

# **A G E N D A**

## **HICKORY CITY COUNCIL**

**February 2, 2016**



**7:00 p.m.**



**AGENDA**  
[www.hickorync.gov](http://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](http://www.hickorync.gov).**

Hickory City Council  
76 North Center Street

February 2, 2016  
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Bob Thompson, Pastor, Corinth Reformed Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A. Regular Meeting of January 19, 2016. **(Exhibit VI.A.)**
  - B. Special Meeting of January 19, 2016. **(Exhibit VI.B.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
  - A. Approval of the Contract with Wilkie Construction in the Amount of \$290,800 to Construct Phase II of the Planned Improvements to Hickory Optimist Park. **(First Reading Vote: Unanimous)**
  - B. Approval of the Purchase of a Front Loader Unit from Carolina Environmental Systems, Inc. in the Amount of \$248,478. **(First Reading Vote: Unanimous)**
  - C. Budget Ordinance Amendment Number 15. **(First Reading Vote: Unanimous)**
  - D. Grant Project Ordinance Amendment Number 5. **(First Reading Vote: Unanimous)**
  - E. Consideration of Closing the Southern Portion of the Alley beside Community One Bank for the Friends of Hickory Park. **(First Reading Vote: Unanimous)**
  - F. Approval of Grant/Construction Easement Agreement for the Friends of Hickory Downtown Park Project. **(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. Special Events Activities Application for Hike for Hope +5K, Leslie W. Cothren, Board of Director's President, ALFA (AIDS Leadership Foothills Alliance), April 9, 2016 from 6:00 a.m. to 12:30 p.m., Union Square Under the Sails. **(Exhibit VIII.A.)**
- B. Special Events Activities Application for Catawba County Younlife Glow 5K Run, Stephanie C. Bost, Younlife Race Coordinator, Catawba County Younlife, May 7, 2016 from 6:00 p.m. to 10:00 p.m. at Hickory Regional Airport, 3101 9<sup>th</sup> Avenue Drive NW. **(Exhibit VIII.B.)**
- C. Approval of the National Naval Aviation Museum Certification of Loaned Government Property. **(Exhibit VIII.C.)**

*The City of Hickory/Hickory Regional Airport has on loan from the National Naval Aviation Museum (NNAM) certain retired aircraft and artifacts located at the Hickory Regional Airport and on display by the Hickory Aviation Museum. The Hickory Regional Airport has participated in and has had on loan property from the National Naval Aviation Museum for over fifteen (15) years. The Loan Agreement with NNAM requires biennial re-certification of the loaned property, which covers the period of 2016 – 2018. The loaned property is assigned to the City of Hickory while the Hickory Aviation Museum holds full responsibility for the maintenance and exterior upkeep of said loaned property including any associated costs. Hickory Aviation Museum Director, Jeff Wofford has completed inventory of the loaned property, taken the required photos and completed the certification document. Staff recommends execution of the National Naval Aviation Museum Certification of Loaned Government Property document.*

- D. Request from Hickory Police Department to Award Police Badge and Service Weapon to Retiring MPO David Leeper. **(Exhibit VIII.D.)**

*By authority of NC General Statute §20-187.2, City Council may award the service weapon and police badge to retiring MPO David Leeper upon his retirement from Hickory Police Department on March 1, 2016 after completing 30 years of qualifying service with Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory.*

- E. Approval of the Transfer of a Cemetery Deed from the City of Hickory to Jackie W. Robinson, Southside Cemetery, Plot 4F, Lot Numbers 2 and 3, Section 4. (Prepared by Deputy City Attorney Arnita M. Dula)
- F. Approval of the Transfer of a Cemetery Deed from Claude Shuford Abernethy, III, and wife, Jayne Osborne Abernethy; Anne Abernethy Wepner, and husband Timothy J. Wepner; and Martha Abernethy Sowers and husband, Michael William Sowers to Claude Shuford Abernethy, III, and wife Jayne Osborne Abernethy, Oakwood Cemetery, Section 36, Block A, Lot 2, containing Four Gravesites labeled Number 005, 006, 007, and 008. (Prepared by Attorney John G. Fuller)
- G. Approval of the Purchase of a 2016 Rosenbauer ARFF (Aircraft Rescue and Firefighting) Truck in the Amount of \$328,892 in Accordance with North Carolina Department of Transportation – Division of Aviation (NCDOT- DOA) Grant Process. **(Exhibit VIII.G.)**

*The Fire Department, in cooperation with Airport management, has been monitoring the condition of the Airport's current 1990 GMC Topkick ARFF Truck that is stationed on the airport grounds. In the past ten years the truck's operational ability has declined considerably. The truck is over 26 years old, and most of the equipment has become outdated in relation to today's standards. ARFF personnel have noticed a decrease in the truck's ability to flow water to the standards it was initially built. In December 2015, the truck's fire pump was tested by a third party vendor and deemed inefficient for maintaining its manufactured flow rates. Replacing the pump would cost almost eight times the value of the truck, which is not an economical solution. Quote for repairs executing almost \$100,000. The few used trucks that were available to purchase were*

as outdated as our current truck and would potentially cost just as much to make functional for the airport response. The purchase will be through the Houston-Galveston Area Cooperative (HGAC) of which the City of Hickory is a current member. This membership negates the need for a formal bid. The purchase of the ARFF truck is critical to the continued fire service to our based, transient and charter service customers; and any future commercial air service at the Hickory Regional Airport in addition to being in compliance per CFR Part 139. Both Fire and Airport Staff recommends Council's approval for the purchase of the Rosenbauer ARFF truck in the amount of \$328,892. Funds are available through existing grants provided by NCDOT-DOA for 90 percent of the purchase price. The 10 percent local share of approximately \$33,000 will come from the Airport fund. A budget amendment is included for your approval under Item J (Exhibit VIII.J).

- H. Approval to Accept a Grant from North Carolina Governor's Crime Commission in the Amount of \$9,796.24 on Behalf of Lenoir-Rhyne University. **(Exhibit VIII.H.)**

*Hickory Police Department requests permission to accept a grant from NC Governor's Crime Commission in the amount of \$9,796.24 on behalf of Lenoir-Rhyne University. NC Governor's Crime Commission suggested that the university partner with Hickory Police Department to complete the necessary paperwork and manage the grant. Lenoir-Rhyne University cannot reach direct funds from the Governor's Crime Commission because it is not a non-profit organization. Hickory Police Department works very closely with the Security Services at Lenoir-Rhyne University and recognizes the overall benefit to assist with their funding needs to enhance their ability to provide security to their students, staff and visitors of the campus. Any equipment obtained by the NC Governor's Crime Commission grant funds will be the property of the City of Hickory and would be on loan to Lenoir-Rhyne University. A Memorandum of Agreement between the University and the City of Hickory will be in place to ensure proper accountability and asset retention for the property. Hickory Police Department requests approval to accept a NC Governor's Crime Commission grant in the amount of \$9,796.24 on behalf of Lenoir-Rhyne University and authorize the City Manager to appropriate funds to be spent in the Hickory Police Department for security of the educational institution.*

- I. Grant Project Ordinance Number 5. **(Exhibit VIII.I.)**

1. *This Grant Project Ordinance will establish the project budget for North Carolina Department of Transportation - Division of Aviation State Funding to purchase Aircraft Rescue & Fire Fighting (ARFF) Equipment. Replacement of current ARFF truck (26 years old, pump issues, parts no longer available) was noted during the 2015 139 inspection conducted by FAA. It was noted that our current equipment did not meet FAA standards. The proposed new equipment will be constructed in accordance with and meet the current FAA Advisory Circular No. 150/5220-10E and NFPA 414. The current funding allocation is 90% State funding and 10% required local match (from the transportation fund).*

- J. Budget Ordinance Amendment Number 16. **(Exhibit VIII.J.)**

1. *To recognize as revenue \$50.00 received from donations to the Youth Council for their Christmas projects.*
2. *To recognize as revenue a \$3,684.00 insurance-claim check from Traveler's Insurance for damage to a police vehicle that occurred on 12/10/15.*
3. *To establish budget for North Carolina Department of Transportation - Division of Aviation Federal Funding to purchase Aircraft Rescue & Fire Fighting (ARFF) Equipment. The current funding allocation is 90% State funding and 10% required local match (from the transportation fund). This Amendment transfers the required local matching funds (\$33,000) to the transportation capital projects fund.*

- IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

1. Consideration of the Bond Commission's Recommendation Combined Option "A" for Riverwalk, City Walk, Streetscapes and Gateways. **(Exhibit XI.A.1.)**

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

B. Departmental Reports:

1. Appeal of a Decision of the Community Appearance Commission for the Request for a Community Appearance Grant in the Amount of \$3,897.50 to Rahe Bryce LLC for Property Located at 200 2<sup>nd</sup> Street NW. **(Exhibit XI.B.1.)**

*At the Community Appearance Commission meeting held on January 25, 2016 the Commission heard a request for a Community Appearance Grant in the amount of \$3,897.50, requested by Rahe Bryce, LLC. The requested grant garnered a total of 15 points, which falls into the medium overall scoring category. The current operating guidelines for the Community Appearance Grant program gives the Community Appearance Commission 90 days to make a decision regarding the grant proposal. After discussion, the Community Appearance Commission felt the request had some merit, but wanted some additional time to consider the request. A motion was made, and seconded, to table the request until its next meeting for further consideration, and was approved by a 4-1-1 vote (one person abstained from the vote). After the vote was taken, the applicant's agent, Mr. Jim Mitchell, requested a vote made at this meeting to approve or deny the request. Receiving this request from the applicant, the Community Appearance Commission moved, and seconded, to rescind its vote to table the request, which was approved by a 6-0 vote. After a brief discussion a motioned was requested to approve or deny the request. A motion was made, and seconded, to deny the request, and was approved on a 6-0 vote. Mr. Jim Mitchell contacted the City Clerk's office on January 26<sup>th</sup> an emailed a written request to appeal the decision to City Council which is allowed in the grant application process.*

2. Consideration of an Ordinance to Demolish an Abandoned Structure at 747 Main Avenue SW. **(Exhibit XI.B.2.)**

*Hickory Police Department's Code Enforcement Unit has addressed both nuisance and minimum housing issues at 747 Main Avenue SW, Hickory (PIN#3702-05-29-3468) owned by Arlene K. Kye. On September 16, 2011, a nuisance case began because of tall vegetation, and junk and debris on the property. The first minimum housing case began on December 1, 2011 because of vagrancy. The property owner abated the first nuisance and minimum housing cases by removing the junk and debris and boarding up the structure. Six additional nuisance cases occurred over a period of two years, all being abated by the property owner. A second minimum housing case began on October 9, 2014. The structure quickly fell into disrepair. The windows were broken, power panel and wiring was stripped from the residence and the boarding of entrances were removed. Vagrancy started at the property and complaints escalated. Violation notices were sent to the owner, the owner's attorney and mortgagee's bank because a foreclosure process had begun. After a period of time the vagrancy continued which left little option but to proceed with a third minimum housing case on the property. Upon inspection on September 18, 2015, Code Enforcement Supervisor Bobby Baker determined the structure to be dilapidated, meaning the cost to repair exceeds 50 percent of the tax value. He also*

determined the structure posed an imminent threat to health and human safety. The violation protocols for notification of the owner and interested parties were followed with no action or response from those parties. The Deputy City Attorney reviewed the case and concurs that the proper procedures have been followed. The cost for demolition will be approximately \$8,500 not including any asbestos or lead based paint remediation and testing. Hickory Police Code Enforcement has a budget line item to cover the demolition. Staff recommends Council adopt an ordinance ordering the demolition of the structure located at 747 Main Avenue SW.

3. Appointments to Boards and Commissions

**BOND IMPLEMENTATION COMMISSION**

***Ex Officio Representatives:***

Per Ordinance 15-01 representatives appointed by the boards, commissions, and the Chamber shall serve for a term of one year and may be reappointed for up to two additional one year terms with the exception of the Youth Council representative. (Terms Expiring 2/1/2017)

|                               |                    |
|-------------------------------|--------------------|
| Hickory International Council | Hani Nassar        |
| Library Advisory Board        | Carolyn Sinclair   |
| Recycling Advisory Board      | Norm Meres         |
| University City Commission    | Dr. Ralph Griffith |

**COMMUNITY RELATIONS COUNCIL**

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

|                |        |
|----------------|--------|
| Other Minority | VACANT |
| Other Minority | VACANT |

**HICKORY REGIONAL PLANNING COMMISSION**

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

|                                  |                       |
|----------------------------------|-----------------------|
| Burke County (Mayor to Nominate) | VACANT Since 8-6-2008 |
| Brookford (Mayor to Nominate)    | VACANT Since 6-2006   |

**INTERNATIONAL COUNCIL**

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

Mayor Wright to appoint Gretchen Oetting to the International Council

**PARKS AND RECREATION COMMISSION**

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

**PUBLIC ART COMMISSION**

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

**RECYCLING ADVISORY BOARD**

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

**YOUTH COUNCIL**

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

|                            |        |
|----------------------------|--------|
| Hickory Career Arts Magnet | VACANT |
|----------------------------|--------|

**TRANSPORTATION ADVISORY COMMITTEE FOR THE GREATER HICKORY  
METROPOLITAN PLANNING ORGANIZATION**

Delegate to replace former Alderman Meisner

- C. Presentation of Petitions and Requests
  
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
  
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
  
- XIV. Adjournment

**\*Hickory City Code Section 2-56. Public Address to Council:**

**“When conducting public hearings, considering ordinances and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”**

**The City of Hickory holds all public meetings in accessible rooms.  
Special requests for accommodation should be submitted by individuals  
with disabilities at least 48 hours before the scheduled meeting.  
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**

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

|                |             |                   |
|----------------|-------------|-------------------|
| Brad Lail      | Rudy Wright | Hank Guess        |
| Vernon Tarlton | Aldermen    | David P. Zagaroli |
| Danny Seaver   |             | Jill Patton       |

A quorum was present.

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

- I. Mayor Wright called the meeting to order. All Council members were present.
- II. Invocation by Ron Carter-Fish, Unifour Christian Fellowship
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Update from Friends of Hickory on Downtown Park Project

Ms. Allison Holtzman thanked Council for hearing them and for the entire process that they had been going through over the last couple of years. She advised that the Friends of Hickory was a group that was formed by citizens, who are all volunteers, who 1) love the community, 2) want to invest in the community and 3) they want to inspire and enable others to do so. They started with their first project which was a downtown park. Over the last two years it had been a lot of work and taken a lot more time than expected to do it the right way. What comes out of it is going to be amazing. They had initially introduced this project to Council about two years ago. They had worked extensively with Staff, meeting with them frequently over the two years. They has also worked with the Parks and Recreation Department and other departments in the City. She advised that they had asked Council and these groups for support and guidance the whole time. They had raised 87 percent of the funds, approximately \$600,000. They hope to begin in April. They had a contract agreement that had been signed with the City which would be presented to Council. They had Neill Construction and Looper Construction donating services and offering services at cost. They had garnered some community support and awareness through an initial "Friend Raiser" to tell the community at-large what they want to do, and how they want to support the City from a positive approach. They also had a good relationship in work under the physical sponsor Partners for Parks. Partners for Parks is a group out of Charlotte that formed in 1996. They had been a tremendous support for them. Their vision is to promote public spaces and greenspaces in Charlotte and the surrounding region. She advised that they had been incredibly helpful to them. She showed a vase, and advised that they are garnering support in Hickory, and they are also raising support and awareness of what is going on in Hickory in the region at large. Partners for Parks had managed over one hundred funds and currently does. They had worked with groups raising money for Little Sugar Parkway and Romare Bearden Park. At their annual award dinner Friends of Hickory received the non-profit award for making an impact on the community. She shared a story from that event. A couple had talked to her who had heard about what was going on in Hickory. They asked her if they should come to spend a weekend in Hickory. She advised them that of course they should, but if they do they should contact her and she would direct them and give them some ideas. She told them if they come in 3-5 years that they were going to be amazed. It is going to be a place to come. When people start coming to visit for a weekend, they come and spend money in shops and restaurants. They come back, they tell others to come, and they find a way to live here, work here, and visit here. What is happening in Hickory and the positive steps that are being made to do something positive to grow our community is incredible, and they are grateful to be a part of it.

Ms. Holtzman presented a PowerPoint presentation and discussed the location. The location had been picked because it was central, at the heart of the City. This is a place that is accessible to many citizens in the City by foot and it is also something that is not just in one neighborhood. It is not just a neighborhood park where you only play with your neighbors. This will be a park for different communities to come together and form relationships. It will not be segregated by communities play, it will be a place that is central and a place of meeting. They wanted it to be accessible to City amenities, which it is and is why they put it down there. They also wanted to bring more life downtown. Also what had helped pick this place was two years ago, before the bond was passed, they saw designs and they picked a spot on the upcoming city Walk. This will be the first thing turning dirt along the city walk. It is going to be the first thing that we see happening. It is going to bring excitement to the entire process that is going on. She asked for Council's continued support. She commented that this had been a very good process for them because they had developed relationships working with City Staff and Council. They felt like they had allies. If they had a question or had something come up, they could come in and talk to someone about it, or someone could give them guidance on where to go. She commented to Council and Staff that this is a great goal and that this should actually be the

experience of each new venture that shares a vision for this City that they all do. They feel like they have someone that is an ally. Someone that they can ask questions to. They will have a Council and Staff that will help them overcome obstacles. She said that positively because they had that experience. With the city walk and the Riverwalk and everything that is happening there it is going to be a lot of interested parties and investments. That is what we all hope that businesses come, that restaurants and development comes because they see what is going on. Having an ally in the City and feeling like you have an ally that you can come talk to, we should be ready for that to help that process be as positive as the experience that they had. This is our chance to be known as a City that welcomes progress and new ideas and investment and we need to be ready for that and make it as easy as possible for someone to start something here. There are concerns and hurdles that are real, but we need to give them that relationship. Friends of Hickory wants to be part of this growth and progress and remind people who live here and people outside of Hickory that this is a great place to live, work, and visit. She advised that they would go through the slides and update Council on what is going on and there would be more on some of the details of the agreement later in the meeting.

Mr. Adrian Holtzman advised that he was part of the board and that he was supporting Allison who was Chair and engine of the whole thing. He discussed the PowerPoint. He advised that this project is entirely funded from grants and donations from organizations and individuals. He showed a photo of the area which was on the corner on the west side of Union Square, near Community One Bank. He noted the parking lots and alleyway in which the park would be located. He showed the naming opportunities. One thing was still available which was to name the entire park. Most of the sponsorship areas had already been taken by different organizations. One that was still available was mosaic benches. They are also taking donations which would get your name on the wall and smaller donations in the form of bricks. They would like for organizations, businesses and individuals to become involved because this is a Hickory project. This is a private organization. This is for the people of Hickory. An open place for everyone in Hickory to use. It is a symbol of a public/private partnership. Hopefully to be an iconic symbol for Hickory. He pointed out the entrance way and some of the bricks. These bricks will be laser engraved bricks in which you could place your name, family, business, pet or whatever you want to put on them. He showed the mosaic benches which are being done by a very talented artist. These areas can be customized with a name or a story on them that you would like to display to others. He pointed out the donor wall. They are considering making it a moveable piece. The other pieces are from a Danish company called Kompan. Which is a very well-known company for their safety and durability. These use unrestricted play so there is multiple ways to get on and off of the structures as you climb. Three sides of the park will be fenced in. He showed a schematic of the Catawba River, and pointed out some of the design areas that would represent the geographical areas on the river. There are learning opportunities in here as well. Some other areas will have spinners. He showed post that they had discussed, but they may not be doing those. They will have embankment slides in other areas for different age groups. A toddler area, a bigger area to play and other places for grown-up people to sit and eat their lunch, and watch their children in safety. He showed signs that would help talk about some of the history of Hickory. He pointed out that it would contain a map of the river. He gave an example of Mud Island in Memphis, which had a dugout of concrete which showed the geographical region of Memphis and the river and how it interacts with Memphis. They are doing something similar to show the importance of the Catawba River system to Hickory. It is all ADA compliant. It is wheelchair accessible. It will be for anybody old, young, mobile, non-mobile and unrestricted play, and areas to sit, gather, and watch. He advised that there were was going to be some artwork donated. Kim Ellington is donating a pot that he is making and it will be located in the central part of the park.

Ms. Holtzman advised that there was an area left open intentionally for walkers and pedestrians. There is going to be several picnic tables and eating areas. They want this to be a place to visit and not just a playground that kids go to. As you are working and living downtown it is a pleasant place to sit, see the art, see the play and be part of the environment.

Mayor Wright asked when there would be ground broken.

Mr. Holtzman advised they were looking at April for ground breaking. They recently received their liability insurance, and all the parts had been ordered and were in storage. They hope to have a brick campaign so people can get involved and buy bricks as they begin to lay down the ground.

Mayor Wright asked how much of the funds, raised so far were private non-governmental funds.

Ms. Holtzman advised 100 percent.

Mayor Wright commented that they had talked about a private/partnership here, and he wanted people to understand that did not include the funding.

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Mr. Holtzman clarified that the public/private partnership meant that the City has been extremely supportive because they recognize what this can do in terms of economic development for downtown. This is entirely a private initiative, it is not part of the Bond Commission or the larger plan to redo parts of Hickory. Once the park is completed with all the private money and grant money, the maintenance will be taken over by the City for upkeep. That is the extent of the City's involvement.

Council members thanked them for all of their hard work.

V. Persons Requesting to Be Heard

Mayor Wright advised the citizens of the suggested three minute time limit but didn't want citizens to leave the meeting that had something to say and didn't get to say it. He advised that Council was lenient, but if they are too long winded they may say that is enough. He instructed that there be no cheering and jeering. The people who will be speaking have the best interest of the tenants of public housing at heart. He commented that was Council's first and foremost interest in this whole matter.

- A. Ms. Jo Beth Levine, 300 17<sup>th</sup> Street SW, Apartment 10, advised Council that she was representing the seniors and the disabled of West Hickory Senior Citizens a property of Hickory Housing Authority. She enjoys living there and loves her apartment. In her opinion when money gets misappropriated repairs and upgrades do not happen. Their residents do not have central air and heat that the other units and properties have, maybe half do. They don't have the new windows, or new commodes. It is a shame that the seniors and disabled are the ones that had to suffer for this. They also have maintenance issues. Large trees and large limbs have fallen on their apartments, some from the other side of the fence, but they need to be cut back with money before there is damage done or somebody hurt. In her opinion there had been an underground leak that had been going on for 4-5 years. They have also had a sink hole that had opened 4 or 5 times. In her opinion it is not repaired correctly. The residents of west Hickory are afraid to speak up because they don't have the money to move and change a location easily due to health or other problems. She mentioned that there was a paper sent out to them, for example if the commode was stopped up there would be a charge for \$34 an hour to start with. She didn't know people out where she lived that could afford that. She commented that she met Alanda for the first time when she moved into the apartment and it was not painted. Someone had been a heavy smoker, and Alanda got it painted for her the first week or two that she was there. She thanked Council for their time.
- B. Mr. Larry Pope addressed Council and advised that he had handed out, outside of Council Chambers, two letters that were sent out by Hickory Public Housing Authority trying to say to the tenants, and to citizens, and the community that we want to keep in place the Executive Director Alanda Richardson and the Board of Directors. They wanted their support in doing this. They encouraged on one of the letters the residents to call Al Sharpton and Jesse Jackson and ask for their help in keeping the Executive Director and the Board in place. He said let Al Sharpton or Jesse Jackson come to Hickory. He would be the first person that says to the two of them that they need to look at the number of times since 2011 that Hickory Public Housing Authority had been found misappropriating Federal dollars that take away from what they are supposed to be doing for the residents who live there. The residents who live there are intimidated by the Executive Director and the Board. They are afraid to come forth and say to Council how wrong things are going on at Hickory Public Housing Authority. Maintenance is not being done. If it is done it is done after the eight day turn around period that it is supposed to be done in and what they do is have staff falsify the records that have been sent into Greensboro and Washington DC. That has been the only way that they have been able to maintain a high rating. It is not because the work is done, but it is because it has been falsified. He said that the agency that Council has considered to take over for Hickory Public Housing Authority and manage Hickory Public Housing Authority, is an outstanding well-balanced agency that will do what HUD requires them to do. He commented that it is time to clean house. If Council can't do it at this point, then once things are settled, no matter what is standing in the way, the day after that, he would say clean house from the Board to the Executive Director. Let the folks know who live in Hickory Public Housing Authority that they will not be put out as they have been told they would be put out. The apartments will not be torn down and they will have a place to live. Because he knows that City government, City Council and the Mayor want to support the folks who live in public housing. He thanked Council.
- C. Mr. Tim Richardson addressed City Council. He had questions that had been unanswered. He wanted to find out the reason why the Hickory Housing Authority was up for being dismantled. He stated that the fact is there is no documentation of a required merger from HUD. He advised that there were two letters from HUD dated, April 1<sup>st</sup>, one regarding approval of 22 units, the other having approval of another 89 units, which is a total of 311 units for the RAD assistance program, which is the Rental Assistance Demonstration conversion. Once the conversion is completed the City of Hickory Housing Authority will be a private entity. He commented fact, the Hickory Housing Authority has received

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outstanding high performance marks for the past 10 years, excluding 2014 in which it received an average. Fact, the Hickory Housing Authority is not party to any criminal or civil action. Fact, he met with Mayor Wright and he was told it was not an issue with Ms. Richardson's performance. That is a fact, seven other people were in attendance. Fact, the unrestricted cash position of the COG is \$70,000. Fact the unrestricted cash position of Hickory Housing Authority is \$2.1 million. Fact, what synergies will be accomplished by this proposed merger. Has there been a feasibility study completed. At the time that he asked those questions they still remained unanswered. He commented at this point in time if anyone could please enlighten him with any synergies that have come about. He asked if anyone could answer, any questions.

Mayor Wright advised that Council was not supposed to do that, there would be a lengthy discussion of it, and they would be talking about the things that he raised as questions.

Mr. Richardson continued that in the lengthy discussion he would like some other questions to be answered. Other alternatives 1) creating a Section 8 entity. This entity is the alternative, two authorities would create a new corporate entity to administer the Section 8 program for both housing authorities. He asked if that had been proposed. 2) Merger of the two authorities. In this alternative the present system of the two independent housing authorities would be retained but would seek merger, consolidation and synergies for the operation of both entities. 3) How would these stakeholders be involved? Has a feasibility study been done on that? Will it increase wait times? Information system technology. What about the computer systems? Step by step, by step, by step, different synergies that duplication of workers staff. What is going to happen to the staff? He asked why all of a sudden now. What is the big push for now? Hickory Housing Authority has been in existence for a while. But now all of a sudden there is a big push. He asked if it had anything to do with the \$2.1 million dollars that is unrestricted cash bases that the Hickory Housing Authority has versus the \$70,000. When you have instances like this, follow the money trail. Is it a money issue? He has not been told what the benefit of this is.

- D. Mr. Melvin Kimble was not present to speak.
- E. Mr. Bob Fuller was not present to speak.
- F. Dr. Sidney Myles read a statement from the Board. He thanked the Mayor, City Council members and the City Manager. When they accepted appointments by Mayor Wright and took their oaths to serve as Commissioners for the City of Hickory Housing Authority, they committed to fulfill a mission to Public Housing Authority to provide affordable housing along with the resources and support systems designed to facilitate self-sufficiency and increase economic independence within the community. They are devoted to serving the needs of the residents through the programs provided by the Housing Authority. They own and manage 311 units of low income housing, 46 units of private based elderly housing. They also administer 449 Section 8 housing choice vouchers. They provide programs for residents for homeownership and self-sufficiency among others. Although the Public Housing Authority was created under State law by Resolution of the City Council of the City of Hickory in 1966, based upon the need for descent, safe, and sanitary housing for the citizens of Hickory. It is important to know that the Public Housing Authority has operated for decades without minimal to no financial support from the City of Hickory. That is by design, not by the City. The Housing Authority relies on State and Federal funds as well as income generated from its operation. The primary source of funding for their public housing units is rent subsidies contract with HUD referred to as an ACC or Annual Contribution Contract. They are in the midst of a conversion to project based rental assistance under HUD's Rental Assistant Demonstration program. Most of their public housing units are in need of major rehabilitation and redevelopment. HUD continues to reduce the Housing Authority's annual funding. The Housing Authority does not have sufficient funds to make all of the necessary capital improvements. RAD provides the opportunity for the Public Housing Authority to leverage its assets, primary real estate through mortgage loan proceeds or private equity contribution, which could help provide the funds necessary to modernize their properties and consequently better serve the needs of the residents. In 2015 a competitive selection process HUD granted out applications to convert potentially all of the 311 public housing units under the first component of RAD to long term rental assisted contracts. Currently they are in the process of completing each milestone in the RAD conversion process and hope to have a financial closing later this year. In conjunction with their RAD conversion the Housing Authority has actively pursued the acquisition of property for site development where they can build new housing units to replace some of their existing units and perhaps deconcentrate public housing in Hickory by providing housing options at multiple locations throughout the City. Many false allegations have been made, several misconceptions exist about the City of Hickory Public Housing Authority and they wanted to make sure that Council was aware of that. The City of Hickory Public Housing Authority is currently designated by HUD as a high performing agency under HUD's public housing assessment system. A RAD conversion from the public housing to project based Section 8 housing assisted contract is not the same as tenant based Section 8 vouchers. Post conversions HUD will contract with the Housing Authority's non-profit entity Unifour Capital Ventures. The rental assistance provided under

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RAD is not a tenant based voucher and does not have the portability. RAD is tied to the units not the tenants. Choice mobility is available after two years of tenancy subject to certain limitations. Their legal counsel has advised them that by State law, the City Council can abolish the Public Housing Authority and undertake its role or designate it to an existing Redevelopment Commission to assume the Housing Authority's role. Their counsel had encouraged them to work with the City to find viable solutions which hopefully can assist them as they move to the future. He commented that it was good that they sat down last Friday, which they felt probably should have been done earlier because there is a lot of misconceptions. He thanked Council for allowing him to speak.

- G. Dr. Michael Wimberly advised Council he had been here 17-18 years and he felt the need to say something. Every time something comes up about the Housing Authority they mention his name specifically. The 4<sup>th</sup> Street group did the same thing, they mentioned his name. Where he is from if you spend 15-20 years trying to do something to help somebody you call that retirement and you get an award. But in Hickory it seems that because he had sacrificed his time to help people in some kind of way that it is a problem. He wanted the people to know the truth about certain things. He got here to help people, he is on the Board to help people. There is a misconception that somehow what is happening is going to help the people that is involved. He saw a lady walk out the door, and she said something was going to be put in the place where she lives right now. What they are trying to do is help people. The Public Housing facility looks like public housing but it didn't look like that 17 years ago. It looked worse than that 17 years ago. They didn't have air-conditioners, they got air-conditioners. They didn't have panels before, they got pillars before. It is clean. It is safe. You can go through there now. He goes through there now, and sits down and talks to people. He helps people. He had spoken with his brother and he said he was here and he didn't live over there or in this part of the City. He didn't know if any of the Council members lived in that area or not. He asked his brother why he was sacrificing his time, losing money in his office, every time he goes on one of these fabulous trips that they say they take. He loses money every time. When he doesn't use the money he turns it back in. He confirmed that with Alanda Richardson. Somehow helping people has got to be difficult. He is from Alabama, and what it looks like to him, in his opinion, if you have one group of people who looks like him; when he was born his dad was a negro, when he had his son he was black, so right now he guessed he was African-American. Whatever it is that looks like him. When you have a group of people that have a majority of this and a one year pin on the Board that has two point some million dollars. There is another group that looks European, and a group that is in charge of it, that is European, and you are trying to put it in charge of another European group and take it away from this group. It looks like something he has seen before. That is what it looks like to him. Money travels. He commented the truth is the truth. He asked them to ride down the road, look to the right and look to the left. To the right all this is going on, to the left nothing is happening. But now there is a fight for the left. But it is a fight to take away the control from that group and give it to that group. You call it what it is. Everybody is his people. It just looks like that to him.
- H. Ms. Lorene Haggins asked why this is happening. How is this happening? And is it going to happen? If people black, white, etc., could afford paying for their lights, water, gas hookup and the bill that follows they would not be here. So there would not be a Housing Authority. They are in public housing for different reasons. Elderly, disabled, some diverse background. It is not by choice, but by the circumstances that they are in. She thanked Council.
- I. Ms. Vicki Scott commented that Alanda Richardson had been with Hickory Housing Authority for 18 years. She undoubtedly did something right. Something right. She listened two weeks ago when she was here to all of this negative talk about her. These people that got up and talked about her, it makes no kind of sense as to what was going on two weeks ago. She is a product of public housing. It makes no kind of sense how you are going to sit back and take away these people's homes, their livelihood. She was here a couple of months ago and made a statement. She was not going back there. She wanted to know that 17 years she undoubtedly did something right. She thanked Council.
- J. Mr. Matt Fallaw, 1727 31<sup>st</sup> Avenue NE, advised Council that there was something that went out Friday, it was not sanctioned by their Board and it did not come from the Public Housing Authority. He would start a rumor that somebody else may have printed it up and circulated it just to start trouble, but they try to stay away from that. He was appointed to the Hickory Housing Authority Board back in August. The Mayor had told him that there was a lot of things going on. He was fairly new to the Board and had done a lot of listening over the last four months, a lot of reading, and he had learned a lot. He had learned a lot from the current Board members that are on there and have served for a long time. A lot from Council with what is going on. He commented that he didn't have a chance to sit in the frying pan, he was cast into the fire. He had heard a lot of nitpicking about Hickory Housing Authority. Most of it a lot of nonsense. Most of the naysayers are misinformed, not educated in the current happenings of what is going on with the Hickory Housing Authority. He listened at the last Council meeting as a couple of folks spoke, and basically

shared their side of the story and really not the facts. HUD came in October, yes they did. They completed their audit but the findings were really minimal. Their recommendations not once was disbanding their Board mentioned. The Board has addressed and will continue to address the issues that HUD pointed out as the areas that needed to be improved. The Board is currently working on changing several things that will address any personnel matters and also their Board. They have looked at themselves and they need some changes on their Board. They do not want to get in the way of what will help the people that they serve. That is the bottom line of what all these guys are here doing. They serve in positions that nobody else really wants to serve in. It is a tough job. Much like Council's jobs. What this boils down to is taking a little bit of heat in the paper. The Hickory Daily Record, the Charlotte Observer, taking exactly what somebody sent in, old news and sensationalizing it. Just to raise issues and trying to get something going. Is it a perfect organization? No, it is not perfect. He hasn't seen one that is yet. Regionalizing Hickory Housing Authority under another organization may seem like a good idea. You may even realize some efficiency here and there. And in some businesses that makes sense. In this business, which is really the low income people business, he didn't think that it made a lot of sense. He didn't think that anybody would take care of Hickory's own like they will. He found in his industry, which is banking, when things start getting regionalized and they get bigger Hickory loses out resources and they lose out on the personalization. Bottom line we just have people that we need to serve. Housing is a very complex subject and they have a group that is dedicated to its delivery, continuance and survival. Why start over? What has this Board or the Hickory Housing Authority done that is so bad or harmful that they need to disband or merge with somebody else. HUD did not ask for them to resign or disband. They asked for corrective action. He asked Council to continue with conversations so they could put their corrective action into place. Stand behind the people that they appointed and don't bow to a few people that love just to stir up issues, former disgruntled employees, and news articles that no one will remember in a week or two.

