

# **A G E N D A**

## **HICKORY CITY COUNCIL**

**November 3, 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 3, 2015  
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Cliff Moone, Retired Local Pastor
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A. Regular Meeting of October 20, 2015 **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
  - A. Approval of 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)**
  - 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)**

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- 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.

- A. Proclamation for John Hall Day, October 14, 2015. **(Exhibit VIII.A.)**

- B. 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. **(Exhibit VIII.B.)**

- C. Approval to Amend the Speed Ordinance for Roadways In and Around Lenoir-Rhyne University. **(Exhibit VIII.C.)**

*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.*

- D. Approval to Retire Police Canine Bachak and an Agreement to Allow Police Canine Bachak to be adopted by Handler MPO Matt Williams. **(Exhibit VIII.D.)**

*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. Approval of Community Relations Council Fall Grant Recommendations. **(Exhibit VIII.E.)**

*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. Approval to Apply for a \$10,000 Grant on Behalf of Lenoir-Rhyne University. **(Exhibit VIII.F.)**

*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. Approval to Accept a Walmart Community Grant in the amount of \$2,000. **(Exhibit VIII.G.)**

*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. Budget Ordinance Amendment Number 9. **(Exhibit VIII.H.)**

1. *To appropriate Assigned Fund Balance of \$250,000 into Public Service's Street Division for planned maintenance to the Horseford Creek Bridge on 21<sup>st</sup> Ave NW. The work will include painting and expansion joint repair.*
2. *To recognize as revenue a total of \$46,710 in FY 2015-16 endowment funds for Library projects: Adult Collections (Books) \$2780; Programming Fund (Adult programming) \$8190; Children's Resources Fund \$9000 supplies for new chairs and tablets in children's room, \$3450 for children's programming; Ridgeview Programming \$6930; Operations Fund (Improvements) \$16,360 to upgrade 1st floor public bathrooms.*
3. *To budget available Fund Balance of \$47,000 within Fund 32 (Stormwater) to perform needed maintenance on a failing 60" storm drain in the vicinity of 19th Ave NW and 8th St NW. Project will involve relining the interior of the deteriorating pipe.*

- IX. Items Removed from Consent Agenda

- 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) **(Exhibit X.A.)**

- XI. New Business:

- A. Public Hearings

- B. Departmental Reports:

1. Community Development Block Grant Microenterprise Grant Program Guidelines and Supporting Documents. **(Exhibit XI.B.1.)**

*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.*

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 to nominate 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

**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
- 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)
  - 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)
- 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, October 20, 2015 at 7:00 p.m., with the following members present:

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

A quorum was present.

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

- I. Mayor Wright called the meeting to order. All Council members were present.
- II. Invocation by Rev. David Roberts II, Pastor, Morning Star First Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Swearing-in Mike Johnson and Dean Proctor to the North Carolina Wildlife Resources Commission

Mayor Wright recognized special guest in attendance; Representatives for the Wildlife Commission from Raleigh, State Representative Mr. Jay Adams and Judge Burford Cherry. He commented that there are more Hickory Representatives in Raleigh serving on various boards and commissions than perhaps we had ever had. He mentioned people that were appointed to Raleigh boards and commissions: Tom Adkins, Crime Commission; David Clark, Food Manufacturing Task Force; Kurt Jakusz, Health Coordinating Council; James Young, Hearing Aid Dealers and Fitters; Martin Falls, Human Resources; Richard Thompson, Juvenile Justice Planning Committee; Mayor Wright, serves on the Local Government Commission; Debra Bolick, Medical Board; Clement Geitner, North Carolina Center for Advancement of Teaching; Judy Greenhill, Real Estate Commission; Louis Wetmore, Department of Transportation; and Dave Leonetti, Youth Advisory Council. He commented that we have quite a lot of appointees doing a great job of representing the City's interest in Raleigh. He ask State Representative Jay Adams to the podium to lead the swearing-in ceremony.

NC House Representative Jay Adams discussed the Public Trust Doctrine which established a trustee relationship of government to hold and manage wildlife and waterways for the benefit of the resources and the public. He also discussed the formation of the Catawba County Wildlife Club, in March of 1939. The purpose was conservation of wildlife resources and protection of the environment for these wildlife resources. The early members of that club were instrumental in the formation of the North Carolina Wildlife Commission. The Commission is comprised of 19 members. Mr. Adams advised that it is unprecedented to have two members of the Commission from a single city. By the Governor's appointment Mr. Mike Johnson will be serving six years and by the Speakers appointment Mr. Dean Proctor will be serving two years. Mr. Adams asked Chief District Court Judge Burford Cherry to the podium to administer the Oath of Office to Mr. Johnson and Mr. Proctor.

Chief District Court Judge Burford Cherry administered the Oath of Office to Mr. Johnson and Mr. Proctor.

Mr. Adams thanked Council for allowing the ceremony to take place at their meeting.

- B. Presentation of the Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2015 by Paula Hodges, Audit Partner with Martin Starnes & Associates

Mayor Wright asked Auditor Paula Hodges to the podium to present the Comprehensive Annual Financial Report.

Ms. Paula Hodges, Audit Partner with Martin Starnes & Associates, presented the audited financial statements for the City for June 30, 2015. She presented a PowerPoint presentation to Council which highlighted information from the audited financial statements. The audit opinion was unmodified, which means the City received a clean audit opinion. There were no areas in which their staff and members of City Management could not agree as it relates to the information that is in the audited financial statements. The audit is a lengthy process in which they come on site and ask a lot of questions and gather a lot of information. She advised that City Staff was cooperative and she thanked them for their assistance. She discussed the City's General Fund or Operating Fund which had an unassigned Fund Balance which increased \$516,000. During the year the City implemented GASB 68 which is a new reporting standard. She advised that the City has allocated its percentage of the State's pension plan. All of the decisions regarding that allocation comes from the plans administrators and not the City of Hickory, but it is reported in the City's financials. She showed a graph of the General Fund summary of

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revenues and expenditures for 2015 as compared to 2014. She pointed out that revenues increased as well as expenditures. She showed a graph of Fund Balance for the General Fund for 2015, which was also compared to 2014 and 2013, she pointed out total Fund Balance and unassigned Fund Balance. Total Fund Balance was the larger column because the City has a legally adopted Capital Reserve Fund. Those reserves are included in the General Fund for financial reporting purposes. The total Fund Balance included the total Capital Reserve Funds, while the unassigned Fund Balance was just the General Fund. She showed graphs of the City's major revenue sources and major expenditure sources as compared to the previous year. She pointed out that ad valorem taxes decreased slightly. The collection percentage was 98.16 percent. She advised that other taxes increased, which were made up of State shared revenues, sales tax, franchise tax, and telecommunication tax. She showed a graph of restricted intergovernmental revenue which increased. She advised that this revenue is primarily Federal and State grant funding so that will vary each year depending on what types of projects and programs that the City is using Federal or State funding for. She showed a graph of licenses and permits which decreased slightly. She pointed out that this revenue source included Privilege License which had been eliminated by the General Assembly for the foreseeable future. They had included a column for 2015 to show the amount without that revenue source. She showed graphs for public safety expenditures, which increased for the current year; and General Government, which increased as well; and Cultural and Recreation decreased, which was mainly a decrease in capital purchases. She showed information on the City's Major Enterprise Funds, which are Water and Sewer Fund, Transportation Fund, and Solid Waste Fund. She pointed out the current assets, current liabilities, working capital as well as unrestricted cash. She advised that all of the numbers could be found in the audited financial statements, but they wanted to give Council a presentation for a quick reference.

Mayor Wright commented that the Audit Committee, Alderman Guess and he, had a private meeting with the auditors, with management absent so they could document that they ask questions of the auditors without management present. He was very satisfied with the way the City had made the transition from Mr. Wood as Finance Officer. He thanked the accounting staff and Mr. Rodney Miller for their interrelationship with the auditors in a cooperative and professional way. He felt sure that we would get another Certificate of Conformance for our annual report.

Alderman Guess concurred with the Mayors comments. He commented that it is always a pleasure when they meet and hear how cooperative that the City's Staff is and how well run things are. He commended Staff for the good job that they have done always.

Ms. Hodges thanked Council for the opportunity to serve as the City's auditors.

#### V. Persons Requesting to Be Heard

- A. Mr. Larry Pope addressed Council. He advised that he had been before City Council several times on issues concerning Hickory Public Housing Authority. He did the same thing during those meetings that he attempted to do in 2011 when he could not get Hickory City Council or the Board of Commissioners to hear him out about the misappropriations of Federal dollars. Hickory Public Housing Authority is currently over a half million dollars in debt to monies that they have to pay back to the Federal Government for misappropriations. He came before Council a few weeks ago and ask questions that he thought that the Mayor and City Council were going to ask at the Special Called Meeting they had with Hickory Public Housing Authority to discuss some of the allegations that were made by him to Council concerning misappropriations. At that meeting Council Chambers was full of residents, citizens and others whom were here to see what Council was going to do. The only thing that was done was nothing. Council ask no questions of the Chairman of the Board, or their Attorney that was present. When he left the meeting citizens were outside and had commented that they have got to go. In previous conversations, he has said to the Mayor and Council that they continue to reappoint the same board members over, and over, and over again. In 2011 he was removed from the board because Ms. Richardson didn't want him back on the board because he had gone to HUD and told them about the misappropriations. They came in and did an audit and an investigation and found that the allegations that he had made were found to be true. He knows that at a Council meeting a few months ago, the Mayor said that we do not have citizens who volunteer for boards and commissions. He knows that Attorney Kim Clarke volunteered for the Hickory Public Housing Authority Board. He also had filled out, in the last six months, an application to be reappointed to that board. He commented that if Council does not want honest people serving on boards and commissions than they don't want him, or Attorney Clarke. He thinks that at this point in time Council needs folks, like them, that are going to be honest and not have HUD to continue to come in year, after year, after year, after year. He stated that he knew that the Mayor was down at Public Housing today because he saw him on Channel 9 on the news. He hopes that in some point in time that Council will face facts that no longer can wrong doing be swept under the rug. It has to be addressed, there have to be changes made, or the residents of Hickory Public Housing is going to continue to suffer.

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Mayor Wright advised that at the end the meeting, during general comments, he would discuss the Housing Authority and the trip that they had made to Greensboro, and the outcome of that meeting.

VI. Approval of Minutes

A. Regular Meeting of October 6, 2015

Alderman Zagaroli moved, seconded by Alderwoman Patton that the Minutes of October 6, 2015 be approved. The motion carried unanimously.

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

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

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

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

A. Approval of the National Naval Aviation Museum Standard Renewal Loan Agreement for Loaned Aircraft and Artifacts Located at the Hickory Regional Airport. (First Reading Vote: Unanimous)

B. Approval of the Contract Renewal with Socrata in the Amount of \$12,000. (First Reading Vote: Unanimous)

C. Budget Ordinance Amendment Number 7. (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, 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 Extra Mile Day, November 1, 2015.

B. Approved a Proclamation for Red Ribbon Week, October 23-31, 2015.

C. Approved on First Reading a Lease Agreement for Property Located at 304 3<sup>rd</sup> Street SW, Hickory to Jamie Janine Reed and Christopher Martin Stevey.

Hickory Police Department purchased and renovated the property at 304 3<sup>rd</sup> Street SW Hickory. The property is adjacent to the current 6.18 acres of City owned property and would provide necessary land for any future expansion of the Police Department. The property has three bedrooms, two baths, stove, refrigerator, and microwave. Hickory Police Department requests leasing the property to Jamie Janine Reed and Christopher Martin Stevey in the amount of \$600 per month, beginning November 1, 2015. The tenant will be responsible for all utilities.

D. Approved an Amended Special Event Application for 2015 Walk to End Alzheimer's, Meghan Lawton, Regional Manager, Alzheimer's Association of WNC, Crowdad's Stadium/Park, October 31, 2015 7:00 a.m. to 1:00 p.m

E. Approved Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs.

The following requests were considered by the Citizens' Advisory Committee at their regular meeting on October 1, 2015:

- Raymond Mitchell, 638 3<sup>rd</sup> Avenue Drive SE, Hickory, was approved for Loan Subordination. Mr. Mitchell's loan was done under the First-Time Homebuyers Program. The Citizens' Advisory Committee recommended this subordination to help Mr. Mitchell do a loan modification to lower his monthly payment/interest rate

and make it more affordable. He will not be taking any money out for personal use.

