

# **A G E N D A**

## **HICKORY CITY COUNCIL**

**November 17, 2015**



**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

November 17, 2015  
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Jay Robison, Pastor, Viewmont Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
  - A. Rev. Susan Smith Walker, Catawba Valley Interfaith Council, Community-Wide Service Commemorating the Universal Declaration of Human Rights on December 10, 2015.
- VI. Approval of Minutes
  - A. Regular Meeting of November 3, 2015 (**Exhibit VI.A.**)
  - B. Special Meeting of November 3, 2015 (**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 to Amend the Speed Ordinance for Roadways In and Around Lenoir-Rhyne University. (**First Reading Vote: Unanimous**)
  - B. Approval to Retire Police Canine Bachak and an Agreement to Allow Police Canine Bachak to be adopted by Handler MPO Matt Williams. (**First Reading Vote: Unanimous**)
  - C. Approval of Community Relations Council Fall Grant Recommendations. (**First Reading Vote: Unanimous**)
  - D. Consideration of the Sale of Five City-Owned Properties Located on F Avenue SE. (**First Reading Vote: Unanimous**)
  - E. Budget Ordinance Amendment Number 9. (**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.

November 17, 2015

A. Special Events Activities Application, A Very Vintage Christmas, Caleb Haworth, Operations Pastor, Vintage City Church, Union Square, December 24, 2015 1:00 p.m. to 7:00 p.m. **(Exhibit VIII.A.)**

B. Approval to Close Patrick Beaver Memorial Library and Ridgeview Library on December 18, 2015 from 12:00 p.m. to 5:00 p.m. for Staff Development Workshop, and Closing Ridgeview Library for Carpet Installation on a Date to be Determined. **(Exhibit VIII.B.)**

*Library staff, both full-time and part-time, interact on a daily basis with the public and, therefore, need periodic opportunities to participate in staff development training to re-energize and motivate themselves, acquire new skills, and learn to work together as a team. To ensure that this happens, it is necessary to schedule the training during a workday. Staff determined that the afternoon of Friday, December 18, 2015 is a date that the libraries could be closed and that would create as little disruption as possible in service to the public. Staff requests approval to close Patrick Beaver Memorial Library and Ridgeview Library on December 18, 2015 from 12:00 p.m. to 5:00 p.m. for the Staff Development Workshop.*

*Library staff also requests approval to close Ridgeview Library, on a date to be determined, for the installation of carpet. Although an effort will be made to have as much of the work as possible done after normal operating hours, it may be necessary and more efficient to close the building to the public while the new carpet is installed. Staff recommends approval of closing Ridgeview Library as required for carpet installation.*

C. Call for a Public Hearing – For Consideration of Text Amendment (TA) 15-01. **(Authorize Public Hearing for December 1, 2015) (Exhibit VIII.C)**

D. Call for a Public Hearing – For Consideration of Amending Chapter 18, Article VI, Sections 18-119 and 18-136 of the Hickory City Code. **(Authorize Public Hearing for December 1, 2015) (Exhibit VIII.D.)**

E. Proclamation for Small Business Saturday, November 28, 2015. **(Exhibit VIII.E.)**

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

*The following requests were considered by the Citizens' Advisory Committee at their regular meeting on November 5, 2015:*

- *Keondra Allred was approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 1010 33<sup>rd</sup> Avenue Loop NE, Hickory. She had requested \$10,000 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage.*
- *David & Anna Gruver was approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 1031 33<sup>rd</sup> Avenue Loop NE, Hickory. They have requested \$7,500 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage*

*Each of the following applicants are being recommended for approval for assistance under the City of Hickory's 2015 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency-related repairs not to exceed \$8,000.*

- *Donna Arbogast, 1527 11<sup>th</sup> Avenue SW, Hickory*
- *Belinda Clark, 207 8<sup>th</sup> Avenue Drive SW, Hickory*
- *Geraldine Suddreth, 428 2<sup>nd</sup> Street SW, Hickory*

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

- G. Acceptance of the Bid and Award to Asheville Ford Lincoln in the Amount of \$71,455.44 for the Purchase of Replacement Service Vehicles for Public Utilities. **(Exhibit VIII.G.)**

*Staff requests City Council's approval to accept the bid and award to Asheville Ford Lincoln in the amount of \$71,455.44 for replacement service vehicles for Public Utilities. These service trucks are being proposed as a component of the Public Utilities Department's normal capital replacement program and are budgeted in the FY 2015/2016 Capital Budget. Public Utilities will remove replacement vehicles from inventory to control fleet growth. Asheville Ford Lincoln was the lowest responsive bidder in the amount of \$71,455.44 for the purchase of one full size standard cab half ton 4x2 pickup, and two full size extended cab half ton 4x4 pickups. Staff recommends City Council accept the bid and award the purchase of three pickups from Asheville Ford Lincoln in the amount of \$71,455.44.*

- H. Grant Project Ordinance Amendment Number 3. **(Exhibit VIII.H)**

1. *To adjust budgeted line items for closure of Brownfield Assessment Grant 95499212. Council accepted the grant on 10/16/12. Grant project period ended 09/30/15. Federal funding in the amount of \$400,000 was spent in full to conduct community-wide assessments at Brownfields sites potentially contaminated with hazardous substances and/or petroleum products.*

- I. Budget Ordinance Amendment Number 10. **(Exhibit VIII.I.)**

1. *To recognize as revenue an insurance payment of \$9,830.00 to compensate the City for replacement of a traffic signal cabinet destroyed in October due to a vehicle wreck.*
2. *To recognize \$30.00 in Library donations given in memory of Margaret Lavin by Hannah Owen for the purpose of purchasing children's materials.*
3. *To recognize \$500.00 in revenue from the Walmart Community Grant Program (23884953) for the purchase of a wireless game buzzer system which will be used when teaching fire and life safety classes. The class will be called "Buzzing for Safety" and is designed to be a fun and interactive way to teach fire and life safety lessons.*
4. *For the Hickory Police Department to purchase the following items with Department of Justice funds: a) Lights for weapons \$13,435.80; b) Holsters for weapons with light \$11,984.70; c) Batteries for lights \$529.20; d) SureFire LED weapon lights \$4,399.35; and e) Shipping & Handling for all the above \$475.00.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

1. Splash Pad Update at Kiwanis Park
2. Approval of a Landscape Grant for Non-residential Property Owned by Lakeview Land Development Located at 716 4<sup>th</sup> Street SW in the Amount of \$2,500. **(Exhibit XI.B.2.)**

*City Council created the Landscape Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of non-residential properties located within the City. 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 \$2,500. The applicant, Lakeview Land Development, LLC provided two bids for the installation of new landscape material around the perimeter of an existing commercial office complex. Both estimates are in excess of \$5,000 and would qualify for the full \$2,500 grant. The Community Appearance Commission voted unanimously (7-0) at their October 26, 2015 regular meeting, to recommend funding of the requested grant in the amount of \$2,500.*

3. Approval of a Community Appearance Grant for Non-residential Property Owned by the Hickory Elks Lodge Located at 356 Main Avenue NW in the Amount of \$5,000. **(Exhibit XI.B.3)**

*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. The applicant, Hickory Elks Lodge, provided two bids for renovations of an exterior wall elevation. These improvements include the removal of aged and weathered pebble board, bricking in the areas where the pebble board was removed, and the clean-up of electrical wiring on the building's exterior. Both estimates are in excess of \$10,000 and would qualify for the full \$5,000 grant. On October 26, 2015 at their regular meeting, the Community Appearance Commission voted (6-0-1) with one members abstaining, to recommend funding for the requested grant in the amount of \$5,000.*

4. Approval of a Community Appearance Grant for Non-residential Property Owned by the ADEMNC, LLC Located at 509 11<sup>th</sup> Street NW, in the Amount of \$5,000. **(Exhibit XI.B.4)**

*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. The applicant, ADEMNC, LLC, provided two bids for replacement of windows, painting of portions of the building's exterior, the replacement of wooden siding, and the replacement of metal roofing. Both estimates are in excess of \$10,000 and would qualify for the full \$5,000 grant. On October 26, 2015 at their regular meeting, the Community Appearance Commission voted (7-0) to recommend funding for the requested grant in the amount of \$5,000.*

5. Appointments to Boards and Commissions

**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 2 VACANT  
Ward 3 VACANT  
At-Large (Mayor Nominates) VACANT

**RECYCLING ADVISORY BOARD**

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

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)  
Hickory Career Arts Magnet VACANT

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. 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, November 3, 2015 at 7:00 p.m., with the following members present:

	Rudy Wright	
Brad Lail		Hank Guess
Bruce Meisner	Aldermen	
Danny Seaver		Jill Patton

A quorum was present.

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

- I. Mayor Wright called the meeting to order. All Council members were present except for Alderman Zagaroli.
- II. Invocation by Rev. Cliff Moone, Retired Local Pastor
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard

- A. Ms. Vickie Scott, 610 9<sup>th</sup> Avenue Drive SE, addressed City Council. She stated "What is in your mouth"? She advised that was their Women's Day speaker, which spoke to them in August, "What is in your mouth?" She addressed Mayor Wright and commented that what he said to the Hickory Daily Record, things that come out of your mouth can be hurtful, insulting, and just wrong in every way. She quoted what Mayor Wright had said "I have always liked the idea of this operation being manned and directed by African-Americans for African-Americans. She commented to her that was very racial. She advised that it was hurtful and she could not believe that he said that. She read that article three to five times, because she thought the he didn't say that. She has always had the highest respect for the Mayor. She advised that she saw the Mayor on the morning of the 21<sup>st</sup>, at the Fast-N-Fresh and had a conversation with him. She would have never believed that the Mayor would make a racial statement like that. She commented that it was not only black people that live in public housing. She suggested that he go down there and take a walk and look around. It is more than black people in public housing. She commented that he knew why he did what he did, and she is sorry that he did it. She commented that he had lost a lot of respect.

Mayor Wright commented that he was not misquoted. He wished he had not said it, but he was not apologizing because there was nothing racial intended about it.

Ms. Scott replied "oh really".

Mayor Wright advised Ms. Scott that she had her opportunity to speak and he was going to speak. He advised that he had two Caucasian cousins in public housing. He is fully aware that it is not just for one race or the other. His intent was to point out principally that he was pleased and he felt that it had been manned and directed capably by African-Americans.

- B. Mr. Larry Pope, stated that what he personally knows is a clear violation of the law, at the last City Council meeting, Mayor Wright made the statement that he, Council member Patton, and Council member Guess, along with Mr. Edward G. Fuller, went to Greensboro to meet with Mr. Michael Williams, the Executive Director of the HUD Office out of Greensboro to talk with him about the problems that we are experiencing here in Hickory. Mr. Pope had made the statement that he had reapplied to be a board member of the Hickory Public Housing Authority. He also made the comment that Attorney Clarke had also expressed an interest publically in being appointed. He stated that the comment that Mayor Wright made, after he went back to his seat and sat down, was that he would not appoint anyone to the Hickory Public Housing Authority who had a motive for wanting to be a board member. Mr. Pope did not make comment that night even though he wanted to. He withheld his comment knowing that there was going to be another meeting and he would come back and say to the Mayor, "If you feel that I have an alternative, alternate motion or mode, to want to be reappointed to that board for more than serving the entire community of diverse individuals who live in public housing. Then I want to be as smart, as intelligent, and as knowing, as you think you are to know why I have asked and expressed an interest in being reappointed." He was removed from that board because he filed a complaint with the Attorney General, Inspector General of the United States, because as a board member he knew that there was misappropriation of Federal dollars going on. He commented that the Mayor and City Council, and Michael Williams in Greensboro, did not want to listen to him. He advised that they came in and did an audit and an investigation, and found that the allegations that he had made were true. That there was over two hundred and some thousand dollars misappropriated. He never denied the fact that he recused himself from any voting or discussion of the contract for maintenance that went to his brother. He also told the Mayor, City Council, and the media, that Ms. Richardson nor Attorney Dean Amos expressed to him, or told him that they needed to write Mr. Williams in

November 3, 2015

Greensboro and get permission to award that contract before that contract was awarded. He thanked Mayor Wright for acknowledging the fact that he knew, and had discovered that he had recused himself from voting or discussion of that contract. He commended Mayor Wright on that. He stated that the Mayor, Council member Guess and Council member Patton were wrong for not publicizing the fact that they were going to Greensboro to meet with Mr. Williams. He stated that Council knows, as well as he does, that when three City Council members meet representing this City government that meeting becomes a public meeting and advertisement of that meeting must take place. It did not take place. He asked Chief Adkins, in this open meeting, to arrest Mayor Wright, Council member Patton and Council member Guess, for violating a North Carolina General Statute that they have sworn, under oath, to abide by, and not violate any laws. He commented, but yes it is okay for Mayor Wright to violate a law. It is okay for you to do what you want to do when you have two fine attorneys; Attorney Crone, which he has the upmost respect for, and Attorney Dula which he also has the upmost respect for, to advise them on what is right and what is wrong. But you yourself are going to decide, well I can do this, and I can get away with it. But yet and still at a public meeting you make us aware that you did it, you got away with it, and he asked that the Mayor and the other two City Council members be arrested for violating the State law that says that is not a legal thing to do. He stated he would sign the warrant if the warrant needs to be taken out for that violation. He also stated that you must think about what you say and what you do before you do it. Because the citizens elected each and every one of them thinking that you were going to do the right thing when it comes to the citizens of this City. But too many times we have found that just the opposite has been done. He stated that he would ask the citizens of this City to contact him, because he has decided that next year when it is time for the Mayor to run again, he intends to run for Mayor because he knows, and the citizens of this City know, that he is going to do the right thing no matter what is done, it will always be the right thing.

Mayor Wright clarified that Mr. Pope, "in doing the right" as he says, stood here and said that they broke a law, when they did not break any law. At one time there was four people wanting to go to that meeting; that would be illegal because it would be a quorum, and a group of people who could make a decision on behalf of Council. One of those people graciously agreed not to go, so there could be three and be perfectly legal. Although they did not go there to make any decisions for Council. They went there to gather a better understanding of the facts, and they did so in a perfectly legal meeting. He stated that Mr. Pope was at the meeting where Council discussed the session they had in Greensboro. They were told, suggested or ordered not to do anything until HUD completes their review of the activities there. Council is awaiting a report, and they have been told that they will get a report before anyone else gets it, and at that time Council will act appropriately.

VI. Approval of Minutes

A. Regular Meeting of October 20, 2015

Alderman Guess moved, seconded by Alderwoman Patton that the Minutes of October 20, 2015 be approved. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Guess 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.

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

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

- A. Approval of a Lease Agreement for Property Located at 304 3<sup>rd</sup> Street SW, Hickory to Jamie Janine Reed and Christopher Martin Stevey. (First Reading Vote: Unanimous)
- B. Approval of the Capital Purchase of Structural Firefighting Gear for FY15/16 in the Amount of \$385,000. (First Reading Vote: Unanimous)
- C. Approval of a Contract with Crowder Construction Company in the amount of \$2,699,000 for the Emergency Power Generator Replacement Project at the Water Treatment Facility. (First Reading Vote: Unanimous)
- D. Approval of an Amendment to the Agreement for Engineering Services with HDR Engineering, Inc. of the Carolinas in the Amount of \$114,500. (First Reading Vote: Unanimous)

November 3, 2015

- E. Acceptance of 35<sup>th</sup> Avenue Court NE into the City of Hickory's Street Maintenance. (First Reading Vote: Unanimous)
  - F. Budget Ordinance Amendment Number 8. (First Reading Vote: Unanimous)
  - G. Grant Project Ordinance Number 3. (First Reading Vote: Unanimous)
  - H. Grant Project Ordinance Number 4. (First Reading Vote: Unanimous)
  - I. Grant Project Ordinance Amendment Number 2. (First Reading Vote: Unanimous)
  - J. Consideration of a Memorandum of Understanding for the Construction of a Splash Pad at Kiwanis Park. (First Reading Vote: Unanimous)
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

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

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

- A. Approved a Proclamation for John Hall Day, October 14, 2015.
- B. Approved a Special Events Activities Application Lowe's Christmas Parade, City of Hickory and Christmas Tree Lighting, Lauren Townson, Senior Recreation Programmer, City of Hickory, Parks and Recreation Department, Downtown Hickory, November 20, 2015 3:00 p.m. to 8:30 p.m.
- C. Approved on First Reading Amending the Speed Ordinance for Roadways In and Around Lenoir-Rhyne University.

The Traffic Division has worked with Lenoir-Rhyne University, University Christian High School, and Hickory Police Department to determine the need for this speed limit reduction. There is significant pedestrian traffic on all roadways in and around the university. In an effort to create a safer environment for the pedestrians that use the campus, the speed limit needs to be reduced to 25 mph on all roadways connected with the university: Stasavich Place, 8<sup>th</sup> Avenue NE (between 8<sup>th</sup> Street NE and 5<sup>th</sup> Street NE), 5<sup>th</sup> Street NE, 6<sup>th</sup> Street NE, 9<sup>th</sup> Avenue NE (between 8<sup>th</sup> Street NE and 6<sup>th</sup> Street NE), and 8<sup>th</sup> Avenue NE (between 5<sup>th</sup> Street NE and 2<sup>nd</sup> Street NE/NC Hwy 127). Staff recommends approval to amend the speed limit in these areas to 25 mph.

ORDINANCE NO. 15-51  
AN ORDINANCE OF THE HICKORY CITY COUNCIL  
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE  
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

WHEREAS, Article III of the City of Hickory Code of Ordinances be and is hereby amended through the modification of the official maps authorized therein as follows, to wit:

Amend the Traffic Ordinance by reducing the speed limit surrounding Lenoir-Rhyne University (Stasavich Pl, 8<sup>th</sup> Ave NE between 8<sup>th</sup> St NE and 5<sup>th</sup> St NE, 5<sup>th</sup> St NE, 6<sup>th</sup> St NE, 9<sup>th</sup> Ave NE, and 8<sup>th</sup> Ave NE between 5<sup>th</sup> St NE and NC Hwy 127) to 25 mph.

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

This Ordinance shall become effective immediately upon adoption.

- D. Approved on First Reading Retiring Police Canine Bachak and an Agreement to Allow Police Canine Bachak to be adopted by Handler MPO Matt Williams.

The Hickory Police Department will retire police canine, Bachak from service on December 1, 2015 due to health issues which would limit his ability to perform his duties. His handler, MPO Matt Williams, would like to adopt him after his retirement and would like to assume responsibility and care of the canine. Bachak has a special skill set due to his previous training as a police dog, and because of this training he is a danger to public welfare, and may be adopted by his handler. Staff requests approval to retire canine Bachak on December 1, 2015 and approval of the Retiring Canine Agreement allowing MPO Matt Williams to adopt Bachak.

E. Approved on First Reading Community Relations Council Fall Grant Recommendations.

The Community Relations Council receives funds to disperse during the fiscal year through the Community Relations Council grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the Community Relations Council's goals and mission, and how the program will serve to improve human relations in the Hickory area. Community Relations Council received 13 grant applications for projects totaling \$17,254 and is recommending approval of six of the grants totaling \$6,004 for the following non-profit agencies: Hickory Music Factory, \$750; OUTright Youth of Catawba County, \$600; Council on Adolescents of Catawba County, Inc., \$1,154; New Hope for Kids, \$500; Hickory Museum of Art, \$1,500; and Young People of Integrity, \$1,500.

F. Approved Applying for a \$10,000 Grant on Behalf of Lenoir-Rhyne University.

Hickory Police Department requests permission to apply for a NC Governor's Crime Commission grant in the amount of \$10,000 on behalf of Lenoir-Rhyne University. Lenoir-Rhyne University (LRU) cannot reach direct funds from the Governor's Crime Commission because it is not a non-profit organization. NC Governors' Crime Commission (NCGCC) suggested that the university partner with Hickory Police Department to complete the necessary paperwork and manage the grant. 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. Any equipment obtained by the NCGCC funds will be the property of the City of Hickory and would be on loan to LRU. A memorandum of agreement between LRU and the City of Hickory would be in place to ensure proper accountability and asset retention for the property. Hickory Police Department requests permission to apply for a NC Governor's Crime Commission grant in the amount of \$10,000 on behalf of Lenoir-Rhyne University and allow Hickory Police Department to complete the necessary paperwork and management of the grant.

G. Approved Acceptance of the Walmart Community Grant in the amount of \$2,000.

Hickory Police Department requests permission to accept a Walmart Community Grant in the amount of \$2,000. This grant will assist networking opportunities, working with at risk youth in community events. Gang of One works with at risk youth for prevention and intervention. Gang of One reaches out to the community with gang awareness presentations, community events and after school programs. This funding will allow Gang of One to work with more at risk youth and expand the program. Hickory Police Department recommends approval to accept the Walmart Community grant for \$2,000.

H. Approved on First Reading Budget Ordinance Amendment Number 9.

ORDINANCE NO. 15-52  
BUDGET ORDINANCE AMENDMENT NUMBER 9

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

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

FUNCTIONAL AREA	INCREASE	DECREASE
Culture and Recreation	46,710	-
Transportation	250,000	-
TOTAL	296,710	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenue	46,710	-
Other Financing Sources	250,000	-
TOTAL	296,710	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	47,000	-
TOTAL	47,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	47,000	-

TOTAL	47,000	-
-------	--------	---

SECTION 3. Copies of the budget ordinance amendment shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

A. Mick Berry's Travel to ICMA Annual Conference, Seattle, Washington, September 25 – October 1, 2015, (Meals and Lodging – \$1,730.34; Registration Fee - \$655; Airfare Expense and Baggage - \$530.70; Parking - \$78)

Mayor Wright advised that Mr. Berry's daughter was playing in the Western Regional Volleyball Championships. If Maiden wins they go to the State Championship on Saturday. He commented that his attendance had been very good and he is faithful, and he has a most capable stand-in. He advised that Assistant City Manager Andrea Surratt was standing in for him.

XI. New Business:

A. Public Hearings

B. Departmental Reports:

1. Community Development Block Grant Microenterprise Grant Program Guidelines and Supporting Documents

In the 2015-2019 Consolidated Plan for Housing and Community Development, the City of Hickory identified increasing entrepreneurship opportunities as a high priority need. This led to the creation of a program to provide microenterprise grants to businesses looking for funding necessary to take their business to the next level. The 2015-2016 Community Development Block Grant (CDBG) Annual Action Plan has \$10,000 allocated towards assistance for entrepreneurial activities. Staff and the Business Development Committee have been working for the past few months to develop a program that will assist low to moderate income business owners with business improvements. The proposed program offers grants of up to \$4,000 for low to moderate income business owners for business property, inventory, necessary fixed assets, marketing and business promotion, or other improvements approved by the Business Development Committee. Applicants will be required to submit a business plan and have a counseling session with a local business support organization. Staff recommends that City Council approve the guidelines and supporting documents for the CDBG Microenterprise Grant Program.

Assistant City Manager Andrea Surratt asked the City's Economic Development and Community Development Manager Dave Leonetti to the podium to present Council with a Community Development Block Grant Microenterprise Grant. She advised that the Business Development committee was recommending this program.

Community Development Manager Dave Leonetti presented Council with a PowerPoint presentation for a Microenterprise Grant program that the Business Development Committee had been working on for the past few months. He advised because the City receives Community Development Block Grant (CDBG) money, the City of Hickory has to adopt a five year consolidated plan for housing and community development. That was done in May 2015. One of the sections of that plan is a strategic plan that notes the various housing and community development needs within the City of Hickory. One of those identified was increasing entrepreneurship opportunities. Therefore as part of the 2015-2016 annual budget process, \$10,000 was allocated to increase microenterprise assistance in the community. He advised that they are working as part of the Department of Housing and Urban Development guidelines because they are using the CDBG funds for this project. He defined microenterprise, which is a business with five or fewer employees, one of whom is the owner of the business. It is an eligible CDBG expense provided the owner is a low to moderate income household. Under those guidelines they are indexed based on family size. For example a family of four would need to earn under \$41,800 annually. They worked with the Business Development Committee (BDC), and with the CVCC Small Business Center with Jeff Neville, and with Ralph Griffith and the Lenoir-Rhyne University (LRU) Center for Social and Commercial Entrepreneurship. These entities will help them a great deal in the implementation of this program. They are also serving as ex-officio members on the Business Development

Committee to insure that we are adequately assisting the small businesses in the community.

Mr. Leonetti discussed the grant features. The awards will range from \$1,000 to \$4,000. The primary purposes of the grant will be for business inventory, equipment, necessary fixed assets, and marketing and business promotion. The Business Development Committee does have some flexibility of a different potential use if that comes up during one of the applications. Grant funds cannot be used for real property improvements. That is primarily due to the fact that it creates another layer of environmental review through the Department of Housing and Urban Development which creates too much paperwork for the amount of money that would be distributed under this program. He discussed the application requirements in addition to the application form, the applicant would provide a business plan, and there is a template that they can use, financial projections for the 12 months following the business startup or the next 12 months if it is not a startup. They will need to have a counseling appointment with one of the partner organizations and they could also work with the Small Business Technology Development Center in addition to the LRU Center for Entrepreneurship and the CVCC Small Business Center. That counseling organization would need to provide them with a letter of recommendation, and since there is an income restriction they would also need to provide income verification information. Each project as they come about will involve a project schedule that will detail implementation milestones and objectives. Grants will generally be paid in at least two equal installments after meeting those milestones. Everything will be done on a reimbursement basis. They will require check-ins once a year with the Business Development Committee and the counseling organization. After discussions with LRU and CVCC Small Business Center, one of the biggest needs that they mentioned for small businesses is networking opportunities, sounding boards, and the ability to talk to different folks about the issues that they are having as they try to work and develop their businesses.

Mr. Leonetti discussed the review process. The applications will be submitted to the Planning and Development Department, then the Business Development Committee will review the applications and make a recommendation to City Council. Similar to how the Vacant Building Grant program works now. City Council will consider the grant agreement contract and offer final approval at that time. Staff recommended City Council's approval of the grant guidelines.

Alderman Seaver asked if that was just for startup microenterprises or if it could be for any microenterprise.

Mr. Leonetti advised that it could be anyone who meets the definition of a microenterprise. The way the guidelines are worded it is targeted towards startups or businesses in their infancy, but anyone would be able to take advantage of those as long as they meet the other requirements.

Alderman Guess asked if Mr. Leonetti was aware of any immediate interest.

Mr. Leonetti commented that Nathan Huret with the Catawba County Economic Development Corporation, and Jeff Neuville at the Small Business Center had been asking when it was going to be approved. He advised that they had some questions about it. He doesn't have anyone applying at this point.

Mayor Wright moved, seconded by Alderman Seaver approval of the Community Development Block Grant Microenterprise Grant Program Guidelines and supporting documents. The motion carried unanimously.

Mayor Wright announced he moved, seconded by Alderman Seaver and the motion carried unanimously.

2. Appointments to Boards and Commissions

**COMMUNITY RELATIONS COUNCIL**

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

Other Minority	VACANT
Other Minority	VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

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

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

Mayor Wright nominated Jeff Kerley, Catawba County Representative, Hickory Regional Planning Commission.

**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 2 VACANT  
Ward 3 VACANT  
At-Large (Mayor Nominates) VACANT

**RECYCLING ADVISORY BOARD**

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

**SALT BLOCK FOUNDATION**

(Term Expires 6-30; 2-Year Term)  
Remainder of Mandy Pitts Term expires June 30, 2016

Mayor Wright nominated Alderman Zagaroli, as the Representative on the SALT Block Foundation,

**YOUTH COUNCIL**

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

Hickory Career Arts Magnet VACANT

Mayor Wright requested Ms. Kaminske do a press release regarding the process for being appointed and what vacancies that we have. To his knowledge we do not have any applicants meeting these criteria. He advised Council members to help each other to fill the vacancies. He commented that he had more vacancies than anyone else.

Alderman Lail commented that Council might consider Alderman Zagaroli on the SALT Block Foundation. He commented that he would be an excellent appointee to the SALT Block Foundation since Mandy Pitts is no longer eligible to serve.