- K. Ms. Jessica Stinson, commented that it seems like Larry Pope has a lot of hostility against Alanda Richardson. For what reason, only he knows. She said did Larry Pope see with his own two eyes of any money being pocketed or being misused. It is obvious that Larry Pope wants to be in Council's position. He wants to have some type of authority. Alanda Richardson is a good woman and she does not intimidate her tenants. She said that the only people who are intimidated are the people who do not want to follow the rules. She wished that Larry Pope would be a man and discuss his real reason behind all of this instead of just sitting up here telling Council lies.

Mr. Larry Pope responded that he had not told one lie. In 2011 HUD came in and found that the allegations were founded.

Mayor Wright advised Mr. Pope that he had his chance.

Mr. Pope commented but when someone outright calls you a liar then he thinks that you have a right to say that it is not true, if they can prove it, prove it.

Mayor Wright advised Mr. Pope that he was not supposed to say it but he had said it.

- L. Ms. Alice Witherspoon she was on the committees that helped bring public housing into Hickory. They experienced a lot of problems. Ms. Witherspoon commented that a Reverend at Bethany Lutheran Church was the person that really brought public housing to Hickory. They experienced crosses being burned, threats, and a lot of things that helped make public housing. They lived in terrible circumstances prior to public housing. She remembered that the City told landlords that they had to put bathrooms in the houses. They would put them in there, but there was no flushing. You would have to create everything in order to have a bathroom. They did not have heat. If you didn't pay by the time you got home the day to pay, the rent man was sitting there waiting on you to evict you. She is a product of Hickory. She watched some of the board members grow-up. Living in Hickory wasn't easy and it is still not easy. She stated what she had to say might be contradictory to some things that she had heard. She first met Alanda Richardson when she came to Hickory. She called her and talked to her about an incident of some things that she had found out that was going on. She talked to her about it, and she said that she would take care of it. She wasn't sure if she did or not. She advised that she owns a cleaning service, and they do construction cleaning. She was a single mother. She was married but she had two children that she raised by herself. So she had to work and work hard, and she still does. She was asked by Alanda to come and finish a contract out in 2008. The company in which she had had stopped coming. She did everything that they were to do. Her son-in-law was the person in charge. He is on dialysis three days a week. After he would get off he would come straight to work and he would work sometimes all night long. Alanda dismissed Lewis Sanders, which was the person who was taking care of maintenance. They were only to do cleaning, and painting the apartments. But after Alanda dismissed Mr. Sanders, she started putting his work orders on them. They did not, and have not gotten paid for any of it at all. She had brought it to the Mayor, and the City Manager, and she had not gotten any result. The one thing that

bothered her so bad was that her son-in-law worked all night long every night. He would leave and come back. Alanda decided that she wanted to come and inspect the apartments before she paid them on Friday. Ms. Witherspoon asked her why because she had already placed three families in the 12 apartments that they had cleaned. Alanda told her that she would be back. She came by where they were at in Bedrock, and the guys were waiting because they wanted to get paid. These were men who had children that they had to take care of. They had to buy food for and pay bills for. Alanda passed by and Ms. Witherspoon stood there and waved. Alanda was driving her white Mercedes. The guys that were standing there waved. Ms. Witherspoon said that Alanda passed them, so she ran out the door and hollered. She was in one of the apartments. Alanda sped up as they ran behind her and chased her. She had her head out of the window and laughed at them. And every time they would catch her she would speed up. Ms. Witherspoon told them to stop because she realized that Alanda was playing cat and mouse. She had not been able to talk to Alanda since then. She had taken information to the Board, the City Manager, and the Mayor. They have not gotten paid and it is something that needs to be done.

- M. Ms. Alanda Richardson advised Council since she was the woman at the center of the attention of all of this that it was time that she be heard. Mr. Pope has had a personal vendetta against her for several years, ever since his brother lost the cleaning contract. HUD did come in 2011-2012 and there were mismanagement issues. Mr. Pope stated that they came back in 2013 and found more misappropriations. That was not true. He even indicated that in October that there was \$200,000 misappropriated. That was not true. Regarding the Alice Witherspoon contract, which she failed to mention was that she even took the contract to HUD. HUD ordered them to pay the employees personally, because they had paid Ms. Witherspoon and she had not paid her employees. The Housing Authority Board received a copy of the email from the Labor Department in Atlanta from HUD ordering them to pay \$78,000 to her employees out of the Housing Authority's funds who had not been paid by her. She had a meeting with HUD Greensboro. HUD Greensboro called Ms. Richardson and told her back in 2010 as far as they determined the issue was resolved because they had paid the employees. In affect they paid double for work that she did but did not pay her employees. It is a matter of record.

Ms. Witherspoon responded in the audience to Ms. Richardson.

Ms. Richardson continued, it is a matter of record, anyone is welcome to come to their office anytime, any day, and they will pull out the entire file. You can call the HUD office as well. Yes they have issues as an agency, a lot of agencies do. But it seems like in Hickory there is this either rule or ruin mentality. If I can't have it my way then I will destroy you at whatever cost. They are paying the price publically. She has paid the price personally, but is time that the whole truth be told because it has not been told. She is tired of the slanderous, liable allegations that are being made. It is about time that people are held accountable for them. If you can prove it, prove it. If you can't then you need to quiet yourself before legal action is taken against you. She thanked Council.

Mayor Wright informed Ms. Witherspoon that she had her opportunity.

Ms. Witherspoon asked the Mayor to say one thing.

Mayor Wright told her no.

Ms. Witherspoon stated that Hickory Public Housing is no more than a concentration camp in modern day times.

Mayor Wright advised that he didn't want anyone leaving saying that they had something important to say, that hadn't been said. He asked that the speakers not be interrupted because for example Ms. Richardson had sat back there and she did not interrupt anybody else regardless of what they were saying. He asked for everyone to give each other that courtesy.

- N. Nancy Rivera advised Council that she was a resident of Hickory Housing. She had been in public housing for four years now. She came in as a problem with a flood issue, and they welcomed her with open arms. Anything that she needed they helped her with. This issue deeply effects many of the residents here. She had knocked on every door and asked them. They came up with 168 signatures that said they wanted the Hickory Housing to stay. Many people could not get out of their beds, wheelchairs, canes, and they ask her to come in. She attended a luncheon and they asked many folks if they were in to sponsor a move to the upgraded areas. There was a feeling of joy all over. To go from that to what is happening now has been a state that you wouldn't believe. She too feels it shouldn't be happening. From overwhelming joy to it is a feeling of no hope again.
- O. Alequia Blasingame advised that she was one of the residents that live in Hickory Public Housing. She came from another State and had been here for a while. If it wasn't for Hickory Public Housing giving her and her children a place to stay she didn't know what

she would have been able to do. She came from a horrible relationship and was almost killed. They gave her an opportunity to have a place to stay for herself and her children so they would not be out on the streets. She asked City Council to not get rid of the Housing Authority. It seems like it is great for Hickory Public Housing to be around. She did not know what other people's uses were, but it had been a wonderful place for her. She had the opportunity to start back going to school. She had an opportunity to get a job. She is growing and progressing in her life for once she has some stability and it is all because they allowed her to have a place to stay, a place to live. She asked Council to not get rid of it.

- P. Dr. Glenn Pinckney commented that it is really, really important that the residents become fully aware that their livelihood, their home, their apartments, are not in jeopardy at all in any of this conversation. The things that Council are looking to do has nothing in any way jeopardizing the homes or the apartments of the residents of the City's Hickory Public Housing Authority. He thought that should be clear and all of these rumors that are being spread and perpetuated are creating an atmosphere of terrorism for the residents because they don't have another option. For people, human beings, he wouldn't even bother to say Christians, to allow such a rumor to be perpetuated to these people that are really the vast majority of them doing the best that they can. To have them in fear of losing their residence. To have them in fear of their rent being increased exponentially. To have them in fear of having to pay their utility bills. Have them in fear that white people are trying to put them out of their homes. He commented that is so ridiculous and so unfair, and so unwise. He did not intend to speak. He advised that he had a five page letter dated June 16, 2014 which he sent to the Board of Commissioners when he resigned from the Hickory Public Housing Authority and the reasons for his resignation, he was not terminated by Alanda. He resigned. He resigned because he, as a Christian, could not in good faith continued to be employed in that environment wherein the Board nor Alanda exhibited genuine concerns for residents living in Hickory Public Housing Authority. Most everyone was aware that he actually developed a training program and he had 10 people that graduated from that program. The transformation in those people, even some of the long term staff of Hickory Public Housing did not recognize some of these people because of the transformation that had occurred in their lives. Because they want to do better, they want more. They want out of Hickory Public Housing. But for a lot of those people that wanted to be able to further their education. They had a van parked right outside at the ROSS center where his office was that he could very easily take residents to CVCC to take certificate courses. That was not allowed by Alanda. The ROSS program that he managed was designed for self-sufficiency. How do you help people to become self-sufficient if you want even allow them to get a GED? If you want even allow them to take a certificate course that cost much less than the basketball camp that you wanted to pay for. He commented that he hoped Council did not buy into the white black conversation that is continuing to be perpetuated even by Board members. Those of them that sent a letter to HUD were black and white. It wasn't the white former employees that wrote that letter to HUD. It wasn't just the black. It was them who saw the degradations, saw the injustices. How in the world do you have an agency that small and have a track record of over 70 employees in such a short period of time? Does that not speak to management abilities and skills? How do you have people that live there that are afraid to talk to people about the needs and concerns that they have for their property, for their homes, for their windows, their doors, their heating and air? Because if I say something Alanda is going to put me out. He stated that he was telling them what people told him. He was not telling them what he had heard. He begged Council to not allow the venomous conversation of black and white taint their decision. The residents at this time need them more than they can imagine. He knew that Council was not at all concerned about putting anybody out of their apartments. He wished that somebody would put that anonymous letter out.

Alderman Tarlton requested Mr. Pinckney give him a copy of the letter.

Mr. Pinckney advised that he would get one to him.

- Q. Ms. Tina Russell advised that Hickory Housing had helped her. She moved here from another State. It had helped her to grow. She had been ill for the past year. If it wasn't for Hickory Housing going out of their way to accommodate her, and her apartment, outside her apartment, other apartments that she visits. They had made it easy for her to get in and out of. She wasn't able to walk. They made ramps for her to get into apartments. Now she is able to walk. They made railing. She thanked Hickory Housing and all of their staff. She hoped that they keep it going because people on special incomes it really helps. She thanked Council.
- R. Mr. David Crosby addressed Council regarding the Friends of Hickory. He congratulated them on the fantastic job. He supported that 100 percent. He asked the question about the bathrooms. Knowing that kids will be going to the bathroom. He knows that they love Hickory, he loves Hickory. They need to think about the bathrooms. The hours are going to change that is going to be given back to the City of Hickory so the park and the restrooms now close and open at a certain time. Things will have to be addressed. He knows that Council will look at that. They need to keep that in the back of their mind

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because this issue will not go away. This is what he was concerned about for the children. They are going to be crossing a road to get to the restrooms. They are not the nicest places to be going to the restroom. A mother is dragging a kid, "I got to go to the bathroom, I got to go to the bathroom", a 100 yards or more and they are going to go into a place that is not very nice. He asked Council for taking care of that and thanked them.

Mayor Wright asked Staff and the Friends of Hickory to incorporate that into the discussions of the agreement. He would like to see the bathrooms open more hours anyway, but he knows that cost money.

- S. Ms. Deborah Jordan advised Council that she come from a place where she knows poverty. She saw it, homelessness. Ladies with eight and nine children, have nowhere to go. If it wasn't for the Housing Authority helping her at the age of 59 to go back to school. She doesn't own a vehicle, but they made sure that she got to school. They made sure that she got picked up in the evenings. She just recently came from Detroit and she tried to get that to happen. They asked her if she had cab fare. So now she is no longer in school because she couldn't get back and forth when she was in Detroit. When she was here two ladies from Hickory Public Housing made sure that she got back and forth to school. She is going to go back because it is a goal that she is trying to accomplish. She is not too old. At 59 her bones might be a little sore, but she can still do some things that young people can do. The Hickory Housing Authority has helped her when she was behind on the rent. They don't come and knock on her door and tell her you got two hours to be out of here. They work with her. They had cut her rent, since she doesn't have a job, because people are looking for younger people to do their jobs now, they think that older people can't do. She may not lift 50 pounds anymore but don't let this fool you. She can do a lot. Her rent is \$50. She told them that in Detroit and they looked at her like she was crazy. They asked her if she was serious. Because she didn't have a job, she lost her job when her back went out. No other apartment in the area is going to do that for you, not that she has found. She was not from Hickory, she was from Beckley, West Virginia. She moved down here in 2000. She commented that she can go out her door right now and walk around the apartment complex. She feels safe because the Police comes through there. She sees them from where she lays. She sees every time the Police come down there patrolling. People may not see it, but she sees it. If they take that away from someone like her that is getting ready to get there, she doesn't feel elderly, but getting ready to get there it is a sad thing. She thanked Council for listening to her.

Mayor Wright thanked everyone for letting them have a conversation about things that everyone had a committed interest in. There was a variety of reasons for the interest. They didn't follow all the rules, but they were very civil and let each other speak. It made him proud to live in Hickory and have the opportunity to sit on Council.

## VI. Approval of Minutes

### A. Regular Meeting of January 5, 2016

Alderman Zagaroli moved, seconded by Alderwoman Patton that the Minutes of January 5, 2016 be approved. The motion carried unanimously.

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

## VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

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

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

- A. Approval of the 2015 Loan Agreement with the National Museum of the United States Air Force. (First Reading Vote: Unanimous)
- B. Approval of an Offer to Purchase of Two Properties Located Near the Intersection of 2<sup>nd</sup> Street NE and Falling Creek Road, PIN 3714-06-38-1685 and PIN 3714-06-38-2817. (First Reading Vote: Unanimous)
- C. Approval of a Community Appearance Grant for Non-residential Property Owned by the PWG Investments, LP Located at 1022 Main Avenue NW in the amount of \$987.50. (First Reading Vote: Unanimous)
- D. Budget Ordinance Amendment Number 14. (First Reading Vote: Unanimous)

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- E. Consideration of Rezoning Petition 15-02 for Property Located at 3061 Short Road (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 Lail moved, seconded by Alderman Zagaroli approval of the Consent Agenda. The motion carried unanimously.

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

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

Mark Seaman, General Manager of the Hickory Crawdads has submitted a request to obtain permission to have a public fireworks display on the following dates: April 15, 2016; May 27, 2016; June 17, 2016; July 1, 2016; July 3, 2016; July 4, 2016; July 15, 2016; July 29, 2016; August 12, 2016; August 26, 2016; September 2, 2016; with the following rain dates: April 16, 2016; May 28, 2016; June 18, 2016; July 2, 2016; July 5, 2016; July 8, 2016; July 9, 2016; July 16, 2016; July 30, 2016; August 13, 2016; August 27, 2016 and September 3, 2016.

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

- B. Approved on First Reading the Contract with Wilkie Construction in the Amount of \$290,800 to Construct Phase II of the Planned Improvements to Hickory Optimist Park.

Community Development Block Grant (CDBG) funds were used to complete extensive improvements at Hickory Optimist Park this year. Phase I of the project involved construction of drainage improvements, a walking trail with connection to The Glen at Green Park subdivision, and installation of an outdoor gym. Phase II of the project will involve demolition of an existing storage building. A new pre-engineered community building with restrooms will be constructed. A future contract will also convert the existing tennis court into four pickle ball courts. Staff advertised for competitive bids on the construction project. The low bidder on the project was Wilkie Construction with a bid of \$290,800 for the building construction. (See Consent Agenda E.1) This project will be funded with Community Development Block Grant Funds and Rental Rehab Program Income. Staff recommends approval of the contract with Wilkie Construction to construct Phase II of the planned improvements to Hickory Optimist Park.

- C. Approved on First Reading the Purchase of a Front Loader Unit from Carolina Environmental Systems, Inc. in the Amount of \$248,478.

The City uses front loader trucks for collection of refuse with our dumpster service. This unit is operated daily in the Commercial Division of the Solid Waste Division. This unit will replace a 2003 model. Bids were received from three different truck manufacturers, Mack, Peterbuilt, and Autocar. All trucks were quoted with the same Heil front loading body as we currently utilize this body on other existing trucks and have experienced good service and longevity out of them as well as keeping our equipment consistent related to repair parts and equipment operation. Funds for this replacement unit are budgeted in the Solid Waste – Commercial Division budget. The low bid is under the budgeted amount. Staff recommends purchasing the front loader unit form the NJPA Contract from Carolina Environmental Systems, Inc. in the amount of \$248,478.

- D. Approved on First Reading Budget Ordinance Amendment Number 15.

ORDINANCE NO. 16-03  
BUDGET ORDINANCE AMENDMENT NO. 15

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

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

| FUNCTIONAL AREA      | INCREASE | DECREASE |
|----------------------|----------|----------|
| Debt Service         | 192,810  | -        |
| Culture & Recreation | 175      | -        |

|               |         |        |
|---------------|---------|--------|
| Public Safety | -       | 17,579 |
| TOTAL         | 192,985 | 17,579 |

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

| FUNCTIONAL AREA                       | INCREASE | DECREASE |
|---------------------------------------|----------|----------|
| Other Financing Sources               | 192,810  | -        |
| Miscellaneous Revenues                | 175      | -        |
| Restricted Intergovernmental Revenues | -        | 17,579   |
| TOTAL                                 | 192,985  | 17,579   |

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

- E. Approved on First Reading Grant Project Ordinance Amendment Number 5.

ORDINANCE NO. 16-04  
GRANT PROJECT ORDINANCE AMENDMENT NO. 5

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

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

| FUNCTIONAL AREA       | INCREASE | DECREASE |
|-----------------------|----------|----------|
| Community Development | 150,525  | -        |
| TOTAL                 | 150,525  | -        |

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

| FUNCTIONAL AREA        | INCREASE | DECREASE |
|------------------------|----------|----------|
| Miscellaneous Revenues | 150,525  | -        |
| TOTAL                  | 150,525  | -        |

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

- IX. Items Removed from Consent Agenda – None

- X. Informational Item

- XI. New Business:

- A. Public Hearings

- 1. Approved Amending the 2014 Community Development Block Grant Annual Action Plan to Increase the Budget for Public Infrastructure Improvements

In April of each year, Staff prepares an Annual Action Plan for its Community Development Block Grant (CDBG) allocation from the Federal government. This plan normally includes line items for public infrastructure improvements and single family housing rehabilitation. There is currently \$75,000 remaining in the Single Family Housing Rehabilitation line item. All public infrastructure funds are committed or will be spent in early 2016. The proposed amendment will adjust the City's 2014 CDBG Annual Action Plan by decreasing Housing Rehabilitation/Purchase Program in the amount of \$75,000 and increasing Public Infrastructure Improvements in the amount of \$75,000. The funding will allow the City to complete two to three additional street resurfacing projects in eligible neighborhoods. The reduction in housing rehabilitation funds will not have a negative impact on the City's housing rehabilitation programs. There is adequate funding to complete all current projects and any loan applications that the City is likely to receive prior to the end of the fiscal year. The funding is located in other CDBG project year budgets and the City's Owner/Rental rehabilitation fund. Staff recommends City Council's approval of the amendment to the 2014 Community Development Block Grant Annual Action Plan.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 19, 2015; January 8, 2016 and January 15, 2016.

City Manager Mick Berry asked the City's Community Development Manager Dave Leonetti to the podium to present Council with the 2014 Community Development Block Grant Action Plan and the amendment to the budget in the plan prior to the opening of the public hearing.

Community Development Manager Dave Leonetti presented Council with an amendment to the 2014 Annual Action Plan. Each year City Council approves a plan for how it is going to spend its Community Development Block Grant (CDBG) funding that it receives from the US Department of Housing and Urban Development. Currently in the 2014 plan there is \$75,000 remaining in the housing rehabilitation line item. In order to assist the City in meeting some of its spending deadlines and requirements the Citizens Advisory Committee voted at their December meeting to recommend that the City increase its street resurfacing budget by \$75,000 and reduce that excess funding in the housing rehabilitation line item. The proposed plan amendment would allow contractors to resurface two, possibly three additional streets in low to moderate income neighborhoods. Due to some program income that was received there is adequate funding remaining in other program year budgets to assist any current housing rehabilitation applicants and any that they are likely to receive by the end of this fiscal year. On July 1<sup>st</sup> the funding will be replenished with additional housing rehabilitation funding. The Citizens Advisory Committee and Staff recommended increasing the street resurfacing budget by \$75,000 and reducing the housing rehabilitation line item budget in the 2014 program year by \$75,000.

Mayor Wright asked if this was the Citizens Advisory Committee's.

Mr. Leonetti advised that the Citizens Advisory Committee recommended this. The reason that this is a public hearing was because anytime there is a line item changed by more than 25 percent a public hearing is required.

Mayor Wright commented that he didn't realize that street improvements came out of CDBG funds sometimes.

Mr. Leonetti advised that they had been doing some sidewalk construction, curb and gutter and they had also been doing street resurfacing for approximately three years now. It is a way to supplement General Fund dollars and make them go a little bit further.

Mayor Wright commented and we are taking care of all of the needs expressed by the citizens and residents.

Mr. Leonetti replied to his knowledge yes.

Mayor Wright confirmed in home repairs.

Mr. Leonetti advised in terms of home repairs there was still adequate funding for any request that they are likely to receive by the end of the year.

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

Mr. Cliff Moone, 2925 8<sup>th</sup> Street Court NE advised that he was a member of the Citizens Advisory Committee. They looked at this very carefully as a group and voted unanimously that there would be enough funds to provide to the end of the fiscal year and they recommended it together. He thanked Council.

Mayor Wright asked if there was anyone else who wanted to speak in favor of the proposal. No one else appeared. Mayor Wright closed the public hearing.

Alderman Patton moved, seconded by Alderman Tarlton approval of Amending the 2014 Community Development Block Grant Annual Action Plan. The motion carried unanimously.

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

2. Approved on First Reading Closing the Southern Portion of the Alley beside Community One Bank for the Friends of Hickory Park.

Friends of Hickory has been raising funds for a park to go in the current City owned parking lot at the intersection of 3<sup>rd</sup> Street NW at Main Avenue NW. In order for the park to be safe and have the adequate space, the alley that exists beside

Community One Bank needs to close. In order to keep the outlet from the bank drive-thru operational, the alley will change from southbound traffic movement to northbound traffic movement on the north end. This will also require the removal of three parking spaces along the southbound side of 1<sup>st</sup> Avenue NW immediately west of the alley to allow for safe sight distance for exiting traffic. The City owns both sides of the portion of the alley to be closed, thus all property will revert to the City. Bollards will be installed at the new dead end of the alley in order to prevent vehicle traffic but will allow pedestrian traffic. Staff request Council's consideration in closing the southern portion of the alley beside Community One Bank for the Friends of Hickory Park.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 18, 2015; December 25, 2015, January 1, 2016 and January 8, 2016.

Mr. Berry asked the City's Public Services Director Chuck Hansen to the podium. He advised that Council had two subsequent items to take action on with regards to the presentation that Council heard earlier on the Friends of Hickory Park. For their consideration was closing a portion of the alley beside Community One Bank, the parking lot that was shown in the design, so the park could actually use that space.

Public Services Director Chuck Hansen presented Council a PowerPoint presentation. He advised Council that this was a public hearing for closing an alleyway. The City is the petitioner for the closing. This was a part of the partnership that the City had been working on with the Friends of Hickory. He pointed out the location of the alleyway pointing out Community One Bank, Union Square, the railroad, 3<sup>rd</sup> Street where the railroad underpass is located, the City owned parking lots, the alleyway between 1<sup>st</sup> Avenue NW and Main Avenue NW. Currently this alleyway is two way traffic to get in and out of the parking lot. He showed the section of it that serves as an exit for the bank's drive-up window, which was towards the railroad tracks or southbound. Part of the layout for the park project that was shown actually would like to grow into the alley. He advised that it was a 25 foot alleyway. He pointed out the property line for the City and advised that it was across the top of the parking lot. There is approximately 20 parking spaces currently. The larger parking lot was looked at for seal coating, and remarking. In doing that remarking and relaying that out, they probably could gain approximately 15 parking spaces in that area. Where they see losing, they probably can gain 15 spaces in there with some relay out. So that is not a total loss of all of the spaces, with a little bit of work that would have to be done to it to gain those back. They feel like that could be a positive comeback on most of that. Staff would have to work through all of that. He advised that the request was to close the portion of the alleyway which was highlighted. He showed the portion of the alleyway which would remain open and changed the flow. It would be north bound instead of southbound as it is today. That would allow for the drive-up window at the bank to continue to work. The exit would come out to 1<sup>st</sup> Avenue. They probably will lose one parking spot. He pointed out the location of that spot and advised that looking left you actually have to have that visibility area. They will look at the actual layout of that parking. Staff felt like the plan that was shown earlier actually included the area in it. He advised Council that it was not more property than they had previously saw. The layout that was shown incorporated what was proposed to be closed in Staff's request. Staff recommended approval for the reason of the Friends of Hickory Park.

Alderman Lail asked if they would place bollards at the end of the alley.

Mr. Hansen confirmed they would from a protection standpoint. He advised that they would mark the pavement and it would be signed for citizens in the drive through at the bank. It will be a dead end scenario. He pointed out a location that Staff may be able to work that up.

Alderman Lail didn't see a reason why a vehicle would need to come down there.

Mr. Hansen commented unless it was an emergency scenario. He advised Council of the property line and explained that when you close a right of way the property reverts half in each direction. The City owns both sides of the property adjacent to the alleyway.

Alderman Guess asked if they would still have access to the parking lot.

Mr. Hansen pointed out the parking lot access.

Alderman Guess confirmed that there would not be any access to the parking lot from the alleyway that was being closed off.

Mr. Hansen stated from the alleyway, no. The alleyway would be incorporated as part of the park.

Alderman Tarlton asked if the alleyway was not wide enough to have two way traffic.

Mr. Hansen confirmed that it was not.

Mayor Wright explained that the Friends of Hickory came to the City of Hickory and wanted to do a project that would be meaningful downtown for the children and for the image of the City. They chose a site which was adjacent to the city walk. They are funding the project almost exclusively. The City does have a little funding in it in the way of engineering and permitting.

Mr. Berry advised that it was primarily utility work.

Mayor Wright advised that upon completion the property would be conveyed to the City as part of the park system. It is a great location, it is downtown. Downtown is south of the central population distribution of every ethnic group in Hickory. It is a good location to serve the needs of all the people of Hickory.

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

Alderman Patton moved, seconded by Alderman Guess approval of closing the southern portion of the alley beside Community One Bank. The motion carried unanimously.

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

RESOLUTION NO. 16-01  
RESOLUTION AND ORDER

WHEREAS, the City of Hickory owns property adjoining the following-described area, in the City of Hickory, County of Catawba, which is further described as follows:

25-Foot Alley Located Between Main Avenue NW and 1<sup>st</sup> Avenue NW

All of that certain parcel or tract of land lying and being about 0.1 miles west northwest of the center of the City of Hickory. Bounded on the west by City of Hickory property described in Deed Book 988 at Page 481 and Deed Book 980 at Page 171; on the north by the remaining portion of the existing 25 foot alley called for in Deed Book 988 at Page 481 and Deed Book 980 at Page 171; on the east by a City of Hickory 20' pedestrian walkway as described in Deed Book 1051 at Page 696 and City of Hickory property described in Deed Book 1189 at Page 90; and on the south by the existing right-of-way of Main Avenue NW and more particularly described as follows to wit;

Beginning at a PK nail set in a lead plug in the concrete sidewalk along the northern right-of-way of Main Avenue NW, said PK nail having N.C. grid coordinates of N 729,625.41 E 1,304,786.46 (NAD 83/2007), being located a grid bearing and distance of North 87degrees 27 minutes 37 seconds West 1442.08' from NCGS Monument Municipal, N.C. grid coordinates of N 729,561.51 E 1,306,227.12 (NAD 83/2007) and running thence as the north right-of-way line of Main Avenue NW, North 87 degrees 11 minutes 04 seconds West 25.00 feet to an existing 80 penny nail in said right-of-way; thence as the west line of that 25 foot alley called for in Deed Book 988 at Page 481 and in Deed Book 980 at Page 171, North 02 degrees 22 minutes 20 seconds East 102.75 feet to a point in the west line of said alley; thence South 87 degrees 10 minutes 04" East 25.00 feet to a point in the east line of that 25 foot alley called for in Deed Book 988 at Page 481 and in Deed Book 980 at Page 171; thence, as the east line of said alley, South 02 degrees 22 minutes 20" seconds West 102.74 feet, passing a PK nail set in a lead plug in the sidewalk at 20.11 feet, to the point of beginning containing 2569 sq. ft. more or less.

Staff filed a petition with the City Council of the City of Hickory requesting that said area be closed and abandoned as a roadway; and

WHEREAS, following the filing of said petition with the City Council, a notice of public hearing upon the question of closing and abandoning said area for public roadway purposes was advertised in *The Hickory Daily Record* in the issues of December 18, 2015, December 25, 2015, January 1, 2016 and January 8, 2016.

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

THAT, the above-described area be and the same is hereby ordered to be closed and abandoned for roadway or street purposes, in accordance with the provisions of Chapter 160A, Section 299, of the General Statutes of North Carolina, and the Charter of the City of Hickory;

BE IT FURTHER RESOLVED, that the City of Hickory reserves the right, title and interest in any utility improvement or easement within the above-described street or roadway to be closed, pursuant to the provisions of 160A, Section 299, of the General Statutes of North Carolina; and

RESOLVED, FURTHER, that all rights, title and interest of the City of Hickory in and to the area covered by said street shall vest in the respective owners of the land adjoining said area, all in accordance with the provision of the abovementioned section of the General Statutes of North Carolina.

B. Departmental Reports:

1. Approved on First Reading a Grant/Construction Easement Agreement for the Friends of Hickory Downtown Park Project.

Friends of Hickory is a local nonprofit organization dedicated to improving the City of Hickory through certain project, including projects related to the recreational offerings of the City. Approximately a year and a half ago, Friends of Hickory approached the City with a proposal to enhance and improve the City's parks and recreation facilities by developing and constructing a new park in downtown Hickory through a public/private partnership with the City. The site for the proposed park is located along Main Avenue NW and currently is being utilized by the City for parking. The agreement formalizes the public/private partnership between the Friends of Hickory and the City by outlining the roles and responsibilities of the parties in writing. Friends of Hickory, the project developer, will fund the entire project. Friends of Hickory will maintain appropriate liability insurance and have payment and performance bonds in place to guarantee completion of project. The City will participate in the project by relocating certain infrastructure on the site and by closing a portion of a street abutting the project. When the project is completed and has received final inspections and approval, the equipment and other features located on the site will become the City's property. In addition, the agreement will give the Friends of Hickory naming rights opportunities for the project. Staff recommends Council enter into the Grant/Construction Easement Agreement with Friends of Hickory to construct a new park in downtown Hickory.

City Manager Mick Berry asked Assistant City Manager Andrea Surratt to the podium to present Council with a Grant/Construction Easement Agreement with the Friends of Hickory which allowed the Friends of Hickory to come onto the City property and construct a park.

Assistant City Manager Andrea Surratt presented Council with a full set of drawings of the Friends of Hickory Park. She presented a PowerPoint presentation. She advised that the City had been partnering with the Friends of Hickory for the past two years. She referred to it as the three legged stool. The proposal, the concepts, and the fundraising by Friends of Hickory. We have the street closure issue and this was the third leg of the stool which was the Grant Construction Agreement. The City had become partnerships with the Lackey family, and this is another project in a similar vein, a little smaller scale. In the process of working in partnership with private groups the City needed to develop a grant agreement that has terms and conditions of how things are carried out. In this case the City of Hickory owns the parking lot south of the Community One Bank. That site was selected as the best site for the park, and because of the City's ownership of that parking lot the City then is able to give a temporary easement to the Friends of Hickory and to their contractors to work on that property and improve it. That land is retained in ownership by the City and those improvements are accepted and maintained by the City over time. She advised that was outlined in the agreement. She referenced that information was on page 85 in the agenda package. She discussed working through the site plan. The park has a number of pieces of equipment, and a number of different play spaces and public areas, so all of that would need to have a site plan just like any other

development project. It has a set of grading and utility plans, which were all included and prepared by Land Design and then enhanced by Looper Construction, which is the contractor being used for the contract. There was a landscaping plan in the set of drawings and splash park details. This project will go through the permitting process just like every other development project where you have preconstruction meeting with the City's Planning and Development Staff and the project management group. They will have a pre-application meeting and a preconstruction meeting where they iron out all the details. The City of Hickory will be doing the utility work prior to the start of the project. The City does not want to go back in and disturb the nice fully finished park space with any utility issues. Things are being worked through and done ahead of their construction schedule. She showed the site grading plan, utility plan, landscaping plan, and the splash pad details.

Mrs. Surratt discussed the grant agreement details. The agreement outlined how the project would be carried out on City property. The terms of that included that it is City property and it stays City property. It gives approval for them to work on it but the improvements come back as the City's on the property itself. That is done through a temporary easement. She advised that Friends of Hickory had signed their portion of the grant agreement document and had it notarized. The next step was for Council to consider approval of it as well. The developer is responsible for all of the improvements to the property which were outlined in the document. They agree to have that work completed at the end of December 2016. There is no guarantee that date is totally firm. They have every intention of completing well before that. Should there be a question then that date is targeted to be able to come back to the Friends of Hickory group and iron out any length of time necessary to go beyond that date, but at least we have a date firm in the agreement. Everything is following City Code and the North Carolina Building Code. The City will have ultimate oversight over the project. It is not as if the City turns it over and hopes for the best, and we don't have any control. Ultimately it is the City's property and it will be a City's facility. We have some oversight and it is outlined in the agreement. The City will relocate the utilities. In order to do this project the alley needed to be closed. Naming of the features was reviewed by Allison Holtzman earlier, and those items would have to go back through City Council's naming policy if those apply to the policy. There would be a one year warranty for the contractor, which was standard language. There was the manufacturer's warranty for the equipment itself, which will be transferred to the City. Performance and payment bonds were also a part of the grant agreement as well. General liability insurance had been attained by Friends of Hickory. Fire and casualty property insurance from the contractor, indemnification clauses are also in the grant agreements which followed all the laws of the State of North Carolina. She advised that it was a standard contract, it was something that the City felt comfortable with and would take them through the next year of this construction project. Having that work be done, inspected and then dedicated back to the City of Hickory in terms of the City maintaining the equipment itself. The property will remain the City's. Ms. Surratt addressed the bathroom issue. By building code, our park spaces do not require a bathroom, although a facility nearly is appreciated. There is the bathroom on Union Square. It is an older facility. It was understood that it would be a part of the city walk improvements. They will need to take a look at that location, potentially additional bathrooms along the city walk. Between the time this project takes to go through construction, and design, there should be a new plan for a bathroom space. Whether that is in the same location or in an additional location. But there are spaces there on Union Square.

