

**A G E N D A**  
**HICKORY CITY COUNCIL**

**October 6, 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

October 6, 2015  
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. George Coates, Pastor, Hartzell Memorial and McQueen’s Chapel United Methodist Churches
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Proclamation for Fire Prevention Week, October 4-10, 2015. **(Exhibit IV.A.)**
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A. Regular Meeting of September 15, 2015 **(Exhibit VI.A.)**
  - B. Special Meeting of September 16, 2015 **(Exhibit VI.B.)**
  - C. Special Meeting of September 24, 2015 **(Exhibit VI.C.)**
- 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 Landscape Grant for Non-residential Property Owned by First Lawyers, LLC, Located at 858 2<sup>nd</sup> Street NE in the Amount of \$2,500. **(First Reading Vote: Unanimous)**
  - B. Approval of a Community Appearance Grant for Non-residential Property Owned by Phillip McCluney Located at 903 10<sup>th</sup> Street NE, in the Amount of \$5,000. **(First Reading Vote: Unanimous)**
  - C. Approval of a Community Appearance Grant for Non-residential Property Owned by Cooperative Christian Ministry (CCM) Located at 31 1<sup>st</sup> Avenue NE, in the Amount of \$5,000. **(First Reading Vote: Unanimous)**
  - D. Acceptance of the Bid and Award of the Construction Contract to Hickory Sand Company, Inc. for the Construction of the Sherwood Forest Sewer Project in the amount of \$748,924.50. **(First Reading Vote: Unanimous)**

- E. Grant Project Ordinance Number 2. **(First Reading Vote: Unanimous)**
  - F. Budget Ordinance Amendment Number 6. **(First Reading Vote: Unanimous)**
  - G. Acceptance of the Bid for the Water Treatment Facility Emergency Power Generator Replacement Project with Crowder Construction Company in the amount of \$2,699,000. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- A. Approval of the National Naval Aviation Museum Standard Renewal Loan Agreement for Loaned Aircraft and Artifacts Located at the Hickory Regional Airport. **(Exhibit VIII.A.)**

*The City of Hickory/Hickory Regional Airport has on loan from the National Naval Aviation Museum (NNAM) certain retired aircraft and artifacts located at the Hickory Regional Airport and on display by the Hickory Aviation Museum. The Hickory Regional Airport has participated in and has had on loan property from the NNAM for over fifteen (15) years. The Loan Agreement with NNAM covers a period of five (5) years commencing September 1, 2015 and ending September 1, 2020 with an option for renewal. Staff recommends approval of the National Naval Aviation Museum Standard Renewal Loan Agreement for loaned aircraft and artifacts.*
  - B. Approval of Eight Days of Vacation Time to Use as Door Prizes for Coworker Appreciation Day. **(Exhibit VIII.B.)**

*Human Resources requests approval of eight days of vacation time to use as door prizes for the annual Coworker Appreciation event scheduled for Thursday, October 29, 2015, at Hickory Metro Convention Center. Five days are used as the grand prize and the other three days as additional door prizes. Staff recommends approval of eight days of vacation time for door prizes at the annual coworker event.*
  - C. Approval of the Contract Renewal with Socrata in the Amount of \$12,000. **(Exhibit VIII.C.)**

*In an effort to provide greater transparency, the City of Hickory contracted with Socrata to present the FY 2016 Budget over the internet. Following the success and popularity of that initiative Staff recommends that we take the next step in transparency by utilizing Socrata's OpenExpenditures product. The open data portal will enable citizens to reduce the need for administrative assistance when seeking public information from the City. Staff recommends approval of the contract renewal with Socrata in the amount of \$12,000 for OpenBudget with the addition of Socrata's OpenExpenditures product for a one year term.*
  - D. Approval of the Special Events Activities Application for Children's Advocacy and Protection Center Vigil, Kathleen Landry, Community Outreach Coordinator, October 20, 2015, 10:30 a.m. to 1:30 p.m., Sails on the Square. **(Exhibit VIII.D.)**
  - E. Call for Public Hearing for Consideration of Voluntary Contiguous Annexation of 11.936 acres Located in the 3000 Block of Short Road. **(Authorize Public Hearing for October 20, 2015) (Exhibit VIII.E.)**
  - F. Call for Public Hearing for Consideration of the Sale of Five City-Owned Properties Located on F Avenue SE. **(Authorize Public Hearing for October 20, 2015) (Exhibit VIII.F.)**

- G. Acceptance of the North Carolina Department of Transportation Grant (Non-Primary Entitlement Funds) in the Amount of \$150,000 for Airport Improvements. **(Exhibit VIII.G.)**

*The North Carolina Department of Transportation (NCDOT), by Letter dated July 30, 2015, has allocated FAA Non-Primary Entitlement Funds under the State Block Grant Program for Federal fiscal year 2015 for the Hickory Regional Airport. The funds are to be used for airside safety needs first with consideration of other needed airport projects. These funds are to be expended no later than July 1, 2019. NCDOT has allocated Federal funds via Grant 36237.66.NPE.15 with the Federal share of \$150,000 and the local share of \$16,667 for airport improvements. Upon City Council's acceptances of the grant, any future proposed projects that fall under the guidelines of this grant will be brought back to Council for approval. Staff recommends Council's acceptance of the grant in the amount of \$150,000 from NCDOT.*

- H. Budget Ordinance Amendment Number 7. **(Exhibit VIII.H.)**

1. *To recognize as revenue an \$850.00 donation from Patrick Beaver Friends of the Library for the purchase of senior bingo prizes.*
2. *To recognize a total of \$4,325 in donations and budget the same as a corresponding increase to the Recreation Department Supplies line-item. Of this total, \$4,000 was donated from Lowe's Foods for the Christmas Parade and \$325 for the Back 2 School Bash on August 15<sup>th</sup> at the Highland Recreation Center.*
3. *To recognize \$4,128 in revenue received from Caldwell County Railroad Company designated for railroad signal maintenance on Clement Blvd per highway license/maintenance agreement and via NCDOT's 2015 maintenance class rates.*
4. *To recognize revenue of \$77,464.88 from Teen Challenge North Carolina for extension of a waterline along St. Peter's Church Road to serve property on Valwood Road. Customer has paid for materials associated with this project, and this amendment will allow the City to procure same.*

- I. Approval of Amendments to the Economic Development Agreement between the City of Hickory and Blue Bloodhound, LP. **(Exhibit VIII.I.)**

*On June 25, 2015 City Council approved the Economic Development Agreement with Blue Bloodhound, LP. Subsequent to Council approving the Agreement, Blue Bloodhound, LP created another company, Blue Bloodhound Management, LLC. Clue Bloodhound Management, an affiliate of Blue Bloodhound, LP, will be responsible for some of the performance of Blue Bloodhound, LP under the economic development agreement. Therefore, both companies need to be a part of the Agreement. In addition to adding the affiliate company's name to the Agreement, the due date for the Opinion of Counsel letters from the company and the City has been changed from August 31, 2015 to October 1, 2015. Other than adding Blue Bloodhound Management, LLC to the Agreement and revising the due date for the Opinion of Counsel letters, no other changes have been made to the Agreement. Staff requests Council's approval of the amended Economic Development Agreement between the City of Hickory, Clue Bloodhound, LP, and Blue Bloodhound Management, LLC.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

1. Recycling Update
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 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

**YOUTH COUNCIL**

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

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

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

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

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



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

Office of the Mayor

## PROCLAMATION

- WHEREAS,** fire is a serious public safety concern, both locally and nationally, and homes are the locations where people are at greatest risk from fire; and
- WHEREAS,** home fires killed more than 2,755 people in the United States in 2013, according to the latest research; and fire departments in the United States responded to more than 369,500 home fires; and
- WHEREAS,** three out of five home fire deaths resulted from fires in properties without working smoke alarms; and
- WHEREAS,** working smoke alarms cut the risk of dying in reported home fires in half; and
- WHEREAS,** residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and
- WHEREAS,** Hickory's first responders are dedicated to preventing the occurrence of home fires and home fire injuries through education; and
- WHEREAS,** the 2015 Fire Prevention Week theme, "Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely.

**NOW, THEREFORE, I RUDY WRIGHT, MAYOR OF THE CITY OF HICKORY,** on behalf of Hickory City Council, do hereby proclaim the week of October 4-10, 2015 as

### FIRE PREVENTION WEEK

I urge all the people of Hickory, North Carolina, to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement; and to support the many public safety activities and efforts during Fire Prevention Week 2015.

This the 6<sup>th</sup> day of October, 2015.

Rudy Wright, Mayor

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, September 15, 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 Alderman Seaver
- III. Pledge of Allegiance
- IV. Special Presentations

Mayor Wright recognized Boy Scout, Nick Sadowski who was in attendance with his father Joey Sadowski. Nick was working on his civics merit badge.

City Attorney John Crone advised that Nick was his nephew and that he was a good young man.

A. Alan Barnhardt – Update on Catawba Science Center Projects

Mr. Alan Barnhardt thanked Council for the opportunity to speak about Catawba Science Center. He commented that Council may not know how many people they serve and the importance of the Catawba Science Center to the community. He advised that they see approximately 130,000 visitors. That includes approximately 53,000 students and teachers from over 26 counties. They are drawing people in from all over the region. On any given day you might see buses from Buncombe County, Wilkes County, Avery County or Mitchell County, and all of these other counties coming into Catawba Science Center to the SALT Block. He thanked Council for their support of the SALT Block. Catawba Science Center like many non-profits in the community continues to face challenges in support. Approximately 50 percent of their support comes from philanthropic gifts and the other money comes from earned income off of program revenues and admissions. As businesses move out of the community or are sold off, unfortunately they lose some of the philanthropic support that they receive. The State budget has represented approximately seven percent of their budget. It is going down and they will lose about 30 percent of that over the next two years. There are challenges ahead.

Mr. Barnhardt discussed the Portal to Science program and had handouts available for Council members and citizens. They previously had a program called “Free Friday”. The intent of that program was to allow financially challenged families to have access to hands on science experiences. They are encouraging people to get excited about science, to go into a field in science, and become productive members of our community. They found that with the “Free Friday” program it did get to some of those financially challenged families, but it had some problems. It was only Fridays, but that didn’t work for people that had to work on Fridays. They changed the program to Portal to Science. This program had been developed over the last year in conjunction with four different county Department of Social Services (DSS), and with the Public Health Department in Catawba County. They are partners in distributing Portal to Science Passport cards. He advised that it is a wallet card, and also a key fob for up to 20,000 families in Alexander, Burke, Catawba, and Caldwell counties. It is open to financially challenged families that are certified by DSS as being on some type of Federal assistance program. Those cards allow those families to come in any day that Catawba Science Center is open. The access has improved, and they are working with partners in collaborating with those people that serve those areas. He advised that the information is being distributed to lots of other non-profits in the community. He dropped off the information to Partnership for Children. The whole concept is how we get children on a pathway to science careers, which are so important to our community. He stated that this is a great program and asked for citizens to pass the information around. They are not just promoting the Catawba Science Center but also the Hickory Museum of Art. They can pick up both of them from DSS. The annual card is free, but there is a \$1.00 per person charge to come to Catawba Science Center rather than \$6 for a child and \$8 for an adult. He commented that this is free and there are some great art exhibits over at the art museum.

Mr. Barnhardt advised that Catawba Science Center had received a Google grant in the last month. Those normally stay in Caldwell County. The purpose of the grant that they just received is to promote innovation and connections to the general public about CAD design, and computer design with output to 3D printers and laser cutters. The program is designed to connect local businesses and science professionals to youth and their families. He advised that businesses could contact the Science Center if they were interested in creating a hands on program that excites children, and gets them thinking about a career

September 15, 2015

path into their business. They are looking for all kinds of ideas and people to engage in and be partners with. On Saturdays they will do one program a month. For children in grades 5-8 who want to go further into some type of computer technology or IT, they are going to create a tech club on Sundays so they can come in and do something more in depth. It will all be challenged and themed based, and a whole lot of fun. The first one will teach robotics and how to program robotics. There are lots of other programs. They are doing great stuff in this community and they want to be partners with other folks out there. He thanked Council for their time.

Mayor Wright commented that he and his wife had hosted a family from Brazil last week. They had been guidance counselors/advisors for a Rotary exchange visitor in 1997. She returned from Brazil with her family. He advised that they saw the lake, Crowdads, Hickory High football, and lots of other things, but their favorite thing was the Science Center. Mayor Wright commented if you have grandchildren take them to the Science Center, they will have a ball. If you have children you can take them too.

Alderwoman Patton commented that she had taken her granddaughter there for their science afternoon and she had a blast. It was good.

Mayor Wright thanked Mr. Barnhardt.

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Special Meeting of September 1, 2015

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of the Special Meeting of September 1, 2015 be approved. The motion carried unanimously.

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

B. Regular Meeting of September 1, 2015

Alderman Lail moved, seconded by Alderman Zagaroli that the Minutes of the Regular Meeting of September 1, 2015 be approved. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Lail seconded by Alderman Zagaroli 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. Budget Ordinance Amendment Number 21 (First Reading Vote: Unanimous)

B. Grant Project Ordinance Number 1. (First Reading Vote: Unanimous)

C. Consideration of Changes to Hickory City Code Ordinance Chapter 4 – Animal and Fowl. (First Reading Vote: Unanimous)

D. Approval of an Invitation to Bid and Contract to Huffman Grading Co. Inc. in the Amount of \$121,287 for Additional Parking at Glenn C. Hilton Jr. Recreation Park. (First Reading Vote: Ayes: Alderman Meisner, Alderman Seaver, Alderman Guess, Mayor Pro Tempore Zagaroli and Alderwoman. Nay: Alderman Lail)

E. Approval of the Glenn Hilton Park Settlement Agreement in the Amount of \$10,000 and Budget Ordinance Amendment 5. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

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

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

- A. Approved on First Reading a Landscape Grant for Non-residential Property Owned by First Lawyers, LLC, Located at 858 2<sup>nd</sup> Street NE in the Amount of \$2,500.