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.

- Ruth Adams, 117 3<sup>rd</sup> Avenue SW, Hickory
- Irma Griffin, 529 12<sup>th</sup> Street SW, Hickory
- Teresa Robinson, 3271 Blue Sky Court, Newton

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

F. Approved "Food for Fines" Amnesty Weeks at the Libraries.

Approval of the waiver of overdue fines for library customers who donate canned, boxed, or bagged food items at either Patrick Beaver Memorial Library or Ridgeview Branch Library during the two-week period of December 1-15, 2015. One item of food will cancel \$1 in overdue fines, and donated items will be given to Greater Hickory Cooperative Christian Ministry. Library staff recommends approval of the annual "Food for Fines" Amnesty Weeks.

G. Approved on First Reading the Capital Purchase of Structural Firefighting Gear for FY15/16 in the Amount of \$385,000

Hickory Fire Department requests approval for the purchase of structural firefighting gear for all personnel. The last purchase of structural firefighting gear was in FY09/10. The fire department incorporates the use of an equipment committee made up of full-time personnel. This committee is tasked with reviewing best practices from across North Carolina and the United States when reviewing tools for apparatus or equipment for the firefighters. The committee chose the Honeywell/Morning Pride line of structural gear for its build qualities, exceptional protection during fire conditions, and renowned customer service. In the analysis, local cooperative purchase plans and local government awarded bid contracts were reviewed to see if any could be utilized in meeting the purchasing needs of the fire department. The Charlotte Cooperative Purchasing Alliance has such a contract, and the terms have been extended to all North Carolina fire departments that wish to piggyback on the contracts purchasing agreement with Morning Pride. The fire department will be purchasing 130 complete sets of structural firefighting gear, at an approximate cost of \$356,000. This cost may increase or decrease depending on the sizing changes that may occur between different personnel. The fire department recommends acceptance of the Charlotte Cooperative Purchasing Alliance terms for the purchase of the CIP structural firefighting gear for personnel.

H. Approved on First Reading 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.

The City of Hickory Water Treatment Facility was last upgraded in 1993. This upgrade included the installation of a new emergency generator that would provide power to portions of the facility in the event of power failure. The generator is approximately 24 years old and is a permit required critical piece of equipment for operations of the facility. The generator is experiencing failures on the power generation end of the emergency generator and has exceeded the mechanical life of the unit. Staff has had the existing emergency generator evaluated and vendors cannot provide replacement parts to repair the existing unit. In October of 2014, with City Council's approval, HDR Engineering Inc. analyzed and designed the project. The project was advertised for bid and Crowder Construction Company was the lowest responsible bidder. On October 6, 2015, on second reading, Council accepted bids on this project. This project is planned as a component of the FY 15-16 Capital Budget to be funded from Capital Reserves. Staff recommends Council award the contract for the Water Treatment Facility emergency power generator replacement project with Crowder Construction Company being the lowest responsible bidder in the amount of \$2,699,000.

I. Approved on First Reading an Amendment to the Agreement for Engineering Services with HDR Engineering, Inc. of the Carolinas in the Amount of \$114,500.

In October of 2014, City Council approved a contract with HDR Engineering, Inc. of the Carolinas to perform professional engineering services for the generator at the Water Treatment Facility. Staff is proposing to hire HDR Engineering, Inc. to provide construction administration and inspection services on the project due to the level of familiarity with the design and infrastructure. This project is anticipated to take approximately a year to complete and will be staffed with an engineer full-time while the contractor is on-site. Fees were negotiated using standard accepted tables. This project is planned as a component

of the FY 15-16 Capital Budget to be funded from Capital Reserves. Staff recommends Council's approval of this Amendment to the Agreement for Engineering Services with HDR Engineering, Inc. of the Carolinas to perform professional engineering services related to construction administration and inspection services for the replacement emergency generator at the Water Treatment Facility in the amount of \$114,500.

- J. Approved on First Reading Acceptance of 35<sup>th</sup> Avenue Court NE into the City of Hickory's Street Maintenance.

*35<sup>th</sup> Avenue Court NE was recently brought up to City of Hickory roadway standards by adjacent property owners. The section is approximately 550 feet long and is located on the east side of Falling Creek Road between Falling Creek Estates and Woodlawn Memorial Gardens. Public right of way existed previously and roadway is within the City limits. This street is eligible for City maintenance and inclusion on the Powell Bill listing. The work required to bring the road to City of Hickory standards was financed entirely with private funds and no City monies were used for that work. Staff recommends that 35<sup>th</sup> Avenue Court NE be accepted by City of Hickory street maintenance and inclusion on Powell Bill listing.*

- K. Approved on First Reading Budget Ordinance Amendment Number 8.

ORDINANCE NO. 15-47  
BUDGET ORDINANCE AMENDMENT NO. 8

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

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

FUNCTIONAL AREA	INCREASE	DECREASE
Economic & Community Development	300	-
Other Financing Uses	43	-
Public Safety	-	43
Other Finance Sources	385	385
TOTAL	728	428

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenue	300	-
TOTAL	300	-

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.

- L. Approved on First Reading Grant Project Ordinance Number 3.

ORDINANCE NO. 15-48  
GRANT PROJECT ORDINANCE NO. 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, that the following grant project ordinance is hereby adopted for the duration of the project.

SECTION 1. To establish the 2015 Urgent Repair Grant, the expenditures are to be recorded as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic and Community Development	55,000	-
TOTAL	55,000	55,000

To provide the funding for the above, the revenues will be recorded as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Governmental Revenue	50,000	-
Miscellaneous Revenue	5,000	-
TOTAL	55,000	-

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

M. Approved on First Reading Grant Project Ordinance Number 4.

ORDINANCE NO. 15-49  
GRANT PROJECT ORDINANCE NO. 4

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

SECTION 1. To establish the U.S. Department of Justice JAG Equipment Grant, the expenditures shall be recorded as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	32,455	-
TOTAL	32,455	-

To provide the funding for the above, the revenues will be recorded as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Governmental Revenue	32,455	-
TOTAL	32,455	-

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

N. Approved on First Reading Grant Project Ordinance Amendment 2.

ORDINANCE NO. 15-50  
GRANT PROJECT ORDINANCE AMENDMENT NO. 2

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

SECTION 1. To amend the General Capital Project Fund (Miscellaneous Storm Damage Repairs), expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	-	383
Other Financing Uses	383	-
TOTAL	383	383

SECTION 2. To amend the Multi-Year Grant Project Fund (2013 Police Department Vests), expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	2	-
Public Safety	43	-
TOTAL	45	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	2	-
Other Financing Sources	43	-
TOTAL	45	-

SECTION 3. To amend the CDBG Entitlement Block Grant Fund, expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Community Development	78,750	-
TOTAL	78,750	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
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Miscellaneous	78,750	-
TOTAL	78,750	-

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

IX. Items Removed from Consent Agenda – None

X. Informational Item

A. Mayor Wright’s Travel to North Carolina League of Municipalities Ignition City Vision 2015, Winston-Salem, NC, October 12, 2015 (Registration \$410; Mileage Reimbursement \$81.65).

Mayor Wright reiterated his travel to the Ignition City Vision in Winston-Salem. Ignition City Vision was the name given to the North Carolina League of Municipalities annual meeting.

XI. New Business:

A. Public Hearings

1. Approved the Voluntary Contiguous Annexation of 11.936 acres Located in the 3000 Block of Short Road

A petition was submitted on behalf of Cecil and Rachel Munday for the voluntary contiguous annexation of 11.936 acres of property located in the 3000 block of Short Road. The annexation area is the proposed location of an eighty unit residential apartment complex. The construction of which will require municipal water and sewer service. Upon analysis, Staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff recommends approval of the requested annexation.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 9, 2015.

City Manager Mick Berry advised that the Public Hearing was for consideration of a voluntary contiguous annexation petition of approximately 12 acres located in the 3000 block of Short Road. He asked the City’s Planning Director Brian Frazier to the podium to present the information to Council.

Planning Director Brian Frazer presented a PowerPoint presentation to Council. He advised that Cecil and Rachel Munday had presented a petition for a voluntary contiguous annexation on Short Road located in southeast Hickory, containing just under 12 acres. The current development is vacant residential property. The current value of the property is \$104,600. The proposed future development is an 80 unit residential apartment complex. The value of similar developments in the area, such at 29 North and Waterford Place, is approximately \$5,200,000. Annexation was being requested by the applicants to obtain connection to the City’s water and sewer system. He showed a map of the area and pointed out the proposed area of the annexation, Catawba Valley Boulevard, Startown Road, Short Road, the existing City limits and extra territorial jurisdiction (ETJ). He showed another map and pointed out the proposed area of annexation outlined in red, Catawba Valley Boulevard, CVCC, Startown Road, and Fairbrook Medical Clinic. On a third map he pointed out the proposed area, the existing zoning, low density residential, office and institutional (O&I), and regional commercial. On the fourth map he pointed out Short Road, the area of annexation, and the Hickory by Choice 2030 Future Land Use Plan, and public institutional which was the campus of CVCC. He pointed out general business, regional commercial, and low density to medium density residential. He advised that this is a very early and preliminary plan of what would be known as Fairbrook Place Apartments, to contain 80 multi-family units. He showed building elevations of the proposed project, being similar to other styles of multi-family that are located within the City. The voluntary annexation petition complies with all annexation statutes, and public services are available and sufficient quantities to serve the development. The annexation will not cause any public services to fall below acceptable levels. He advised that they had discussed this with Police and Fire, and utilities staff as well as public services. Based on the findings Staff recommended approval of the requested annexation. He advised that Council would see in the future an initial proposed zoning of the property, which will be through public hearings of both the Planning Commission and City Council. More than likely it will be a planned development type of zoning, which would be fitting in the area and keeping in concert with Hickory by Choice 2030.

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

Alderman Seaver moved, seconded by Alderman Zagaroli approval of the voluntary contiguous annexation of 11.936 acres located in the 3000 block of Short Road. The motion carried unanimously.

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

ANNEXATION ORDINANCE NO. 431  
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)  
Cecil and Rachel Munday

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

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building at 7:00 p.m. on the 20th day of October, 2015, after due notice by publication on October 9, 2015; and

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

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

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

CONTIGUOUS ANNEXATION  
DESCRIPTION FOR  
CECIL AND RACHEL MUNDAY

Being located in Hickory Township, Catawba County, North Carolina and more particularly described as:

BEGINNING at an existing railroad spike in the pavement of Short Road (S.R. 1166), said spike being the northeast corner of Tammy T. Bolick (deed book 2925, page 53); thence with Short Road, North 49 degrees- 57 minutes- 10 seconds East, 372.87 feet to an existing railroad spike near the center of the road; thence continuing with Short Road, North 37 degrees- 02 minutes- 00 seconds East, 405.00 feet to an existing railroad spike, said pipe being the northwest corner of Catawba County (deed book 3255, page 606); thence with the line of Catawba County, South 51 degrees- 40 minutes- 50 seconds East, 38.40 feet to an existing 3/4" pipe on the southern right of way of Short Road; thence continuing with the line of Catawba County and Kathy H. Burris (deed book 2938, page 110), South 51 degrees- 40 minutes- 50 seconds East, 491.71 feet to an existing iron pin; thence continuing with the line of Burris the following three (3) calls: (1) South 20 degrees- 47 minutes- 05 seconds West, 390.44 feet to an existing iron pin; (2) North 84 degrees- 00 minutes- 00 seconds West, 75.00 feet to an existing iron pin; (3) South 22 degrees- 37 minutes- 30 seconds West, 274.06 feet to an existing iron pin in the line of Frank L. Whitener (deed book 1731, page 893 and deed book 988, page 302), North 84 degrees- 00 minutes- 00 seconds West, 491.11 feet to an existing iron pin in the center of a gravel drive, the southeast corner of Frank L. Whitener (deed book 1013, page 273); thence with the line of Frank L. Whitener (deed book 1013, page 273) and Tammy T. Bolick (deed book 2925, page 53), North 23 degrees- 05 minutes- 35 seconds West, 352.55 feet to the place and point of BEGINNING, containing 11.936 Acres by coordinate computation and said description being the

same as surveyed by Miller Surveying, Inc. (Drawing H3B-4877) dated August 25, 2015.

