the obligation to pay a non-refundable \$25 application fee. Permission to sublease will be determined by the sole discretion of the Landlord.

28. PETS:

Pets are allowed on the premises only by obtaining the Landlords' written permission first. When possession of the property is given to the Tenant, only those pets listed on the Rental Application will be allowed unless subsequent written permission has been granted. "Pets" does not include animals trained to serve the handicapped, such as seeing-eye dogs, hearing dogs, or service dogs. These animals may be housed on the premises so long as they are in the direct service of those they were trained to serve and so long as Landlord is notified in advance in writing of the circumstances. In any case, when permission is granted, owners are required to pay an additional \$25 per month pet-rent charge for one or more. Pets are limited to one cat or one dog. Domestic animals only are allowed at the rental property. No reptiles will be allowed.

If problems with pets occur there are several ways it may be handled depending on the events. If the pet is anyway dangerous it will not be allowed on the premises. In the event of the owner being negligent in regards to clean-up or allowing access to areas that the pet could damage the tenant will be fined or money will be taken from the deposit. If the pet is a nuisance in anyway the landlord may make suggestions to how the pet is cared for or may require the tenant to attend a training course to be approved by the landlord.

Pets are never to be allowed in the yard unsupervised. Cleaning up after the pet is necessary immediately following defecation. Constant barking will not be permitted.

29. TERMINATION UPON SALE OF PREMISES. Notwithstanding any other provision of this Lease, Landlord may terminate this lease upon 45 days written notice to Tenant that the Premises have been sold.**30. WAIVER:**

All rights given to Landlord by this agreement shall be cumulative in addition to any laws which exist or might come into being. Any exercise of any rights by Landlord or failure to exercise rights shall not act as waiver of those or any other rights. No statement or promise by Landlord, its agents, or employees, as to tenancy, repairs, amount of rent to be paid, or other terms and conditions shall be binding unless it is put in writing and made a specific part of this agreement.

31. TERMS:

In this agreement the singular number where used will include the plural, the masculine gender will include the feminine, the term Owner will include Landlord, Lessor; and the term Resident will include Tenant, Lessee.

32. FULL DISCLOSURE:

The Tenants signing this Rental Contract hereby state that all questions about this Rental Agreement have been answered, that they fully understand all the provisions of the agreement and the obligations and responsibilities of each party, as spelled out herein. They further state that they agree to fulfill

BUDGET REVISION # 2

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statute 159.15, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2017.

SECTION 1. To amend the General Fund within the FY 2016-17 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	45,284	
Economic & Community Development	7,510	
Transportation	163,440	
TOTAL	216,234	-

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Sales & Services	13,500	
Other Financing Sources	202,734	
TOTAL	216,234	-

SECTION 2. Copies of the budget revision 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 _____, 2016

Mayor

Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Ross Zelenske, Planner
Contact Person(s): Ross Zelenske, Planner
Date: July 21, 2016
Re: Public Hearing

REQUEST

Staff requests to conduct a public hearing to consider an ordinance designating the Lyerly Full Fashioned Mill as a local historic landmark.

BACKGROUND

OHM Holdings recently completed a major rehabilitation of the former Lyerly Full Fashioned Mill building and has petitioned the City of Hickory to designate the parcel as a local historic landmark. The Lyerly Mill was constructed circa the early 1930s and was one of the largest and most successful hosiery mills in Hickory during its time. In 2007, the building was listed on the National Register of Historic Places. Using historic tax credits, the property was rehabilitated to become the flagship building for the new Transportation Insight corporate campus. As part of the historic tax credit requirements, the building retained significant architectural features. If designated by Council, any changes to the site or exterior of the building would require a Certificate of Appropriateness (issued by the Historic Preservation Commission). Additionally, the property would be eligible for a 50% property tax deferment as long as it retains its historic integrity. The property was most recently assessed at \$2,840,100 by the Catawba County Tax Office.

ANALYSIS

Please refer to the accompanying staff report for an in-depth analysis of the petition.

RECOMMENDATION

The Hickory Historic Preservation Commission conducted a public hearing on the petition on June 28, 2016. The Commission voted unanimously to recommend approval. Staff recommends that City Council approve the local landmark designation ordinance for the Lyerly Mill property.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier
Initiating Department Head

7/21/2016
Date

Amata M. Dula
Deputy City Attorney, A. Dula

7-22-16
Date

Robyn Miller
Asst. City Manager R. Miller

7-26-16
Date

Date

Melvin Miller
Finance Officer, M. Miller

7-25-16
Date

Bo Weichel
Purchasing Manager/B. Weichel

7-25-16
Date

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

A. Surratt
Interim City Manager, A. Surratt

7/27/16
Date

**City of Hickory
Historic Preservation Commission
Local Historic Landmark Designation Report**

Property Name: Lyerly Full Fashioned Mill

Property Location: 310 Main Avenue Way SE (Parcel ID: 3702-08-79-6291) (Previously addressed as 56 Third Street SE)

Property Owner Information: OHM Holdings LLC, PO Box 516, Hickory, NC 28603

Proposed Boundary of Designation: The area proposed for designation is all of Parcel ID: 3702-08-79-6291 (1.76 acres). See Exhibit A for aerials of the property.

Proposed level of design review: If designated, the Historic Preservation Commission would have design review authority over the exterior features of the building and site as described in Section 2.5 (Certificates of Appropriateness) of the Hickory Land Development Code.

Land Assessed Value: \$137,400

Buildings Assessed Value: \$2,702,700

Total Assessed Value: \$2,840,100

Date of Construction: The building was originally constructed in two phases circa 1930-1934.

Assessment of Significance: The Lyerly Full Fashioned Mill is historically significant because of its association with events that have contributed considerably to the history of the City of Hickory. This assessment is described more thoroughly in the attached National Register Nomination Report.

Historical Assessment of the Property: The property serves as a reminder of the pivotal role that the hosiery industry played in the development of Hickory. The mill is the only remaining building associated with the important Elliott-Lyerly-Morgan mills, once the largest and most successful mills in the City of Hickory. More information is included in the attached National Register Report.

Architectural Description of the Property: The building exhibits the distinctive characteristics of industrial building design of this era, including loadbearing masonry walls large metal windows, a stair tower with decorative detailing, and interior steel framing. The attached National Register Nomination provides an overview of the architectural significance of the property. Since the completion of the National Register nomination, the building has been extensively rehabilitated through a Historic Preservation Tax Credit project. This included a complete restoration of the exterior and extensive interior renovations and upfit for a large logistics

company who now occupies the building.