Mayor Wright commented that they would have to look at the hours that the bathrooms are available.

Mrs. Surratt advised that would be a decision by the City. Right now it is tied to special events. When Union Square is occupied with a special event then the bathrooms are open. The bathrooms are cleaned after each special event before the next special event. Whether that is the Farmers Market, Sails on the Square Music, or any number of uses. Those bathrooms are opened and cleaned and closed, and then opened again.

Alderman Guess moved, seconded by Alderman Seaver approval of the Grant/Construction Easement Agreement with Friends of Hickory for the Downtown Park Project. The motion carried unanimously.

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

2. Hickory Public Housing Authority

Mayor Wright commented that it was easy to see that with most issues there was two sides to every story. He commented that there never had been or never would be any attempt to force relocation, to impose higher rents and higher cost on the residents of the Housing Authority properties. The word misappropriating came up a time or two and he always thinks that misappropriating means theft and he had not heard anything that referred to any theft. Somebody else may have heard something different, but he hadn't heard anything. He commented that he certainly didn't cover everything that was said, but he covered in general the principals of what was said on both sides. He advised that Council passed a motion for Staff to prepare a Resolution for merger of the assets of the Housing Authority, with a qualified entity. A lot of terms had been thrown around like Housing Authorities and Redevelopment Commissions. He asked Council for their input and questions. Some of them had been more involved with this than others.

Alderman Guess commented that Council keeps hearing the word abolish. For lack of a better term kicking people out of their houses and their apartments. He reiterated what the Mayor had said, that has never been a part of Council's plan and it never would be a part of their plan. The abolish word was in the State terminology. There is no intention to abolish or kick anyone out.

Alderman Lail requested an update of where Council stood with the matter of the Resolution that had been discussed. He wanted to know what had been learned in the time since the last meeting. He felt that would help provide some context for discussion.

Mayor Wright explained what he had learned. If the COG is the entity selected, as a Housing Authority. Council could have a voluntary merger and transfer the assets to them, certainly anything would be subject to the approval of HUD. Mayor Wright questioned if he had misstated anything.

City Attorney John Crone advised no.

Mayor Wright advised that the assets could be transferred with the approval of HUD and approval by the Board of the Housing Authority and by City Council. It could happen in short order. But, it had been described as an involuntary transfer. He did not know how this would even work. An involuntary transfer can only be made to a certified Redevelopment Commission.

Mr. Crone clarified an existing Redevelopment Commission. He explained things that had been discussed since the last meeting and what they had learned. In order for the City to do away with the current Housing Authority and contemporaneous therewith at the same time transfer it to another entity, that other entity must be an existing Redevelopment Commission. He thought that the motion was for Staff to proceed with a Resolution to take all efforts necessary to transfer to an existing Redevelopment Commission or an entity that is entitled to take over that job. If we do not find or there is not an existing Redevelopment Commission for the City to transfer it to, then it can be voluntarily transferred by the present Housing Authority Board to a Regional Housing Authority such as the COG. The COG is not at the present time, as he understands it, an existing Redevelopment Commission. It is a Regional Housing Authority. If Council wanted to have COG take it over it would require consent of the Board as it presently exist of the Hickory Public Housing Authority.

Mayor Wright commented it requires approval of the Board as it then exist.

Mr. Crone advised as it exist at that time.

Mayor Wright asked if they knew how hard it would be to make the COG an existing Redevelopment Commission.

Mr. Crone commented that there had been some "what if" conversations with them, but not in-depth. A Redevelopment Commission is a creature of Statute. He didn't think they could establish themselves as a Redevelopment Commission. He thought that the City would have to take part in or be the facilitator of an entity being set up as a Redevelopment Commission. He asked Deputy City Attorney Arnita Dula if she concurred.

Deputy City Attorney Dula responded correct.

Mayor Wright commented then you get into other stuff like who owns the vouchers in the properties. How are those transferred? Is there any upset bid process? Whose approvals are necessary?

Mr. Crone commented that he was not sure about an upset bid process, but the Statute is very clear that the assets and liabilities are passed on to the entity that would be a Redevelopment Commission. It would just pass to them, assets, liabilities, and there is a timeframe in the Statute as to how to effectuate that. It is real clear in the Statute as to what is to be done, but it is unclear as to how you do it. He thought that would take, over a period of time, transfer of title to personal property, vehicles, computers, etc., by bill of sale, and transfer of real estate holdings, and a takeover of the day to day operations and employment of staff, etc. If there is not a voluntary transfer of the housing commission. If it has to be done involuntary then the Statute uses the word abolish, but he said that the only other method for that to occur is for the City to do away with the present Housing Authority and takeover the assets, liabilities, and run that program unless or until they found an entity that is qualified to have it transferred. One possibility, and the Legal team had not gone into great detail about this, was whether the COG or an entity like COG as a Regional Housing Authority, could operate the entity that went in the hands of the City if the City wanted to take ownership and responsibility. He urged the City not to be involved in taking over the assets and liabilities of the Housing Authority without knowing exactly what they are. If further discussion is had between all of the interested parties, and if that results in a voluntary transfer, then certainly a component of that would be the parties discussing what the assets and liabilities are. How they can be transferred. How there can be a seamless transfer of ownership and responsibilities and at the same time educate the residents over there. Whatever is happening, they are not going to be kicked out of their house. He wished that everybody comes out of any negotiation as a win/win for all interested parties, in particular the residents of the City of Hickory. He thought that was what Council had said all along. The thought that needed to be clear to the public, and clear to City Council as to what the options are. He explained in order for there to be an involuntary transfer it would have to be an existing Redevelopment Commission. As he understood it COG is not an existing Redevelopment Commission it is a Regional Housing Authority.

Alderman Tarlton asked if City Council could get an inventory of the assets and liabilities.

Mr. Crone advised that they could ask them for that. He felt like that they would give it to them. It is a matter of public record. He advised that they had been very cordial working with him and their Lawyers had been very professional in exchanging ideas and information. He didn't think that was a problem at all.

Alderman Lail commented that their financial statement, as of September 30, 2015 was on the website.

Mayor Wright wanted to clarify something. This was an observation to him. He clarified that having looked at it, it was a compiled report, which is very valid. It was done by the Accountants who keep their books month to month. The compilation report disavows any knowledge of an audit. Disavows full disclosures, and says that the accounts, because they are keeping the books, they are not independent. None of that matters because they do have an independent auditor who usually issues the report in February. If you look at that report on their website, and read the auditor's report the compilation report, don't let that alarm you.

Alderman Guess asked where to they go from here.

Mayor Wright asked if Council wanted to rescind the motion from the prior meeting.

Alderwoman Patton commented no.

Mayor Wright said they could either rescind it or keep it. If they keep it they have to get answers to a lot of these questions.

Alderwoman Patton felt that Council needed to move down the path to get these answers so they could make the best decision.

Alderman Seaver felt that Council should do whatever it takes to make sure that the residents are treated fairly, respectfully and do not have any fear of things changing that drastically in their way of life.

Alderman Tarlton interjected and that their properties are being managed in a professional manner. That is why he wanted to see an audited financial.

Mr. Crone commented that he didn't know if last meetings motion and vote addressed this issue or not, they had talked about a Resolution. He asked Council to add to what was discussed at the previous meeting which was a motion to

approve an addition to what was resolved at the last meeting to allow an opportunity for discussions to continue and explore the possibility of a voluntary transfer of the assets to, not to an existing Redevelopment Commission, but to a Regional Housing Authority or entity that is capable under HUD guidelines of accepting a voluntary transfer.

Mayor Wright responded that he would certainly add that to the motion, but he personally thought that it was implied that was the preferred route from the start.

Mr. Crone advised that is what he thought, but he did not know what the minutes said. He requested that Council say that again, so when they do come back with a Resolution it has that language in there.

Alderman Seaver commented that Council could rescind it for now and come up with something more viable after more information was presented.

Mayor Wright advised that he personally would rather not rescind it.

Alderman Patton agreed. She felt that they need to go ahead and make a motion to allow them to explore that voluntary merger so that they could go down the path to find the financial information, the list of assets and everything that they would need, so at the end of that period make a good decision. They would have all of the facts to them and this would allow the attorneys to explore all of that and gather all of that information for them.

Alderman Lail advised that he was looking at the approved minutes from the last meeting. He didn't feel that the motion that was made, and where Council was now was inconsistent with any of that. He advised that the motion was made to move towards a merger, or pursue towards a merger with another qualified appropriate entity and work with them and the Board of Directors of the Hickory Housing Authority and see what can happen. He thought that was what Mr. Crone was asking, if they could have those meeting.

Alderman Patton moved, seconded by Mayor Wright, to have those meetings. The motion carried unanimously.

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

3. Appointments to Boards and Commissions

**BOND IMPLEMENTATION COMMISSION**

Members appointed on 2/3/2015 to one year terms, per Ordinance 15-01, are eligible to be reappointed to one additional 3 year term (Terms Expiring 2/1/2019)

|                                    |  |
|------------------------------------|--|
| Ward 2 (Alderman Tarlton Appoints) | Gayle Schwarz Resigned<br>(3 year term expires 2/2/2018) |
| Ward 2 (Alderman Tarlton Appoints) | Jennifer Clark expires 2/2/2016                          |

Alderman Tarlton nominated Kay Schmucker to the Bond Implementation Commission to fulfill the unexpired term of Gayle Schwarz.

Alderman Tarlton reappointed Jennifer Clark to the Bond Implementation Commission.

|                                   |                                 |
|-----------------------------------|---------------------------------|
| Ward 3 (Alderman Seaver Appoints) | Anthony Laxton expires 2/2/2016 |
|-----------------------------------|---------------------------------|

Alderman Seaver reappointed Anthony Laxton to the Bond Implementation Commission.

***Ex Officio Representatives:***

Per Ordinance 15-01 representatives appointed by the boards, commissions, and the Chamber shall serve for a term of one year and may be reappointed for up to two additional one year terms with the exception of the Youth Council representative. (Terms Expiring 2/1/2017)

|                                      |                |
|--------------------------------------|----------------|
| Business Development Committee       | Dana Chambers  |
| Hickory International Council        | Pending        |
| Hickory Regional Planning Commission | Shauna O'Brien |
| Library Advisory Board               | Pending        |
| Recycling Advisory Board             | Pending        |
| University City Commission           | Pending        |

**COMMUNITY RELATIONS COUNCIL**

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

**HICKORY REGIONAL PLANNING COMMISSION**

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

**INTERNATIONAL COUNCIL**

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

**PARKS AND RECREATION COMMISSION**

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

**PUBLIC ART COMMISSION**

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

**RECYCLING ADVISORY BOARD**

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

**YOUTH COUNCIL**

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

Hickory Career Arts Magnet VACANT

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

Mayor Wright announced that the motion was made by Alderman Zagaroli seconded by Alderman Seaver 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

Alderman Seaver advised that Hickory High and Hibriten were playing for first place basketball at Hickory High, they were probably at second half. He commented that they have burgers and hotdogs well-crafted over there.

Mayor Wright commented that they both were 14 and 1.

XIV. There being no further business, the meeting adjourned at 9:07 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

January 19, 2016

A Special Meeting of the City Council of the City of Hickory was held in the Council Chambers of the Municipal Building on Tuesday, January 19, 2016 at 5:00 p.m., with the following members present:

|              |             |                |
|--------------|-------------|----------------|
| Brad Lail    | Rudy Wright | Hank Guess     |
|              | Aldermen    | David Zagaroli |
| Danny Seaver |             |                |

A quorum was present.

Also present were: City Manager Mick Berry, Assistant City Manager Andrea Surratt, City Attorney John Crone, Deputy City Attorney Arnita Dula, Governmental Affairs Manager Yaidee Fox and City Clerk Debbie D. Miller

Staff Present: Parks and Recreation Director Mack McLeod, Public Services Director Chuck Hansen, Planning Director Brian Frazier, Assistant Public Services Director Kevin Greer, Communications and Marketing Manager Dana Kaminske, and Communication Specialist Policy Analyst Sarah Prencipe

Freese Nichols Present: Charles Archer, Mike Wayts, and Morgan McIlwain

Present from the Bond Implementation Commission: Vice Chair, Allison Holtzman, Charlie Dixon, Susan Smith Walker, Mike Thomas, Frank Young, Cliff Moone, Paige Brigham, Rob Dickerson, Anthony Laxton, Suzanne Trollan, Charlie Hayes, James Tilton, Jason Yates, Dean Proctor, Hani Nassar, Jennifer Helton, and Alan Barnhardt

- I. Mayor Wright called the meeting to order. All Council members were present except for Alderman Tarlton and Alderwoman Patton
- II. Bond Commissions Final Recommendation

City Manager Mick Berry asked Mr. Charles Archer from Freese Nichols to the podium to present the presentation.

Mr. Charles Archer advised that they had been working with the City and the Bond Commission since last May to develop the list of projects for Council to consider to include in the first phase. The investment of the \$35 million dollars that the citizens passed last year. He commented that it had been a pleasure to work with the City's Staff and the Bond Commission. Everyone was so passionate about the opportunities that this holds for the City and improving the quality of life and investment for the future. He didn't know how it might go working with a 42 member citizens committee. It had been great. They were passionate and they worked together and made the process much better. It probably was the most transparent, most engaged process that they had even been involved in with this type of bond program. He commented that it had been their pleasure to work with everyone up to this point. He advised that he would give an overview of how they got to where they are and then he would turn it over to two members of the Bond Commission, Mike Thomas and Frank Young.

Mr. Archer recapped what had transpired from last spring to this evening. Last month Council had a workshop and looked at six different options for investing in the bond program. He advised that he would review those options again, and show them the results of all the voting dots that they used along with the Bond Commission, and all of their preferences there. They also did a survey of the Bond Commission about the Riverwalk options in December. Last week they presented two final options to the Bond Commission for their consideration. He advised that the Bond Commission had their recommendation for Council. He discussed the events from last spring when they were engaged by the City to be the Program Manager. Citizens had overwhelmingly passed the bond referendum in November of 2014. The City had the Inspiring Spaces document that painted the vision for investment in the future of the City of Hickory. This was a vision of investment for the future. They also used this document for the TIGER Grant application that was submitted last spring to USDOT. It was a high level planning document. He showed a map on a PowerPoint presentation. Last spring they were given 9 streetscape projects, 5 gateway projects, the Riverwalk, and the city walk project for a total of 16 projects to work with the Bond Commission on determining priority. What the scope of those projects might be. What the cost for those projects might be. That is where they began their work with that long list of projects. They did the pre-engineering work, the technical work, looking at all 16 projects, developing GIS files for each of those to incorporate topography and utilities. His staff conducted field visits. The Bond Commission subcommittees visited all of the projects in the field doing van tours looking at the sites as well. They also coordinated with City Staff about projects that are either underway by the private sector, or projects that were maybe maintenance or capital projects that the City is doing to coordinate that to make sure that they didn't waste money in these efforts. The bottom line was to look at what impact these 16 projects might have on the community. The constraints there might be to get those designed and built within the City's budget, and to look at the feasibility of each. Part of that included coordinating with the regulators, those agencies or entities that will be involved and issue permits for these project. That included: Duke Energy, they will be involved with the Riverwalk project as well as the streetscapes and the gateways; NCDENR, Department of Environmental Quality, which is the State environmental agency; Norfolk Southern Railroad will play a key role in the city walk project as that gets defined and constructed; USDOT is involved in all of these projects as well; and the Federal Energy Regulatory Commission because of the Duke Energy license for Lake Hickory will be involved in permitting the Riverwalk project. They spent a lot of time developing the pre-engineering that led them into the concepts. Council had seen a number of the byproducts of this work in the handouts, maps, drawings, renderings, etc. He advised this was just an example of

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some of those. He displayed a map that showed the 16 projects. He pointed out the nine streetscapes, five gateways, city walk from 4<sup>th</sup> Street to Lenoir-Rhyne University, and Riverwalk from US 321 to Rotary Geitner Park. They developed the concepts and budgets for those. When they finished doing that they came up with approximately \$75 million dollars' worth of needs and wants within all of these projects. It is hard to stretch \$35 million dollars into \$75 million dollars so you have to set some priorities. They spent the last three or four months working with City Council, Staff and the Bond Commission to develop those priorities. He showed another example of the byproducts of the streetscapes summary that they had provided last month. The other half of this effort beyond the technical work had been the coordination and collaboration. They had over 66 meetings since last May. Most of those with the Bond Commission and the Subcommittees, and Chairs and Vice Chairs of all of those committees. They had 23 meetings. Those folks had really worked hard on behalf of this community to make this process better, and the end result better. They had three City Council workshops, and several meetings with City Staff and regulatory meetings, 25 plus other meetings to get to develop those scopes and those budgets. He referenced a graph on the PowerPoint and advised that they developed a concept and got feedback. It would get amended, continue to get that feedback until they got it worked out to where it needed to be at this high of planning level that we are at in this phase before we go into designing the projects. At Council's meeting in December they presented six different options for how the \$35 million dollars of the bond proceeds could be invested in these projects. Those that were labeled Option "A", "B", and "C", were concepts that Freese Nichols developed and presented to the Bond Commission at their December meeting. During that meeting they broke the Bond Commission members up into four groups and they gave them the option of endorsing one of their three options or to craft their own. Three groups chose to craft their own. He advised that was shown as Group 1, Group 2, and Group 4. Group 3 actually went through the process of crafting their own, and when it came time to put it up on the wall they decided to endorse Option "A". Those were the six versions presented to City Council at their work session last month. Mr. Archer recapped what the options were: Option "A" included Riverwalk 2, which is the \$8.5 million dollar project and the connection of streetscapes from I40 at Lenoir-Rhyne all the way to city walk, from city walk down Old Lenoir Road to Riverwalk, it is connectivity for all of the streetscapes. Group 1 and Group 2 were almost identical. There were just minor differences. When they took them back to the office and began to look at the differences they were just really minor. Option "B", which Freese Nichols had developed, spread the projects across the City. There was not connectivity with the streetscapes across the City. They were spread to different sectors across the City. This didn't get a whole lot of points through the process that they took City Council and the Bond Commission through. Option "C" was an option that Freese Nichols prepared and included Riverwalk Option 1, which was the \$12.6 million dollar version which is all along the waterfront. It did provide for the connection of the streetscapes from I40 and Lenoir-Rhyne all the way through downtown to Riverwalk. Group 4 was one that was actually similar to Option "C" but it was not fully connected. It didn't have that northern connection from Old Lenoir Road to Riverwalk in it. He showed how the voting dots were placed at the December meeting. He pointed out the results from the Bond Commission. When they looked at the analysis Option "A" Group 1 and Group 2, those versions were essentially the same with minor differences. When you add those up 67 percent of the Bond Commission, at the meeting in December, favored a version of Option "A", which is the one with Riverwalk Option 2 and the connectivity of streetscapes from I40 at Lenoir-Rhyne all the way to Riverwalk. Another option that got a lot of traction at the Bond Commission meeting was the Group 4 option. That received 30 percent of the vote from the Bond Commission. That one funded Riverwalk Option Phase 1, the \$12.6 million dollar version of Riverwalk and didn't quite provide all the connectivity from Old Lenoir Road north to the Riverwalk project. Those same options were presented to City Council at their work sessions in December. He pointed out how the votes were cast by City Council. About 67 percent of City Council as compared to 67 percent of the Bond Commission favored Option "A" Group 1, which again were very, very similar; 33 percent of Council preferred Group 4, which funded Riverwalk 1 but not all of the connectivity. He commented that it was purely coincidental but it shows how close that Council and the Bond Commission are on the same page on the work that had been done over the last several months. He pointed out, at the Bond Commission meeting in December, there were citizens in attendance and they gave them cards and gave them an opportunity to write down what they preferred and their thoughts. Only two citizens chose to submit cards that evening, but those two preferred Option "A" as well. He advised that he wanted Council to see that data in the presentation. He reiterated that Council and the Bond Commission were very close in placing their dots. There seemed to be a lot of consensus on how the investment should be made. One of the points that they were trying to figure out was Riverwalk Option 1 versus Option 2. They did a survey in December with the Bond Commission again to get a little more data so they could get closer to the recommendation. He pointed out Option 1 which was the \$12.6 million dollar project that is all along the waterfront from 321 all the way to Rotary Geitner Park. He pointed out Option 2, which was the \$8.5 million dollar option that is about 50 percent along the water from 321 to about midway, then it goes upland to get out of the riparian buffer at least 50 feet from the high water of Lake Hickory and then ties back into the Rotary Geitner Park. He explained that was the difference between Option 1 and Option 2. The survey that they asked the Bond Commission in December consisted of three questions: 1) Which option of Riverwalk do you prefer 1 or 2; 2) Why did you pick it?; and 3) Why didn't you pick the other one? He pointed out the results which 59 percent preferred Option 2 which was the \$8.5 million dollar project and 41 percent Option 1 the \$12.6 million dollar project. They were able to get comments from the Bond Commission.

Mr. Archer commented that he would discuss myth busters, some of the things that may not be completely accurate that they heard at the Bond Commission and maybe even at City Council's meeting in December about the Riverwalk. He discussed the comments that they got back from the Bond Commission respondents in the survey. Referring to a pie chart, they had categorized them into categories. He pointed out the portion that represented 25 percent which was diversity. The comments were about preferring Option 2 because it offered a diverse experience. Part of it

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is along the water, and part of it is up in the trees. The next portion of the graph represented 16 percent. Those comments were about diversity and cost. The diversity of the experience and it is cheaper. That is why they preferred Option 2. Another portion was 20 percent and those comments were all about cost. Those that chose Option 2 over Option 1 felt like it was more cost effective, it is essentially four million dollars cheaper. Another portion was 25 percent of the comments were about iconic in support of Riverwalk Option 1 the \$12.6 million dollar version. It makes a bigger statement because it is essentially along the waterfront all the way from 321 to Rotary Geitner Park. He pointed out the portion of the graph which was a combination of all those comments which was kind of hard to segregate or assign it to one category or another. There was several miscellaneous comments that showed up. That seemed to be the four big categories where the Bond Commission stated why they chose the option that they chose. Why they didn't choose the option they didn't choose.

Mr. Archer discussed some of the myths that they wanted to clear up. They had also done this with the Bond Commission at their meeting last week and felt that it would be appropriate to do it with Council as well. Someone made a comment that there wouldn't be any shade on Option 1 of Riverwalk. The fact is it is going to be in the shade most of the day. Late afternoon when the sun is going down in the summertime it will get some sunshine. But for the most part it is going to be in the shade because of the way it is oriented along the northwest face of Lake Hickory. The other myth was Option 1, which is all along the waterfront, would be harder to permit than Option 2. He advised that was not accurate either. Both Option 1 and Option 2 have infrastructure along the water. The permitting process is going to be the same. Same timeframe essentially for both. It really won't affect the timing or the cost. The permitting process will be the same for Option 1 versus Option 2. The other comment they heard was Option 1 because it is along the water could flood or catch run off. The first comment here is that both Option 1 and Option 2 should be designed, and will be designed to handle whatever stormwater they need to handle in any typical storm to meet the City's design standards there. He commented that Lake Hickory is a dam controlled impoundment. Most of the time it rarely floods, can't say it never floods, there are going to be times when there are severe storm events and water is going to increase there. Option 1 and Option 2 would be affected equally. Option 1 is 100 percent along the waterfront and Option 2 is half along the waterfront. Both would be affected and both would still be built above the high watermark as required by Duke Energy and by FERC. That would be a minimum impact and shouldn't really be an issue in making a decision about Option 1. Option 2, a comment they heard was there were more varied grades and slopes which was true. If you can envision Option 2, it is along the water starting at 321 going towards Rotary Geitner Park about half-way. Then it is going to transition up the hill, and as it transitions up the hill there will be different grades going up the hill to get to wherever it is going to be constructed through the trees. Both Option 1 and Option 2 can be designed and built to meet the Americans with Disabilities Act (ADA), which would not allow more than a 5 percent grade on the slope of the walk itself. It is true that it will have varied slopes, but it is just because it is a little different design. The other is Option 2 has more varied elevations. That is true. Option 1 is basically a flat trail built along the water's edge from 321 to Rotary Geitner Park. Option 2 again is going to transition up the hill, through the trees, and it is going to be higher above the lake. You will have different vistas along Option 1. You are going to have essentially the same vista across Lake Hickory depending on whatever direction that you are looking. It is all level there for the most part. Option 2, portions of it are going to be higher, half of it will be higher than Option 1. Option 2 has better views. They say that is false. The views aren't better they are just different. Option 1 is all along the river, Option 2 is half along the river and half up in the trees. It is dependent upon the time of year, where you are at any particular location, your views are going to be different what you can or cannot see from the upland portions of Option 2. He advised that he was trying to dispel some of the myths or the inaccuracies, or misunderstandings that they had heard about those options of Riverwalk 1 and Riverwalk 2. They took all of the data back to the Bond Commission last week. They had worked with Freese Nichols through this process since last May, the 23 meeting. They really understand these projects and they are really passionate about these projects. They took them through a process last week where they voted and made their recommendation. He advised that Frank Young and Mike Thomas would be giving the presentation. He advised Council that they would be glad to answer questions after the presentation. He asked Mike Thomas and Frank Young to the podium.

Mr. Mike Thomas advised that he and Mr. Young would discuss the final two options that were presented to the Bond Commission last week that they had voted on. They wanted to make sure that Council understood what the two options were and what they had decided. He commented that working with City Staff and Freese Nichols had been a real pleasure thus far in the first year of this project. They appreciated their contribution in making it easy on their large group. He echoed a comment, that to a certain extent this was a hard analysis for them because they were both excellent choices. That was a good problem that they were having to solve in deciding between these two things. He wanted to make sure that Council understood what combined Option "A" was because it wasn't something that had been shown in detail before. It came about because in looking at the three options that had received a significant amount of support leading up to this there was a lot of similarity. All of them were premised around Option 2 for the Riverwalk as the first choice, and as many of the amenities along the city walk as would fit into the budget. There were just a few little differences. He pointed out on the PowerPoint presentation Option "A" which was one of the choices that Staff and Freese Nichols presented and which was approved of by one of the Groups in the Bond Commission. He pointed out the options presented by Group 1 and Group 2 that were the same. Option "A" in Group 2 both had the city walk Union Square amenities. The Main Avenue to 1<sup>st</sup> to 3<sup>rd</sup> amenities were there and the 2<sup>nd</sup> Avenue realignment. Group 1 dropped out the Union Square, and added the 321 Clement Boulevard gateway and the city walk amenities at the Lenoir-Rhyne end of the city walk, which was additional planning out there in that block that is now open by Lenoir-Rhyne at the end of city walk. There were some difference in the second choices. Group 2 was essentially the same as

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Option "A" but they had Riverwalk Option 1 as one of the features to be added if funds became available in an appropriate time. What combined Option "A" has is all of those features that were common to Option "A" in Group 2, the Clement Boulevard gateway that Group 1 proposed and including leaving Riverwalk Option 1 as an upgrade if funds become available within an appropriate time. Combined Option "A" was one of the two options presented at the Bond Commission meeting last week.

Mr. Frank Young discussed Group 4. The most important thing to notice about Group 4 was the number one thing, the most important thing for them was Riverwalk Option 1, period. In order to get that they had to forgo some of the amenities on the city walk. They also had to forgo the connectivity essentially from Old Lenoir Road to the Riverwalk, the area that is by Arby's past the old Nissan dealership. Down the Riverwalk Option 1, city walk pedestrian bridge, it was essentially the same, so they get the city walk spine, not the same amenities along that spine however, in order to get Option 1. Group 4 felt that Riverwalk Option 1 has to be done because it has to be done right in their opinion that is the only way to do it the first time. They feel that somewhere down the line that there will be trails coming off of Option 1 that will essentially look like Option 2. In order to get there they have found a way to get \$4 million dollars in order to spend Option 1.

Mr. Mike Thomas commented that Mr. Young had done a good job in showing them the differences, but the difference between combined Option "A" and Group 4, essentially comes down to Riverwalk Option 1 versus Riverwalk Option 2 at the outset, and then taking away some of these amenities that come along with city walk and the gateway in order to pay for it. As Mr. Young had said, taking away the north connection between city walk and Riverwalk. That was essentially the streetscape between Geitner Road, Clement Boulevard, and Old Lenoir Road intersection north to the city walk. There would still be the streetscape from the end of the city walk downtown along Old Lenoir Road to Geitner Road, which is the south connection. That is the difference; that combined Option "A" has Riverwalk Option 1. As a possibility down the road, if funding becomes available, then Group 4 has Riverwalk Option 1 as a commitment out of the box.

Mr. Frank Young discussed how they arrived at this point. He reiterated that when they started at their first meeting they had to choose which Subcommittee that they wanted to be part of. It went fairly well. They were split up pretty evenly within the three Subcommittees. From that point they went out and concentrated on those Subcommittees respectively. Then they came back together and reported on the Subcommittees. They went back out and tried to refine the Subcommittees. They really felt good, they were new at this. They had never done it before. They really felt good about receiving grants. In fact, they felt good about the TIGER grant. Unfortunately we did not receive that. He noted that it meant a lot to them, it impacted their decisions greatly from that point on. What happened on December 8<sup>th</sup> to him was a little bit shocking. The Subcommittees came together for the Commission's meeting on December 8<sup>th</sup>. That is when they had to make a decision about different options. The overall theme was that some of these Subcommittees are not choosing some of their favorite things. Instead of that, they as a Commission, are trying to get a complete picture. They wanted the connectivity, they thought it was crucial. From Lenoir-Rhyne, from I40, to the city walk, the city walk all the way to and through the Riverwalk, to the Lackey project. They felt that was the most important thing. The word of the Commission so far had been "iconic". He said every time they say it they kind of chuckle a little bit. In fact Mr. Dixon said that he looked up iconic and he wasn't sure exactly what it means as it relates to this. Mr. Young commented that what it means to them is they want people from around the State, from other States, to see this project and to recognize it. Hey that is Hickory, North Carolina. Let's go there. They are going down 321, let's stop there. Let's spend some money. I want to move there. That is the point of this. He went back to the connectivity and why they chose this recommendation. Before the vote last week when they had to choose between combined "A" and Group 4 some questions were brought up. He wanted Council to notice that at the bottom of the recommendation it said additional projects, and in it, it said Riverwalk Option 1. They are not saying they don't necessarily want Riverwalk Option 1. They are saying if they had additional funding they would like to have the right to consider Option 1. They felt that there was a little bit more flexibility in combined Option "A". They were not saying that they are married to Option 2. They were not saying that they are married to Option 1. They just have the flexibility now. They felt that there would be funding. One thing that they didn't do, they had some people that just plain wanted Option 2 for the Riverwalk. They wanted to be able to walk up through there. There were some people that just plain wanted Option 1. Those who wanted Option 1 are okay with this option. It is in Council's hands now, and he felt that they would make the right decision, but he thought that it was crucial that they understood that hopefully they will get more funding and have more flexibility in the future. He advised that combined Option "A" was the Bond Commission's recommendation. They get the amenities of the Riverwalk and at this point they get Option 2. It is crucial that they do it the right way so that it is iconic.

Mr. Mike Thomas added that he thought that this recommendation and 80 percent should speak to Council pretty strongly. He thought that represented the view of most folks on the Bond Commission. Connectivity is the highest priority and then some flexibility to try to work toward Riverwalk Option 1 after we have committed to that connectivity makes a lot of sense. He thought that was their part of it.

Mr. Charles Archer asked Council for questions.

Alderman Zagaroli asked if it would be rather difficult if you start Option 2 on the Riverwalk, to then, in case somebody drops several million dollars on the City, to go back to Option 1 if you started construction on Option 2.

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Mr. Archer advised that it was not necessarily difficult, it was expensive. It really comes down to a matter of timing. That the City at some point, assuming you move forward with Option 2, and get into the design and get into the permitting, how far down the path is a point of no return. It really is a question of time when the funding might become available relative to the design. Not so much the construction, but we need to design it, whichever way first.

Alderman Guess asked once committed to Option 2 there is really no turning around or coming back. The rest of it, city walk can be added to later, whereas Option 2 for Riverwalk can't be necessarily changed once it is in place. Whereas amenities could be added so forth and so on to the city walk but not so much to the Riverwalk.

Mr. Archer advised that there was a lot more flexibility with city walk just because you have a spine of city walk, then the amenities that are off at different places, it gives you more flexibility than you have with the Riverwalk design and construction.

Alderman Guess commented that his point was if you spend more on the Riverwalk in the beginning then you have that in place, whereas, if you spend less on it and more on the city walk, you can't change them, they are not interchangeable. You can't fix it after it is done.

Mayor Wright commented that Option 2 starts at the water, then goes up, and then comes down to the water again. He didn't see where it would be, other than expensive, that difficult to leave the higher elevation in there, but also extend the lower elevation. Connect the lower elevation.

Alderman Guess commented that is kind of what he said.

Mayor Wright commented that you could do that for four or five million dollars.

Mr. Archer replied yes sir you can.

Mayor Wright commented that he wanted to remind Alderman Zagaroli that they had said all along that by the time this is over with between the partnerships and donations that they would probably spend 100 million dollars. But they are not going to plan to spend anything over \$35.5 million dollars.

Alderman Zagaroli commented that he would love to see this program advance as quickly as possible. He would hate to drag it along while we are waiting on another four million dollars to complete Option 1 versus Option 2. Also if you think about it, if you are coming down 321 or going up 321 the major part of that walk you see will be on the water. If you are going 60 mph you can't watch the whole Riverwalk that goes back up to the park. The majority of the iconic part of that walk will be visible immediately as you go over the bridge.

Mayor Wright stated that there will be other iconic features that they will see.

Alderman Zagaroli replied the bridge is going to be iconic.

Alderman Seaver asked if the money was taken out of the picture would Option 1 have gotten the most votes. He felt it would have because just thinking about all of the comments that they needed to keep Option 1 because everybody loved it so much. Is it a possibility to come in later? Do we even have a chance later to do that?

Mr. Archer advised that they were asked that question last week by the Bond Commission, why didn't they ask that question in the survey in December. He responded that they couldn't take money out of the equation. They are at a point now where they have to make some decisions and it is all about the dollars and how you allocate those dollars.

Mayor Wright commented that if money were not in the equation there are a whole lot of other stuff that he personally would like to have.

Alderman Seaver commented just in that amount right there, that four million dollars.

Mr. Mike Thomas advised that the thought there was a subset of the Commission that would chose Option 2 even if they had all of the money in the world. And there are a group of people who want Option 1 no matter what, and there is another group of people who think that the money matters so that was part of their analysis. He didn't know how big those three groups were.

Mr. Frank Young advised that they actually did a Riverwalk survey but they didn't take money out of it. The results were 59 percent for Option 2, and 41 percent for Option 1. They did not take money out of it so he was not sure if that helped.