City Council created the Landscape Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of their property. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$2,500. The applicant, First Lawyers, LLC has provided two bids for the removal of two existing hard surfaced areas, which are to be replaced by brick sidewalks and landscaping beds. Both estimates exceed \$5,000, and qualifies for the full \$2,500 grant. The Community Appearance Commission voted unanimously (7-0), at their August 24, 2015 meeting, to recommend funding of the requested grant in the amount of \$2,500.

- B. Approved on First Reading a Community Appearance Grant for Non-residential Property Owned by Phillip McCluney Located at 903 10<sup>th</sup> Street NE, in the Amount of \$5,000.

City Council created the Community Appearance Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$5,000. The applicant, Phillip McCluney has provided two bids for the renovation of an existing commercial building. Both estimates exceed \$10,000, and qualifies for the full \$5,000 grant. The Community Appearance Commission voted unanimously (7-0) at their August 24, 2015 meeting, to recommend funding of the requested grant in the amount of \$5,000.

- C. Approved on First Reading a Community Appearance Grant for Non-residential Property Owned by Cooperative Christian Ministry (CCM) Located at 31 1<sup>st</sup> Avenue NE, in the Amount of \$5,000.

City Council created the Community Appearance Grant program in 1999 to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$5,000. The applicant, Cooperative Christian Ministry has provided two bids for the renovation of the exterior of their facility. Both estimates exceed \$10,000, and qualifies for the full \$5,000 grant. The Community Appearance Commission voted unanimously (7-0) at their August 24, 2015 meeting, to recommend funding of the requested grant in the amount of \$5,000.

- D. Approved the Special Events Activities Application for Rodney Atkins Concert, Megan Meade, Director of Community Relations and Events, Hickory Crawdads, October 17, 2015 from 9:00 a.m. to 1:00 a.m. at 2500 Clement Boulevard NW.

- E. Approved the Special Events Activities Application for Symphony Under the Sails, Mandy Pitts, Communications Director/Brand Manager, City of Hickory, September 20, 2015 from 1:00 p.m. to 7:30 p.m. at the Sails on the Square Stage in Downtown Hickory.

- F. Approved the Special Events Activities Application for Time of My Life Tour, Megan Meade, Director of Community Relations and Events, Hickory Crawdads, October 16, 2015 from 9:00 a.m. to 1:00 a.m. at 2500 Clement Boulevard NW.

- G. Approved a Cemetery Deed from City of Hickory to Charlie Crews (Southside Cemetery, Plot 4F, Lot Number 7 and 8, Section 4) (Prepared by Deputy City Attorney Arnita Dula).

- H. Approved the Transfer of a Cemetery Deed from Austra B. Friday, by and through her Attorney-in-Fact, Paul Marshall Friday to Betty Beshears, (Oakwood Cemetery, Section 36, Block Q, Lot 2 gravesite numbers 002 and 003) (Prepared by Attorney John G. Fuller).

- I. Approved the 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 September 3, 2015: 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 \$7,200.

- Cassell (Cassie) Deal, 1609 17<sup>th</sup> Street NE, Hickory
- Rosalyn Reinhardt, 721 7<sup>th</sup> Avenue Court SE, Hickory
- Doris Sanders, 410 2<sup>nd</sup> Street SE, Hickory

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

- J. Approved on First Reading Acceptance of the Bid and Award of the Construction Contract to Hickory Sand Company, Inc. for the Construction of the Sherwood Forest Sewer Project in the amount of \$748,924.50.

In 1998 Sherwood Forest was identified as a part of the future service areas for the City of Hickory sanitary sewer system. Staff applied for State Revolving Grant funds for completion of this project on April 1, 1999. Staff resubmitted an updated Preliminary Engineers Report in 2009. NCDENR Division of Water Quality and NC Construction Grants and Loans issued final approval on May 10, 2010. The project was approved for a grant to fund construction of necessary sanitary sewer infrastructure to provide public sewer to the homes in this subdivision. City Council approved the Resolution accepting the application for grant funds in July 2010. The project was advertised for bids and found Hickory Sand Company, Inc. to be the lowest responsible bidder. Staff recommends Council accept the bid and award of construction contract with Hickory Sand Company, Inc. in the amount of \$713,261.50, and a contingency of \$35,663 for a total of \$748,924.50 for the Sherwood Forest sewer project.

- K. Approved the Acceptance of the 2015 Justice Assistance Grant in the Amount of \$19,555 and to Serve as the Lead Agency in the Grant Process for a Combined Amount of \$32,455.

Hickory Police Department requests permission to accept funds from the 2015 Justice Assistant Grant (JAG) to purchase 12 additional body-worn cameras, hardware, hardware service/replacement, and digital evidence management storage. City of Hickory and Catawba County received notification of approval to receive a combined allocation of \$32,455 under the 2015 Assistance Grant Program. Catawba County is eligible for a direct award of \$12,900 and the City of Hickory is eligible for a direct award of \$19,555. There is no match required. The City of Hickory has agreed to serve as lead agency in the grant application process. Hickory Police Department recommends acceptance of the JAG grant to purchase the additional body worn cameras, hardware, service and digital evidence management solution in the amount of \$19,555 and to serve as lead agency in the grant process for a combined amount of \$32,455.

- L. Approved Acceptance of the Bulletproof Vest Grant for the Purchase of Bulletproof Vests for Police Officers.

Hickory Police Department requests permission to accept a grant to assist in funding the purchase of bulletproof vests for police officers. The grant will pay up to 50 percent of the cost of NIJ approved vests purchased by Hickory Police Department. Forty-five vests have been requested at an estimated price of \$750 for each vest. Hickory Police Department has a mandatory wear policy for all uniformed officers while on duty. Funds are placed in the police department budget uniform line item annually to purchase vests for police officers. Life expectancy of each vest is approximately five years. The Police Department recommends acceptance of this grant to receive up to 50 percent funding to purchase bulletproof vests for police officers.

- M. Approved on First Reading Grant Project Ordinance Number 2.

ORDINANCE NO. 15-44  
GRANT PROJECT ORDINANCE 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 grant project ordinance is hereby adopted for the duration of the project.

SECTION 1. To amend the FY2015 Bulletproof Vest Partnership Grant, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	34,150	-

TOTAL	34,150	-
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To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Governmental Revenue	16,672	-
Other Financing Sources	17,478	-
TOTAL	34,150	-

SECTION 2. Copies of the grant project 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 Budget Ordinance Amendment Number 6.

ORDINANCE NO. 15-45  
BUDGET ORDINANCE AMENDMENT NO. 6

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
Public Safety		17,478
Other Financing Uses	17,478	-
TOTAL	17,478	17,478

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.

- IX. Items Removed from Consent Agenda – None

- X. Informational Item

- XI. New Business:

- A. Public Hearings

- 1. Consolidated Annual Performance and Evaluation Report (CAPER).

The U.S. Department of Housing and Urban Development requires the City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient, to report on CDBG monies spent within the previous fiscal year. This report, the Consolidated Annual Performance and Evaluation Report (CAPER) evaluates the effectiveness of the use of resources in addressing identified goals and objectives cited in the Annual Action Plan which is prepared before the fiscal year begins. The CAPER outlines the City's CDBG expenditures from July 1, 2014 through June 30, 2015. Staff recommends approval of the FY2014-2015 Consolidated Annual Performance and Evaluation Report.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 4, 2015 and September 15, 2015.

City Manager Mick Berry asked the City's Community Development Manager Dave Leonetti to the podium to present Council with the Consolidated Annual Performance and Evaluation Report (CAPER) for FY2014-2015 which is related to the Community Development Block Grant Program.

Community Development Manager Dave Leonetti stated that each year the City is required to submit a report on its Community Development Block Grant (CDBG) activities. It is called the Consolidated Annual Performance and Evaluation Report (CAPER). This report details how the City spends the Community Development money over the course of a program year. In 2014-2015 the City received approximately \$310,000 in its annual entitlement grant from the US Department of Housing and Urban Development. It also received approximately \$171,000 of

program income from repayment of loans made with Community Development funds in previous years. This report details the City's spending for the 2014-2015 project year, which ran from July 1, 2014 to June 30, 2015. During this time period the City spent approximately \$496,000 dollars. This included some funding spent from previous years. The budget rolls from year to year with an allotted amount of time in which to spend the money. These are broken down into four basic groups of spending. Housing activities, public services, infrastructure and facility improvements, program administration and fair housing activities. The City conducted two main housing activities during the year, \$29,000 was spent on down payment assistance to first-time homebuyers, which assisted four families in achieving homeownership for the first-time, or the first-time since a family situation changed. Also the City and Habitat for Humanity partnered through various programs to spend approximately \$23,000 on housing rehabilitation. Five households were assisted through this program. This number only speaks about CDBG funding spent on housing rehabilitation. The City also received money from the Housing Finance Agency of North Carolina that is not included in this report. Approximately 12 families a year are also helped through that program. A number of families were approved in the springtime, prior to the end of the fiscal year, however no money was actually spent on their cases yet. They are under construction currently. The City also provided approximately \$53,000 in grants to seven public service agencies during the fiscal year for a variety of different services. Community Ridge Daycare received funding to improve their infant room. Exodus Homes received funding for an Employment Transportation Coordinator. Safe Harbor received funding for their day shelter program. Cooperative Christian Ministry received funding for their health clinic. The Soup Kitchen received funding to help with their kitchen staff. ALFA received money to help provide the cost of the Case Manager's salary. Regarding infrastructure and facility improvement projects there were four projects, three of which had significant spending during the fiscal year. The Kiwanis Park restrooms and picnic shelter, which was a carryover from the previous year. It finished in August. There was approximately \$98,000 of that which was spent during the 2014-2015 fiscal year. The total project cost was approximately \$240,000, which was spread over 2013-2014 and 2014-2015. Approximately \$79,000 was spent to resurface three neighborhood streets in low and moderate income areas; 7<sup>th</sup> Avenue SE, in the Kenworth neighborhood was resurfaced, 8<sup>th</sup> Street SW in the Green Park neighborhood was resurfaced, and 3<sup>rd</sup> Avenue SE in the Ridgeview neighborhood was resurfaced during the 2014-2015 fiscal year. The Optimist Park has reopened, with Phase One complete with the outdoor gym and the walking trail and drainage improvements. Approximately \$141,000 of that was spent in fiscal year 2014-2015. The remainder approximately, of that \$210,000 project, will be paid in this fiscal year. He advised that Council would see that again next year along with Phase Two which will be going out to bid in the next week or so. He advised that \$2,700 was for final the project which was interior renovations at the Ridgeview Library. Those are underway. There is approximately \$40,000 of improvements remaining. That property is owned by Inter Faith Housing Development Cooperation. The City had provided them with some loans and grants and also worked with them through the North Carolina Historic Preservation Office to get a Certified Local Government Federal Preservation Grant to help with the exterior renovations. Last year they received some donated shingles from Habitat to help do the roof. This year they are working on the inside of the building. All of the rough in work for the plumbing, mechanical and electrical had been finished and all of the framing. Previously it was a "U" shaped room with an office and small restroom which was not handicap accessible. That was torn out and they put in a larger restroom and office on the south side of the building. Now there is one large room, a small office and a restroom that is handicap accessible. The framing is complete. All the work will be done to the Secretary of the Interior standards because that is a historic building. The only other spending from last year was program administration and fair housing activities in the amount of approximately \$69,000, which is less than 14 percent of the total spending on administration. He advised Council that their agenda packet contained the complete report and he would be happy to answer any questions.

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 report. No one appeared. He asked if there was anyone present to speak in favor of the report. No one appeared. Mayor Wright closed the public hearing.

Alderwoman Patton moved, seconded by Alderman Seaver approval of the FY2014-2015 Consolidated Annual Performance and Evaluation Report. The motion carried unanimously.

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

## B. Departmental Reports:

1. Approved on First Reading Acceptance of the Bid for the Water Treatment Facility Emergency Power Generator Replacement Project with Crowder Construction Company in the amount of \$2,699,000.

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 for the facility in the event of a power failure. The emergency generator is a permit required critical piece of equipment for operations of the facility. The existing generator is approximately 24 years old and has exceeded the mechanical life of the unit. Vendors cannot provide replacement parts to repair the existing unit. In October of 2014 Council approved contracting with HDR Engineering, Inc. to evaluate the existing conditions, and analyze the generator for proper sizing. The project was advertised for bids and found Crowder Construction Company to be the lowest responsible bidder. The bids received are below the Engineer's Estimate of \$3.0 million dollars. Staff recommends Council accept the bid for the Water Treatment Facility emergency power generator replacement project with Crowder Construction Company in the amount of \$2,699,000. This project is planned as a component of the FY 2015-2016 Capital Budget to be funded from Capital Reserves.

Mr. Berry asked the City's Assistant Public Services Director Kevin Greer to the podium to present Council with the acceptance of a bid to replace a generator at the Water Treatment Plant.

Assistant Public Services Director Kevin Greer advised that Staff was requesting Council to accept the bids for the project that was bid August 21<sup>st</sup>. Originally the project was slated for bids on August 13<sup>th</sup>, there were only two bidders that attended the bid and offered bids. Therefore Staff had to send back all bids not opened and re-advertised for bids on August 21<sup>st</sup>. He advised it was the same two bidders that came and offered bids. The bids received were from Crowder Construction, out of Cary, but this office is working out of Charlotte. The lowest bid was \$2,699,000. Brushy Mountain Builders in Lenoir was the second bidder at \$2,880,000. The engineers estimate for the project was just over three million dollars and that includes contingencies and the engineer's construction administration contract.