Work to the exterior included demolition of a mechanical building and loading dock area, installation of a channel letter sign to western wall of the building, repointing of all exterior brick, and re-glazing of all windows.

Interior work included plumbing and mechanical work, refinishing of the wooden floors, installation of a new elevator using an existing elevator shaft, and building upfit for office space. Before and after photos of the interior rehabilitation and exterior work are attached. The rehabilitation work was completed according to the Secretary of the Interior's Standards for Rehabilitation and approved by the National Park Service.

Assessment of Integrity

The integrity of the historic mill building is described as excellent in the attached nomination report, as it retained its original materials, massing, and interior arrangement. Today, the building maintains a significant level of historic integrity post rehabilitation. The following is an assessment of the building's integrity.

- **Design:** The mill is a two-story, industrial building with large metal windows and a brick exterior. The building's most significant design feature is a 43 feet tall Art Moderne inspired brick tower above the main entrance. The tower contains three bays of narrow vertical windows surmounted by brick corbelling. Overall, the mill is considered architecturally similar to other mills in Hickory from the same era.
- **Setting:** The mill located approximately a half mile southeast of downtown Hickory, adjacent to the intersection of Highway 127 and 1st Avenue SE. Similar to other mills in Hickory, the Lyerly Mill is located in a transitional area and in close proximity to the rail line that divides the city between north and south. The mill is within 1,000 feet of the historic Kenworth neighborhood, which likely housed a portion of the company's workforce.
- **Workmanship:** The first phase of the mill was constructed in 1930-31 by Hans Scheller, a Shubert-Salzer company employee who later came to work for the Lyerly Mill. The second phase doubled the size of the mill and was completed by architectural firm Biberstein, Bowles, Meachem, & Reed out of Charlotte, NC. The expansion was completed in 1934 and completely enclosed the original mill with little physical evidence left behind. The building contains similar workmanship to other hosiery mills built in the 1930s.
- **Materials:** A majority of the building's original materials have been retained, as described in the attached nomination report. The owner used national and state historic preservation tax credits to redevelop the building while retaining its historical integrity.
- **Feeling:** The property continues to maintain an expression of the role that the hosiery industry served in early twentieth century communities.
- **Association:** The mill building remains in its original location. Its direct association with the hosiery industry serves as a reminder of the role the industry played in the development of Hickory.

Staff Recommendation: After compiling this report and reviewing materials relevant to the history of the mill, staff finds that the Historic Preservation Commission recommend that Hickory City Council designate the Lyerly Full Fashioned Mill as a local historic landmark.

Exhibit A (Aerials of Subject Property)



Photo 1: Ortho-aerial of the subject property taken in 2014 prior to any work. The property is outlined in red.



Photo 2: Orthoerial of the subject project nearing completion in 2015 from Google Maps.

Exhibit B (Pre-Renovation Exterior Photos)

The following photos were taken in 2006 prior to the recent renovation and were included as part of the National Register Nomination report. Photos credited to the North Carolina State Historic Preservation Office.



Exhibit C (Post Renovation Exterior and Interior Photos)

The following photos were taken on May 10, 2016 by City of Hickory Planning & Development staff.