Alderman Seaver commented when you talk about ADA requirements they do have minimum standards. They went out of their way to do the Zahara Baker playground to where any child that wanted to get on there can do that and participate in what is going on.

Mayor Wright commented that even there not every single thing, but they can play with their friends.

Alderman Seaver commented that he wondered, as far as diversity goes, among those folks that are not able to do the whole Riverwalk down there. There would me some he was sure. He wanted to make it was available as possible to all citizens. How many would they leave out doing

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the whole thing if they did? He liked the trails up through there. He felt that once you have the spine in place that could be added later. But he felt that would be easier to add later than to come in and redo the Riverwalk later. He commented that he had done a lot of thinking about it and wasn't sure if he knew what he wanted either. He was so glad that the City had all of the Bond Commission. Without the Bond Commission he didn't know where Council would be with it. He thought that it was important that Council consider the diversity of all of the citizens on this regardless of what may cause them not to be able to do that, to lower that as far as they can.

Alderman Lail commented that he really appreciated Mike Thomas' comment. In any decision making process you have to be influenced by sort of a value. The influencing value that seemed to be predominant in the Bond Commission was this idea of connectivity. He thinks that if Council wants to talk about 1 or 2 they are going to have to solve that one first. Is connectivity the overriding thing? They can get down into the details, do this now, do this later. Charles Archer and his group did a great job at Council's last meeting. They gave them a bunch of different options. One was based on connectivity. Another one was dispersion of the bond funds across the City equally. That is not necessarily wrong. For him, at the end of the day, it is bang for the buck. If we can be satisfied that the City is getting, not only satisfied but absolutely sure on behalf of the taxpayers, that they are making wise prudent decisions with regards to spending the money. He knew that Council would. The more that we can get the better. There were tons of city walk amenities that were not included in the combined Option "A". There is gobs of streetscapes that we are missing, Springs Road for example combined Option "A". Council has to be sensitive to the fact that Council has to make the most with what they have in his opinion.

Alderman Seaver commented that was their whole mission as a Council anyway.

Alderman Lail agreed.

Mayor Wright recalled that when Council started talking about this the first number that they discussed in the bond referendum was \$25 million dollars, and the very thought of that sucked the breath out of everybody in the room. They said no, no we can't do that, let's do \$40 million. Because they could see that they needed to spend enough to make an impact and \$25 million was not going to be enough. He asked if they could imagine how much harder the Commission's work would have been spreading \$25 million compared to \$40 million.

Alderman Seaver asked if they knew how high the bridge would.

Alderman Zagaroli commented that they knew about how high.

Alderman Seaver commented that it would nice to see what that would look like over there from that height. He didn't know what it would take, but it is hard to envision something that you can't get to a point and see from it. It would be nice to see that when you are talking about the iconic effect.

Bond Commission Member Ms. Paige Brigham commented that she wanted to correct a misconception about Group 4's presentation, and that was the fact that it lacked connectivity. That was actually not the case at all. It was a tradeoff that they made. The streetscape that they eliminated, they chose to eliminate between Old Lenoir Road, Clement Boulevard piece and 321 because that is where 12<sup>th</sup> Avenue Drive peels off at the church. She referenced the triangle. From there, there is already sidewalks. There is already connectivity to the Hickory City Park where the tennis courts are, the sidewalk goes all the way to down Geitner Park. So connectivity is there, and it has already been paid for. So that was the tradeoff that they decided to do.

Alderman Seaver commented that connectivity is something that all Council members get hit with a lot. Why are the streets the way they are? You are going along 4<sup>th</sup> Street NE and it just ends, but a couple of blocks later it will start back up again. He has heard more about connectivity being on the Council more than anything else in Hickory. He didn't know if it was the name of the street that made the difference, or the connectivity that made the difference with the same names.

Mr. Berry suggested that Charles Archer articulate the actual numbers for the Riverwalk, city walk, streetscapes and gateways for Option "A". He advised that they did not have that information on their slides and he wanted everyone to know what those total amounts were. Mr. Berry asked for each of the categories.

Mr. Archer started with the Riverwalk Option 2, \$8.5 million dollars; four streetscapes \$11.2 million dollars; three gateways \$750,000; for the city walk \$11.2 million dollars, which was the segments from 4<sup>th</sup> Street to Lenoir-Rhyne University. That did not include the bridge across 127 that is the additional amenities of \$3.9. The city walk becomes a 15 million dollar project essentially. It includes a pedestrian bridge over 127, the Union Square improvements which were the parking depot station and some landscaping there, Main Avenue improvements from 1<sup>st</sup> to 3<sup>rd</sup>, sidewalk on the south side of the railroad tracks and some landscaping there and then 2<sup>nd</sup> Avenue realignment with a traffic circle at the intersection.

Mr. Berry commented that they had not covered the actual numbers for each of the categories.

Alderman Zagaroli questioned the total.

Mr. Archer advised \$35.5 million dollars.

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Mr. Berry advised what the instruction had been to the Bond Commission to work within that \$35 million dollars. The remaining funds would be for the 1764 Business Park.

Mr. Charles Dixon reminded Council that they had an 80 percent favorable vote for the first option from the full Bond Commission. He felt that their recommendation after many, many hearings, meetings, discussions, and arguments that should bare a great weight with City Council.

Alderman Seaver responded that it did, and that is one reason that he had asked his question earlier if that one part had been taken out of the vote would it be any different.

Mayor Wright asked when Council would vote.

Mr. Berry advised that would be up to Council, they could vote tonight if they chose to. He advised that Staff had on the schedule this presentation and one more meeting which was Council's next meeting the first meeting in February. Staff's plans had that decision being made in this two week period of time so now we can move to the next phase which is starting to interview designers and go forward.

Mayor Wright advised that he would like to have a public hearing on it. He knew that it was not required.

Alderman Lail questioned what Council would have the public hearing on. He encouraged Council to choose one to have the public hearing on to get comment.

Mayor Wright commented that they didn't want people arguing individual amenities. He felt that Alderman Lail was correct. Council would select one and then seek public input before it is set in stone.

Alderman Seaver commented that is what they had talked about, adding things on, you got the spine in place you can add on to it. It would be easier to have all of the spines in place and add on to those than it would be to come back later and put in a new piece of the spine. He wasn't saying that it couldn't be done, but when you are talking money that would cost more in the long run.

Alderman Guess commented the exception would be Riverwalk.

Mr. Charlie Hayes commented that no one had mentioned that all of these numbers had 30 percent contingency on them. The money may already be there. If you think about 30 percent of \$35.5 million is \$10.5 million dollars. These are estimated overages, so it is really like \$25 million to make it \$35.5 million. The money for the difference like one and two may be there, or a number of these options that did not get included.

Mayor Wright advised that there were two ways that you could look at that contingency. One is it is there so we can spend it if we need to on that project. The second way is if we save every penny of the contingency we can, add 4, 5, 6, and 7 more projects. He commented that his vote consistently would be to work to get more projects.

Mr. Hayes commented that you could just about do a great deal of them with an extra \$10.5 million dollars.

Mayor Wright commented that the contingency is not there to be spent, although the contractors sometimes think it is. He had never been a contractor, but he had been a contractor auditor.

Alderman Lail suggested that Council accept the Bond Commission's recommendation, which combined Option "A" and call for a public hearing on that particular recommendation.

Mayor Wright asked if they could do that during this meeting.

Alderman Lail confirmed they could.

Mr. Berry advised that if Council did it here that would expedite it because then we could advertise for the public hearing at their February meeting, do the presentation and hear from the public. If Council is prepared they could take action then to finalize it.

Alderman Lail moved, seconded by Alderman Zagaroli that Council accept the Bond Commission's recommendation, (with appreciation for a job well done), combined Option "A" and call for a public hearing to get some public comment and discussion before moving forward at Council's February meeting. The motion carried unanimously.

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

Alderman Seaver thanked everyone on his and the City's behalf for all of their hard work.

Mayor Wright thanked the iconic Bond Commission and Freese Nichols. The Bond Commission knows that their work is not over.

Alderman Seaver commented that they were just thanking them up to this point so that they would want to continue.

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## III. Lackey Project Update

Mr. Berry advised that Council would hear a broad update from Mr. David Carter on the progress that had been made. He recognized the Lackey family that was in attendance. David Carter was working on behalf of the Lackey family and on behalf of the City to help facilitate the government structure and other related issues on the project. He would make a presentation to bring Council up to speed on where we are and more specially talk about the conservancy as a body. He advised that conservancy will have appointees from both City Council and the Lackey family. He advised that they needed to get Council up to speed on the types of people to be thinking about. We are at the point now that entity needs to be organized so they can start entering into agreements with the City. City Council and Mr. Lackey will need to make appointments so it can all be formalized and ready to move forward.

Mr. David Carter presented a PowerPoint presentation. He discussed his background and how he was asked to participate in this project with the City and the Lackey family. He advised that he had spent 30 years with Wake County Parks Recreation and Open Space in Raleigh. He retired from them and went to work for a National Land Conservation Group where he was the director of conservation finance. He traveled around the United States working with communities like Hickory putting together ballot measures, putting together the message, selling them and working with bond counsel and then working in public/private partnerships. He commended the Bond Commission for an outstanding job. He spent a lot of time in Wake County working in public/private partnerships in developing that. With a strong background in finance as well, he was asked to participate and work with the City to provide some counsel and guidance.

Mr. Carter advised that we find ourselves right now at a very interesting point because it is a critical step in moving forward with this public/private partnership and that is looking at the conservancy. This is going to be a unique place in one of the City parks. The conservancy is going to be a seven member board, made up of three members that would be appointed by City Council as well as four members appointed by the Lackey Family. They have a dual role. He wanted Council to remember that they are both fund development and management oversight as per the contractual agreement that the City is crafting with the Lackey family. Those two elements are quite challenging. Both with fund development and then the management side. He told Council to keep that in mind while he spoke about the ideal candidate. The timeframe of when all of this would happen would be left up to City staff. He advised that he knew that negotiations were still going on. There had been a lot of work done by the architectural firm in Atlanta, and he knew that things were getting much closer on that. A lot of very good architectural design work had been done so far. He advised that the comments that he would be making to City Council, Staff and the Lackey family were his recommendations only based upon his experience. He believed that Council was at the tipping point right now of the design process as well as the negotiations. He commented that some of his recommendations needed to go forward in a timely fashion because there is a lot of work that needs to get done because of the uniqueness of this relationship. Timing is of the essence. He knew from his background if Council waited much longer it delays the process that much further out. Whereas you start doing some of the work, upfront now, then when the construction drawings start a lot of this work is done or it is being done, and simultaneously you can work in linear fashion and this work is being done coupled together.

Mr. Carter discussed the first steps of the conservancy board which would be getting together and vetting. He recommended that the bylaws, policies and procedures be presented to them in a draft format. So that when they meet on the first evening one of the first things that they will do will be to vet that information and have an opportunity to really look at it, and start deciding exactly how they want to, as a board, govern themselves, because that is very, very important. One of the things that trips up a lot of boards of this type is making sure that you have the right skill set. He listed as one of the first steps equipping and developing this skill set. This is critical, their leadership that they need to develop and need to hone in on are going to be a critical element for success not only for the Lackey family and their fund development but for the overall management of the park as well. He discussed the relationship with the City. He commented that this is crucial, it is a public/private partnership. The folks in the City want know the difference. Most of the folks that are in the City won't understand that there is a private non-profit organization that will be managing an envelope within the greater park. They may understand that it might not be the same, but for the most part they are not going to get it. The folks that are involved in this are really an ambassador, they are part of the City and they represent the City. That relationship that the City is going to be developing is extremely important. The relationship is the key word, it is very, very valuable. Everyone must be intentional in their actions. He wouldn't spend a lot of time discussing that. Indeed when you look at these types of relationships everything has to be well thought out. Just as the Bond Commission did. It was obvious as he listened to the presentation, having been through a lot of bond discussion, there was a lot of really good work done. He advised that he had sat through some that were fist fights trying to work through it. It was obvious that the people in this community value that and are very intentional about their work. He commended that.

Mr. Carter discussed the ideal candidate and some of the characteristics that he had found works best when you start appointing people to a board of this nature. He advised first and foremost there is no such thing as an ideal candidate. A super person (man or woman) does not exist. He had developed a very long list of skill sets and attributes that he shared with Mr. Lackey and City Staff which he believed were crucial skills. The goal was to look at taking all seven people and pulling them together and then having a super candidate. He asked Council to keep in mind that there was no ideal candidate. He hated the analogy of "thinking outside of the box" so he used "must draw outside the lines". He referenced his four year old granddaughter who loved to do creative dancing. She can't dance but she loves to do it. He encourages her to do so until her

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mother stops her when she starts singing inappropriately, but she is very creative. He knew that Council appoints a lot of people to a lot of different boards and commissions, etc., but these people have got to be different. They have got to be creative, imaginary, and just think differently than the average person that you might appoint. They have got to be willing to color outside the lines. First and foremost they need to understand fund development at a large scale level. When he was learning about fund development he was learning it from a very well connected lady from Raleigh and she told him that the first thing you need to do in fund development is friend raising. It is not fundraising, it is friend raising. It is the first thing that you have to do. Understanding that a lot of the upfront work that needs to be done is just bringing people together and letting them see the vision that is being created by the Lackey family, with the City, and with the architectural firm in Atlanta, so people start understanding how all of this meshes together with the recommendations that they heard from the Bond Commission. As he listened to the presentation and saw the map, the boardwalk ends up with the Lackey family project. Understanding that there is a larger picture to this whole conservancy board.

Mr. Carter discussed team player. Too often he had seen working with boards of this nature you have too many lone rangers and they want to come in with their own agenda. It won't work. It has got to be a team effort. Everybody has got to get behind the vision that is being created by the Lackey family with the guidance of City Staff. When it is all said and done people are focused in on a single vision. Just like what had been done with the Bond Commission. You have now a vision that you can focus on. As they go through and finalize things, eventually there will be a common vision. It is important that those folks have exactly that. He emphasized that these folks have to have exceptional leadership skills. He had learned in 35 plus years in local government that those leadership skills are absolutely crucial. They have got to be willing to work. He had purposely put that in there because he had seen too many people wanting to get appointed to a board of this nature as a resume builder. They had no intention of doing much work, but it looks good on their resume. They will come to a meeting occasionally, and not do a whole lot. This is a type of board that you have got to be prepared to roll up your sleeves and get dirty, and get to work in order for this thing to be successful. Look for hard workers. Look for those people who are type "A" personalities that already have too many things on their plate now. Because they always have the time to find one more thing to do. The members of this conservancy must look like the community. A diverse group, just as the community is diverse. It is important that Council keeps that in mind as well. They must have excellent communications skills. Most importantly be a good listener. What is important? When you look at how this project is unfolding, and then how it will be managed, what is best for the overall community? He commented about what the bond projects will do for the City of Hickory. He stated that this is a part of that. They must be committed to the vision of what the conservancy is all about. He had always found this one to be interesting as he had sat in these groups; there will be a difficult topic and no one will want to talk about it. It is the 800 pound gorilla that sits over in the corner and we pretend it doesn't exist. These people that are appointed have got to be willing to talk about the undiscussable items that will come up. They are not going to come up that often, but too often that get pushed to the side, pushed to the side, pushed to the side. Eventually he had seen boards just devolve into a very contentious issue, open disagreements with one another where they shouldn't be. They are willing to have open and honest conversations with one another. Sometimes it is best to have a facilitator to come in to help with those. If you have a good chairperson that can help with that an awful lot. They have got to be a good champion for the park and for the City at all times. Not only for this particular envelope in the park but also just being a champion for all of the City parks. That is very, very important. He didn't know if Mr. Mack McLeod had saw an email that he had received which contained very good information, in their profession, looking at the economic impact of parks and recreation in a community and how important it is and the value that people place on it. He mentioned that everybody has got to be an ambassador of good standing. He advised that the City Manager had a complete list and he had given Council the highlights only of the ideal candidate. The Lackey family had a complete list as well. He advised those were just some quick recommendations for Council to consider as they think about those candidates that might be best to serve on this board and working with the four that Mr. Lackey and his family would be appointing as well.

Alderman Lail asked Mr. Carter if he had worked with any municipalities or groups where the appointees have come from folks that are closer to the project. He commented that Council was representatives of the City and the citizens. They stand at a little bit of distance to the project and that is with reason because they have to clear being on the City side of the table. There are other people within the Staff that are a lot closer and have a better understanding of what is going on. They might be in a better position to make recommendations to Council for approval. He asked if that was done.

Mr. Carter asked he meant as far as having Staff make recommendations to Council.

Alderman Lail confirmed that was what he was asking.

Mr. Carter replied absolutely yes. He would look to Staff because they do have a great Staff and they know a lot of folks. He would obviously look to them. Ultimately Council would be making the recommendation. You will make the final approval.

Alderman Lail felt that Mr. Carter was spot on that this board has got to gel and they have to be intentional about it. It is difficult in this environment to know what the Lackey's are doing with regard to appointees. If he had an appointee that he would like to bring forward, what is the skill set versus an appointee that Alderman Seaver might want to bring forward?

Mr. Carter commented that he would challenge the City's Staff to bring a list of folks that they may know to Mr. Berry, and say here is some folks that City Council may want to consider. Get their

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resumes, start looking at them, and compare them to what the Lackey family is looking at. He didn't know if they had chosen anyone yet, or who they were choosing. He advised they should then start sitting down with each other and start saying that these are some folks that we are considering. He recommended that the Staff work with the Lackey family when it gets down to the final seven, so they are vetting each other. The seven people that are appointed, they have got to play in the sandbox together well. He recommended some diverse personalities, but not people who are committed to their own agenda not willing to work.

Alderman Guess asked if there was a timeframe in Mr. Carter's mind.

Mr. Carter advised that he would start looking at it in the next 60-90 days, because there is a lot of work they need to do. There is a lot of background. When you start looking at the fund development plan. How that is going to go about? Start looking at what the requirements are? Where we are with the design work? Where that whole concept is? There is a lot of background work that needs to be done on a pro forma data set. Looking at the design, the features, and the revenue generation possibility. Start looking at the operations and maintenance cost versus the revenue generating opportunities. There is going to be a gap in there. How is that gap filled? There is a lot of work that needs to be done. There is a lot of training. A lot of gelling, of meshing of this board. Just getting together and talking with one another.

Alderman Guess asked Mr. Carter if he was eligible to be appointed.

Mr. Carter responded no sir, I don't live inside the City of Hickory.

Alderman Seaver told him he could move here in the next 60-90 days.

Mr. Carter replied he could and he would be glad to help Council out in any way that he could on this. This is an exciting project.

Mr. Berry advised that in terms of that schedule, his own personal schedule was to in the next 60 days, go through the process that Mr. Carter discussed, everyone is on the same page, get Council's input and Staff's input, and they would be ready to appoint their members in the February/March timeframe. There is a lot of work. We are to the point now were so much work has been done for the entity to be set up, it is now time to have a board in place so we can go to the next step. We are getting into the short rows.

Mr. Carter thanked Council for their time and attention.

IV. There being no further business, the meeting adjourned at 6:19 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



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

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

**SPECIAL EVENT APPLICATION**  
**PUBLIC PROPERTY EVENTS**

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. \*\*A complete application should be submitted at least 90 days prior to the planned event to allow sufficient review time. 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: Hike for Hope +5k  
 Applicant Name & Title: Leslie W. Cothren, Board of Director's President  
 Organization: ALFA (AIDS Leadership Foothills Alliance)  
 Mailing (Billing) Address: 1120 Fairgrove Church Rd, Suite 28  
 City / State / Zip: Hickory, NC 28602  
 Daytime Phone: 828-322-1447 Cell: 828-850-2704 Email: leslie@refocusonlife.com  
 Description of the Event: Annual AIDS Walk and 5k to raise funds/awareness for/of ALFA's mission.  
 Does the event have a Twitter, Myspace, Facebook or other social networking page? Yes  
 If yes, please list URL(s): www.facebook.com/hike4hope, www.alfahikeforhope.org

|   |  |
|---|--|
| <b>Event Address:</b> Union Square Under the Sails  |  |
| <b>Date of Event:</b> 4/9/2016  |  |
| <b>Event Start Time:</b> 7:00 am  | <b>Event End Time:</b> 11:00 am                    |
| <b>Road Closure Begins (if applicable):</b> 9:30 am   | <b>Road Closure Ends (if applicable):</b> 10:30 am |
| <b>Set-Up Begins:</b> 6:00 am on 4/9/2016   | <b>Clean-Up Ends:</b> 12:30 pm on 4/9/2016         |
| <b>Preferred Date &amp; Time of Inspection:</b>   |  |
| <b>Estimated Attendance:</b> 200-250 Participants   |  |
| <b>The Event is:</b> <input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public  |  |
| <b>Describe the procedures to be used for selecting participants and vendors for this event:</b><br>Participation is open to public, donations accepted. \$25 entry fee for timed 5k run even |  |

**APPLICANT'S SIGNATURE** Leslie W. Cothren Digitally signed by Leslie W. Cothren, DN: cn=Leslie W. Cothren, o=City of Hickory, ou=City of Hickory, email=leslie@refocusonlife.com, c=US, 1.2.840.113549.1.1.1=20151027112009 **DATE:** 10/27/2015

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



**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). Vendors are required to obtain a city privilege license. (Use additional sheet of paper if necessary)*

| VENDOR NAME | ADDRESS | PHONE NUMBER(S) |
|-------------|---------|-----------------|
|             |         |                 |
|             |         |                 |
|             |         |                 |
|             |         |                 |
|             |         |                 |
|             |         |                 |

Does the event include mechanical rides, or other similar attractions?  Yes  No  
 If yes, please describe attractions:

***Applicants contracting with amusement ride companies are required to provide the City of Hickory with a certificate of insurance, naming applicant and the City of Hickory (if applicable) as additional insured on general liability.***

**VENDORS**

Does the event include food vendors? \_\_\_ Yes  No

If the event will have food vendors, please check the following that apply:  
 \_\_\_ Served \_\_\_ Sold \_\_\_ Free \_\_\_ Catered \_\_\_ Prepared Outdoors  
*An applicant having any food service must contact the Catawba County Health Department at (828) 465-8270 for approval of any food preparation or service.*

Does the event include food concession and/or cooking areas? \_\_\_ Yes  No

If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other)  
*(Use additional sheet if necessary)*

| VENDOR | COOKING METHOD | FOOD ITEM |
|--------|----------------|-----------|
|        |                |           |
|        |                |           |
|        |                |           |
|        |                |           |

*Fire Code requires a fire extinguisher at each cooking location. Food and beverages shall not be sold at an event unless approved and licensed, if necessary, by the Catawba County Health Department. Event organizers are responsible for arranging health inspections for their events.*

**EVENT SCHEDULE**

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed. (Use additional sheet of paper if necessary)

| DATE   | TIME     | ACTION                                | ADDITIONAL NOTES           |
|--------|----------|---------------------------------------|----------------------------|
| 4-9-16 | 6:30 am  | Setup Begins at Sals Area (Union Squa | All tables under sail      |
|        | 7:30 am  | Registration Begins-Music/Announceme  | Reg. Booth/Tee Shirts      |
|        | 9:00 am  | Announcements/Pre Race Info           | Timing/Course Setup for 5  |
|        | 9:25 am  | Rds closed by police dept             |                            |
|        | 9:30 am  | Race/Walk Begins @ Sails Area         | Police Open Rds as we pa   |
|        | 10:30 am | Race Over/All Roads Open              | Awards Begin               |
|        | 10:45 am | Awards/Announcements                  | Various Awareness Activiti |
|        | 11:30 am | Event Ends                            |                            |
|        | 12:00 pm | Cleanup Complete                      | ALFA Clean Up              |
|        |          |                                       |                            |

**CITY SERVICES**

*The City of Hickory does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as solid waste, wastewater, event clean up, traffic control, etc.*

|   |
|---|
| <p><b>ROLLOUT CARTS</b></p> <p>In order to determine what types of containers best suit the needs of the event, please answer the following questions:</p> <p>Will the event be serving/selling/distributing beverages? <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No.</p> <p>If yes, in what containers will they come packaged in?<br/> <input type="checkbox"/> Aluminum cans    <input type="checkbox"/> Glass bottles/jars    <input checked="" type="checkbox"/> Plastic bottles/jugs/jars</p> <p>How many rollout carts are you requesting for trash? <u>Already in</u></p> <p>How many recycle carts are you requesting? <u>Already</u></p>  |
| <p>Delivery Location? <u>n/a</u></p>  |
| <p>Date and Time for rollout carts to be emptied/picked up?</p> <p><i>Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. 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 borne by the applicant. If you reasonably believe that no litter will be generated during your event, please state this in your plan.</i></p>   |
| <p><b>PUBLIC PROPERTY CLEAN-UP</b></p> <p>Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event? <u>ALFA Staff and volunteers will clean up the site.</u></p>  |
| <p>Will the event need City personnel to assist with event site clean-up? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Date &amp; Time for clean-up staff arrival:</p>  |
| <p>Will any of the following services be used for the event:<br/> <input type="checkbox"/> Water Service    <input type="checkbox"/> Wastewater Service    <input type="checkbox"/> Portable Toilet Service</p>   |
| <p><b>SAFETY AND SECURITY (CHECK TYPES OF SECURITY USED)</b></p> <p><input type="checkbox"/> Beer/Alcohol Security    <input type="checkbox"/> Stage Security    <input type="checkbox"/> Event Area Security    <input type="checkbox"/> Gate Security<br/> <input type="checkbox"/> Road Closure Security    <input type="checkbox"/> Money Handling Security    <input type="checkbox"/> Other _____<br/> <input type="checkbox"/> Overnight Security    From _____: _____ To _____: _____</p> <p>Dates &amp; Times security will be on site: _____</p> <p>Security provided by: _____ Number of Security Personnel: _____</p> <p><i>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.</i></p> |

## SITE PLAN

Provide 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.

## SITE PLAN SKETCH

Please see attached. (file: Hickory Downtown Event Site Drawing.jpg)

## Special Events on Public Roadways, City Parks, and Airport

### Walk, Run, Cycle events on Public Roadways

Name of Event: ALFA Hike for Hope +5k

Proposed Date of Event: 04/09/2016

Number of participants expected: 200 % of participants expected under 18: 10

\*Must be at least 100 participants and no more than 2,000 per route.

Number of volunteers expected: 40 % of volunteers expected under 18: 0

### Check the approved City/NCDOT Route on public roadways below

- 5K 1 Downtown 5k** (Not allowed on Saturdays during the Downtown Hickory Farmers Market)
- 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 call Parks and Recreation to get OK prior to submitting Special Event application. Approval from Mack McLeod [mmcleod@hickorync.gov](mailto:mmcleod@hickorync.gov) or 828-322-7046)
- 5K 5 Winkler Park 5k** (Must call Parks and Recreation and Hickory Crawdads to get OK prior to submitting Special Event application. Approval from Mack McLeod 828-322-7046 or [mmcleod@hickorync.gov](mailto:mmcleod@hickorync.gov) and Hickory Crawdads Mark Seaman 828-322-3000 or [mseaman@hickorycrawdads.com](mailto: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)
- Cycle Route 3** (55 mile)

**Approved routes/events at the airport and public parks**

\_\_\_\_ Hickory Regional Airport 5k \_\_\_\_\_ Approval from Airport Manager Terry Clark  
 (2015 dates  April 18  May 16  June 20  July 18  October 17)

\*The first and fourth Saturdays have existing events in the morning hours. If you have another date that is not listed above and not the first and fourth Saturday in the morning, check with Airport Manager Terry Clark on availability. Name the new date proposed and time: \_\_\_\_\_

Hickory City Park to Geitner-Rotary Park 5k via paved greenway  
 Approval from Parks and Recreation Director Mack McLeod

Henry Fork River Regional Recreation Park  
 Approval from Parks and Recreation Director Mack McLeod

Neill W. Clark Jr. Recreation Park - **Event within park, could be different activities on fields**  
 Approval from Parks and Recreation Director Mack McLeod

Highland Recreation Center at Stanford Park Options  
 3.2 option  3.1 option  4.5 option – **All options along sidewalks**

**Additional Guidelines and Requirements**

- Must use a preapproved route from the City/NC DOT 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.
- Must include a copy of liability insurance for walk, run, and/or cycle event.
- Must include a plan for volunteers (how many, their duties).
- Must include a parking plan for participants and volunteers.
- The provision of twenty foot (20') minimum emergency access lanes throughout the event site.
- Temporary signs may be used to mark a course. No markings are allowed on roadways or sidewalks.
- 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).

***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.***

APPLICANT'S SIGNATURE: Leslie W. Cothren APPLICANT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_ DATE: 10/27/2015

## USE OF UNION SQUARE AND OTHER PUBLIC PLACES

**\*\* THIS SECTION IS ONLY TO BE COMPLETED IF REQUESTING TO HOLD AN EVENT ON UNION SQUARE COMMON, STREETS ADJOINING THERETO OR OTHER PUBLIC PLACES AND PARKS \*\***

### RULES REGULATING THE USE OF UNION SQUARE COMMON, STREETS ADJOINING THERETO AND OTHER PUBLIC PLACES AND PARKS 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.
- A first-aid station shall be provided, staffed by competent Emergency Medical Technicians, unless a waiver is requested and granted by the City.
- The applicant shall be responsible for providing trash receptacles of the number and size as the city shall require in order to eliminate litter.
- 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 policy is to be one of comprehensive general liability in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury per person and One Million Dollars (\$1,000,000.00) per occurrence and not less than One Hundred Thousand Dollars (100,000.00) for property damage per occurrence.
- The applicant will be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event.
- Applicants must obtain any special use permits required by the Hickory Fire Inspector, must comply with all applicable provisions of the North Carolina Fire Code and must at all times insure that all fire lanes in the area to be used remain unobstructed.
- Applicants must comply with all applicable Health Department regulations pertaining to the scheduled event.
- Applicants must comply with the requirements of the Hickory Sign Ordinance.
- Applications must comply with any and all local, state, and federal laws pertaining to equal opportunity and should make every effort to make events accessible to the disabled public. In addition, applicants shall not deny access or a vendor's booth to any group based on national origin, race, religion, age, sex, or disability.

ALFA

**NAME OF NON-PROFIT ORGANIZATION**

**BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:**

Annual timed 5k run and charity walk to raise funds and awareness for ALFA HIV Non Profit organization. The mission of ALFA is to improve the lives and health of those affected by HIV/ADIS while preventing transmission thru education and testing.

**LIST ORGANIZATIONS OFFICERS:**

Leslie W. Cothren - Board President

828-850-2704

Mary Elizabeth Geiter - Board VP

TELEPHONE  
828-310-3666

Michael L. Bookout - Treasurer

TELEPHONE  
828-638-2351  
TELEPHONE

**CHAIRPERSON OF THE SPECIAL EVENT:**

Leslie W. Cothren

828-850-2704

NAME

TELEPHONE

1814 Wesley Rd, Morganton, NC 28655

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.*

10/27/2015

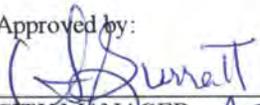
Date

Leslie W. Cothren

President  
ALFA

Non-Profit Organization

Approved by:

  
CITY MANAGER - ASSISTANT

1/26/16  
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, party of the first part, and the **ALFA** \_\_\_\_\_, a non-profit organization with its principal place of operation being Catawba County, North Carolina, party of the second part:

**WITNESSETH:**

**WHEREAS**, the party of the first part is desirous of allowing the party of the second part to conduct a special event within the City Limits of Hickory, North Carolina, pursuant to the Hickory City Code; and

**WHEREAS**, the party of the second part is desirous of conducting a special event within the City Limits of Hickory, North Carolina; and

**WHEREAS**, to this end, said party of the second part has heretofore 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 party of the second part hereby completely and unequivocally releases the party of the first part, the officials of the party of the first part, and all employees of said party of the first part, and their families, from any and all claims, damages, injuries or rights of action which the party of the second part may incur by reason of the special event being conducted by the party of the second part.

2. That the party of the second part hereby agrees to indemnify and hold harmless the party of the first part for any liability, injury or claim which may arise to the benefit of the party of the second part as a result of the special event being conducted by the party of the second part.
3. That the parties to this Release and Indemnity Agreement stipulate and acknowledge that their exists sufficient consideration for the execution of this instrument.

This the 27th day of October, 2015

Leslie W. Cothren  
President

Digitally signed by Leslie W. Cothren  
DN: cn=Leslie W. Cothren, o=ECI Leasing/Leasing Alliance,  
c=United States of America, email=leslie@ecileasing.com, +1202  
247-1122; 2.5.4.42 10.0.0.4030

\_\_\_\_\_  
Witness







Exhibit VIII.B.  
**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: Catawba County Younglife Glow 5K Run  
 Applicant Name & Title: Stephanie C. Bost YL race coordinator  
 Organization: Catawba County Younglife  
 Mailing (Billing) Address: PO box 9251  
 City / State / Zip: Hickory, NC 28603  
 Daytime Phone: 828-256-7111 Cell: 828-320-8980 Email: stef100574@yahoo.com  
 Description of the Event: 5K Glow Run

Does the event have a Twitter, Facebook or other social networking page? no

If yes, please list URL(s): \_\_\_\_\_

|  |                                    |
|--|------------------------------------|
| Event Address: <u>3101 9th Drive NW, Hickory, NC</u>   |                                    |
| Date of Event: <u>May 7th</u>  |                                    |
| Event Start Time: <u>8:00pm</u>  | Event End Time: <u>9:00pm</u>      |
| Road Closure Begins (if applicable):   | Road Closure Ends (if applicable): |
| Set-Up Begins: <u>6:00pm</u>   | Clean-Up Ends: <u>9:30-10:00pm</u> |
| Preferred Date & Time of Inspection: <u>May 6th 11:00am or after</u>   |                                    |
| Estimated Attendance: <u>250-300</u>   |                                    |
| The Event is: <u>  </u> Private (by invitation only) or <u>yes</u> Open to General Public  |                                    |
| Describe the procedures to be used for selecting participants and vendors for this event:<br><u>publicized through fliers, Hickory Daily Record, email</u> |                                    |

APPLICANT'S SIGNATURE Stephanie C. Bost DATE: Nov 30th 2015

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

### TENTS & MEMBRANE STRUCTURES

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

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

# of Tent(s) 0 (fabric structure that is ENCLOSED with sidewalls or drops exceeding 400 square feet)

# of Tent(s) 0 (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) 0 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: 0

Type(s) of music: we will supply music from a Radio

Will a portable or temporary stage be utilized?  Yes  No

If yes\*, state the number of portable or temporary stages: 0

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: 7:00pm Finish time: 9:00pm

### HAZARDOUS MATERIALS

|   |
|---|
| Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><b>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.</b> |
| Will there be any portable heaters? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| Will there be any deep fat fryers? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| Will there be any fireworks, lasers, torches, candles or pyrotechnics? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><b>If yes, contact the City of Hickory Fire Prevention office at 828-323-7522 for more information.</b>   |

### ALCOHOL

|  |
|--|
| Will alcoholic beverages be served? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>(If yes, NC ABC permit required)</b>                                    |
| Will alcoholic beverages be sold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>(If yes, NC ABC permit required)</b>                                      |
| What type of alcohol will be served?<br><input type="checkbox"/> Draft Beer <input type="checkbox"/> Can/Bottle Beer <input type="checkbox"/> Wine <input type="checkbox"/> Liquor |
| Who will be serving the alcohol? <b>NA</b>   |
| Times for alcohol to be served: <b>NA</b>  |
| Locations within event site where alcohol will be served: <b>NA</b>  |
| Have you applied for a North Carolina temporary ABC permit? <input type="checkbox"/> Yes <input type="checkbox"/> 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) |
|------------------|---------|-----------------|
| Chik Filet table | HWY 127 | 828-569-2769    |
|                  |         |                 |
|                  |         |                 |
|                  |         |                 |
|                  |         |                 |
|                  |         |                 |

|  |
|--|
| Does the event include mechanical rides, or other similar attractions? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>If yes, please describe attractions:<br><br><br><p style="font-size: small;"><i>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.</i></p> |
|--|

### 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                   |
|------------|-------------------------|-----------------------------|
| Chik Filet | Prepared and brought in | andwiches/fruit cups/cookie |
|            |                         |                             |
|            |                         |                             |
|            |                         |                             |

*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 |
|-------|------|--------------------------------|------------------|
| May 7 | 6:00 | Set up                         |                  |
| May 7 | 6:30 | Pre registration               |                  |
| May 7 | 7:00 | prepare for Arrival of runners |                  |
| May7  | 8:00 | 5k glow run begins             |                  |
| May7  | 9:00 | Departure of runners           |                  |
| May 7 | 9-10 | Clean up                       |                  |
|       |      |                                |                  |
|       |      |                                |                  |
|       |      |                                |                  |
|       |      |                                |                  |



## 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: 250-3 % of participants expected under 18: 95%

\*Must be at least 100 participants and no more than 2,000 per route.