Mr. Greer gave an overview of the project. He presented a PowerPoint presentation and pointed out the main entrance road and the administration building of the water plant. Currently they have a single 1750 KW generator at this location. They are proposing the installation of two generators on the other end of the basin to split that load. The existing generator was purchased used in 1986 as military surplus. The generator was refurbished and was put into service in 1993, which makes it approximately 22 to 23 years old after the refurbishment. The generator itself was sized to only run the minimum amount. It was to pump water out of the plant. In the event of a power failure they can either run the raw water coming in to produce water or they can run the finished water going out to get water to customers. They cannot do both, which is a limitation in the plant. The project was prompted by the gradual mechanical failure. He estimated the generator to be approximately 40-50 years old and they don't make parts for it anymore. They have had two different companies, which previously were used for service contracts, which will no longer offer a service contract on the generator. The generator has two ends, the diesel engine end is the one that they can still work on, and the power generation end they can't do anything with because it is old solid state equipment that they can't get parts for to keep it going. Since the upgrade in 1993 the progressive thought from Council and Staff is to keep the City not on the cutting edge, but in the front pool. When the plant was built there were hydraulic valves, now we have electric valves. There are 74 big electric valves in that plant now that controls lines, those were previously hydraulic. They have a sodium-hypochlorite generation system. They formally used chlorine gas, but went away from that in 2003. Now they use onsite generation at the facility which is a big power demand when it is running. He advised that the City's Regional Water Plant has approximately 97,000 residents that are served water day in and day out. We would probably be in the 200,000 to 300,000 range if you include people visiting the mall, restaurants, hotels, or passing by. That 97,000 does not count those folks. The City's facility really has a lot of responsibility. Staff wants to make sure that we are keeping things as reliable and sustainable as possible. The generator is a permit requirement. In the authorization to construct the plant having a running generator was a component of the permit.

Mr. Greer advised that this project is included as a part of the 2015-2016 Capital Project Budget. It was budgeted to be taken from Water Plant Capital Reserve.

They banked money over the years to do upgrades at the plant to help them expand the ability. It will help to run more pieces of the plant to be more sustainable. He advised that the request to Council was acceptance of the bids. He advised that this is not award of the contract, just accepting the bids. That way they can keep the contractor moving forward. The generator itself is an approximate nine month lead time. This will be a long drawn out project once they actually get it awarded and under contract. It will take quite a while. This first-step will help the contractor with some certainty on scheduling his workload.

Alderman Meisner commented that the City had enlarged the plant in 1988 to 32 million gallons. He asked what the capacity was now.

Mr. Greer advised that it is 32 million gallons.

Alderman Meisner questioned the usage.

Mr. Greer commented that this time of year usage goes down some. We average just under 12 million gallons per day. From 2002 to 2005 we would have been in the 15 to 17 million gallon range. Right now we are happy when we get to the 12 to 13 million range. He commented that is a direct correlation to the plumbing codes and our customers being real intelligent when it comes to the City asking for conservation and water use wisely. Just use what they need. Our customers really respond to that. We are careful and sincere when we ask people to actually conserve water.

Alderman Guess asked if the new generator would run with natural gas or by diesel.

Mr. Greer stated that they designed the generator to run by diesel. The way the State looks at it is, if you have a diesel generator that is all that you have to have. If you have natural gas you have to have an equivalent amount of diesel fuel on site to back up the natural gas. They would have to have two tanks if they went with natural gas. The generator will be able to run finished pumps and three raw pumps, plus the chemical system, all the flocculators, and the electric valve. We will really be able to run the plant when power is out completely. Not turn these pumps on and turn these pumps off, run it completely. With two there is redundancy. Right now they can actually run the plant on one generator. If you run it on one generator for two or three days it will have to be shut down to refuel it or service it. They would then have another one to run. Once they get into that 17-18 million gallon range it would take two generators. Right now they would be able to run off of one.

Alderman Seaver asked if the old one would be there for a backup.

Mr. Greer responded no sir.

Alderman Guess asked if it would be scrapped or left on site.

Mr. Greer advised that it would be scrapped, it will be salvaged.

Alderman Seaver commented that people in Hickory and Catawba County are very intelligent. Look at how the recycling has went, we are probably number one in recycling in the State of North Carolina. It is the same kind of things that people think to do.

Mayor Wright moved, seconded by Alderman Seaver acceptance of the bid to Crowder Construction Company in the amount of \$2,699,000. The motion carried unanimously.

Mayor Wright stated that he moved seconded by Alderman Seaver and the motion carried unanimously.

2. Accepted the Southwest Hickory Revitalization Strategy Plan for the Southern Desk and Ivey Weaver Cotton Mill. **(Exhibit XI.B.2.)**

The City of Hickory applied for two Community-wide Brownfield Assessment Grants from the US EPA in November 2011. In May 2012, the City received notice that it had been selected to receive two \$200,000 grants to assess petroleum and hazardous materials contamination at Brownfield sites. The City's environmental consultant, AMEC Foster Wheeler, subcontracted with CIII Associates to compete a redevelopment strategy for the former Southern Desk and Ivey Weaver Cotton Mill sites. The City hosted a public workshop in May 2015. After reviewing the existing conditions at the sites, speaking with residents, and conducting market analysis, CIII Associates has presented a mixed use vision to guide future

development at the two sites. Staff recommends that City Council accept the Southwest Hickory Revitalization Strategy plan for the Southern Desk and Ivey Weaver Cotton Mill sites.

Mr. Berry asked the City's Planning Director Brian Frazier to the podium to present Council with the Southwest Hickory Revitalization Strategy Plan. He commended Mr. Frazier for procuring Federal Brownfield funds over the last several years. This is another product from those Federal grants that he has been able to get.

Planning Director Brian Frazier introduced Howard Thurston, from Amec Foster Wheeler. Mr. Thurston had been the City's Chief Consultant for the Brownfield Grant for the past three year. Mr. Frazier also introduced Clark Hipp, from Hipp Architecture out of Wilmington, and Clark Henry, President of CIII Associates. He advised Council that Staff was requesting acceptance of the Southwest Hickory Revitalization Strategy Plan for both the Southern Desk and the Ivey Weaver Cotton Mill sites. The Ivey Weaver Cotton Mill is also known as S&W Chemical. The residents that attended the workshop preferred that the site be called Ivey Weaver Cotton Mill. Mr. Frazier thanked the team and his Staff. Since the Brownfield programs inception in 2007 the City had received a million dollars in Brownfield money from EPA, \$800,000 of that had been in Brownfield assessment monies through Region 4, Atlanta. He advised that \$200,000 was the area wide planning grant which Staff have been reviewing statements for the RFQ that was sent out. That will be coming back to Council as well. The City is in the process of closing out the three year, \$400,000 grant. Since the program's inception Staff assessed 40 sites in the City of Hickory, helping to create, in this vast public/private partnership, over 500 jobs in that time period. This grant will close by the end of September, Staff has 90 days to report back to EPA. He advised that they are ahead of schedule and have finished all of their assessments. Phase 1 and 2 were conducted on the Southern Desk site. It came up clean within all State and Federal perimeters. That site is under the City's ownership now. The S&W or Ivey Weaver site had a Phase 1 and 2 on it. It does need some remediation, but most of that remediation could probably be in capsulation by a parking lot. A lot of that capsulation was done over at Hollar. It is not prohibitive for that site to be redeveloped. As part of the \$400,000 grant, the City can do plan redevelopments and programing for sites. They put together the consultant team for the Southwest Hickory Revitalization Strategy area focusing on these two mill sites and the surrounding neighborhood. It was a stipulation of the grant agreement and EPA was more than thrilled that the City was doing this. They also had some good public involvement. Beyond those assessments that were done, the EPA allowed them to do some of the cleanup, and some tank remediation. They did this redevelopment planning through CIII Associates, Hipp Architecture, and Amec Foster Wheeler. They hosted a public workshop in May of 2015. It was well received and they spent a lot of time reviewing the project area with the residents and the meeting discussions focused on various conceptual reuse scenarios, not just for the neighborhoods but specifically for these two project sites. He asked Clark Henry to the podium to present a PowerPoint presentation to discuss the findings with the citizen team in the southwest neighborhood.

Clark Henry discussed the PowerPoint presentation, which included the process that they used, the approach that they took, and some of their findings in terms of site conditions, community identity, and the outcome of the workshop as well as the strategy, and some recommendations to overcome some of the obstacles that were identified. Their job was to listen and to formulate a plan, that they hear from broad community involvement, and that it is not developed in isolation. They worked closely with the Brownfield Advisory Group (BAG) as well as with City of Hickory Staff to learn about the area, the City's initiatives, and other overlapping priorities. He advised that the City's Planning Department and the Brownfield Advisory Group had selected this area. He had worked on Brownfield revitalization for the last fifteen years and was specialized in the small area planning around Brownfields. He commended Mr. Frazier and Staff for using the Brownfield money in this manner, the cutting edge in Brownfield grants. He had spent millions of dollars of EPA's Brownfield grants all on assessments. He stated that he wished that when he was working for a City that he would have been doing what Mr. Frazier is doing. It is widely recognized by the EPA that sites don't get developed by themselves, and communities don't get revitalized on a whole without sites being redeveloped. There is a relationship there. Just by providing site assessments, sometimes the site doesn't get catalyzed into redevelopment. This area is a perfect candidate. He commented that it is really close to downtown, it is a gateway from Longview. There is a really strong historic character in the neighborhood. A very proud neighborhood that has been changing over the last couple of decades, but there are people who are really committed to seeing its future reflect its proud history. There is a really great connection to downtown on the other side of the tracks for bike and pedestrian connections. It is highly visible. However, they recognized that there are some significant constraints.

Mr. Henry discussed the process. They did background research, a site visit to meet with City Staff and the Brownfield Advisory Group, a tour of the community, and scheduled a workshop. The idea behind the workshop, is to develop conceptual renderings that reflect the priorities that they are hearing from the community and from City Staff and other stakeholders. You want a plan to be actionable. They summarized all of that information in a report. He pointed out a graph on the PowerPoint presentation which described their approach. Identify what the community's priorities are and its history. They translate that into conceptual renderings. He advised that the images on the screen and in the report are not specific architectural plans that are proposed for the site. These are generally reflective of the priorities and aspirations that they have heard over this process. They put the data through a feasibility study. They looked at income and growth rates to see how feasible this is over what kind of timeframe. If they see gaps or obstacles then they make recommendations for the City to proactively tackle those. On May 14, 2015 they convened at the Westmont Community Center and made some presentations. They had a facilitated group discussion where the community talked to them about their desire for it to be the Ivey Weaver Cotton Mill site and not the S&W Chemical site. They discussed the sites history, the community grew up around the cotton mill. Housing was developed to accommodate the workers and it was a self-contained community. You didn't have to go to other places in southwest Hickory, you could be there all on you on. That has changed. They facilitated that discussion, but also had hands on exercises with large aerial maps. He showed pictures from the workshop on the PowerPoint presentation. They wanted to talk about land use. What should go here? What can go here? Through some of their background research and some of their discussions with the community they identified a need for quality rental housing in Hickory as a whole, but especially in southwest as well and on the west side. They evolved the discussion into what it should look like. What scale? How should they align transportation? What kind of amenities are here, or not here? What are you having to leave your community for to access, that you would like to access in your neighborhood now?

Mr. Henry discussed identity. There are a lot of longtime residents, people in multi-generational residents who want to stay and want to age in place. They want their children to come back if they have left. There are a lot of newer residents. It has become a very multi-cultural community. They have a very proud history of what it represents not just to Hickory and a community unto itself, but all of North Carolina. These sites were really critical to developing that strength of character. There are a lot of commercial vacancies, a lot of sites in disrepair, and a strong perception of crime on the streets. It wasn't safe to be around at times. These are not unique to this community but they wanted to engage that and find solutions for that here.

Mr. Henry commented that they did not necessarily want to get another mill site, which was not the vision. In terms of vitality and vibrancy, a street life, neighbors communicating with each other. They wanted to engage and provide activities for youth. The Westmont Recreation Center and the park down the street are great assets but they could use more. They want it to be self-contained again. They don't want to drive everywhere to get what they need to get in terms of retail goods and also services. He asked Mr. Clark Hipp to the podium to discuss the site design and some of the development elements.

Mr. Clark Hipp commented that the overall design does attempt to incorporate some of the concerns that they heard from the community including the need for housing, community greenspace, retail opportunities, and larger potential commercial uses. In the overall design they attempted to create a place. Their goal with this design was to try and create a place that is unique and identifiable to the southwest community. They created a central element at the corner of 1<sup>st</sup> Avenue SW and 17<sup>th</sup> Street SW. They separated the uses between the sites. He pointed out on the PowerPoint presentation the Southern Desk site. For this site they visualize the potential for housing and ground level retail along 1<sup>st</sup> Avenue. That creates a vibrant street presence. That vibrant street presence with the retail is something that helps revitalize the community, and helps create identity. It also helps "putting eyes on the street", which is one way to battle crime in an area is to have more people. The ground level retail is an opportunity along 1<sup>st</sup> Avenue, housing above and behind those units. They discussed the potential of 16,000 - 17,000 square feet of ground level retail. That would be broken up into 1,400 square foot units. Those were just projections, 1,400 is a number used in retail as a good median number. Individual shops could use 1,400 or you could combine them to make 2,800 or more if needed. Then there is the potential for residential. There would be a question if they were large or small units. A market study would need to be undertaken to determine what would be the best use for residential, whether they are smaller or larger units. They tried to incorporate parking behind

the property off the street. They tried to pull the buildings closer to the street to create that vibrancy and provide ample parking to the back, behind those spaces for both the residential and the retail. They also included the potential on 17<sup>th</sup> Street for a less active, more of an office type commercial use; 17<sup>th</sup> Street being less traveled. They thought that it was more of a quieter type of commercial space.

Mr. Hipp discussed the former Ivey Weaver Cotton Mill site. He advised that the citizens attending the meeting did not want it called the southwest site, they preferred the Ivey Weaver site. They have a lot of pride in their community. This site would be more suitable for a park or more of a passive type use for various reasons; 1) the topography, and 2) because of the beautiful existing trees. The potential here is for a park, but also a larger commercial type use that would be closer to Highway 321. Because this is a larger site there is the potential to subdivide it in this way. This building acts as a buffer from Highway 321. If you were to develop residential or quiet space in the form of a park it would provide that type of buffering. That pad is approximately 33,000 feet. You could do a single story 33,000 square foot commercial type facility or potentially a two-story. There is potential for adequate parking for a structure of 66,000 square feet. The park itself would be more of a passive type park, it would not include ballfields, and that sort of thing. It would become a community asset. It would help reflect the pride that the community has for who they are, where they are, where they have been. It has the potential for walking trails, event type spaces, facilities in the site, and parking. They see this as an important element of community pride and something that the community would rally around.