Mayor Wright nominated Alderman Zagaroli as the Representative on the SALT Block Foundation.

Alderman Lail moved seconded by Alderwoman Patton approval of Alderman Zagaroli to the SALT Block Foundation. The motion carried unanimously.

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

Mayor Wright advised that the Catawba County Representative for the Hickory Regional Planning Commission had been approved by the County. He nominated Jeff Kerley as the Catawba County Representative to the Hickory Regional Planning Commission.

Mayor Wright moved, seconded by Alderman Meisner approval of Jeff Kerley as the Catawba County Representative, Hickory Regional Planning Commission. The motion carried unanimously.

Mayor Wright announced that he moved, seconded by Alderman Meisner 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
- XV. Closed Session Per NC General Statutes 143-318.11(a)(1)(4) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

November 3, 2015

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

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

1. Approval of Closed Session Minutes of August 18, 2015 - NCGS §143-318.11(a)(1)
2. Approval of Closed Session Minutes of September 1, 2015 - NCGS §143-318.11(a)(1)
3. Discussion of Litigation landolo vs City of Hickory 14CVS1160 - NCGS §143-318.11(a)(4)

No action was taken upon return to open session.

XIV. There being no further business, the meeting adjourned at 7:55 p.m.

\_\_\_\_\_  
Mayor

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

November 3, 2015

A Special Meeting of the City Council of the City of Hickory was held in the First Floor Conference Room of the Municipal Building on Tuesday, November 3, 2015 at 5:37 p.m., with the following members present:

Brad Lail	Rudy Wright	Hank Guess
Bruce Meisner	Aldermen	Jill Patton
Danny Seaver		

A quorum was present.

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

Staff Present: Government Affairs Manager Yaidee Fox, Parks and Recreation Director Mack McLeod, Public Services Director Chuck Hansen, Planning Director Brian Frazier, Communications and Marketing Manager Dana Kaminske, and Budget Analyst Cameron McHargue

- I. Mayor Wright called the meeting to order. All Council members were present except for Alderman Zagaroli. Alderman Meisner arrived at 5:47 p.m.
- II. Capital Planning Workshop to Discuss Funding for Various Projects

Assistant City Manager Rodney Miller advised that City Manager Mick Berry was attending the Western finals of the volleyball championship in which his daughter was playing for Maiden High School. He introduced Cameron McHargue and advised that he was the new Budget Analyst. Mr. McHargue was a former Town Manager at Spindale and also had worked at the Town of Sylva. He advised that Staff had "kick-started" the budget process and this workshop would serve a couple of purposes. He advised that he wanted to show Council the interaction between the bond projects and the \$40 million dollars. He advised he would also talk about some of the projects that could happen in this current fiscal year.

Mr. Miller presented a PowerPoint presentation to Council. He advised that the projects were somewhat unique and they were not operational, but they are projects that Council should be informed about. He commented that Council was aware of the Lackey Project. Through a Memorandum of Understanding, that Council had previously approved, the City is expecting them to donate five to seven million dollars for a memorial at Geitner Park. They plan to construct a lake house, a performance dock, amphitheater, conservatory, canopy walk, gardens, and an overflow parking lot. The design of this project is underway by TSW. The City's cost at this point is estimated to be at \$750,000, which will include the main driveway, or a portion thereof, the main parking lot, restrooms, canoe/kayak launch, boat dock and fishing pier. He advised that one unknown would be the operation and maintenance cost. We don't have an operation and maintenance plan at this time, but have asked for that. Over the coming months that will be developed and we can determine what the City's ongoing maintenance and operation commitment will be.

Mr. Miller discussed the Kiwanis Park splash pad project. The City will own and maintain that as an addition to the Park operations. Council had authorized a splash pad management team to bring a design and to finalize the features. Based on previous comments at the Council meeting, that could be 10-15-20 features, water bucket, etc. Council wanted it to have a "wow factor", and to be a regional draw to visitors coming to Hickory. Estimated project cost would be \$250,000 to \$350,000 depending upon the design, number of features, and size of the splash pad. Kiwanis Clubs are planning to raise at least \$100,000 towards the project. The City's share would be in the \$150,000 to \$250,000 range.

Alderman Lail asked if this was for fiscal year 2016.

Mr. Miller advised that some of this may even be further out. Timing may occur this fiscal year and/or next fiscal year. Mr. Miller discussed the North Carolina Data Campus project, also known as the Multi-Jurisdictional Park; the partnership in Conover, behind Tri-City Baptist, to attract a data campus to the area. We jointly received a \$2.6 million dollar loan from North Carolina Department of Commerce. It is a 55 acre site development, with the addition of water, sewer, electrical, storm water, streets, and sidewalks. The County has the largest share at 57 percent, Hickory 19 percent, Conover 18 percent, Maiden 5 percent and Catawba 1 percent. He advised that the partners share in additional property tax revenues based on investment. He used for example if we land a hundred million dollar company it generates a million dollars in revenue. If the City gets 19 percent of that million dollars in revenue each year annually, that would be the City's share of the park. He advised that was a seven year loan. The first two years are interest only. The next five years, which starts next fiscal year, the payment will be \$104,806. We are currently paying \$9,880, which is an increase of \$94,926 for next year, and the subsequent four years as well until that loan is payed off. He advised that would be an increase to next year's budget. Water and sewer are involved, so the City will plan to pay for the water and sewer portion of that project with water and sewer revenues which will help mitigate the general funds commitment to that project.

Mr. Miller discussed Sandy Ridge Road roundabouts. The City had received acknowledgement of a Congestion Mitigation Air Quality (CMAQ) grant of approximately \$3.7 million dollars for next fiscal year. This was originally designed to add lanes at both intersections. When it was determined how much right of way and utility relocation costs were, the roundabout was decided

November 3, 2015

to be a better option. There are two roundabouts planned on Sandy Ridge Road/29<sup>th</sup> Avenue NE and 16<sup>th</sup> Street/8<sup>th</sup> Street Drive/21<sup>st</sup> Avenue NE. The total project cost is \$4.6 million dollars, the City's 20 percent share is a little over \$924,000. Mr. Miller showed the area on the map, pointing out 29<sup>th</sup> Avenue and 16<sup>th</sup> Street, the State Employees Credit Union building, and the location of the roundabout. He pointed out the other intersection, near the two churches approximately ½ mile away, where the other roundabout would be located.

Public Services Director Chuck Hansen advised that the goal was for Sandy Ridge Road to stay two lanes in that area.

Alderman Lail asked if they were signalized roundabouts.

Mr. Hansen advised no.

Alderman Lail asked how the roundabouts were less expensive than right of way and utility relocation than adding lanes.

Mr. Hansen advised that if you are going to a signalized intersection you actually have to four lane that piece of Sandy Ridge Road. By the time you do that and get the additional easements for the powerline relocation you get pretty wide from an acquisition standpoint. The other component, those intersections becoming larger, going to mast arms, there is a lot of cost associated with that. You actually end up with less right of way needing to be acquired. The intersection is actually getting bigger because you are adding lanes. The roundabout footprint isn't as big as you think it is. The one at 21<sup>st</sup> Avenue is a single lane roundabout and the one at 29<sup>th</sup> Avenue by Lowe's Food is a two lane roundabout.

Alderman Lail asked if transportation engineers say that is going to function okay un-signalized.

Mr. Hansen stated yes sir.

Alderman Lail was concerned about traffic volumes coming up 29<sup>th</sup> heading north.

Mr. Hansen advised that this had been sent through Congestion Management, in Raleigh, Department of Transportation to double check the numbers. Their recommendation is 29<sup>th</sup> Avenue initially will work as a single lane, but the recommendation for future growth is a dual lane. They changed it from a single lane to a dual lane roundabout. The roundabout on 21<sup>st</sup> will be a single lane and 29<sup>th</sup> will be a dual lane.

Alderman Seaver asked how much of that estimated cost would be just right of way.

Mr. Hansen guessed somewhere between 15 to 20 percent of it. When overhead utilities are relocated, the City has to provide that new easement for them at the City's expense. That is happening due to changes in Raleigh a few years ago. Instead of telling Duke they are on their own to deal with the relocation, even if the City paid for the pole work the City would still have to get into the easement which would be essentially 15 foot either side of the new line. Part of that is going to be in right of way, the other half gets towards the houses.

Alderman Seaver asked how much difference it would make to bury those lines.

Mr. Hansen stated that it is much more expensive. In reality in talking with Duke, that type of service they would not put underground anyway.

Mr. Miller discussed Cloninger Mill Park. The City initiated a master plan of 79 acres for a future park in 2008. Public meetings were held 2008/2009. The property has many natural features including Falling Creek, waterfall, and a wide variety of vegetation, wildlife, and ecological habitat. Amenities currently proposed are picnicking, walking/bike trails, play areas, disc golf, environmental education, and exercise stations. In 2009 the total project cost was estimated at \$2.9 million dollars. Phase 1 which is access from Cloninger Mill Road, not from the Olde Mill Landing side, was estimated at \$1.3 million dollars. The City received a \$900,000 donation from Outward Bound. If the City was to fund Phase 1, the City's share would be \$400,000, based on the estimates from 2009. We would need to get revised cost estimates.

Alderman Seaver asked if Outward Bound would have special use of the park.

Mr. Miller advised that right now that money was in Fund Balance waiting to be used for Cloninger Mill Park.

Alderman Seaver questioned since they had made the donation that they may want to use that for some of their training.

Mr. Miller advised that there was no restrictions on that at all, it is free and clear, the City's money. Mr. Miller referred to the ten acres and advised that the designer was going back, because it was originally planned to be commercial property and to sell those properties. Council decided to keep that and the designer is reviewing and revising the master plan to incorporate those ten acres into park amenities. That is in the process of being sent to Staff and the Parks and Recreation Commission to weigh-in on that additional ten acres.

Mr. Miller discussed City Park, in April City Council approved a ten year Priority Use Agreement where the Greater Hickory Tennis Association would contribute \$125,000 towards a new picnic shelter, restroom/meeting room facility. The addition of 250 linear feet of paved access road and

November 3, 2015

1,440 linear feet of eight foot wide paved walkway. We are also planning to expand parking in this park from 20 spaces to 90 spaces, which will also help us with the Lackey project. This will include curb and gutter, area lighting, removal of the existing picnic shelter, restroom facility. As discussed in meetings with the Riverwalk and Lackey project, additional parking will likely be needed in light of the Lackey project expansion. The lake house went from seating 350 people to 500 to 750, and now we are up close to 1,000 people. That triggers additional parking requirements as planning has pointed out. We have to use City Park, Jaycee Park, and whatever parking spaces we have just below the Lackey project. We are working on making sure that we have enough parking spaces in light of their occupancy in the lake house.

Alderman Seaver asked what the Lackey's envisioned happening there with the seating.

Mr. Miller advised that we do not know all the details. Their conservancy would determine what events that they will host. We are too early in that process. Members will be appointed to that conservancy board. Those questions will need to be asked once we get to finalize those agreements. The estimated cost of this project is \$574,000, minus the \$125,000 by Greater Hickory Tennis Association, the balance of \$449,000 will be funded by the City. This one could happen in the current fiscal year.

Alderwoman Patton asked if we knew how much money they had raised to date.

Parks and Recreation Director Mack McLeod commented that they were prepared to distribute that. He has heard anywhere from \$75,000 to \$90,000 that they have already. They have started discussions on their fundraising.

Mr. Miller asked Mr. McLeod to ask them that question and Staff would provide that information to Council in the next Manager's Communication.

Mr. Miller continued his discussion with streetscapes related to the bond project. He advised that we are in need of a zoning overlay consultant. The goal is to strengthen site design standards for private development in areas where streetscape improvements are planned related to bonds. The overlay creates a more uniform appearance of private development regardless of underlying zoning requirements. Coordination on lighting, landscaping, improved signage design and placement, and more efficient ingress/egress with new medians installed in streetscape. Staff has developed an RFQ to hire a planning design firm to develop new regulations for key areas of Hickory. They are estimating the consultant cost to be \$150,000.

Assistant City Manager Andrea Surratt commented that although this one had not been talked about as much with Council, it had come up quite frequently with the Bond Commission. For instance, if we are going to invest in Lenoir Rhyne Boulevard and streetscapes, is our zoning and the site planning rules that dictate how that development is occurring, is it as strong as it could be? Where could it be strengthened? Usually overlay districts create another layer of standards. If you are in this area and the City is making an investment, these are the extra rules that you will follow for strong development right along those roadways. That is something that Staff is looking at, and anticipating the need to do that in various areas like Springs Road, Highway 127, potentially and Old Lenoir Road. Making sure that the zoning rules are strong enough. A consultant could bring a lot to the table to help us with getting that right.

Mr. Miller discussed the wayfinding program to tie into our gateways. There had been discussions about 100 new signs of varying sizes but similar design installed citywide to direct travelers into Hickory from surrounding highways and guide them to multiple public destinations. The original program was developed in 2008, but the great recession prevented implementation at that time. Gateways signage is now a part of the bond program. Five gateways will be developed at key entry points into Hickory. Gateways are usually eye-catching welcome signage with landscaping and/or public art designed to encourage motorists to recognize when they have arrived and to entice others to stop and shop, and dine. The estimated cost of that is \$800,000. This is related to gateways, and if we have five major gateways, and in essence 100 smaller gateways throughout the City.

Mrs. Surratt advised that project has been fully developed by Frazier and Associates. Staff had gone through the plans and updated the signage to include some of the bond projects, city walk, and Riverwalk. Just making sure that everything is still what it needs to be. It is to a point, if Council is interested in working on it, then it can be sent out for final approval through Frazier and Associates architectural firm. Then they could fabricate the signs and install them. She advised that \$800,000 was the cost estimate in 2011, which was estimated by Frazier and Associates. She thought that it might could be done for a little less, maybe not much less. Now we are five years further out.

Mr. Hansen advised that their \$800,000 estimate at the time included some major primary gateway signs that are rolling into the bond program to some extent. If we go to the next level in of signage that will pull a little bit of money out of their estimate that would go towards whatever increases in cost that have evolved since then. The \$800,000 is not wrong, but this is more wayfinding than it is gateway, but it relates to the gateway component in the bond program.

Mrs. Surratt advised that included interstate signage, and some signs that are much taller than pedestrian level that is to be seen along the highway. That includes some right of way acquisitions, fabrication, and installation.

Mr. Hansen commented that it is higher end, pole structure aesthetics, it is not a 4 x 4 post.

November 3, 2015

Alderman Guess asked if lighting was included.

Mr. Hansen stated that they are not lit.

Mrs. Surratt advised that Morganton has a full system of wayfinding, and Newton has some on Highway 16 going through Conover. There are a number of cities who have gotten them.

Mr. Hansen advised Raleigh, and Charlotte.

Mrs. Surratt commented that it would have the logo and directional. Everything is directing you to a public destination. Whether that is the SALT Block, Crowdad's Stadium, or downtown, City Hall. It depends on what angle you are coming from. It is designed to help tourist get around.

Mr. Hansen advised that as part of the process back then, it was to identify those destination points, the targets to lead the public to the destination points. Downtown parking was part of the component as well.

Alderman Seaver asked if there would be any private directions.

Mrs. Surratt replied no.

Alderman Seaver questioned if they wanted to pay a fee could there be.

Mrs. Surratt advised no private businesses, but they would direct to something for example on Highway 70, which would be the Regional Shopping Corridor, or Viewmont Business District, or Old Lenoir Road Business District. She advised those would be the major ones related to shopping.

Alderman Seaver commented that like on interstate highways you see the signs for the restaurants, which they probably pay to be on those signs.

Mrs. Surratt advised that you do.

Mr. Hansen commented that you have to be in close proximity of the interstate for that to happen.

Mr. Miller asked if Council knew the approximate total of those numbers.

Alderman Lail responded \$3.8 million dollars.

Mr. Miller displayed a chart which listed the projects, the funding source, noting the water and sewer funds. He advised that the total project cost was \$14.8 million dollars, with external contributions of about \$11 million dollars; (the Lackey's investment, State grant, and \$900,000 in the bank for Cloninger Mill from Outward Bound); \$11 million dollars in private/State investment, the City's share at approximately \$3.8 million dollars. He advised at Council's last month's meeting in the audit we were at 33 percent of Fund Balance as of June 30, 2015. With Council's goal of 25 percent of our General Fund expenditures we have almost \$1.2 million dollars above that 25 percent that we could spend for these projects, still maintaining that 25 percent goal. In the current year budget we have \$965,000 that went to Capital Reserve that is unobligated, not designated. In prior years we have designated funds for parking, district court, and fuel. Those three items and total amounts as of June 30, are still in Fund Balance in the bank. Miscellaneous Capital Reserve from last year as well has not been spent. That coupled with, if we are able to spend the \$94,000 on water and sewer needs for the North Carolina Data campus in Conover, the total funds that we have is almost \$4 million dollars, rounding up. If we have \$3.8 million dollars in cost we have about \$4 million dollars in the bank to pay for that. This is over and above whatever operating capital budgets that will be done separate and apart from this. These items were not on the "radar" in the normal budget. He advised that they plan to spend these dollars for these project unless Council has a different direction that they would want to go in with any of those eight projects, between the end of this fiscal year and next fiscal year.

Alderman Lail questioned the data campus. The history there is that Council agreed to do it, the land sold to Apple, there was a gain on the sale of the land, \$2.95 million dollars. Why are we having to pay \$100,000? That gain was used to help pay for those improvements.

Mr. Miller advised that the agreement stipulated that those funds went back to the nonprofit which is Scott Millar, the Economic Development Corporation (EDC). They received the money for that.

Alderman Lail referred to an email that said all money will be either distributed through the MJP partners or restricted to property development cost by the EDC. Alderman Lail did not feel that the EDC should be holding on to \$2.95 million dollars.

Mr. Miller advised that they are our non-government arm, they can secure options, for example Park 1764. The County's position was we are using those funds as that real estate development arm to do that. With Hickory at 19 percent, certainly Hickory wants to make sure that they have their fair share of this project. Mr. Miller felt like Hickory had their fair share with Park 1764 because we are not allowing anyone else to be a part of that project. We need to keep an eye on that particular pot of money. Scott Millar can give us a report on that, and use that as seed money, as an option to buy land, etc. The City would not want our 19 percent share of that fund to go to another jurisdiction for economic development.

Alderman Lail commented that some of it might be used to defray the cost of this.

Mr. Miller commented that the problem with that it is not only our share, the County gets 57 percent, so then that money they have for seed money goes away.

Alderman Lail commented they could spend it down to a million dollars and distribute it pro rata.

Mr. Miller confirmed to reduce the loan amount. He commented that Staff could talk to the County about that, obviously they are in the driver's seat at 57 percent of that. Ideally we have someone on the hook. We have from now until July/August to make that decision. He advised maybe we do it for one year, maybe go ahead and pay down a portion of it, it is certainly a conversation that we can have.

Mayor Wright commented that this year the City added \$500,000 to Fund Balance.

Mr. Miller confirmed that was correct.

Mayor Wright asked if he had any thoughts for next year where the City would likely end up.

Mr. Miller advised that property tax revenues were up three to five percent compared to last year. Sales tax revenues are doing well. We only have two months in the bank because they are approximately two months in arrears before we get it from Raleigh. He advised that was six to eight percent growth so far. We are expecting that to stay consistent throughout the rest year. Property tax has hurt us the last number of years. We have some development going on and we need to keep that development up. All that adds up to the public tax base that property tax revenues will come in on.

Alderman Guess asked where the City stood on the District Court designation in Hickory.

Mr. Miller advised that the City had asked the County for another lease. We have planned a two year lease with Catawba County. Their Justice Center Facility is supposed to be finished by next year. The agreement that has been worked out with the County is they will continue to lease that facility for District Court for two years. At the point they will decide if they want to take all of the court and have their courtrooms, and the City will have the building back.

Alderman Guess confirmed that they were not going away before two years.

Mr. Miller stated correct. They need the court facility for at least two more years.

Alderman Guess commented that he had heard that they were getting ready to leave.

Mr. Miller commented that rumor had been going around. He advised that they don't have enough parking. He didn't know if they would have enough to open day one. They are already contemplating another parking deck. When you add that many court rooms and that number of people it is very, very difficult. When they opened the parking deck it was full day one. He advised we had at least two more years of that.

Alderman Guess commented that chances are, after that, it will go away.

Mr. Miller advised that was just a designation; that was money that the City has for that building or otherwise. Legally we don't have to spend those funds on that particular building. It is just a lease that the City has with Catawba County.

Alderman Guess asked if the City owned the whole facility.

Mr. Miller replied the District Court Facility, yes.

Mayor Wright commented that is not a legal designation. There are plenty of parking expenses up in those cost.

Mr. Miller confirmed yes. He advised the plan was to target those dollars to help pay for those cost. Mr. Miller advised that he had mentioned the Kiwanis splash pad at a range of \$150,000 to \$250,000. He had used the sum of \$200,000. If the City does something smaller it would be approximately \$150,000. We could keep it at \$200,000. As we get a design from that splash pad management team that number and others may change somewhat.

Alderman Patton asked if Kiwanis was planning to raise more than \$100,000 or just stop at the \$100,000.

Alderman Seaver commented that they would keep raising if they kept receiving.

Alderman Meisner asked if there was any priority of what they would do first.

Mr. Miller replied that Staff had not determined a priority. Staff was pleased that we have the funding mechanisms to pay for those. As things start coming off the board, for example, City Park tennis courts would probably be the first projects on this list that will get done, because that may happen in the spring. At that point we start getting more estimates and then maybe we could prioritize. Especially if one of the numbers significantly increases, we may want to revisit that.

November 3, 2015

Alderman Meisner advised that he was looking at the money expended versus the total cost that the City is getting. The money expended for the Lackey \$750,000 parlays into seven million. That is pretty substantial. The splash pad at \$200,000 we are only getting \$100,000. Cloninger Mill the City is only paying \$400,000, but we are at \$1.3 million.

Mr. Miller commented that there was nothing that said the City could just spend the \$900,000 that we have. Certainly that is not phase one and we would have to go back to the drawing board and pull out some amenities. We have \$900,000 in the bank earning interest.

Alderwoman Patton commented that this is exciting, this is a start of what they had talked about with the bond. Having external contributions to parlay into what we want to do into bigger and better, and more of what we want.

Mr. Miller advised that we would have three times our investment in doing that right. Three times with external contributions.

Alderman Lail questioned on the Capital Reserve typically the policy is 1.5 percent of revenues designated for Capital Reserve. He confirmed that was correct.

Mr. Miller confirmed.

Alderman Lail stated that is for operational and non-recurring type items. We would not spend our entire Capital Reserve on a budget year on these projects? He asked if this was Capital Reserve Fund Balance that was over and above 1.5 percent that is normally budgeted. He asked if that was accumulated.

Mr. Miller advised that the City had spent down the Capital Reserve in the current year budget. He referenced the water and sewer project downtown at Trade Alley, which was three million dollars of that Capital Reserve, and the generator at the water treatment plant. He advised that \$965,000 went into Capital Reserve, not funding a specific project every year. He advised that was the number in the current year budget. Next year's budget would have another \$965,000 - \$970,000, unobligated to replenish that. He advised that was not part of these numbers.

Alderman Lail asked if would be proper to take a whole year's worth of Capital Reserve and spend it on new projects.

Mr. Miller commented that in this year, in this proposal, we would be taking this year's money that would be typically be spent for future years.

Alderman Lail commented for generators, or repairing sewer lines that break, or that storm drain that we are having to pay out of Fund Balance.

Mr. Miller stated correct. In this scenario that would be spending money that had went to Capital Reserve in the current year.

Alderman Lail stated that it would be a shift from the way that it has been done in the past.

Mayor Wright commented that we would be running kind of bare.

Mr. Miller commented absolutely.

Alderman Lail commented that we would be spending everything down.

Mayor Wright replied there is no question this is a big investment. We want have as many cubby holes of money to attack.

Mr. Miller advised that in Capital Reserve there was a small amount of right of way funds left. The bulk of Capital Reserve is water and sewer, and for the water plant. That money is designated for water and sewer. He advised that the Miscellaneous Capital Reserve is non water and sewer. In essence the City's Capital Reserve would be depleted with the exception of water and sewer, and for the water plant by doing this. Until the following year when it could be built back up with the \$965,000 again. Each of these are part of the Capital Reserve, he pointed out the parking, District Court, and fuel designations.

Alderman Guess asked if there was a schedule of when we would lose current debts. He advised that he had heard that the City would be debt free in "x" years.

Mayor Wright asked if it was 2017.

Mr. Miller advised that it is in the debt schedule, he thought it was in the next two years. He commented that there are various forms of debt, for example on the Data Campus, which is a portion of that debt that is going to be on there for another five years. He advised there are some that rolls off every year. That had not been factored into the numbers.

Alderman Guess commented that would have something to do with things in the long run. He asked if there was a way to project or look at that, if they could have a schedule of what those things would be and what the ramifications of those would be. He thought that it would be interesting to see what debts we are going to be able to pay off and in what period of time, because that will end up being to our advantage.

November 3, 2015

Alderman Seaver commented that \$965,000 for this fiscal year, we are one-third through. We are not going to spend all of that by the end of this regular year.

Mr. Miller advised that we had not planned to spend any of it except for these particular projects.

Alderman Lail asked if discussion had been made with Department heads in regards to the capital projects, and operational functional type projects. He asked if there was going to be any pressures in fiscal year 2016 with regards to personnel, benefit packages, health insurance, and those type of things that we can see looming on the horizon. He recalled that in 2016 the City would not be receiving any privilege license revenue.

Mr. Miller stated that is correct, but we raised the tax rate to accommodate for that, to account for that \$1.1 million dollar loss. We have replaced that revenue source and the potential loss from tax revaluation. We also accounted for that with the tax increase, which was the 6.65 cent tax increase. That revenue is covered. He advised that they had just started the meetings and had met with Finance and Human Resources. City Manager Mick Berry had met with the Fire Department and the Police Department, which are two of our largest departments. He advised that there are capital needs. The Fire Department is probably going to need another fire truck in light of the fact that it takes 12 months to build. Police have some various computer equipment, in-car cameras, and Tasers which can be handled in the operating budget. He advised that they will be meeting with Public Services next week. Mr. Miller's plan would be to finance the next fire truck to spread that payment out because it is a huge payment. He commented \$600,000 for an engine truck or \$1.1 million dollars for a ladder truck was too much to hit. His plan is to spread those cost out, especially in the interest rate environment that we are in, to have more of a steady payment so the budget doesn't have these peaks and valleys. He said he did have concerns with regards to Police because they have a half million dollar radio system that they will have to replaced being two years out.

Alderman Lail asked about the City's biggest expense which is personnel. He asked if there was any pressures there.

Mr. Miller advised that employees would certainly like to get pay raises again. The City had been able to do that for the last couple of years. We are bleeding in health insurance because cost are rising through the roof. That will need to be addressed as well. There are financial pressures there. Mr. Miller advised to date he had not seen any new position request from the four departments. He commented that Staff is accounting for all of that. He advised that the City had banked \$500,000 in Fund Balance last year, revenues over expenditures. Assuming the same year, you would have that \$500,000 in addition to property tax and sales tax growth. We are already seeing increases during the first two or three months. They hope to use those increases to account for any salary and or operating differences. That is the plan.

Mr. Miller continued the discussion with the bond projects. In November 2014 the \$40 million dollar bond referendum passed. We have seven years by State law to issue that debt. Staff has begun to look at what the options are. They think over the next six years we will have two or three bond issues. It could be \$15 million, \$15 million, and \$10 million or \$20 million and \$20 million depending on what projects are selected through this prioritization process and ultimately Councils approval and or blessing on those projects. Right now Staff feels that they would issue that debt in July of 2017, which is fiscal year 2017/2018. That would then necessitate a half year debt payment every six months, or six months from the debt issuance, you have a debt payment every six months semi-annually. We would have a half year debt payment in the spring of 2018. The first tax increase would be targeted in fiscal year 2018/2019. Depending on how many issues and the amount we are looking at a three to four cent property tax increase in that particular year. We would fund this first payment with the money that is in the bank right now. We have to pay for design. We don't know how many projects, or what projects are going to shake out at the end. It had been discussed by Staff to pay for these designs, we will need to advance some funds from Fund Balance, and that we may dip below the 25 percent. Another \$2.4 million dollars would drop us to 20 percent. That \$2.4 million dollars would pay for that design. When we issue bonds in 2017/2018 we would pay ourselves back. That is frontloading or paying in advance with Fund Balance, temporarily dropping that down for approximately a year, then reimbursing ourselves with the bonds when we issue the debt.