Number of volunteers expected: 40 % of volunteers expected under 18: 95%

**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](mailto: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**

\*Ye  Hickory Regional Airport 5k  yes 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: May 7th 8:00pm

(Please include email confirmation with approval to use airport with application.)

**PUBLIC PARKS ROUTES**

Approval for park use may be obtained from Parks and Recreation Director Mack McLeod 828-322-7046 or mmcleod@hickorync.gov

Hickory City Park to Geitner-Rotary Park 5k via paved

(Please include email confirmation with approval to use park with application.)

Henry Fork River Regional Recreation Park

(Please include email confirmation with approval to use park with application.)

Neill W. Clark Jr. Recreation Park - **Event within park, could be different activities on fields**

(Please include email confirmation with approval to use park with application.)

Highland Recreation Center at Stanford Park Options

3.2 option  3.1 option  4.5 option - **All options along sidewalks**

(Please include email confirmation with approval to use park with application.)

### ADDITIONAL GUIDELINES AND REQUIREMENTS

**Please initial all guidelines below and provide the information requested at the time the application is submitted.**

Must use a preapproved route from the City/NCDOT and/or preapproved neighborhood route and/or track or one of the options not on roadways that are available at the airport or at a park. SCB

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

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

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

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

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. SCI

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). SCI

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. SCI

## 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.

Catawba County YoungLife  
NAME OF NON-PROFIT ORGANIZATION

**BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:**  
TO raise awareness for Younglife children to be able to attend camps in Jesus name

**LIST ORGANIZATIONS OFFICERS:**

|                            |   |
|----------------------------|---|
| <u>Stephanie C. Bost</u>   | <u>828-320-8980</u>                     |
| <u>Debbie Hobart</u>       | <u>TELEPHONE</u><br><u>828-228-4939</u> |
| <u>Meredith Richardson</u> | <u>TELEPHONE</u><br><u>828-580-8932</u> |
|                            | <u>TELEPHONE</u>                        |

**CHAIRPERSON OF THE SPECIAL EVENT:**

|                          |                     |
|--------------------------|---------------------|
| <u>Stephanie C. Bost</u> | <u>828-320-8980</u> |
| <u>NAME</u>              | <u>TELEPHONE</u>    |

176 42nd avenue drive NW Hickory, NC 28601  
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.*

November 30th 2015  
Date

Debbie Hobart  
President  
Catawba County YoungLife  
Non-Profit Organization

Approved by:  
Andrew Smith  
CITY MANAGER - ASSISTANT

1-15-16  
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 Catawba County YoungLife a non-profit organization with its principal place of operation being Catawba County, North Carolina, Applicant:

**WITNESSETH:**

**WHEREAS**, City desires to allow the Applicant to conduct a special event within the City Limits of Hickory, North Carolina, pursuant to the Hickory City Code; and

**WHEREAS**, the Applicant desires to conduct a special event within the City Limits of Hickory, North Carolina; and

**WHEREAS**, to this end, said Applicant has previously filed with the City of Hickory an application for approval of said event, and wishes to enter into this Release and Indemnity Agreement pursuant to the Hickory City Code and the administrative rules of the City of Hickory;

**NOW, THEREFORE**, for and in consideration of the mutual promises and covenants herein contained, and for other good and sufficient consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. That the Applicant hereby completely and unequivocally releases the City, the officials of the City, and all employees of the City, and their families, from any and all claims, damages, injuries or rights of action which the Applicant may incur by reason of the special event being conducted by the Applicant.
2. That the Applicant hereby agrees to indemnify, defend, and hold harmless the City for any liability, injury or claim which may arise to the benefit of the Applicant as a result of the special event being conducted by the Applicant.

3. That the parties to this Release and Indemnity Agreement stipulate and acknowledge that there exists sufficient consideration for the execution of this instrument.

This the Dec day of 1<sup>st</sup>, 2015.

Stephanie C. Bost  
~~President~~

Race Coordinator

\_\_\_\_\_

2

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Terry Clark, Airport Director**  
**Contact Person: Terry Clark**  
**Date: January 19, 2016**  
**Re: National Naval Aviation Museum Re-Certification of Loaned Property**

**REQUEST**

Staff requests City's execution of the Certification of Loaned Government Property regarding the Loan Agreement with the National Naval Aviation Museum for loaned property located at the Hickory Regional Airport.

**BACKGROUND**

The City of Hickory/Hickory Regional Airport has on loan from the National Naval Aviation Museum (NNAM) certain retired aircraft and artifacts located at the Hickory Regional Airport and on display by the Hickory Aviation Museum. The Hickory Regional Airport has participated in and has had on loan property from the National Naval Aviation Museum for over fifteen (15) years. The Loan Agreement with NNAM requires biennial re-certification of the loaned property, which covers the period of 2016 – 2018. The loaned property is assigned to the City of Hickory while the Hickory Aviation Museum holds full responsibility for the maintenance and exterior upkeep of said loaned property including any associated costs. Hickory Aviation Museum Director, Jeff Wofford has completed inventory of the loaned property, taken the required photos and completed the certification document.

**ANALYSIS**

There are no City budgetary requirements under the Loan Agreement. Re-certification is required and all artifacts listed on the Government Loaned Property sheet have been accounted for.

**RECOMMENDATION**

Staff recommends execution of the National Naval Aviation Museum Certification of Loaned Government Property document.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Terry Clark 1-19-16  
Initiating Department Head Date

*R. Miller* 1-22-16  
Asst. City Manager, R. Miller Date

*Amanda Stanley* 1-26-16  
Finance Officer, Melissa Miller Date

*Bo Weichel* 1-25-16  
Purchasing Manager, Bo Weichel Date

*A. Dula* 1-22-16  
Deputy City Attorney, A. Dula Date

*A. Surratt* 1-25-16  
Asst. City Manager, A. Surratt Date

\_\_\_\_\_  
Administrative Services Director Date

*Deputy*

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

*M. Berry*  
City Manager, M. Berry

\_\_\_\_\_  
Date



DEPARTMENT OF THE NAVY  
NATIONAL NAVAL AVIATION MUSEUM  
1750 RADFORD BLVD  
SUITE C  
PENSACOLA FLORIDA 32508-5402

4002  
N43 / 0 49 - - -  
0 5 JAN 2016

The Honorable Rudy Wright  
Mayor  
City of Hickory  
2908 2<sup>nd</sup> Avenue, NW  
Hickory, NC 28601

Dear Mayor Wright:

The National Naval Aviation Museum (NNAM) Loan Agreement with your organization calls for a biennial recertification of loaned property in your possession. This is the re-certification request for the period: ~~2014 to 2016~~ *2016 to 2018*

Enclosure (1) Certification of Loaned Government Property (CLGP) is a declaration from the borrower to NNAM certifying compliance with the loan agreement and provisions of this CLGP regarding loan equipment condition. Its attachment lists the Government Artifacts on loan to your command/organization.

Please complete enclosure (1) and return the package to NNAM by **29 February 2016**. Provide **current color** photographs for each item listed in the attachment to enclosure (1) as follows:

For aircraft: Photograph the front, back and each side of the aircraft. Make sure one photograph clearly shows the identification number (Bureau Number / Serial Number), if applicable. If no number is present, indicate on the photo. If the aircraft is pedestal mounted, please provide photo of pedestal/pole condition.

For artifacts other than aircraft: One individual full length photograph of each and every item with each item clearly identified by NNAM Accession number.

You may return the package one of three ways:

*Print the NNAM Accession Number on the back of each photograph and the date the photograph was taken* and return the completed package to NNAM, attention Loans Management.

OR

Provide a compact disc of the photographs, with each aircraft/artifact properly identified in the photo *with its corresponding NNAM Accession number*, and the photograph date, and return the completed package as above.

OR

If the file is not too large, scan the entire package with each aircraft/artifact properly identified in the photo *with its corresponding NNAM Accession number* and the photograph date, and email to: [lenore.taylor@navy.mil](mailto:lenore.taylor@navy.mil).

Should any problems or questions arise pertaining to this request, please contact me at (850) 452-3604 ext. 3133 or email [Lenore.Taylor@navy.mil](mailto:Lenore.Taylor@navy.mil).

Sincerely,

LENORE F. TAYLOR  
By direction

Enclosure: (1) Certification of Loaned Government Property with list of government artifacts on loan.

**CERTIFICATION OF LOANED GOVERNMENT PROPERTY**

Certification indicated by initials of the certifying official in the appropriate sections below gives the status of the loaned property determined by a thorough visual inspection of the loaned article with accompanying photographs and narrative of any discrepancies that may affect its readiness for display.

Discrepancies to be addressed include, but are not limited to: dirt and debris accumulation; bird nests/droppings, insect infestation (e.g., wasp nests); damage due to corrosion or outside forces, use of components not appropriate to the loan article and any safety or environmental concerns. Readiness for display will be interpreted as being free of any unmitigated discrepancies that will adversely impact the image of the navy or your organization.

**STATUS OF LOANED ARTICLE:**

*Initial where applicable [NOTE: Certifying official comment on status is invited where the article status does not exactly fit the category initialed.] If necessary, continue comments on a separate sheet.*

\_\_\_\_\_ All items on attached list are still required, displayed and maintained in a display ready condition (except where otherwise noted in the following paragraphs). Photographs of each item attached. (NOTE: Items with minor, easily corrected discrepancies may be considered display ready and remain on display while the discrepancies are corrected.) **COMMENT:**

\_\_\_\_\_ Items listed below by NNAM Accession Number are still required but are not in a display ready condition. Photographs and narrative of discrepancies attached. [NOTE: items in this category have serious discrepancies that present an adverse image and should not be displayed while in a process for dealing with the discrepancies. This may be waived when the item is being restored in an exhibit venue meant to display the restoration process.] **ALL restoration or discrepancy mitigation processes to be covered by a plan for the work and submitted to NNAM for approval. NO EXCEPTIONS. COMMENT:**

\_\_\_\_\_ Items listed below by NNAM Accession Number are no longer required; requesting disposition instructions. Photographs and narrative of item condition and status required. [NOTE: You will remain responsible for the item until another borrower has been located to assume the loan or other disposition instructions are formulated. Please identify each item by its NNAM Accession Number] **COMMENT:**

**CERTIFYING OFFICIAL (PLEASE PRINT CLEARLY)**

Organization: \_\_\_\_\_

Certifying Official printed name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Address: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Phone: \_\_\_\_\_ fax: \_\_\_\_\_

**Certifying Official Signature:** \_\_\_\_\_

Approved as to form

*Annelle M. Decker*  
\_\_\_\_\_  
City of Hickory – Legal Dept.

GOVERNMENT LOANED PROPERTY

1/5/2016

Exhibit VIII.C.

| ACCESSNUM    | BORROWER        | DESCRIPT1         | DESIGNAT | ACBNUM | SERIALN | LASERIALN | EXPIRE   | CERT |
|--------------|-----------------|-------------------|----------|--------|---------|-----------|----------|------|
| 1991.397.001 | CITY OF HICKORY |                   | A-7A     | 154345 |         | 15-173    | 9/1/2020 | 2016 |
| 1992.305.001 | CITY OF HICKORY |                   | F-4B     | 148400 |         | 15-173    | 9/1/2020 | 2016 |
| 2003.063.001 | CITY OF HICKORY |                   | T-2C     | 158327 |         | 15-173    | 9/1/2020 | 2016 |
| 2004.104.001 | CITY OF HICKORY |                   | FJ-3M    | 141393 |         | 15-173    | 9/1/2020 | 2016 |
| 2005.040.001 | CITY OF HICKORY |                   | F9F-8T   | 142985 |         | 15-173    | 9/1/2020 | 2016 |
| 2005.126.001 | CITY OF HICKORY |                   | A-4L     | 148538 |         | 15-173    | 9/1/2020 | 2016 |
| 2006.136.001 | CITY OF HICKORY |                   | F-14D    | 163902 |         | 15-173    | 9/1/2020 | 2016 |
| 2007.122.001 | CITY OF HICKORY | F-14 GUN ASSEMBLY |          |        |         | 15-173    | 9/1/2020 | 2016 |
| 2007.127.001 | CITY OF HICKORY |                   | F-5E     | 741540 |         | 15-173    | 9/1/2020 | 2016 |
| 2008.099.001 | CITY OF HICKORY | F-14 TAILHOOK     |          |        |         | 15-173    | 9/1/2020 | 2016 |

GOVERNMENT LOANED PROPERTY

1/5/2016

Exhibit VIII.C.

| ACCESSNUM    | BORROWER        | DESCRIPT1   | DESIGNAT | ACBNUM | SERIALN | LA     | SERIALN | EXPIRE   | CERT |
|--------------|-----------------|---|----------|--------|---------|--------|---------|----------|------|
| 2008.099.002 | CITY OF HICKORY | F/A-18 TAILHOOK                                   |          |        |         | 15-173 |         | 9/1/2020 | 2016 |
| 2008.099.003 | CITY OF HICKORY | AIRCRAFT TRAINER SEAT                             |          |        |         | 15-173 |         | 9/1/2020 | 2016 |
| 2008.099.004 | CITY OF HICKORY | P-3 AIRCRAFT CREW SEAT                            |          |        |         | 15-173 |         | 9/1/2020 | 2016 |
| 2008.099.005 | CITY OF HICKORY | S-3 AIRCRAFT SEAT                                 |          |        |         | 15-173 |         | 9/1/2020 | 2016 |
| 2008.099.006 | CITY OF HICKORY | CH-3D AIRCRAFT SEAT                               |          |        |         | 15-173 |         | 9/1/2020 | 2016 |
| 2008.099.007 | CITY OF HICKORY | H-46 AIRCRAFT SEAT                                |          |        |         | 15-173 |         | 9/1/2020 | 2016 |
| 2010.078.001 | CITY OF HICKORY | F-14 COCKPIT WITH MISCELLANEOUS PARTS             |          |        |         | 10-383 |         | 9/1/2020 | 2016 |
| 2010.078.002 | CITY OF HICKORY | F-14 VERTICAL STABILIZER W/FIGHTER SQUAD INSIGNIA |          |        |         | 10-383 |         | 9/1/2020 | 2016 |
| 2010.078.003 | CITY OF HICKORY | F-14 HUD DISPLAY PORTION ONLY                     |          |        |         | 10-383 |         | 9/1/2020 | 2016 |
| 2010.078.004 | CITY OF HICKORY | F-14 VULCAN CANNON PARTIAL BARRELS                |          |        |         | 10-383 |         | 9/1/2020 | 2016 |

GOVERNMENT LOANED PROPERTY

1/5/2016

| ACCESSNUM        | BORROWER        | DESCRIPT1                                  | DESIGNAT | ACBNUM | SERIALN | LASERIAL | INEXPIRE | CERT          |
|------------------|-----------------|--|----------|--------|---------|----------|----------|---------------|
| 2010.078.005     | CITY OF HICKORY | S-3B VIKING EJECTION SEAT                  |          |        |         |          | 10-383   | 9/1/2020 2016 |
| 2010.078.006     | CITY OF HICKORY | F-14D TOMCAT EJECTION SEAT                 |          |        |         |          | 10-383   | 9/1/2020 2016 |
| 2010.088.001     | CITY OF HICKORY | INERT SIDEWINDER DUMMY GUIDED MISSILE QW64 |          |        |         |          | 10-383   | 9/1/2020 2016 |
| 2010.088.002     | CITY OF HICKORY | INERT SIDEWINDER DUMMY GUIDED MISSILE PA34 |          |        |         |          | 10-383   | 9/1/2020 2016 |
| 2010.096.001     | CITY OF HICKORY | F-14 MISSILE CONTROLLER                    |          |        |         |          | 10-383   | 9/1/2020 2016 |
| 2010.106.001     | CITY OF HICKORY | TARPS WITH STAND                           |          |        |         |          | 10-383   | 9/1/2020 2016 |
| 2011.004.001     | CITY OF HICKORY |  | T-34C    | 160638 |         |          | 11-007   | 9/1/2020 2016 |
| 2011.NA1.005.001 | CITY OF HICKORY | EA-6B TAILHOOK S/N 03-D-010D-0611          |          |        |         |          | 10-383   | 9/1/2020 2016 |
| 2012.045.001     | CITY OF HICKORY | F-14 TAIL FIN, LEFT                        |          |        |         |          | 10-383   | 9/1/2020 2016 |
| 2012.045.002     | CITY OF HICKORY | F-14 TAIL FIN, RIGHT                       |          |        |         |          | 10-383   | 9/1/2020 2016 |

GOVERNMENT LOANED PROPERTY

1/5/2016

Exhibit VIII.C.

| ACCESSNUM        | BORROWER        | DESCRIPT1  | DESIGNAT | ACBNUM | SERIAL  | LASERIAL | LNEXPIRE | CERT |
|------------------|-----------------|--|----------|--------|---------|----------|----------|------|
| 2012.045.003     | CITY OF HICKORY | GENERAL ELECTRIC GUN DRUM UNIT ASSEMBLY            |          |        | 1000733 | 10-383   | 9/1/2020 | 2016 |
| 2012.045.004     | CITY OF HICKORY | F-14 SIDE PANEL                                    |          |        |         | 10-383   | 9/1/2020 | 2016 |
| 2012.045.005     | CITY OF HICKORY | F-14 RETRACTABLE STEP ASSEMBLY PANEL               |          |        |         | 10-383   | 9/1/2020 | 2016 |
| 2014.NAI.022.001 | CITY OF HICKORY | A-6E COCKPIT                                       | A-6E     | 152924 |         | 10-383   | 9/1/2020 | 2016 |
| 2015.NAI.029.001 | CITY OF HICKORY | SQUADRON PLAQUE HELICOPTER ANTI SUB LIGHT(HSL-34)  |          |        |         | 15-173   | 9/1/2020 | 2016 |
| 2015.NAI.029.002 | CITY OF HICKORY | SQUADRON PLAQUE HELICOPTER ANTI SUB (HSL-37) DET 2 |          |        |         | 15-173   | 9/1/2020 | 2016 |
| 2015.NAI.029.003 | CITY OF HICKORY | SQUADRON PLAQUE HELICOPTER ANTI SUB (HSL-31) DET B |          |        |         | 15-173   | 9/1/2020 | 2016 |
| 2015.NAI.029.004 | CITY OF HICKORY | SQUAD PLAQUE RCAF 435 CHINTHE TRANSPORT/RESCUE     |          |        |         | 15-173   | 9/1/2020 | 2016 |
| 2015.NAI.029.005 | CITY OF HICKORY | PLAQUE SUBMARINE FLOTILLA ONE                      |          |        |         | 15-173   | 9/1/2020 | 2016 |
| 2015.NAI.029.006 | CITY OF HICKORY | PLAQUE USAF 550TH SILVER EAGLES/USN VA-305         |          |        |         | 15-173   | 9/1/2020 | 2016 |

GOVERNMENT LOANED PROPERTY

1/5/2016

| ACCESSNUM        | BORROWER        | DESCRIPT1  | DESIGNAT | ACBNUM | SERIALN | LASERIALN | EXPIRE | CERT          |
|------------------|-----------------|--|----------|--------|---------|-----------|--------|---------------|
| 2015.NA1.029.007 | CITY OF HICKORY | PLAQUE TAGGRU ONE, AMPHIB FORCES PACIFIC           |          |        |         |           | 15-173 | 9/1/2020 2016 |
| 2015.NA1.029.008 | CITY OF HICKORY | SQUADRON PLAQUE USAF 426TH TACT FIGHTER SQUADRON 3 |          |        |         |           | 15-173 | 9/1/2020 2016 |
| 2015.NA1.029.010 | CITY OF HICKORY | SQUADRON PLAQUE HSL 31 DET SHAKA BRAVO             |          |        |         |           | 15-173 | 9/1/2020 2016 |
| 2015.NA1.029.011 | CITY OF HICKORY | PLAQUE COMMANDER CARRIER DIVISION SEVEN            |          |        |         |           | 15-173 | 9/1/2020 2016 |
| 2015.NA1.029.012 | CITY OF HICKORY | PLAQUE SQUADRON                                    |          |        |         |           | 15-173 | 9/1/2020 2016 |

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COUNCIL AGENDA MEMOS

Exhibit VIII.D.

**To: City Manager's Office**

**From: Police Department/Chief Tom Adkins**

**Contact Person: Chief Tom Adkins**

**Date: January 20, 2016**

**Re: Request to Award Service Weapon and Badge to Retiring MPO David Leeper**

**REQUEST:** Hickory Police Department requests City Council to award retiring Master Police Officer (MPO) David Leeper his service weapon (Glock Model 17-Serial # UHF185) and badge upon his retirement March 1, 2016.

**BACKGROUND:** MPO David Leeper will retire from the City of Hickory Police Department March 1, 2016, after completing 30 years of qualifying service to the citizens of Hickory.

**ANALYSIS:** By authority of NC General Statutes, City Council may award the service weapon and police badge to MPO David Leeper upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the city's fixed asset inventory.

**RECOMMENDATION:** Staff would recommend approval of awarding his service weapon and police badge to MPO David Leeper upon his retirement from Hickory Police Department.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Tom Adkins 1/20/16  
 Initiating Department Head  
Bob Miller 1-22-16  
 Asst. City Manager  
Amanda Stanley 1-26-16  
 Deputy Finance Officer, Melissa Miller

Armita M. Dula 1-22-16  
 Deputy City Attorney, A. Dula  
A. Surratt 1-25-16  
 Asst. City Manager, A. Surratt  
Bo Weichel 1-25-16  
 Purchasing Manager, Bo Weichel

Deputy

\_\_\_\_\_  
Date

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

M. Berry  
City Manager, M. Berry

\_\_\_\_\_  
Date

5  
**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office  
**From:** Fire & Airport Departments  
**Contact Person:** Terry Clark, Chief Hollar, Matt Hutchinson  
**Date:** January 26, 2016  
**Re:** Purchase of 2016 Rosenbauer ARFF Truck

**REQUEST**

This request is for the purchase of a 2016 Rosenbauer ARFF (Aircraft Rescue & Firefighting) truck in the amount of \$328,892.00 in accordance with NCDOT-DOA (NC Department of Transportation – Division of Aviation) grant process.

**BACKGROUND**

The Fire Department, in cooperation with Airport management, has been monitoring the condition of the Airport's current 1990 GMC Topkick ARFF truck that is stationed on the airport grounds. In the past ten (10) years, the truck's operational ability per Code of Federal Regulations (CFR) Part 139 has declined considerably. The truck is now 26 years old, and most of the equipment has become outdated in relation to today's standards. The truck is equipped with many air-actuated parts that are no longer being manufactured. As well, in the past five (5) years, ARFF personnel have noticed a decrease in the truck's ability to flow water to the standards it was initially built. In December 2015, the truck's fire pump was tested by a third party vendor and deemed inefficient for maintaining its manufactured flow rates [documentation is available]. Though the truck's chassis is in fair condition for its age, the most important part of the apparatus is an effective fire pump. Replacing the pump would cost almost eight times the value of the truck, which is not an economical solution.

**ANALYSIS**

Airport staff requested the Fire Department review different avenues for either repairing the existing fire truck, purchasing a used apparatus, or buying new. The quotes for repairs were approximately \$100,000. The few used trucks that were available to purchase were as outdated as our current truck and would potentially cost just as much to make functional for the airport response. The fire department along with airport staff concluded that purchasing a new ARFF apparatus would be the best option for remedying the current situation. The new truck will be a 2016 Rosenbauer Airwolf ARFF truck built to current NFPA standards. The Fire Department currently has four Rosenbauer fire apparatuses in its fleet that have performed very well and city staff will handle all of the preconstruction and final inspection processes for the truck. Staff recommends utilizing the competitive bidding exception found in G.S. 143-129(e)(3) which specifies use of a group purchasing program. Houston-Galveston Area Cooperative (HGAC) is a formally organized program that has completed the competitive bidding process and offers this contract to its members, which includes the City of Hickory.

The purchase of the ARFF Truck is critical to the continued fire service to our based, transient and charter service customers and any future commercial air service at the Hickory Regional Airport, in addition to being in compliance with CFR Part 139.

**RECOMMENDATION**

Both Fire and Airport staff recommend Council's approval for the purchase of the Rosenbauer ARFF truck in the amount of \$328,892.00. Funds are available through existing grants provided by NCDOT-DOA for 90% of the purchase price. The 10% local share of approximately \$33,000 will come from the Airport fund. A budget amendment is included for your approval.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Terry Clark  
Initiating Department Head

1-26-16  
Date

*A. Dula*  
Deputy City Attorney, A. Dula

1-28-16  
Date

*R. Miller*  
Asst. City Manager, R. Miller

1-29-16  
Date

*A. Surratt*  
Asst. City Manager, A. Surratt

1-28-16  
Date

*M. Miller*  
Finance Officer, Melissa Miller

1-29-16  
Date

Administrative Services Director

Date

*Deputy*

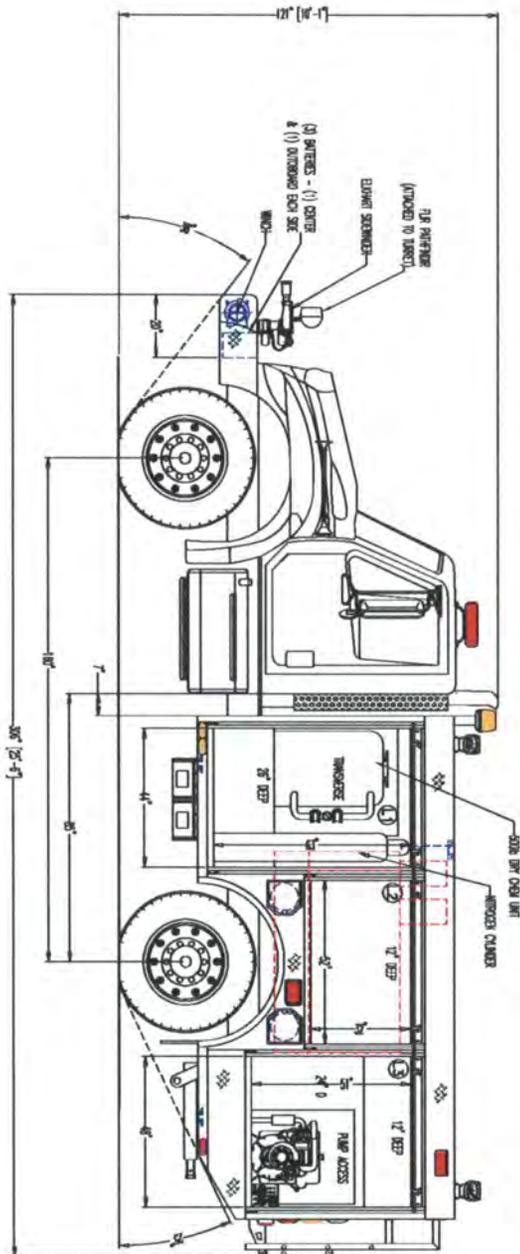
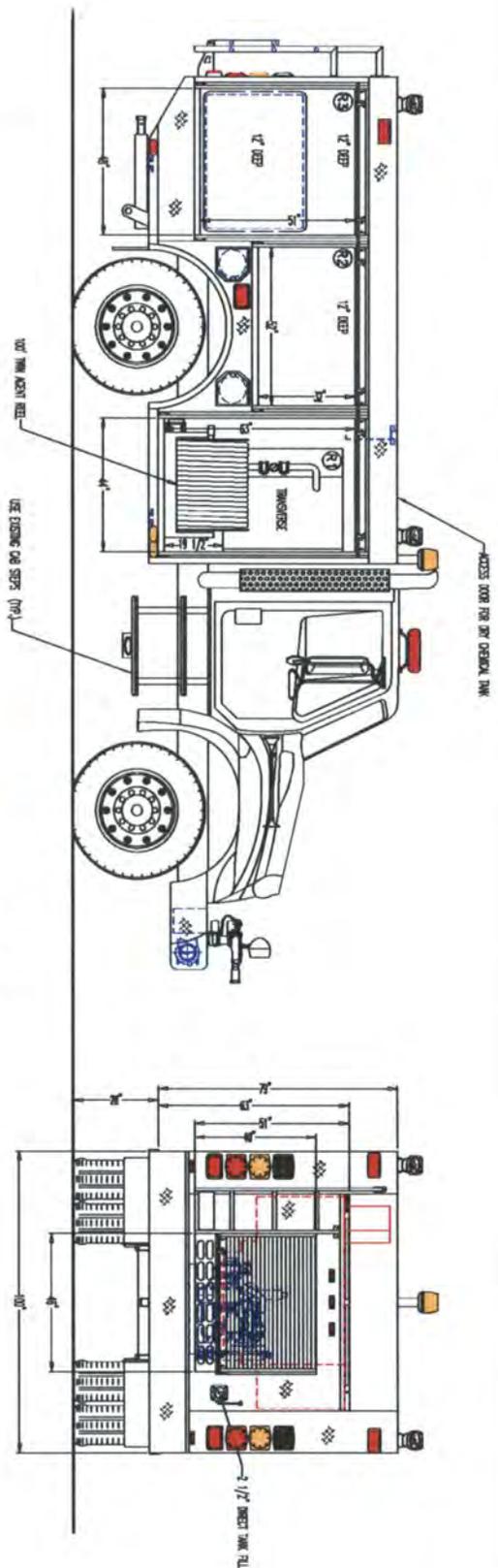
*B. Weichel*  
Purchasing Manager, Bo Weichel

1-29-16  
Date

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

*M. Berry*  
City Manager, M. Berry

\_\_\_\_\_  
Date



- NOTES:
1. OVERALL HEIGHT IS IN LOADED CONDITION. UNLOADED HEIGHT MAY BE 4" ABOVE HEIGHTS SHOWN.
  2. DO NOT SCALE DRAWING.
  3. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO ENGINEERING CHANGE.
  4. DRAWING MAY OR MAY NOT SHOW ALL ITEMS AS DESCRIBED IN THE WRITTEN DETAIL SPECIFICATIONS.
  5. INCLUSION OF AN ITEM ON THE DRAWING DOES NOT CONSTITUTE INCLUSION OF THAT ITEM WITH THE FINAL DELIVERED UNIT.

|         |            |    |                 |
|---------|------------|----|-----------------|
| REVISED | DATE       | BY | DESCRIPTION     |
| 1       | 01/15/2010 | JM | INITIAL DESIGN  |
| 2       | 02/10/2010 | JM | REVISED TO SHOW |

|                |                            |
|----------------|----------------------------|
| APPROVED BY:   | CHASSIS: HI 7300 20R 4X4   |
| MAXIMUM HEIGHT | PUMP: DARLEY AGE 2 1/2 39K |
| MAXIMUM LENGTH | TANK: POLY 900/80(GRAM)    |
| MAXIMUM WIDTH  | TYPE: AIRWOLF              |
|                | AERIAL: N/A                |

**HICKORY REGIONAL  
AIRPORT**

**ROSENBAUMER EXT**

**ROSENBAUMER**

X P8080 02

7  
**COUNCIL AGENDA MEMOS**

Exhibit VIII. H.

**To: City Manager's Office**

**From: Chief Tom Adkins**

**Contact Person: Lisa B. Drum**

**Date: 01/25/2016**

**Re: Approval to accept a grant on behalf of Lenoir Rhyne University**

**REQUEST** Hickory Police Department requests permission to accept a grant from NC Governor's Crime Commission in the amount of \$9,796.24 on behalf of Lenoir Rhyne University. NC Governor's Crime Commission suggested that the university partner with Hickory Police Department to complete the necessary paperwork and manage the grant.

**BACKGROUND:** Many things have changed throughout our history that makes it essential for universities and colleges to provide a more safe and secure campus. Lenoir Rhyne University is currently using a traditional manpower approach to security but is rapidly integrating a greater use of technology to ensure the safety and security of all students, staff, faculty, and visitors. Lenoir Rhyne University cannot reach direct funds from the Governor's Crime Commission because it is not a non-profit organization. Hickory Police Department works very closely with the Security Services at LRU and recognizes the overall benefit to assist with their funding needs to enhance their ability to provide security to their students, staff and visitors of the campus.

**ANALYSIS:** Mr. Norris Yoder, Director of Security at Lenoir Rhyne, and Stephen Brooks (Security Officer and Grants Consultant) are dedicated to transforming security services at Lenoir Rhyne. The university has many needs in terms of technology and equipment and is diligently working to form the necessary partnerships with the City of Hickory, the Hickory Police Department, and other civic organizations and agencies to attain this transformation. As an open campus, the university faces many challenges as a security team. The officers have access to a single computer and monitor to write the many reports necessary to complete daily assignments and keep a close eye on security cameras. Security is provided 24-7, 365 days a year. The Campus Security Services of Lenoir Rhyne University is in need of four desktop computers, two large monitors, one laptop computer, one docking station, nine flashlights, two first aid kits, one jump box with air compressor, eight traffic vests, two tourniquet kits, and one PTZ (pan, tilt, zoom) camera. Any equipment obtained by NCGCC funds will be the property of the City of Hickory and would be on loan to Lenoir Rhyne University. A memorandum of agreement between the University and the City of Hickory will be in place to ensure proper accountability and asset retention for the property.