Mr. Hipp discussed the defining element at the corner of 17<sup>th</sup> Street and 1<sup>st</sup> Avenue. Having a centralized focused element that incorporates, and is involved in both sites, helps to create a true place. This plaza has the potential to include historical markers, information signage, benches, and fountains. All elements that would help define this place as unique and draw people to the site, and to demonstrate pride in the community, which is what they heard from their community meeting. He asked Clark Henry back to the podium.

Mr. Clark Henry commented that they "painted" a pretty ambitious future for this intersection, and for these two particular properties. At this stage in the revitalization plan they thought it appropriate to take a pretty high level look at demand and feasibility. He displayed a short list of the types of data they looked at which included the census data, income levels, population growth across the three county area for Catawba, Caldwell and Burke counties. They looked at retail market place, profile, and a market place potential within a one mile radius of the site; to take a look at that area to see what kind of money is being spent from people inside that area, but in facilities outside of that area. They looked at housing surveys for Catawba, Caldwell and Burke counties as well a look at housing demand. In general growth is slow. Compared regionally in other cities and statewide averages, Hickory as a whole city is growing much slower, but especially in this neighborhood. There was a population loss up until 2012 within a one mile radius of these properties. It is projected, according to their data sources, to grow. Modest, but growth is good. Housing demand does exist, it is just a question of how much and which housing. Income levels especially in the direct neighborhood within a one mile radius are significantly lower than regional or statewide averages, especially with approximately 20 percent of the population within a one mile radius earning less than \$15,000 a year, a median household income.

Mr. Henry discussed the retail gap analysis which identifies different trade groups and industry groups and the amount of money. They focused on a one mile radius of this intersection and they identified all of the money to where there is positive retail gap. For example if there is a million dollars being spent, \$214,000 dollars being spent on a home furnishing store that is coming from within the community, but it is going to other communities. These are not necessarily signs that if you put a home furnishing store in this neighborhood that all of that \$214,000 will be there, nor is a sign that \$214,000 of revenue is enough to support a home furnishing store. There are some indicators of demand that will fit into some of the recommendations later. For both properties they felt there was some overall constraints. Market readiness related to population growth and income levels about near term implementation. What they had provided conceptually was not something that would happen overnight. The City could take a near, mid, and long term view. The ultimate build out would be a long term view, but there are actions to be proactive and make interventions in this neighborhood that are near term, that yield near term results and near term results that ultimately will cascade into a fuller realization of the plan. The population growth rates are a problem, income levels are low. Site control at the former Ivey Weaver Cotton Mill is a constraint. The City does not own the site, but they recommended that the City try to work towards that, or work in partnership with the current owner. There had been some

discussions that the City had took ownership of the Southern Desk site. The perception of crime in the area and some of their recommendations would help alleviate those perceptions.

Mr. Henry advised for Southern Desk look for partnerships. People within the immediate neighborhood need some quality rental housing. We also know that some revitalization to incorporate more commercial, we need some mixed income, some higher incomes in the neighborhood to mix with the current income levels. Partnerships with different types of developers can help there. The sites are really large footprint sites. Also recommendations of considering State development. He advised it would be important to create an incentive package. The City should assemble a list of things and it can help private developers with infrastructure improvements. Working with Raleigh and tax incentives is rough, but he recommended that the City try to work in that direction. He advised that he had made recommendations in other places for the City to provide some rental guarantees for commercial spaces. If a private developer doesn't fit in, find a commercial tenant, that the City has some rent guarantees. He advised that it might not take hold in the first try, with the request for proposals for development. With the site control the City should assemble something more specific for request for proposals and issue it broadly to the development community, not just looking locally or regionally, but looking statewide and throughout the southeast. He encouraged creative thinking on these development teams. Challenge them to do things like partner with the City, non-profits, and community groups to help this come true. The fact is that yes, we are growing. The other areas that are growing are becoming more and more expensive and as that happens other development interest are going to start looking here closer and closer. Our economy is coming back, housing values and commercial values are going up. Municipalities that have land like this, there is a lot of private development. There is investment interest in Hickory. You might have to put it out there a couple of times, make some changes, and learn from the development community. Continue policing and code enforcement. In the residential neighborhood and in some of the older commercial properties code enforcement has not been what it could be. There is that perception they have some really nice homes next to some homes with really poor livable conditions. Another thing to consider with a longer term vision for full redevelopment is to do something interesting with the site in the interim. Even passive greening. Making sure that the site is clear, and hosting community events, doing something on the site to create activity. A property can sit vacant and nobody wants any part of it, until you start doing something with it. When they start doing assessments and cleanup on Brownfield properties they start getting calls. Events, passive greening, plant grass across the whole thing, a sunflower patch, community gardens. He advised they are working in Wilmington on a community garden interim use. There are a host of things that could help activate the site. When you get people active on the street scape crime goes down. Eyes on the street is a tried and true strategy.

Mr. Henry advised for the former Ivey Weaver site control is the first obstacle. He encouraged the City to try and take site control. A park here would add to the gateway element and place making capacity in getting people on the street. There are two parks within a mile radius, but the capacity here, for this park to create the center section of this neighborhood as a destination in southwest rather than just somewhere people are driving past. It really takes hold when you use this as a publically available greenspace. He reiterated continuing policing and code enforcement. Stage the park development in the near term. Do something lighter as perhaps acquire some State grant funding for a full construction buildout. Active programming of activities within this park space really goes a long way to building that since of pride back, and showing interest and providing proof that the City is a strong partner for development teams. For the commercial component of the former Ivey Weaver Cotton Mill site he reiterated acquire the site, and RFP or partner with the developer, or the property owner to issue an RFP. That might not stick right of way. Talk to other people. They talked about this would be a great site for another call center. Another goal here would be to start employing some of the people in a neighborhood that could use it. He advised there was a long list of "to do's" on Brian Frazier's desk. He advised that an RFP was one way to get that done and work with the private owner to help make that happen.

Mr. Henry reiterated the long term vision, taking near term steps. Within the report there are number of these items to take this in the near term, there is a longer list of recommendations that get more specific. They realize that looking at the neighborhood now you don't see this. Neighborhoods like this in other cities across the country have totally been transformed over the last 20 to 30 years. Perception is a big issue and the City can help overcome that. Structural determinism, you build it and they will come, isn't a perfect strategy. In a community like this if you don't do anything they want come. The City needs to be very proactive in terms of programming in the investment. The parks space is not

in the parks plan or the needs assessment for 2015 that showed more population growth in northeast rather than here. He encouraged Council to revisit that assumption and to be proactive to help make sure that the population here is coming back and to revisit it. Even the needs assessment is 15 years old at this time. There have been a lot of economic and demographic changes over the last ten years. He encouraged Council to include this in the plan.

Mr. Brian Frazier advised Council that Staff recommended the acceptance of the Revitalization Strategy Plan for the area described. He asked if Council had any questions.

Alderman Patton commended the Planning Department for their work with the Brownfields.

Mr. Frazier thanked Alderman Patton and stated that they had a lot of great support from within City Hall, the public/private partnerships work the best.

Alderman Patton commented that it had made a lot of difference in a lot of neighborhoods.

Alderman Guess reminded everyone that the Code Enforcement Division is really what got the City where we are at today. That was one of the most difficult assignments that they had. They were able to take that and get it to where we are at today. There is not anything on the site, but it is certainly a tremendous improvement from when the structure was there and we weren't sure of how to get it to where it is at today.

Mr. Frazier advised that it is a great reuse site.

Alderman Guess stated that the other aspect is that the City does not have much, if anything in that property as far as ownership. He questioned how the City had obtained that.

City Manager Mick Berry advised that the owner gave it to the City. There were some funds involved in some of the demolition, but not much. Most of it was done because he recycled all of the materials. It was a pretty good deal.

Alderman Guess commented that all in all we are in good shape on that Southern Desk property.

Mr. Frazier commented that the only problem that the City would face is that the General Assembly passed a law a few years ago that allowed not only demolition in place, but burial of construction and demolition material in place. That is great for the former or current owner of a site. When you are demolishing a building and you dump the demolition debris, which is not inspected by anyone at the State or Federal level, into a hole. That saves them a lot of money, but the new owner is stuck with getting that stuff out of the hole which is ten times more expensive. We do have quite a bit of site debris on that site. That is something that we will have to work around. Is it an impediment? Yes. Is it a deal killer? Absolutely not.

Alderman Zagaroli asked who the owner was of the Ivey Weaver property.

Mr. Frazier commented that it was Mrs. Whitener. Mrs. Whitener's son-in-law, Byron Yarbrough from Realty Executives had been marketing that property. That property had been on the market for some time. They lowered the price slightly. There had been some interest. It is not something that we would want to take the first offer on, not with all of this work that we have done. Make no small plans, a famous planner once said. With Inspiring Spaces, and Hickory by Choice 2030, the million dollars of Brownfields, and another 40 million dollar bond initiative this is something that the City needs to take a look at and look at the big picture. We shouldn't have to settle.

Alderman Guess stated that in the interim he would like to see the City do something with it, if it wasn't anything other than plant grass there or landscape.

Alderman Lail agreed with Alderman Guess. He appreciated Mr. Henry's comments about activating it or creating something there, some activity or energy. That takes effort, money, programming to the extent that there is opportunity for that.

Mr. Frazier stated that recently they had a grocer make some inquiries about one of the sites.

Alderman Lail commented that he liked the conclusion of the report, if you let the private sector do it you are looking at a much longer timeframe. He asked if they were planning on doing some RFQ's or RFP's.

Mr. Frazier commented that they would like to with permission of Council and the Manager's office.

Alderman Lail commented that Council was not voting on whether to send out for RFQ's or RFP's at this time.

Mr. Frazier advised that this was just accepting the plan.

Alderman Lail was intrigued or puzzled with the residential up against the railroad. That is a relatively high volume rail line.

Mr. Frazier advised eight freights per day. It is a little noisy.

Alderman Lail agreed on the noise. Another constraint for the site, but certainly not a deal killer.

Alderman Lail moved, seconded by Alderman Guess acceptance of the Southwest Hickory Revitalization Strategy Plan for the Southern Desk and Ivey Weaver Cotton Mill. The motion carried unanimously.

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

Mayor Wright commented that this is in an area where a lot of people get confused whether they are in Hickory or Longview. As we are making these improvements he doesn't want them to be confused. As a sign guy he always thinks of signs first.

3. 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)

(9) Positions VACANT

Alderman Guess nominated Joseph R. Getlein Jr. to the International Council.

**PARKS AND RECREATION COMMISSION**

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

At-Large Minority VACANT

**PUBLIC ART COMMISSION**

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

Ward 3 VACANT

Ward 4 VACANT David Whitley resigned 9-9-2015

At-Large (Mayor Nominates) VACANT Mylinda Strittmatter resigned 9-8-2015

Alderman Guess nominated Edwin Dennis, Ward 4 Representative, Public Art Commission.

**PUBLIC HOUSING AUTHORITY**

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

Tenant Representative (Mayor Nominates) VACANT

Mayor Wright nominated Velecia Hackett as Tenant Representative, Public Housing Authority.

**RECYCLING ADVISORY BOARD**

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

Ward 3 VACANT

**YOUTH COUNCIL**

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

Hickory Career Arts Magnet      VACANT

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

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

## C.      Presentation of Petitions and Requests

XII.      Matters Not on Agenda (requires majority vote of Council to consider)

XIII.      General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Alderman Seaver thanked the community for supporting the Kiwanis Golf Tournament this past Friday. He advised that several Council members had participated in one form or another. He commented it was one of the best they had in the past ten years. He thanked Hickory and the surrounding community that participated.

Mayor Wright commented approximately 148 participants.

Alderman Seaver commented the biggest one in a while.

Alderman Patton mentioned the Pops Concert Sunday night, Sails on the Square, at 5:00 p.m.

Mayor Wright commented that his visitors from Brazil loved the Sails, concert, and the sense of comradery, and the sense of community.

Alderman Guess reminded everyone that it was 100 days until Christmas.

City Manager Mick Berry pointed out that this would be the last meeting that Mandy Pitts would be in attendance in her capacity as an employee of the City of Hickory. She had been attending meetings for 17 years, approximately 400 plus meetings. He commented that she would be missed, and congratulated her and wished her luck.

Mandy Pitts commented that she would be back in February requesting money.

Mayor Wright commented that the City's association with the Tourism Development Authority, he was glad that it was going to be in great hands. He commented that if someone would have asked him who would be the best person to think of for that job, if he had enough time to think about it, and if we could afford to lose her in the City, and no we can't, he probably wouldn't have named her. Other than that he would have named Mandy Pitts.

Mayor Wright commented that the State budget is getting closer to a negotiated settlement. He commented that at the present time the City may not lose any sales tax dollars. That is good, and it has not been without effort. He thanked Yaidee Fox, the City's Registered Lobbyist. He said that Yaidee Fox was the best Registered Lobbyist that anybody has in North Carolina, and she has worked diligently and prodded the rest of them to get involved. She even got Alderman Zagaroli to go down. Alderman Guess went as well. We have also received help from the League of Municipalities, and the Metropolitan Mayors Coalition.

Alderman Lail commented that the Mayor had also been there more than once.

Mayor Wright confirmed that he had been there, and some of it was for some other groups, some for the City of Hickory, and some because Mrs. Fox made him attend.

Alderman Guess commented and golf and grandkids.

Mayor Wright admitted golf and grandkids.

Mayor Wright advised that Council would have a special meeting tomorrow night to discuss the role that the City has taken in the past with respect to Hickory Housing Authority, and whether they think that there is going to be any change in that role as the Housing Authority moves forward along with the rest of HUD Nationally in setting up a different public housing delivery structure. He advised that Council would not be discussing any personnel matters, or issues that are being controlled by the present Board of the Hickory Housing Authority, but Council would talk about the City's role in the past and where they see it going in the future.