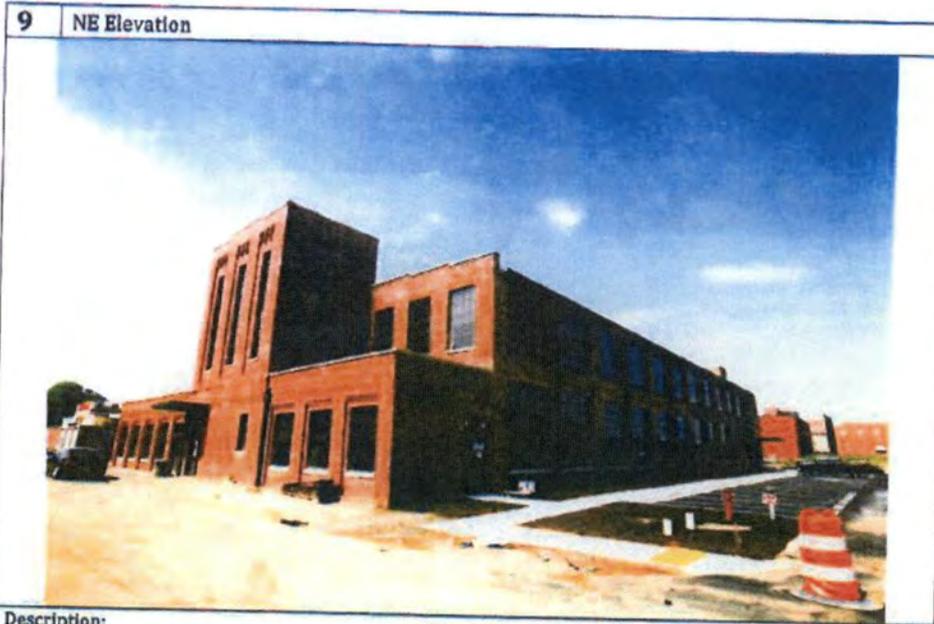


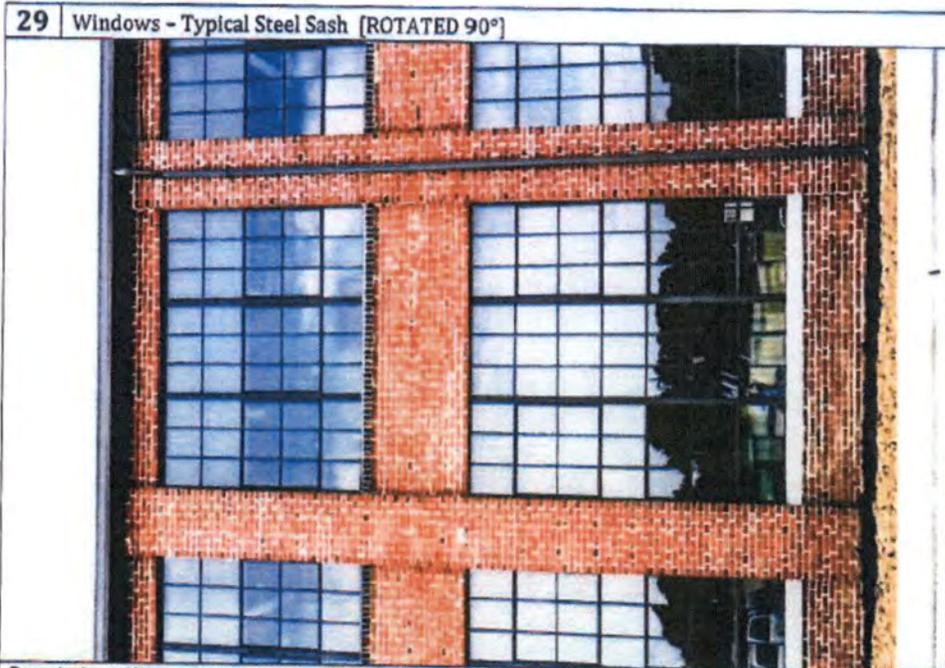


**Local Landmark Designation Report
Lyerly Full Fashioned Mill
Hickory, North Carolina
Page 8 of 16**

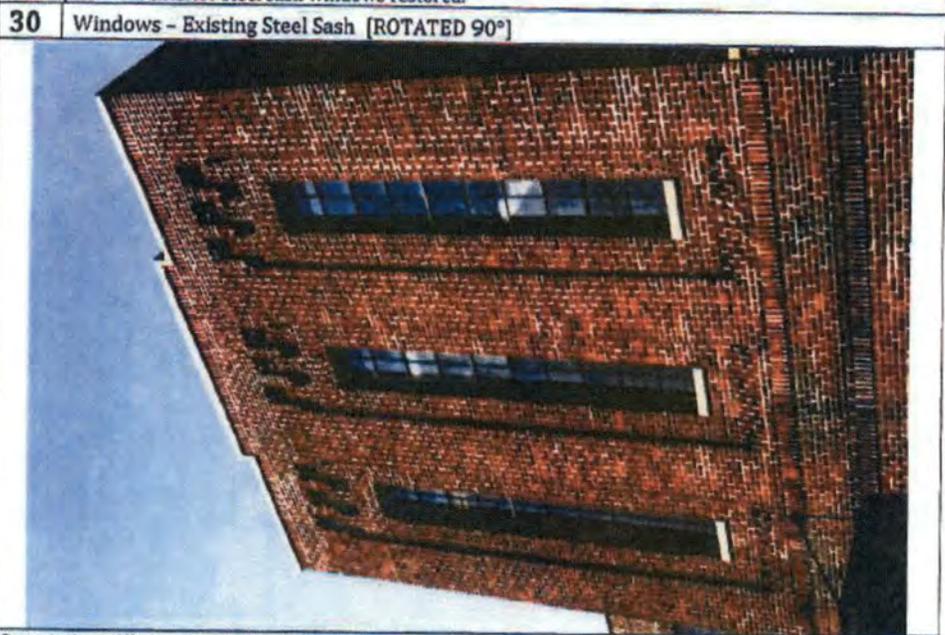


The following photos were taken post renovation as part of the owner's recent historic tax credit application with the State Historic Preservation Office.

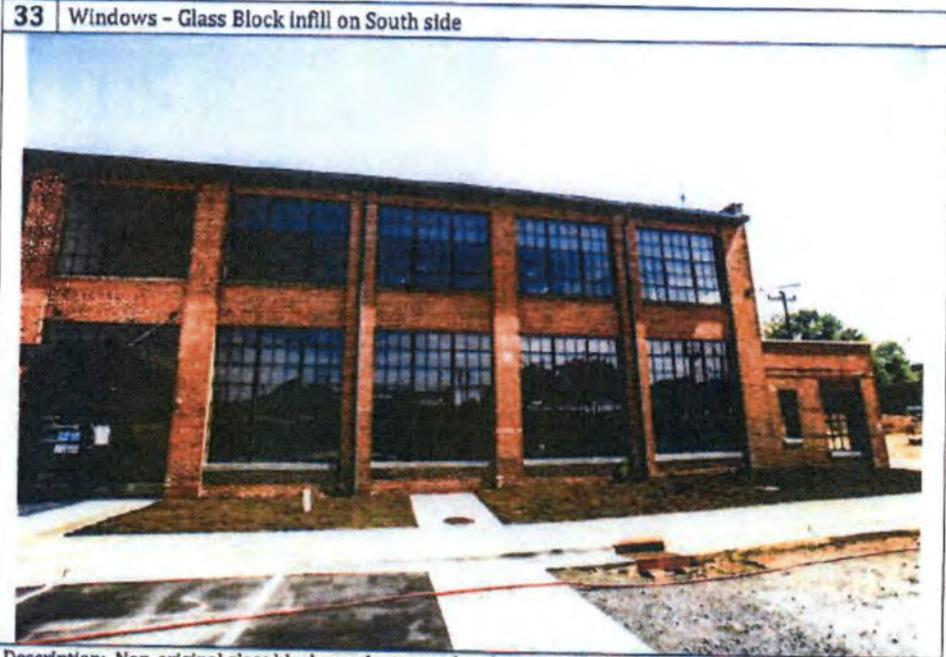




Description: All exterior steel sash windows restored.

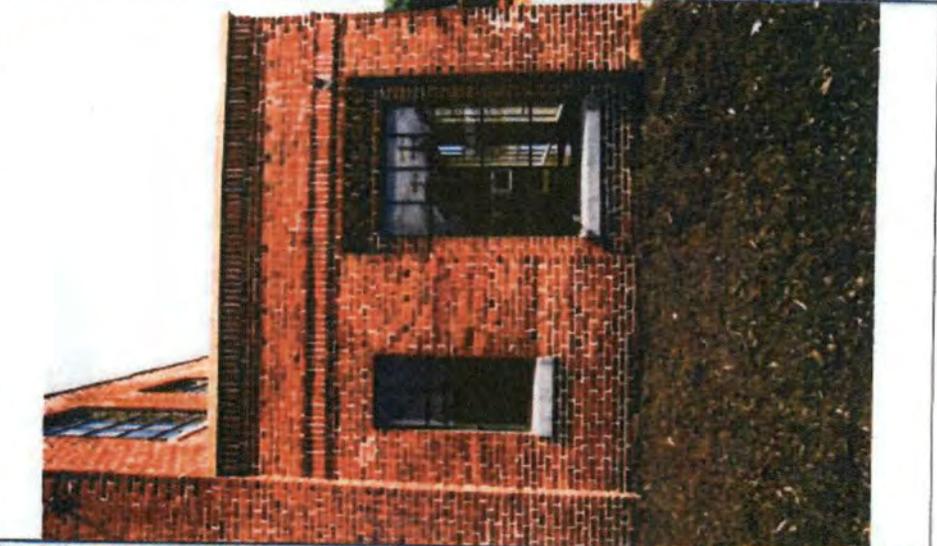


Description: All exterior steel sash windows restored.