Mayor Wright asked when we would need to advance the design funds.

Mr. Miller advised that Freese and Nichols has told them that they will be finished in February. That will be at a City Council meeting. He used for example doing two projects. Council would decide if they want to do \$15 or \$20 million dollars. They could do more but that would necessitate a larger tax increase. Mr. Miller felt that \$15 to \$20 million dollars was what the City needed to issue, one of those two options. For example \$20 million dollars in projects with a projection of next spring. We will have to hire an architect designer. Depending on the projects, streetscapes and gateways would happen quicker. Riverwalk will probably take longer. We would be looking at six months to a year of design. During that six to twelve month time period we would have to pay that designer with these funds during that design process and when they finish. Bids would need to be received. When the construction bids are in hand we would then go to the Local Government Commission and would issue debt in July of 2017.

Alderman Lail asked if it would be fiscal year 2016 that we would have to dip into Fund Balance.

Mr. Miller stated 2016/2017.

November 3, 2015

Mayor Wright asked when we would start the wayfinding for example. He is hearing people say that they want to see something coming out of the ground. He commented that we have got to be making some progress between now and next June. More than saying we hired a designer.

Mr. Miller addressed the Mayor's wayfinding question. He advised that \$800,000 funds are in the bank and that could start at any time. He advised that there was an RFQ ready to go out for that project.

Mrs. Surratt advised that Frazier and Associates are able to look at those plans and confirm that they are ready to go to companies for a bid quote. We are within a month or two to do that. If you were trying to select a project off of the list, that is a fairly fast project and it has already been reviewed by NCDOT. It is really close.

Alderman Guess asked if that had anything to do with the bonds.

Mayor Wright confirmed that they were discussing the bonds and other capital.

Mrs. Surratt commented that the Lackey's are hoping to break ground next summer. That might be a few months off on that timetable, but that is something that would be bond related, not bond directly related but progress.

Mr. Miller advised that Friends of Hickory Park would be coming to Council in January.

Alderwoman Patton asked if Kiwanis would start.

Mayor Wright asked if Kiwanis was planning to have that done by May.

Alderman Seaver advised it did not know.

Mayor Wright commented that initially that they were trying to have it done by May.

Alderwoman Patton commented so there would be some progress.

Alderman Lail concurred with Mayor Wright, if there is a method that the City could use in fiscal year 2016 begin some construction activity with our bonds. If you sequence it, list, design, bid, construct, it obviously stretches it out. He commented maybe it would waste money. Design gateway "x", and gateway "y". That design is coming in and we are starting gateway "x" while we are finishing up gateway "y". He asked how the issuance of the debt would work. How long was the process to that? Could that be done during the fiscal year 2016/2017 as opposed to waiting until 2017?

Mr. Miller advised to issue debt you have to have bids in hand.

Alderman Lail felt like that was doable.

Mr. Miller commented that you could do it a little earlier. He confirmed that Alderman Lail meant not wait until July of 2017 to issue debt. He used a gateway for example, that would be the quickest project, perhaps three to four months for design of a gateway. If we are done in February, we get the green light, May/June they finish design. By the summer they could turn dirt on that project. Mr. Miller felt that would be the fastest that any of the projects could occur, in that particular area, depends on how much money you are going to use for that gateway. If it is the full \$15 million dollars, or maybe it is a \$10 million dollars. It is going to depend on how much of that money that you are going to spend.

Alderman Lail asked if you issue debt you have to have contracts equal to the amount of debt that you are having issued.

Mr. Miller stated yes.

Alderwoman Patton thought that Council would be looking at working the Riverwalk at the same time as the Lackey's, so some of that construction process would all flow together which would move that hopefully up.

Mr. Miller commented that ideally they wanted to start the design on the Riverwalk, the backbone of the city walk, and go ahead and have that designed. Especially with the TIGER grant, we get the design done so that next October the TIGER grant might come our way next year, in addition to streetscapes and/or gateways. He advised that is what the planning committees are working on and ultimately Council will decide in January/February. If you have those designs on the shelf, the Local Government Commission is not going to give you \$10 million dollars to do a \$3 million dollar project.

Alderman Lail commented that it is not wise if you are paying interest on it.

Mr. Miller replied correct. You would want to finance that with your own resources and then pay yourself back. The question is how long can you go? If you have two to three million dollars in design, plus construction of gateway one and/or two, you may not have enough money to fund that until you borrow the money.

Alderman Lail asked if it was smart to spend down everything, which is what was considered in the earlier slide, and not have the power drive going into some of the bond projects.

November 3, 2015

Alderman Seaver commented that the interest rates might take a jump and cost us more. He questioned what it cost to issue the bonds.

Mr. Miller advised right now he has three percent at next year. An each year after going up 3.5 to 4 percent, and so on.

Mayor Wright confirmed that he was talking about the interest factor.

Alderman Seaver replied yes.

Mayor Wright commented that it is about \$300,000 to \$400,000 dollars to issue for the lawyers and the accountants.

Mr. Miller advised that was different than the actual bonds themselves. He was referring to the interest rate on the bonds.

Alderman Seaver advised he was asking about both.

Mr. Miller advised that you would have financing cost as well, attorney fees, etc.

Alderman Seaver commented it is not like a line of credit construction loan, you are getting the whole amount.

Mr. Miller advised that we would have a financial advisor that would market those and underwriters all across the country and/or world. Anyone in \$1,000 increments can buy City of Hickory bonds.

Mrs. Surratt advised that the point of the workshop too was to let Council know everything that Staff knows about every project. They had checked in with each department. This really is the "lay of the land" for everything not bond related, but still considered capital or long term. They would have a whole menu there to choose from.

Alderman Seaver asked if Council could have the information emailed to them.

Mr. Miller discussed revenue considerations. He discussed one option which was the City of Hickory currently charges all motor vehicles in the City of Hickory a \$5 fee. In the current budget, the State approved an additional \$25, up to \$30 per vehicle that can be charged to citizens across the State in municipalities. We are currently getting \$170,000 from that \$5 vehicle fee. We could charge up to \$25 more, which would bring in an additional \$850,000 per year. That is untagged. Currently the \$5 that we are charging has been earmarked for sidewalks in the City which started back in the mid to late 90's. That is an option. You currently have an available revenue option.

Alderman Guess asked if most other cities did that as well.

Mr. Miller stated that it just came out so we do not know who has enacted it at this point. He advised that Yaidee Fox could do some research on that to see. At this point he didn't know if they had the legal authority, it probably has to do with a budget ordinance. They probably don't have the ability, he would need to check the statute. It may be next fiscal year until they have that.

Alderman Guess asked about the current \$5, how many cities are charging that.

Mr. Miller commented that there are a lot that do but he didn't know the exact number.

Alderman Guess commented that he would be interested in knowing how we compare with other cities around us.

Mayor Wright thought that the \$5 was the maximum anybody could charge.

Mr. Miller advised at that time it was. Legislation just changed in this current budget session.

Mayor Wright stated that nobody has had time to get it in place for this fiscal year. We could be the first. Mayor Wright commented that he had people complaining about the \$5.

Mr. Miller commented that is an option. Mr. Miller advised that when it was first enacted people would call up and ask where their tag was. They thought that they were getting a tag to go on their vehicles. Mr. Miller commented that as we do the Riverwalk, the city walk and amenities like the splash pad as a regional draw for visitors, we really need to get a handle on what the parking fee situation will look like. Is this for out of town residents? Is this a discounted fee for City residents? As these amenities start to take off and we start to get a lot of interest and visitors from elsewhere.

Mayor Wright stated that the convention center parking is earmarked for the debt on the parking deck.

Mr. Miller commented that he would assume that we would commit ours to some sort of parking. There had been discussions about a parking deck on the city walk. We could pledge these dollars, and it would be more palatable to have these dollars go to pay for a parking deck as part

November 3, 2015

of the city walk. It is that event parking concept. He asked Council to consider that in the coming months as another option for Staff to consider.

Alderman Seaver commented that he would not want to see a parking deck on the Riverwalk.

Mr. Miller responded that Staff was not planning one there. Obviously on the city walk it was decided Hickory Station as the targeted potential location.

Alderman Seaver asked if that would be right below it.

Mr. Miller stated yes.

Alderman Lail commented that parking fees and generating revenues you are not talking about a lot of money in parking.

Mr. Miller recapped, we have the whole bond package. We have a unique situation with the eight projects that we have committed to some, and some that we have not committed to. We have the whole operating budget and will continue to work through that process over the coming months with Budget Analyst Cameron McHargue and the departments.

Alderman Seaver commented that Oslo, Norway is trying to do away with all cars in the city. The intent is to try and keep so much of that out of downtown areas. He wouldn't want to do too many parking deck businesses. Who knows what is happening in the future, technology is advancing so fast.

Alderman Lail commented that he would appreciate more conversation with Council on these items. Full discussion. Some of them they are obviously committed to; Sandy Ridge, Lackey, and the splash pads. Have some conversations about some of the others. We are spending down everything that we have to make all of this happen. He wanted to go into it with "eyes wide open".

Mayor Wright asked what the total Fund Balance was.

Mr. Miller advised a little under \$12 million dollars, which is the 25 percent. He questioned when you say spending you are talking about Capital Reserve dollars.

Alderman Lail commented that he is talking about Capital Reserve and the design fees that we are going to be dipping below 25 percent on. We are going into the bonds this tight without having wiggle room for opportunities that might pop up. He felt it was worth a discussion.

Mayor Wright felt that it was worth a discussion and that they need to know if they can pay themselves back out of bond funds.

Mr. Miller advised for the design you can, 100 percent. If you decide to fund a gateway, or something with cash you can refund that within two years, State law allows.

Mayor Wright stated that hearing what Alderman Lail says and recognizing the validity of it, he wanted to point out that at 25 percent General Fund, we haven't spent down to the end. However, we like having that 25 percent and it is a good target for us to have. He really thinks that the most important thing now, as long as we don't do anything to cause us physical anxiety, and stress, or whatever it might be, we need to be getting stuff out of the ground. That is not a political move. People are saying that time is going by. We look back at it and say look at all we have accomplished in the last year. We have got to get some stuff out of the ground. Wayfinding and tennis courts looks like pretty good ones to do, and the splash pad we definitely have to do that.

Mr. Miller advised that the Friends of Hickory Park is probably the first project. In fact they have ordered equipment and it is supposed to be in this month.

Mayor Wright commented that would be good.

Mr. Miller clarified not in the ground but in storage.

Alderwoman Patton asked if they could also find out where Friends of Hickory was on their fundraising. She would like an ideal where they are in meeting their goal, so Council will know where to start.

Mrs. Surratt advised at their last conversation they were approximately \$200,000 away.

Mayor Wright commented that is important but not a substitute for them to be bringing stuff out of the ground.

Mrs. Surratt commented that they have to have everything designed to a point where a contractor can bid on it before we can go to the Local Government Commission to borrow on it. That is the part that is hard. We can't get there fast enough.

Mayor Wright stated that he understood the borrowing. He stated he mentioned wayfinding because we can do these without borrowing. We could have most of the wayfinding finished by the end of the fiscal year.

November 3, 2015

Mrs. Surratt felt that was a fair sense of time

Mayor Wright commented that if we don't say we are going to get it by the end of the fiscal year than we don't get it. Maybe wayfinding isn't the one. He wants them to pick out a million dollars' worth of projects and say we will have them done by the end of the year. That is what people are starting to expect.

III. There being no further business, the meeting adjourned at 6:46 p.m.

---

Mayor

---

City Clerk



Exhibit VIII.A.  
 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: A Very Vintage Christmas  
 Applicant Name & Title: Caleb Hayworth Operations Pastor  
 Organization: Vintage City Church  
 Mailing (Billing) Address: 216 2nd St NW  
 City / State / Zip: Hickory NC 28601  
 Daytime Phone: 8286405282 Cell: 8286405282 Email: caleb@vintagecitync.com  
 Description of the Event: Christmas Eve Serve

Does the event have a Twitter, Facebook or other social networking page? our church does  
 If yes, please list URL(s): www.facebook.com/vintagecitync

Event Address: <u>Union Square</u>	
Date of Event: <u>12/24/15</u>	
Event Start Time: <u>5:30pm</u>	Event End Time: <u>6:30pm</u>
Road Closure Begins (if applicable):	Road Closure Ends (if applicable):
Set-Up Begins: <u>1:00pm</u>	Clean-Up Ends: <u>7:00pm</u>
Preferred Date & Time of Inspection:	
Estimated Attendance: <u>100</u>	
The Event is: <input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public	
Describe the procedures to be used for selecting participants and vendors for this event:	

APPLICANT'S SIGNATURE Caleb Hayworth DATE: 10/20/15

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

**TENTS & MEMBRANE STRUCTURES**

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

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

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

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

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

---

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

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

# of Membrane Structure(s) \_\_\_ exceeding 400 square feet

**POWER SOURCES**

Will you use electric generators? \_\_\_ Yes  No

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

Provide contact information for contractor supplying generator power:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

---

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

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

Provide contact information for person responsible for setup of power:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**VOICE/MUSIC AMPLICATION**

Are there any musical entertainment features related to your event?  Yes \_\_\_ No

(If no proceed to next section)

If yes, state the number of bands and type of music: Number of bands: 1

Type(s) of music: Christmas Music

---

Will a portable or temporary stage be utilized? \_\_\_ Yes  No

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

Provide contact information for contractor providing stage:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

---

Will your event use amplified sound? \_\_\_ Yes  No

If yes, please indicate times: Start time: \_\_\_\_\_ Finish time: \_\_\_\_\_

**HAZARDOUS MATERIALS**

Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks?  Yes  No  
**If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.**

Will there be any portable heaters?  Yes  No

Will there be any deep fat fryers?  Yes  No

Will there be any fireworks, lasers, torches, candles or pyrotechnics?  Yes  No  
**If yes, contact the City of Hickory Fire Prevention office at 828-323-7522 for more information.**

**ALCOHOL**

Will alcoholic beverages be served?  Yes  No (If yes, NC ABC permit required)

Will alcoholic beverages be sold?  Yes  No (If yes, NC ABC permit required)

What type of alcohol will be served?  
 Draft Beer  Can/Bottle Beer  Wine  Liquor

Who will be serving the alcohol?

Times for alcohol to be served:

Locations within event site where alcohol will be served:

Have you applied for a North Carolina temporary ABC permit?  Yes  No

**VENDORS**

List all commercial vendors who will be present during the event (serving, selling, sampling, or displaying).  
 (Use additional sheet of paper if necessary)

VENDOR NAME	ADDRESS	PHONE NUMBER(S)

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

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

**VENDORS**

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

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

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

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

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
12/24	1pm	Set up	
12/24	5:30pm	Service starts	
12/24	6:30pm	Service ends	
12/24	7pm	Clean up ends	



## SITE PLAN

Please attach a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

**WALK, RUN, CYCLE EVENTS ON PUBLIC ROADWAYS**

Number of participants expected: \_\_\_\_\_ % of participants expected under 18: \_\_\_\_\_

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

Number of volunteers expected: \_\_\_\_\_ % of volunteers expected under 18: \_\_\_\_\_

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

**5K 1 Downtown 5k** (Not allowed on Saturdays during the Downtown Hickory Farmers Market: Mid April-November)

**5K 2 Hickory Foundation YMCA** (Can start and finish in Downtown District or other locations on route)

**5K 3 FRMC 5K** (Can start and finish in Downtown District or other locations on route)

**5K 4 Neill Clark Park 5k** (Must contact Parks and Recreation Director Mack McLeod [mmcleod@hickorync.gov](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](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)

**APPROVED ROUTES/EVENTS AT THE AIRPORT AND PUBLIC PARKS**

**AIRPORT ROUTE**

\_\_\_ Hickory Regional Airport 5k      \_\_\_ Approval from Airport Manager Terry Clark

\*The second and fourth Saturdays have existing events in the morning hours. Check with Airport Manager Terry Clark 828-323-7408 or tclark@hickorync.gov on availability.

Name the new date proposed and time: \_\_\_\_\_

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

**PUBLIC PARKS ROUTES**

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

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

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

Henry Fork River Regional Recreation Park

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

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

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

Highland Recreation Center at Stanford Park Options

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

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

### ADDITIONAL GUIDELINES AND REQUIREMENTS

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

Must use a preapproved route from the City/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 certificate of liability insurance for walk, run, and/or cycle event if the start/finish are on public property. \_\_\_\_

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

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

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 of any kind (permanent or temporary) are allowed on roadways, sidewalks, or parking lots. \_\_\_\_

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. \_\_\_\_

## 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.

Vintage City Church

**NAME OF NON-PROFIT ORGANIZATION**

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

We are a church.

**LIST ORGANIZATIONS OFFICERS:**

Caleb Hayworth

8286405282

Crockett Davidson

TELEPHONE  
7703750667

TELEPHONE

TELEPHONE

**CHAIRPERSON OF THE SPECIAL EVENT:**

Caleb Hayworth

8286405282

NAME

TELEPHONE

216 2nd St NW

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.*

10/20/15

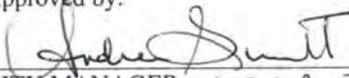
Date

Caleb Hayworth

President  
Vintage City Church

Non-Profit Organization

Approved by:

  
CITY MANAGER - ASSISTANT

10-2-15

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 **Vintage City Church** \_\_\_\_\_, 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;

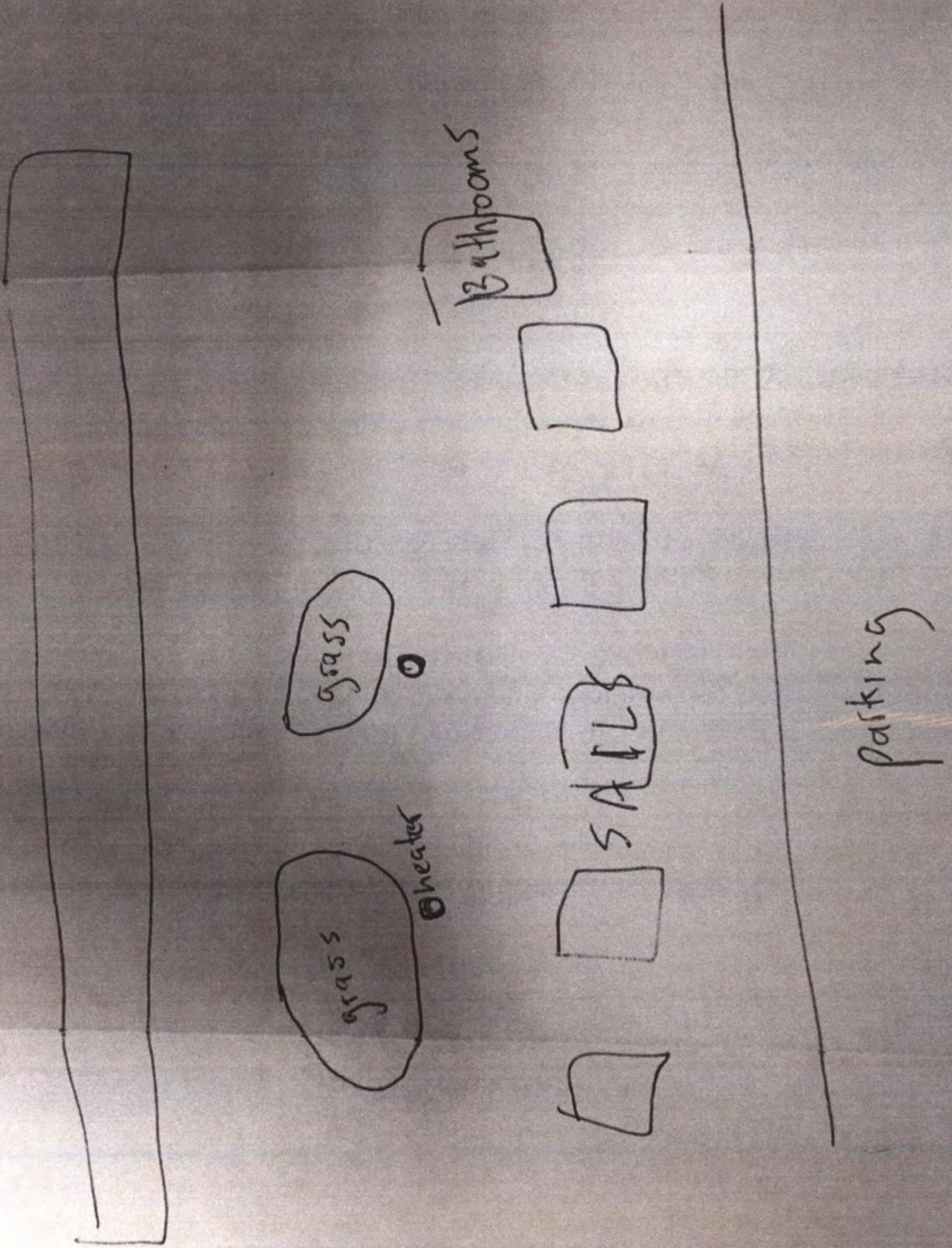
**NOW, THEREFORE**, for and in consideration of the mutual promises and covenants herein contained, and for other good and sufficient consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

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 20th day of October, 2015.  
Caleb Hayworth  
\_\_\_\_\_  
President

\_\_\_\_\_



To: City Manager's Office

From: Sarah Greene, Library Director

Contact Person: Sarah Greene

Date: 10/29/15

Re: Closing Patrick Beaver Memorial Library and Ridgeview Library for staff development workshop and closing Ridgeview Library for carpet installation

**REQUEST**

- 1. To allow both locations of Hickory Public Library to close from 12pm – 5pm on Friday, December 18, 2015 so full time and part time staff may participate in a staff development day and
- 2. To allow the Ridgeview Library to close for carpet installation (dates not yet scheduled).

**BACKGROUND**

Public library staff regularly interact with the public and, to provide the best possible customer service, it is necessary to periodically provide training opportunities in which all staff participate at the same time. We will conduct a workshop for staff on using library technology, a particular need addressed in the Library's new Strategic Plan.

In addition, Ridgeview Library will need to be closed for carpet installation. Funding for new carpet for the branch was included in this year's budget. The new carpet has been ordered and staff are working to schedule installation in the next two months.

**ANALYSIS**

All library staff – both full-time and part-time – interact on a daily basis with the public and, therefore, need periodic opportunities to participate in staff development training to re-energize and motivate themselves, acquire new skills, and learn to work together as a team. To ensure that this happens, it is necessary to schedule the training during a workday. Staff determined that the afternoon of Friday, December 18, 2015 is a date that the libraries could be closed and that would create as little disruption as possible in service to the public.

Ridgeview Library is a small space and the library collections will be unavailable to patrons during carpet installation. Although an effort will be made to have as much of the work as possible done after normal operating hours, it may be necessary and more efficient to close the building to the public while the new carpet is installed.

For both closings, Library staff will inform local media contacts and post notices for the public in advance, both within library buildings and on our website.

**RECOMMENDATION**

Staff recommends the Patrick Beaver Memorial Library and the Ridgeview Branch Library be closed 12pm - 5pm on Friday, December 18, 2015 to allow time for all library employees to participate in staff training, and that the Ridgeview Library be closed as required for carpet installation.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Sarah Seave  
Initiating Department Head

10/29/15  
Date

Anthony M. Dula  
Deputy City Attorney, A. Dula

11-10-15  
Date

Rodney Miller  
Asst. City Manager Rodney Miller

11-9-15  
Date

A. Surratt  
Asst. City Manager, A. Surratt

11-11-15  
Date

Melissa Miller  
Finance Officer, Melissa Miller

11-9-15  
Date

\_\_\_\_\_  
Purchasing Manager, Bo Weichel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
City Manager, M. Berry

\_\_\_\_\_  
Date

6

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**

**From:** Planning & Development Services Department

**Contact Person:** Cal Overby, Principal Planner

**Date:** November 5, 2015

**Re:** Call for Public Hearing for the Consideration of Text Amendment (TA) 15-01

**REQUEST**

Call for public hearing for the consideration of Text Amendment (TA) 15-01. The public hearing would be held on December 1, 2015

**BACKGROUND**

On an annual basis, the Planning and Development Services Department, in conjunction with the Hickory Regional Planning Commission, conducts a review of the City's Land Development Code to determine if amendments are needed. In completing the review staff examines how the regulations performed to identify areas where improvements are needed.

**ANALYSIS**

During its current review staff has recommended amendments to Articles 2, 4, and 9 of the City's Land Development Code.

The recommended amendments include the following:

1. Article 2 as it relates to NC Session Law 2015-160, which eliminates local government's ability to utilize protest petitions;
2. Article 4 as it relates to NC Session Law 2015-86, which eliminates local government's ability to regulate aesthetical designs for one and two family homes; and
3. Article 9 as it relates to the correction of a typographical error.

Please see the accompanying staff report for more information.

**RECOMMENDATION**

The proposed Land Development Code text amendments outlined above were considered by the Hickory Regional Planning Commission during an advertised public hearing on October 28, 2015. Upon consideration of the proposed amendments, the Hickory Regional Planning Commission found the proposed amendments meet the criteria for text amendments outlined in Article 2, Section 2.2.7 (B) of the City's Land Development Code, and are consistent with the Hickory by Choice 2030 Comprehensive Plan. Furthermore, the Hickory Regional Planning Commission voted unanimously (7-0) to recommend City Council approval of the proposed Land Development Code text amendments. Staff concurs with the recommendation provided by the Hickory Regional Planning Commission.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier  
Initiating Department Head

11/05/15  
Date

Amelia M. Dula  
Deputy City Attorney, A. Dula

11-10-15  
Date

Rodney Miller  
Asst. City Manager Rodney Miller

11-9-15  
Date

A. Surratt  
Asst. City Manager, A. Surratt

11-11-15  
Date

Melissa Miller  
Finance Officer, Melissa Miller

11-9-15  
Date

Bo Weichel  
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



To: Hickory City Council

From: Hickory Regional Planning Commission

Re: Text Amendments (TA) 15-01

---

On an annual basis, the Hickory Regional Planning Commission and the Planning and Development Services Department conducts a review of the City's Land Development Code to determine if amendments are needed. In completing the review staff examines how the regulations performed to identify areas where improvements are needed.

During this review the Commission and staff identified a number of recommended amendments to Articles 2, 4, and 9 of the City's Land Development Code. The following list provides a list and description of the recommended amendments. The full recommendations are attached as Exhibits A through C.

- A. Citizen Comments (Zoning Protest Petitions) – Article 2, Section 2.2.9 **Exhibit A** (*Note: The amendments to this specific section are proposed to comply with NC Session Law 2015-160*).
- NC Session Law 2015-160 has modified §160A, which grants municipalities its authority, to eliminate the practice of utilizing zoning protest petitions. Previously, a valid protest petition would have altered the approval criteria (elected body vote) for zoning map amendments from a simple majority (50%) to a supermajority (75%).
  - This article is recommended to be amended to delete the existing language pertaining to zoning protect petitions, and to add the new language pertaining to citizen comments.
- B. Neighborhood Preservation Overlay District – Article 4, Section 4.3, **Exhibit B** (*Note: The amendments to this specific section are proposed to comply with NC Session Law 2015-86*).
- NC Session Law 2015-86 has modified §160A, which grants municipalities its authority, to prohibit municipalities from requiring specific architectural features of one and two family dwellings; provided such structures are located outside of governmentally recognized historic districts.
  - This article is recommended to be amended to delete two references to architectural requirements for one and two family dwellings. These references relate to covered porches and roof pitches.