XIV.      There being no further business, the meeting adjourned at 8:18 p.m.

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Mayor

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City Clerk

September 16, 2015

A Special Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Thursday, September 16, 2015 at 5:32 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 Andrea Surratt, Assistant City Manager Rodney Miller, City Attorney John Crone, Deputy City Attorney Arnita Dula, Deputy City Clerk Sarah Prencipe and City Clerk Debbie D. Miller

Staff present: Assistant to the City Manager Yaidee Fox, Planning Director Brian Frazier

- I. Mayor Wright called the meeting to order. All Council members were present with Alderman Seaver arriving at 5:34 p.m.
- II. Invocation by Alderman Guess
- III. Pledge of Allegiance
- IV. Discussion of Hickory Public Housing Authority

Mayor Wright thanked everyone for being in attendance of the Special Meeting of Hickory City Council. He advised those in attendance that this was not a regular meeting of City Council and there were not provisions for people to speak, unless called upon. He commented that everyone had an opportunity to speak at the regular meeting of City Council last night, and would have an opportunity to speak at Council's next regularly scheduled meeting. The purpose of this meeting was to discuss some issues that had been widely publicized the last few days concerning Hickory Housing Authority. He commented that there were two aspects of this issue: an allegation, perhaps criminal sexual activity. That is not a subject that Council can deal with, that is between the alleged victim(s), the alleged perpetrator, and the Police. At this point it doesn't involve Hickory City Council. If there was something involved in that, which was a violation of HUD policy or Hickory Housing Authority policy, they would have to deal with that in their way. The second aspect of this had to do with some allegations concerning expenditures that the Housing Authority Board had characterized as personnel matters. Council respected that characterization and were not going to violate that characterization by bringing those matters into public at this time. He emphasized that Council's role in the past had been appointment of Hickory Housing Authority Board. He stated that he understood that having the right to appoint, they have the right to remove members. He was not aware that Council had ever removed a member, however they had not reappointed some. He stated that he felt that Council would agree with him, that there are some of the leading citizens of Hickory on that Housing Authority Board. Council needs to give the Housing Authority Board a lot of room to do what they are charged to do. He is convinced that their interest in serving on that board is the quality of life and the improvement thereof of the neediest of the people in Hickory.

Mayor Wright advised that a few years ago Council became aware of two matters that were subject to review by HUD, for which HUD took what they considered to be remedial action. Mayor Wright felt that they took an inappropriate action, to require that money be sent to Washington, but that was not his call. He stated that he was speaking personally, because he couldn't speak for all of the Council members. All of the Council members are elected because they have their own opinions. He encouraged Council at any time to speak-up in anyway. He conveyed the process that Council went through at that time. He stated that there were two elements of the investigation by HUD and the remedial action requested. There was a minor amount of payments, to the Executive Director's estranged husband for services performed for the Housing Authority. That was an expenditure that shouldn't have been made. It was Mayor Wright's understanding that the Housing Authority Executive Director said it was a mistake. That was a small amount, under \$10,000. The other amount was a much larger amount, \$520,000 involving payments to the brother of one of the board members. Like all the other board members, that board member was an appointee of City Council. Council was able to determine by talking with people at the Housing Authority, and the Housing Authority's Counsel, what had transpired. This board members brother was the low bidder on a contract to provide repair and capital improvement projects over a period of time for the Housing Authority. There is a lot of windows and doors to be replaced and fixed. At all times the member of the Housing Authority, who had the brother doing the work, recused himself from voting. The Mayor understood how that could be viewed as a proper remedy for the relationship. It turned out that was not a proper remedy, but he could see how it could be construed that way. The Mayor, speaking for himself, commented that they know what happened, it was not a matter of personal gain as best as they can tell for that board member, it wasn't a matter of personal gain for any other board member. It wasn't a matter of personal gain for the Executive Director. It just did not seem that any draconian severe measures were called for except for HUD's call for sending the money back. He commented that HUD said they misspent it because it was a violation of policy. So they had to pay HUD the amount that was misspent, so they paid double. Mayor Wright spoke with one of the other bidders. He asked how the process went and was told that they were given a chance to bid. They submitted their bids, and didn't understand how the bid was that low. The Housing Authority acted in good faith granting the bid/the work. Violation of HUD policy, but they acted in good faith. The Mayor's personal opinion, since in other respects things seem to be going well at

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the Housing Authority, and enough attention had been paid to them. That was his answer from his standpoint on that old issue.

Mayor Wright advised that he received a call and spent 56 minutes on the phone with a reporter from the Charlotte paper about some things that he had no idea, or that were even out there in some form, signed by a group of people who had requested anonymity. Most of us would put stuff like that in the trashcan. If they request anonymity. But when you are dealing with the public interest and the public money, and the media, it is not as simple as that. He advised that he was not saying that is was garbage. He commented that he was saying that normally if they didn't sign it then he was not going to pay any attention to it, he doesn't have time to deal with that. Mayor Wright felt that he had to deal with it. The reporter asked the Mayor what he was going to do, and Mayor Wright advised that Council would have a meeting, at the earliest possible date, and they would talk about it. Mayor Wright advised that he wanted to discuss what Council had done in the past and what Council wants to do in the future. Either the same thing that they have done in the past, or less than they have done in the past, or more than they have done in the past. Mayor Wright had no idea what direction this meeting would go in. He wanted to discuss the future oversight by Hickory City Council and public housing in Hickory.

City Attorney John Crone advised that the Mayor and Council had been provided with a document that he and Deputy City Attorney Arnita Dula had prepared which detailed the history of the relationship between Hickory City Council and the Public Housing Authority, and what the roles are as to those two entities as set out in North Carolina General Statute Chapter 157. He provided Council with an overture of information. He advised that in 1966, 27 or so individuals petitioned the City of Hickory, as is by law allowed, to establish a Housing Authority to take on the task of doing what it is doing at this time. The law book at that time stated not less than five or more than nine people could be appointed to that commission. City Council appointed five individuals to serve as commissioners for the Public Housing Authority in 1966. In 1984, the City Council at that time increased the number of commissioners from five to seven, one of which would be a tenant resident of the housing projects. The law has changed since then and now states that you can have no less than five, nor more than 11 board members on the Hickory Housing Authority. The Public Housing Authority, Hickory City per se politic, and Hickory City Council are two total and distinct entities. The role of the City of Hickory, and the role of City Council is set out in North Carolina General Statute 157. The Mayor appoints board members for the Public Housing Authority, per the law. Those terms are for a period of five years and a commissioner can be reappointed, and has been reappointed in the past. No Council member nor the Mayor of this body can serve on that board. The only way that the City Council has the authority, by itself, to remove a commissioner under the statute is for inefficiency, or neglect of duty, or misconduct in office. That is after that commissioner or board member has the right to due process, and a right of notice and a hearing. The City of Hickory does not fund the Authority. No City funds directly go to the Public Housing Authority. Currently we have seven board members. Council could appoint additional board members if they so desire. That would be by Resolution or Ordinance at some future meeting. He reiterated the relationship between the entities are Council through the Mayor making appointments to the board. There is statutory law that states that Council has the discretion to abolition the existing Public Housing Authority by Resolution and transfer its authority and responsibilities, obligations, personnel, property both real and personal to the City. Or Council could abolish the existing Housing Authority and can currently designate an existing redevelopment commission to exercise the power, duties, and responsibilities of a Housing Authority. As it stands now the Housing Authority is autonomous, again the Mayor makes the appointments. Those appointments are handled in the same manner as any appointments. Recommendations are made. Mr. Crone felt that the Mayor had been diligent in the past making his appointments. He advised that was a brief overview of what Council's relationship was with the Housing Authority. He advised he would answer any questions that Council may have.

Mayor Wright stated that at the present time, by appointment last night of Velecia Hackett as the tenant representative, there are full complement of board members at seven. But there is no prohibitions on appointing addition board members at any time if they see fit.

Mr. Crone replied yes sir.

Mayor Wright commented that it is a matter of what seems to work well. This is not an attempt to respond to a newspaper article. He pointed out that very seldom are there lots of volunteers to the board to the Public Housing Authority. He felt that the City was very fortunate. He had always kept in mind that he does not want the appearance of an agenda. Just like we like good thinking Council members that will say their mind and vote how they feel and live with the consequences. That is what we want. We don't want people going in and saying I have got an agenda and I am either going to get my way or I am going to make them miserable. We have got to have people to say that we are working strictly for the interest of the neediest people in Hickory. We very rarely have volunteers. It is usually a recruitment process of some kind. When we have people like we have on that Housing Authority board, we are very fortunate that we have had people step up to take that responsibility to get paid absolutely nothing. He asked Council if they had questions or additional input about the way things had been done. He asked if Council had any input about the way things are done in the future.

Alderman Guess questioned if there was an active investigation going on into the allegations at this time. And if so, the answer to that is yes. He felt that it was pertinent for Council to wait until that investigation is concluded before they make any type of determination of what they are going to do in the future.

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Mayor Wright advised based on his knowledge that the Housing Authority Board is aware of the allegations. They will decide the extent to which they have dealt with those in the past or will deal with those in the future. Mayor Wright didn't feel that Council could or should direct them to do anything.

Alderman Guess stated that his only concern was that if there is criminal activity involved then there ought to be an investigation by the appropriate agency, if there is allegations of criminal activity.

Alderwoman Patton requested that be reported back to Council so they would know what they are faced with.

Mayor Wright asked come back and report that there is no criminal activity.

Alderman Guess commented whether there is or there isn't. He stated that he was not saying that there is criminal activity but if there are allegations of criminal activity that is the crooks of the matter.

Mayor Wright clarified that this was his understanding. Council has been bombarded with documentation of things. He stated that he was not an Attorney or a Police Officer. He thought that there are alleged acts, by an alleged perpetrator, against some alleged victims. If someone thinks that the law has been broken with respect to that one part of these issues then they need to talk to the Police. He commented that he was not going to call the Police in, he doesn't have the authority or the right to do that. He doesn't want people to say that there are other allegations of criminal activity. The documentation that he had read, not being a Lawyer, not being a Police Officer, just being a regular citizen like everybody here, he didn't see anything that he would say was criminal activity. He commented that the Housing Authority Board would have to respond to the same entities media, etc., that Council does. He did not believe that Council had the ability to say, based on their oversight, that they want them to conduct a criminal investigation or report back to Council.

Alderman Meisner commented nor does Council have any verification that any of that information is actually a fact.

Mayor Wright commented they are allegations. He referenced documentation that Council had received, a one page memo, a ten page memo, and the 100 plus pages, which had been very helpful. There is a one page memo, sent by a Lawyer out of Greensboro, which had some very serious allegations in it. He stated that he didn't want anybody to think that Council didn't think that they were very serious allegations. If one of the alleged victims says I think I need to take it to the police; that is what they need to do. The other items are allegations. He doesn't want anybody thinking that Council said that there might be some illegal activity that this board should be following up with respect to those other allegations.

Alderwoman Patton commented that the other allegations, and the 174 pages of information that they received is up to the Housing Authority to take to their board to discuss.

Alderman Meisner agreed with Alderwoman Patton. He agreed with the Mayor's accolades about the board and he whole-heartedly agreed about the competency of that board and the competency of their Attorney to handle all of these allegations.

Mayor Wright commented without forgetting our oversight responsibility. That is getting back to the future oversight a little bit. What are we going to do in the future?

Alderwoman Patton commented if that board determines there is something, they will act as they should as responsible board members, and then from that City Council can determine what they feel like their future appointments or the size of that board needs to be.

Alderman Guess questioned Council's obligation as far as the allegations were concerned. He asked if Council had any obligation.

Mr. Crone advised that the only obligation would be for the Hickory Police Department to respond if there is a victim or compliant. As far as City Council is concerned, they did not have an obligation to conduct, at this point in time, it would be premature.

Alderman Lail commented that he did not feel that Council had the authority. If the Hickory Housing Authority is indeed a body corporate and politic, which is a legal term that says they are like a corporation, Council cannot compel them to do anything. It is not in Council's best interest that they do.

Alderman Guess responded that he was not suggesting that. He just wanted to find out legally.

Mr. Crone advised that Alderman Lail brought up a good point. That is they are two separate entities here, City Council and the Housing Authority. The Housing Authority is autonomous, they have their own board, charter, and by-laws. City Council has no input into what they do or how they conduct their business except to the extent that they make appointments or at some time if Council wants to discuss going in a different direction with the Housing Authority in and of itself. But the way that it stands now, Alderman Lail is very correct, they are a body of politic in and of themselves, and no member of City Council can serve on their board. That is the way the legislature set it up. That is the way the law has it.

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Alderman Meisner commented way back when he first got on Council they use to rotate a Council member at every Housing Authority meeting. Of course, non-voting, just like the public. They would report back to Council happenings of what went on.

Alderman Guess stated that he understood that they couldn't attend closed meetings.

Alderman Meisner replied absolutely not.

Mayor Wright moved to have someone attend the open public meetings of Hickory Housing Authority and report back to City Council on the activities.

Alderman Meisner commented or we rotate it.

Mayor Wright commented that he didn't know if you would get the same benefit of rotating it.

Alderman Guess commented you might get a better benefit, you get different perspectives. It depends on how you look at it.

Alderwoman Patton commented as long as everything is reported back so there is a consistency of information flow.

Mr. Crone asked Mayor Wright if his motion was to appoint a particular person or if it was to appoint someone to rotate.

Mayor Wright stated his motion was to appoint a particular person. He requested a second and asked for discussion.

Alderman Guess asked if that would violate any kind of statute.

Mr. Crone replied no.

Mayor Wright stated that is Robert's Rules of Order.

Alderman Guess clarified for Council to attend the meetings.

Mr. Crone advised that any person can attend meetings.

Alderwoman Patton seconded the motion.

Alderman Guess questioned if they could request copies of the minutes from the meetings.

Mr. Crone requested that Council handle the motion.

Mayor Wright announced motion by Wright, seconded by Alderwoman Patton. Mayor Wright requested Council have a discussion.

Alderman Lail suggested to Council that any interested Council members, as well as interested public, can always attend the meetings. If an interested Council person would attend a meeting and would like to report at Council's regular scheduled meeting as a matter not on the agenda, he was sure that Council members would all receive it gratefully. He would not want to set up the implication that the City of Hickory, as governed by the Hickory City Council, has any kind of oversight over the Public Housing Authority. So sending a member there might be helpful to understand what is going on as it relates to the volume of resident applications, what the plans are as it relates to the City's land use planning, but it would not in no way shape or form be understood as any kind of oversight.

Alderman Meisner commented that Alderman Lail brought up a good point because sometimes a Council person can attend a board or commission meeting, and just the fact that their presence there has an implication of authority. He did not want that.