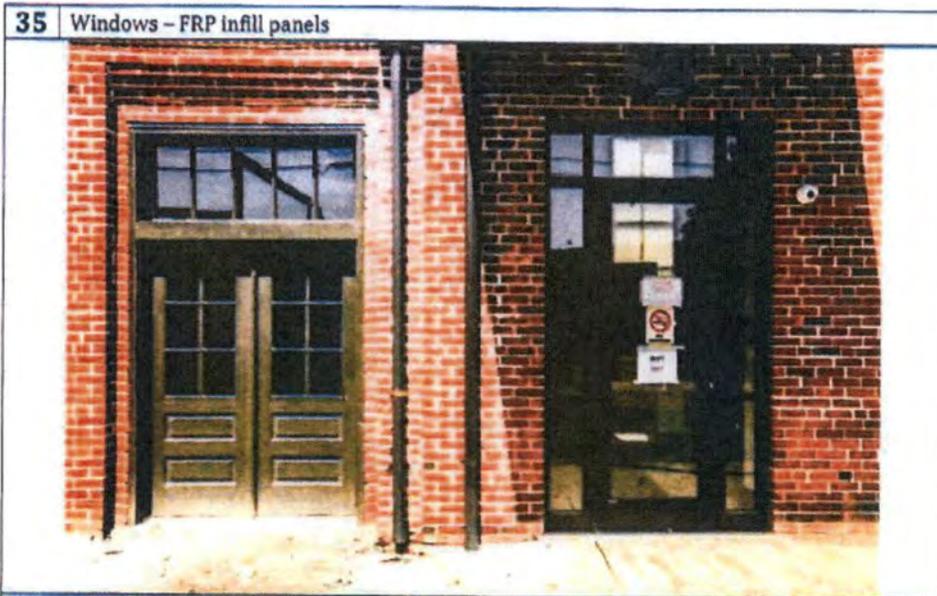


Description: Non-original glass block panels removed and restored steel sash windows installed.

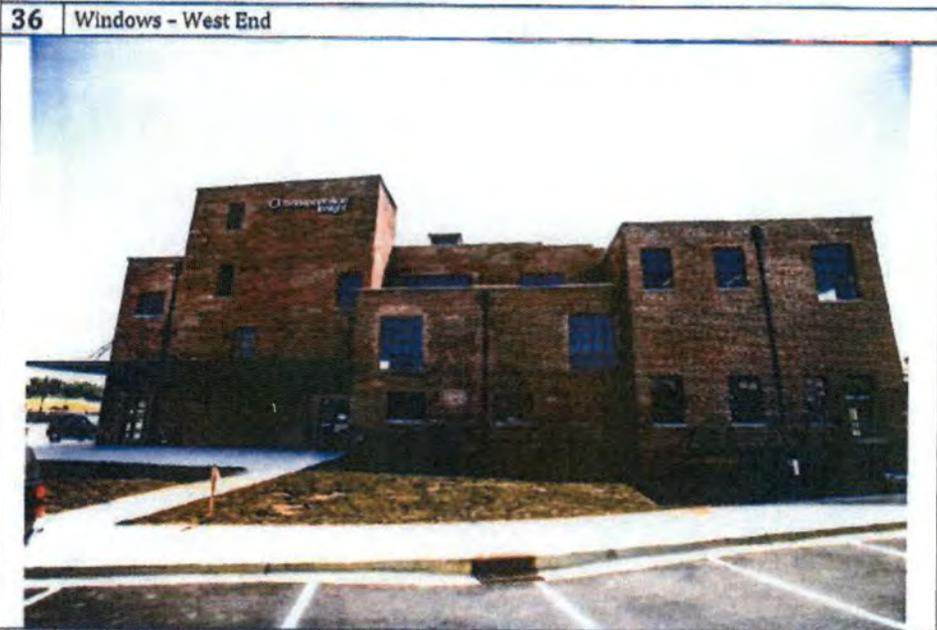
34 Windows - Existing storefront windows on East end [ROTATED 90°]



Description: Non-original storefront infill windows were removed and restored steel sash windows installed with matching concrete sills.



Description: Restored original wood entrance door



Description: All exterior steel sash windows restored. All entrance doors are bronze-finished aluminum storefront entrances.



Description:



Description: Original salvaged flooring has been restored on the second floor.

57 Ceilings - First Floor



Description: Existing intumescent paint has been removed from structure and wood deck above. Original wood has been carefully restored and steel and sprinkler piping painted.

58 Ceilings - Second Floor



Description: Existing intumescent paint has been removed from structure and wood deck above. Original wood has been carefully restored and steel and sprinkler piping painted.



Description: Existing CMU and metal building additions have been removed and original walls and windows restored.



Description: Existing CMU and metal building additions and interior ramp have been removed and original walls and windows restored.

NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICE
Office of Archives and History
Department of Cultural Resources

NATIONAL REGISTER OF HISTORIC PLACES

Lyerly Full Fashioned Mill

Hickory, Catawba County, CT0527, Listed 8/8/2007
Nomination by April Montgomery
Photographs by April Montgomery, May 2006



Front and side view



Side view

**United States Department of the Interior
National Park Service**

**NATIONAL REGISTER OF HISTORIC PLACES
REGISTRATION FORM**

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of property

historic name Lyerly Full Fashioned Mill
other names/site number _____

2. Location

street & number 56 Third Street, Southeast not for publication n/a
city or town Hickory vicinity n/a
state North Carolina code NC county Catawba code 035 zip code 28603-2089

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this x nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property X meets does not meet the National Register Criteria. I recommend that this property be considered significant nationally statewide x locally. (See continuation sheet for additional comments.)

Signature of certifying official _____ Date _____
North Carolina Department of Cultural Resources
State or Federal agency and bureau

In my opinion, the property meets does not meet the National Register criteria. (See continuation sheet for additional comments.)