C. Perimeter Parking Area Screening – Article 9, Section 9.14.7, **Exhibit C**

- o This article is recommended to be amended to correct a typographical error. This section has been taken over from two previous iterations of the City's Land Development Code. The most recent iteration inadvertently omitted the end of a sentence. The portion of the sentence is supported by an accompanying graphic detail. Without fixing this typographical error the text of the section and the accompanying graphic detail contradict one another.

**Hickory Regional Planning Commission Findings and Recommendation:**

The proposed Land Development Code text amendments outlined above were considered by the Hickory Regional Planning Commission during an advertised public hearing on October 28, 2015. Upon consideration of the proposed amendments, the Hickory Regional Planning Commission found the proposed amendments meet the criteria for text amendments outlined in Article 2, Section 2.2.7 (B) of the City's Land Development Code, and are consistent with the Hickory by Choice 2030 Comprehensive Plan. Furthermore, the Hickory Regional Planning Commission voted unanimously (7-0) to recommend City Council approval of the proposed Land Development Code text amendments. Staff concurs with the recommendation provided by the Hickory Regional Planning Commission.

**Citizen Comments / Input**

There was no public input at the public hearing held on October 28, 2015. Prior to the public hearing city staff received one inquiry regarding the proposed amendments.

**EXHIBITS A – C ARE ATTACHED  
(ADDITIONS ARE HIGHLIGHTED / DELETIONS ARE STRUCK-  
THROUGH)  
THE REFERENCED NC SESSION LAWS FOLLOW THE EXHIBITS**

## EXHIBIT A

2.2.9 Citizen Comments *(Note: See North Carolina General Assembly Session Law 2015-160)*

- A. If any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to this Land Development Code or official zoning map to the City Clerk at least two (2) business days prior to the proposed vote on such change, the City Clerk shall deliver such written statement to the City Council. If the proposed change is the subject of a quasi-judicial proceeding under NCGS 160A-388, the City Clerk shall provide only the names and address of the individuals providing written comment, and the provision of such names and addresses to all of the City Council shall not disqualify any member of the Council from voting.

## 2.2.9 Protest Petitions

- A. ~~If a valid protest petition against a zoning map amendment is submitted, approval of the proposed amendment shall require a favorable vote of at least 75 percent of all the members of City Council. For the purpose of this section vacant positions on the Council, and members who are excused from voting shall not be considered "members of City Council" for calculation of the requisite supermajority. A protest petition will be considered "valid" if it is signed by the owners of either:~~
- (1) ~~Twenty percent (20%) or more of the area included in the proposed amendment;~~  
or
  - (2) ~~Five percent (5%) of a one hundred (100) foot buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the one hundred (100) foot buffer as long as that street right of way is one hundred (100) feet wide or less. When less than the entire parcel of land is subject to the proposed zoning map amendment, the one hundred (100) foot buffer shall be measured from the property line of that parcel. In the absence of evidence the contrary, the City may rely on the county tax listings to determine the owners of potentially qualifying areas.~~
- B. ~~No protest against any change in or amendment to this Land Development Code or official zoning atlas shall be valid or effective unless it is in the form of a written petition bearing the actual signatures of the requisite number of property owners and stating that the signers protest the proposed amendment. The petition shall be on a form provided by the Planning Director, such form to require disclosure of sufficient information to assure compliance with this section. In order to be considered valid, Protest Petitions must be submitted to the City Clerk at least 2 days before the hearing (not including the day of the hearing) at which the proposed amendment will be considered. The City Clerk shall make a determination of the validity of the protest petition.~~
- C. ~~Protest petitions shall not apply to and will not be allowed for any amendment that initially zones property added to the territorial coverage of this Land Development Code as a result of annexation or otherwise; or to an amendment to an adopted conditional zoning district if the amendment (1) does not change the types of uses that are permitted within the district or (2) increase the approved density for residential development, or (3) increase the total approved size of non-residential development, or (4) reduce the size of any buffers or screening approved for the conditional zoning district.~~
- D. ~~Protest petitions may be withdrawn by the protesting party up to the time of the vote on the proposed zoning map amendment.~~

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

SESSION LAW 2015-160  
HOUSE BILL 201

AN ACT TO AMEND THE PROCESS BY WHICH THE CITY COUNCILS RECEIVE  
CITIZEN INPUT IN ZONING ORDINANCE AMENDMENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-385(a) reads as rewritten:

"§ 160A-385. Changes.

(a) Qualified Protests-Citizen Comments.

- (1) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. ~~In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority.~~ If any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the city council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.
- (2) ~~To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.~~
- (3) ~~The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district."~~

**SECTION 2.** G.S. 160A-386 is repealed.

**SECTION 3.** G.S. 122C-403(3) reads as rewritten:

- "(3) Regulate the development of the reservation in accordance with the powers granted in Article 19, Parts 2, 3, 3C, 5, 6, and 7, of Chapter 160A of the



General Statutes. The Secretary may not, however, grant a special use permit, a conditional use permit, or a special exception under Part 3 of that Article. In addition, the Secretary is not required to notify landowners of zoning classification actions under G.S. 160A-384, ~~and the protest petition requirements in G.S. 160A-385, and 160A-386 do not apply,~~ but the Secretary shall give the mayor of the Town of Butner at least 14 days' advance written notice of any proposed zoning change. The Secretary may designate Advisory establish a board to act like a Board of Adjustment to make recommendations to the Secretary concerning implementation of plans for the development of the reservation. When acting as a Board of Adjustment, Advisory that board shall be subject to subsections (b), (c), (d), (f), and (g) of G.S. 160A-388."

**SECTION 4.** This act also repeals any local act authority for submission, review, or action by any municipality upon any zoning protest petition, whether or not enacted as a provision in a municipal charter.

**SECTION 5.** G.S. 160A-75 reads as rewritten:

**"§ 160A-75. Voting.**

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). In all other ~~eases, cases~~ except votes taken under G.S. 160A-385, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council."

**SECTION 6.** This act becomes effective August 1, 2015, and applies to zoning ordinance changes initiated on or after that date.

In the General Assembly read three times and ratified this the 16<sup>th</sup> day of July, 2015.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 10:30 a.m. this 17<sup>th</sup> day of July, 2015

**EXHIBIT B****Sec. 4.3 Neighborhood Preservation Overlay District**

*(Note: See North Carolina General Assembly Session Law 2015-86)*

---

**4.3.1 Applicability**

The Neighborhood Preservation Overlay (NP-O) district regulations of this section shall apply to new development and changes of use or occupancy and increasing the number of dwelling units in a structure in the Kenworth, Green Park, Highland, Claremont, and Westmont / West Hickory neighborhoods, which is shown on the City's Official Zoning Map.

**4.3.2 Conflicting Provisions**

Where conflicts arise between the regulations of the underlying base zoning district, and other overlay districts; the more restrictive provisions shall govern.

**4.3.3 Nonconformities**

No structure or lot existing at the time when these regulations are adopted shall be deemed nonconforming because of these overlay regulations. An existing structure may be rebuilt if damaged or destroyed even if the structure fails to conform to these regulations.

**4.3.4 Lot Size and Density**

A minimum of 5,000 square feet of land shall be required for each dwelling unit constructed.

**4.3.5 Setbacks**

No new residential or non-residential structure shall be set back farther from the street than 35 feet or the average of the 2 nearest principal structures along the street which the new building faces, whichever is less. Existing structures may be expanded in accordance with underlying base zoning district standards.

**4.3.6 Building Orientation**

The main building entrance of any dwelling shall face the street from which the building is addressed. ~~and shall include a covered porch or stoop. No upper story entrance shall be visible from an adjacent street right of way.~~

**4.3.7 Parking Location**

Except for the driveway of a single-family dwelling, no new off-street parking shall be permitted in the front yard on any residential or non-residential property.

**4.3.8 Sidewalks**

All new buildings and uses, other than single-family dwellings, shall construct a public sidewalk in the right of way or in an easement across the frontage of the property.

**4.3.9 ~~Roofs~~**

~~Flat roofs shall not be permitted on any structure in any residential or non-residential property. For purposes of this section, a flat roof shall be defined as any roof system with a pitch of less than six inches per foot. Roof systems that present the appearance of a pitched roof, such as mansard roof, shall be allowed.~~

**4.3.10 Porches – Setback Encroachment**

Front porches and stoops shall be allowed to encroach into the required front yard up to 10 feet.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

**SESSION LAW 2015-86  
SENATE BILL 25**

**AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING  
ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-381 is amended by adding new subsections to read:

"(h) Any zoning and development regulation ordinance relating to building design elements adopted under this Part, under Part 2 of this Article, or under any recommendation made under G.S. 160A-452(6)c. may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

- (1) The structures are located in an area designated as a local historic district pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes.
- (2) The structures are located in an area designated as a historic district on the National Register of Historic Places.
- (3) The structures are individually designated as local, State, or national historic landmarks.
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.
- (5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160A-383.1 and federal law.
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district, special use district, conditional use district, or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160A-383 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan. For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot; (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors; or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

(i) Nothing in subsection (h) of this section shall affect the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements."

**SECTION 2.** G.S. 153A-340 is amended by adding new subsections to read:

"(l) Any zoning and development regulation ordinance relating to building design elements adopted under this Part, under Part 2 of this Article, or under any recommendation made under G.S. 160A-452(6)c. may not be applied to any structures subject to regulation



under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

- (1) The structures are located in an area designated as a local historic district pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes.
- (2) The structures are located in an area designated as a historic district on the National Register of Historic Places.
- (3) The structures are individually designated as local, State, or national historic landmarks.
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.
- (5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 153A-341.1 and federal law.
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district, special use district, conditional use district, or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 153A-341 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan. For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot; (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors; or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

(m) Nothing in subsection (l) of this section shall affect the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements."

**SECTION 3.** This act is effective when it becomes law. The act clarifies and restates the intent of existing law and applies to ordinances adopted before, on, and after the effective date.

In the General Assembly read three times and ratified this the 10<sup>th</sup> day of June, 2015.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

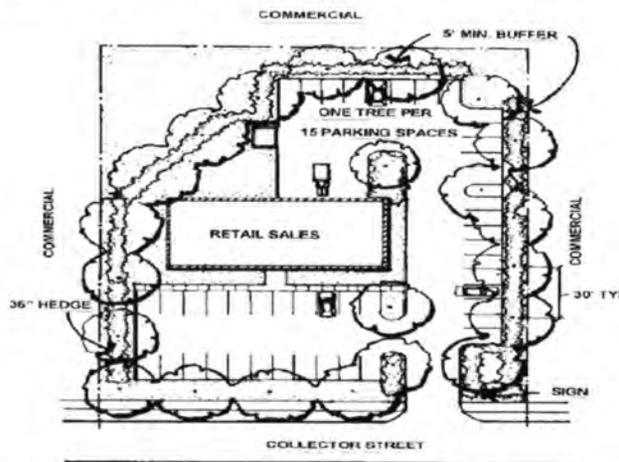
Approved 10:00 a.m. this 19<sup>th</sup> day of June, 2015

**EXHIBIT C**

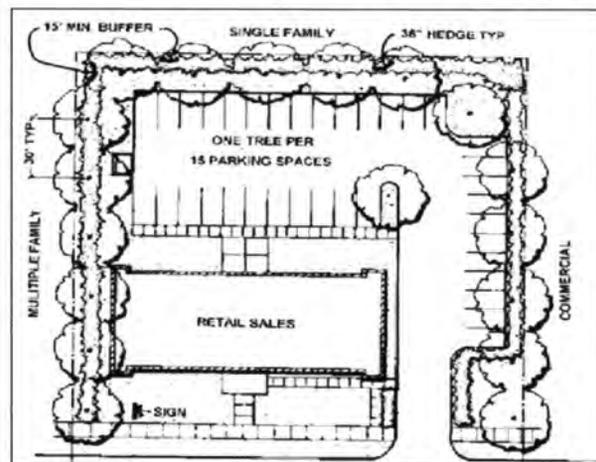
LDC Section 9.14.7

**B. Perimeter Parking Area Buffer Requirements**

- (1) Parking areas shall be separated and screened from all adjoining properties, streets, and rights-of-way by a landscape buffer. The buffer area shall be at least five (5) feet in width along all street rights-of-way and the perimeter of the parking area.
- (2) Within the buffer area, canopy trees must be planted an average of thirty (30) feet on center and shrubs must be planted an average of every five (5) feet on center. Along road frontages, shrub spacing shall be every three (3) feet on center in order to form a continuous hedge.
- (3) Parking areas shall be separated from the exterior wall of a structure by a raised, paved pedestrian sidewalk or a landscaped buffer strip at least three (3) feet in width.
- (4) Driveways into parking areas shall be bordered by a landscape buffer strip at least five (5) feet in width along each side of the driveway. At a minimum, the driveway landscape buffer shall include one (1) large canopy tree for every thirty (30) feet of linear drive or two (2) understory trees for every twenty (20) feet of linear driveway entrance. The plant materials may be grouped as an entrance planting rather than a linear border.



**Figure 10- 1 Parking Area Buffers (CC-2, OI, C-2, C-3 District)**



**Figure 10-2 Parking Area Landscaping (NC or CC-1 district)**

## COUNCIL AGENDA MEMOS

Exhibit VIII.D.

**To: City Manager's Office**

**From Tom Adkins:**

**Contact Person Tom Adkins:**

**Date: November 6, 2015**

**Re: Call for a Public Hearing on an Ordinance Amending Sections 18-119 and 18-136 of Chapter 18 of the Hickory City Code of Ordinances**

### **REQUEST**

It is requested that City Council call for a public hearing on the proposed ordinance amending Chapter 18, Article VI, Sections 18-119 and 18-136 of the Hickory City Code to be held on December 1, 2015.

### **BACKGROUND**

Current Section 18-119 states all city parking is two hour parking. However, actual time limits for city parking spaces and lots varies. Current Section 18-136 prohibits people from parking in privately leased spaces in city parking lots. The section further states that these parking lots and the individual leased spaces will be identified with specific signage. The current identifying signage for some lots and individual spaces is inconsistent with the ordinance. This inconsistency has led to confusion at times for users and staff.

### **ANALYSIS**

The proposed amendments would clarify any confusing language and also resolve any inconsistencies between the ordinance and actual parking.

### **RECOMMENDATION**

It is recommended that City Council call for a public hearing on the proposed ordinance amending Chapter 18, Article VI, Sections 18-119 and 18-136 of the Hickory City Code to be held on December 1, 2015.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

\_\_\_\_\_  
Initiating Department Head

\_\_\_\_\_  
Date

*Amita M. Dula*  
\_\_\_\_\_  
Deputy City Attorney, A. Dula

*11-6-15*  
\_\_\_\_\_  
Date

*Rodney Miller*  
\_\_\_\_\_  
Asst. City Manager Rodney Miller

*11-9-15*  
\_\_\_\_\_  
Date

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

*11-11-15*  
\_\_\_\_\_  
Date

*Melissa Miller*  
\_\_\_\_\_  
Finance Officer, Melissa Miller

*11-9-15*  
\_\_\_\_\_  
Date

\_\_\_\_\_  
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

*12/10/15*  
\_\_\_\_\_  
Date

**BUDGET ANALYSIS:**

***Budgetary Action***

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

  
Tom Adkins  
Initiating Department Head

11/6/2015  
Date

\_\_\_\_\_  
Deputy City Attorney, A. Dula Date

\_\_\_\_\_  
Asst. City Manager Rodney Miller

\_\_\_\_\_  
Date

\_\_\_\_\_  
Asst. City Manager, A. Surratt Date

\_\_\_\_\_  
Finance Officer, Melissa Miller

\_\_\_\_\_  
Date

\_\_\_\_\_  
Purchasing Manager, Bo Weichel Date

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
City Manager, M. Berry

\_\_\_\_\_  
Date

REVISED Secs. 18-119 and 18-136 of the Hickory City Code

\_\_\_\_\_ Approved on first reading

\_\_\_\_\_ Approved on second reading

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING SECTIONS 18-119 SAME-TWO HOUR PARKING ZONES AND 18-136 PARKING IN LEASED SPACES; PARKING BEYOND TIME ALLOWED OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF HICKORY.**

WHEREAS, Section 18-119 of Chapter 18 stipulates that parking in all city owned parking lots has a two hour time limit; and

WHEREAS, the city's parking lots actually have varying time limits for parking; and

WHEREAS, Section 18-136 prohibits persons from parking in privately leased spaces in city parking lots; and

WHEREAS, Section 18-136 states that parking lots with leased parking will be identified by certain entranceway signage plus the individual leased spaces within the lot must be marked with the lessee's last name or a specific identifying number; and

WHEREAS, the current identification of individual leased spaces is inconsistent with the ordinance's requirement and such inconsistency creates potential confusion for the public desiring to use the city owned lots; and

WHEREAS, the City Staff and City Council desire to amend Sections 18-119 and 18-136 to achieve consistency and clarity.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY THAT SECTIONS 18-119 and 18-136 OF CHAPTER 18 OF THE HICKORY, NORTH CAROLINA, CODE OF ORDINANCES ARE HEREBY AMENDED TO READ AS FOLLOWS:**

**Section 1: Amended**

**1. SECTION 18-119's heading is deleted in its entirety and is replaced as following:**

SECTION 18-119. – Same – Hourly parking zones.

**2. The first sentence of Section 18-119 (a) is deleted in its entirety and is replaced as following:**

(a) No person shall park or permit to be parked any vehicle in excess of designated hours as denoted by signage in any area designated as provided in section 18-81, in which area authorized signs or markings are placed, erected or installed indicating such hourly parking.

**3. The first sentence of Section 18-119 (b) is deleted in its entirety and is replaced as following:**

(b) The hourly parking limit shall apply only between the hours of 9:00 a.m. and 5:30 p.m. and shall not apply on Sundays and holidays.

**4. The last clause of Section 18-136 (1) - “;provided, further, that the leased parking spaces within the lot are clearly marked by signs setting forth the last name of the individual or by an appropriate number” - is deleted in its entirety and the subsection will now end as following:**

“...calling attention to the fact that such spaces are leased.”

**Section 2: Severability.**

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

**Section 3: Repealed.**

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

**Section 4: Effective Date.**

The amendments to this Ordinance shall become effective immediately upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

THE CITY OF HICKORY  
A North Carolina Municipal Corporation

(SEAL)

ATTEST:

By: \_\_\_\_\_  
Rudy Wright, Mayor

\_\_\_\_\_  
Debbie D. Miller, City Clerk

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 2015

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



City of Hickory  
PO Box 398  
Hickory, NC 28603  
Phone: (828) 828-323-7412  
Fax: (828)323-7550  
Email: rwright@hickorync.gov

Office of the Mayor

**PROCLAMATION**  
**SMALL BUSINESS SATURDAY**

**WHEREAS,** the government of Hickory, North Carolina celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 27.9 million small businesses in the United States, they represent 99.7 percent of American employer firms, create more than two-thirds of the net new jobs, and generate 46 percent of private gross domestic product, as well as 54 percent of all US sales; and

**WHEREAS,** small businesses employ over 55 percent of the working population in the United States; and

**WHEREAS,** 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

**WHEREAS,** 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and

**WHEREAS,** 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

**WHEREAS,** Hickory, North Carolina supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

**WHEREAS,** advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**NOW, THEREFORE,** I, Rudy Wright, Mayor of the City of Hickory, on behalf of Hickory City Council, do hereby proclaim, November 28, 2015, as:

**SMALL BUSINESS SATURDAY**

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

This the 17<sup>th</sup> day of November, 2015.

Mayor Rudy Wright

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Dave Leonetti, Community Development Manager

**Contact Person:** Dave Leonetti, Community Development Manager

**Date:** November 5, 2015

**Re:** Citizen's Advisory Committee Recommendations

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

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

**ANALYSIS** The following requests were considered by the Citizens' Advisory Committee at their regular meeting on November 5, 2015:

- Keondra Allred was approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 1010 33<sup>rd</sup> Avenue Loop NE, Hickory. She had requested \$10,000 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage.
- David & Anna Gruver were approved for recommendation to City Council for first-time homebuyer's assistance to purchase a house located at 1031 33<sup>rd</sup> Avenue Loop NE, Hickory. They have requested \$7,500 for assistance with down payment and closing costs. The First-Time Homebuyers Assistance Loan is zero interest, no payments and repaid upon sale, refinance or payoff of first mortgage

Each of the following applicants are being recommended for approval for assistance under the City of Hickory's 2015 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency-related repairs not to exceed \$8,000.

- Donna Arbogast, 1527 11<sup>th</sup> Avenue SW, Hickory
- Belinda Clark, 207 8<sup>th</sup> Avenue Drive SW, Hickory
- Geraldine Suddreth, 428 2<sup>nd</sup> Street SW, Hickory

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



**To: City Manager's Office**  
**From: Kevin B. Greer, PE, Assistant Public Services Director - Public Utilities**  
**Contact Person: Kevin B. Greer, PE**  
**Date: November 17, 2015**  
**Re: Replacement Service Vehicles for Public Utilities**

**REQUEST**

Staff requests Council acceptance of the bid and award of one (1) Full Size Standard Cab ½ Ton 4x2 Pickup and two (2) Full Size Extended Cab ½ Ton 4x4 Pickup to Asheville Ford Lincoln in the amount of \$71,455.44.

**BACKGROUND**

The Public Utilities Department operates various types of equipment in the practice of operating, maintaining and managing the Infrastructure. Replacement of Service Vehicles for Staff to employ during their daily duties is an annual item. Replacement of vehicles is necessary to maintain an effective fleet, limit exposure to rising vehicle maintenance cost with age and level out Capital expenditures annually for purchases.

These service trucks are being proposed as a component of the Public Utilities Department's normal Capital Replacement program and are budgeted in the FY 15-16 Capital Budget. Public Utilities will remove replacement vehicles from inventory to control fleet growth.

**ANALYSIS**

These replacement service trucks are planned for purchase as a budgeted item this Fiscal Year in the respective Capital Budget. Specifications were prepared by the Distribution and Fleet Divisions. Bids received are as follows:

- |                            |                                 |
|----------------------------|---------------------------------|
| 1. Asheville Ford Lincoln  | \$71,455.44                     |
| 2. Paramount Ford          | \$72,597.44                     |
| 3. Crossroads Ford Lincoln | Non-Responsive due to Bid Error |

**RECOMMENDATION**

Staff recommends Council acceptance of the bid and award of one (1) Full Size Standard Cab ½ Ton 4x2 Pickup and two (2) Full Size Extended Cab ½ Ton 4x4 Pickup to Asheville Ford Lincoln in the amount of \$71,455.44



VEHICLE MINIMUM SPECIFICATIONS

Vehicles will include all factory standard equipment unless modified in these specifications. The pricing reflects the factory order price. The city may purchase throughout the model year at this price as adjusted for factory pricing changes and incentives. Bidder may also offer alternate bids for in-stock units.

Bids will be awarded by vehicle type.

Full Size Extended Cab Pickup Truck (4x4)

(Prefer Flex Fuel Vehicle if Offered)

- Short Bed
- GVWR ~~6000~~ 6300
- V-6 Engine (Please indicate size)
- Automatic transmission with tran cooler
- Air conditioning
- Trailer Brake Controller
- AM/FM Radio
- White
- Vinyl Seats and Rubber Floor Covering
- Power Steering / Brakes
- 3 Sets Keys
- Black Wall Tires
- Towing Package

~~2012 F150~~  
3.5 V6

~~\$26,948.48~~ 26,168.48

Add Options: \$ 0

Miscellaneous Equipment \$ 0

List any items not meeting spec: Flex Fuel, V6 Engine, and 6000 lbs.  
GVWR not a possible combination with Ford F150

Bidder Name: Asheville Ford

By: [Signature] Date: 10/14/2015

W/S Dist - Jeff



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

## Customer Proposal

---

**Prepared for:**

Brad Abernathy  
City of Hickory

**Prepared by:**

Jeffrey Williams  
Office: 828-279-4933  
Email: [jwilliams@ashevilleford.com](mailto:jwilliams@ashevilleford.com)

**Date:** 10/19/2015

**Vehicle:** 2016 F-150 XL  
4x4 SuperCab Styleside 6.5' box 145" WB





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

Exhibit VIII.G.

**2016 F-150, SuperCab Styleside**  
4x4 SuperCab Styleside 6.5' box 145" WB  
XL(X1E)

## Table of Contents

Description	Page
Cover Page	1
Table of Contents	2
Selected Options	3
Pricing	5
Window Sticker	6



## Selected Options

Code	Description
<b>Base Vehicle</b>	
X1E	Base Vehicle Price (X1E)
<b>Packages</b>	
100A	Equipment Group 100A Base
<b>Powertrain</b>	
998	Engine: 3.5L V6 Ti-VCT FFV
446	Transmission: Electronic 6-Speed Automatic <i>Includes tow/haul mode.</i>
XL6	Electronic Locking w/3.73 Axle Ratio
STDGV	GVWR: 6,300 lbs Payload Package
<b>Wheels &amp; Tires</b>	
STDTR	Tires: P265/70R17 OWL A/T
64C	Wheels: 17" Silver Steel
<b>Seats &amp; Seat Trim</b>	
A	Vinyl 40/20/40 Front Seat
<b>Other Options</b>	
145WB	145" Wheelbase
STDRD	Radio: AM/FM Stereo w/6 Speakers
53B	Class IV Trailer Hitch Receiver <i>Includes towing capability up to 5,000 lbs., smart trailer tow connector and 4-pin/7-pin wiring harness.</i>
53A__	Trailer Tow Package (Fleet) <i>Towing capability up to 11,100 lbs.</i> <i>Includes:</i> - Auxiliary Transmission Oil Cooler - Class IV Trailer Hitch Receiver <i>Includes towing capability up to 5,000 lbs., smart trailer tow connector and 4-pin/7-pin wiring harness.</i> - Upgraded Front Stabilizer Bar - Engine Oil Cooler
67T	Integrated Trailer Brake Controller
PAINT	Monotone Paint Application
153	Front License Plate Bracket <i>Standard in states requiring 2 license plates, optional to all others.</i>
<b>Interior Colors</b>	
AG	Medium Earth Gray
<b>Primary Colors</b>	
YZ	Oxford White
<b>Upfit Options</b>	

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



## Selected Options (cont'd)

Code	Description
spare key	1 Spare key with no remote operation

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



## Pricing

	<b>MSRP</b>
<b>Vehicle Price</b>	<b>\$33,800.00</b>
<b>Options</b>	<b>\$1,340.00</b>
<b>Upfitting</b>	<b>\$35.00</b>
<b>Fuel Charge</b>	<b>\$0.00</b>
<b>Destination Charge</b>	<b>\$1,195.00</b>
<b>Total</b>	<b>\$36,370.00</b>
<i>Pre-Tax Adjustments</i>	
Fleet Fleet Concession	(\$6,000.00)
DISCOUNT DEALER DISCOUNT	(\$4,201.52)
Total Pre-Tax Adjustments	(\$10,201.52)
<b>SUBTOTAL</b>	<b>\$26,168.48</b>
<b>Single Vehicle Total 1 (Number of Vehicles)</b>	<b>\$26,168.48</b>
<b>Grand Total</b>	<b>\$26,168.48</b>

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



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

2016 F-150, SuperCab Styleside  
4x4 SuperCab Styleside 6.5' box 145" WB XL(X1E)

### Major Equipment

(Based on selected options, shown at right)

3.5L V-6 DOHC w/SMPI 282hp  
6 speed automatic w/OD

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

### Fuel Economy

City  
17 mpg



Hwy  
23 mpg

### Selected Options

STANDARD VEHICLE PRICE	MSRP
Equipment Group 100A Base	\$33,800.00
145" Wheelbase	N/C
Monotone Paint Application	STD
Trailer Tow Package (Fleet)	STD
Front License Plate Bracket	\$495.00
Integrated Trailer Brake Controller	N/C
Oxford White	\$275.00
Medium Earth Gray	N/C
Vinyl 40/20/40 Front Seat	N/C
Engine: 3.5L V6 Ti-VCT FFV	Included
G'VWR: 6,300 lbs Payload Package	Included
Electronic Locking w/3.73 Axle Ratio	\$570.00
Transmission: Electronic 6-Speed Automatic	Included
Tires: P265/70R17 OWL AT	Included
Wheels: 17" Silver Steel	Included
Radio: AM/FM Stereo w/6 Speakers	Included
Auxiliary Audio Input Jack	Included
Auxiliary Transmission Oil Cooler	Included
Class IV Trailer Hitch Receiver	Included
Upgraded Front Stabilizer Bar	Included

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



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

**2016 F-150, SuperCab Styleside**  
4x4 SuperCab Styleside 6.5' box 145" WB XL(X1E)

	Engine Oil Cooler	Included
<b>Upfit Options</b>		
1 Spare key with no remote operation		\$35.00
<hr/>		
SUBTOTAL		\$35,175.00
Destination Charge		\$1,195.00
<hr/>		
<b>TOTAL</b>		<b>\$36,370.00</b>

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

Prepared for: Brad Abernathy By: Jeffrey Williams Date: 10/19/2015 | Price Level: 615 Quote ID: 1014201501

**GRANT PROJECT ORDINANCE AMENDMENT # 3**

**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 amendment be made to the grant project ordinance for the duration of this project.