**RECOMMENDATION:** Hickory Police Department requests approval to accept a NC Governor's Crime Commission \$9,796.24 grant on behalf of Lenoir Rhyne University and authorize the City Manager to appropriate funds to be spent in the Hickory Police Department for security of the educational institution.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

X

**LIST THE EXPENDITURE CODE:**

In Process

**Reviewed by:**

Tom Adkins *(for Chief Adkins)* 01/25/2016  
Initiating Department Head Date

Amy M. Dula 1-27-16  
Deputy City Attorney, A. Dula Date

Rodney Miller 1-29-16  
Asst. City Manager, Rodney Miller Date

A. Surratt 1-29-16  
Asst. City Manager, A. Surratt Date

*Deputy* Amanda Stanley 1-28-16  
Finance Officer, ~~Melissa Miller~~ Date

Bo Weichel 1-27-16  
Purchasing Manager, Bo Weichel Date

\_\_\_\_\_  
Date

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

*M. Berry*  
City Manager, M. Berry

\_\_\_\_\_  
Date



# North Carolina Department of Public Safety

## Governor's Crime Commission

Pat McCrory, Governor  
Frank L Perry, Secretary

Christopher E. Swecker, Chair  
L. David Huffman, Executive Director

January 12, 2016

Lisa Isenhour, Project Director  
City of Hickory  
76 North Center Street  
Post Office Box 398  
Hickory, North Carolina 28601-2844

SUBJECT:      Project Name:            2015- Lenoir Rhyne University – Equipment Project  
                  Project Number:        PROJ011398  
                  Implementing Agency:   Hickory Police Department

Dear: Ms. Isenhour:

Congratulations on receipt of your recent grant award from the Governor's Crime Commission. Attached you will find the Governor's Crime Commission's grant award checklist, your grant award document, and special conditions documents.

This grant award does not become effective until it has been signed by the **Authorizing Official** and **Project Director** listed above and is returned to the Governor's Crime Commission. The signed grant award must be returned **within thirty days** of the date the award is mailed. You will be authorized to make expenditures under the grant or receive reimbursement once we have received the original signed grant award. Extensions beyond this thirty day period can only be authorized, in writing, by the Governor's Crime Commission.

This grant award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of any audit or site-visit findings, and match requirements. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate. To assist you, attached is a checklist of what you need to do in order for your Grants Management Specialist to receive your file. Any incomplete items will cause a delay in this process.

As always, please contact our office if you have any questions or need additional assistance.  
Best wishes to you for successful program outcomes!

Cordially,

L. David Huffman  
Executive Director

**MAILING ADDRESS:**  
4234 Mail Service Center  
Raleigh, NC 27699-4234  
[www.ncgcd.org](http://www.ncgcd.org)  
[www.ncdps.gov](http://www.ncdps.gov)



**OFFICE LOCATION:**  
1201 Front St.  
Raleigh, NC 27609  
Telephone: (919) 733-4564  
Fax: (919) 733-4625

An Equal Opportunity Employer



STATE OF NORTH CAROLINA  
**DEPARTMENT OF PUBLIC SAFETY**  
 GOVERNOR'S CRIME COMMISSION  
 1201 Front Street, Suite 200  
 Raleigh, NC 27609  
 Telephone:(919) 733-4564 Fax:(919) 733-4625  
 http://www.ncgccd.org

## GRANT AWARD

|                              |   |                             |  |
|------------------------------|---|-----------------------------|--|
| <b>Applicant:</b>            | City of Hickory   | <b>Project Name:</b>        | 2015 - Lenoir Rhyne University - Equipment Project |
| <b>Authorizing Official:</b> | Mick Berry<br>City Manager  | <b>Implementing Agency:</b> | Hickory Police Department                          |
| <b>Address:</b>              | 76 North Center Street P.O. Box 398<br>Hickory, North Carolina 28601-2844 | <b>Project Director:</b>    | Lisa Isenhour<br>Budget Coordinator                |
| <b>Vendor Number:</b>        | 566001244   | <b>Project Number:</b>      | PROJ011398   |
|                              |   | <b>Account Manager:</b>     | Jack Mthenjane                                     |

Grant Period: 01/01/2016 - 06/30/2016

### Budgets

| Period                    | Personnel | Contractual | Travel | Supplies | Equipment  | Total             |
|---------------------------|-----------|-------------|--------|----------|------------|-------------------|
| Year 1                    | \$0.00    | \$0.00      | \$0.00 | \$0.00   | \$9,796.24 | \$9,796.24        |
| <b>Grant Budget Total</b> |           |             |        |          |            | <b>\$9,796.24</b> |

| Source                                | Federal Grant # | CFDA # | % Funding | Federal Award |
|---------------------------------------|-----------------|--------|-----------|---------------|
| 2013::Byrne Justice Assistance Grants | 2013-DJ-BX-0189 | 16.738 | 100%      | \$9,796.24    |

In accordance with the laws and regulations of the United States and the State Of North Carolina, and on the basis of the grantee's application, the Department of Public Safety hereby awards to the foregoing grantee an award in the amount above.

This grant is subject to the conditions listed in the approved grant application as well as all applicable rules, regulations and conditions, as may be described by the Department of Public Safety. Special conditions are attached to this award.

This grant shall become effective, as of the start date of the grant period listed, once this original grant award has been properly executed on behalf of the grantee and returned to the Governor's Crime Commission, attention of the Grants Management Director. The grant award must be returned within 30 days of the date the award is mailed from the Governor's Crime Commission. No alterations of any kind may be made on this grant award.

### Authorizing Official

\_\_\_\_\_  
 Signature of Authorizing Official Date  
 Mick Berry, City Manager  
 Name and Title of Authorizing Official

### Governor's Crime Commission

*L. David Huffman* 1-12-2016  
 Signature of Director Date  
 L. David Huffman, Executive Director  
 Name and Title of Director

### Project Director

*Lisa Drum* 1/26/16  
 Signature of Project Director Date  
 Lisa Isenhour, Budget Coordinator  
 Name and Title of Project Director

This award is subject to the attached conditions, which must be signed by both the authorizing official and the project director, and returned along with this Grant Award. No alterations of any kind may be made on this grant award.



DEPARTMENT OF PUBLIC SAFETY  
GOVERNOR'S CRIME COMMISSION  
1201 FRONT STREET  
RALEIGH, NORTH CAROLINA 27609

AWARD CONTINUATION SHEET

GRANT

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CRIMINAL JUSTICE SYSTEM IMPROVEMENT COMMITTEE  
GRANT AWARD  
SPECIAL CONDITIONS  
BYRNE JUSTICE ASSISTANCE GRANT FUNDING

SUBRECIPIENT: City of Hickory  
DUNS NUMBER: 071062483  
PROJECT NAME: 2015 - Lenoir Rhyne University - Equipment Project  
PROJECT NUMBER: PROJ011398

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide and the current edition of Governor's Crime Commission Grant Award Packet.

The OJP Financial Guide can be viewed online at: [www.ojp.usdoj.gov/financialguide](http://www.ojp.usdoj.gov/financialguide)

2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.

3. This recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.

4. The recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.

5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for Recovery Act funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

## Mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

NC Governor's Crime Commission  
1201 Front Street  
Raleigh, NC 27609

AND

e-mail: (your Grants Mgmt. specialist)

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 8694499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. The recipient agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the recipient agrees to first

Authorizing Official: \_\_\_\_\_  
Mick Berry

Project Director: *Lisa Drumm* 86  
Lisa Isenhour

|   |  |                                       |       |
|---|--|---------------------------------------|-------|
|  | DEPARTMENT OF PUBLIC SAFETY<br>GOVERNOR'S CRIME COMMISSION<br>1201 FRONT STREET<br>RALEIGH, NORTH CAROLINA 27609 | AWARD CONTINUATION SHEET<br><br>GRANT | - 2 - |
|---|--|---------------------------------------|-------|

determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The recipient understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by the special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html> for programs relating to methamphetamine laboratory operations.

Application of the Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

7. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

8. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Recipient shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.

9. The recipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant (JAG) Program. Compliance with these requirements will be monitored by BJA.

10. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.

Authorizing Official: \_\_\_\_\_  
Mick Berry

Project Director: Lisa Drum 87  
Lisa Isenhour



DEPARTMENT OF PUBLIC SAFETY  
GOVERNOR'S CRIME COMMISSION  
1201 FRONT STREET  
RALEIGH, NORTH CAROLINA 27609

AWARD CONTINUATION SHEET

GRANT

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11. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>
12. The recipient agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith-Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm)
13. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
14. The recipient agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
15. The recipient agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
16. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
17. The recipient agrees that within 120 days of award, for any law enforcement task force funded with these funds, the task force commander, agency executive, task force officers, and other task force members of equivalent rank, will complete required on-line (internet-based) task force training to be provided free of charge through BJA's Center for Task Force Integrity and Leadership. This training will address task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information will be provided by BJA regarding the required training and access methods via BJA's website and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
18. The recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP and the Governor's Crime Commission.
19. **Certified Assurances (Non-Discrimination Requirements)**

Authorizing Official: \_\_\_\_\_  
Mick Berry

Project Director: Lisa Isenhour 88  
Lisa Isenhour



DEPARTMENT OF PUBLIC SAFETY  
GOVERNOR'S CRIME COMMISSION  
1201 FRONT STREET  
RALEIGH, NORTH CAROLINA 27609

AWARD CONTINUATION SHEET

GRANT

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Applicants must assure and certify that they will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include those of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d), the Victims of Crime Act (42 U.S.C. § 10604(e)), the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)), the Civil Rights Act of 1964 (42 U.S.C. § 2000d), the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34), the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86), and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07). Applicants should also see Exec. Order 13,279 (Equal Protection of the Laws for Faith-Based and Community Organizations).

In the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, age, national origin, sex, or disability against a recipient of Federal funds, or any subgrantee or contractor of that recipient, a copy of such findings must be forwarded immediately to both the Governor's Crime Commission and the federal Office for Civil Rights.

Complaints alleging or containing reference to discrimination on the basis of race, color, religion, age, national origin, sex, or disability by a recipient of federal funds or by any subgrantee or contractor of that recipient shall be reported to the Discrimination Complaint Coordinator of the Governor's Crime Commission. Complaints of this type may be reported to the federal Office for Civil Rights, though such reporting ~~do~~ not relieve the reporter of the duty to also report to the Discrimination Complaint Coordinator of the Governor's Crime Commission.

In accord with federal civil rights laws, all recipients and subrecipients must refrain from retaliation against any individuals who take action or participate in action to secure rights protected by such laws.

All recipients and subrecipients must take reasonable steps to provide meaningful access to programs and activities for persons who may be LEP (Limited English Proficient).

All recipients and their subrecipients must also provide the Office for Civil Rights with an Equal Employment Opportunity Plan, if required to maintain one, where the award is \$500,000 or more.

The Recipient further agrees to post in a conspicuous place, available to all employees and applicants for employment, notices setting forth the provisions of the EEO, as shown in the provided Department of Labor Regulations found at 41 CFR Part 60.

20. The recipient agrees promptly to provide, upon request, financial or programmatic-related documentation related to this award, including documentation of expenditures and achievements.

21. The recipient understands that it is subject to additional financial and programmatic on-site monitoring, which may be on short notice, and agrees that it will cooperate with any such monitoring.

22. The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

23. The recipient assures and certifies that it has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of the project cost) to ensure proper planning, management, and completion of the project described in this application.

24. The recipient agrees to establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Authorizing Official: \_\_\_\_\_  
Mick Berry

Project Director: Lisa Drum 89  
Lisa Isenhour



DEPARTMENT OF PUBLIC SAFETY  
GOVERNOR'S CRIME COMMISSION  
1201 FRONT STREET  
RALEIGH, NORTH CAROLINA 27609

## AWARD CONTINUATION SHEET

GRANT

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25. The recipient agrees to give the Governor's Crime Commission or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
26. The recipient agrees that all contracts must be approved by the Governor's Crime Commission grants management director prior to execution. **Any funds incurred will be in violation of the contract if they are incurred prior to approval.** Any rate over \$450/day must be justified in writing to the Governor's Crime Commission. All sole source contracts in excess of \$100,000 must receive prior approval from the Bureau of Justice Assistance.
27. Positions created must be new and increase the agency staff by the number of positions requested.
28. Agencies whose grants include confidential/buy money funds must comply with the confidential fund requirements as described in the current edition of the OJP Financial Guide, Chapter 8 and sign a Confidential Funds Certification to abide by the federal guidelines, prior to any use of confidential/buy money funds.
29. Any Mobile Data Terminal, or 800 MegaHertz Voice, based project or program must have the ability to be connected to the North Carolina Highway Patrol's 800 MegaHertz Voice and Data Networks and applicants must have the ability to share data with other agencies.
- Compliance with these general conditions is to ensure that criminal justice agencies continue to build an integrated statewide network to tie all public safety agencies together.
30. The recipient acknowledges that failure to submit programmatic or financial reports in a timely manner will result in the termination of this grant. Upon termination, all outstanding reimbursements will be forfeited by the recipient.
31. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency (GCC) determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.
32. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the U.S. Department of Justice encourages recipients and subrecipients to adopt and enforce policies barring employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
33. The recipient agrees to comply with applicable requirements to report first tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own operate in his or her name).
34. The recipient acknowledges that both the Office of Justice Programs and the Governor's Crime Commission reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal and State purposes: (1) the copyright in any work developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

Authorizing Official: \_\_\_\_\_  
Mick Berry

Project Director: Lisa Isenhour 90  
Lisa Isenhour



DEPARTMENT OF PUBLIC SAFETY  
GOVERNOR'S CRIME COMMISSION  
1201 FRONT STREET  
RALEIGH, NORTH CAROLINA 27609

AWARD CONTINUATION SHEET

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The recipient acknowledges that both the Office of Justice Programs and the Governor's Crime Commission has the right to: (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward and/or contract under this award.

35. All requests to transfer funds from a Personnel line item to any other budget category will be subject to a high degree of scrutiny and justification.

The recipient further agrees that ALL personnel (including subrecipient personnel) whose activities are to be charged to this award will maintain timesheets to document hours worked for activities related to this award and non-award-related activities.

36. All recipients are required to maintain an active registration with the Central Contractor Registration (CCR) database.

37. The recipient understands that the awarding of this grant in no way assures or implies continuation of funding beyond the project duration indicated on the grant award. If a continuation application is approved, funds available under the current grant and corresponding cash matching funds must be expended or obligated and documented prior to the implementation of the continuation grant and expenditure of new funds.

38. The recipient must follow the most recently released (June 2012) OJP conference cost policies and procedures. The new guidelines establish perimeters for which grantees may expend funds for conferences and meetings.

39. Registration with the System for Award Management and Universal Identifier Requirements.

The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor governmentwide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non profit organization that he or she may own or operate in his or her name).

Authorizing Official: \_\_\_\_\_  
Mick Berry

Project Director: Lisa Isenhour 91  
Lisa Isenhour



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check  If there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check  If the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW, Washington, DC 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: City of Hickory Police Department  
P.O. Box 398  
Hickory, NC 28603

2. Application Number and/or Project Name: 2015 Lenoir Rhyne University Equipment Project

3. Grantee IRS/Vendor Number: 56-6001244

4. Typed Name and Title of Authorized Representative: Mick Berry City Manager

5. Signature

6. Date

### CERTIFICATION FORM

#### Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

|   |  |
|---|--|
| Recipient's Name: <u>City of Hickory Police Department</u>              | DUNS Number: <u>071062483</u>              |
| Address: <u>347 2nd Avenue SW P.O. Box 398</u>                          |  |
| Grant Title: <u>2015 Lenoir Rhyne University</u>                        | Grant Number: <u>PROJ011398</u>            |
| Name and Title of Contact Person: <u>Lisa Drum - Budget Coordinator</u> | Award Amount: <u>9,796.24</u>              |
| Telephone Number: <u>828-261-2609</u>                                   | E-Mail Address: <u>ldrum@hickorync.gov</u> |

#### Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- Recipient has less than fifty employees.
- Recipient is a nonprofit organization.
- Recipient is an Indian tribe.
- Recipient is an educational institution.
- Recipient is a medical institution.
- Recipient is receiving an award less than \$25,000.

I, Mick Berry, City Manager [responsible official],  
 certify that City of Hickory [recipient] is  
 not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.  
 I further certify that City of Hickory [recipient]  
 will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of  
 services. [recipient]  
Mick Berry, City Manager  
 Print or Type Name and Title Signature Date

#### Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, \_\_\_\_\_ [responsible official],  
 certify that \_\_\_\_\_ [recipient],  
 which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than  
 \$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last  
 twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable  
 federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for  
 Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:  
 \_\_\_\_\_ [organization],  
 \_\_\_\_\_ [address].  
 Print or Type Name and Title Signature Date

#### Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, \_\_\_\_\_ [responsible official],  
 certify that \_\_\_\_\_ [recipient],  
 which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in  
 accordance with 28 CFR pt. 42, subpt. E, and sent it for review on \_\_\_\_\_ [date] to the  
 Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.  
 Print or Type Name and Title Signature Date

## INSTRUCTIONS

### Completing the Certification Form

#### Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

The federal regulations implementing the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, require some recipients of financial assistance from the U.S. Department of Justice subject to the statute's administrative provisions to create, keep on file, submit to the Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) for review, and implement an Equal Employment Opportunity Plan (EEOP). See 28 C.F.R. pt. 42, subpt. E. All awards from the Office of Community Oriented Policing Services (COPS) are subject to the EEOP requirements; many awards from OJP, including awards from the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC) are subject to the EEOP requirements; and many awards from the Office on Violence Against Women (OVW) are also subject to the EEOP requirements. If you have any questions as to whether your award from the U.S. Department of Justice is subject to the Safe Streets Act's EEOP requirements, please consult your grant award document, your program manager, or the OCR.

Recipients should complete *either* Section A *or* Section B *or* Section C, **not all three**.

#### Section A

The regulations exempt some recipients from all of the EEOP requirements. Your organization may claim an exemption from all of the EEOP requirements if it meets any of the following criteria: it is a nonprofit organization, an educational institution, a medical institution, or an Indian tribe; *or* it received an award under \$25,000; *or* it has less than fifty employees. To claim the complete exemption from the EEOP requirements, complete Section A.

#### Section B

Although the regulations require some recipients to create, maintain on file, and implement an EEOP, the regulations allow some recipients to forego submitting the EEOP to the OCR for review. Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business; *and* (2) have fifty or more employees; *and* (3) have received a single grant award of \$25,000 or more, but less than \$500,000, may claim the limited exemption from the submission requirement by completing Section B. In completing Section B, the recipient should note that the EEOP on file has been prepared within twenty-four months of the date of the most recent grant award.

#### Section C

Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business, *and* (2) have fifty or more employees, *and* (3) have received a single grant award of \$500,000 or more, must prepare, maintain on file, *submit to the OCR for review*, and implement an EEOP. Recipients that have submitted an EEOP Utilization Report (or in the process of submitting one) to the OCR, should complete Section C.

#### Submission Process

If a recipient receives multiple awards subject to the Safe Streets Act, the recipient should complete a Certification Form for each grant. Recipients should download the online Certification Form, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: [EEOPForms@usdoj.gov](mailto:EEOPForms@usdoj.gov). *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7<sup>th</sup> Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

### Public Reporting Burden Statement

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated minimum average time to complete and file this application is 20 minutes per form. If you have any comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of Justice Programs, 810 7th Street, N.W., Washington, D.C. 20531.

# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

Approved by OMB  
0348-0046

|  |   |   |
|--|---|---|
| <b>1. Type of Federal Action:</b><br><input type="checkbox"/> a. contract<br><input type="checkbox"/> b. grant<br><input type="checkbox"/> c. cooperative agreement<br><input type="checkbox"/> d. loan<br><input type="checkbox"/> e. loan guarantee<br><input type="checkbox"/> f. loan insurance  | <b>2. Status of Federal Action:</b><br><input type="checkbox"/> a. bid/offer/application<br><input type="checkbox"/> b. initial award<br><input type="checkbox"/> c. post-award | <b>3. Report Type:</b><br><input type="checkbox"/> a. initial filing<br><input type="checkbox"/> b. material change<br>For Material Change Only:<br>year _____ quarter _____<br>date of last report _____ |
| <b>4. Name and Address of Reporting Entity:</b><br><input type="checkbox"/> Prime <input type="checkbox"/> Subawardee<br>Tier _____, if known: _____<br><br>Congressional District, if known: 4c   | <b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b><br><br>Congressional District, if known: _____   |   |
| <b>6. Federal Department/Agency:</b>   | <b>7. Federal Program Name/Description:</b><br><br>CFDA Number, if applicable: _____  |   |
| <b>8. Federal Action Number, if known:</b>   | <b>9. Award Amount, if known:</b><br>\$ _____   |   |
| <b>10. a. Name and Address of Lobbying Registrant</b><br>(if individual, last name, first name, MI):   | <b>b. Individuals Performing Services</b> (including address if different from No. 10a)<br>(last name, first name, MI):   |   |
| <b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. | Signature: _____<br>Print Name: _____<br>Title: _____<br>Telephone No.: _____ Date: _____   |   |
| <b>Federal Use Only:</b>   |   | Authorized for Local Reproduction<br>Standard Form LLL (Rev. 7-97)  |

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

**GRANT PROJECT ORDINANCE # 5**

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

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

| FUNCTIONAL AREA                 | INCREASE | DECREASE |
|---------------------------------|----------|----------|
| Transportation Capital Projects | 330,000  | -        |
|                                 | -        | -        |
| <b>TOTAL</b>                    | 330,000  | -        |

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

| FUNCTIONAL AREA                 | INCREASE | DECREASE |
|---------------------------------|----------|----------|
| Other Financing Sources         | 33,000   | -        |
| Restricted Governmental Revenue | 297,000  | -        |
| <b>TOTAL</b>                    | 330,000  | -        |

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**CITY OF HICKORY**  
**GRANT PROJECT ORDINANCE # 5**  
**N.C. Department of Transportation – Division of Aviation State Funding**

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

**SECTION 1.** The project authorization is the N.C. Department of Transportation’s Division of Aviation State Funds.

**SECTION 2.** The officers of this unit are hereby directed to proceed with the grant project within the terms of the budget contained herein.

**SECTION 3.** The following revenues are anticipated to be available to complete the project:

|   |                         |
|---|-------------------------|
| <b>Restricted Governmental Revenue:</b> |                         |
| Airport State Grants                    | \$297,000               |
| <b>Other Funding Sources</b>            |                         |
| Transfer from Enterprise Fund           | <u>33,000</u>           |
| <b>Total</b>                            | <b><u>\$330,000</u></b> |

**SECTION 4.** The following amounts are appropriated for the project:

|   |                         |
|---|-------------------------|
| <b>Transportation Capital Projects:</b> |                         |
| Capital Outlay / Vehicles               | <u>\$330,000</u>        |
| <b>Total</b>                            | <b><u>\$330,000</u></b> |

**SECTION 5.** The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting required by any financing agreement associated with this project and/or State and Federal regulations.

**SECTION 6.** The Finance Officer is hereby directed to report quarterly on the financial status of each project element and on the total revenues received or claimed.

**SECTION 7.** The City Manager (Budget Officer) is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

**SECTION 8.** Copies of this grant project ordinance shall be furnished to the Clerk of the Governing Board, the City Manager (Budget Officer) and the Finance Officer for direction in carrying out this project.

Adopted this the \_\_\_\_ day \_\_\_\_\_, 2016.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Clerk

**BUDGET ORDINANCE AMENDMENT # 16**

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

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

| FUNCTIONAL AREA                  | INCREASE | DECREASE |
|----------------------------------|----------|----------|
| Economic & Community Development | 50       |          |
| Public Safety                    | 3,684    |          |
| <b>TOTAL</b>                     | 3,734    | -        |

**SECTION 2.** To Amend the General Fund revenues for the above, the revenues will be changed as follows:

| FUNCTIONAL AREA        | INCREASE | DECREASE |
|------------------------|----------|----------|
| Miscellaneous Revenues | 3,734    |          |
| <b>TOTAL</b>           | 3,734    | -        |

**SECTION 3.** To amend the Transportation Fund the expenditures are to be changed as follows:

| FUNCTIONAL AREA      | INCREASE | DECREASE |
|----------------------|----------|----------|
| Other Financing Uses | 33,000   |          |
| <b>TOTAL</b>         | 33,000   | -        |

**SECTION 4.** To amend the Transportation Fund, the revenues are to be changed as follows:

| FUNCTIONAL AREA         | INCREASE | DECREASE |
|-------------------------|----------|----------|
| Other Financing Sources | 33,000   |          |
| <b>TOTAL</b>            | 33,000   | -        |

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

6  
COUNCIL AGENDA MEMO

Exhibit XI.A.1.

**To:** City Manager's Office  
**From:** Andrea Surratt, Assistant City Manager  
**Contact Person:** Andrea Surratt  
**Date:** January 26, 2016  
**Re:** Bond Program Recommendation Public Hearing

**REQUEST:** Hold a public hearing on the Bond Program Recommendation entitled Combined Option A from the Bond Implementation Commission.

**BACKGROUND:** The City of Hickory put forth a \$40M bond referendum for voter consideration in November 2014 that included \$25 million in project funding for street, sidewalk and related pedestrian and transportation improvements as well as \$15 million for economic development. The referendum passed, and the City has begun work to plan for the projects. Three key project areas are being developed by the City of Hickory as part of this bond program, including the Riverwalk, the Citywalk, Streetscape and Gateway improvements along several major corridors.

**ANALYSIS:** The development of detailed designs, feasibility studies, cost estimates, scheduling, and construction of the projects requires a coordinated program in order to maximize the bond funds and identify cost savings where possible. The program has been underway for the past year, and the Bond Implementation Commission has provided a final program recommendation to City Council. At its January 19<sup>th</sup> City Council meeting, Council accepted the recommendation of the Bond Implementation Commission and voted to hold a public hearing on the program at its February 2, 2016 meeting.

**RECOMMENDATION:** The Bond Implementation Commission recommends combined Option "A".

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

[Signature] 1-29-16  
Initiating Department Head Date

[Signature] 1-29-16  
Deputy City Attorney, A. Dula Date

[Signature] 1-29-16  
Asst. City Manager, R. Miller Date

[Signature] 1-29-16  
Asst. City Manager, A. Surratt Date

Deputy [Signature] 1-28-16  
Finance Officer, ~~Melissa Miller~~ Date

[Signature] 1-27-16  
Purchasing Manager, Bo Weichel Date

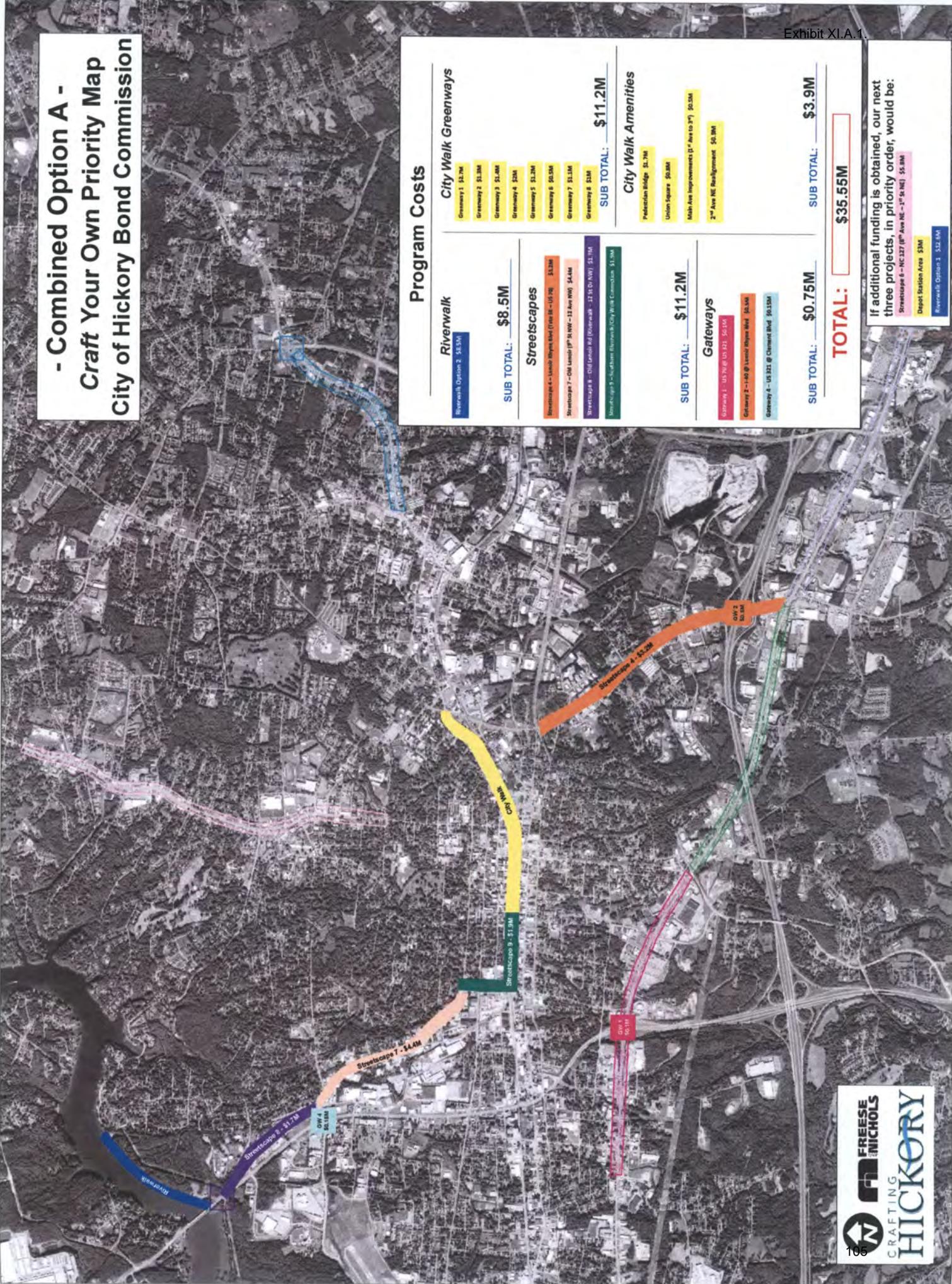
Recommended for approval and placement on \_\_\_\_\_ Council agenda (as  
Consent, Public Hearing, Informational, Department Report, etc).

[Signature]  
City Manager, M. Berry

\_\_\_\_\_  
Date

| <b>COMBINED OPTION A</b>   |                             |
|--|-----------------------------|
| <b>Projects</b>  | <b>Costs<br/>(Millions)</b> |
| Lenoir Rhyne Blvd  | \$ 3.20                     |
| Old Lenoir Road  | \$ 4.40                     |
| Lenoir Rhyne Blvd & IH-40 Gateway  | \$ 0.50                     |
| City Walk (CW) "Spine"   | \$ 11.20                    |
| City Walk Pedestrian Bridge  | \$ 1.70                     |
| Riverwalk (RW) Option 2  | \$ 8.50                     |
| N Connection between CW and RW   | \$ 1.70                     |
| S Connection between CW and RW   | \$ 1.90                     |
| US 70 & Hwy 321 Gateway  | \$ 0.10                     |
| CW Union Square  | \$ 0.80                     |
| CW Main Ave 1st - 3rd  | \$ 0.50                     |
| CW 2nd Ave Realignment   | \$ 0.90                     |
| US 321 & Clement Blvd Gateway  | \$ 0.15                     |
| <b>TOTAL</b>   | <b>\$ 35.55</b>             |
| <b>Add'l Projects (if additional funding becomes available - in priority order): NC 127, City Walk Depot Station, and Riverwalk Option 1</b> |                             |

**- Combined Option A -  
Craft Your Own Priority Map  
City of Hickory Bond Commission**



| Program Costs  |   |
|--|---|
| <b>Riverwalk</b>   | <b>City Walk Greenways</b>                      |
| Riverwalk Option 2 - \$8.5M  | Greenway 1 - \$2.2M                             |
| <b>Streetscapes</b>  | Greenway 2 - \$1.3M                             |
| Streetscape 4 - Lenoir Street Blvd (1st St - US 70) - \$3.2M         | Greenway 3 - \$1.0M                             |
| Streetscape 7 - Old Lenoir (1st St NW - 12 Ave NW) - \$4.4M          | Greenway 4 - \$2M                               |
| Streetscape 8 - Old Lenoir (1st St NW - 12 Ave NW) - \$1.3M          | Greenway 5 - \$1.2M                             |
| Streetscape 9 - Lenoir Street Blvd (1st St NW - 12 Ave NW) - \$1.3M  | Greenway 6 - \$0.5M                             |
| Streetscape 10 - Lenoir Street Blvd (1st St NW - 12 Ave NW) - \$1.3M | Greenway 7 - \$1.1M                             |
| Streetscape 11 - Lenoir Street Blvd (1st St NW - 12 Ave NW) - \$1.3M | Greenway 8 - \$1M                               |
| <b>Gateways</b>  | <b>SUB TOTAL: \$11.2M</b>                       |
| Gateway 1 - US 70 @ US 21 - \$0.1M                                   | <b>City Walk Amenities</b>                      |
| Gateway 2 - 1st St @ Lenoir Street Blvd - \$0.1M                     | Pedestrian Bridge - \$1.2M                      |
| Gateway 3 - US 21 @ Clement Blvd - \$0.15M                           | Union Square - \$0.1M                           |
| Gateway 4 - US 21 @ Clement Blvd - \$0.15M                           | Main Ave Improvements (1st Ave to 1st) - \$0.3M |
| <b>SUB TOTAL: \$0.75M</b>  | 2nd Ave NE Realignment - \$0.3M                 |
| <b>TOTAL: \$35.55M</b>   | <b>SUB TOTAL: \$3.9M</b>                        |

If additional funding is obtained, our next three projects, in priority order, would be:

- Streetscape 6 - NC 327 6th Ave NE - 1st St NE - \$5.8M
- Diprot Station Area - \$3M
- Riverwalk Option 1 - \$3.2M

## COUNCIL AGENDA MEMOS

**To: City Manager's Office**  
**From: Community Appearance Commission**  
**Contact Person: Cal Overby, Planning Department**  
**Date: January 28, 2016**  
**Re: Community Appearance Grant – Rahe Bryce, LLC**

### REQUEST

Mr. Jim Mitchell, agent for Rahe Bryce, LLC, has submitted an appeal to Hickory City Council regarding the Community Appearance Commission's vote to deny the request of Rahe Bryce, LLC for a Community Appearance Grant in the amount of \$3,897.50 for improvements on property located at 200 2<sup>nd</sup> Street NW.

### BACKGROUND

The City Council created the Community Appearance Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$5,000.00.

### ANALYSIS

The grant proposal put forth by Rahe Bryce, LLC involves the renovation of existing non-residential building. The proposal involves the installation of new stonework around two street-side lower elevations of the existing commercial building. The subject property is located within the City's Urban Revitalization Area, which makes the application eligible for funding under the Community Appearance Grant program.