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

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

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

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

Section 6. This Ordinance shall be in full force and effect from and after the 31<sup>st</sup> day of October, 2015.

ADOPTED THIS 20<sup>th</sup> DAY OF OCTOBER, 2015.

2. Approved the Sale of Five City-Owned Properties Located on F Avenue SE.

The City owns five properties located on F Avenue SE that were originally purchased with Community Development Block Grant (CDBG) Funds as part of the East Hickory Redevelopment Plan. The properties are located at 865, 870, 872, 880, and 889 F Avenue SE. These properties were originally purchased for future development and to stabilize the area through the reduction of blight. Staff has been approached by AMMCO, LLC with an offer to purchase these properties, and plans on developing these properties for residential use. A public hearing is required since the properties were purchased with CDBG funds. In accordance to the US Department of Housing and Urban Development Regulations, the properties must be sold for market value. A recent appraisal listed the market value of these properties at \$17,000. The offer from AMMCO, LLC is for market value. The properties must also be sold subject to the upset bid process. Staff recommends that City Council adopt a resolution accepting the offer from AMMCO, LLC and authorize Staff to advertise for upset bids.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 9, 2015 and October 16, 2015.

Mr. Mick Berry asked the City's Community Development Manager Dave Leonetti to the podium to present Council with an offer for their consideration of the sale of five city-owned properties located on F Avenue SE.

Community Development Manager Dave Leonetti presented a PowerPoint presentation to Council. He advised Council that the properties were located at 865, 870, 872, 880, and 889 F Avenue SE. These five lots were originally purchased for future development and neighborhood stabilization and blight removal related to the East Hickory Redevelopment Plan. He advised that Staff had received an offer from AMMCO LLC to purchase the five lots. He pointed out on a map the subject properties, which are located just north of Tate Boulevard and east of Lenoir-Rhyne Boulevard off F Avenue Southeast. There was three contiguous lots that were relatively narrow approximately 125 to 150 feet deep located on the south side of the road. The other two lots are located on the north side. The topography drops quickly. He pointed out property that is currently owned by AMMCO LLC. The properties were purchased with Community Development fund which requires a public hearing prior to the sale and that sale also must be for market value. If the offer is accepted then Staff must advertise for upset bids to insure that the sale is also competitive. After a 10 day period in which no bids are received then the contract can be brought back to City Council for final approval. The properties were recently appraised for a total of \$17,000. The offer from AMMCO LLC was for that appraised value. He reiterated that they own many of the properties between Lenoir-Rhyne Boulevard and the subject properties. They plan to develop these for residential use. Staff recommended that City Council adopt a resolution accepting the offer from AMMCO LLC and authorizing Staff to advertise for upset bids.

Alderman Lail asked if Mr. Leonetti had a copy of the appraisal.

Mr. Leonetti advised he did not have it with him.

Alderman Lail asked who ordered the appraisal.

Mr. Leonetti advised the City ordered the appraisal.

Mayor Wright commented that the upset bid process would absolutely establish the value, the appraisal is just an estimate.

Alderman Guess asked if the plan was for single family dwellings or apartments.

Mr. Leonetti advised he thought it was for apartments. He advised it would be an apartment style, large four bedroom houses that would be leased individually. Each individual apartment would have its own bedroom and bathroom with a common cooking facility. Apartment style, but technically single family homes.

Mayor Wright asked if this was for college use.

Mr. Leonetti commented generally that it is what it is going to be marketed for.

Alderwoman Patton commented it is nice to see the redevelopment starting to happen.

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

Alderwoman Patton moved approval.

Alderman Lail commented that the tax value, which is less specific than an appraisal, was twice the offer price. He advised it is approximately \$34,000. He wasn't surprised that the appraisal might come in lower. He questioned what the initial appraisal meant. He wanted to make sure that the City was getting the full value out of the property. He concurred with Alderwoman Patton that it was great to have it redeveloped. He felt that \$3,000 for a lot is low. He wanted confidence about the market value, and maybe Staff could provide that.

Mr. Leonetti advised that Staff ordered the appraisal in August, and received it back in mid-September. Paul Henry conducted the appraisal, and those were the numbers that it was appraised at.

Mayor Wright asked if there would need to be any site improvements.

Mr. Leonetti advised that there may need to be some grading done.

Mayor Wright commented that sometimes that is a factor that maybe hadn't been considered in the tax value. He agreed with Alderman Lail that the City wants to get the fair value of this property. He asked if the advertising for upset bids satisfies it.

Alderman Lail thought so, and he was not trying to be a stop to the project necessarily. Council had not received a copy of the appraisal in their agenda packet. He commented that perhaps the upset bid would flesh things out. He felt that it would be okay if this was going to develop for student housing, and it is redevelopment, that they enter an economic development agreement and sale it to them, if Council agrees to sale it to them for \$17,000. If we are going to sale it straight up he wanted it well documented as to market value, which he felt like it was.

Mayor Wright commented that he would rather get fair value than have an economic development agreement.

Alderman Meisner advised that it is very difficult to value raw land right now, because building permits are so scarce. Nobody is building. They are not paying market value for raw land, they are getting fair sale prices.

Alderman Seaver commented it makes you wonder what properties they were comparing that to get their appraisal from.

Alderman Meisner commented because there aren't any lot sales.

Mayor Wright commented that appraiser, in that case, have to find something. You don't have the option to say there is no way to estimate the fair value.

Alderman Zagaroli commented that it is relative to location, location, location too. That was not one of the prime areas of the City of Hickory.

Mayor Wright commented that it is going to be.

Alderman Meisner commented that the City didn't have this problem 20 years ago. Just go around the neighborhood four or five blocks and see if you see any new residential construction. You don't.

Alderman Seaver reiterated it was hard to find anything to compare it to.

Mayor Wright commented that he would be willing to live with the upset bid process. People that are interested in developing raw land look for those kind of things.

Mr. Berry advised that Council was not obligated to sale it if they didn't get an upset bid. There is nothing that says the City has to sale property, period.

Alderman Lail commented that it would be in the City's interest to sale it if we are getting market value.

Alderman Meisner commented that he would rather see development property. It is going to be 10 to 15 years before that property is really developed. They are using that to assemble property to tie in with their property.

Alderman Guess asked if this was the last piece of property that they would need to get the project started.

Alderman Meisner commented pretty much.

Mayor Wright stated that there are other properties that they control or could get control of and do further development. It makes sense that area would become student housing. There will be the 90 plus students that are going into the Physician Assistant program and this would be an ideal place for them to rent. It is not that far from the college either.

Alderman Zagaroli commented that the upset bid will tell us or not if there is value of that property.

Mayor Wright commented that a lot of people are going to be watching that. He agreed with Alderman Lail that there are factors that make you think that would be reasonable, and there are factors that make you think that it should sale for a little more than that.

Alderwoman Patton moved, seconded by Alderman Seaver approval of the Resolution accepting the offer from AMMCO, LLC and authorize staff to advertise for upset bids. The motion carried unanimously.

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

RESOLUTION NO. 15-26

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO PURCHASE CERTAIN PROPERTY

WHEREAS, City Council of the City of Hickory desires to dispose of certain surplus properties of the City of Hickory.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

- 1. The following described properties are hereby declared to be surplus to the needs of the City of Hickory:

865 F Avenue SE, Hickory, PIN #3712-05-09-4223, Lot 6, J.D. Riddle Subdivision, Plat Book 1 at Page 8, recorded in Deed Book 2387 at Page 1823, Catawba County Registry, containing .270 acre more or less;

870 F Avenue SE, Hickory, PIN #3712-05-09-4086, Lot 6, Plat Book 6 at Page 37, recorded in Deed Book 2456 at Page 439, Catawba County Registry, containing .160 acre more or less.

872 F Avenue SE, Hickory, PIN #3712-05-09-5056, recorded in Deed Book 2633 at Page 1491, Catawba County Registry, containing .150 acre more or less.

880 F Avenue SE, Hickory, PIN #3712-05-09-6016, recorded in Deed Book 2622 at Page 1872, Catawba County Registry, containing .160 acre more or less.

889 F Avenue SE, Hickory, PIN #3712-05-09-6253, Lot 10, J.D. Riddle Subdivision, Plat Book 1 at Page 8, recorded in Deed Book 2622 at Page 1874, Catawba County Registry, containing .310 acre more or less.

2. City Council has received an offer to purchase for the sum of \$4,000 for the property located at 865 F Avenue SE, Hickory, North Carolina; \$3,000 for the property located at 870 F Avenue SE, Hickory, North Carolina; \$3,000 for the property located at 872 F Avenue SE, Hickory, North Carolina; \$3,000 for the property located at 880 F Avenue SE, Hickory, North Carolina; and \$4,000 for the property located at 889 F Avenue SE, Hickory, North Carolina. The person making the offer must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash or cashier's check.
3. City Council proposes to accept the offer unless a qualifying upset bid shall be made.
4. The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
5. Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash or cashier's check. At the conclusion of the ten (10) days, the City Clerk shall open the bids, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6. If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.

B. Departmental Reports:

1. Approved on First Reading a Memorandum of Understanding for the Construction of a Splash Pad at Kiwanis Park.

The City of Hickory, Hickory Kiwanis Club and the Kiwanis Club of Western Catawba County engaged in a joint effort to construct the Zahra Baker All Children's Playground at Kiwanis Park which opened May of 2012. Both Kiwanis clubs have agreed to partner with the City of Hickory to jointly fund the construction of a splash pad at Kiwanis Park that would be maintained by the City of Hickory as part of its operations. The Memorandum of Understanding details the terms and conditions under which the splash pad will be constructed. The Memorandum of Understanding has been sent to both the Hickory Kiwanis Club and the Kiwanis Club of Catawba County for their respective consideration and approval. The Parks and Recreation Commission considered and approved the Memorandum of Understanding at their August 11, 2015 meeting and recommends its approval by City Council. Staff recommends approval of the Memorandum of Understanding for the construction of a splash pad at Kiwanis Park.

Mr. Mick Berry asked the City's Parks and Recreation Director Mack McLeod to the podium to present Council with a Memorandum of Understanding for the construction of a splash pad at Kiwanis Park.

Parks and Recreation Director Mack McLeod presented Council with a PowerPoint presentation for the Memorandum of Understanding (MOU) for the construction of a splash pad at Kiwanis Park. The City of Hickory, Hickory Kiwanis Club, and the Kiwanis Club of Western Catawba County engaged in a joint effort to construct the Zahra Baker All Children's Playground at Kiwanis Park, which opened in May of 2012 and is now a destination point in the City. He advised that 2015 is the 100<sup>th</sup> Anniversary of Kiwanis International and both Kiwanis Clubs desire to commemorate that anniversary through a local service project in Hickory. Both

Kiwanis Clubs have agreed to partner with the City of Hickory to jointly fund the construction of a splash pad at Kiwanis Park that will be maintained by the City of Hickory as part of their operations. He discussed the terms and conditions contained within the Memorandum of Understanding (MOU). A splash pad management team will be composed of representatives of both Kiwanis Clubs and the City of Hickory. The team will be formed to oversee project design, funding, fundraising, and from the City of Hickory those representatives will be both City Staff and representatives of the Parks and Recreation Commission. All parties would agree that the splash pad would be constructed at Kiwanis Park. The City of Hickory will determine the overall budget for the splash pad. Both Kiwanis Clubs have agreed to contribute a minimum of \$100,000 toward the construction of the splash pad. Those contributions could include, direct monetary payments from club funds, donations received by the Kiwanis Club, grant funds, and any fundraising dollars. Any contributions made by the Kiwanis Clubs to the project, beyond that initial \$100,000 minimum contribution, will be applied to the City of Hickory's funding obligations for the splash pad. The City of Hickory would deposit and give a receipt for all contributions that are made to the splash pad project by any individual, company or organization, and the Kiwanis Clubs would receive credit of the \$100,000 for those contributions that do come in. The City of Hickory would hold all those contributions in a donation account. The City of Hickory will be responsible for the construction of the splash pad, with all of those expenses pertaining to design through construction would be processed through the City of Hickory. Should the Kiwanis Clubs meet that \$100,000 minimum contribution level then they would receive naming rights to the splash pad. Once the splash pad is in place and the Kiwanis Clubs have agreed that they would not maintain any rights regarding any future decisions that would be made in operations, use, maintenance improvements, alterations, or decommissioning of the splash pad. The Memorandum of Understanding had been approved both by the Hickory Kiwanis Club and the Kiwanis Club of Western Catawba County. He advised that both Kiwanis Clubs are excited about this project and ready to get started. Parks and Recreation Commission considered and approved the Memorandum of Understanding at their October 13<sup>th</sup> meeting and recommended its approval by City Council. Staff also recommended approval of the Memorandum of Understanding between the City of Hickory, Hickory Kiwanis Club, and the Kiwanis Club of Western Catawba County for the construction of a splash pad at Kiwanis Park.