Alderman Guess didn't feel that Council should dictate that they were going to attend their meeting. If they want to attend, they can attend. He didn't feel that they needed to mandate or that they needed to dictate that they were going to attend every meeting on a rotation schedule. He would rather have it, if one Council members wants to go at any given time then they go. Have it like that rather than mandated or dictated.

Alderwoman Patton didn't think Council could mandate that because of every body's schedules. She felt it would be advantageous to occasionally have Council members there and report back, just give an update.

Alderman Guess commented that it is no different than they do with the other boards and commissions,

Alderman Lail advised that it is different in the sense that it is not the City's board or commission.

Alderwoman Patton stated it is not ours; that is the difference.

Mayor Wright agreed that is different. It is also different in the sense that the future of public housing in this country will impact all of us in various ways very greatly. He commented that

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there is no exactly right answer to this. Mayor Wright advised Council if they were through with the discussion he was going to call the question.

Council was through with the discussion.

Mayor Wright advised he wanted to withdraw his motion.

Alderwoman Patton withdrew the second.

Mayor Wright questioned if Council had violated Robert's Rules of Order.

Mr. Crone advised Council that they should call the question and vote it down if that is what they were going to do.

Mayor Wright stated that his motion was that a designated person from Hickory City Council attend the meetings of the Hickory Housing Authority, that are open public meetings, and somebody is assigned that specific responsibility. Ayes: Mayor Wright; Nays: Alderman Lail, Alderman Meisner, Alderman Seaver, Alderman Guess, Alderman Zagaroli, and Alderwoman Patton. The motion was defeated 6 to 1.

Mayor Wright advised that he would probably attend the meetings anyway.

Alderman Guess asked if no more than three Council members could attend one meeting.

Mr. Crone advised that is correct.

Mayor Wright questioned even if they were not discussing any City business.

Mr. Crone advised that he would avoid doing that.

Alderman Guess asked if more than three Council members showed up then one of them needed to leave.

Mr. Crone advised that was his "from the hip" answer. He would look into that further. He used for an example if Council was attending a party, and four of them were there, would one of them have to leave? No. Until further notice his recommendation would be not more than three Council members attend the meeting. He might change his mind on that.

Mayor Wright commented that presently Council has seven board members. He asked Council if they had an opinion on whether they go more. He didn't feel that they should go less in his opinion, but he was open for that discussion. He commented should they go more, stay the same, or wait, or is Council not in a position to define a need to do that now.

Alderman Guess felt that the timing was not right for that. He suggested that they find out what is going on with this current situation before Council determines if they need more or less members.

Alderwoman Patton stated and then look at Council's options going forward.

Mayor Wright asked if there was any other business to come before Council. There was none.

V. There being no further business, the meeting adjourned at 6:08 p.m.

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Mayor

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City Clerk

September 24, 2015

A Special Meeting of the City Council of the City of Hickory was held in the Winkler Activity Center of the Winkler Park on Thursday, September 24, 2015 at 5:00 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, Deputy City Clerk Sarah Prencipe and City Clerk Debbie D. Miller

Staff Present: Assistant to the City Manager Yaidee Fox, Parks and Recreation Director Mack McLeod, and Public Services Director Chuck Hansen

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

Present from the Bond Implementation Commission: Chair Burk Wyatt and Vice Chair, Allison Holtzman; Riverwalk Subcommittee Chair, Charlie Dixon and Vice Chair Michael Bell; City Walk Chair Frank Young, and Vice Chair Mike Thomas; and Streetscapes and Gateways, Chair, Rob Dickerson.

- I. Mayor Wright called the meeting to order. All Council members were present with the arrival of Alderman Zagaroli at 5:27 p.m. Mayor Wright advised that he had another meeting to attend and left the meeting at 5:12 p.m.
- II. Update from Freese Nichols Regarding Bond Project Objectives

Program Director, Mike Wayts, from Freese Nichols thanked Council for the opportunity to be a part of the exciting program for the City of Hickory. He introduced Charles Archer and Morgan McIlwain, and presented a PowerPoint presentation. He advised of the items which would be discussed which included an update from the Bond Commission Subcommittee Chairs, the project limits that they had been defining for this program, the next steps, the program planning schedule, and Riverwalk exercises. He advised that Council had passed an Ordinance that formed a 42 member Bond Commission. Their goals were to provide input, oversight, and to be an advocate for the bond program. They formed three Subcommittees: the Riverwalk, the City Walk, and Streetscapes and Gateways. They had met multiple times with the Bond Commission, and with each of the Subcommittees. He commented that the Bond Commission members were very passionate about this program, and very excited for the future of Hickory. He stated that it had been a pleasure to work with them on this project.

Mr. Wayts discussed planning and used for an example furniture manufacturers to draw a parallel to the bond program planning that they are doing. Every year the furniture manufacturer develops an operational plan, marketing plan, analyzes the market, and creates parameters of what type of furniture line that will be developed that year. That sets direction and priorities for the coming year and gets everyone on the same page throughout the organization. The benefits of that, as you start to implement that plan, you are simply decision making moving forward, you help to communicate the message across and outside of the organization. Ultimately they will operate more efficiently and they will save money. He used Riverwalk of the bond project for an example. They have been working through a process. They have discussed what the project is, so they can hire the right consultant to design that project for all the proposed elements that project would have. It is extremely crucial to get everybody on the same page with the direction and the priorities of the program before they are hired. Otherwise they are paid, they get to the 50 percent point, and nobody agrees where they are at. That money would be wasted. Mr. Wayts showed a flowchart and explained the process. They sit down with Council, and City Staff and receive initial input on the program parameters. That vision is then taken to the Chairs and Vice Chairs and to the Subcommittees of the Riverwalk, City Walk and Streetscapes and Gateways. They get feedback from that and may need to go back and discuss the information with Council and City Staff. They want to get everybody in agreement to help formulate the second vision which is taken to the Bond Commission. The Bond Commission may then give feedback and the process would continue. They have been working through this process to try and get everyone on the same page, and to set the direction and the priorities. As they go through this process multiple times they are going to develop a program, within the 40 million dollar budget, refining the concepts and everybody will be on the same page. They are looking at identifying supplemental funding opportunities to expand the budget. Mr. Wayts asked the Subcommittee Chairs to give an update for their respective projects.

Chair of the City Walk, Frank Young advised that the Vice Chair was Mr. Mike Thomas. They started their first meeting with a bus tour, with Public Services Director Chuck Hansen. They saw the site from Lenoir-Rhyne to downtown, as well as what the future sites may look like from downtown. They saw the challenges of the railroad in particular near Lenoir-Rhyne. That is going to be an issue, and it is going to take a lot of money to build the city walk at that point. Some of the other areas are not going to be as challenging, but it is going to be a challenge. They also discussed ideas about what each of them would like to see within the city walk and what each of their favorite ideas were. They brainstormed, and ranked the projects. If they did everything that was in the artist rendering right now it would be 27 million dollars. They know that is not going to work. The City has applied for the TIGER grant and should hear about that in October. They are hoping to get 22 million dollars. An additional 22 million dollars would be fantastic. He advised that the City did get a million dollars.

Assistant City Manager Andrea Surratt advised \$800,000 from North Carolina Department of Transportation for design of the city walk.

Mr. Young commented that if the City gets the TIGER grant it would be huge, and good for the Riverwalk as well. He advised that he had a fantastic subcommittee, very energetic, positive, and some good ideas. They had talked about the layout of it, and the vision. The artist renderings had helped tremendously. Ultimately they do not know what will pass and what is feasible. Mr. Young advised that Mr. Chuck Hansen and Mr. Charles Archer had went to Atlanta to speak with Norfolk Southern and get their blessing. They did get their blessing as it would improve security for the railroad if there was an established walkway there. Not only that, but they also received their endorsement for the TIGER grant, which they also were applying for. They discussed with Martin McGill and Associates additional ways to raise money through sponsorship and adoption. Everybody on the Committee had written letters to the elected officials requesting consideration for the TIGER grant. A lot of them had received feedback. He advised that his favorite part would be an iconic bridge over 127. Unfortunately that cost a lot of money. There had been some conversation with some businesses around that area, that maybe they would like to go in and help with that iconic bridge. It needs to be something that people from around the State and maybe even from South Carolina, would look at that image and say that is in Hickory, North Carolina. It is essentially the entrance to downtown and North Hickory. When you go over that bridge you need to get the sense that this is a fantastic place to live, and you want to go walk on that.

Vice Chair of the City Walk, Mike Thomas commented that the point that got the most support from the Subcommittee was that the general concept was that there needs to be good access to the city walk from various parts of the city, but in particular a strong connection of the city walk to one point on either side, north and south. North being the SALT Block and south being the Ridgeview Community Center and Library. Making sure those two places are tied back into the city walk and knit the city together. That was the top vote getter in the Subcommittee.

Chair of the Streetscapes and Gateways, Rob Dickerson advised that the streetscape piece had been the component on this, that while it is important it really comes after a lot of this. Depending on the TIGER grant and the Riverwalk and what order things are done in, a lot of the improvements on streetscapes will be a third tier project. We are hoping to get the TIGER grant, therefore it would free up some funds and we could do more. We all take personal pride in our own neighborhoods and own areas. They realize that they want to do that for the City. They want the areas of the city, which are not privately owned or controlled, to have the air of new, fresh, and inviting. A lot of that ties back into just general appearance. They had toured around town, which covered every street in Hickory, with Brian Frazier. They had discussed the components which included sidewalks, bike lanes, lighting and general appearances. They started looking at each road and its active use, traffic volume, does it make sense to put a bike lane, a walking path, or crosswalk on it. They discussed the cost. There are so many things that have to be considered such as water runoff. As soon as you go from roadside ditch to curb and gutter that changes not only cost, but the complete design. They questioned locations of bike lanes. They had also discussed things like the size of the foliage. He commented that it all comes down to what is best for a given area. He was excited about the linking of downtown to the river which is a dream to everyone. How do we do that? The big dream would be to use the private spur of the railroad that would somehow connect us, but the practicality of that is still an unknown. Based on some of the design ideas would be to take Old Lenoir Road, and use some traffic calming there. It does not have sidewalks. Take that down to two lanes with a divided center, with a walking path and bi-directional bike path. Which could be incredible. Not only would it change that neighborhood, there are neighborhoods that run all down one side. It would also change the whole feel of the City. We have a lot of people that don't know what is over there and there is a lot of potential growth. It is also on the way to the ballpark. There are all of these symmetry's there that could be really good.

Chair of the Riverwalk, Charlie Dixon advised that the Riverwalk committee contained 14 members, and they are all very enthusiastic about that aspect of revitalization of Hickory. He commented that they look at Lake Hickory as being the most outstanding physical asset in this area and this town. Anything that can be done to enhance the appearance of where the lake and Hickory come together. The use of the lake and that area will be beneficial to all of us and the City. They had a bus tour of the area, and walked over the areas to be developed. The walk over the site was an eye opener. They saw how beautiful the site was and how beautiful the sites could be. There would be challenges in developing the area of the lake to enhance it and accomplish what they are trying to do. The engineers developed a projected use of the lake, and the estimated cost. The topography is very challenging, and also dealing with the regulatory agencies such as the State Highway Commission, the bridge designs, Duke Energy, which enforces some of the regulations and restrictions on use of the lake and the use of the perimeters of the lake. The committee would like to have a greater use of the water for the development of businesses. They visualize how nice it would be to have businesses on either side of the lake west of the Highway 321 Bridge toward the Rhodhiss dam. They would not want to end the development at the 321 bridge. They would like to see it go some distance west toward the ballpark. They would like to have the use of the park to be implemented and combined with the other things out there. There will be the Lackey project that is going to be eye catching. The Lackey project is going to be more accessible than the area of the lake that we have to develop. That is a very high toll of development. That area has tremendous opportunities because of the Rotary Park, through the bike paths and walking paths that are there now. The committee would like that adjacent land to be integrated with the Lackey Project to what they are trying to do along the riverfront. They would like to see a high vision where people have overlooks, so they can admire the lake. They would also like to have boat access, bike and walking paths, to utilize the

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beautiful layout and the developments that they hope they will be able to develop and afford. Mr. Dixon commented that it would be nice to get the TIGER grant and to spend, maybe, 25 percent on the Riverwalk. He commented that we need to be as careful as we can with the dollars so there will be some funds left for the Riverwalk. He commented that he saw the proposal from the engineers as to what they were proposing as an alternate possibility. That indicated how much the committees are involved in hoping to get as much mileage as possible out of the limited funds. On behalf of the committee he commended the engineers and the City for taking time to make a study and present alternate choices. There is a great desire to do a good job with this project. They also want to get as much mileage as possible out of the available dollars.

Mr. Dixon advised that he and City Manager Mick Berry had the pleasure of going on a boat trip to take the Chamber of Commerce Leadership Development Committee. They saw the lake on a very beautiful day, and shared the enthusiasm to that group of potential future leaders. They were very enthusiastic about what might happen on the lake. He commented that it was a pleasure to work on this project. We are at a crossroads to make intelligent decisions to get as much as we can to carry out the future development of our City.

Bond Commission Chair Burk Wyatt commented that he had sat in on most of the meetings, and had listened to all of the comments. There had been a lot of great ideas that had been brought up. What had been realized was there was not enough money to do it all. We have to be fiscally responsible to get this done. He advised that they had suggested doing a phased approach. These are all great ideas. They need to get an order as to which ones ought to be first to get these projects kicked off. The rest of the projects would then be put in a long term plan. The ones that are viable and are best for the City. There are some major thoroughfares to focus on; 321, 70, and 140. They need to think about signage, and the look and feel of those things. They need to think about more planned development, zoning, that would be phased in overtime to help the look and feel of what is trying to be achieved. They need to think about getting more conceptual drawings so they can get that out to the community and show what we can do. He advised that there was an area west of 321 which was a prime location for private investment and development that could be a public/private partnership. If we could get some investment dollars to come in and make something really nice for our City right there, something iconic. He commented there is another iconic area which is the 321 bridge that is going to be built. If we could build two of them and put Hickory on the map when people pass through town. He commented that he felt that was a great idea to do that, but right now we need to turn our attention and focus on Riverwalk.