**SECTION 1.** To amend the Brownfield Grant 95499212, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic and Community Development	4	
<b>TOTAL</b>	4	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings	4	
<b>TOTAL</b>	4	-

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**BUDGET ORDINANCE AMENDMENT # 10**

**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:

<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>
Transportation	9,830	
Culture & Recreation	30	
Public Safety	31,325	
<b>TOTAL</b>	<b>41,185</b>	<b>-</b>

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

<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>
Miscellaneous	10,360	
Other Financing Sources	30,825	
<b>TOTAL</b>	<b>41,185</b>	<b>-</b>

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**COUNCIL AGENDA MEMOS**

**To: City Manager’s Office**  
**From: Community Appearance Commission**  
**Contact Person: Cal Overby, Planning Department**  
**Date: November 5, 2015**  
**Re: Landscape Grant – Lakeview Land Development, LLC**

**REQUEST**

The Community Appearance Commission recommends City Council approval of a Landscape Grant for non-residential property owned by Lakeview Land Development located at 716 4<sup>th</sup> Street SW, in the amount of \$2,500.00.

**BACKGROUND**

The City Council created the Landscape Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of non-residential properties located within the City. 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 \$2,500.00.

**ANALYSIS**

The grant proposal put forth by Lakeview Land Development, LLC involves the installation of new landscape materials around the perimeter of an existing commercial office complex. Funding through the Landscape Grant program is available to any non-residential property located within the city.

The applicant has provided two (2) bids for the items listed above, which total \$5,140.30 and \$7,439.87. Being both estimates are in excess of \$5,000, the request qualifies for the full \$2,500 grant.

The current tax value of the property is \$543,300.00. The value of the grant represents approximately 0.5% of the property’s tax value.

**RECOMMENDATION**

Upon consideration, the Community Appearance Commission voted unanimously (7-0) to recommend funding of the requested grant in the amount of \$2,500.00. This vote was taken at the Commission’s October 26, 2015 regular meeting.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

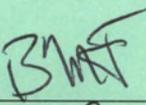
Yes

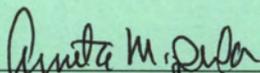
No

**LIST THE EXPENDITURE CODE:**

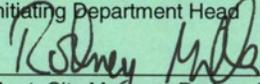
**Reviewed by:**

**Reviewed by:**

Brian Frazier   
Initiating Department Head  
11/05/15  
Date

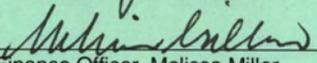
Amrita M. Dula   
Deputy City Attorney, A. Dula

11-10-15  
Date

Rodney Miller   
Asst. City Manager Rodney Miller  
11-9-15  
Date

A. Surratt   
Asst. City Manager, A. Surratt

11-11-15  
Date

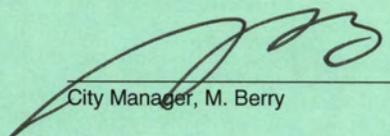
Melissa Miller   
Finance Officer, Melissa Miller  
11-9-15  
Date

Purchasing Manager, Bo Weichel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
City Manager, M. Berry

\_\_\_\_\_  
Date

### Landscape Incentive Grant Application Form

PROJECT LOCATION: 736 4<sup>th</sup> Street SW Hickory, NC

APPLICANT'S NAME: Latview Development Holdings LLC

Mailing Address: 1706 Brentwood Drive  
Newton, NC 28658

Telephone: Day: 828-464-5709 Cell: 828-244-6564

E-mail address: lcomandmargaretclipp@comcast.com

OWNER'S NAME (if not the Applicant): \_\_\_\_\_

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

Telephone: Day: \_\_\_\_\_ Cell: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Project Description:** Complete Landscaping Plan  
prepared by Kip Robinson, landscape architect,  
dated 8-14-2014. Property located at 736  
4<sup>th</sup> Street SW Hickory NC.

Total Estimated Project Cost \$ 5140.00  
Grant Request Amount \$ 2500.00

**Required Attachments**

This information must be clearly presented and include enough detail to enable the staff and the CAC to accurately evaluate the application. Applications will be held without review until all information is received. Additional information may be required if necessary to fully explain the proposed project.

- 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 plantings and improvements;
- A detailed list of the types and sizes of plant materials to be used;
- A brief written description of the project (space provided on Page 3 or use separate page); 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.

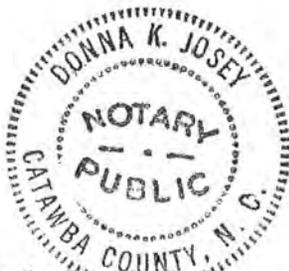
Applicant Signature: Thomas A. Dixon Date: 8-3-2015

Owners Signature: Thomas A. Dixon Date: 8-3-2015  
(Owners signature must be notarized)

NORTH CAROLINA  
CATAWBA COUNTY

I, Donna K. Josey, a Notary Public for said County and State, do hereby certify that Thomas A. Dixon personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the 3rd day of August, 2015.



Donna K. Josey  
Notary Public

My Commission Expires: 8/4/15

PREPARED BY:  Return to: Charles R. Young, Sr., Attorney  
P. O. Drawer 2428, Hickory, NC 28603  
MAIL TO:

BOOK 2153 PAGE 803

NORTH CAROLINA  
Catawba COUNTY

018907

ASSIGNMENT OF LEASES,  
RENTS AND PROFITS

THIS ASSIGNMENT, made this 11 day of June, 1999, by Lakeview Development (hereinafter referred to as "Assignor") to CENTRAL CAROLINA BANK AND TRUST COMPANY, a banking corporation duly organized under the laws of the State of North Carolina with its principal office in Durham County, North Carolina, hereinafter referred to as "Lender":

WITNESSETH:

FOR VALUE RECEIVED, Assignor hereby grants, transfers, and assigns to Lender the following Leases, Rents and Profits, hereby warranting that Assignor is the owner of the entire Lessor's interest therein, to-wit:

FILED  
RUTH... SKIE  
'99 JUN 11 PM 12 30  
REGISTER OF DEEDS  
CATAWBA CO., N.C.

derived from the property described in "EXHIBIT A", a copy of which is attached hereto and incorporated herein by reference hereinafter referred to as "premises"; together with all the right, power and authority of Assignor to alter, modify, or change the terms of said Leases, or to surrender, cancel, or terminate same without the prior written consent of Lender; and together with all rents, income, and profits arising from said Leases, and renewals thereof, if any, and together with all rents, income and profits due or to become due from the premises and from all leases for the use and occupation of the premises which are now in existence or which may be executed in the future during the term of the Assignment; and together with all Lessor's other rights, privileges and interests in any such leases affecting the premises.

FOR THE PURPOSE OF SECURING:

- (1) Payment of the indebtedness evidenced by that certain Note (including any extensions or renewals thereof) in the principal sum of Five Hundred Fifty Thousand and 00/100\*\*\*\*\* DOLLARS (\$550,000.00) made by Assignor on the 11 day of June, 1999, payable to the order of Lender, and secured by Deed of Trust of even date.
- (2) Payment of all other sums with interest thereon becoming due and payable to Lender by Assignor whether under the provisions hereof or under the provisions of the above described or any other Note(s) and Deed(s) of Trust due Lender by Assignor.
- (3) The performance and discharge of each and every obligation, covenant and agreement of Assignor herein and in said Note(s) and Deed(s) of Trust.

A. TO PROTECT THE SECURITY OF THIS ASSIGNMENT, ASSIGNOR COVENANTS:

- (1) To observe and perform all of the obligations imposed upon the Lender in said Leases and not to do or permit to be done anything to impair the security thereof; that said Leases are valid and enforceable and that the Tenant is not in default under any of the terms thereof; that no rent reserved in said Leases has been anticipated or assigned; not to collect any of the rent, income and profits arising from the premises in advance of the time when the same become due under the terms of said Leases; not to discount any future accruing rents, not to execute any other Assignment of Leases or Assignment of Rents of said premises unless the same shall recite that it is subject to the terms hereof.
- (2) To assign and transfer to Lender any and all further Leases upon all or any part of the premises and to execute and deliver, at the request of Lender, all such further assurances and assignments as Lender shall from time to time require.

B. IT IS MUTUALLY AGREED THAT:

- (1) So long as there shall exist no default by Assignor in the payment of any indebtedness secured hereby or in the performance of any obligation, covenant, or agreement herein or in said Deed(s) of Trust or Leases, Assignor shall have the right to collect, upon but not prior to accrual, all rents, income and profits from said premises and to retain, use and apply the same to said indebtedness secured hereby.
- (2) Upon or at any time after default in the payment of any indebtedness secured hereby or in the performance of any obligation, covenant or agreement herein or in said Deed(s) of Trust or Leases, Lender without in any way waiving such default, may at its option take possession of the premises, and have, hold, manage, lease and operate the same on such terms and for such period of time as the Lender may deem proper; and may collect and receive all rents, income and profits of the premises, with full power to make from time to time all alterations, renovations, repairs or replacements thereto as may seem proper to Lender and to apply such rents, income and profits to the payment of:
  - (a) the cost of all such alterations, renovations, repairs and replacements and expenses incident to taking and retaining possession of the premises and the management and operation thereof, and keeping the premises insured; and
  - (b) all taxes, charges, claims, assessments, utilities, insurance premiums and any other Deed(s) of Trust and liens which may or may not be prior liens, with interest on all such items; and
  - (c) the indebtedness secured hereby together with all costs and attorneys' fees.
- (3) By accepting the Assignment, Lender agrees that it shall not, except upon any such default or breach, exercise its option herein and if such default or breach shall be remedied and all necessary charges and expenses incurred by reason thereof paid, the parties hereto shall each be restored to and reinstated in their respective rights and estates as if such default or breach had not occurred. Assignor shall thereupon hold said premises subject to said Deed(s) of Trust and this Assignment as if Lender had not exercised any option hereunder, but nothing hereinbefore contained shall impair any right of Lender consequent upon any subsequent breach.
- (4) Lender shall not be obligated to perform or discharge, nor does it hereby undertake to perform or discharge, any obligation, duty or liability under said Leases, or under or by reason of this Assignment, and Assignor shall and does hereby agree to indemnify Lender for and to hold Lender harmless from any and all liability, loss or damage which it may or might incur under said Leases or under or by reason of this Assignment and of and from any and all claims and demands whatsoever which may be asserted against it by reason of any alleged obligations or undertakings on its part to perform or discharge any of the terms, covenants or agreements contained in said Leases. Should Lender incur any such liability, loss or damage under said Leases or under or by reason of this Assignment, or in the defense of any such claims or demands, the amount thereof, including cost, expenses and reasonable attorneys' fees, shall be secured hereby, and Assignor shall reimburse Lender therefor immediately upon demand, and upon the failure of Assignor so to do Lender may declare all payments of rent to Lender without the necessity for further consent by said Assignor.
- (5) Upon the payment in full of all indebtedness secured hereby, this Assignment shall become and be void and of no effect, but the affidavit, certificate, letter or statement of any officer, supervisor, or attorney of Lender showing any part of said indebtedness remaining unpaid shall be and constitute conclusive evidence of the validity, effectiveness, and continuing force of this Assignment, and any person may and is hereby authorized to rely thereon. A demand on the Tenant by Lender for the payment of the rent on any default claimed by Lender shall be sufficient warranty to said Tenant to make future payments of rent to Lender without the necessity for further consent by Assignor.
- (6) Lender may take or release other collateral or security, may release any party primarily or secondarily liable for any indebtedness secured hereby, may grant extensions, renewals or indulgences with respect to such indebtedness, and may apply any other collateral or security therefor held by it to the satisfaction of such indebtedness without prejudice to any of its rights hereunder.
- (7) The term "Leases" as used herein means all leases and rental agreements hereby assigned and any extensions or renewals thereof, any leases subsequently executed by Assignor covering the said premises or any part thereof and all other rents, income and profits whatsoever. In the Assignment, whenever the context so requires, the masculine gender includes the feminine or neuter, and the singular number include the plural, and conversely. All obligations of each Assignor hereunder are joint and several.
- (8) Nothing herein contained and no act done or omitted by Lender pursuant to the powers and rights granted it herein shall be deemed to be a waiver by Lender of its rights and remedies under the said Note(s) and Deed(s) of Trust, but this Assignment is made and accepted without prejudice to any of the rights and remedies possessed by the Lender under the terms thereof. The right of the Lender to collect said indebtedness and to enforce any other security agreements therefor held by it may be exercised by Lender either prior to, simultaneously with, or subsequent to any action taken by it hereunder. This Assignment is binding upon and binds to the benefit of Lender and any holder of the aforesaid Note(s) and Deed(s) of Trust and is binding upon Assignor both jointly and severally and inures to the benefit of Assignor and any owner of the premises.

## SCHEDULE A      BOOK 2153 PAGE 805

BEING all of Tract No. 7 as described in Book 1259, Page 441 and being further described as follows:

BEGINNING at an iron stake in the western margin of the paved and dedicated street and parking area which is 85 feet wide and which separates this described property from the western margin of Fourth Street, SW, said iron stake being the southeastern corner of Lot No. 1 of the plat hereinafter referred to, and said iron stake being also located in the northern margin of a 40-foot dedicated street area, and runs thence from said beginning point, with the southern boundary of Lot No. 1 and the southern boundary of Lot No. 15 and with the northern boundary of said 40-foot dedicated street area, North 79°46'07" West 179.54 feet to an iron stake; thence continuing with the southern boundary of Lot No. 15, North 65°27'28" West 149.06 feet to an iron pin, the southwestern corner of Lot No. 15 in the eastern margin of Fifth Street, SW; thence with the eastern margin of Fifth Street, SW and the western boundary of Lot Nos. 15, 16, 17 and 18, North 25°37'02" East 91.18 feet to an iron pin, the northwestern corner of Lot No. 18 and the southwestern corner of Lot No. 19; thence continuing with the eastern margin of Fifth Street, SW, and with the western boundaries of Lot Nos. 19, 20, 21 and 22, North 10°18'56" East 99.97 feet to an iron pin, the northwestern corner of Lot No. 22; thence with the northern boundaries of Lot Nos. 22 and 10, and with the southern margin of a 5-foot sidewalk located in the 93.14 foot paved parking and traffic area separating this described property and Seventh Avenue, SW, South 87°24'01" East 302.16 feet to an iron pin, the northeastern corner of Lot No. 10; thence with the western boundary of the 85-foot area separating this described property from Fourth Street, SW, and with the eastern boundaries of Lot Nos. 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1, South 10°12' West 264.85 feet to the point and place of BEGINNING, according to a survey dated May 22, 1989 by Miller Surveying, Inc. entitled "Lakeview Development, a North Carolina General Partnership", and being all of Lot Nos. 1 - 10, inclusive, and Lot Nos. 15-22, inclusive, of Block "F" of the City of Hickory property, according to a plat of the same recorded in Plat Book 9 at Page 33 in the Office of the Register of Deeds for Catawba County.

This conveyance specifically includes all easements, rights of way, rights to use the streets and paved traffic and parking areas adjoining said property and all other appurtenances belonging to said property whatever these rights may be; this conveyance is specifically made subject to the right of way to Duke Power Company for electrical transmission lines to serve said property and to the following easements reserved to the City of Hickory, as set forth in that certain deed from said City dated April 25, 1957, and recorded in Deed Book 545 at Page 655 in the Office of the Register of Deeds for Catawba County.

This conveyance is subject to an easment for two existing 8-inch outfall sewer lines and an existing 60-inch concrete culvert which crosses the property above described, as shown on the above mentioned plat of said property of the City of Hickory, and the City reserves to itself and its successors and assigns such easements for said outfall sewer lines and concrete culvert, together with the right to enter upon said land to the extent necessary to maintain and repair said sewer lines and said culvert.

## NORTH CAROLINA CATAWBA COUNTY

The foregoing certificates of Carol M. Tyndall, Notary Public OF Catawba County, N.C., and of Lyn B. Smith, NOTARY PUBLIC of the State of South Carolina, are certified to be correct. Filed on June 11, 1999, at 12:30 P.M., and recorded in Book 2153 at Page 803.

*Ruth Mackie*  
Ruth Mackie - Register of Deeds      1p

BOOK 2153 PAGE 804

IN WITNESS WHEREOF, Assignor has hereunto set his hand and seal, and has adopted as his seal the word "SEAL" appearing beside his signature, the day and year first above written.

(SEAL) \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)

IN WITNESS WHEREOF, \_\_\_\_\_ a corporation, Assignor, has caused this instrument to be signed in its corporate name by its \_\_\_\_\_ President and its corporate seal to be affixed and attested by its \_\_\_\_\_ Secretary, all by authority of its Board of Directors duly given, the day and year first above written.

\_\_\_\_\_  
Name of Corporation  
By: \_\_\_\_\_ President  
Attest: \_\_\_\_\_ Secretary

IN WITNESS WHEREOF, Lakeview Development a NC General partnership, Assignor, has caused this instrument to be signed under seal in its name by its \_\_\_\_\_ partner(s), each of whom has hereunto set his hand and seal, and has adopted as his seal the word "SEAL" appearing beside his signature, the day and year first above written.

Lakeview Development (SEAL)  
\_\_\_\_\_  
partnership  
By: Jerry W. Oakley (SEAL) Partner  
By: Thomas L. Swatzel, Jr. (SEAL) Partner  
By: Thomas A. Dixon (SEAL) Partner  
By: Margaret L. Dixon (SEAL) Partner

NORTH CAROLINA  
Catawba COUNTY

I, Carol M. Tindall, a Notary Public, do hereby certify that Thomas L. Swatzel, Jr., Thomas A. Dixon and Margaret L. Dixon, Partners of Lakeview Development, a North Carolina General Partnership each personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 11th day of June, 19 99  
My commission expires: 02-03-2004

Carol M. Tindall  
Notary Public



NORTH CAROLINA  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_ a Notary Public, do hereby certify that \_\_\_\_\_ Secretary of \_\_\_\_\_ a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by him as its \_\_\_\_\_ Secretary.

Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
My commission expires: \_\_\_\_\_

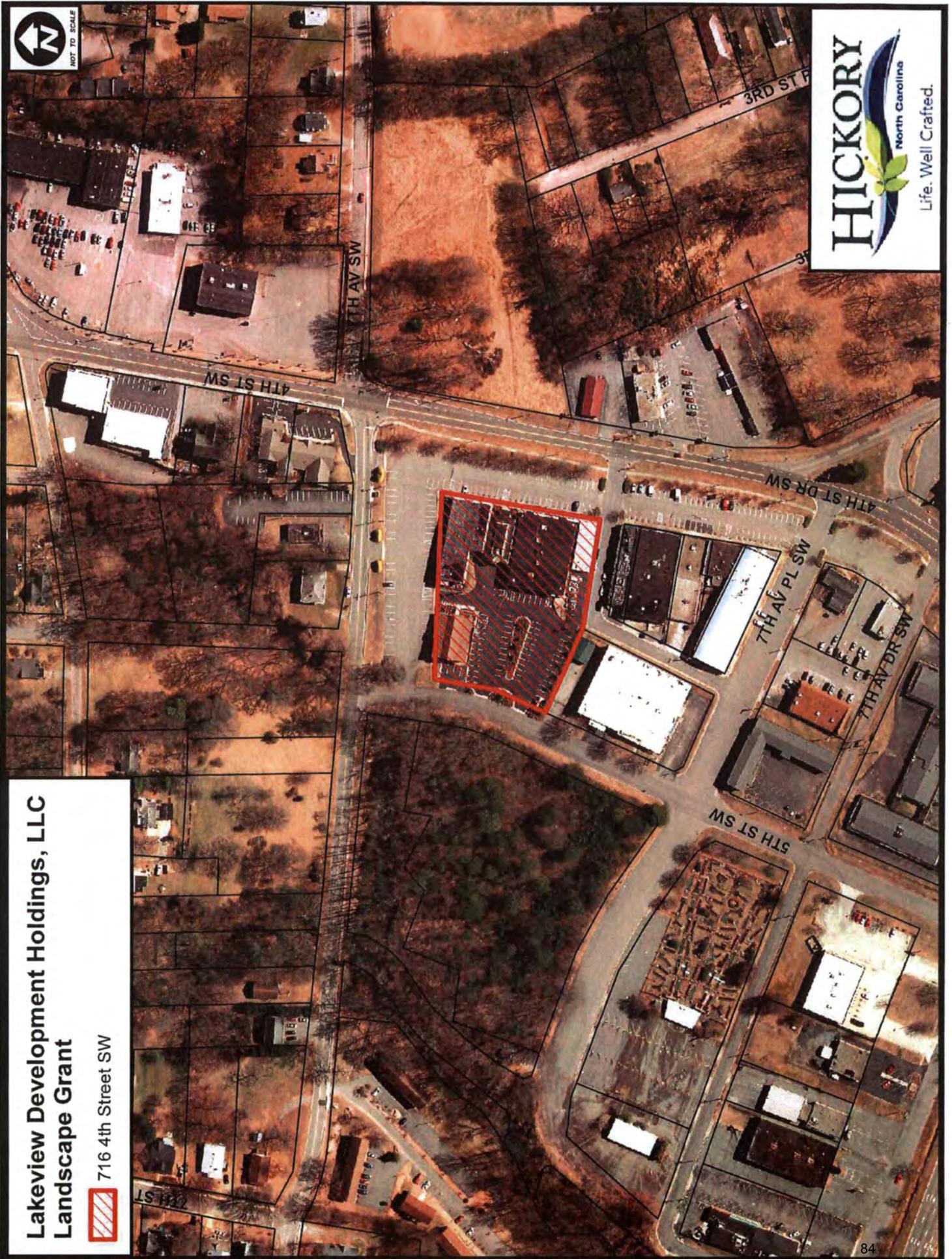
Notary Public

~~NORTH CAROLINA~~ SOUTH CAROLINA  
Greenville COUNTY

I, Lynne Smith, a Notary Public, do hereby certify that Jerry W. Oakley Partner of Lakeview Development, a NC General Partnership personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

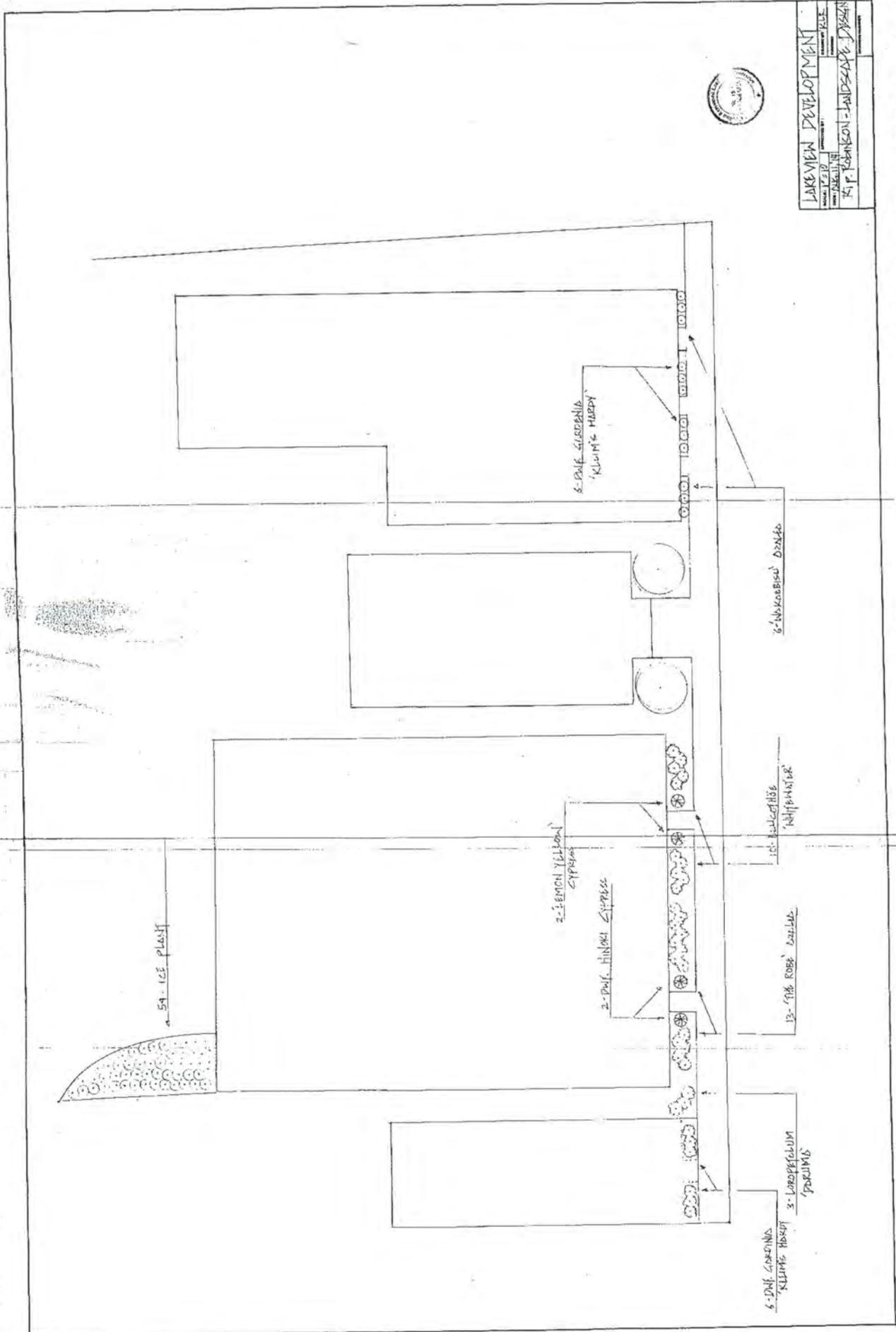
Witness my hand and official seal, this 10th day of June, 19 99  
My commission expires: December 23, 2003