Alderman Zagaroli asked for the total cost of the splash pad.

Mr. McLeod advised he would discuss that.

Alderman Lail asked if he would discuss the timeframe as well.

Mr. McLeod advised he could talk about that. That have not gotten into exactly committing to a timeframe as to when it will be on the ground. He had been asked that by both clubs, and he wasn't committed to that, because they want to do it right the first time. They don't want to commit to a time.

Alderman Guess questioned the location at the park.

Mr. McLeod continued his presentation. He advised that Staff would ask for Council's approval on first reading of the Memorandum of Understanding. He advised Council, as they are aware, that the City of Hickory has an Ethics Policy. He read a portion of the Ethics Policy which states "That City employees will avoid conflicts of interest and the appearance thereof". Mr. McLeod has the esteem honor of serving as the current President of the Kiwanis Club of Western Catawba County. He took office on October 1, 2015 and will serve as the President of that club through September 30, 2016. As they stated the process and discussing with both clubs, it brought a question to his mind if he had a conflict of interest being an employee of the City of Hickory and also the President of the Western Catawba County Kiwanis Club. He spoke with Deputy City Attorney Arnita Dula and asked for a legal opinion as to that fact. She had concurred and informed him that there could be an appearance of a conflict of interest. Based on the City's policy he informed his immediate supervisor, Mr. Rodney Miller, that he did have a potential conflict of interest. This is an exciting project for both Kiwanis Clubs and the City of Hickory. He did not want there to be any distractions or any appearance of distraction, and he wanted everything to be completely transparent. Pending Council's approval of the Memorandum of Understanding, and once it is signed by all three parties, the City of Hickory, Hickory Kiwanis Club and Kiwanis Club of Western Catawba County, he will step away from this project and Assistant Parks and Recreation Director Donna Andrews will then assume the lead role in this project from the City's perspective. He had already discussed this with the Parks and Recreation Commission and made them aware of it. He had also made the Kiwanis Club aware of it. He asked for their approval for their Past-President

David Parsons to sign the Memorandum of Understanding pending Council's approval on behalf of the club. They approved that today. He felt that Council needed to know of that potential conflict of interest.

Mayor Wright asked if the Deputy Attorney said it was a conflict of interest.

Mr. McLeod advised that it could be the appearance of. The policy states that the City employee will avoid conflicts of interest and the appearance thereof. He did not want there to be any appearance whatsoever.

Mayor Wright commented that he understood the magnanimous gesture that he was going to step away from it. He questioned if that imposed some standard on us, and other employees, is it a higher standard than we ought to have imposed on us. Would there be parallels drawn between Mr. McLeod stepping aside, and some other employee or Council member not stepping aside in a similar situation?

Mr. McLeod advised Council that he felt as his role as the City of Hickory Parks and Recreation Director and at the same time serving as the current President of the Kiwanis Club of Western Catawba County, he felt that is what he needed to do.

Mayor Wright asked if the only test was that individual says I feel I need to step away. Is that the only test that needs to be met?

City Attorney John Crone advised no, but there could be an appearance of a conflict if he is on a board that is entering into a contract with the City. He felt that Mr. McLeod had chosen the right thing to do and Mr. McLeod felt the same way.

Mayor Wright was worried about precedents and something coming back that you never expected to haunt you, and someone say that for example, Mr. Hansen didn't step down.

Alderman Seaver commented that he was on the Hickory Kiwanis Club, but he was not a member of the board that voted. He asked should he be recused from the vote on it or not. He commented that the playground seemed more like a Kiwanis project and this one seems more like a City project. The City could be footing half or more of the bill.

Mr. McLeod commented that it was because he was the current President of the Western Catawba County Kiwanis Club. That is the only reason and he did not want there to be any appearance of a conflict solely for that reason because of his role with the Western Catawba County Kiwanis Club.

Alderman Lail commented that he felt Mr. McLeod was doing the right thing, but those policies are about somebody driving some unjust gain, and this is not the case at all. Kiwanis has an implicit mission to do this kind of the thing. This is something that the City wants to provide. Everybody has great motives on this.

Alderman Seaver commented that the people that are going to gain the most are the children.

Mayor Wright stated that there is no financial, it is not like any investment, or any way money is going to find its way. That is why he raised the question, because we all understand that personal gain directly tied to a contract in some way is prohibited. Pure and simple. But here he doesn't see how any reasonable person could say that there could ever be a conflict of interest over this. He understood Mr. McLeod's magnanimous gesture.

Mr. McLeod commented that Staff recommended Council's approval of the Memorandum of Understanding on first reading. He described a splash pad as an area for water play that has little or no standing water. It is a playground with water tied to it. There is no need for lifeguards as there is little risk for drowning. The ground nozzles and water features are often controlled by hand activated motion sensors to run from a limited time. The surface can either be a textured nonslip concrete or a poured in place rubber surfacing. He advised that poured in place was exactly the same surface under the main unit at Zahra Baker All Children's Playground. Splash pads were designed to appeal to young children, but a more recent trend has been to design them to include play features that appeal not only to young kids, but teens and adults as well. He showed photos of splash pads currently in various locations: City of Morganton, which contained no overhead features, everything comes from the ground up. He pointed out the activation bollard, which activates the spray nozzles. He advised that the surface was a poured in place surface. He showed a photo of the City of Conover's splash pad, it had no overhead water features, everything comes up through ground nozzles and the surface is a nonslip concrete. He pointed out the activation bollard that

activates the motion sensor. He showed the splash pad at Hickory Foundation/YMCA. They reused an old wading pool and converted it into a splash pad. It had overhead features as well as underground features.

Alderwoman Patton interjected that at the YMCA the water goes up approximately a foot.

Mr. McLeod showed a photo of the splash pad at Adrian Shuford/YMCA in Conover which contained overhead features, as well as features that come up through the ground. He pointed out their activation bollard. He showed a photo of the splash pad at the City of Kannapolis, located at Village Park which also contained overhead and underground features. He showed a photo of Lincoln County's splash pad located at Beatty's Ford Park.

Mr. McLeod advised that last year the City's Parks and Recreation Commission looked at the development process for splash pads. They asked Staff to bring back to them options to consider. At about the same time both Kiwanis Clubs started the process of discussions about partnering with the City to develop a splash pad at Kiwanis Park. They had requested information from Staff about splash pad options as well. When Staff was going through the planning process with designing what the eventual product would look like they wanted that "wow" factor. He advised he had three options for Council to review. He showed the proposed location on a map at Kiwanis Park and pointed out the playground, and the recently constructed picnic shelter and restroom facility, and the ballfield. The existing playground would be the proposed location. Option one had a nautical theme, contained a little over 3,000 square feet, the actual spray area was approximately 2,100 square feet. He pointed out that they had incorporated the Kiwanis International logo. The color scheme was tied in to what is existing at the playground. This option had 13 different water features. Option two featured a super splash which was a gigantic bucket that fills up and tips over. He pointed out the Kiwanis logo that had been incorporated. This option had separation of three zones which would be based on different age groups from young, to teenagers, and adults. The area was approximately 4,160 square feet total and the actual spray area was 3,003 square feet and contained 34 water feature components. Option three also contained the super splash as the focal point. The total area was more spaced out and zoned more. The total area contained 4,456 square feet, the actual spray area 3,233 square feet. As with option two there was three different play zones and 34 water feature components. Between option two and option three there were nine like features. Each option has different other features and different numbers of like features. He pointed out the three zones on option three.

Mr. McLeod discussed cost estimates. The estimated cost for the three options ranged from \$253,800 to \$360,000. The cost estimates included a contingency but did not include any infrastructure improvements, upgrading the water supply into the park. He advised that Staff could pursue other options, add, subtract, or change the proposed size. Any changes would affect cost estimates. Both Kiwanis Clubs are excited about getting started with fundraising efforts. He asked Council for feedback on the three options.

Alderman Seaver asked if there was any laws or rules regarding the number of people that could be served by each of those options.

Mr. McLeod advised about 250 on option two or three at any one time.

Mayor Wright commented that we really have some big crowds and they are going to get bigger.

Mr. McLeod commented that some of the playground equipment out there could handle up to 50-60 kids. It is user based on square feet.

Alderman Guess asked how much undeveloped property that the City owned in that same location

Mr. McLeod advised fields three and four were built in 1996, there is a parking lot in the back. They really don't open this parking lot unless there are ballgames going on and there is also access off of 3<sup>rd</sup> Avenue Drive. Once the splash pad is there all of the parking would be available for the splash pad. He confirmed that there was sufficient parking there however, at peak times during a ballgame people are lined up parking along the street.

Alderman Meisner agreed that it needed the "wow" factor. The "wow" factor comes from the overhead, which are more money. He advised that he was

familiar with the splash pad at the Marriott in Myrtle Beach and the overheads really get a lot of play. That is the “wow” factor at splash pads.

Alderman Lail commented that the team, Kiwanis, with the City Staff, would be looking at more details into all of these options.

Mr. McLeod advised he wanted to get Council's input to take back to the team. They have not formed yet but are in the process. Until the Memorandum of Understanding was considered by Council they were holding off bringing that team together.

Alderman Lail commented that this was not budgeted for this fiscal year. He assumed it would be general fund dollars if it was constructed.

Mr. McLeod asked Assistant City Manager Rodney Miller to the podium.

Assistant City Manager Rodney Miller stated that this is an unfunded project but there are plans for that. He advised Council that Staff is planning a Capital Planning Workshop on November 3<sup>rd</sup> before the next City Council meeting. This would be one of those capital projects. The workshop would be to try and prioritize and determine funding strategies and methods for each of those. The partnership, and assuming that both Kiwanis Clubs are successful, we have a \$100,000 partner. He commented that Staff is looking for direction. We have 3,000 to 4,500 square feet in the three options that were outlined. There are 13 to 34 features. Staff felt like they had the greatest option for the “wow” factor. They wanted to make sure that they had the minimum option. Staff wants this to be a local amenity that is well attended by local residents, but they also see this as a regional draw. They want Hickory's splash pad to be on the mark. Kiwanis will need to show diagrams to folks when they are asking for donations. Staff is looking for that range. Are we hitting the mark? What direction do we give this splash pad management team to go out and workout that fundraising strategy? Regarding the timing, that will dictate how that fundraising opportunity goes for them. At least this committee could be formed. Are they in that 15 feature range or are they in the 30 to 35 feature range. Give them a range so that they can come back and work with Vortex, if this company is one that is suitable to develop a design that is in that range so they can bring that back to Council with a recommendation or multiple recommendations. He requested Council's questions and or feedback.

Mayor Wright asked the cost for the splash pad at Morganton.

Mr. McLeod did not know.

Mayor Wright advised that Conover had \$60,000 in theirs, which is a very basic splash pad. He did like the sails in the background. The smaller communities like Morganton, Newton and Conover, when they do a splash pad, they are not as likely to have to deal with the demand for more splash pads. The City of Hickory will more than likely have to deal with people saying that they want one at one park location or another. This has become a regional draw, and not just your local neighborhood park. It is convenient for people to access. Mayor Wright didn't want people to think that they got shortchanged on their splash pad. He aired on the side of starting on the low end. They all had a “wow” factor. He questioned the benefits of starting on the low end.