Signature of commenting or other official _____ Date _____
State or Federal agency and bureau

4. National Park Service Certification

I, hereby certify that this property is:
 entered in the National Register
 See continuation sheet.
 determined eligible for the
National Register
 See continuation sheet.
 determined not eligible for the
National Register
 removed from the National Register
 other (explain): _____

Signature of the Keeper	Date of Action
_____	_____
_____	_____
_____	_____
_____	_____

Lyerly Full Fashioned Mill
Name of Property

Catawba, North Carolina
County and State

5. Classification

Ownership of Property

(Check as many boxes as apply)

- private
- public-local
- public-State
- public-Federal

Category of Property

(Check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>2</u>	<u>0</u>	buildings
<u>0</u>	<u>0</u>	sites
<u>0</u>	<u>0</u>	structures
<u>0</u>	<u>0</u>	objects
<u>2</u>	<u>0</u>	Total

Name of related multiple property listing

(Enter "N/A" if property is not part of a multiple property listing.)

Historic Resources of Hickory

Number of contributing resources previously listed in the National Register

n/a

6. Function or Use

Historic Functions

(Enter categories from instructions)

Cat: INDUSTRY Sub: manufacturing facility

Current Functions

(Enter categories from instructions)

Cat: COMMERCE Sub: warehouse

7. Description

Architectural Classification (Enter categories from instructions)

MODERN MOVEMENT/Moderne

Materials (Enter categories from instructions)

foundation BRICK

roof Unknown

walls BRICK

other _____

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

Lyerly Full Fashioned Mill
Name of Property

Catawba, North Carolina
County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

A Property is associated with events that have made a significant contribution to the broad patterns of our history.

B Property is associated with the lives of persons significant in our past.

C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

D Property has yielded, or is likely to yield information important in prehistory or history.

Criteria Considerations

(Mark "X" in all the boxes that apply.)

A owned by a religious institution or used for religious purposes.

B removed from its original location.

C a birthplace or a grave.

D a cemetery.

E a reconstructed building, object, or structure.

F a commemorative property.

G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance

(Enter categories from instructions)

Architecture

Industry

Period of Significance

c. 1930 to 1957

Significant Dates

1930, 1933, 1957

Significant Person

(Complete if Criterion B is marked above)

n/a

Cultural Affiliation

n/a

Architect/Builder

Biberstein, Bowles, Meachem & Reed - architect

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS)

preliminary determination of individual listing (36 CFR 67) has been requested.

previously listed in the National Register

previously determined eligible by the National Register

designated a National Historic Landmark

recorded by Historic American Buildings Survey # _____

recorded by Historic American Engineering Record # _____

Primary Location of Additional Data

State Historic Preservation Office

Other State agency

Federal agency

Local government

University

Other

Name of repository: North Carolina Division of Archives and History

Lyerly Full Fashioned Mill
Name of Property

Catawba, North Carolina
County and State

10. Geographical Data

Acreage of Property 1.34

UTM References (Place additional UTM references on a continuation sheet)

Zone Easting Northing
1 17 469881 3954257
2 _____

Zone Easting Northing
3 _____
4 _____
____ See continuation sheet.

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title April Montgomery

organization Circa, Inc. date July 27, 2006

street & number 16 N. Boylan Ave. telephone 919-834-4757

city or town Raleigh state NC zip code 27603

12. Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional items (Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of the SHPO or FPO.)

name Lyerly Full Fashion Mills, Inc. (contact: Josephine Hambrick)

street & number PO Box 2089 telephone (828-294-0453)

city or town Hickory state NC zip code 28603-2089

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC 20503.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section Number 7 Page 1

Lyerly Full Fashioned Mill
Catawba, North Carolina

Section 7/Physical Description

Site Description

The Lyerly Full Fashioned Mill is located at 56 Third Street Southeast in southeast Hickory, approximately one-half mile southeast of downtown. Hickory is in northwest Catawba County in North Carolina's western Piedmont.

Lyerly Full Fashioned Mill sits on a 1.3 acre city block bounded by Main Avenue Way SE to the north, Highway 127 to the west, First Avenue SE to the south, and Third Street SE to the east. Highway 127 and First Avenue are busy commercial thoroughfares. Sanborn maps indicate an industrial presence on this block since at least 1902. With the exception of the mill, a machine shop building, and an unrelated c. 1930 service station at the northwest corner of Third St SE and First Avenue SE, the block has been cleared of structures. The block is relatively flat and treeless. A paved lot is south of the mill. North of the mill is a grassy lot where the circa 1900 Elliott Mill stood until the spring of 1997. The Lyerly Full Fashioned Mill's façade fronts east toward Third Street SE. The building is set back only a sidewalk's width from the road. The machine shop is located approximately one hundred feet from the mill's southwest corner.

Lyerly Full Fashioned Mill, c.1930-c.1934

Contributing

Built in two stages between circa 1930 and circa 1934, Lyerly Full Fashioned Mill is a two-story, rectangular, nine-by-twelve bay common bond brick building. Load bearing brick walls are supported by a poured concrete foundation. The façade features a one-story, flat roof office section with an off-center, Art Moderne-inspired two-and-a-half story stair tower projecting from the main building block. The office section, tower and the front (east) six bays of the main block were constructed around 1930. Spanning the west elevation is a one-bay deep, two-story service section with a windowless two-and-a-half story stair tower.

The Art Moderne style tower, corbelled on three sides, distinguishes what is otherwise an intact yet plain industrial building. The verticality of the tower is emphasized by three tall, narrow, fixed twenty-pane windows recessed between brick pilasters. Each window bay is topped by three corbelled brick pendants. A stepped parapet projects above the tower's flat roofline.

The one-story office section displays eight recessed corbelled window bays separated by brick pilasters. The fixed eight-light windows are not original. Documentary photos and plans show twenty-light casement windows in these openings. The bay at the southeast corner has been

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section Number 7 Page 2

Lyerly Full Fashioned Mill
Catawba, North Carolina

infilled with brick. The fifth bay window has been replaced with a windowless door. Brick soldier courses decorate the office block above the windows and below the concrete coping of the parapet. The mill is accessed by an entry below the tower. This glass door is also not original and this opening may have been added. A documentary drawing shows a small, three-light window at this location. One of these windows survives at the north end of the sixth façade bay. The office section is appended to the mill's main block, which on the second story of the front elevation retains eight twenty-pane metal casement windows.

The front and rear (east and west) elevations of the mill's two-story main block have shallow, stepped parapet rooflines with concrete coping. From the ground the roof appears flat, although it is a very shallow gable. Six metal ventilators are on the roof and a plain, windowless stair tower rises from the rear elevation.