Lynne Smith  
Notary Public

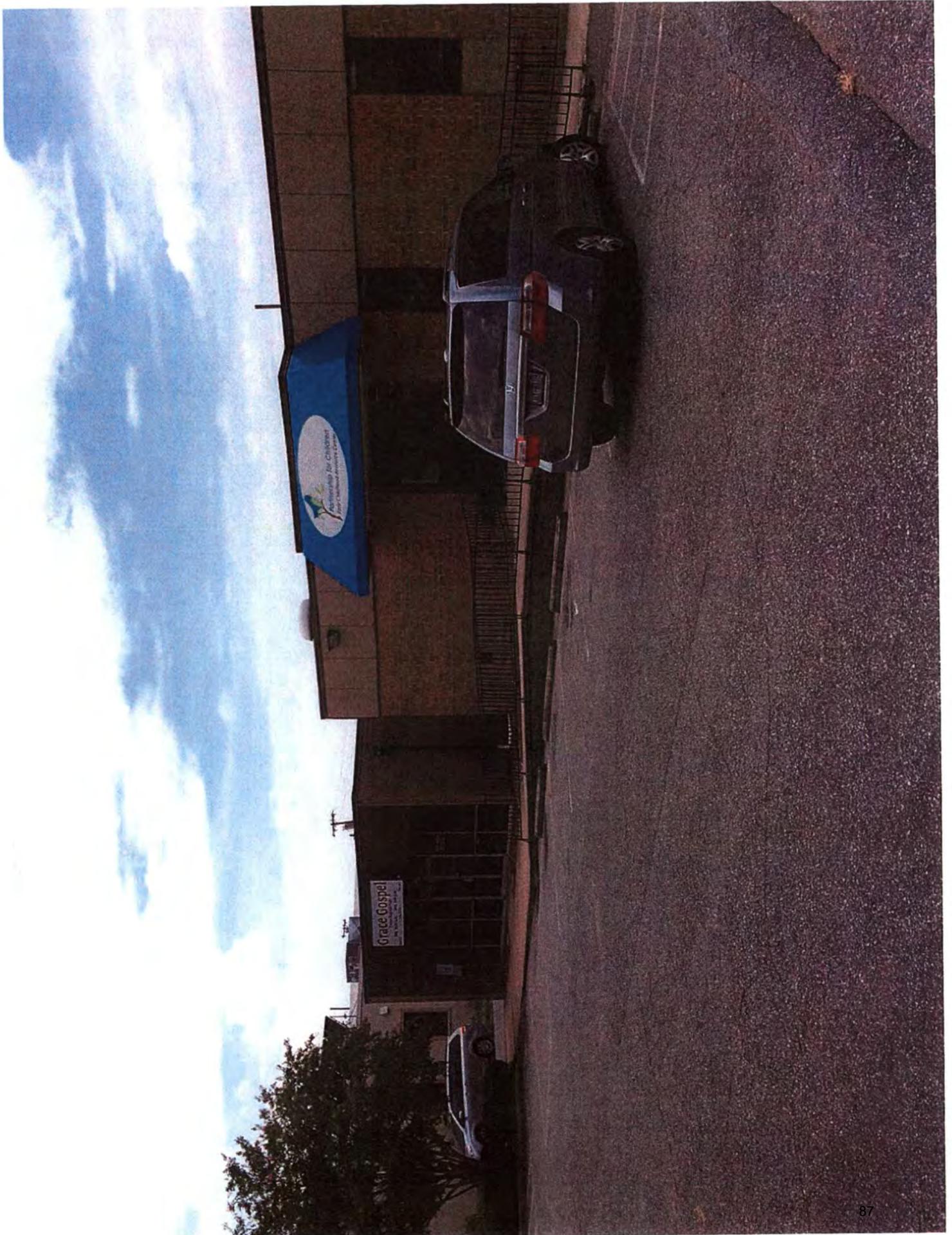


Lakeview Development Holdings, LLC  
Landscape Grant

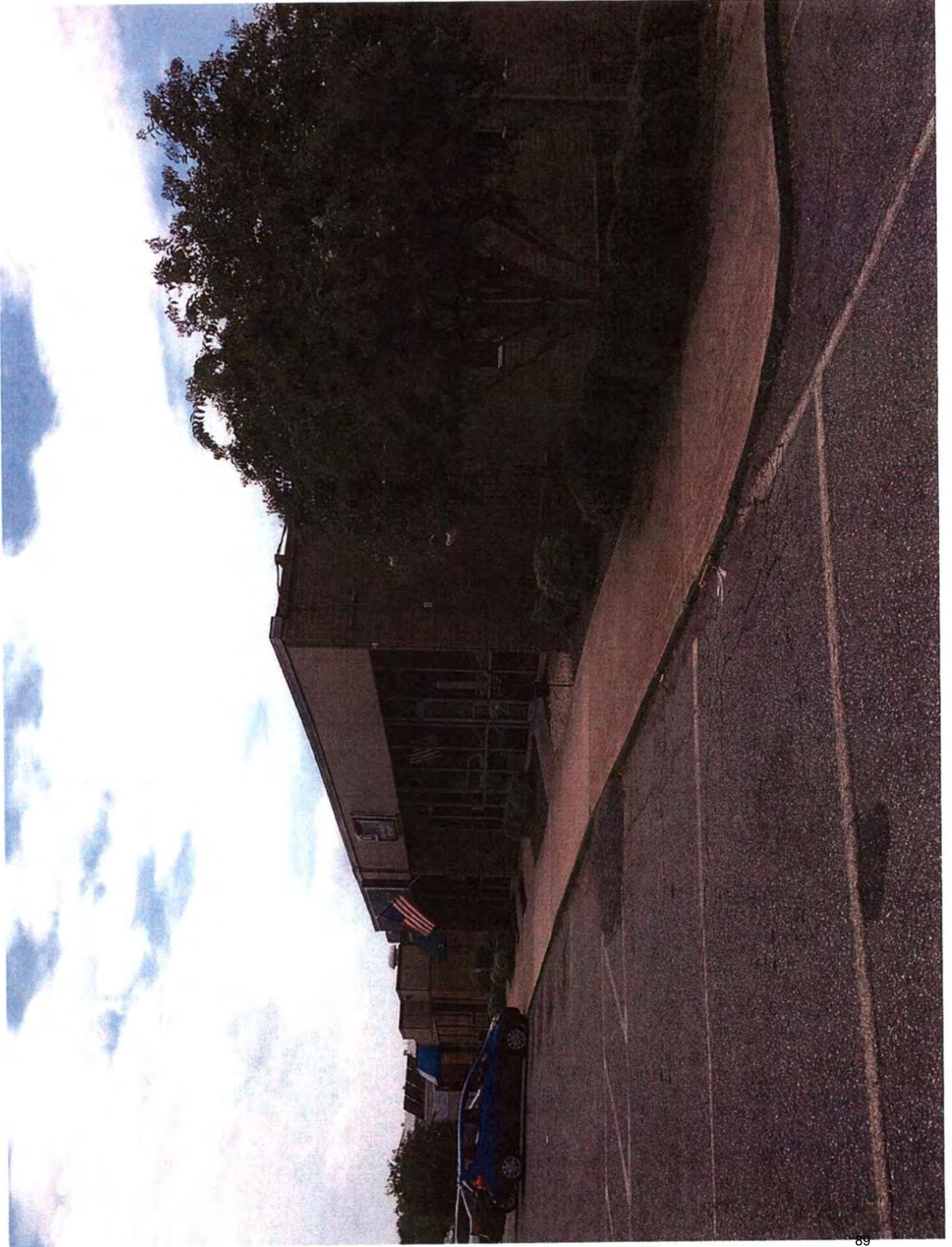
 716 4th Street SW

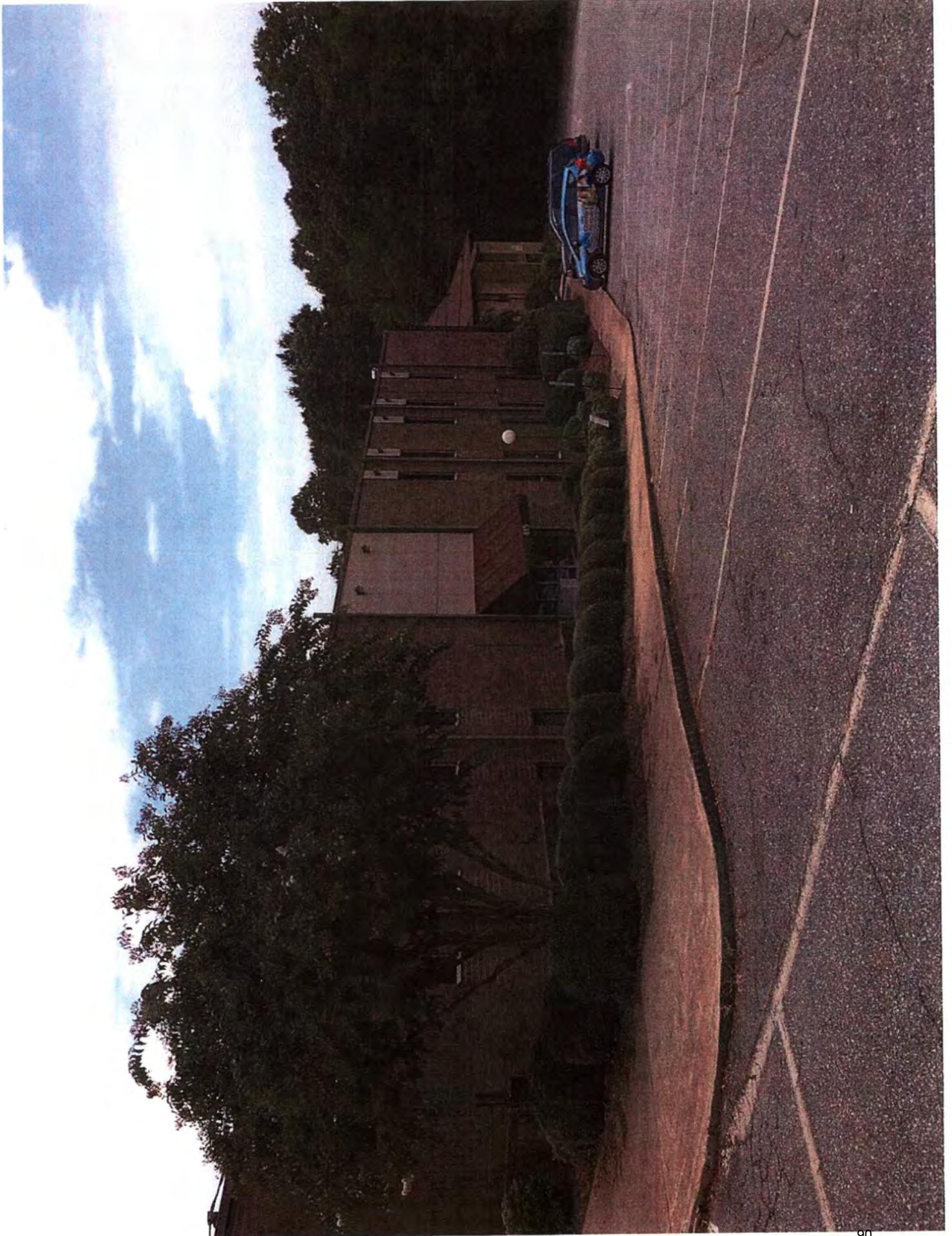
















Lakeview Development  
Estimate 2014

6 AUCUB 'CECIL ALICE' 3 13.50 81.00  
 2 VIBUR MOONLIT LACE(TM) GD 3 14.00 28.00  
 8 AZALE AUTUMN RUBY(TM) 3 15.50 124.00  
 11 HOSTA 'BLUE UMBRELLAS' 2 7.50 82.50  
 14 CEPHA DRUPACEA 3 14.00 196.00  
 18 LIRIO VARIEGATED MONKEY GR 1 4.00 72.00  
 6 HYDRA PISTACHIO PPAF 3 15.00 90.00  
 13 HEMER 'STELLA D' ORO' 1 4.50 58.50  
 5 SPIRA 'GOLDFLAME' 3 10.50 52.50  
 3 VIBUR 'POPCORN' 3 11.25 33.75  
 3 MISCA 'LITTLE ZEBRA' PP#13 3 10.25 30.75  
 54 DELOS COOPERI - PINK 1 4.75 256.50  
 12 GARDE 'KLEIM'S HARDY' 3 14.00 168.00  
 3 LOROP 'DARUMA' 3 14.00 42.00  
 13 AZALE 'THE ROBE' GIRARD 3 9.75 126.75  
 2 CHAMA 'NANA GRACILIS' DW. 3 15.50 31.00  
 OR VOKELS  
 2 CHAMA 'LEMON YELLOW' 3 6"H12" 13.50 27.00  
 10 LEUCO WHITEWATER(R) PP#183 3 13.50 135.00  
 6 AZALE 'WAKAEBISU' 3

Installed	\$4365.30
Ground Cover Double Ground Dark Mulch	<u>\$875.00</u>
	\$5140.30

**HOLBROOK LANDSCAPING, LLC.**

Doug Holbrook

134 19TH Ave NW

Hickory NC 28601

828-234-8982

[www.holbrooklandscaping.com](http://www.holbrooklandscaping.com)

[dholbrook78@gmail.com](mailto:dholbrook78@gmail.com)

KIP ROBINSON--LANDSCAPE DESIGN  
 P. O. BOX 164  
 NEWTON, NC 28658

*Estimate*

Date 8/26/2014  
 Estimate # 11

Name / Address  
 LAKEVIEW DEVELOPMENT

P.O. #  
 Terms

Due Date 8/26/2014  
 Other

Description	Qty	Rate	Total
ICE PLANT	54	4.00	216.00T
DWF. GARDINIA 'KLIEM'S HARDY'	12	28.00	336.00T
LOROPETALUM 'DARUMA'	3	28.00	84.00T
'THE ROBE' AZALEA	13	18.00	234.00T
DWF. HINOKI CYPRESS	2	30.00	60.00T
DWF. LEMON YELLOW CYPRESS	2	30.00	60.00T
LEUCOTHOE 'WHITEWATER'	10	26.00	260.00T
WAKAEBISU AZALEA	6	18.00	108.00T
'BLUE UMBRELLA' HOSTA	11	16.00	176.00T
PLUM YEW	14	25.00	350.00T
'AUTUMN RUBY' AZALEA	8	18.00	144.00T
'MOONLITE LACE' VIBURNUM	2	28.00	56.00T
'LITTLE ZEBRA' FOUNTAIN GRASS	3	20.00	60.00T
'CECIL ALICE' AUCUBA	6	26.00	156.00T
'POPCORN' VIBURNUM	3	24.00	72.00T
VARIGATED LIRIOPE	18	4.00	72.00T
'PISTACHIO' HYDRANGEA	6	30.00	180.00T
'STELLA 'D ORO' DAYLILY	13	9.00	117.00T
'GOLDFAME' SPIREA	5	20.00	100.00T
TOPSOIL (CUBIC YARD)	15	30.00	450.00
MULCH (CUBIC YARD)	18	25.00	450.00
LABOR FOR PLANTING; MULCHING; SPREADING TOPSOIL; ETC.		3,500.00	3,500.00
<b>Subtotal</b>			<b>\$7,241.00</b>
<b>Sales Tax (7.0%)</b>			<b>\$198.87</b>
<b>Total</b>			<b>\$7,439.87</b>

**KIP ROBINSON--LANDSCAPE DESIGN**  
 kivr@charter.net

828-312-9598  
 828-695-9963

PREPARED BY: Legal Department, City of Hickory  
PO Box 398, Hickory, NC 28603

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

**LANDSCAPE  
GRANT AGREEMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and between the **CITY OF HICKORY**, a municipal corporation of Catawba County, North Carolina, hereinafter referred to as the CITY, and having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, and **LAKEVIEW DEVELOPMENT HOLDINGS, LLC**, hereinafter referred to as the RECIPIENT, and having a mailing address of 1706 Brentwood Drive, Newton, North Carolina 28658.

**WITNESSETH**

THAT WHEREAS, the City is dedicated to the visual and functional improvements of properties within one mile of the City Center area, as defined by the City Center Plan, dated October 20, 1998; and

WHEREAS, the City is willing to award grants for physical improvements for the purpose of assisting in the visual enhancement of certain existing properties provided the Recipient agrees to certain conditions.

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

1. The Recipient agrees to utilize the grant funds to fulfill that project described in the Landscape Incentive Grant Application attached hereto as Exhibit "A" and to utilize said funds solely for physical improvements. Said application is made a part of this Agreement and incorporated herein by reference as if more fully set forth.
2. The Recipient agrees to improve those premises described in Exhibit "A" in accordance with the intent of the City Center Plan to enhance the aesthetic integrity of the premises in accordance with the specifications established in attached "Exhibit A".
3. The Recipient agrees to maintain the design integrity of the proposed improvements, creating, retaining and/or modifying those elements, which enhance the premises.
4. The Recipient agrees to abide by and conform all construction, rehabilitation, renovation, demolition, and landscaping undertaken pursuant to this agreement to all applicable laws of the United States, the State of North Carolina, and those applicable provisions of the ordinances of the City of Hickory directly or indirectly related to the subject matter of this agreement.
5. The amount of this grant is Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00), payable upon completion of said project, and submission of documentation confirming payment of all contractors and/or subcontractors, provided said project is completed within 120 days from the date of this agreement being

**CITY OF HICKORY AND LAKEVIEW DEVELOPMENT HOLDINGS, LLC  
GRANT AGREEMENT**

signed in accordance with those provisions specified in the Landscape Incentive Grant Application.

- 6. The Recipient agrees that in the event the actual project costs are less than the estimated costs, the City grant will be reduced to solely the amount of the actual project costs that would be eligible for participation in this program.
- 7. Technical assistance provided by the City will be advisory only. The City will not be a party in negotiations between the Recipient and any contractor employed by the Recipient nor will the City provide legal advice or services to any party. The Recipient agrees to hold the City harmless for any defects in workmanship or from any liability, damages, or other costs relative to this project.
- 8. This Agreement may be terminated and the City may withhold grant monies upon the Recipient's breach of or failure to perform any of the terms of this agreement. The City shall give the Recipient notice in writing of any potential breach of this Agreement, after which the applicant shall have ten (10) calendar days in which to cure said breach. In the event of a failure to cure a breach of this Agreement, the City of Hickory may pursue any remedy available, either in equity or at law.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed upon the day and year first written above.

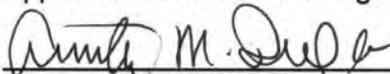
**CITY OF HICKORY**

By: \_\_\_\_\_  
Rudy Wright, Mayor

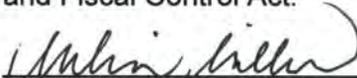
ATTEST: (SEAL)

\_\_\_\_\_  
Debbie D. Miller, City Clerk

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

  
\_\_\_\_\_  
Attorney for the City of Hickory

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

  
\_\_\_\_\_  
Melissa Miller, Finance Officer

*Thomas A. Dixon*  
\_\_\_\_\_  
THOMAS A. DIXON

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

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

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

(Seal)

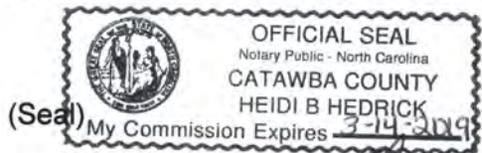
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, Heidi B. Hedrick, a Notary Public of the County and State aforesaid certify that **Thomas A. Dixon** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this 30<sup>th</sup> day of October, 2015.



Heidi B. Hedrick  
\_\_\_\_\_  
Notary Public

My Commission Expires: March 14, 2019



*Elaine F. Marshall*  
Secretary

North Carolina

DEPARTMENT OF THE  
SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

Account  
Login  
Register

### Click Here To:

[View Document Filings](#) [File an Annual Report](#) [Print a Pre-Populated Annual Report form](#)  
[Amend a Previous Annual Report](#)

### Corporate Names

**Legal:** Lakeview Development Holdings, LLC

### Limited Liability Company Information

**SosId:** 0879576  
**Status:** Current-Active  
**Annual Report Status:** Current  
**Citizenship:** Domestic  
**Date Formed:** 11/29/2006  
**Fiscal Month:** December  
**State of Incorporation:** NC  
**Registered Agent:** Dixon, Thomas A.

### Corporate Addresses

**Mailing:** 1706 Brentwood Drive  
Newton, NC 28658  
**Principal Office:** 1706 Brentwood Drive  
Newton, NC 28658  
**Reg Office:** 1706 Brentwood Drive  
Newton, NC 28658  
**Reg Mailing:** 1706 Brentwood Drive  
Newton, NC 28658

### Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

**member/manager:** Thomas L Dixon  
1706 Brentwood Drive  
Newton NC 28658

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Community Appearance Commission**  
**Contact Person: Cal Overby, Planning Department**  
**Date: November 5, 2015**  
**Re: Community Appearance Grant – Hickory Elks Lodge**

**REQUEST**

The Community Appearance Commission recommends City Council approval of a Community Appearance Grant for non-residential property owned by the Hickory Elks Lodge located at 356 Main Avenue NW in the amount of \$5,000.00.

**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 the Hickory Elks Lodge involves the renovation of an existing non-residential building. The grant proposal put forth by the applicant involves renovations of an exterior wall elevation. These improvements include the removal of aged and weathered pebble board, bricking in of the areas where the pebble board was removed, and the clean-up of electrical wiring on the building's exterior. The property owned by the Hickory Elks Lodge is located within the City's Urban Revitalization Area, which makes it (the property) eligible for funding under the Community Appearance Grant program.

The applicant has provided two (2) bids for the items listed above, which total \$14,800.00 and \$17,400.00. Being both estimates are in excess of \$10,000, the request qualifies for the full \$5,000 grant.

The current tax value of the property is \$443,900.00. The value of the grant represents approximately 1% of the property's tax value.

**RECOMMENDATION**

Upon consideration, the Community Appearance Commission voted (6-0-1), with one member abstaining, to recommend funding of the requested grant in the amount of \$5,000.00. This vote was taken at the Commission's October 26, 2015 regular meeting.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

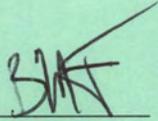
No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

**Reviewed by:**

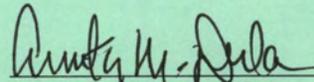
Brian Frazier



11/05/15

Date

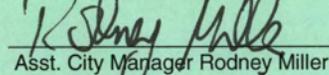
Initiating Department Head



11-10-15

Date

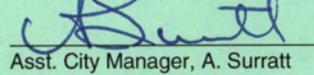
Deputy City Attorney, A. Dula



11-9-15

Date

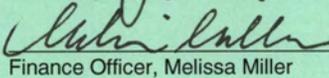
Asst. City Manager Rodney Miller



11-11-15

Date

Asst. City Manager, A. Surratt



11-9-15

Date

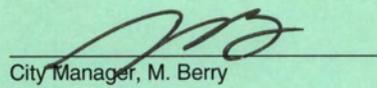
Finance Officer, Melissa Miller

Purchasing Manager, Bo Weichel

Date

\_\_\_\_\_  
Date

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

  
City Manager, M. Berry

\_\_\_\_\_  
Date

### Community Appearance Grant Application Form

Project Location Address: 356 MAIN AVE N.W., Hickory

Applicant's Name: Hickory ELKS LODGE  
RICK BERRY - TRUSTEE

Applicant's Mailing Address: 356 MAIN AVE. NW  
Hickory, NC 28601

Telephone: Day: ELKS 322-2577 Mobile: RICK BERRY 381-1577

E-mail address: rb@rberrydesign.com

Property Owner's Name (if not the Applicant): \_\_\_\_\_

Mailing Address: SAME AS ABOVE

Telephone: Day: \_\_\_\_\_ Mobile: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Project Description: RENOVATE NORTH ELEVATION OF ELKS BUILDING - REMOVE DECADES OLD POTTING PEBBLE BD. WHICH COVERS OLD WINDOWS. BRICK INFILL OLD WINDOW OPENINGS. PRESSURE WASH ENTIRE ELEVATION, PRIME & PAINT TO MATCH WEST ELEVATION. CLEAN UP WIRING, WHERE UTILITIES ENTER BUILDING.

THIS ELEVATION IS HIGHLY VISABLE, AS BLDG. IS ON CORNER OF 4TH ST. N.W. & MAIN AVE. N.W.

Total Estimated Project Cost \$ 14,800.<sup>00</sup>  
Grant Request Amount \$ 5,000.<sup>00</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.

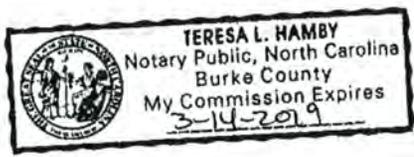
Applicant Signature: *Rick Berry - TRUSTEE* Date: 8/5/15

Owners Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Owners signature must be notarized)

**NORTH CAROLINA  
CATAWBA COUNTY**

I, Teresa L Hamby, a Notary Public for said County and State, do hereby certify that Rick Berry personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the 5 day of August, 2015



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

#2122

WARRANTY DEED. STATE OF NORTH CAROLINA—Catawba County.

This Deed, Made this 10 day of July 19 50 by C L Herman, R G Abernethy, T P Bisanar, H H Foster, M P Lips, P A Setzer, Joe W Shurford, M M Lowery and G F Ivey, Trustees of the First Methodist Church of Hickory of Catawba County and State of North Carolina, of the first part, to A E Witherspoon, G Norman Hutton, and A R Parker, Trustees of the Hickory Elks Lodge No. 1654 of Catawba County and State of North Carolina, of the second part: WITNESSETH, that said parties of the first part in consideration of Ten Dollars and other valuable considerations Dollars to them paid by parties of the second part the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey to said parties of the second part, their successors in office XXXXX and assigns, a certain tract, lot, or parcel of land in Catawba County, State of North Carolina, adjoining the lands of and others, bounded as follows, viz:

BEGINNING at the Northeast intersection of 10th Avenue and 15th Street in Hickory, and running thence with the margin of 10th Avenue 200 feet to a stake; thence North 175 feet to a stake; thence West 125 feet to a stake; thence North 5 feet to a stake; thence West 75 feet to a stake in the East margin of 15th Street thence with the margin of said street South 180 feet to the point of beginning.

This property is known as the First Methodist Church property, for claim of title to which, see the following deeds to the Trustees of the Methodist Episcopal Church, South Book 50 Page 373 Book 86 at page 378; Book 297 at page 5, Catawba County Registry.

Rev. \$99.00

TO HAVE AND TO HOLD the aforesaid tract, lot, or parcel of land, and all privileges and appurtenances thereto belonging to the said parties of the second part, their successors XXXXX and assigns, to their only use and behoof forever. And the said parties of the first part, for them sel. YXX and their heirs, executors and administrators, covenant with said parties of the second part, their successors XXXXX and assigns, that they are seized of said premises in fee and have full right to convey in fee simple; that the same are free and clear from all encumbrances, and that they do hereby forever warrant and will forever defend the said title to the same against the claims of all persons, whomsoever.