Alderwoman Patton commented that the Kiwanis groups are going to raise \$100,000. If another group wants to come forward and raise another \$100,000 that would allow the City to do a little bit more. She didn't want to set that standard that this is the way it is going to be done.

Alderman Lail commented that the park has some constraints as it relates to parking. He advised that 250 kids on that particular splash pad was theoretically possible, but probably not likely. He felt that the City could build a splash pad that was possibly too big and would be constrained because people could not park because there are ballgames going on in the summer, and people are using picnic shelters. When you get into that 4,000 square foot range that is a big area.

Alderman Zagaroli commented that Council may be looking at something like this in another area down the road. This is not going to be end all and be all just at this location. He just finished a splash pad at Lake Hickory Country Club. The “wow” factor is very, very important. He thought the big bucket that drops down was fabulous. That would be something that would be different from a lot of other places plus the other features. He was “in the middle” at this point for this project versus spending all of the money for a large one.

Mayor Wright commented that they all want to say yes. They want to see them coming out of the ground and they want everything to have a “wow” factor.

Alderman Seaver was impressed with Springville, Utah, they had a cement creek. He compared it to the Science Center’s outdoor butterfly exhibit, a water feature there. His grandson loves to go in there and run boats. Springville had a lot of statuary around it. It was maybe five or six inches deep, recycling the water through there. That wouldn’t be a lot to add to something but kids love that kind of thing.

Mayor Wright thought that would be a nice touch.

Alderman Zagaroli commented that the Friends of Hickory’s little splash pad is kind of like that with running water through it and a few other things. We will have another one downtown.

Mayor Wright asked how many square feet was the Friends of Hickory’s and Lake Hickory Country Club’s splash pad.

Alderman Zagaroli did not know how many square feet Friends of Hickory’s was and he advised that the Country Clubs was 30 x 30, with ten valves on it. The cost was approximately \$20,000. They already had the site which was a kiddie pool.

Mayor Wright asked if it had the resilient surface on it.

Alderman Zagaroli advised that it was poured concrete, skid resistant. He commented that it is working out very well.

Alderwoman Patton commented that the kids are enjoying it.

Alderman Lail suggested to move forward with the Memorandum of Understanding. After they have their workshop Council could make a decision within the context of some other decisions.

Alderwoman Patton suggested and maybe explore some other options because it seems to be such a wide range. She wanted the “wow” factor.

Alderman Zagaroli asked if it was being put out to bid. He asked if it was just the Vortex Company presenting this.

Mr. McLeod advised that there was a Cooperative Purchase Agreement with Vortex. The actual installation of the equipment would be put out to bid.

Alderman Zagaroli confirmed that they were just the design firm.

Mayor Wright asked if that collective agreement was through Charlotte.

Mr. McLeod advised that it was a Cooperative Purchasing Agreement, but he wasn’t sure who it was through.

Mayor Wright confirmed that was done by another government entity.

Mr. McLeod advised that is was.

Mayor Wright explained that they had negotiated prices based on higher volume so the City would get the benefit from that rather than our volume.

Mr. Miller advised the piggyback conception.

Mr. McLeod commented that the actual installation would be bid out through normal bidding procedures.

Mayor Wright moved seconded by Alderman Zagaroli approval of the Memorandum of Understanding for the construction of a splash pad at Kiwanis Park. The motion carried unanimously.

Mayor Wright announced that had moved the motion was seconded by Alderman Zagaroli 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

**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 Frank Lenoir resigned 10-14-2015  
 Ward 3 VACANT  
 At-Large (Mayor Nominates) VACANT Mylinda Strittmatter resigned 9-8-2015

**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

**YOUTH COUNCIL**

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

Mayor Wright announced that Catawba County had a nominee, Mr. Jeff Kerley, for the Hickory Regional Planning Commission and that would be addressed at the next meeting. He pointed out that the International Council had eight positions vacant, but they have 12 positions that are filled.

C. Presentation of Petitions and Requests

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

Alderman Guess recognized and commended the Fire Department for their recent rescue and saving a man's life. He commented that was a tremendous effort. That is part of their everyday job and that is what they train for, that is what they are there for. The two minute response was certainly admirable, not just for the two that made the rescue but for the Fire Department in general. The results from the training that they do all the time that doesn't get recognized, and you see what the results of that was, it saved a man's life. He asked Fire Chief Fred Hollar to commend the two fire fighters.

Mayor Wright commented about the trip to Housing and Urban Development (HUD) in Greensboro and what the City has been doing to address the issues that had arisen from a nine page memorandum of allegations. He advised that when he was told there had been a misappropriation he took that to mean a theft. He had yet to see any allegation that involved theft. The reason this is getting so much attention from HUD, (HUD was in Hickory conducting an investigation); this was the second time that they have had to come to Hickory to check things out. Mr. Berry, Alderman Guess, Alderwoman Patton and Mayor Wright went to HUD in Greensboro and met with the State Director and several other key HUD officials. Several representatives from Hickory Housing Authority and their consulting team, Mr. Fuller, one of their directors also went. They heard that HUD was going to come in and do an investigation. They told them it would be this week. They will investigate all the allegations, of which they have become aware of, and anymore that they might become aware of. There was no firm timeframe on which they will communicate findings and recommended course of action. They learned that the City's authority and responsibility is to appoint the board members, reappoint, theoretically terminate board members and they can dissolve the authority. They were told specifically there is nothing in between. The City does not have the authority to request to approve disbursements of non-Federal funds. They were told that HUD was reviewing Federal and all other funds before being disbursed. He commented that he is in the process of the appointment of two additional board members. These are board members

October 20, 2015

that he thinks would go in with no agenda. He didn't want to address Mr. Pope's nomination, but he had specifically addressed with Ms. Clarke who he admires very much, and she is a very outstanding citizen and a very smart lawyer. He had addressed specifically with her that she is perceived to have an agenda. If he is going to nominate them or appoint them, he doesn't want to appoint someone with an agenda. That would be detrimental to the ongoing progress of the group. He was not at Public Housing today. He had never been interviewed by anybody anywhere within five miles of Public Housing. He was interviewed today at work, by telephone. He stated that he was very open, very blunt about what Council can and can't do and where we are going with this. He asked about appointing these board members and the representatives of HUD ask him to hold off of on that until they get through with what they are doing. That was their recommendation and they are going to follow that. There is a board in place. They have the best interest of the neediest people among us at heart. It is not like that they are without direction from a board. He feels strongly that Council has handled this matter with the proper amount of attention, the proper lack of overreaction and the proper sense that this can play itself out and they will deal with it as it plays out.

Alderwoman Patton commented that it was very refreshing to hear how frank they spoke with them about the issues and also the options that are at hand going forward once they do their investigation. Council can then discuss other options for Hickory Housing.

Alderman Lail thanked Mayor Wright, Alderman Guess and Alderwoman Patton for their attendance at the meeting. That took time out of their schedules to go and to try and get information from HUD and ask the questions. He felt it was wise for him doing that.

Mayor Wright commented that it was very informative for them. We are better able now to deal with this limited responsibility and authority that we have. It is not as easy as people say. There were people who were calling for people's heads and questioning why Council was not stepping out, to do this, that, and the other. They don't have the authority to do it. They would be breaking the law if they tried to. They are watching to see, if the time comes, that they need to exercise, in some way, the limited authority that they have.

Alderman Guess reiterated that the director specifically ask them not to do anything at this point, until they had completed what they were going to do and that they will be forwarding that to the Mayor, and then at that point they make their decisions.

Mayor Wright wanted to let people know exactly what is going on as best they know. He questioned how Oktoberfest went.

Alderwoman Patton commented it was wet.

Alderman Seaver advised that Friday was fantastic, Saturday it rained.

Mayor Wright commented that he was in South Carolina and had an occasion to understand from the newspaper and signage how severe the flooding was. We were very fortunate to have dodged that damage.

XIV. There being no further business, the meeting adjourned at 8:36 p.m.

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Mayor

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City Clerk



Life. Well Crafted.

Office of the Mayor

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

**PROCLAMATION**

**JOHN HALL DAY**

- WHEREAS,** John Hall came to Hickory in 1968 to attend Lenoir-Rhyne University. He and his family have many ties to the town and school as his great grandfather was one of the founders and the first president of the university; and
- WHEREAS,** after completing his bachelor’s degree summa cum laude, John went to work at Lenoir-Rhyne as an Admissions Counselor; then Public Relations Director; and while working, he earned his Master of Arts degree from Appalachian State University; and
- WHEREAS,** after 11 years at Lenoir-Rhyne he launched a successful career in the business machine industry where he served for the last 33 years; and
- WHEREAS,** John became active in his community and church early in his career. He won the Hickory Jaycee’s Outstanding Young Layman award, and he remains a participant in many ministries for St. Luke’s Methodist Church in Hickory; and
- WHEREAS,** as a United Way volunteer, John has chaired its annual campaign twice, reaching the campaign goals each time. He has also served on the United Way Board of Directors and on budget and other committees numerous times. In 1993 he founded the United Way Cross Country Invitational, and the event was honored as the United Way’s most outstanding youth event in the State of North Carolina; and
- WHEREAS,** John has been involved in many activities for the Catawba County Chamber, serving on its board of directors, and he is a member of the Hickory Rotary Club which he served as president in 2005; and
- WHEREAS,** John was chosen for a volunteerism award from the NC Governor, and is also a recipient of the Long Leaf Pine Award, North Carolina’s highest civilian honor.

**NOW, THEREFORE,** I, Rudy Wright, Mayor of the City of Hickory, on behalf of Hickory City Council, do hereby proclaim October 14, 2015 as:

**“John Hall Day”**

This the 14<sup>th</sup> day of October, 2015

Mayor Rudy Wright



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: Lowes Christmas Parade, City of Hickory and Christmas Tree Lighting

Applicant Name & Title: Lauren Townson, Senior Recreation Programmer

Organization: City of Hickory, Parks and Recreation Department

Mailing (Billing) Address: 1451 8th Street Drive NE

City / State / Zip: Hickory, NC 28601

Daytime Phone: 828-324-1200 Cell: \_\_\_\_\_ Email: ltownson@hickorync.gov

Description of the Event: The annual parade will be held in Downtown Hickory on Friday, November 20 starting at 6:00 pm, hosting an array of local organizations.

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

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

Event Address: <u>Downtown Hickory, 76 N Center Street</u>	
Date of Event: <u>Friday, November 20, 2015</u>	
Event Start Time: <u>6:00 pm</u>	Event End Time: <u>8:30 pm</u>
Road Closure Begins (if applicable):	Road Closure Ends (if applicable):
Set-Up Begins: <u>3:00 pm</u>	Clean-Up Ends: <u>8:30 pm</u>
Preferred Date & Time of Inspection:	
Estimated Attendance: <u>800</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: <u>All parade entries must adhere to "Well Crafted." theme.</u>	

APPLICANT'S SIGNATURE Lauren Townson DATE: 07/31/15

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) <sup>3</sup> \_\_\_\_\_ (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

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**\*\* 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: 3

Type(s) of music: High School Marching Bands

---

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\**

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Will your event use amplified sound?  Yes  No

If yes, please indicate times: Start time: 6:00 pm Finish time: 8:30 pm

**HAZARDOUS MATERIALS**

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

Will there be any portable heaters?  Yes  No

Will there be any deep fat fryers?  Yes  No

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

**ALCOHOL**

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

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

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

Who will be serving the alcohol?