The rear (west) six bays of the mill comprise the second phase of construction, built around 1934. The side (north and south) elevations retain twelve bays of large, stacked, multi-light windows with metal mullions. The only exception is the mill's southeast corner where three bays on the first story have been infilled with glass block. A fourth window bay has been filled in on the first story of the southwest corner. Also on the south side of the mill is a one-story, metal, gabled addition. This addition spans the west half of the first story. It is covered in corrugated metal and has a concrete block foundation. The metal addition was constructed in a manner that has left the south wall undamaged. The windows covered by the addition are present and visible in the interior.

The mill's interior consists of large open spaces on both the first and second floors. On the first floor, wood columns divide the interior into a central passage and twelve open equipment bays. Concrete equipment pads are separated by tongue-and-groove oak "walkways." In a few places the oak flooring is missing, exposing massive, thick planks. The space is well-lit due to the banks of large windows. Interior evidence of the two phases of construction is inconspicuous. When the second phase was constructed the walls were sheathed with plaster and a yellow tile wainscot obscuring any evidence on the brick. A crack runs the width of the building on the concrete floor between sixth and seventh bays.

The second floor can be accessed by either the front or rear stair towers. Rectangular, glazed, yellow tiles form a wainscot in the stair wells. These are the same tiles used on the first level. Both the front and rear stairs have concrete steps with metal pipe rails. Like the first floor, the second floor is divided into twelve bays on either side of a central passage. Structure is provided by vertical steel I-beam posts supporting a system of horizontal I-beams. The ceiling consists of

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six-inch-wide planks spanning the I-beams. When the building was expanded, a new roof system was built to span the original and 1934 sections. Therefore the roof does not portend the two stages of construction. The floors on the second level are oak.

The interior of the office wing consists of a central, yellow-tiled entry hall, with offices north and south of it. Original plans label the area south of the entry as offices, and north of the entry as windowless storage. The two-story rear service section houses an elevator, stair tower, bathrooms and storage rooms. The elevator, in the mill's northwest corner, is not original to the building. It was added at an unknown date. Original five-panel, metal-clad wood doors separate these rooms from the main mill space.

Lyerly Full Fashioned Mill Machine Shop, c. 1933

Contributing

Located southwest of the mill adjacent to Highway 127, this one-story rectangular industrial building is built of 5/1 brick bond. Tile-coped stepped parapets are at each gable end (north and south). Two large metal ventilators sit on the roof. A large garage bay opening flanked by windows is on the façade (east). The garage opening was added in the mid-1990s. Window openings are covered with vinyl siding. Twenty-light metal casement windows, like those on the mill building, are present under the vinyl siding in deteriorated condition. The entrance to the building is at the northeast corner. It is surmounted by an awning and the original door has been replaced with a multi-light door.

Originally the interior was a forty-foot by forty-foot open space. However, in the mid-1990s the space was divided to accommodate a ten-foot by twelve-foot office and ten-foot by ten-foot bathroom. At that time the original pine floor was replaced with a concrete slab.

Integrity

The integrity and condition of the Lyerly Full Fashioned Mill is excellent. The building retains its original materials, massing, and interior arrangement. While the original windows of the office block have been removed, the openings and surrounding decorative brickwork have not been altered. The replacement windows do not significantly detract from the mill's historical appearance. The survival and excellent condition of most of the mill's original metal windows is remarkable. The machine shop also retains its original massing, materials, and most importantly its location southwest of the mill. Despite obscured window openings and the addition of the garage bay, the machine shop continues to convey its purpose as an auxiliary support building to the mill.

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Section 8/Statement of Significance

Summary

Built in two stages from circa 1930 to circa 1934 just southeast of downtown Hickory, Lyerly Full Fashioned Mill is a two-story, brick industrial building with massive metal windows, two floors of manufacturing space, and an office wing across the façade that also features a two-plus story stair tower. It has important associations with the expansive hosiery industry in Hickory that became one of the city's leading industries during the first half of the twentieth century. It is locally significant as one of the few surviving hosiery mills in Hickory that retains enough architectural integrity to accurately depict and represent the history of local hosieries. It is the only extant building associated with the Elliott-Lyerly-Morgan mills that were once the largest and most successful mills in Hickory. Lyerly Full Fashioned Mill fulfills Criteria A and C for listing in the National Register of Historic Places for Industry and Architecture. An architectural and historic context is given in the "Historic Resources of Hickory" Multiple Resource Nomination (Section 8 pages 12-13 for historic context and Section 7 page 6 and Section 8 pages 14 and 17 for architectural context). The mill's period of significance spans from the circa 1930 date of construction to 1957 when the hosiery operation ceased and the building's use changed to wholesaling. While this end date is just shy of fifty years ago, 1957 is the most appropriate year in which to end the period of significance based on the company's history and building use.

Historical Background and Industry Context

Post-Civil War North Carolina saw a proliferation of textile industries. The rolling terrain and numerous rivers of the North Carolina Piedmont, together with the recently arrived railroad, provided both a power source and a means for getting goods to distant markets. This combination attracted northern mill companies from New England and Pennsylvania who rapidly developed textile mills, and a number of industrial centers, including Hickory, were created in areas that historically had been crossroads towns and family farms. The proximity of the raw material, cotton, and the availability of cheap labor resulted in the construction of textile mills from Roanoke Rapids to Gastonia. Hosiery manufacturing developed as a significant sector of the textile industry.

The majority of the state's hosiery mills were located in Alamance and Catawba counties, but they were also found in Burke, Davidson, Guilford, and Randolph counties. By 1920 there were 147 hosiery mills in the state, a 640% rate of growth over the preceding twenty years. In the

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succeeding two decades the industry continued to expand with a reported 249 mills in operation by 1939 (McGregor 3-9).

Hickory's first hosiery mill, the Hickory Hosiery Mill, was begun in 1906 by J.A. Cline and Rev. W. P. Cline (no relation), and produced men's hose and women's cotton hose. The Clines sold this plant in 1912 but remained active in hosiery production in Catawba County for decades through various new endeavors. Hickory's second hosiery was Elliott Knitting Mills, of which the Lyerly Full Fashioned Mill is an outgrowth. Formed in 1910, Elliott Knitting Mills was named for one of its founders, J.D. Elliott, a prominent local banker. Brothers Eubert, Walker and George Lyerly were Elliott's partners in this venture. Elliott Knitting Mills manufactured seamless silk and rayon hose, mercerized cotton hose for women, and half hose for men (Hickory Daily News, United Daughters of the Confederacy Special Edition (HDN UDC), 2/26/1938).