The applicant has provided two (2) bids for the items listed above, which total \$7,795.00 and \$17,100.00. Using the lower of the two bids, the request qualifies for a \$3,897.50 grant.

The current tax value of the properties is \$349,400.00. The value of the grant represents approximately 1.1% of the properties' tax value.

### RECOMMENDATION

On January 25, 2016 the Community Appearance Commission considered the grant request. Upon consideration the Community Appearance Commission utilizing the City Council approved grant scoring criteria, scored the grant in the medium category (15 points). The Community Appearance Commission's scoring of the individual categories were as follows:

1. *Visibility* = 3 points out of a possibility of 6
  - a. The proposed improvements were at a location that would be readily visible from a public street.
2. *Value* = 1 point out of a possibility of 6
  - a. The value of the total investment in relation to the public funds requested met the minimum requirements. (i.e., the ration of private funds to public funds was at or near dollar for dollar).
3. *Impact* = 3 points out of a possibility of 6
  - a. The proposed improvements represent a significant aesthetical improvements to the building.
4. *Alignment* = 1 point of out a possibility of 6
  - a. The property is located within the City's defined Urban Revitalization area.

5. *Longevity* = 6 out of a possibility of 6
  - a. The type of improvements proposed (masonry) have long lifespans.
6. *Viability* = 1 out of a possibility of 6
  - a. The building is not occupied by a long-term tenant, and future tenancy is uncertain.

The requested grant garnered a total of 15 points, which falls into the medium overall scoring category. The current operating guidelines for the Community Appearance Grant program gives the Community Appearance Commission 90 days to make a decision regarding the grant proposal.

After discussion, the Community Appearance Commission felt the request had some merit, but wanted some additional time to consider the request. A motion was made, and seconded, to table the request until its next meeting for further consideration, and was approved by a 5-1 vote. After the vote was taken, the applicant requested a vote made at this meeting to approve or deny the request.

Receiving this request from the applicant, the Community Appearance Commission moved and seconded to rescind its vote to table the request, which was approved by at 6-0 vote. After a brief discussion a motion was requested to approve or deny the request. A motion was made, and seconded, to deny the request; and was approved on a 6-0 vote.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier

1/28/16

Initiating Department Head

Date

Deputy City Attorney, A. Dula

1-28-16

Date

Asst. City Manager Rodney Miller

1-29-16

Date

Asst. City Manager, A. Surratt

1-29-16

Date

Finance Officer, Melissa Miller

1-29-16

Date

Purchasing Manager, Bo Weichel

1-28-16

Date

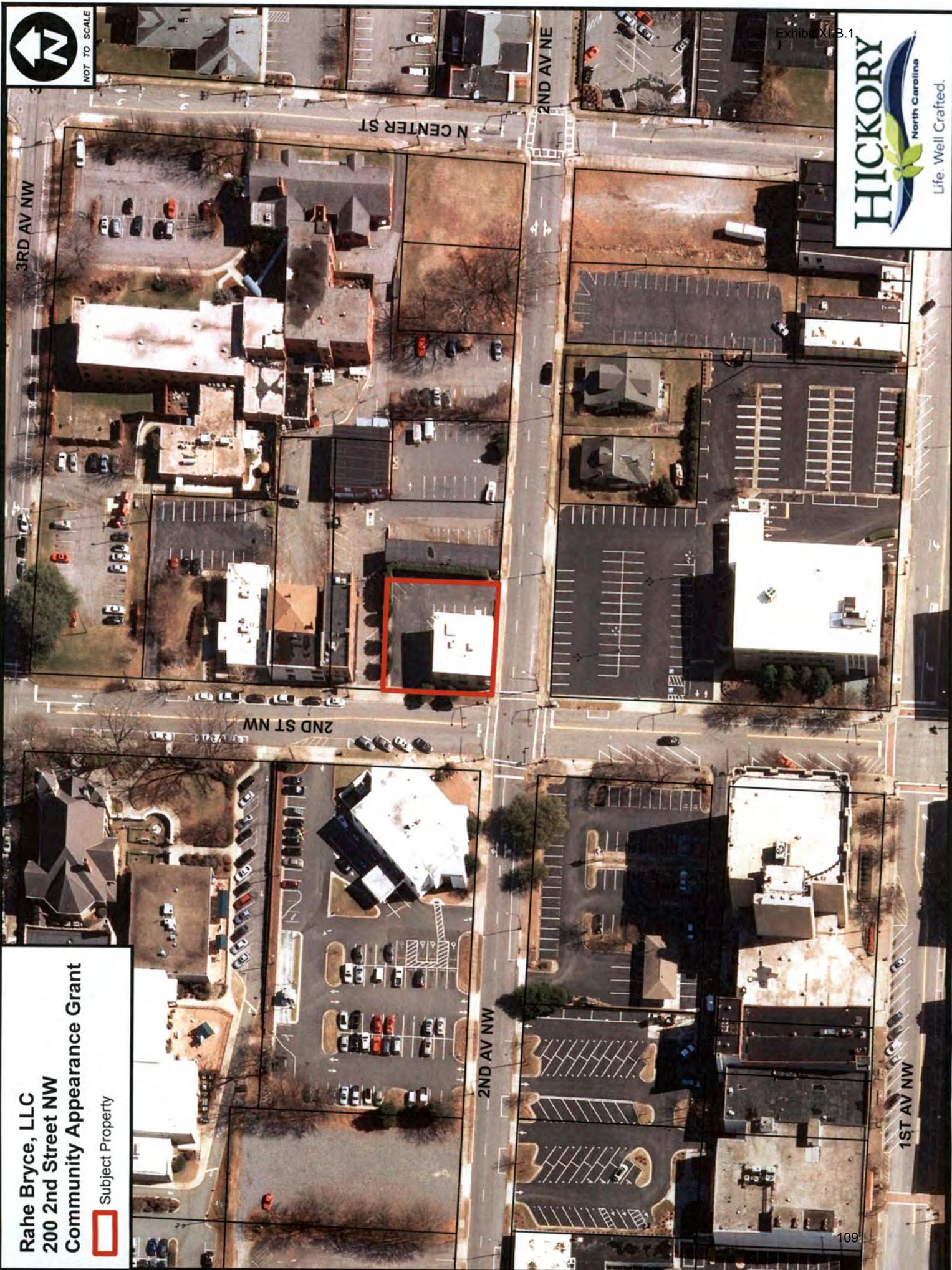
Deputy

Date

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

City Manager, M. Berry

Date



**Rahe Bryce, LLC**  
**200 2nd Street NW**  
**Community Appearance Grant**

 Subject Property

### Community Appearance Grant Application Form

Project Location Address: 200 2nd St NW

Applicant's Name: James Mitchell

Applicant's Mailing Address: 1068 13th Ave Pl NW  
Hickory, NC 28601

Telephone: Day: 828 322-1723 Mobile: 828 381-7110

E-mail address: mitchell@bhicp.com

Property Owner's Name (if not the Applicant): Rake Bryce, LLC

Mailing Address: 200 1st Ave NW Suite 507  
Hickory, NC 28601

Telephone: Day: 828 322-1723 Mobile: 828 234-7676

E-mail address: gavinbmitchell@yahoo.com

Project Description: Install stone along two walls...  
that face 2nd st + 2nd Ave

Total Estimated Project Cost \$ 7,795.<sup>00</sup>  
Grant Request Amount \$ 3,897.<sup>50</sup>

**Required Attachments**

- Property Deed or Lease
- Color photographs of the existing site or project area
- A plan (drawing) of the site showing the exact location of proposed improvements
- A detailed list of the materials to be used
- A detailed project narrative that fully explains how the application meets the grant guidelines; and
- Two cost estimates/bids.** Cost estimates must be from two different companies or individuals who are capable of performing the proposed work as outlined.

**Certification by Applicant and Owner**

I have completed the enclosed application and attached the items requested above. I have informed the owner of the project prior to obtaining his/her signature on this application. I have been adequately informed of the requirements of this grant (including eligible and ineligible activities) and the process for review of my application.

I understand that the grant money will only apply for approved work that is completed in accordance with the information I have provided in this grant application. Additional work that may be done on site but that is not described in this application will not be reimbursed.

Applicant Signature: *James R. Mitchell* Date: 1/4/16  
 Owners Signature: *[Signature]* Date: 1/4/16  
 (Owners signature must be notarized)

**NORTH CAROLINA  
CATAWBA COUNTY**

I, Melissa D. Pratt, a Notary Public for said County and State, do hereby certify that Gavin Mitchell personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the 5<sup>th</sup> day of JANUARY, 2016.

|   |
|---|
| Melissa D Pratt<br>Notary Public<br>Lincoln County, NC<br>My Commission Expires:<br>June 18, 2020 |
|---|

*Melissa D Pratt*  
 Notary Public  
 My Commission Expires: June 18, 2020

January 5, 2016

To: City of Hickory Community Appearance Commission

From: James Mitchell

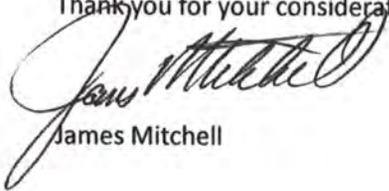
Re: 200 2<sup>nd</sup> St, NW

We believe this building is a good candidate for an appearance grant. Located in the heart of Downtown, the building fronts on a major thoroughfare and is very visible.

We plan to install Southern LedgeStone from Boral on the two sides of the building that front 2<sup>nd</sup> Ave and 2<sup>nd</sup> St NW. At the corner the stone will be 3ft tall and rise to 6ft on both sides. The stone will have a water table at the top and will be properly flashed. Once this project is complete we plan to update the window treatments on the exterior to give it a more finished look.

After these much needed façade improvements have been performed, we hope to entice more businesses to the beautiful Downtown area. The building is currently vacant and has been for a few years.

Thank you for your consideration

A handwritten signature in black ink, appearing to read "James Mitchell", written in a cursive style.

James Mitchell

3318-0349

FILED Catawba County  
on Nov 23, 2015 at 11:10:00 am

Excise Tax \$410.00 (AT)  
INST. # 19937

DONNA HICKS SPENCER,  
Register of Deeds

Bk 03318 Pg 0349-0351

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$410.00

Parcel Identifier No. 3703-19-50-8414 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20

By: \_\_\_\_\_

✓ Mail/Box to: John G. Fuller, 352 2nd Street NW, Suite 106, Hickory, North Carolina 28601

This instrument was prepared by: John G. Fuller, 352 2nd Street NW, Suite 106, Hickory, North Carolina 28601

Brief description for the Index: \_\_\_\_\_

THIS DEED made this 17th day of November, 2015 by and between

**GRANTOR**  
Western NC Investment Properties LLC  
PO Box 428  
Morganton, NC 28680

**GRANTEE**  
Rahe Bryce LLC  
200 1st Ave NW, Suite 507  
Hickory, NC 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 or parcel of land situated in the City of \_\_\_\_\_ Township, Catawba County, North Carolina and more particularly described as follows:

See Attached Exhibit A

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2967 page 601.

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

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010  
Printed by Agreement with the NC Bar Association

3318-0350

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.

0350

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:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing.

**WESTERN NC INVESTMENT  
PROPERTIES LLC**

By: Philip J Schmitt (SEAL)  
PHILIP J. SCHMITT, MANAGING MEMBER

STATE OF NORTH CAROLINA - COUNTY OF Catawba



I, the undersigned Notary Public of the County and State aforesaid, certify that PHILIP J. SCHMITT personally came before me this day and acknowledged that he is Managing Member of WESTERN NC INVESTMENT PROPERTIES, LLC, a North Carolina LLC 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 official stamp or seal, this 17<sup>th</sup> day November, 2015.

Darla M Crowe  
Name of Notary Public: Darla M Crowe  
My commission expires: 11/15/2018

3318-0351

0351

## Exhibit A

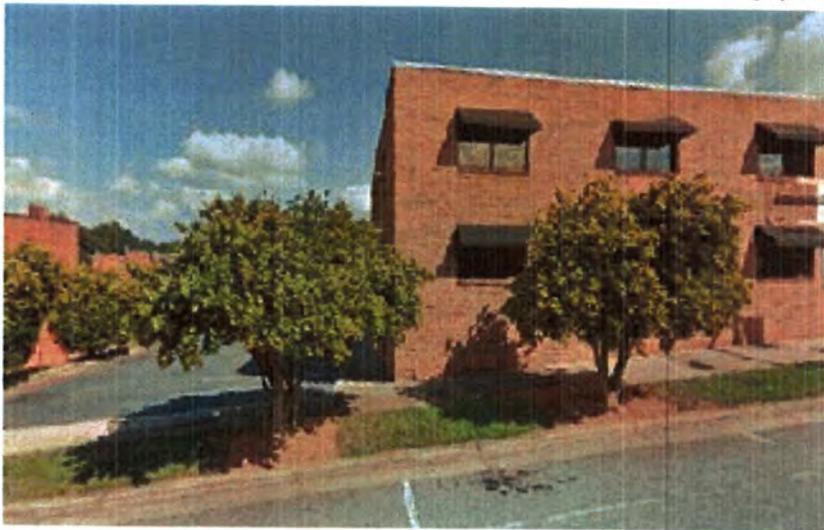
**BEGINNING** at iron pin in the Northern margin of the right-of-way of Second Avenue, NW, said point being Grover Honeycutt's Southwest corner, and running thence North 87° 44' 40" West with the right-of-way of Second Avenue, NW, 99.56 feet to an iron pin in the Northeastern point of the intersection of Second Avenue, NW, with Second Street NW; and runs thence North 1° 45' East with the margin of the right-of-way of Second Street, NW, 97.22 feet to an iron pin; thence South 88° 13' East 98.73 feet to an iron pin; thence South 1° 16' West 98.00 feet to the Beginning. Containing .22 acres more or less, as surveyed by Donald S. Miller, Registered Surveyor, dated January 11, 1984.

WEB

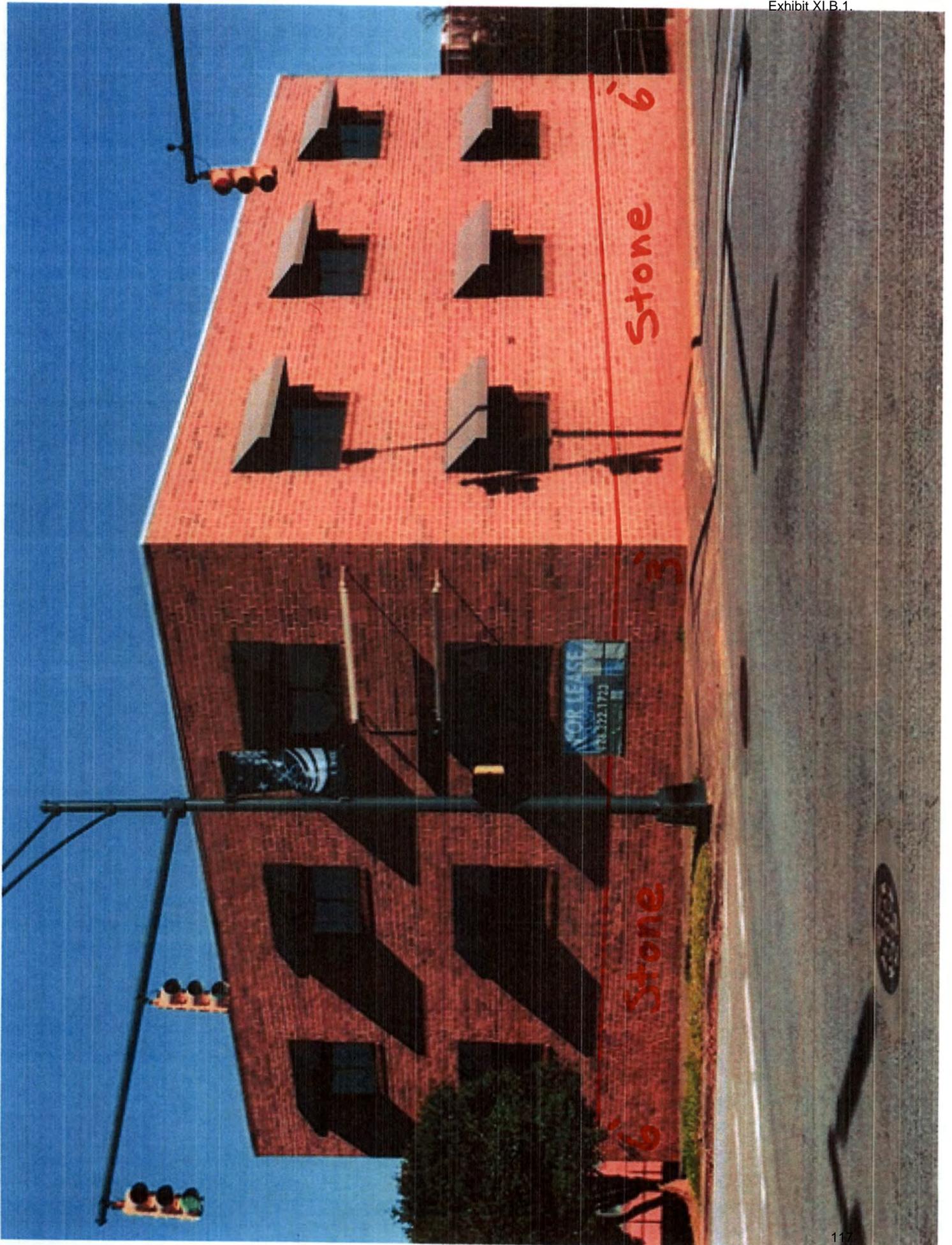
Google Maps 200 2nd St NW

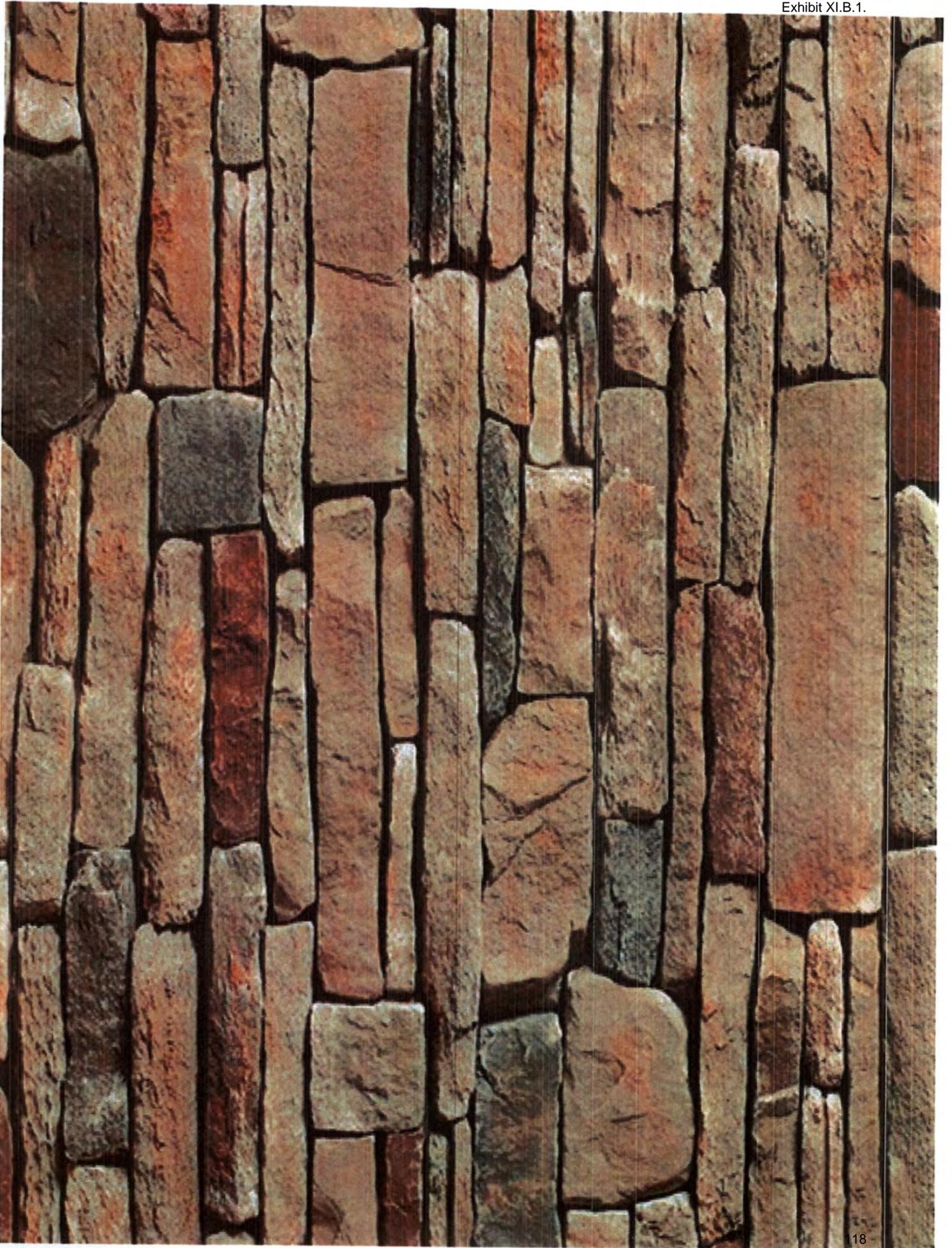


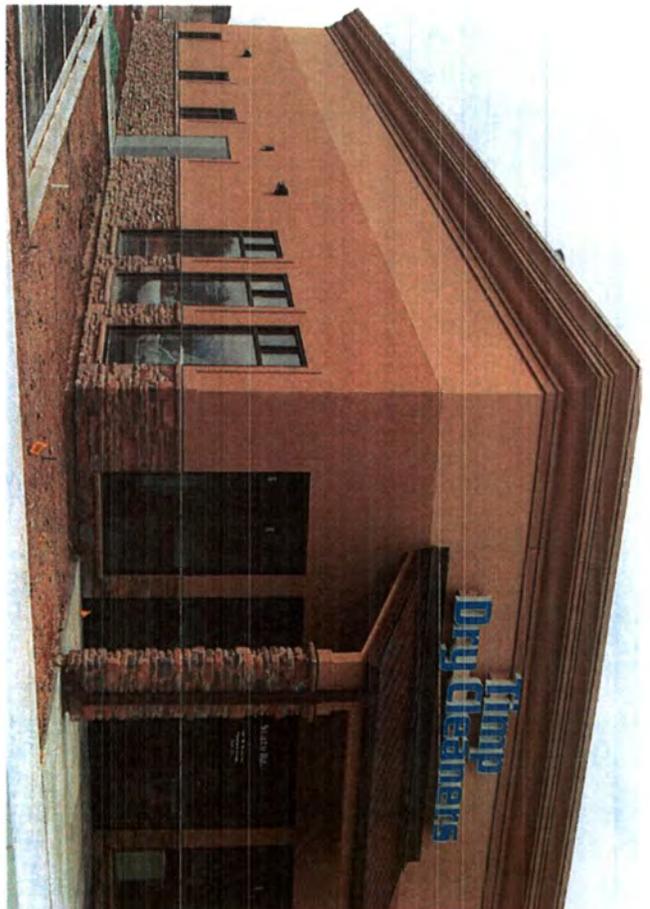
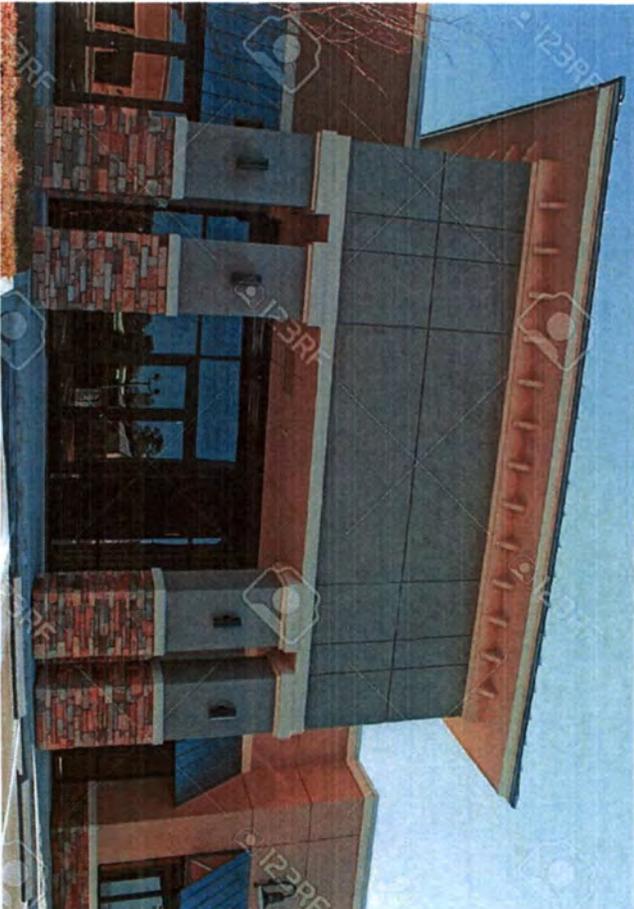
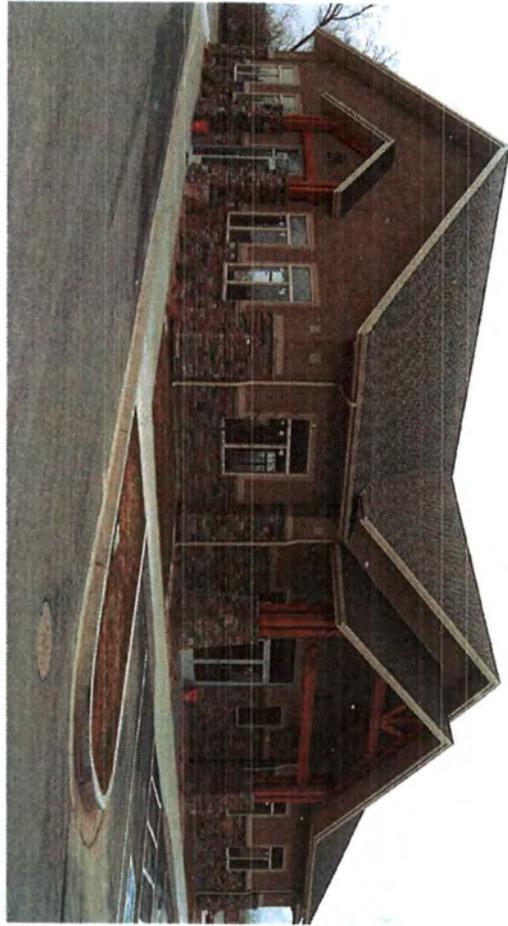
Imagery ©2016 Google, Map data ©2016 Google 50 ft



200 2nd St NW  
Hickory, NC 28601







12-14-15

TO: GAVIN MITCHELL

FROM: COLVIN KILLIAN = 828-291-7090

FOR: ESTIMATE FOR STONEMWORK ON BUILDING  
UP TOWN HICKORY.

|            |           |
|------------|-----------|
| STONE =    | \$3345.00 |
| LABOR =    | \$3325.00 |
| FLASHING = | \$ 500.00 |
| SAND-MIX = | \$ 125.00 |
|            | <hr/>     |
|            | \$7295.00 |

Finish Corners 2x 500.00

|           |
|-----------|
| \$7795.00 |
|-----------|

|         |           |
|---------|-----------|
| TOTAL = | \$7295.00 |
| +       | 500.00    |
|         | <hr/>     |
|         | 7795.00   |

Kirby Construction Services Inc.  
901 6th Street SW.  
Conover NC 28613-2909  
Fax 828-465-6244  
Cell 828-381-8458  
Email: wlkirby@ yahoo.com

01-05-2106  
Page 1 of 1

Boyd & Hassell I-C Inc.  
Hickory NC

ATT: Gavin Mitchell

RE: Stone veneer on to the existing building @ the corner of 2<sup>nd</sup> Street NW & 2<sup>nd</sup> Ave. NW

We propose to provide the following services as outline in the scope of work of this proposal. Our pricing includes all necessary materials labor equipment insurance and supervision to complete the work as outlined for this project.

Scope of work:

- From the highest corner install new stone veneer up approx. 3-0 and continue level down the 2 sides of the building being approx. 6-0 high at the lower point.
- Pressure wash the existing face brick to remove all the loose debris from the wall where the new stone is to be installed.
- Install new Boral cultured stone with a Southern LedgeStone pattern Echo Ridge color in a dry stacked pattern
- Install new flashing at the top of the stone work saw cut into the existing face brick and out over the new stone veneer.
- Install a new grey stone textured color water table at the top of the new stone veneer.
- Remove our trash

Our price for this work is: \$17,100.00

Normal KCSI payment terms shall apply

Respectfully Submitted

W. Larry Kirby CME  
President  
Kirby Construction Services Inc.  
A-Certified Masonry & Concrete Contractor

| <b>Applicant:</b> Rahe Bryce, LLC<br><b>Property Address:</b> 200 2nd ST NW |   | <b>Grant Type:</b><br>Landscape / <u>Community Appearance</u>   |  |
|---|---|---|--|
| Category  | Low (1 Point)   | Medium (3 Points)   | High (6 Points)  |
| <b>Visibility</b>   | The improvement will not be readily visible from public street.                 | The improvement will be readily visible from public street.   | The improvement will be readily visible from an entrance corridor, high traffic public street or other high traffic area (park, community center). |
| <b>Value</b>  | Average or lower value. Meets minimum criteria for owner match.                 | A good deal. Supports a large owner investment.   | Supplements high public or private investment, donations, or matching funds. Is an exceptional value.  |
| <b>Impact – Landscape Grant</b>   | Adds to one aspect of the property, such as front entrance or parking lot.      | Improves the overall property appearance significantly.   | Changes the entire look of the property with dramatic impact.  |
| <b>Impact – Community Appearance Grant</b>                                  | Improves an aspect of the property other than façade or design of the building. | Improves building façade or overall property appearance significantly.                                      | Improves building design and character. Changes the entire look of the property with dramatic impact.  |
| <b>Alignment</b>  | Within Urban Revitalization Area.   | Within Urban Revitalization Area and is an historical structure.  | Within Urban Revitalization Area and complements Inspiring Spaces, or another City or Regional initiative or program.                              |
| <b>Longevity</b>  | 2-5 years<br>Example: flowers, paint, land-clearing.                            | 6-15 years<br>Example: shrubs, roofing, awnings, facial renovations   | 16+ years<br>Example: trees, masonry repairs, structural renovation  |
| <b>Viability</b>  | Improves a property having risky long-term business viability.                  | Improves a structure with proven short-term (1-3 year) business viability, or low-risk long-term viability. | Improves a structure with proven long-term (4 year +) business viability.  |
| <b>Category Totals</b>  | 0 to 13 Points  | 14 to 19 Points   | 20+ Points   |
| <b>Category Minimums</b>  |   | 2L + 4M   | 5M + 1H  |
| <b>Grant Category Scores</b>  | 3   | 6   | 6  |
| <b>Overall Grant Score</b>  | 15  |   |  |

## City of Hickory Community Appearance Grant Operating Guidelines

The Community Appearance Grant program is financed by the Hickory City Council and administered by the Community Appearance Commission (CAC). Each grant application will be evaluated by city staff and the CAC for eligibility and merit according to the procedures set forth in the program guidelines. The purpose of the Community Appearance Grant is to:

- Improve the appearance of building facades in the Urban Revitalization Area;
- Encourage improved design and building character in the Urban Revitalization Area;
- Encourage investment in the Urban Revitalization Area; and
- Promote the beautification of Hickory and the importance of the City's history.

### Eligibility:

- The owner and/or tenant of a non-residential building located within the Urban Revitalization Area, as designated by City Council and shown on the attached map.
- Maximum of one grant per property will be awarded within any one fiscal year. Furthermore, recipients of grants are not eligible to receive additional grant funding in the two fiscal years following approval unless specifically waived by majority vote of the commission.
- Tenants requesting grants must have the property owner's written permission (notarized) on the application form.

### Guidelines:

- Grants are given up to a 50-50 matching basis for a maximum amount of \$5,000.00 per application. Grants awards are distributed after work on the project is completed, reviewed, and paid project bills are submitted. No after-the-fact applications are eligible.
- All projects must be completed within 120 days from the contract signing. The CAC and the City Council must approve any extension. Paid receipts must be submitted to the City within 30 days of completion.
- Projects of extraordinary impact on the community and of exceptional architectural merit may be considered for funding in excess of the \$5000 ceiling with the majority recommendation of the CAC and approval of the City Council.
- Applications involving property(s) with direct visibility along major or minor thoroughfares will be given priority over other applications.
- Applications where the private investment represents more than 51% of the total investment (public and private funds) will be given priority over other applications.
- Applications must propose improvements that change the outward appearance of structures in a manner which dramatically improves the appearance of the property.
- Applications supplementing or aligning with public initiatives will be given special consideration.
- Applications for building improvements that contain features that have identifiable longevity (masonry and similar items) will be given priority over other applications.

- Applications for projects involving businesses that have an identified long-term presence in the community will be given priority over applications which involve speculative ventures.
- Rehabilitation of existing structures should respect the architectural integrity of the structure and its historic significance. The Secretary of Interior's Standards for Rehabilitation should be used as guidelines in making this determination for historic properties. (Available for viewing in the office or may be purchased at [www.gpoaccess.gov](http://www.gpoaccess.gov) and is currently \$4.00)
- Any improvements that have been made through this grant program may not be removed from the property for a minimum of two years.
- Any proposal for an exterior renovation, including façade rehabilitation and the replacement of an inappropriate sign is eligible for funding. Top priority will be given to projects which make a highly visible contribution to the Urban Revitalization Area. See **Examples of Eligible Activities** below for a list of eligible projects.
- All proposals will be evaluated in terms of compliance with existing ordinances and plans, including (where applicable):
  - Land Development Code;
  - NC State Fire Code;
  - Americans with Disabilities Act;
  - North Carolina State Building Code; and
  - Secretary of the Interior's Standards for Historic Preservation and Rehabilitation.