IN TESTIMONY WHEREOF, the said parties of the first part hereunto set their hand(s) and seal(s), the day and year first above written. Joe W. Shurford (Seal) C L Herman (SEAL) H H Foster (Seal) M M Lowery (SEAL) P A Setzer (Seal) M P Lips (SEAL) R G Abernethy (Seal) T P Bisanar (SEAL) G F Ivey (Seal)

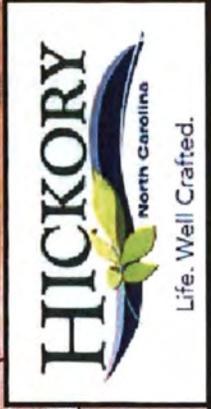
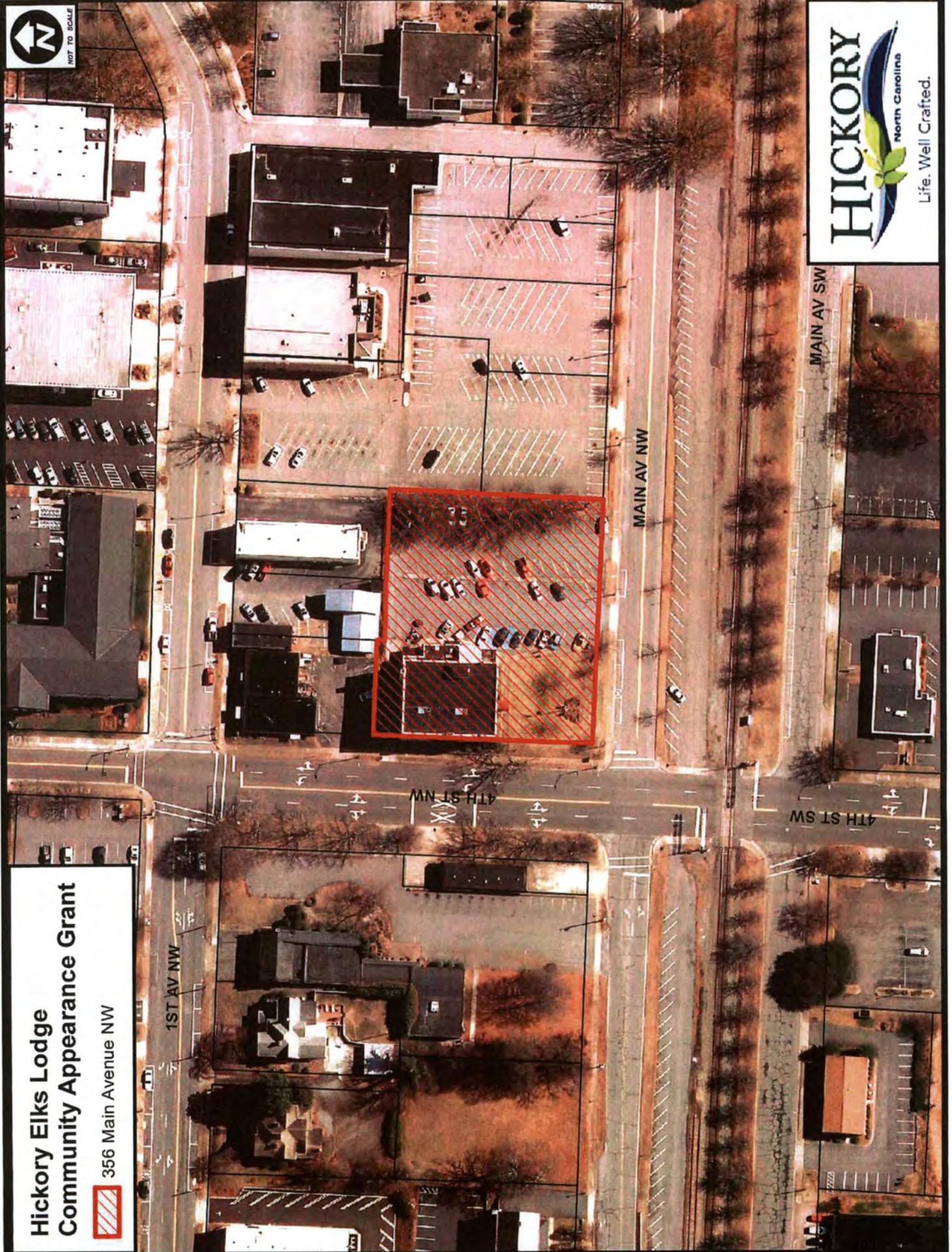
STATE OF NORTH CAROLINA, Catawba County, hereby certify that and his wife, personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance; and the said being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto. Let the instrument, with this certificate, be registered. Witness my hand and notarial seal, this 10 day of July A. D. 19 50 My commission expires Dec 14 1951 (L.S.) T. L. Cilley, Notary Public

STATE OF NORTH CAROLINA, Catawba County, I, T. L. Cilley, Notary Public hereby certify that C L Herman, R G Abernethy, T P Bisanar, H H Foster, M P Lips, P A Setzer, Joe W Shurford, M M Lowery and G F Ivey, Trustees of the First Methodist Church of Hickory personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance. Let the instrument, with this certificate, be registered. Witness my hand and notarial seal, this 10 day of July A. D. 19 50 My commission expires Dec 14 1951 (L.S.) T. L. Cilley, Notary Public

STATE OF NORTH CAROLINA, Catawba County. The foregoing certificate of T L Cilley a Notary Public of Catawba County, is adjudged to be correct. Let the instrument, with this certificate, be registered. Witness my hand this 2 day of September A. D. 19 52 Eunice W Mauney, Deputy Clerk Superior Court

Filed for registration on the 2 day of Sept. 19 52 at 4:30 o'clock P. M., and registered in the office of the Register of Deeds for Catawba County, N. C. this 3 day of Sept. 19 52 at 9 o'clock A. M., in book 461 of Deeds, on page 207

Maguerite Smith Register of Deeds



**Hickory Elks Lodge  
Community Appearance Grant**

 356 Main Avenue NW

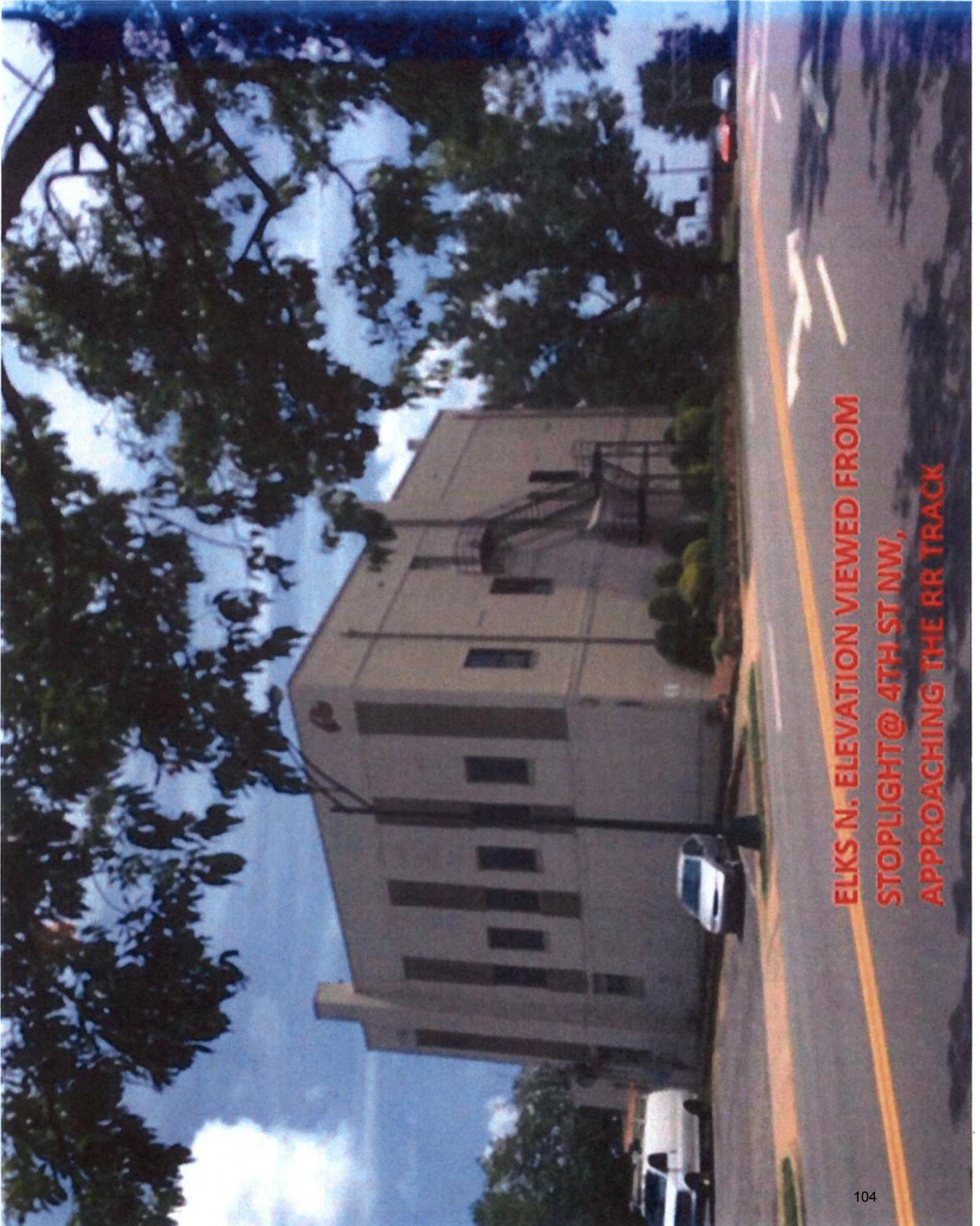
1ST AV NW

4TH ST NW

MAIN AV NW

MAIN AV SW

4TH ST SW



**ELKS N. ELEVATION VIEWED FROM  
STOPLIGHT @ 4TH ST NW,  
APPROACHING THE RR TRACK**

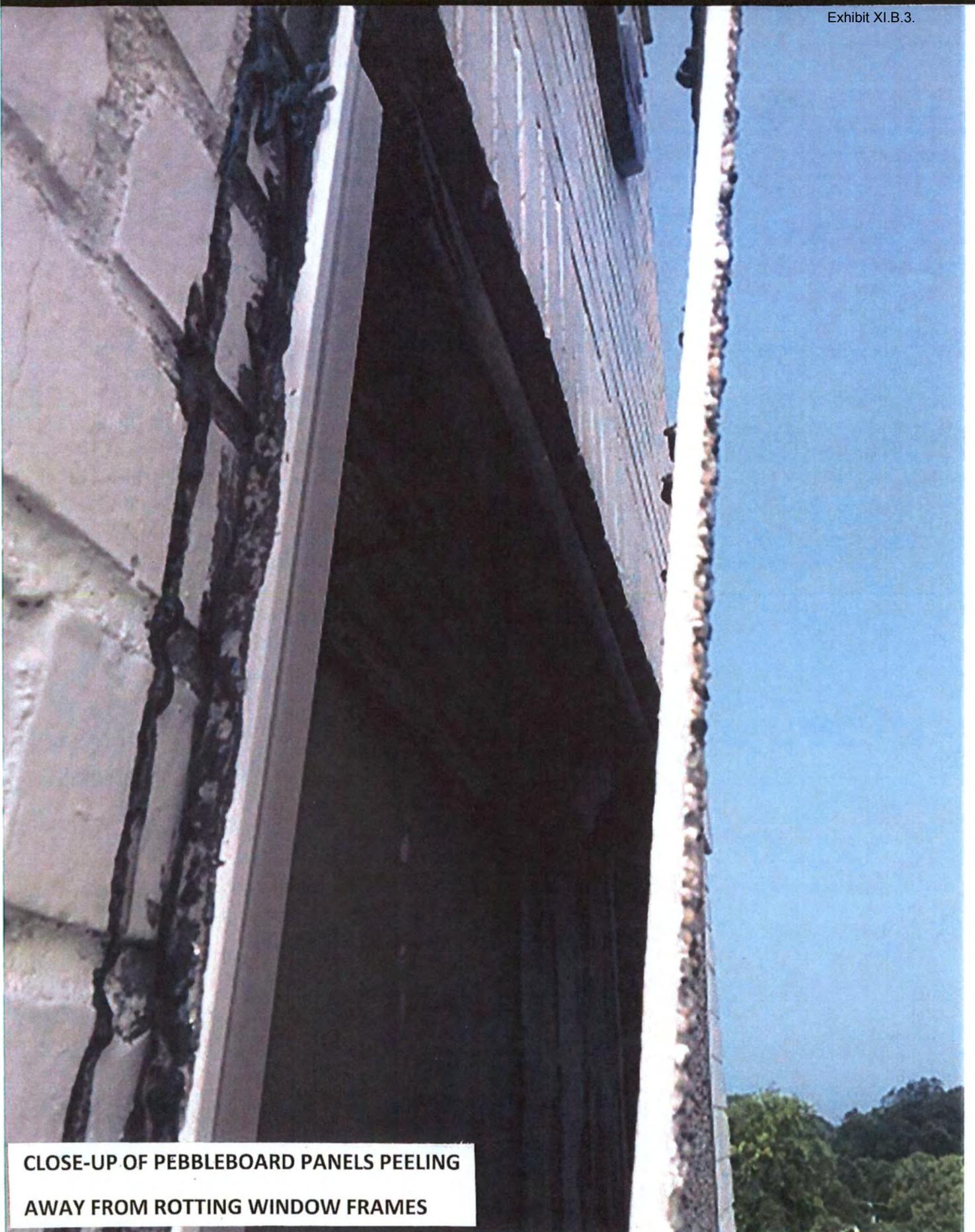


MATCH PAINT TO EAST ELEVATION

PEBBLE BD COVERINGS ARE DETERIORATING & PEELING AWAY FROM STRUCTURE

CLEAN UP UNSIGHTLY WIRING

PEBBLE BOARD COVERS OLD WOOD WINDOW FRAMES, WHICH ARE ROTTEN DUE TO MOISTURE/SEEPAGE OVER THE YEARS



**CLOSE-UP OF PEBBLEBOARD PANELS PEELING AWAY FROM ROTTING WINDOW FRAMES**



ACCEPTED ✓  
BID

Hickory NC Lodge 1654 BPOE  
356 Main Ave NW  
Hickory, NC 28601

July 20, 2015

Attn: Rick Berry  
Re: Elks Lodge Building

Neill Grading and Construction includes in its budget the scope of work items listed below per site visit. This budget does not cover unforeseen items that might be discovered during demo.

**General**

**Conditions:** Project Management, Supervision, Permits, Lifts, Site Dumpster, Restroom Facility.

**Demo**

**Panels /**

**Windows:** Remove all pebbled textured panels from north wall. Remove all existing windows located behind the textured panels. Prep for new brick veneer infill.

**Masonry:** Infill all areas with brick veneer where the pebbled textured panels and windows are remove on the north side of the building.

**Painting:** Painting of the entire north wall after completion of masonry repair.

**This contract does not include any work not specifically outlined.**

Sincerely,  
Darrell R. Brown  
Project Manager

*Specialists in Turnkey Construction*

3050 First Ave. Ct. S.E., P.O Box 3916 • Hickory, North Carolina 28603  
Phone: (828) 324-6774 • Fax (828) 324-9632



Hickory NC Lodge 1654 BPOE  
356 Main Ave NW  
Hickory, NC 28601

July 20, 2015

Attn: Rick Berry  
Re: Elks Lodge Building

We propose to provide material, labor, and equipment for the elks lodge masonry repair budget as described in our proposal dated 07/20/2015 for the sum of:

(\$14,800.00)

Fourteen Thousand Eight Hundred Dollars

**PROPOSAL ACCEPTED:**

SIGNED:

*[Handwritten Signature]*

DATE:

*7/23/15*

PRINT NAME:

*RICK BERRY*

TITLE:

*TRUSTEE*

*Specialists in Earth Construction*

3050 First Ave. Ct. S.E., P.O Box 3916 • Hickory, North Carolina 28603  
Phone: (828) 324-6774 • Fax (828) 324-9632



**GANTT CONSTRUCTION CO.**

P.O. BOX 187  
 HICKORY, N.C. 28603

Number: E920

Date: 7/22/2015

**Bill To:**

HICKORY ELKS LODGE # 1654  
 356 MAIN AVE NW  
 HICKORY, N.C., 28601

**Ship To:**

HICKORY ELKS LODGE # 1654  
 356 MAIN AVE NW  
 HICKORY, N.C., 28601

Description	Amount
REMOVE ALL PEBBLED PANELS ON NORTH WALL, REMOVE WINDOWS BEHIND PANELS. FILL-IN AREAS WHERE PANELS WERE WITH BRICK. PAINT NORTH SIDE OF BUILDING.	\$17,400.00

<b>SubTotal</b>	<b>\$17,400.00</b>
0.00% on \$0.00	\$0.00
0.00% on \$0.00	\$0.00
<b>Total</b>	<b>\$17,400.00</b>

PREPARED BY: Legal Department, City of Hickory  
PO Box 398, Hickory, NC 28603

**STATE OF NORTH CAROLINA**

**APPEARANCE  
GRANT AGREEMENT**

**COUNTY OF CATAWBA**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the **CITY OF HICKORY**, a municipal corporation of Catawba County, North Carolina, hereinafter referred to as the CITY, and having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, and **HICKORY ELKS LODGE**, referred to as the RECIPIENT, and having a mailing address of 356 Main Avenue NW, Hickory, NC 28601.

**WITNESSETH**

THAT WHEREAS, the City is dedicated to the visual and functional improvements of properties within one mile of the City Center area, as defined by the City Center Plan, dated October 20, 1998; and

WHEREAS, the City is willing to award grants for physical improvements for the purpose of assisting in the visual enhancement of certain existing properties provided the Recipient agrees to certain conditions.

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

1. The Recipient agrees to utilize the grant funds to fulfill that project described in the Downtown Appearance Improvement Incentive Grant Application attached hereto as Exhibit "A" and to utilize said funds solely for physical improvements. Said application is made a part of this Agreement and incorporated herein by reference as if more fully set forth.
2. The Recipient agrees to improve those premises described in Exhibit "A" in accordance with the intent of the City Center Plan to enhance the aesthetic integrity of the premises in accordance with the specifications established in attached "Exhibit A".
3. The Recipient agrees to maintain the design integrity of the proposed improvements, creating, retaining and/or modifying those elements, which enhance the premises.
4. The Recipient agrees to abide by and conform all construction, rehabilitation, renovation, demolition, and landscaping undertaken pursuant to this agreement to all applicable laws of the United States, the State of North Carolina, and those applicable provisions of the ordinances of the City of Hickory directly or indirectly related to the subject matter of this agreement.
5. The amount of this grant is Five Thousand Dollars and 00/100 (\$5,000.00), payable upon completion of said project, and submission of documentation confirming payment of all

contractors and/or subcontractors, provided said project is completed within 120 days from the date of this agreement being signed in accordance with those provisions specified in the Downtown Appearance Improvement Incentive Grant Application.

- 6. The Recipient agrees that in the event the actual project costs are less than the estimated costs, the City grant will be reduced to solely the amount of the actual project costs that would be eligible for participation in this program.
- 7. Technical assistance provided by the City will be advisory only. The City will not be a party in negotiations between the Recipient and any contractor employed by the Recipient nor will the City provide legal advice or services to any party. The Recipient agrees to hold the City harmless for any defects in workmanship or from any liability, damages, or other costs relative to this project.
- 8. This Agreement may be terminated and the City may withhold grant monies upon the Recipient's breach of or failure to perform any of the terms of this agreement. The City shall give the Recipient notice in writing of any potential breach of this Agreement, after which the applicant shall have ten (10) calendar days in which to cure said breach. In the event of a failure to cure a breach of this Agreement, the City of Hickory may pursue any remedy available, either in equity or at law.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed upon the day and year first written above.

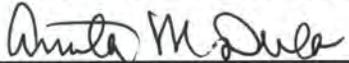
**CITY OF HICKORY**  
A North Carolina Municipal Corporation

By: \_\_\_\_\_  
Rudy Wright, Mayor

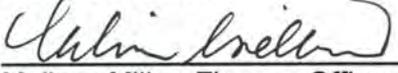
ATTEST: (SEAL)

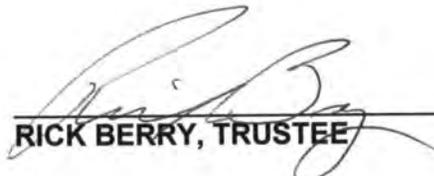
\_\_\_\_\_  
Debbie D. Miller, City Clerk

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

  
\_\_\_\_\_  
Anita M. Dula  
Attorney for the City of Hickory

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

  
\_\_\_\_\_  
Melissa Miller, Finance Officer

  
\_\_\_\_\_  
**RICK BERRY, TRUSTEE**  
\_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

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

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

(Seal)

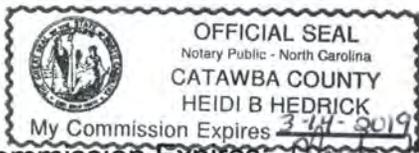
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, Heidi B. Hedrick, a Notary Public of the County and State aforesaid certify that **Rick Berry**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this 30<sup>th</sup> day of October, 2015.



(Seal)

Heidi B. Hedrick  
\_\_\_\_\_  
Notary Public

My Commission Expires: March 31, 2019

**COUNCIL AGENDA MEMOS**

**To: City Manager’s Office**  
**From: Community Appearance Commission**  
**Contact Person: Cal Overby, Planning Department**  
**Date: November 5, 2015**  
**Re: Community Appearance Grant – ADEMNC, LLC**

**REQUEST**

The Community Appearance Commission recommends City Council approval of a Community Appearance Grant for non-residential property owned by ADEMNC, LLC located at 509 11<sup>th</sup> Street NW in the amount of \$5,000.00.

**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 ADEMNC, LLC involves the renovation of an existing non-residential building. The grant proposal put forth by the applicant involves the replacement of windows, painting of portions of the building’s exterior, the replacement of wooden siding (boards), and the replacement of metal roofing. The property owned by the ADEMNC, LLC is located within the City’s Urban Revitalization Area, which makes it (the property) eligible for funding under the Community Appearance Grant program.

The applicant has provided two (2) bids for the items listed above, which total \$19,440.00 and \$22,525.00. Being both estimates are in excess of \$10,000, the request qualifies for the full \$5,000 grant.

The current tax value of the property is \$273,100.00. The value of the grant represents approximately 1.8% of the property’s tax value.

**RECOMMENDATION**

Upon consideration, the Community Appearance Commission voted unanimously (7-0) to recommend funding of the requested grant in the amount of \$5,000.00. This vote was taken at the Commission’s October 26, 2015 regular meeting.



### Community Appearance Grant Application Form

Project Location Address: 509 11<sup>th</sup> STREET NW

Applicant's Name: ADRENALINE, LLC

Applicant's Mailing Address: PO Box 2634  
Hickory, N.C. 28603

Telephone: Day: 328 1151 Mobile: 312 9224

E-mail address: hmicembargmail.com

Property Owner's Name (if not the Applicant): DAVID MOORE

Mailing Address: SAME

Telephone: Day: SAME Mobile: SAME

E-mail address: SAME

Project Description: PAINT SIDING PORTION OF BUILDING AND  
TRIM, ADD WINDOWS IN BOARDED UP LOCATIONS,  
REPLACE TIN ROOF AWNINGS WITH COLOR METAL ROOFING  
REPLACE SIDING ON EAST EXPOSURE

Total Estimated Project Cost \$ 20,000<sup>00</sup>  
Grant Request Amount \$ 5,000<sup>00</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: [Signature] Date: 9/20/15  
 Owners Signature: [Signature] Date: 9/20/15  
 (Owners signature must be notarized)

**NORTH CAROLINA  
CATAWBA COUNTY**

I, Shasta Mejia, a Notary Public for said County and State, do hereby certify that David Moore personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28<sup>th</sup> day of September, 2015.

[Signature]  
 Notary Public  
 My Commission Expires: 1-2-20



3023-0469

FILED **Calawba County**  
on **Apr 28, 2010** at **04:53:00 pm**

Excise Tax **\$221.00** (BR)

INST. # **07027**

**DONNA HICKS SPENCER,**  
Register of Deeds

EX **03023** Pg **0469-0472**

*\$221.00 RMS*  
Excise Tax ~~\$282.00~~

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....

Verified by ..... County on the ..... day of ....., 20.....

by .....

Mail after recording to **Grant Richman, PLLC, PO Drawer 166, Newton, NC 28658**.....

This instrument was prepared by **Robert M. Grant, Jr, Grant Richman, PLLC, Newton, NC** .....

Brief description for the Index



### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this ....15th..... day of .....April....., .....2010....., by and between

**GRANTOR**

**GRANTEE**

**NORTH HICKORY FURNITURE  
COMPANY (aka North Hickory Furniture  
Company, Inc.)**

**ADEMNC, LLC**

c/o David R. Moore  
509 11<sup>th</sup> St NW  
Hickory, NC 28601

Enter in appropriate block for each party: name, 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

3023-0470

The property hereinabove described was acquired by Grantor by instrument recorded in ..... 0470  
.....Book ....., Page ....., Catawba County Registry.....

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

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

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

Title to the property hereinabove described is subject to the following exceptions:

Any and all restrictions, easements, rights of way and encumbrances of record.

None of the property herein conveyed includes the primary residence of the Grantor.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

North Hickory Furniture Company \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (SEAL)  
\_\_\_\_\_ (SEAL)  
\_\_\_\_\_ (SEAL)

SEAL-STAMP

NORTH CAROLINA, Catawba County.

I, a Notary Public of the County and State aforesaid, certify that Floyd Kirvin T. personally came before me this day and acknowledged that he/she is President of North Hickory Furniture Company, a corporation, and that he/she, as President, being authorized to do so, executed the foregoing on behalf of the corporation. Witness my hand and official stamp or seal, this 28 day of April, 2010.

My Commission Expires: 8.4.2010

Donna K. Josey  
Notary Public

Donna K. Josey  
Printed Name of Notary Public



SEAL-STAMP

NORTH CAROLINA, \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

Notary Public

3023-0471

## EXHIBIT "A"

0471

**Tract I**

BEING all of Lot Nos. 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92 and 93 of the division of the L.S. Whitener property according to the plat of the same made by E.M. Yoder, Surveyor, on April 5, 1926, and recorded in the Office of the Register of Deeds for Catawba County, North Carolina in Book of Plat No. 2 at Page 51.

**Tract II**

BEGINNING at a point in the center of the C & NW railroad tracks at the northwest corner of the present property line of the grantee [North Hickory Furniture Company as described in deed from HYALYN PORCELAIN, INC. recorded in Deed Book 757 at Page 12 of the Catawba County Registry], and running thence with said property line N 74°52' East 133.65 feet to a stake; thence North 14°30' W 175 feet to a stake; thence S 73°52'W 50 feet to a stake; thence S 54°06'W 71 feet to a stake; thence S 74°52'W 130.9 feet to a stake in the centerline of the C & NW railroad tracks; thence with the centerline of said tracks in a southeasterly direction, 190 feet, more or less to the point of beginning.

**Tract III**

BEGINNING at a stake in the West margin of 22<sup>nd</sup> Street, C. S. Abernethy's Southeast corner and runs thence South 74°52' West 288.20 feet to a point in the center of the C & NW railway main line; thence with the center of said Railway line South 45°38' East 16.8 feet to a stake; thence with the center of said line South 31°55' East 169.3 feet to a stake; thence North 77°31' East 235.8 feet to a stake in the West margin of 22<sup>nd</sup> Street; thence with the said margin of said street North 16°0' West 187 to the point of beginning.

This property is conveyed subject to the right of way of C & NW Railway Company (now "Caldwell County Railroad") extending along the western boundary of the areas conveyed and subject to all easements, rights of way and restrictions of record.

For back deed reference to Tract I and Tract II, see Deed Book 2946 at Page 391, Deed Book 2434 at Page 322, Deed Book 2434 at Page 319, Deed Book 2433 at Page 1002, Deed Book 2193 at Page 1452, Deed Book 2158 at Page 584, Deed Book 2158 at Page 581, Deed Book 1340 at Page 461, Deed Book 1049 at Page 925, Deed Book 416 at Page 45, Deed Book 521 at Page 188, Deed Book 555 at Page 289, Deed Book 757 at Page 12, Deed Book 869 at Page 549, and Catawba County Special Proceedings 08 SP 839 and 02 SP 756.

For back deed reference to Tract III, see deeds and documents recorded in Deed Book 3008 at Page 1049, Deed Book 3006 at Page 838, Deed Book 2208 at Page 1381, Deed Book 511 at Page 233, Deed Book 461 at Page 411, Deed Book 357 at Page 158 and Deed Book 360 at Page 127 of the Catawba County Registry.

3023-0472

The property conveyed being all of that certain 3.9542 acres, more or less, tract of land as is more particularly described in a map of the same by James M. Bradshaw, NCPLS L-3313, dated April 14, 2010, entitled "Property of ADEMNC, LLC, 509 11<sup>th</sup> St., NW, Hickory, Catawba County, NC."

0472

WEB

CITY OF HICKORY COMMUNITY APPEARANCE GRANT APPLICATION  
ADEMNC, LLC  
509 11<sup>TH</sup> ST NW

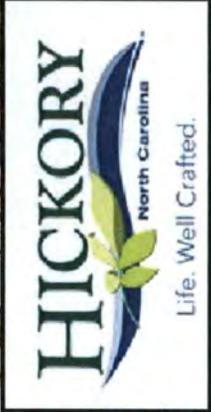
We plan to use this grant, if awarded, to supplement costs to improve the outside appearance of part of our building at 509 11<sup>th</sup> Street NW. This is the former North Hickory Furniture Plant that now houses Hickory Mechanical, Inc. Parts of the building are subleased to various parties the most prominent being Resource Warehouse.