Hickory Hosiery Mill and Elliott Knitting Mills remained the dominant hosiery operations in Hickory until the late 1920s when a number of hosieries, Whisnant, Shuford, and Duke to name a few, began operation. According to a 1938 newspaper article written by a Lyerly employee named Hans Schuller, there were thirty-two hosieries and knitting mills in the city by 1937, and forty-two in Catawba County. In sum these operations produced eighty-four million pair of socks and hose annually, employed over 4,000 people, and were responsible for more than half of the city's \$5 million manufacturing payroll (HDN, UDC). The other half of the manufacturing jobs were provided by Hickory's furniture industry.

In the 1930s, Elliott Knitting Mills was the largest hosiery manufacturing plant in Hickory with an output of more than 800,000 pair per year and more than 800 employees. The Lyerly brothers had bought out Elliott's interest in the company in 1916, but retained the name. In 1930 they organized the Lyerly Full Fashioned Mill. "Full fashioned" referred to hosiery that was knitted on a special machine which resulted in a more formed and fitted product. Prior to the introduction of the full fashioned machine, hosiery was knitted by machine in the form of a tube and the toe was subsequently closed by looping or sewing it shut by hand. Hosiery knit on a full fashioned machine was knit flat and then varied stitching was used to form, or "fashion", the leg. The patent for the full fashioned machine was granted in England in 1857 (www.legsource.com). The machines that were installed in the North Carolina Piedmont were primarily manufactured in Germany by the Shubert-Salzer company. By 1938 there were approximately 300 of these machines in neighboring Burke and Catawba counties and approximately 4,500 in North Carolina (HDR, UDC 2/26/1938).

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The original Lyerly Full Fashioned Mill is contained within the nominated building. Constructed circa 1930, with it first appearing on the 1931 Sanborn map, the original mill was about half the size of the current structure. This building housed the original nine full-fashioned machines that were purchased by the mill in 1930 from Shubert-Salzer and installed between 1930 and 1931 by Hans Scheller, a Shubert-Salzer employee who would later return to Hickory and be employed by Lyerly Full Fashioned Mill (HDN, 2/26/1938).

In 1933 the company contracted with the architecture firm Biberstein, Bowles, Meachem, & Reed of Charlotte, North Carolina, to design an expansion of the mill that would double its size. Richard C. Biberstein (1859-1931) was one of the South's most productive mill architects, designing mills and mill villages in North and South Carolina, Virginia, and West Virginia. The firm's North Carolina commissions included Roanoke Mills in Roanoke Rapids (NR 1999) the Rowan and Salisbury Cotton Mills in Salisbury (no longer extant), and the Belmont Hosiery Mill (NR 2002). Begun in 1905 in Charlotte, the firm remains active today.

The large, two-story brick structure designed by the Biberstein firm doubled the mill's space. The physical evidence of this expansion is limited to a 'seam' in the exterior brick work at the rear of the sixth bay on the north elevation, a crack that runs through the concrete floor on the ground level and a seam where the wood flooring abuts on the second level. The steel I-beam interior frame in both parts of the building is identical. The roof system is seamless and was likely replaced in whole when the building was expanded circa 1934.

A 1938 newspaper article stated that Lyerly Full Fashioned Mill was the only full fashioned mill in Hickory (HDN, UDC). In reality, Lyerly Full Fashioned Mill appears to have been the only mill exclusively producing full fashioned hosiery. Other local mills were also producing full fashioned hosiery, but this was done within their other knitting and hosiery operations. The Elliott-Lyerly hosiery operation was the only operation large enough to support an exclusively full fashioned mill. In 1938 the mill was producing 125,000 pairs of chiffon hose annually and employing 300 people (HDN, UDC 2/1938).

Eubert Lyerly, who had served as general manager of Elliott Knitting Mills since 1916 and Lyerly Full Fashioned Mills since 1930, died in 1938. His brother George Lyerly took over the operations of the two mills after Eubert's death. In 1946 George Lyerly and C. L. Morgan created the Lyerly-Morgan Co., Inc. The Lyerly-Morgan Co. focused on the production of ladies' full fashion nylon hosiery and was, for the next decade, an operation separate from the Elliott-Lyerly Mills. George Lyerly, Jr. took over operations of the Lyerly-Morgan Co. upon his father's death in 1952.

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The shift of management between generations also resulted in a shift in the manufacturing operation. In the mid 1950s George Lyerly, Jr. began to shift the company's focus from nylon hosiery to sock production (Fogleman Interview). On January 1, 1957, Lyerly-Morgan purchased all equipment and operations of the Elliott and Lyerly Mills. All activities after this date were referred to as activities of the Elliott or Lyerly Divisions of the Lyerly-Morgan Company (HDN 9/1962 p. 30). All machinery associated with the mill's hosiery production was moved to the Elliott Knitting Mill building next door. Hosiery, exclusively socks, would be manufactured on that site until the mid-1990s.

As a result of the 1957 buy-out, the production of hosiery in the Lyerly Full Fashioned Mill building ceased. A wholesaling operation known as both The James Company and The Master Supply Company moved into the building. The James/Master Supply Company supplied grocery and convenience stores with hosiery and other textile products. A 1962 article in the Hickory Daily News showcases the company's products as displayed on the first floor of the mill building. Today the James Company is gone and the building is primarily occupied by a warehousing operation.

The massive Elliott Knitting Mills building remained in operation in the manufacture of hosiery for Elliott-Lyerly Mills until the mid-1990s when George Lyerly, Jr.'s poor health and the extensive renovations the building required caused the oldest active hosiery in Hickory to close. In the spring of 1997 Elliott Knitting Mills was demolished, leaving the Lyerly Full Fashioned Mill building and its associated machine shop the last extant structures of what was once Hickory's largest hosiery business (Catawba County Building Permit 9063).

Architecture Context

Early-twentieth-century industrial buildings in North Carolina were rarely constructed in popular national styles. As buildings more focused on function than frill, these structures were often plain, with an occasional adornment attributed to a particular architectural style. Unlike residential construction where the style, material, and overall shape of the building may be reflective of its locale, changes in the form, finish, or material of an industrial building were more likely to be industry-wide or owner-influenced than reflective of a stylistic trend or regional preference.

The construction of industrial buildings in Hickory followed this trend. Buildings associated with the hosiery industry that dominated Hickory in the early twentieth century were commonly

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one and two-story brick buildings with large windows and, frequently, stepped parapets. Variations in these buildings included gabled or flat roofs and cast stone finishing elements, such as sills, cornices, and corner blocks.