#### **Grant Application Process:**

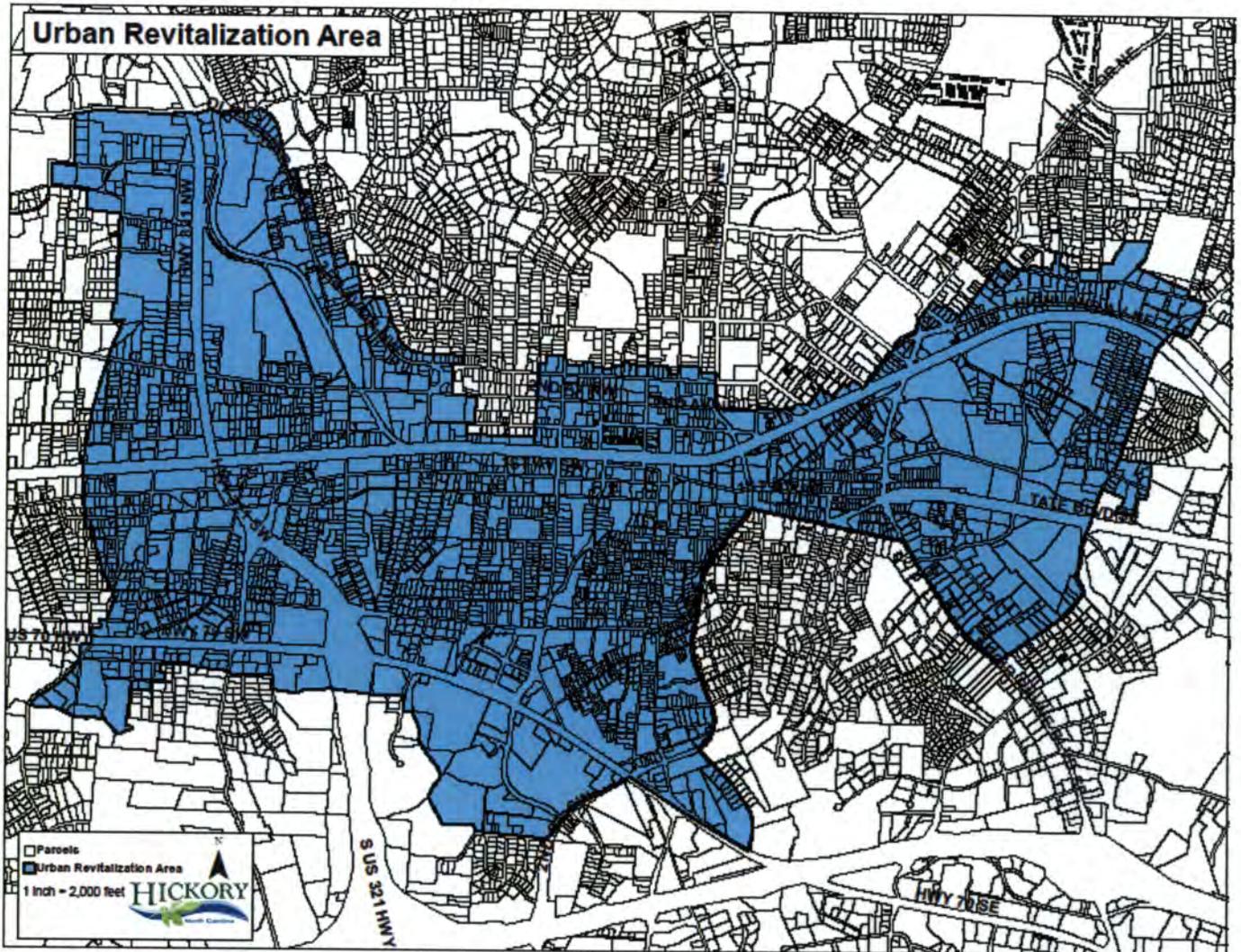
- Potential applicants must meet with the grant administrator for a pre-application conference to determine whether the proposed project meets the program guidelines. Contact Cal Overby, Principal Planner at 828.323.7487.
- The owner and/or tenant must complete and return the application form and required attachments to the Planning Department. See **Required Attachments** for list.
- A complete application must be received before consideration is given. Once the application is deemed complete by city staff, the CAC has 90 days in which to make a decision. If a decision is not made within that time, the application will be deemed to be denied. Denials may be appealed to the Hickory City Council. Appeals must be made in writing to the City Clerk within 10 days of the denial.
- If approved by the CAC, an agreement/contract will be prepared by the City and must be signed prior to the commencement of work. No after-the-fact applications are eligible.
- Upon project completion, the applicant must notify the Planning Department. A staff person will visit the site and certify that the work has been completed per the agreement.
- After the work has been completed and verified, copies of all paid invoices must be submitted to the City. Once the staff has reviewed the invoices, a reimbursement check will be processed and sent to the applicant. If there is a question or discrepancy about the project or the eligibility for reimbursement, the staff will present the issue to the CAC for their review and decision. The CAC has the right to deny reimbursement based on appearance issues. Denials may be appealed to the Hickory City Council. Appeals must be made in writing to the City Clerk within 10 days of the denial.

**Examples of Eligible Activities:**

- Exterior facade improvements, appropriate to the architectural style of the building, including:
  - doors
  - windows
  - detail painting
  - rehabilitation of features
  - repointing brick and mortar
- Bicycle access and storage improvements.
- Placement of period lighting or street furniture
- Awnings, but not including lettering or advertising materials (signs).
- Removal of inappropriate additions to existing structures and non-compliant signs may qualify if the overall appearance is enhanced.
- Demolition of existing structure provided that the area is either landscaped to improve the appearance or a building permit has been obtained for new development of the site prior to submitting receipts for payment. Structure to be demolished must be deemed unrepairable and considered to be an eyesore.
- Appropriate and safe cleaning of building that does not damage the exterior surface. Removal of paint is acceptable, however pitting of brick, breaking up of mortar, and sandblasting is not acceptable.
- Painting an existing painted surface; however, colors must be appropriate to the period and architectural style.
- Repair or replacement of extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, kick plates, and pilasters.
- Other rehabilitation activities may be eligible for a grant if they are determined to be in compliance with the Secretary of the Interior's Standards for Historic Preservation and Rehabilitation or the Design Review Guidelines of the Hickory Historic Preservation Commission.

**Ineligible Activities:**

- Routine repair and maintenance activities.
- Replacement of broken windows.
- Improvements which offer no additional aesthetic value.
- Parking area improvements or upgrades.



WRITE-UP FROM COMMUNITY APPEARANCE COMMISSION  
BY CHAIR ANDREW STRAW

The scoring table for evaluating Appearance grants (attached) was developed by a subcommittee of the Community Appearance Commission (CAC) in 2014, and presented to Council for approval in September 2014. The purpose of the matrix is to allow the CAC to evaluate proposals consistently throughout the fiscal year, and to focus on the six aspects of each grant that are deemed most significant. The six areas are: Visibility, Value, Impact, Alignment, Longevity, and Viability. The scoring matrix has guidelines for assigning either 1, 3, or 6 points for each aspect. Based on the total score of all six aspects, each application will get an overall total score characterized as low (6 – 13 points), Medium (14-19 points) or High (20 points or above).

While the operation guidelines are not rigorous on this point, the general practice of the CAC has been to recommend disapproval of grants that score Low; table for a month applications that are scored Medium\*, and recommend approval by Council for applications that are High.

The following is brief description of the guiding rationale behind each scoring aspect, and a summary of the CAC's consideration and assessment of the Rahe Bryce LLC proposal for 200 2<sup>nd</sup> Avenue NW for each from the January 25<sup>th</sup> CAC meeting:

Visibility Rationale: The most highly visible projects are the ones most worthwhile.

Consideration: The CAC assigned a score of 3, as the Rahe Bryce LLC improvements would be visible from the street, but not visible from a designated entrance corridor or other high traffic area such as park or community center.

Value Rationale: Applications where the public money supplements a high private investment are a better leverage of funds than projects where the public money funds the project at the full maximum of 50%

Consideration: the CAC assigned a score of 1, as this grant was at the minimum leverage level, or maximum public funding level of 50%

Impact Rationale: The grant program is all about appearance. Proposals that significantly improve the appearance of a property are better investments than those offering only minor improvement.

Consideration: The proposal to add a three-foot stone veneer to the brick building would improve the overall property appearance significantly (score 3 points), but would not change the entire look of the property with dramatic impact.

Alignment Rationale: The process should favor projects that complement other appearance initiatives, such as Inspiring Spaces.

Consideration: The project is in the designated Urban Revitalization Area, but is not an historical structure nor does it complement another specific appearance initiative; thus a score of 1 point.

WRITE-UP FROM COMMUNITY APPEARANCE COMMISSION  
BY CHAIR ANDREW STRAW

Longevity Rationale: Property improvements that last longer are better investments of public funding.

Consideration: The proposed stonework would appear to have a lifetime of 16 years or more; the CAC assigned a score of 6 points; the highest possible.

Viability Rationale: Supporting proven, established businesses is less risky than supporting unproven or speculative proposals.

Consideration: The CAC assigned a score of 1, as this building has been fully vacant for 1 year, and 2/3 vacant for three years, per the information provided by Mr. Mitchell.

In summary, the total score for the Rahe Bryce LLC proposal was 14, which is in the Medium range (14-19 points). There was some discussion as to whether the Visibility score should be 6 points, as Second Avenue NW is arguably a *high traffic* public street. The point was moot, however, as resulting increased score would still result in a Medium categorization. The CAC subsequently moved and voted to table the Rahe Bryce LLC 200 2<sup>nd</sup> Avenue NW proposal for one month.

At that point, the Rahe Bryce LLC representative present, Mr. Mitchell, said that he did not want to wait a month for a decision, and requested an immediate up or down recommendation from the CAC. He said that he would rather have a disapproval recommendation than one to table for a month. The members present accommodated his request by rescinding the approved motion to table, then acted upon a new motion to recommend disapproval of the grant request to Council. The later motion carried unanimously.

*\* In the revised operating guidelines, presented to City Council in March, 2015, one of the updates was to extend the time allocated for the CAC to act from 60 to 90 days. The reasons for this were twofold;*

- *to allow members time to re-look at a property in question after having discussed the proposal with the applicant,*
- *and to allow the CAC to table marginal applications for a month or so, particularly at the beginning of the fiscal year, in order to see whether higher return applications would be submitted in the interim. This was an attempt to allow the CAC to recommend awards based more so on quality, rather than just timing.*

**Community Appearance Commission**  
**Monday, January 25, 2016, 4:00 pm**

A regular meeting of the City of Hickory's Community Appearance Commission was held on Monday, January 25, 2016, 4:00 pm, in the third floor Conference Room of the Julian G. Whitener Municipal Building.

**Members Present:** Andrew Straw, Ernie Masche, Charlie Hayes, Sam Hunt, Paul Wood and Debby Rush

**Members Excused:** Meg Nealon, Candas Brown, Lisa Morphis and Janet Painter

**Members Absent:** David Moser

**Others Present:** Principal Planner Cal Overby, Landscape Services Manager Jonathan Hogan and Minutes Clerk Anne Starnes

A quorum was present.

**Welcome & Introductions:** Andrew Straw, Chair, called the meeting to order at 4:00 pm and thanked everyone for attending. Landscape Services Manager Jonathan Hogan and the two businesspersons presenting a grant request were each introduced.

**Approval of December 14, 2015 Meeting Minutes:** Minutes of the previous meeting on December 14, 2015 were distributed to members in advance. Sam Hunt noted he was incorrectly identified as "Sam Dula" in the HRPC report near the end of the minutes.

Sam Hunt moved, seconded by Debby Rush, to approve the December 14, 2015 minutes, with one correction as noted. The motion carried unanimously.

**Matters Not on the Agenda:** none

**Request by Rahe Bryce, LLC for Consideration of a Community Appearance Grant:** Jim Mitchell, agent for Rahe Bryce, LLC, submitted an application for a Community Appearance Grant. The proposal is for improvements to an existing commercial building located at 200 2<sup>nd</sup> Street NW, and involves the installation of new stonework around the building's two lower street-side elevations. The property is located within the City's defined Urban Revitalization Area (URA) and is eligible for consideration of a Community Appearance Grant.

The applicant provided two (2) bids for the work listed, which total \$7,795.00 and \$17,100.00. If the Commission moves to approve the proposed grant at the lower of the two estimates, the request would qualify for a \$3,897.50 grant, which is the amount being requested.

Jim Mitchell described his firm's proposed grant project, saying the building is across the street from Bank of America in downtown Hickory and very non-descript in appearance. He said the building is vacant; the 2<sup>nd</sup> and 3<sup>rd</sup> floors have been vacant for 4-5 years, and the 1<sup>st</sup> floor was occupied until approximately 1-year ago. His firm recently acquired the building and they believe the building's appearance needs improvements in order to attract tenants. Mr. Mitchell said they explored different options, and decided to install cultured stone on the base of the building, on the two sides that front the corner of 2<sup>nd</sup> Avenue and 2<sup>nd</sup> Street NW. He said the current awnings would also need to be replaced in the future, and again stated their goal is to improve the building's appearance and attract tenants.

Mr. Straw asked for questions from members and discussion on the application before reviewing the scoring checklist.

Debby Rush asked if the grant project is purely aesthetic. Mr. Mitchell said yes, it is not structural, it is purely aesthetic, and he described the type of proposed stone facing which bonds to brick.

Charlie Hayes asked him to clarify that there are currently no active tenants, or prospective tenants. Mr. Mitchell said yes, that people have come and looked at the building, but none have committed.

Ms. Rush asked how many rental tenants they were seeking, and Mr. Mitchell said, hopefully, three tenants, one for each floor, because the building is currently segmented per floor for all utility systems.

Mr. Straw said he appreciated the concept drawings that Mr. Mitchell provided, which give a good idea of how the building would look after the stonework is applied.

Members reviewed the application against the scoring checklist. In the "Visibility" category, members agreed the building is readily visible from the street, but opinions varied on whether to score it with a medium score of 3 or a high score of 6 points. Mr. Mitchell said the visibility is actually so high that some prospective tenants were concerned about occupying the building, fearing a car might leave the road and hit the building while they are sitting in their office. Discussion continued, and members noted the building does not fully meet the high category – the improvement would be readily visible from a public street, with high traffic volume, but it is not across the street from a park or community center. Cal Overby noted the location has a high volume of car traffic passing through, as well as pedestrian traffic. Due to members' uncertainty of a score of either 3, 6, or somewhere in-between, Mr. Straw suggested holding off on the "Visibility" score until the other categories are scored, then consider the total score at that point, and see if the 3 or 6 points are adequate to push the application into the high category.

Regarding the "Value" category, Mr. Straw said the lower of the two bids was \$7,795, and the grant would be at \$3,897.50. He said it is a 50-50 match on investment, giving it a low score of 1 point. Regarding the "Impact" category, Mr. Straw said the project would definitely improve the building façade, but members discussed whether it was a significant improvement. They agreed it would fall in either the low category (1 point) or medium category (3 points). Mr. Hunt noted the three banks in that location. He said that besides all the through-traffic, there is considerable bank and shopping traffic in downtown. Members decided on the medium category, 3 points.

Mr. Straw said the "Alignment" category would be a low score of 1 point, as it is not an historical structure. For "Longevity," he said masonry definitely has longevity, giving it a high score of 6 points. For the "Viability" category, it was noted the building had not been rented for a number of years, and members agreed on a low score of 1 point.

Mr. Straw returned to the first category of "Visibility" and said scoring it a 3 or 6 would put the grant application in the medium category, either way, with a total score of 15 to 18 points. Speaking to the two grant applicants who were present, Mr. Straw advised them that Commission members use a model, or checklist, to score the applications, in an effort to select the best grant applications and be good stewards of the City's money. He said that according to the guidelines and using the model, this application falls in the medium category, and Commission members have two options – either to recommend the City Council approve or deny the grant application, or to table it for 30 days until the next meeting. Mr. Straw again noted that Commission members want to support the best applications and that by waiting a month, additional applications with stronger merit might be received. He asked for further comments from members regarding the application, and there were none.

Mr. Mitchell said they plan to invest additional funds in the building, including replacing the awnings and improving the landscaping. They will also do needed interior work in the future, which he said does not affect the façade, however, replacing the awnings will definitely add to the building's appearance.

Mr. Hayes said the building's viability is an issue, since it has not been utilized in so long. Mr. Straw noted that over a year ago, the Commission had granted funds for a speculative business that ended up going bankrupt. Soon after that happened, members developed the scoring model they now use. On the other hand, he said there is the issue of a property owner needing to improve a property so that it can be rented. Mr. Hayes asked if the issue is actually the visibility, or is it the location, or the rent. He said it is hard to tell when a building has been empty for this length of time.

Discussion continued. Mr. Hunt asked if parking was provided for the building, and Mr. Mitchell said there are 14 spaces located in the back. Ms. Rush said the building is very visible, on a busy corner in downtown, and the Commission needs to support bringing the downtown back. She said the building would continue to exist there in the future, so why not help improve it so it could be rented. She noted there are many vacant properties in downtown.

Mr. Mitchell said they have not owned the building for very long, but that going bankrupt is not a possibility – there is no mortgage and the building has ample equity. He said the nature of his business is to spend whatever it takes and, hopefully, get the cash flow going for a building. He said that improving the façade was needed first, to encourage potential renters to stop and even consider the building; hopefully, the new stonework is the answer, then they can find renters who will be happy to stay there for the long term. Mr. Mitchell said the unlimited on-street parking in that area is another selling point for the building, versus the 2-hour parking nearby.

Mr. Straw asked for a motion. Considering members' questions and concerns, Mr. Hunt suggested they should table the request until the next meeting, and then members could discuss it again and reach a decision.

Sam Hunt moved, seconded by Charlie Hayes, to table the Rahe Bryce, LLC request for a Community Appearance Grant until the next meeting. Four (4) members voted in favor of tabling the request to the next meeting, one (1) member was opposed, and one (1) member abstained. Mr. Straw said the motion had carried by majority.

Mr. Mitchell expressed that he did not want to wait. He asked what options he had, and if he could appeal the Commission's decision to the City Council. Mr. Overby said that he could, but the Commission would first need to make a formal decision, deciding yes or no on the Rahe Bryce, LLC grant application. Mr. Mitchell said he would prefer that the Commission deny it, because waiting is not an option and he needs to move on with the project. He asked members to deny the grant application, rather than table it, and said he would then appeal it to City Council. In terms of procedure, Mr. Overby advised that before the Commission could entertain a motion to recommend either approval or denial of the grant, the initial motion to table the request must be withdrawn.

Sam Hunt moved, seconded by Charlie Hayes, to rescind his earlier motion to table the Rahe Bryce, LLC request for a Community Appearance Grant until the next meeting. The motion carried unanimously.

Mr. Straw asked for a motion to recommend either approval or denial of the grant request.

Sam Hunt moved, seconded by Paul Wood, to recommend denying the Rahe Bryce, LLC request for a Community Appearance Grant. The motion carried unanimously.

Mr. Mitchell thanked members for their time, and said he would contact the staff and appeal to City Council. Mr. Straw thanked him for attending.

**Request by Tim Cline Properties, LLC for Consideration of a Community Appearance Grant:** Tim Cline Properties, LLC submitted an application for a Community Appearance Grant. The proposal involves improvements to commercial buildings located at 246-252 Union Square, and involves the replacement of existing window awnings located directly over five storefronts. The properties are located within the City's defined Urban Revitalization Area (URA), and are eligible for consideration of a Community Appearance Grant.

The applicant provided two (2) bids for the work listed, which total \$10,486 and \$13,375. If the Commission moves to approve the proposed grant at the lower of the two estimates, the request would qualify for a \$5,000 grant, which is the amount being requested.

Laurie Baker represented her father, Tim Cline, who was unable to attend due to travel. She said she has managed her father's properties for the past 10 years and described the proposed grant project, saying the locations comprise the former Spainhour's building, now divided into five storefronts. When they acquired the building, it was fully rented, but now has available spaces. They recently signed a contract with a restaurant based in Wilmington for the former Groucho's Deli space. The 3rd floor of the building is being developed as four to six apartments, which was also done in the adjoining building. She said those apartments are 100% occupied at all times and she looks forward to having more apartments to rent, but when showing prospective tenants the available store spaces, the first problem they mention is the awnings. Ms. Baker said they plan to scrape and repair the stucco on the building façade, fill in the cracks and replace the screws holding the stucco in place, and then re-paint the entire façade. After completing this work, new awnings and support bars will be placed over the five storefronts, which will match the copper-look awnings installed in front of a nearby business, Opulence. She said the awnings would not need replacing for a very long time, and they are requesting a grant of \$5,000.

Mr. Straw asked if adequate funds remain in the grant budget. Mr. Overby provided a budget tally to-date, showing the grants approved and funds expended, and the remaining budget. He said nearly \$14,000 remains in the grant budget through June 30, 2016.

Members discussed the application. Mr. Straw asked if all of the work Ms. Baker had discussed was being done to one specific building. She said the new apartments are on the 3<sup>rd</sup> floor of the one building, but the exterior stucco work, painting, and installation of new awnings would be on three buildings having five separate storefronts. Mr. Straw said it is a significant amount of investment on their part.

Ms. Rush asked if the awnings would be a fabric or metal material, and Ms. Baker said all five would be metal awnings, in the color copper penny. Ms. Rush asked what other tenants are in their buildings. Ms. Baker said Fanfare Sports currently occupies one space, the restaurant she discussed will soon occupy the former Groucho's Deli space, and she is working with two interested boutiques from other states, but no contracts are signed with them. She said the exterior façade and awnings are eyesores.

Members reviewed the application against the scoring checklist. For the "Visibility" category, members agreed the building is highly visible, giving it 6 points. In the "Value" category, Mr. Straw said they are investing in more than the awnings, as discussed, and members agreed on a minimum of 3 points, maybe higher. For "Impact", they agreed it improves the property appearance significantly, for a medium score of 3 points. In the "Alignment" category, members noted the building is not on the National Historic Register or in a historic district. However, the proposed City Walk will pass near the building, and the Farmers Market and Sails are in front of it now, rating a high score of 6 points. For "Longevity," members assumed the

awnings have 6-15 years at least, for 3 points, and for “Viability,” 3 points. Mr. Straw said the total score of 24 points would put the application in the high category.

Ernie Masche moved, seconded by Charlie Hayes, to recommend approval of the Tim Cline Properties, LLC Community Appearance Grant request of \$5,000. The motion carried unanimously.

Mr. Straw advised Ms. Baker that the Commission recommends grants to the City Council for final approval, and this would be on a future Council agenda. He thanked her for attending the meeting. Mr. Overby said he would be in contact with Mr. Cline.

**Further Discussion on the Rahe Bryce, LLC Community Appearance Grant Request:** Mr. Overby asked for clarification on the “Visibility” category score that members gave the Rahe Bryce request. Mr. Straw said members had agreed on either a 3 or a 6 for “Visibility” and he had stated that scoring it either way would put it in the medium category, with an overall total score of 15 to 18 points. The application did not receive a total score in the high category (20+ points), with either the 3 or 6 points applied. Members agreed their final score for “Visibility” was a 3, so the final score for the grant application was 15 points, putting it in the medium category.

**Discussion and Recommendation of FY 2016-17 Budget and Workplan:** Mr. Straw thanked the City’s Landscape Services Director Jonathan Hogan for attending to discuss Hickory’s welcome signs, saying that members recently considered using a portion of next year’s budget to help improve the signs. He said Mr. Hayes had advised of an aspect related to the Bond Commission. Mr. Hayes said 80% of the full Bond Commission of 42 members had voted to recommend the “Combined Option A” projects to City Council. At their meeting last week, he said City Council voted unanimously in favor of their recommendation, and a public hearing will be held next week. Included in Option A are three gateways: LR Blvd. at I-40, US 70 & Hwy. 321, and US 321 & Clement Blvd. Two gateways were not included, entering Hickory from Bethlehem on Hwy. 127 S., and McDonald Blvd. & Springs Road. Since three of the gateways/signs will be addressed through the bonds, he said the CAC might focus attention on other ones. Mr. Straw said Lisa Morphis’ concern had been that it could be awhile before the bond funds are in-hand and actual work begins on the gateways and signs, and in the meantime, the signs are unsightly and not welcoming.

Mr. Overby said he met with City management after the CAC meeting in December, and was advised that plans are underway to remove all of the signs and landscaping; they will not be replaced until the bond projects begin. Mr. Hogan said the signs are already gone, and his staff plans to maintain and enhance the landscaping in those areas while waiting on new sign designs and other aspects of the process. Mr. Overby said Assistant City Manager Andrea Surratt advised him that each sign removed would not necessarily be replaced – the new signs will have a new design and common theme, and will be installed only at the strategic gateways.

Mr. Straw said it appears that concern over the unsightly signs has been addressed, because they no longer exist. Mr. Masche asked for how long those locations would not have a welcome sign. Mr. Hayes said work should begin moving after the public hearing next week, and Mr. Overby said exactly when the new signs would be erected is unknown.

A copy of the proposed FY 2016-2017 Workplan and Budget was distributed to members in advance. Mr. Straw said he expects the Commission will receive the same total budget for next year, and if members want to hold a Beautification Awards Reception, possibly with trophies, then funds will need to come from another area. Members discussed the various line items and decided that moving \$200 from both the Arbor Day Celebration and Litter Education line items, and into the Beautification Awards line item, would boost the budget from \$100 to \$500, while keeping the same total budget request of \$51,300.

Charlie Hayes moved, seconded by Sam Hunt, to approve the proposed FY 2016-2017 Workplan and Budget of \$51,300, and re-distribute \$200 from the Arbor Day Celebration and \$200 from Litter Education, for a Beautification Awards line item of \$500 next year. The motion carried unanimously.

Mr. Overby suggested the CAC begin planning for the next Beautification Awards earlier. Members agreed to begin discussions in March or April, and continue to improve and build up the program.

**Update on Bond Commission Activities:** Mr. Hayes distributed copies of "Combined Option A" which lists each project and the funds (in \$ millions) targeted for each project approved. He said there were six different option plans proposed, and 80% of the Bond Commission members had voted to recommend the City Council approve Option A.

**Reports from Hickory Regional Planning Commission and Hickory Youth Council Representatives:** Sam Hunt said the HRPC did not meet in January. They last met on December 2, 2015 to hear a request to rezone and annex property into Hickory for a future apartment complex, located just off Startown Road, near Catawba Valley Blvd. Mr. Overby said the Planning Department and HRPC recently began work on a five-year review of the Hickory by Choice 2030 Comprehensive Plan. A sub-committee, which includes Mr. Hunt, is meeting monthly. Work on the revisions and updates will continue for approximately 18 months.

Paul Wood said Hickory Youth Council members have discussed a possible project with the Salvation Army, possibly in the late spring. Mr. Straw asked if the Youth Council participates in Arbor Day, and Mr. Overby said they have helped in the City's booth in the past, but do not have their own booth.

**Other Business:** Mr. Hogan met with The Jackson Group last week. They were interested in discussing ideas to beautify private properties in the downtown area, short-term. Mr. Hogan said he shared the CAC's objectives and efforts with them, and suggested a CAC member be invited to attend the group's future meetings. Mr. Overby suggested someone from that group should also be invited to come and share their concept with Commission members. Mr. Straw liked both ideas, and asked Mr. Hogan to advise Mr. Overby of their next meeting date, and invite them to attend a CAC meeting.

**Next Meeting:** The next meeting will be on Monday, February 22, 2016, at 4:00 pm.

**Adjourn:** Sam Hunt moved, seconded by Charlie Hayes, to adjourn. There being no further business, the meeting adjourned at 5:10 pm.

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Andrew Straw, Chair  
Community Appearance Commission

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Anne Starnes, Minutes Clerk  
City of Hickory

DRAFT

**Debbie Miller**

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**From:** mitchell <mitchell@bhipc.com>  
**Sent:** Tuesday, January 26, 2016 2:54 PM  
**To:** Debbie Miller  
**Subject:** Appeal to City Council

Debbie Miller, I would like to appeal a decision of The Community Appearance Commission held on January 25, 2016 for appearance grant of \$3,897.50 to Rahe Bryce LLC. Thanks for your consideration

**James R. Mitchell**  
Boyd & Hassell I-C, Inc.  
P.(828) 322-1723  
FAX(828) 322-4219  
CELL(828) 381-7110



4  
COUNCIL AGENDA MEMOS

**To: City Manager's Office**

**From: Chief Tom Adkins**

**Contact Person: Supervisor Bobby Baker**

**Date: January 5, 2016**

**Re: Ordinance to demolish an abandoned structure which is unfit for human habitation, constitutes a fire and safety hazard, and contributes to blight and vagrancy.**

**REQUEST:** Staff requests approval to adopt an ordinance ordering the demolition of the structure at 747 Main Ave SW Hickory, NC 28602 (PIN# 3702-05-29-3468) owned by Arlene K. Kye and the mortgagee of record, High Country Bank.

**BACKGROUND:** The residential (abandoned and vacant) structure is located at 747 Main Ave SW Hickory, NC and has a building tax value of \$ \$67,500 per Catawba County land records. Hickory Police Department's Code Enforcement Unit has addressed both nuisance and minimum housing issues at 747 Main Ave SW. On September 16, 2011, a nuisance case began because of tall vegetation, junk and debris on the property. The first minimum housing case began on December 1, 2011 because of vagrancy. The property owner did abate this first nuisance and minimum housing cases by removing the junk and debris and boarding up the structure. Six additional nuisance cases occurred over a period of two years, all being abated by the property owner. A second minimum housing case began on October 9, 2014. The structure quickly fell into disrepair. The windows were broken, power panel and wiring was stripped from the residence and the boarding of entrances were removed. Vagrancy started at the property and complaints escalated. Violation notices were sent to the owner, the owner's attorney and mortgagee's bank because a foreclosure process had begun. The mortgage was sold to another bank, High Country Bank and bankruptcy was filed by the owner. After a period of time, the vagrancy continued which left little option but to proceed with a third minimum housing case on the property. Upon inspection on September 18, 2015, Code Enforcement Supervisor Bobby Baker determined the structure to be dilapidated; meaning the cost to repair exceeds 50 percent of the tax value. He also determined the structure posed an imminent threat to health and human safety. The violation protocols for notification of the owner and interested parties were followed with no action or response from those parties. The City Staff Attorney reviewed the case and concurs that the proper procedures have been followed.

**ANALYSIS:** The property has deteriorated to a dilapidated state. By definition of both the Hickory City Code of Ordinance and North Carolina General Statute, Code Enforcement Unit Staff may request City Council to adopt an ordinance to demolish the structure under these conditions. Violations in this case include NCGS 160A-425, 160A-426, 160A-428, and Hickory City minimum housing codes 15-32, 15-33, 15-36, and 15-37. The structure presents numerous life safety issues, is blight on the community, attracts vagrancy and is detrimental to the community as a whole. All procedures for violation notification have been followed and due process has been served. The cost for demolition will be approximately \$8,500 not including any asbestos or lead based paint remediation and testing. Hickory Police Code Enforcement has a budget line item to cover the demolition.

**RECOMMENDATION:** It is the recommendation of staff to adopt an ordinance ordering the demolition of the structure located at 747 Main Ave SW.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

010-5130-524-45.03 \$8,500.00

**Reviewed by:**

Tom Adkins 12/5/16  
Initiating Department Head Date

Rodney Miller 1-25-16  
Asst. City Manager, Rodney Miller Date

Amanda Stanley 1-26-16  
Finance Officer, Melissa Miller Date

\_\_\_\_\_  
Date

Amanda M. Dula 1-25-16  
Deputy City Attorney, A. Dula Date

A. Surratt 1-25-16  
Asst. City Manager, A. Surratt Date

Bo Weichel 1-25-16  
Purchasing Manager, Bo Weichel Date

Deputy

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

M. Berry  
City Manager, M. Berry

\_\_\_\_\_  
Date

## ORDINANCE NO. \_\_\_\_\_

**ORDINANCE DECLARING PROPERTY TO BE UNFIT FOR  
HUMAN OCCUPATION, INJURIOUS TO THE HEALTH, SAFETY  
AND MORALS OF THE PEOPLE OF HICKORY, AND  
AUTHORIZING CITY MANAGER TO OBTAIN THE REMOVAL OR  
DEMOLITION OF STRUCTURE, INCLUDING COMMENCEMENT  
OF ACTION IN THE COURTS OF THE STATE OF NORTH  
CAROLINA BY THE DEPUTY CITY ATTORNEY**

**WHEREAS**, N.C.G.S. Section 160A-441 authorizes the City Council, upon a determination that a dwelling within the corporate limits of the City is unfit for human habitation and is dangerous and injurious to the health, safety and morals of the people of a community; and

**WHEREAS**, efforts put forth by the staff of the City of Hickory to obtain compliance with the Minimum Housing Code of this state on the property described herein have been unsuccessful; and

**WHEREAS**, the anticipated costs of repair of the structure exceed fifty percent (50%) of the tax value of the property, and it is in the best interest of the people of the City of Hickory to have the structure involved herein removed or demolished,

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Hickory as follows:

1. The real property involved herein is described as a single family dwelling, as further reflected on the document found in the Office of the Registrar of Deeds for Catawba County, North Carolina in Book 2719 at Page 1199 and having a street address of 747 Main Ave SW, Hickory, NC. The property has a PIN of 3702-05-29-3468. Such property is located within the corporate limits of the City of Hickory and Catawba County, North Carolina.
2. The property involved in this action is owned by Arlene K. Kye, who has a mailing address of 3255 44<sup>th</sup> Ave Dr NE, Hickory, NC, 28601. Notice of these proceedings and all prior proceedings related hereto have been properly given as by law required.
3. The property described above is found to be in violation of the Minimum Housing Codes of the State of North Carolina and the City of Hickory in the following respects: **Hickory City Code Section 15-32, Structural Condition (All). Section 15-33, Basic**

**equipment and facilities (All), Section 15-36, Safe and Sanitary maintenance (All), Section 15-37, Control of insects, rodents and infestations (All). N.C.G.S. Section 160A-425, Defects in buildings to be corrected, N.C.G.S. Section 160A-426, Unsafe buildings condemned in localities, and N.C.G.S. Section 160A-428, Action in event of failure to take corrective action.**

4. Representatives of the City of Hickory have attempted to contact the record owner(s) of the property and obtain compliance with the Minimum Housing Codes. Such efforts have been unsuccessful and the structure continues to be unfit for human habitation.
5. Continued existence of the structure on the described property, without repair, is inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of the City of Hickory.
6. The anticipated cost of repair of the structure exceeds fifty percent (50%) of the tax value of the property, making it economically unfeasible to repair the structure.
7. A public necessity exists for the removal or demolition of the structure(s) located on this property.
8. The City Manager, through the appropriate staff members, is directed to obtain the removal or demolition of the structure(s) located on the property so that the same complies with the Minimum Housing Codes of the City of Hickory and the State of North Carolina.
9. Notice of this Resolution shall be given to all interested parties as by law required. Additionally, the City Manager is directed to see that appropriate placards are placed on the building indicating that the structure is unfit for human habitation and that the use or occupation of the same for that purpose is prohibited and unlawful.
10. All costs of these proceedings, after verification by the Finance Director of the City of Hickory as accurate, shall be assessed against the property as a lien against the real property. The City Manager, through appropriate staff members, is authorized to take such action as necessary to file the lien with the office of the County Tax Collector or such other County or State officials as may be appropriate, to seek the collection in the same manner as a lien for special assessments as described in Article 10 of Chapter 160A of the North Carolina General Statutes, and for the foreclosure and collection of said lien through any other process allowed by law.

11. If in the opinion of the City Manager litigation is necessary to insure compliance with this Resolution, the Deputy City Attorney is authorized to commence appropriate legal action in the Courts of the State of North Carolina to insure that such structures are vacant and otherwise obtain compliance with such Codes.
12. The City Manager and Deputy City Attorney are granted such authority as is necessary to insure that the directives contained herein are carried out, whether expressly stated or implied within this resolution.

Done this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

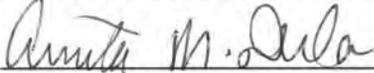
**(SEAL)**  
**Attest:**

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

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