Mr. Wayts advised that they had been working through the projects with the Subcommittees, the Bond Commission, Staff, and Council. He showed a list of the projects which defined seven different streetscapes, five gateways, options on the Riverwalk from Geitner Park to US 321, and city walk prioritization from 4<sup>th</sup> Street SW to Lenoir Rhyne Boulevard NE. He advised that based on feedback they had added into their scope how to make the money go further and looking at the Riverwalk concept plan from US 321 to LP Frans Stadium. The second piece of this being the Riverwalk, city walk connection. He advised that they would have these two different projects and determine how to connect these two together. He advised that they were looking at the railroad spur. "Rails to Trails" the feasibility, can you make that connection there? If that is not feasible the other option is using Old Lenoir Road and 12<sup>th</sup> Street. How can we make that connection between city walk and Riverwalk?

Mr. Wayts discussed the next steps. He showed a table which listed all of the different meetings that are planned out from now until the program is defined. He advised of the purpose of the previous meetings were to get the vision together. In October they will have all of the projects cost, TIGER grant information, and introduce the concept of the prioritization process. How they start to filter down into the overall program budget. In November they are proposing to have another Council workshop as well as Subcommittee meetings to start getting feedback on prioritizing the projects. In December they will take that feedback from the November meeting and put together a draft program and present that to the Bond Commission as well as to Council and get feedback. Using that feedback in January or early February coming back to the Bond Commission and to Council to hopefully finalize that opportunity. In every month, October-February, there is an opportunity for them to coordinate with the Bond Commission, the Subcommittees, the Chairs and Vice Chairs, the Staff, and Council all throughout this process.

Alderman Lail commented that before it would come to Council for approval of the final program that it needed to be out around the community. So they could see it and make some comments. Maybe that would be between the January/February timeframe. He suggested that be a place holder for them to put in their schedule to allow for that.

City Manager Mick Berry mentioned the communications portion of the process. He advised that it had been a year since the beginning of discussions about the projects and that citizens may have forgotten what those projects were. They had talked about having a public event in later November to put up the visuals and they could discuss with the community about what is going on with the projects. They have also started working with the Hickory Daily record. They are looking at partnering with them to do a really nice insert into the Hickory Daily Record which lays out all the pictures and where we are at in the planning process.

Hickory Daily Record Reporter Laney Ruckstuhl advised that on Sunday's their readership was approximately 20,000 and online circulations is up to approximately a million per month.

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Mr. Berry commented they have also agreed to put it on their electronic version as well. Staff recognizes that there are a lot more people that need to be kept in the loop of where we are, and get their feedback on some of the design ideas and concepts.

Mr. Wayts discussed Riverwalk Phase 1 – Option 1. He pointed out on the photo Geitner Park, they had overlaid the Lackey proposed site plan in that location. He pointed out the top of the hill, Lake Hickory which contains steep topography from the water surfaces all the way up the top of the ridgeline. He showed the shared use path, which is an asphalt path that runs along the top. He pointed out the existing Boy Scout camp, existing creeks, Water Treatment Plant, US 321 and the bridge. He advised that US 321 is a gateway between this phase of the Riverwalk project and the potential other phase of the Riverwalk project as you go from 321 to LP Frans stadium. He pointed out access locations. He advised that at this point they are envisioning automotive, pedestrian and bicycle access at two different locations. He pointed out the access off of 12<sup>th</sup> Street, and the boardwalk section, which was a larger section of boardwalk. When coming across 321 you would have that immediate visual. He showed the area which would be for canoe launches, the proposed parking area, the public park. He commented that one of the things that had come up, was is there an opportunity for a public/private partnership? Could this be something like a restaurant, bar, or some sort of outdoor patio, volleyball or a stage for concert venues as an opportunity there? He pointed out another cross section that represented a cantilever boardwalk. One of the reasons they had this proposed as a boardwalk type bridge structure is one of the site limitations. Right from the water's edge of Lake Hickory, back 30 feet we are within a riparian buffer zone. He commented that they had met with DENR and had been advised that within that 30 feet you are not allowed to remove any trees greater than three inches in diameter and you are not allowed to put down anything that is impervious area. Impervious area being concrete, rooftops, wood, anything other than natural ground. DENR advised that they could get a ten foot trail exemption to do this project, but that only allows us to clear a ten foot wide path, and then two feet on either side. That would be a 14 foot width corridor through there to actually construct this project. They had met with a couple of local contractors of Hickory and discussed the challenges of this site with the steep grades and the limited 14 foot access. They had discussed constructing it from a barge, and constructing it from either end within that limited footprint. They asked them could they get their machinery in there to do on grade excavation. The answer was no, they need at least 25 feet. Out of this meeting they talked about making this more of a boardwalk pier being type bridge structure. Which obviously impacts the cost. He pointed out areas which were scenic overlooks, which would be like bump outs on the boardwalk themselves, turn around points, maybe benches, areas that you could just stop and just admire the aesthetic view of Lake Hickory. He pointed out proposed connections from the boardwalk to the Boy Scout Camp as well as from the boardwalk to the existing shared use path that is already out there. He gave a cost range of somewhere between 10 and 12.5 million dollars. That range was dependent on whether you develop it as a park or have a public/private partnership in that area.

Bond Commission Vice Chair, Allison Holtzman asked if there would be a natural connection or a way to connect those trails without a break in the circuit.

Mr. Wayts advised that it would have a pedestrian/bike connection that could be worked out so there was not a break in the circuit.

Alderman Lail asked if the Subcommittee had discussed the public/private partnership.

Mr. Wayts advised that had not been discussed.

Alderman Lail commented that would be important for them to discuss. That would be a real interesting idea because it might kick something off that could happen on the western side. It would be a way to create some activity there, which is really important coming in off of 321. If you create something like that there you would get a little cost swing, maybe it becomes not as cost significant if you were trying to develop a huge open space or public area. That is where people want to be, up on the river. They want to be able to eat there and hangout, and to be able to access the water. It is great to be able to have the walk itself, but taking it to another level is a fabulous idea.

Alderman Seaver commented that it is the first thing you see coming across the bridge.

Alderman Lail stated that you could use whatever structure you build there to be iconic too. The scale of the boardwalk itself would not be enough to really pop attention. Coming over 321 you have got to be able to see it and it has got to be very visible.

Alderman Seaver commented that some private entities might be interested in helping the Riverwalk to fit what they would like to have.

Mr. Wayts advised they could develop the concept plan for this area as well.

Mr. Young questioned the timeframe for the Lackey project.

Mr. Berry advised we don't know, it is a complicated process. For tax purposes, for the Lackey's, they are setting up a conservancy. They are taking a very long term view, which is good. But it means there are all kinds of documents that have to be created, and a nonprofit has to be set up. There is a lot to the initial piece of it. We don't want to start moving forward aggressively with design if they are not designing at the same time the City is designing. It all has to work together. They understand that and they know that a lot of stuff has to happen.

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Alderman Zagaroli questioned if there was water access at all for boating or canoeing.

Mr. Wayts pointed out canoe launches at the boardwalk. The City has city boat launch capability here that is not for public, but there is a canoe launch on the boardwalk. He pointed out the area where the water surface is about 10 to 12 feet below the bank, there is a pretty good grade separation.

Mr. Berry advised on the Lackey side there is also boat slips and canoe launches as well.

Mr. Wayts discussed Riverwalk Phase 1 - Option 2. He pointed out the same potential connection point, the access for automobiles, pedestrians and bicycles, the boardwalk was the same, and canoe launches. He noted the same P3 or public/private partnership option. He pointed out the section of the boardwalk and advised that it is the same as the first alternative. From 321 maximizing the visibility of the boardwalk. Once you get to the first overlook the bank starts sloping away, and you probably lose visibility from this. That is the point that was chosen to transition back 50 feet from the water's edge which takes it out of the riparian buffer, and takes off the regulatory requirements that we are not removing trees over three inches in diameter, or putting in impervious area. From a construction standpoint they can clear a larger area. We can allow the contractors to get the machinery in. At 50 feet back it is still a waterfront trail, you still have those views. It may be somewhat limited, but it is a partial boardwalk system. You move back and you have given the contractor space to do the work. You are up on some verily steep terrain. They estimated there is approximately eight vertical feet of fall across the ten foot trail. They proposed a four foot retaining wall on the uphill side of it and a four foot retaining wall on the downhill side of it. Towards the Lackey project they transitioned back into the boardwalk structure which integrates the boardwalk back into the Lackey project area. The cost estimate for this option was in the range of eight to ten million dollars. The two million swing being correlated to the public park vs public/private partnership option.

Alderman Guess questioned the cost of option one.

Mr. Wayts reiterated the cost of option one was 10 to 12.5 million dollars.

Alderman Lail commented that being on the edge was very important for a portion of the boardwalk, but you are limited as to width. He felt that it needed to be 12 to 15 feet to ride bikes on it. He commented if you are outside of the 50 feet you could do that.

Mr. Wayts reiterated that riparian buffer is 50 feet, but within the 30 feet they are restricted.

Mr. Burke commented that they envisioned it for bike and walkway.

Mr. Bell commented he didn't think that anybody had said that it would be devoted to ten feet. That is why you can't just do it right along the edge of the river. Part of the walkway is the boardwalk, and part of option one is cantilevered. It is still down in that same area, but you get the same width with either option. The first option costs more because it is so close to the water.

Alderman Guess asked if there was potential to make it wider in option two.

Mr. Bell advised that in all options the width was the same. That is why you have to do the pier, for accommodation of cantilevered park walkway in part two.

Mr. Wayts interjected within the riparian boardwalk the exemption that DENR had discussed with them limits them to ten foot wide impervious area. Whether it is a boardwalk, or concrete, you have some impervious area. If we are doing it within the 30 foot buffer, we are at 10 foot wide. That is on the lower edge of a shared use path. He estimated the existing path there to be 10 foot.

Mr. Bell asked the width of the boardwalk section.

Mr. Wayts pointed out the section where it would be ten feet. He pointed out the section that would be approximately 30 feet, and advised that they would not have to clear any trees in this section.

Ms. Holtzman asked if it was set in stone, the easement for the riparian buffer. Is there room as you go through the project.

Mr. Wayts advised that they do allow mitigation, which they had budgeted for mitigation. At this stage, talking to DENR, they want more concrete plans before they will provide further input.

Mr. Burke asked the width of the concrete trail.

Mr. Wayts advised that they had costed it at ten foot.

Public Services Director Chuck Hansen advised that the existing bike trail out there was 12 foot.

Mr. Wayts discussed Riverwalk Phase 1 - Option 3. Everything was the same except there was a quicker transition back to 50 feet from the water's edge. You still have the immediate boardwalk. They had gone back to 50 from the water, but you still have the waterfront trail, some views, some would be obstructed, similar overlooks. They removed the boardwalk portion that was shown on the Lackey project as well. All of the changes put the cost estimate between seven and nine million dollars.

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Mr. Dickerson asked how it affected the trails grade.

Mr. Wayts pointed out an area where they were most worried about the grade. He advised that that area was significant with approximately eight vertical feet of fall across the trail.

Mr. Dickerson asked if doing the setback at 50, would that make it easier to pick a more level grade for ADA type of access.

Mr. Wayts advised that they did not have a survey, the designer would do that when they start the design process. They had two foot aerial topography, which in a heavily wooded area is highly suspect. The topography runs parallel with the water for the most part. If you are staying about the same distance off of the water you are going to be fairly close to the same elevation. The biggest challenge is the vertical difference across the grade.

Ms. Holtzman asked at the possible P3 location would you lose some view range by going with option 3 as opposed to option 2 with the boardwalk.

Mr. Wayts advised that if you are down on the water versus back behind the trees, 50 foot back, you are going to have some better views on the water than you are back in the trees. That is going to vary throughout the sections. There will be some sections that have very good views and some sections where it is obstructed.

Ms. Holtzman questioned for a restaurant, would they be clearing more area or would that be the same because of the riparian buffer. That might be a selling point for them.

Mr. Wayts advised that would be hard to answer at the point we are at now.

Mr. Hansen referenced how long 50 feet would be using the room size for a comparison.

Alderman Lail commented that you could limb up trees.

Mr. Hansen advised that you could do some limbing and some pruning. You get up into the canopy a little quicker because of the height. He advised that 50 feet is not a long way.

Mr. Bell asked if it was 50 feet of vertical climb or 50 feet up a hill.

Mr. Wayts advised it is a vertical climb.

Mr. Wyatt's opinion was that option 3 was too much of a cutback from the boardwalk and option 2 was better. When we get to the west side, we will get some private money in there and do a boardwalk more on the water and take it up to the stadium.

Alderman Seaver commented that getting that property marketed as soon as possible might get some involvement from the private enterprise.

Mr. Dickerson confirmed that the City would retain the property. They would just lease it out.

Mr. Dixon asked if it would help to find out how flexible Duke was going to be about making land available to the City, both east and west.

Mr. Wayts explained Duke. They have a FERC license process that the City would have to go through. Duke doesn't want this entire project in the water. The cantilever boardwalk is okay, but they have told them that trying to get approved doing the entire project in the water is slim from their FERC licensing standpoint. The further back the better from their prospective. DENR is the one who doesn't want us within the 30 foot zone. If we are going to be there they really want to limit the impervious area width.

Mr. Dixon commented that he thought Duke did not want to get involved specifically until they presented a final project. Duke's involvement at this stage would help us reach a decision of what should be the final project.

Mr. Wayts advised that they had met with Duke twice. They have told us everything that they are going to tell us until we get further into the design and can bring those plans. They have been pretty direct, they will not approve the entire project in the water. That is highly unlikely that they will approve that. They had given good feeling about the pieces that they do have in the water. They advised they might be able to put a little bit more in the water than what is shown right now. For the Duke FERC license, he is fairly comfortable with their position.

Alderwoman Patton questioned the contingency built into the numbers.

Mr. Wayts advised that all of the numbers were holistic numbers. They had contingency and design built into it. He advised that the contingency that was put into each of these was 30 percent.

Mr. Wyatt asked the timeframe that it would take to build it.

Mr. Wayts advised that on the first option they estimated 18 to 24 months, and the other ones would be less time. He advised that you would be shaving off months with the reduced cost.