Both the "Historic Resources of Hickory" Multiple Resource Nomination (MRN) and the "Historic and Architectural Resources of Catawba County" Multiple Property Documentation Form (MPDF) state that many of the major manufacturing facilities that date to Hickory's major periods of development have been demolished or altered. This is largely due to these industries' continued growth resulting in the need to update their facilities to house modern manufacturing machinery or completely rebuild the site to suit present needs. The textile mills seem to have fared well in this evolution, where older buildings were retained, with small scale additions often to the side or rear of the original mill structure.

The Hickory MRN and Catawba County MPDF also address the limited presence of the Art Deco or Art Moderne styles in commercial and industrial development in early-twentieth century Hickory. Both reports state that the majority of the buildings constructed in this style have either been demolished or heavily altered to the point that their stylistic associations are no longer recognizable. However, two structures, the 1937 Coca Cola Building on First Avenue NW and the 1941 (former) First National Bank at the corner of Second Street and First Avenue NW retain Art Deco or Art Moderne-inspired elements. The low linear forms of both of these buildings can also be attributed to the more streamlined Art Moderne movement of the 1930s and 1940s.

The circa 1930-1934 Lyerly Full Fashioned Mill is an excellent and intact example of a 1930s industrial building associated with the local textile industry. The main block of the building is a two-story load-bearing brick structure with an interior steel frame of I-beam supports. Large windows, concrete sills and parapet coping are defining elements of the building's exterior. The mill's most distinguishing feature, however, is an off-center, parapeted, two-story-plus central tower with three bays of original, narrow vertical windows surmounted by brick corbelling. The sleek linear design of this stair tower is the stylistic element that associates this structure with the Art Moderne movement. While the building as a whole is not overtly stylized, the tower's architectural expression is a rarity among Hickory's extant hosiery mill buildings.

A 1931-1948 Sanborn map shows seven hosiery mills in Hickory, including both the Elliott Knitting Mills and the Lyerly Full Fashioned Mill. A 2006 windshield survey found five of these structures still standing, each of which has had some level of alteration and only one, originally the Whisnant Hosiery Mill, now Moretz Mills, Inc., continues to produce a textile product.

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The two-story, brick hosiery mill at the corner of Highland Avenue and Third Street SE is a flat-roof structure, three-bays wide with replacement windows and a circa 1970 one-story flat-roof addition off the rear elevation. It is simply noted as "Hosiery Mill" on the 1931 Sanborn map and is small in comparison to its peers. Both its size and finish read more like a commercial structure than an industrial manufacturing facility.

The Hollar Hosiery Mill (883 Highland Avenue SE), originally Duke Hosiery, is contemporary with the Lyerly Full Fashioned Mill. Its parapeted one-story façade fronts Eighth Street SE. As the building extends down Highland Avenue it reaches two-stories in height. Remarkably intact, the Hollar Hosiery Mill retains its original windows and decorative brick and stone elements. A one-story ca. 1960 rear addition connects the mill to the two-story, barrel-roofed structure that once housed the Louis Levett Company.

Moretz Mills, Inc. (74 Eighth Street SE) is also contemporary with the Lyerly Full Fashioned Mill. Moretz can be seen on the 1931 Sanborn as Whisnant Hosiery Mills. Like Hollar Hosiery Mill, the parapeted façade of this one and one-half story building faces Eighth Street SE. There has been a large addition off the north elevation of this structure. The first section of this addition is a one-story parapeted structure executed in beige brick, and it appears on the 1931 Sanborn map. The second section, which connects to the first, is a more recent flat-roof one-story structure, also executed in beige brick. The original core of the building stretches a full block down Highland Avenue SE to Seventh Street SE where it is only one-story. The windows have been covered with vertical siding. The large-scale modern addition has impacted the overall integrity of the building complex, however, the historic sections of the mill are still identifiable.

The Sigmon-Terry Hosiery Mill also remains standing. This one-story, beige brick structure with a barrel-vaulted roof was constructed in 1940. The windows have been covered but the openings indicate that they were much smaller than the Lyerly Full Fashioned Mill or Hollar Hosiery Mill window openings. A one-story red brick addition that appears to have been built circa 1980-1990 connects the Sigmon-Terry Building to the Catawba Paper Company Building

Lyerly Full Fashioned Mill differs from Hickory's other surviving mills in construction method. While all appear from the exterior to be of load bearing brick construction, their interior framing systems differ. According to county tax records, each of the buildings has an interior wood joist framing system with the exception of Lyerly Full Fashioned Mill which is listed a "fire resistant" frame.

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The Lyerly Full Fashioned Mill is an intact manifestation of Hickory's textile heritage. The mill is Hickory's only surviving two-story hosiery mill building dating from the early part of the twentieth century.

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Section 10/Geographical Data

Verbal Boundary Description

The boundary of the Lyerly Full Fashioned Mill property is the 1.34-acre shaded area on the accompanying Catawba County GIS map drawn to a scale of 1" = 123'.

Boundary Justification

The National Register boundary includes the 1.34 acre legal parcel on which the only surviving buildings associated with the Elliott and Lyerly mill operations still standing. Until the Spring of 1997, buildings affiliated with the mill were present on the parcels north of the nominated parcel. These buildings have been demolished.

Photographs

1. View of front/east elevation of Lyerly Full Fashioned Mill
2. View of side/north elevation of Lyerly Full Fashioned Mill
3. View of rear/west elevation of Lyerly Full Fashioned Mill
4. View of side/south elevation of Lyerly Full Fashioned Mill
5. First floor interior looking west
6. Second Floor looking northeast
7. Tower stair detail
8. Rear stair detail
9. View of east and south elevations of Machine Shop

ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL DESIGNATING THE LYERLY FULL FASHIONED MILL LOCATED AT 310 MAIN AVENUE WAY 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 28, 2016 to consider the proposed designation; and

WHEREAS, the Hickory City Council conducted a public hearing on August 2, 2016 to consider the proposed designation; and

WHEREAS, Lyerly Full Fashioned Mill was constructed circa 1930 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 Lyerly Full Fashioned 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 310 Main Avenue Way SE. This property is more specifically described GIS PIN 3702-08-79-6291 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 Lyerly Full Fashioned Mill 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.
7. This ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the _____ day of _____, 2016.

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

(SEAL)

Attest:

By: _____
Rudy Wright, Mayor

Debbie D. Miller, City Clerk

Approved as to form this _____ day of _____, 2016.

Attorney for the City of Hickory