Times for alcohol to be served:

Locations within event site where alcohol will be served:

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

**VENDORS**

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

VENDOR NAME	ADDRESS	PHONE NUMBER(S)

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
11/20	3:00	Set Up (tents, line-up, etc)	
11/20	4:30	Parade entries start to arrive	
11/20	6:00	Parade begins	
11/20	6:45	Parade ends, clean up begins	
11/20	7:00	Christmas Tree Lighting begins	Immediately following parade
11/20	8:30	Finish Time	



## 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: 800 % of participants expected under 18: 400

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

Number of volunteers expected: 10 % of volunteers expected under 18: 0

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

- 5K 1 Downtown 5k** (Not allowed on Saturdays during the Downtown Hickory Farmers Market: 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 [mmeleod@hickorync.gov](mailto:mmeleod@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 [mmeleod@hickorync.gov](mailto:mmeleod@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/NCDOT and/or preapproved neighborhood route and/or track or one of the options not on roadways that are available at the airport or at a park. \_\_\_\_\_

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

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

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

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

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. LT

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). LT

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. LT

**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

**\*\* 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 the Three Hundred Thousand Dollars (\$300,000.00) for bodily injury per person and One Million Dollars (\$1,000,000.00) per occurrence and not less than One Hundred Thousand Dollars (100,000.00) for property damage per occurrence.
- The applicant will be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event.
- Applicants must obtain any special use permits required by the Hickory Fire Inspector, must comply with all applicable provisions of the North Carolina Fire Code and must at all times insure that all fire lanes in the area to be used remain unobstructed.
- Applicants must comply with all applicable Health Department regulations pertaining to the scheduled event.
- Applicants must comply with the requirements of the Hickory Sign Ordinance.
- Applications must comply with any and all local, state, and federal laws pertaining to equal opportunity and should make every effort to make events accessible to the disabled public. In addition, applicants shall not deny access or a vendor's booth to any group based on national origin, race, religion, age, sex, or disability.

City of Hickory

**NAME OF NON-PROFIT ORGANIZATION**

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

Serve the Hickory community.

**LIST ORGANIZATIONS OFFICERS:**

Michele Wilkerson

828-261-2249

TELEPHONE

TELEPHONE

TELEPHONE

**CHAIRPERSON OF THE SPECIAL EVENT:**

Lauren Townson

828-324-1200

NAME

TELEPHONE

1451 8th Street Drive NE, Hickory, NC 28601

ADDRESS

*The undersigned Applicant is aware of the rules regulating the use of Union Square Common, streets adjoining thereto and other public places and parks for special events, and will abide with the same; and further understands that the City of Hickory will not be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event. The undersigned Applicant agrees to reimburse the City of Hickory for the additional cost of providing police department and/or fire department personnel to supervise the event, including services rendered both before, during and after the event itself, to ensure the compliance with all laws and ordinance, to direct traffic and to promote the safety and welfare of participants and other citizens.*

08/04/15

Date

*Lauren Townson*

Lauren Townson

President  
City of Hickory

Non-Profit Organization

Approved by:

*[Signature]*  
CITY MANAGER - ASSISTANT

10-21-15

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 \_\_\_\_\_, a non-profit organization with its principal place of operation being \_\_\_\_\_ County, North Carolina, Applicant:

WITNESSETH:

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

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

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

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

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

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

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_



LINE UP

1st St NE

Announcing Area

LINE UP

LINE UP

Spectator  
Parking

BUS PARKING

1st St NW

Main Ave NW

2nd St NW

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**

**From: Caroline M. Kone, Transportation Manager**

**Contact Person: Caroline M. Kone, PE**

**Date: October 16, 2015**

**Re: Request to amend the speed ordinance for roadways in and around Lenoir-Rhyne University to be 25 mph.**

**REQUEST**

Amend the traffic ordinance to incorporate all roadways in and around Lenoir-Rhyne University to 25 mph.

**BACKGROUND**

Currently only one roadway associated with Lenoir-Rhyne University is 25 mph. 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 campus, the speed limit needs to be reduced to 25 mph on all roadways connected with the 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 (between 8<sup>th</sup> St NE and 6<sup>th</sup> St NE), and 8<sup>th</sup> Ave NE (between 5<sup>th</sup> St NE and 2<sup>nd</sup> St NE/NC Hwy 127).

**ANALYSIS**

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. Changing and installing the signage along the roadway would be simple and the signs/markings shop has already taken the appropriate steps to ensure an easy transition.

**RECOMMENDATION**

It is recommended to amend the speed limit in the greater Lenoir-Rhyne 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, and 8<sup>th</sup> Avenue NE between 5<sup>th</sup> Street NE and NC Hwy 127) lowered to 25 mph.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Tom Adkins  
Initiating Department Head  
10/20/15  
Date

Rodney Miller  
Asst. City Manager Rodney Miller  
10/23/15  
Date

Melissa Miller  
Finance Officer, Melissa Miller  
10-23-15  
Date

Anita M. Dula  
Deputy City Attorney, A. Dula  
10-23-15  
Date

A. Surratt  
Asst. City Manager, A. Surratt  
10-23-15  
Date

Bo Weichel  
Purchasing Manager, Bo Weichel  
10-26-15  
Date

\_\_\_\_\_  
Date

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

M. Berry  
City Manager, M. Berry

\_\_\_\_\_  
Date

ORDINANCE NO. 15-\_\_\_\_\_

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.

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:

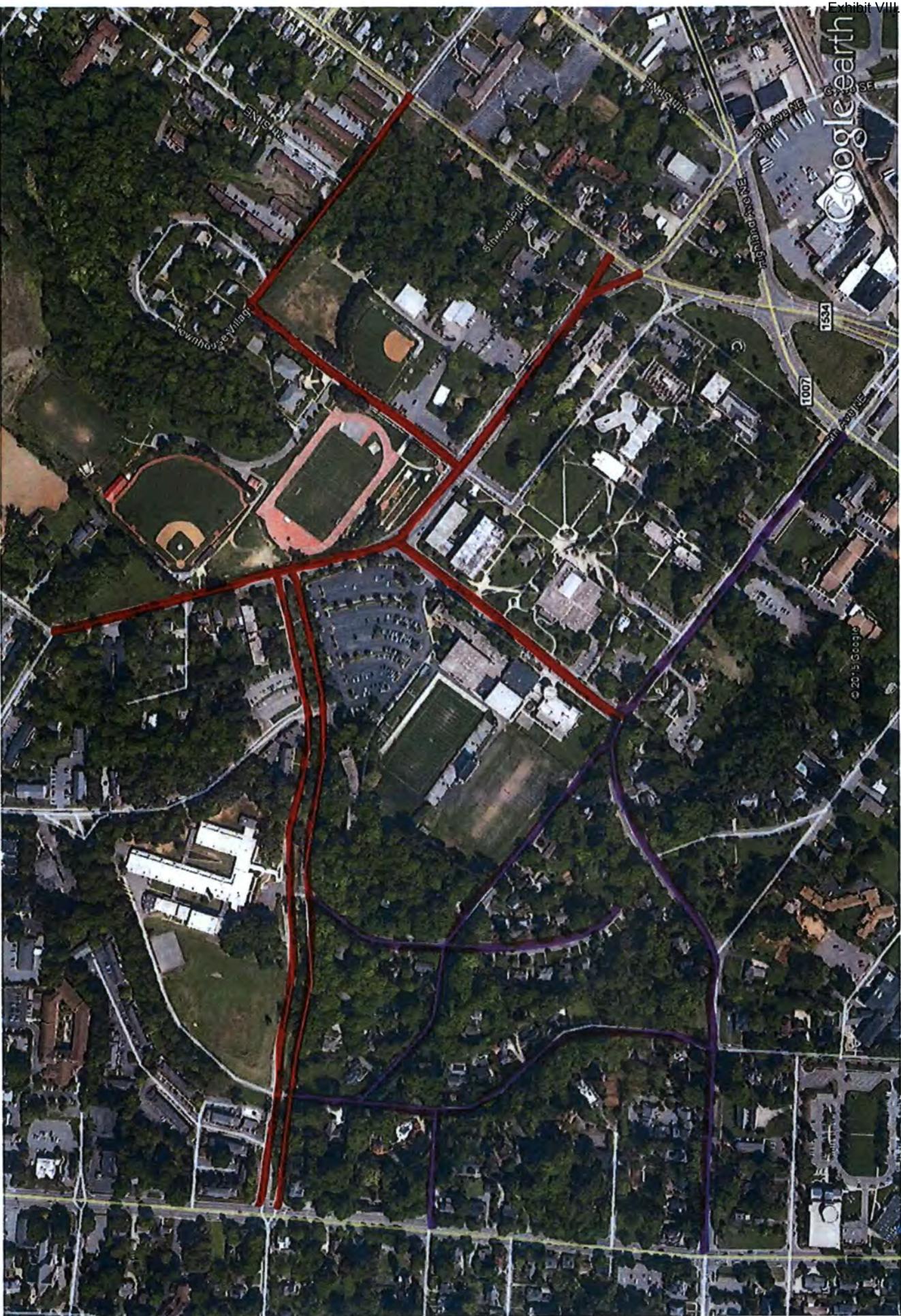
By: \_\_\_\_\_  
Rudy Wright, Mayor

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

Approved as to form this 23<sup>rd</sup> day of October, 2015.

*Anita M. Dula*  
Attorney for the City of Hickory

LRU pedestrian safety speed limit reduction



3000  
900

feet  
meters

— proposed new 25mph — already 25mph

Google earth

## COUNCIL AGENDA MEMOS

**To: City Manager's Office**

**From: Police**

**Contact Person: Chief Tom Adkins**

**Date: 10/20/2015**

**Re: Retirement of Police Canine Bachak and Adoption by the Handler MPO Williams**

**REQUEST:** Hickory Police Department requests approval to allow MPO Matt Williams to adopt canine Bachak upon his retirement on December 1, 2015.

**BACKGROUND:** Hickory Police Department will retire canine Bachak on December 1, 2015 after seven years of service. With the specialized training of Bachak, he will not be safe for public adoption. MPO Williams is the handler of Bachak and has bonded with the canine and is willing to provide care for Bachak after retirement. Full care and liability for canine Bachak will be the legal responsibility of MPO Williams after the retirement of Bachak. It is common to allow the handler to adopt his canine when it is retired from service.

**ANALYSIS** Canine Bachak has worked for the police department for seven years and is nine years old. Bachak is starting to have health issues which would limit his ability to perform his duties. MPO Williams will take full responsibility for Bachak and will relieve the City of Hickory of all obligations and responsibilities of Bachak if the adoption is approved by City Council.

**RECOMMENDATION** Hickory Police Department recommends approval to retire canine Bachak on December 1, 2015 and allow MPO Matt Williams to adopt Bachak.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Tom Adkins  
Tom Adkins  
Initiating Department Head  
Date 10/20/15

Amita M. Dula  
Deputy City Attorney, A. Dula  
Date 10-30-15

Rodney Miller  
Asst. City Manager Rodney Miller  
Date 10/23/15

A. Surratt  
Asst. City Manager, A. Surratt  
Date 10-23-15

Melissa Miller  
Finance Officer, Melissa Miller  
Date 10-23-15

Bo Weichel  
Purchasing Manager, Bo Weichel  
Date 10-26-15

\_\_\_\_\_  
Date

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

M. Berry  
City Manager, M. Berry

\_\_\_\_\_  
Date

**Retiring Canine Agreement**

**This agreement shall be entered between The City of Hickory and Officer Matthew Williams of the City of Hickory Police Department.**

**WHEREAS, the Hickory Police Department shall retire police canine Bachak in December of 2015; and**

**WHEREAS, Bachak is personal property of the city and will no longer be of use or value to the City of Hickory and its police department from this date forth; and**

**WHEREAS, due to Bachak specialized training the canine will not be safe for public adoption; and**

**WHEREAS, Officer Williams is Bachak's handler and has bonded with and worked with the canine and is willing and able to provide immediate care for Bachak; and**

**WHEREAS, Officer Williams will adopt and take full responsibility for Bachak and relieve the City of Hickory of all obligations and responsibilities of the canine in accordance with the provisions of this agreement; and**

**WHEREAS, this agreement is intended to be a full and complete agreement between the City of Hickory and Officer Williams; and**

**WHEREAS, Officer Williams is not being coerced, forced, or inappropriately encouraged by the Hickory Police Department to adopt this canine; and**

**WHEREAS, this agreement is intended to be in effect until such time as the canine is no longer living.**

**NOW THEREFORE, the parties agree to the following provisions:**

- (1) Officer Williams shall assume full care and responsibility of the canine including, but not limited to:
  - (a) Providing adequate food, water, and shelter to the canine for the duration of its life; and**
  - (b) Providing the canine with adequate health care; including but not limited to vaccinations, medication, and all other medical necessities as needed or as required by the county's animal control requirements; and****
- (2) Officer Williams shall assume all liability that may result from the canine's actions, including but not limited to those actions and behaviors learned as a result of the canine's special training provided by the City of Hickory; and**
- (3) Officer Williams shall not purposefully, negligently, or knowingly use the canine's special skill set developed as a result of its career as a police canine either for profit, personal gain, or in any capacity, whether this capacity would put others in danger or not; and**
- (4) Officer Williams shall release the City of Hickory from liability from any sickness or health deficiencies that resulted from the canine's work with the City of Hickory Police Department; and**

- (5) Officer Williams shall not loan, lend, give away, or rid himself of the canine in any manner which would result in the canine being in the care of another person, business, or entity; and
- (6) Officer Williams shall be solely responsible for the actions of the canine while either in his personal care or otherwise; and
- (7) Any personal property equipment assigned specifically to Bachak (collar, leashes) and any shelter previously constructed on Officer Williams' property becomes the property of Officer Williams. This does not include specialized police equipment (protective equipment, special police issued equipment); and
- (8) Officer Williams shall become the canine's primary and sole caregiver as evidenced by his signature of this agreement and notarization by the proper authority.