The northeast section of the building is what we call "the wood building". This starts approximately in the center of the building just north of the current Hickory Mechanical office and extends the rest of the building to the north. We also will be looking at doing some work on the north end if funds allow.

As shown in the accompanying pictures, the base work will consist of replacing a good deal of siding, painting the new siding and also painting some of the block base a contrasting color. The colors of burgundy and gray will be continued from the current Hickory Mechanical office. As we replace the siding, this will eliminate some patching and old door supports to "clean up" the east exposure. Picture #6 shows the north end of the building. This is the portion of the project we will do if we can afford it and includes additional patching, painting and some window replacements where openings have been boarded up.

Another part of the project will be to replace two and possibly three galvanized metal canopy roofs. We will repair the wood support structure and install burgundy metal roofing on the small east side dock and the larger L shaped canopy over the loading dock doors on the far north east side. We may also replace the roof of the small canopy on the north side of the building.

Materials used will be T-11 wood panels, paint and 29 gauge burgundy metal roof panels.



**ADEMNC, LLC**  
**Community Appearance Grant**

 509 11th Street NW

## ADEMNC, LLC Quotes

Item	High Quote	High Quote Contractor	Low Quote	Low Quote Contractor
Wood Panel (T-11) Replacement	\$3,400	Shoemaker Construction	\$2,500	General Service
Painting	\$12,150	General Service	\$12,000	Custom Coatings
Awning (Roofing)	\$4,975	Shoemaker Construction	\$3,340	Larry Drum Roofing
Window	\$2,000	Shoemaker Construction	\$1,600	Larry Drum Roofing
<b>Totals</b>	<b>\$22,525</b>		<b>\$19,440</b>	

# Proposal

LARRY DRUM metal Roofing  
2125 Whitepine Dr.  
Granite Falls, NC 28630 (828-244-3694)

PROPOSAL SUBMITTED TO: <i>Hickory Mechanical, INC.</i>		JOB NAME	JOB #
ADDRESS <i>509 11th ST NW</i>		JOB LOCATION	
<i>Hickory, NC</i>		DATE <i>9/25/2015</i>	DATE OF PLANS
PHONE # <i>828-328-1151</i>	FAX #	ARCHITECT	

We hereby submit specifications and estimates for:

① Remove old metal and replace with new metal, 29 gauge. Repair wood and trim out.

TOTAL \$ 700.00

② Remove old metal, replace with new metal. Repair wood and trim out. Replace Facial Boards.

TOTAL \$ 1,740.00

③ Remove old metal and replace with new metal. Trim out, repair wood and replace Facial Boards.

TOTAL \$ 900.00

Color - (Bury.)

Estm. on Windows - (Around \$ 1,600.00) not included in this total

We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:

\$ 3,340.00 Three Thousand, Three Hundred, Forty Dollars

with payments to be made as follows: \$ 2,340.00 down and \$ 1,000.00 at completion

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

*[Signature]*

Note - this proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

## Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature

Date of Acceptance

Signature

*[Signature]*

# PROPOSAL

Exhibit XI.B.4.

Shoemaker Construction Company  
PHONE (828) 228-8785  
EMAIL shoemakercl1@gmail.com  
N.C. License No. 59631

PROPOSAL SUBMITTED TO  
Hickory Mechanical Inc.

DATE  
September 28, 2015

ATTN  
David Moore

JOB DESCRIPTION  
Various Exterior Upfit Renovations

We hereby submit specifications and estimates for:

Replace exterior T-11 wood panels on Front side of the building:	\$3,400.00
Installing 2 Picture Frame Windows on the North side:	\$2,000.00
Replace Road side Dock Metal Roofing:	\$1,200.00
Replace Metal Roofing on the L Shape Roof Overhang:	\$2,375.00
Replace Metal Roofing on North End Dock:	\$1,400.00

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

ONE THOUSAND FOUR HUNDRED SEVENTY FIVE DOLLARS----- (\$1,475.00)

Payment to be made as follows:

Net 30 days from invoice. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate.

Shoemaker Construction Co.

Chris Shoemaker

Note: This proposal may be withdrawn by us if not accepted within 10 days.

**Chris Shoemaker**

---

**From:** Rusty Dellinger [generalservice@embarqmail.com]  
**Sent:** Wednesday, September 09, 2015 9:30 AM  
**To:** chris  
**Cc:** Office  
**Subject:** Hickory Mechanical Shop, Exterior Painting

Chris,  
We will provide labor, materials, and equipment for the following scope of work on the exterior:

Gable End and Front of Bldg. down to inset at Loading Dock

Clean, prep, and paint siding, fascia, gutters, downspouts, and related trim  
\$3950.00

Inset at Dock Overhang Area

Clean, prep, and paint siding, overhangs, canopy ceiling structure, and related trim  
\$2900.00

Side of Bldg. facing Landscapers

Clean, prep, and paint siding, doors, and related trim  
\$5300.00

Rotten wood replacement can be done on a time and materials basis but for budgeting purposes we will assume 20 sheets of T1-11 siding and 100 lin. ft. of 1x6 fascia and trim. This budget is in addition to the previous quotes. Wood replacement is not included in the painting quotes.  
\$2500.00

--

**General Service Inc is fully covered with Workers'Comp and General Liability insurance.**

**Thank you,  
Rusty Dellinger**

**GENERAL SERVICE INC  
PO Box 11337**

*Custom Coatings, Inc.*

*652 10<sup>th</sup> Ave Dr SE*

*Hickory, NC 28602*

Phone (828) 326-0953

Fax (828) 326-0954

**PROPOSAL**

**Project:** Hickory Mechanical Inc.

**Date:** September 11, 2015

**Areas:** Exterior painting

Proposal # 15-457

Proposal includes all labor, materials, and equipment to complete painting at the exterior of the Wood building as follows. The proposal is broken down in to three separate prices but the scope of work is basically the same for all areas.

AREA 1) Long Front side and left eave- includes all newly installed siding, block foundation walls, soffit at the left side, dock posts and related trim.

AREA 2) Loading dock from corner to corner- includes existing siding, overhead doors and trim, entry steps, door, soffit and canopy structure.

AREA 3) Entire right side- includes all masonry and siding and related surfaces.

**Cleaning** - all exterior surfaces will be cleaned to remove mildew and other contaminants using mild chemicals and low pressure to help insure the surface is clean.

**Prep** - this step is critical to a lasting paint finish. Though there is not much paint failure any paint failure must be dealt with properly to have good longevity with the new coatings. Scraping and sanding of peeling areas will be completed and on those areas we will use electric sanding equipment to smooth the surface for a better appearance. We will not try to remove old paint that seems to be adhering properly but will certainly prepare any peeling areas to the extent that we are comfortable that we have failing paint removed. We will sand those peeling areas to a tightly adherent feathered edge. We will also install a high grade urethane sealant to seal all ends, cracks, and other areas for a smooth appearance and superior protection.

**Priming** – all wood surfaces will be primed with an appropriate primer prior to being top coated. Currently painted surfaces that are not being replaced will only need to be spot primed at any repaired areas.

**Painting** - all surfaces will be coated with two full coats of Sherwin Williams Super paint acrylic coatings. Color and sheen will be determined prior to starting the project.

**Pricing:**

**AREA 1) \$4500.00**

**AREA 2) \$4000.00**

**AREA 3) \$3500.00**

①

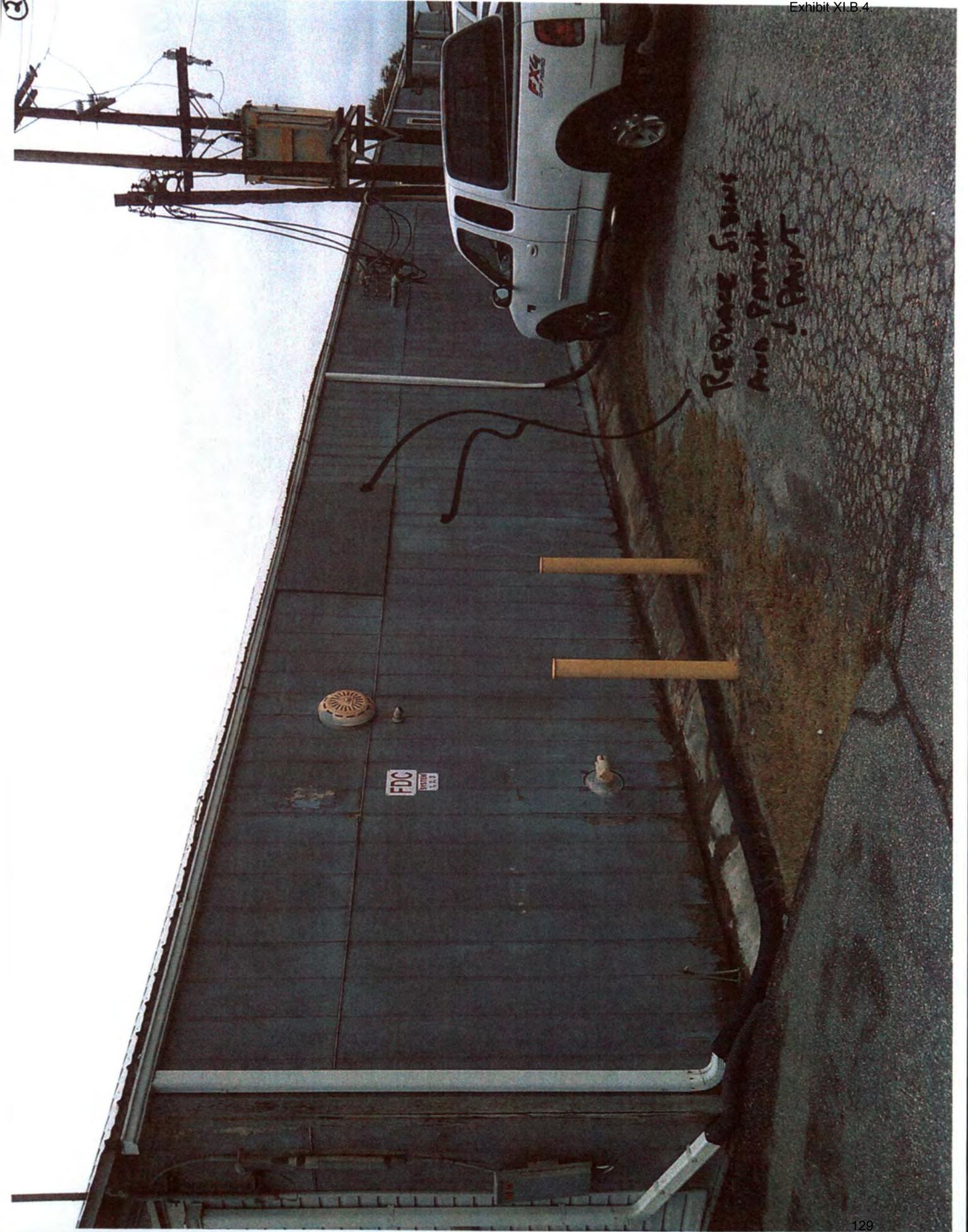
REFINISH/REPLACE WORK  
AS NECESSARY & PAINT

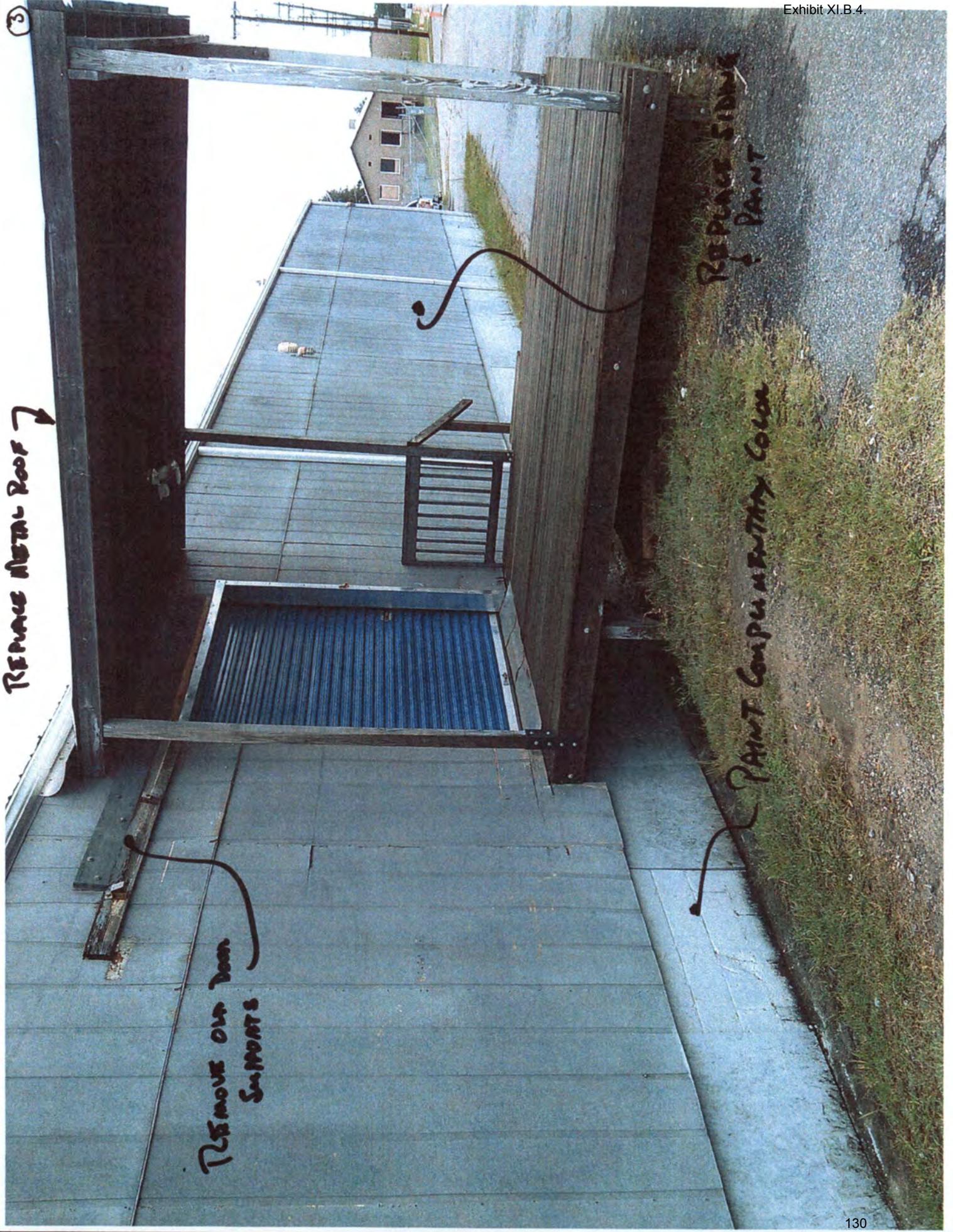


REPAIR STAIR  
& PAINT

REPAIR WORK  
TELEPHONE ENTRY

2





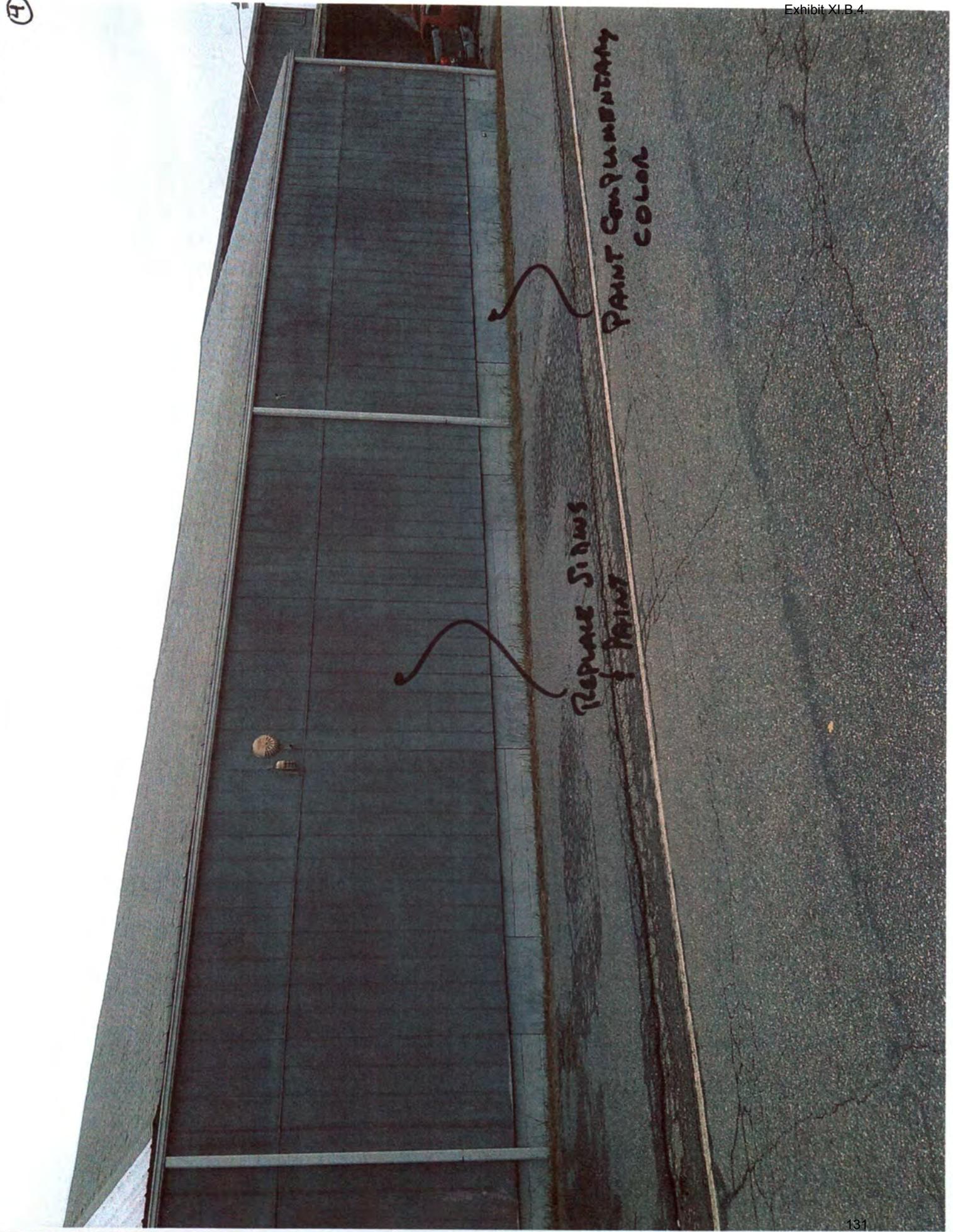
REPLACE METAL ROOF →

REMOVE OLD DOOR  
SUPPORTS →

REPLACE SIDING  
& PAINT →

PAINT COMPARTMENT WITH COLOR →

3



REPAIR WOOD  
& PAINT

REPLACE  
METAL ROOFING

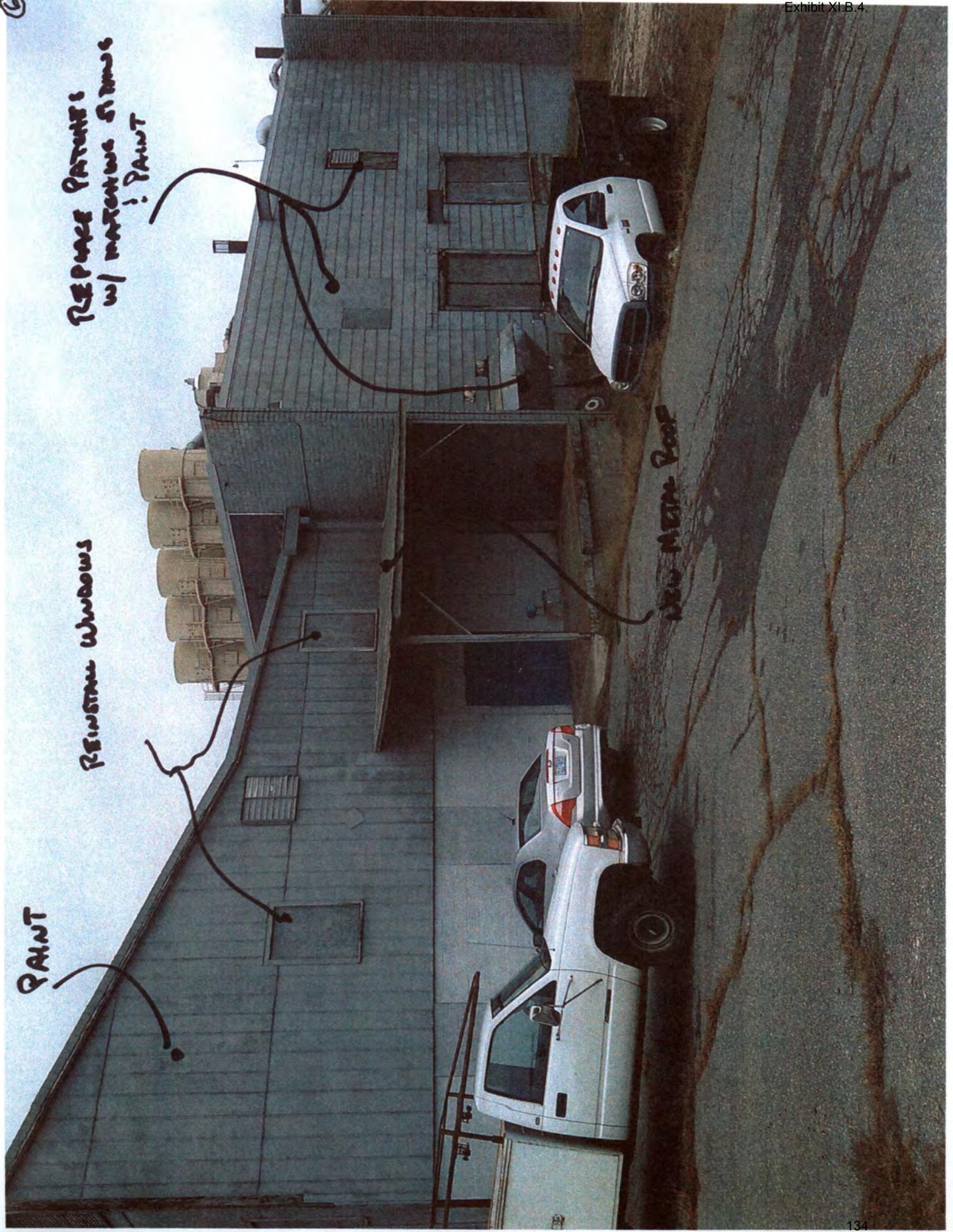
REINFORCE  
WINDOW

REPAIR WOOD  
& PAINT





6



PAINT

REINSTALL WINDOWS

REPLACE PATHERS  
w/ MORTAR AND STUCCO  
+ PAINT

NEW METAL ROOF

PREPARED BY: Legal Department, City of Hickory  
PO Box 398, Hickory, NC 28603

**STATE OF NORTH CAROLINA**

**APPEARANCE  
GRANT AGREEMENT**

**COUNTY OF CATAWBA**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the **CITY OF HICKORY**, a municipal corporation of Catawba County, North Carolina, hereinafter referred to as the CITY, and having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, and **ADEMNC, LLC**, referred to as the RECIPIENT, and having a mailing address of PO Box 2634, Hickory, NC 28603.

**WITNESSETH**

THAT WHEREAS, the City is dedicated to the visual and functional improvements of properties within one mile of the City Center area, as defined by the City Center Plan, dated October 20, 1998; and

WHEREAS, the City is willing to award grants for physical improvements for the purpose of assisting in the visual enhancement of certain existing properties provided the Recipient agrees to certain conditions.

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

1. The Recipient agrees to utilize the grant funds to fulfill that project described in the Downtown Appearance Improvement Incentive Grant Application attached hereto as Exhibit "A" and to utilize said funds solely for physical improvements. Said application is made a part of this Agreement and incorporated herein by reference as if more fully set forth.
2. The Recipient agrees to improve those premises described in Exhibit "A" in accordance with the intent of the City Center Plan to enhance the aesthetic integrity of the premises in accordance with the specifications established in attached "Exhibit A".
3. The Recipient agrees to maintain the design integrity of the proposed improvements, creating, retaining and/or modifying those elements, which enhance the premises.
4. The Recipient agrees to abide by and conform all construction, rehabilitation, renovation, demolition, and landscaping undertaken pursuant to this agreement to all applicable laws of the United States, the State of North Carolina, and those applicable provisions of the ordinances of the City of Hickory directly or indirectly related to the subject matter of this agreement.
5. The amount of this grant is Five Thousand Dollars and 00/100 (\$5,000.00), payable upon completion of said project, and submission of documentation confirming payment of all

contractors and/or subcontractors, provided said project is completed within 120 days from the date of this agreement being signed in accordance with those provisions specified in the Downtown Appearance Improvement Incentive Grant Application.

- 6. The Recipient agrees that in the event the actual project costs are less than the estimated costs, the City grant will be reduced to solely the amount of the actual project costs that would be eligible for participation in this program.
- 7. Technical assistance provided by the City will be advisory only. The City will not be a party in negotiations between the Recipient and any contractor employed by the Recipient nor will the City provide legal advice or services to any party. The Recipient agrees to hold the City harmless for any defects in workmanship or from any liability, damages, or other costs relative to this project.
- 8. This Agreement may be terminated and the City may withhold grant monies upon the Recipient's breach of or failure to perform any of the terms of this agreement. The City shall give the Recipient notice in writing of any potential breach of this Agreement, after which the applicant shall have ten (10) calendar days in which to cure said breach. In the event of a failure to cure a breach of this Agreement, the City of Hickory may pursue any remedy available, either in equity or at law.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed upon the day and year first written above.

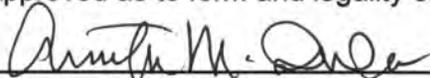
**CITY OF HICKORY**  
A North Carolina Municipal Corporation

By: \_\_\_\_\_  
Rudy Wright, Mayor

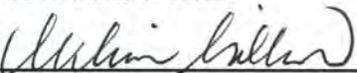
ATTEST: (SEAL)

\_\_\_\_\_  
Debbie D. Miller, City Clerk

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

  
\_\_\_\_\_  
Attorney for the City of Hickory

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

  
\_\_\_\_\_  
Melissa Miller, Finance Officer

*David Moore*  
DAVID MOORE

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

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

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

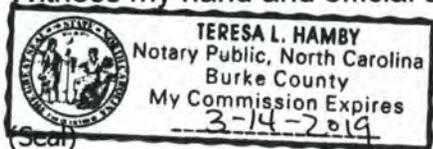
(Seal) \_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, *Teresa L Hamby*, a Notary Public of the County and State aforesaid certify that **David Moore**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this 3 day of November, 2015.



*Teresa L Hamby*  
Notary Public

My Commission Expires: 3-14-2019



*Elaine F. Marshall*  
Secretary

North Carolina

DEPARTMENT OF THE  
SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

Account  
Login  
Register

### Click Here To:

[View Document Filings](#) [File an Annual Report](#) [Print a Pre-Populated Annual Report form](#)  
[Amend a Previous Annual Report](#)

### Corporate Names

**Legal:** Ademnc, LLC

### Limited Liability Company Information

**SosId:** 1144000  
**Status:** Current-Active  
**Annual Report Status:** Current  
**Citizenship:** Domestic  
**Date Formed:** 4/15/2010  
**Fiscal Month:** December  
**State of Incorporation:** NC  
**Registered Agent:** Moore, David Ray

### Corporate Addresses

**Principal Office:** 509 11th Street NW  
Hickory, NC 28601-3434  
**Reg Office:** 509 11th Street NW  
Hickory, NC 28601-3434  
**Reg Mailing:** PO Box 2634  
Hickory, NC 28603-2634  
**Mailing:** PO Box 2634  
Hickory, NC 28603-2634

### Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

**Manager:** David Ray Moore  
509 11th Street NW  
Hickory NC 28601