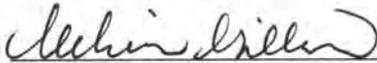
**CITY OF HICKORY,  
A North Carolina Municipal  
Corporation**

ATTEST: (SEAL)

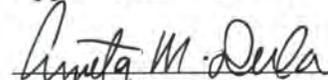
\_\_\_\_\_  
Debbie Miller, City Clerk

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

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

  
\_\_\_\_\_  
Melissa Miller, Finance Officer  
City of Hickory

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

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

**Owner**

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

**Owner**

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

**To:** City Manager's Office  
**From:** Thurman Whisnant  
**Contact:** Thurman Whisnant  
**Date:** October 21, 2015  
**Re:** Community Relations Council Fall Grant Recommendations

**REQUEST:**

The City of Hickory CRC is hereby submitting grant recommendations for City Council approval on consent agenda for the Fall 2015 grant cycle.

**BACKGROUND:**

As part of the CRC work plan and annual budget process, the Community Relations Council receives funds to disperse during the fiscal year through the CRC 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 CRC goals and mission and how the program will serve to improve human relations in the Hickory area.

**ANALYSIS:**

For the Fall 2015 grant cycle, the CRC received thirteen grant applications for projects totaling \$17,254.00 and is recommending approval of six of the grants totaling \$6,004.00. A summary sheet is attached which lists the agencies, projects, costs and CRC recommendations for funding. Funds are available in the CRC budget for the recommended grant approvals.

**RECOMMENDATION:**

The Community Relations Council recommends funding of the six grants listed on the attachment totaling \$6,004.00

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

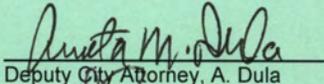
No

**LIST THE EXPENDITURE CODE:**

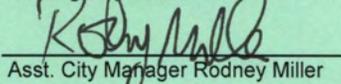
**Reviewed by:**

  
Initiating Department Head

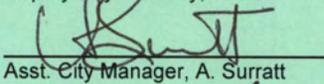
10/21/15  
Date

  
Deputy City Attorney, A. Dula

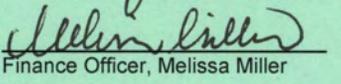
10-23-15  
Date

  
Asst. City Manager Rodney Miller

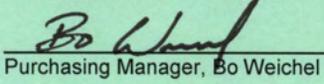
10/23/15  
Date

  
Asst. City Manager, A. Surratt

10-23-15  
Date

  
Finance Officer, Melissa Miller

10-23-15  
Date

  
Purchasing Manager, Bo Weichel

10-26-15  
Date

\_\_\_\_\_  
Date

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

  
City Manager M. Berry

\_\_\_\_\_  
Date

<b>Hickory Community Relations Council</b>			
<b>FALL 2015 GRANTS SUMMARY</b>			
<b>Name of Applicant</b>	<b>Project Title</b>	<b>Amount Requested</b>	<b>Amount CRC Recommended</b>
1. Safe Harbor Rescue Mission	Reuse with a Purpose	\$1,500	\$0
2. Hickory Music Factory, Rick Cline	HMF's Musical Storytelling Series	\$1,500	\$750
3. Women's Resource Center	Women2Work – Empowerment Conference 2016	\$1,000	\$0
4. Friends of Hickory, Allison Holtzman	Friends of Hickory Children's Park	\$1,500	\$0
5. OUTright Youth of Catawba County	Anyone Can be an Ally – Speaking Up for a LGBT Inclusive Workplace & Community	\$600	\$600
6. Council on Adolescents of Catawba County, Inc.	Lunch Buddy Mentoring Program – Parent Engagement Winter Celebrations	\$1,154	\$1,154
7. Palliative CareCenter & Hospice of Catawba Valley, dba Catawba Regional Hospice	Minority Community Outreach – Expanding Access to Hospice Care	\$1,500	\$0
8. Centro Latino of Hickory	Reading for Success	\$1,500	\$0
9. Greater Hickory Cooperative Christian Ministry	NETworX CATAWBA	\$1,500	\$0
10. New Hope for Kids, Josh Thomas	Operation PE, Phase 2	\$500	\$500
11. Hickory Museum of Art	Celebrating Diversity Together	\$1,500	\$1,500
12. Hickory Community Theater, Inc.	The Bridgeview Project presents <i>Superior Donuts</i> , a play by Tracy Letts	\$2,000	\$0
13. Young People of Integrity	Phase II of the Documentary, "Calling Catawba County Home"	\$1,500	\$1,500
			<b>\$6,004 TOTAL</b>

7

COUNCIL AGENDA MEMOS

Exhibit VIII.F.

**To: City Manager's Office**

**From: Chief Tom Adkins**

**Contact Person: Lisa B. Drum**

**Date: 10/22/2015**

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

**REQUEST** Hickory Police Department request permission to apply for a NC Governor's Crime Commission \$10,000 grant on behalf of Lenoir Rhyne University. NC Governor's Crime Commission suggested that the university partner with Hickory Police Department to complete the necessary paperwork and manage the grant.

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

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

**RECOMMENDATION:** Hickory Police Department request approval to apply for a NC Governor's Crime Commission \$10,000 grant on behalf of Lenoir Rhyne University and allow Hickory Police Department to complete the necessary paperwork and management of the grant.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

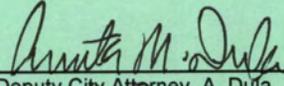
No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

  
Tom Adkins

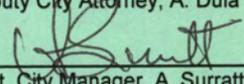
10/22/15  
Date

  
Deputy City Attorney, A. Dula

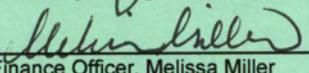
10-23-15  
Date

  
Asst. City Manager Rodney Miller

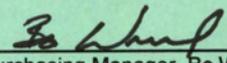
10/23/15  
Date

  
Asst. City Manager, A. Surratt

10-23-15  
Date

  
Finance Officer, Melissa Miller

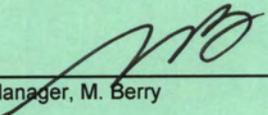
10-23-15  
Date

  
Purchasing Manager, Bo Weichel

10-26-15  
Date

\_\_\_\_\_  
Date

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

  
City Manager, M. Berry

\_\_\_\_\_  
Date

4  
COUNCIL AGENDA MEMOS

Exhibit VIII.G.

**To: City Manager's Office**

**From: Chief Tom Adkins**

**Contact Person: Lisa Drum/Sarah Nelson**

**Date: 10/28/15**

**Re: Approval to Accept a Walmart Community Grant**

**REQUEST:** Hickory Police Department requests permission to accept a Walmart Community grant in the amount of \$2,000.00. This grant will assist networking opportunities and work with at risk youth at community events.

**BACKGROUND:** 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.

**ANALYSIS:** Gang of One currently works with at risk youth participating in community events. This funding will allow Gang of One to work with more at risk youth and expand the program.

**RECOMMENDATION** Hickory Police Department recommends approval to accept the Walmart Community grant for \$ 2,000.00.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

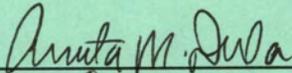
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**LIST THE EXPENDITURE CODE:**

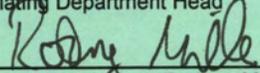
**Reviewed by:**

  
Tom Adkins  
Initiating Department Head

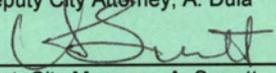
10/22/15  
Date

  
Anita M. Dula  
Deputy City Attorney, A. Dula

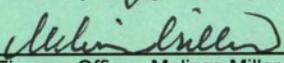
10-23-15  
Date

  
Asst. City Manager Rodney Miller

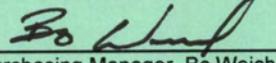
10/23/15  
Date

  
Asst. City Manager, A. Surratt

10-23-15  
Date

  
Finance Officer, Melissa Miller

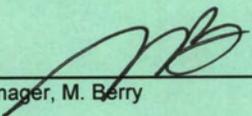
10-23-15  
Date

  
Purchasing Manager, Bo Weichel

10-26-15  
Date

\_\_\_\_\_  
Date

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

  
City Manager, M. Berry

\_\_\_\_\_  
Date

**BUDGET ORDINANCE AMENDMENT # 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	
<b>TOTAL</b>	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	
<b>TOTAL</b>	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	
<b>TOTAL</b>	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	
<b>TOTAL</b>	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.

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

\_\_\_\_\_

Mayor

\_\_\_\_\_

Clerk

# CITY OF HICKORY TRAVEL EXPENSE REPORT

Exhibit X.A.

Name of Coworker: Mick Berry

Travel dates: 9/25/2015 - 10/1/2015

Date of Report: \_\_\_\_\_

(Must be submitted no later than  
10 days after date of return)

ICMA Annual Conference  
Course description

Seattle, WA  
Location

PLEASE ATTACH ALL REQUIRED RECEIPTS

	SUN	MON	TUES	WED	THURS	FRI	SAT	TOTALS		
								Cash	Credit Card	Vendor Ck
Room	284.06	284.06	284.06			262.10	284.06		1,398.34	
Meals	66.00	66.00	48.00	66.00		20.00	66.00	332.00		
Registration Fees									655.00	
Airfare Expense									480.70	
Rental Car	<i>hotel parking</i>								50.00	
City Vehicle Expense										
Personal Vehicle (1)	<i>Airport Parking</i>							28.00		
City Fuel Card										
Other (2)	<i>Checked baggage</i>							50.00		
								\$410.00	\$2,584.04	

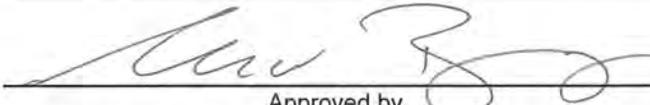
If personal vehicle was used, please fill in the number of miles driven: \_\_\_\_\_  
(See notes #1 and #2)

Total Cash Expenses	\$ <u>410.00</u>	Balance Due Coworker	\$ <u>410</u>	Account #	_____
Cash Advanced	\$ _____	Balance Due City	\$ <u>764.76</u>	Account #	_____
Credit Card	\$ <u>2584.04</u>			Account #	_____
Vendor Check	\$ _____				

*Mr. Berry owes the city \$480.70 for his wife's flight & \$284.06 for an extra night at hotel. The city owes him \$410.00. Mr. Berry will pay \$354.76 to reconcile.*

**CERTIFICATION:** I certify that the above described travel was authorized official business, was not reimbursed by any other entity, and was performed in accordance with the City of Hickory Travel Policy and that no compensation was of a personal nature.

Coworker's Signature \_\_\_\_\_

  
Approved by

10/30/15  
Date

1 - Current federal rate is \$0.575 per mile. May only receive reimbursement for use of a personal vehicle if City vehicle was not available.  
2 - List other expenses on reverse side

ELIZABETH C. BERRY  
MICK W. BERRY  
1231 BUGLE LN.  
NEWTON, NC 28658-8010

66-7704/2531

2241

DATE 10/30/15

PAY TO City of Hickory \$ 354.76  
THE ORDER OF

THREE HUNDRED FIFTY-FOUR & 76/100 DOLLARS  Security Features  
Included.  
Details on Back.

State Employees' Credit Union®  
Hickory, North Carolina

130

MEMO ICMA Grant

 MP

⑆ 253177049⑆08625846897⑆ 2241

SPECIALTY LEMON

© DELUXE CHEQUE COMPANY

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**

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

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

**Date: October 7, 2015**

**Re: Microenterprise Grant Program Guidelines and Supporting Documents**

**REQUEST**

Approve microenterprise grant program guidelines and supporting documents.

**BACKGROUND**

In its 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.

**ANALYSIS**

According to the US Department of Housing and Urban Development, a microenterprise is a business that has fewer than five employees, one of whom is the owner of the business. The proposed program offers grants of up to \$4,000 for low to moderate income business owners for business property, inventory, necessary fixed assess, 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. More information is contained in the attached guidelines and templates.

**RECOMMENDATION**

Staff recommends that City Council approve the guidelines and supporting documents for the CDBG Microenterprise Grant Program

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier

Initiating Department Head

10/7/15

Date

Deputy City Attorney, A. Dula

Date

Asst. City Manager Rodney Miller

10-14-15

Date

Asst. City Manager, A. Surratt

10-15-15

Date

Finance Officer, Melissa Miller

10-13-15

Date

Purchasing Manager, Bo Weichel

10-13-15

Date

\_\_\_\_\_  
Date

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

City Manager, M. Berry

\_\_\_\_\_  
Date



### **CDBG Microenterprise Grant Program**

In its 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.

#### **What is a microenterprise?**

According to the US Department of Housing and Urban Development, a microenterprise is a business that has five or fewer employees, one of whom is the owner of the business.

Since the project will be funded with CDBG funds, all applicants will need to have a household income of less than 80% of the area median income. That is currently \$41,800 for a family of four. The table below indicates the current HUD income limits. (All limits are subject to change as HUD updates their information.)

<b>Persons in Family</b>	<b>Maximum Income</b>
1	\$29,300
2	\$33,450
3	\$37,650
4	\$41,800
5	\$45,150
6	\$48,500
7	\$51,850
8	\$55,200

#### **Award Ceiling**

The award range will be from \$1,000 to \$4,000. The maximum funding will be based on needs presented in the business plan.

#### **Use of Funds**

Grant funds may be used for the following purposes:

- Business Equipment
- Inventory
- Necessary Fixed Assets
- Marketing and business promotion
- Other necessary business improvements as approved by the Business Development Committee

Grant funds may not be used for real property improvements. Funds may not be used for expenses that were incurred prior to final approval of the funding agreement by the Hickory City Council.

### **Additional Requirements**

The following additional requirements apply to all recipients.

- The business must be located in the Hickory City Limits.
- The business must be in compliance with all applicable City of Hickory regulations including the Land Development Code.

### **Funding Eligibility Exclusions**

The following uses are not eligible for funding:

- Religious organizations for sectarian purposes;
- Buildings not within the City of Hickory municipal limits;
- Individual K-12 schools (public or private);
- Organizations that discriminate on the basis of race, culture, gender sexual orientation, age, or religion;
- Political activities;
- Adult businesses;
- Civic Organizations.

### **Application Requirements**

- Completed application form
- Business Plan (template included)
- Financial Projections
- Counseling appointment with one of the following three agencies: the CVCC Small Business Center, LRU Center for Social and Commercial Entrepreneurship, or the Small Business Technology Development Center.
- Letter of Recommendation from one of the above counseling agencies
- Income verification information to include prior year tax returns for all household members. Additional information may be required to meet HUD income verification requirements. The City of Hickory uses the Internal Revenue Service Form 1040 method of calculating income.

### **Scoring Criteria**

The following criteria will be used by the Business Development Committee to prioritize grant projects:

- Number of jobs created
- Length of time business has been in existence (priority will be given to startups)
- Growth potential
- General quality of the business plan
- Other funding secured
- Social return on investment

### **Grant Payment Schedule and Other Required Activities**

- After consulting with the counseling organization, the Business Development Committee will approve a project schedule detailing implementation milestones and objectives. This schedule

will be part of the funding agreement. Funding will generally be paid in at least two equal installments based upon meeting required milestones.

- Recipients will be required to check in with the Business Development Committee at least once during project execution to provide updates on the business.
- Recipients will also be required to have periodic meetings with the counseling organization. The frequency of these meetings will be described in the funding agreement. Generally, one additional meeting during project execution will be required.

**Conflicts of Interest**

No persons who exercise or have exercised any responsibilities with respect to this program shall be eligible to receive any assistance under this program. This lists includes, but is not limited to, all City staff, all elected and appointed officials exercising responsibilities related to the CDBG program, and the immediate family members of these groups. This prohibition will continue for a period of one year from the date their affiliation ceases. Immediate family members include: parents, spouses and domestic partners, siblings, and children regardless of age.

**General Disclaimer**

There is no right or entitlement to funding. All decisions are made at the discretion of the granting authority. All projects must meet all applicable regulations of the Community Development Block Grant program, including environmental review requirements. All grant agreements are subject to approval by the Hickory City Council.

**CITY OF HICKORY MICROENTERPRISE GRANT APPLICATION**

Applications should be submitted to the Department of Planning and Development. For more information, please contact David Leonetti at (828) 323-7422.

**APPLICANT INFORMATION**

Business Name: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Business Project Manager Name and Title (if different than above.): \_\_\_\_\_

Project Manager Organization Name: \_\_\_\_\_

Date Business Established: \_\_\_\_\_ Tax ID or Social Security Number: \_\_\_\_\_

**PROJECT INFORMATION**

Amount Requested: \$ \_\_\_\_\_ Project Title: \_\_\_\_\_

Address of Building: \_\_\_\_\_ Zoning of the Parcel: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

**INCOME INFORMATION**

Total Household Income of Business Owner: \$ \_\_\_\_\_ Number of Persons in Household: \_\_\_\_\_

- |    | <u>Name</u>                      | <u>Date of Birth</u> |
|----|----------------------------------|----------------------|
| 1. | _____                            | _____                |
| 2. | _____                            | _____                |
| 3. | _____                            | _____                |
| 4. | _____                            | _____                |
| 5. | (Add additional lines as needed) |                      |

**PROPOSED FINANCING SOURCES FOR PROJECT:**

<b>BANK LOAN</b>	<b>AMOUNT \$</b> _____	<b>% OF TOTAL</b> _____
<b>GRANT</b>	<b>AMOUNT \$</b> _____	<b>% OF TOTAL</b> _____
<b>APPLICANT/EQUITY</b>	<b>AMOUNT \$</b> _____	<b>% OF TOTAL</b> _____
<b>OTHER</b>	<b>AMOUNT \$</b> _____	<b>% OF TOTAL</b> _____
<b>TOTAL</b>	<b>AMOUNT \$</b> _____	<b>% OF TOTAL 100.0</b>

**PROJECT NARRATIVE:**

Provide a brief narrative description of business, proposed project and reason for grant:

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**PROPOSED USE OF PROJECT FUNDS:**

BUSINESS EQUIPMENT	\$ _____
INVENTORY	\$ _____
MARKETING AND BUSINESS PROMOTION	\$ _____
OTHER* ( _____ )	\$ _____

**\*MUST BE APPROVED BY BUSINESS DEVELOPMENT COMMITTEE**

**REQUIRED ATTACHMENTS**

All applications must include the following information:

- Completed application form
- Business Plan (template included)
- Financial Projections (template included)
- Confirmation of completed counseling appointment with one of the following three agencies: the CVCC Small Business Center, LRU Center for Social and Commercial Entrepreneurship, or the Small Business Technology Development Center.
- Letter of Recommendation from one of the above counseling agencies
- Income verification information to include prior year tax returns for all household members. Additional information may be required to meet HUD income verification requirements. The City of Hickory uses the Internal Revenue Service Form 1040 method of calculating income.

Applicant's Certification:

I/We certify that all information in this application and all information furnished in support of this application are true and complete to the best of my/our knowledge and belief. Verification can be obtained from any source named, and I/we agree to submit to personal and business credit checks.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## City of Hickory Microenterprise Grant Program

### Business Plan Template

**Applicant Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Describe the fundamental elements of your business. Describe what business you are in, why you are in it, and what you hope to accomplish. List and describe the products or services you will offer.

Describe the qualifications and experience of your management team and any other key employees. Also describe any outside professional services (accountants, attorneys, etc.) you have or plan to engage.

Describe the customers you will serve and the geographic territory to be targeted with your marketing efforts. Describe the advertising, marketing techniques, pricing strategies, and tools you will use to promote your business.

List those firms you have identified as primary competitors in your market(s). Identify their strengths and weaknesses. What advantages does your company have as compared with these primary competitors?

Describe your plans for growth or expansion. Include the impact on working capital needs, equipment, and/or your current facility or building.

Describe in detail your plan for financing your business. Please specify how much money you can put towards the project, and how much money you can borrow.

Attach additional pages with any additional information.

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

**STATE OF NORTH CAROLINA**

**CDBG MICROENTERPRISE  
GRANT PERFORMANCE  
AGREEMENT**

**COUNTY OF CATAWBA**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 201\_, 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 \_\_\_\_\_, hereinafter referred to as the "Recipient" and having a mailing address of \_\_\_\_\_.

**WITNESSETH**

THAT WHEREAS, as part of its 2015-2019 Consolidated Plan for Housing and Community Development, the City has identified increasing entrepreneurial opportunities in the community as a priority; and

WHEREAS, to fulfill this priority, the CITY has created the Community Development Block Grant Microenterprise Grant Program ("CDBG Microenterprise Grant Program" or "Program") to provide grants to qualifying business owners upon the terms and subject to the conditions hereinafter set forth.

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

1. The City shall provide a grant to the Recipient for the sum of \$\_\_\_\_\_, which the City shall disburse in accordance with the schedule set forth in §4 herein. The City shall not be obligated to disburse any grant funds until the Recipient complies with all disbursement prerequisites set forth in this Agreement for all or any part of the grant funds.
2. The Recipient agrees to utilize the grant funds for the purposes set forth in: to fulfill that project as described in the CDBG Microenterprise Grant Program Guidelines and Application Materials attached hereto as Exhibit "A." Said guidelines and application materials are made a part of this Agreement and incorporated herein by reference as if more fully set forth.
3. Projects funded in whole or in part must meet all applicable regulations of the CDBG program, including environmental review requirements. The purpose of the environmental review process is to identify if the project will have a significant impact on the quality of the human environment. The grant agreement for an approved grant cannot be executed until this process has been completed. Projects that do not involve rehabilitation such as an equipment upgrade will require only an internal review process.

4. The Recipient shall ensure that the grant is used for permitted purposes only and shall be responsible for any misuse of grant funds by any of its officers, members, employees, or agents.
5. The grant is payable in accordance with the funding schedule which will be developed by the City of Hickory's Business Development Committee, hereinafter referred to as the "BDC." The funding schedule is made a part of this Agreement as Exhibit B and incorporated herein by reference as if more fully set forth.
6. Grant disbursements shall be for expenses incurred as set forth in the Application only. The City shall require itemized documentation of project expenses.
7. Strict compliance by the Recipient with all of its obligations imposed by this Agreement is an express condition of the Recipient's obligation to make any portion of the grant funds available. No degree of partial performance by the Recipient shall deprive the City of its right to require complete performance prior to its disbursement of grant funds.
8. 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.
9. The RECIPIENT shall not assign or subcontract any of its rights or obligations under this Agreement without the prior written consent of the CITY.
10. 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 thirty (30) calendar days in which to cure said breach. The thirty (30) calendar day cure period shall not apply to any of the time requirements described in this agreement.

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

\_\_\_\_\_  
Melissa Miller, Financial Officer

**Recipient**

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

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 \_\_\_\_\_, 201\_.

(Seal)

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

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

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, \_\_\_\_\_, a Notary Public of Catawba County, North Carolina, do hereby certify that \_\_\_\_\_ of \_\_\_\_\_, a North Carolina \_\_\_\_\_, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

(Seal)

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

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