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Mr. Charles Archer advised the process that they had used with the subcommittees to gather ideas. No idea was too big, too crazy, or too small. They used voting dots to determine what was most important. He advised Council members that he wanted to do the similar type of exercise. He asked Council what features they thought were most important based on the three options that they had been presented with.

Council members shared their ideas which included: the boardwalk being the most iconic feature from the 321 Bridge; multi-modal access; people walking close to the water, as close as possible; views from the walkway, along the water all the way back to the main area, Highway 321 to Geitner Park; connecting the existing shared trail; make it significantly longer something with distance; wider than the shared use path that is there, width of the walk is critical; destination like a picnic or park, open space on the trail for viewing, and congregating.

Alderman Seaver asked if there had been discussions regarding the lighting.

Mr. Archer commented that lighting is contemplated, depending on which choice, from the boardwalk along the lake edge. If you go up the hill where there is a retaining wall there would be lighting plus potential lighting in the retaining wall to shine down on the walkway itself. All the subcommittees talked about lighting having similar design standards, so that it is a common theme. That is also in the Inspiring Spaces Plan as well.

Alderman Zagaroli asked what the restrictions were going back into the land. He asked if they could also cutback in and make that a picnic area.

Mr. Archer advised potentially as long as we are outside the 30 feet area, you can't cut the trees in it, and the additional 20 feet, which you can actually cut the trees but you have to leave it grassed. Beyond that there is no limitation on it.

Alderman Zagaroli suggested a pocket park.

Alderwoman Patton commented a place where a family could stop at that places, take a picnic, relax, maybe a yoga group. Make it more than just a bike and run path. Make it a destination, a great place to go and spend the day, and have all kinds of opportunities throughout.

Alderman Guess liked the idea of the city walk and the Riverwalk with the use of Old Lenoir Road. Taking that down to two lanes, and taking advantage of what is left and connecting that. Financially that is probably the cheapest piece of that, being able to use that existing corridor that is already there.

Alderman Lail agreed that connection was an important component.

Alderman Guess commented at one time Old Lenoir Road was as busy as 321, but now not so much at all. Now would be the perfect time to use existing structure.

Alderman Seaver commented that it is very dangerous to walk certain spots on that road. He asked if the overlooks were to scale.

Mr. Archer advised that it was not to scale. He also advised that restrooms were planned for as well.

Mr. Dickerson commented that the parks are not currently open at night, he asked if that would change that.

Alderwoman Patton commented that it would be a perfect place at night. She would like to see up-lighting and having them accessible at night.

Mr. Archer asked Council if there were features that were not shown that they would like to see.

Council's comments included the identity that you are going to get coming across the bridge, it is memorable in people's minds; lighting is a big piece of that especially at night to capture people's mind; for people that could not walk it, or bike it, access to ride the rail from downtown to the Riverwalk.

Mr. Archer asked Council to pick one of the options: Alderwoman Patton and Alderman Zagaroli picked option 1; Alderman Meisner and Alderman Seaver picked option 2 and Alderman Lail picked option 3. Alderman Guess liked option 1 or 2, he liked option two with the boardwalk at both ends.

Mr. Archer advised that the information was helpful to them. It helps to narrow down and refine what the cost estimates will be. They will begin the process in October of looking at what the projects are and begin to narrow all of the projects down to stay within the budget.

Mr. Archer discussed Riverwalk Phase 2, which is the other side of 321. He pointed out Highway 321, the baseball stadium and Winker Park. They had asked Staff what they saw in Riverwalk Phase 2 the potential economic development on this side of 321. He pointed out an "L" shaped piece of property which they had started with. After meeting with Staff they added an additional area that could be a catalyst for additional development and redevelopment of the property. He asked Council what they were thinking about as the area for potential development for Riverwalk Phase 2. He asked where they might see some mixed use development, or have some public/private partnership opportunities with the developer(s).

Alderman Seaver questioned who owned the properties.

Mr. Berry advised it was various property owners.

Mr. Archer advised that this is all private property on this side. They will begin doing some base mapping of this site, and look at the topography and the riparian buffer. He pointed out the railroad corridor, and the flood plains on the creeks that flow through the property. They will look at the site and find out what the development potential is for the area to be developed. He advised that there is roughly a drop from the outfield of the baseball stadium to the river of about 60 feet. There is some severe topography. He ask Council what they felt was the greatest asset for this site.

Alderman Guess commented view of the lake.

Alderman Meisner asked if the eastern most access on 321 was controlled access.

Mr. Archer pointed out where the new 321 Bridge would be located, and advised that probably would be limited access, or no access.

Mr. Hansen commented probably no access.

Mr. Archer stated that this bridge is supposed to be 20 to 30 feet higher than it is today. When you come down Old Lenoir Road you come under the new bridge and into the site as a possibility.

Alderman Zagaroli asked if you could have condos, apartments, or grocery stores.

Mr. Archer asked Council what they would like to see in there.

Alderman Zagaroli commented, people, and jobs.

Alderman Guess stated mixed use.

Mr. Archer asked if there were uses in Hickory, which were not in Hickory, that they might like to see.

Alderman Lail commented that people want a lifestyle center. He didn't know if there was enough land there to do it.

Mr. Archer confirmed that Alderman Lail's comment "lifestyle center", he meant live, shop and play.

Alderman Guess asked if he knew the acreage of the area.

Mr. Archer stated he didn't know.

Alderman Seaver the topography could be an asset, terrace it down and make it more visible.

Discussion ensued about the location of the property. Mr. Hansen advised that it was Burke County.

Mr. Archer asked Council if there were other lifestyle communities in other towns, in North Carolina, or other States that have created a vision that they would like to see some version of that developed in this property.

Alderman Zagaroli asked if there was a major problem with the railroad spur, going over, under or through it to get to the lake.

Mr. Archer stated yes sir, it is going to have to be dealt with in some form or fashion because it is not very far off the edge of the lake now. He pointed out the location of the railroad spur on the map.

Mr. Dickerson commented that it is 17 miles long and terminates. Six counties, including, Caldwell County, and the Park Service are trying to get the Overmountain Victory Trail in its entire length. They are going to spend approximately 20 million dollars in Lenoir in the next few years on their section of it. The railroad spur goes right into that, and they are going to connect Lenoir, with Morganton. If we ever had the ability to use that we could connect Hickory. People are going to come here to go and ride up there and they are going to ride back. It already happens in Georgia, the Silver Comet. People actually plan whole weeks where they just travel from town to town and we will be one of those destinations.

Mr. Young advised that the average baseball field is 2.5 acres.

Mr. Archer asked if there were any suggestions on how to get the Riverwalk up to the baseball stadium. Was there a preferred path?

Mr. Dickerson commented that the topography is the architectural feature of it. You would want to run it through the shops, if there were shops there. Maybe it is a San Francisco Lombard.

September 24, 2015

Alderwoman Patton commented that it would slow things down, to peel things back to being nice. The ease of life, not a straight shot.

Mr. Archer asked if Council foresaw the City making any infrastructure investments in this property, roads, water, sewer, storm water. If a developer approached the City and said here is a plan that they would like to work with the City on, would the City proceed.

The consensus of Council was yes.

Mr. Archer spoke about another challenge which was the wastewater. The City would have to look at their wastewater model, and determine which pump stations could handle the growth. That was just one potential limited factor that had not been mentioned.

Alderman Seaver commented with the topography you could make a nice waterfall.

Mr. Archer commented and there are two creeks to work with running through the property. Mr. Archer showed some pictures to Council and asked what they like about them. The first photo was a location in Wilmington. Council liked the view of the lake, it was on the river, businesses, activity, and people were outside enjoying it. The next photo was Greenville. Council commented that it was urban living in that photo.

Alderman Seaver questioned the width of the walkway.

Mr. Archer estimated approximately 15 to 20 feet. He showed another photo located in Knoxville, Tennessee and asked what Council like about it. Council responded, buildings and people in them. They did not like it as much because it was not as inviting. Mr. Archer showed some renderings of mixed use development. Mr. Archer commented that they had been asked to develop some renderings to help the City market this site to developers to show them development potential, to show the commitment of the City for economic development. He wanted to find out what Council liked about the series of renderings presented. He showed a rendering of the Durham Bulls stadium, and condos. He asked if that is what Council could see at their location. He showed a downtown scene, which was not what Council was looking for. They liked the rendering of Wilmington. He showed them slide two which they didn't like either. Commenting it was too organized. Slide three was an aerial view looking down, which was redevelopment of several blocks.

Ms. Morgan McIlwain reminded Council that this is just what the deliverable would be. What they want to see as the ultimate product. This of course would still be on the river.

Mr. Archer advised Council that it is the type of drawing that would be used on their site. Council liked going through the center of it where that is the path. You have to go through the center and everything is right there on each side. For marketing it needs to be something like that, if you show a developer how you are going to get to 321, and where people are going to park. For marketing purposes Council liked the plan view, looking at the street, looking at the boardwalk. Mr. Archer showed slide four with notes and pictures of what different pictures might look like. Council did not like this photo, it was confusing and too busy.

Alderman Lail clarified what Mr. Archer was asking their opinion on, what they would like to see out there with regards to a deliverable. They have to answer the question of what is the economic opportunity there. The market is going to have to drive what they do. You have to be able to get cars in there to that Old Lenoir Road. Without automobiles it won't develop.

Ms. McIlwain explained for this exercise they were asking if Council was trying to market this property, what they would like to hand out to a potential developer. Would it be a concept plan that has different kinds of details in it, a basic concept plan that just has a lot more high level general details in it? They are going back to their office, and take the comments that everyone had said and look at limitations, look at what can be developed out there. They wanted to know what type of format that Council wanted to best serve the City.

Alderman Lail commented his answer would be, what the potential uses are for that. What is there size? Is it a Barnes and Noble? Is it a 15,000 square foot box? They need to talk to some developers before they decide.

Mr. Archer commented that they would create the base maps, and put all of the development limitations on the site, topography, plus lanes, and the riparian buffer. Then they will be able to identify the areas that can be developed on this site. How big they are. They will then have a better idea if it is a Barnes and Noble scale or an ice cream shop property. They wanted an idea from Council. They wanted to be able to provide information to recruit developers, to show them a potential project that Council would be willing to partner with developers if it is a right opportunity. He asked what type of drawings Council would want to show them. Not specifically for this site, but a concept to spark their interest to show the potential in the site.

Mr. Dixon asked when he spoke of partnering if he meant that the City build the infrastructure to the developer through the investments.

Mr. Archer advised that it could be whatever is mutually beneficial and affordable for both the City and the developer.

September 24, 2015

Alderwoman Patton commented if a developer would come in with a great plan then they all would be willing to put infrastructure in where ever it was needed to develop that. That is going to be driven by a developer.

Alderman Lail asked about the sketch.

Mr. Berry confirmed that Alderman Lail was referring to the sketch that Mitchell did a while back.

Alderman Lail suggested using that sketch to the development community.

Alderman Zagaroli commented that he saw this being more of a residential development rather than commercial. There could be some commercial that would go with it.

Mr. Dickerson commented that the Birkdale concept is what the millennials want.

Mr. Ways commented that it had been a good exercise. They had given Council some details on the two different potential phases of Riverwalk, and where they are going. He summarized the program planning schedule for the upcoming months.

Mr. Berry advised Council that what they are trying to do is determine how this private development will piggyback off of the Riverwalk and the baseball stadium, and traffic on 321. He advised Council that they needed to have something that was conceptual that they could get out into the development world. So that they know that they are doing the Riverwalk, the city walk, and they know that we are connecting them together, and that we are interested in some private partnership for more commercial development piggybacking off this. The market will totally dictate that. What we are looking for is that "calling card" to give us a reason to go sit down with them and talk to them and get into their mindsets. This thought internally, let's get something that we can go externally. He advised they were not talking about tons of research and analysis on it, but just that very first piece of material that you can go sit down and say this is what we have going on in Hickory, come check us out.

Alderman Zagaroli asked if they knew if the private entities that owned this property are interested.

Mr. Berry commented that the City should have a meeting with all the property owners and advise them of what the City is doing. And asked them if they were comfortable about the City talking about people potentially doing development. Do you want to be part of that?

Alderman Zagaroli commented if they are not interested in selling it is moot point.

Mr. Berry commented that it is hard to sit down and have that conversation with those folks if you can't show them a picture. It is hard enough for people who do this for a living to understand what we are talking about. We need something to put in front of people so they can see what we are talking about. They can decide if they are in, out, or want to hear more, just start that ball rolling, and start those conversations.

Mr. Archer advised that they had been asked to create a "pretty picture" of renderings of what the potential is for this site so the City would have that tool to have something to talk from and generate some interest in the development. Leveraging the Riverwalk and its investment to do that.

Alderman Guess asked if all the current property owners knew about everything at this time.

Mr. Berry advised that he doubted it.

Mr. Dixon felt that it would be very helpful to discuss Phase 2 before a final decision was made on Phase 1. He felt it would help to focus on Phase 1 and decide what it should be.

Mr. Young interjected when he was doing the presentation a year ago and got feedback this area really is its own little downtown area. This would be a destination. People coming down the new bridge will see people and children enjoying the walk way to the left. Over to the right you would have the Barnes and Noble and the coffee shops and the residential. If we stop there, then maybe we can take the train from that area into downtown. Maybe we can walk into downtown. That is really the vision. He liked the vision of the Durham Bulls Park, with the condos in the back. Hickory doesn't have the backing to be a Birkdale Village. But it can be its own miniature version in his opinion.

Mr. Archer thanked everyone for their input and advised that it was really helpful to them and they are looking forward to working through the interim process, the program and the priorities finalized to move forward with the designing and building process.

III. There being no further business, the meeting adjourned at 6:49 p.m.

\_\_\_\_\_  
Mayor

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

**COUNCIL AGENDA MEMOS****To: City Manager's Office****From: Terry Clark, Airport Director****Contact Person: Terry Clark****Date: 9-8-15****Re: Department of the Navy Standard Renewal Loan Agreement for Loaned Aircraft and Artifacts****REQUEST:**

Staff requests City's execution of the Standard Renewal Loan Agreement with the Department of the Navy/National Naval Aviation Museum for loaned aircraft and artifacts located at the Hickory Regional Airport.

**BACKGROUND:**

The City of Hickory/Hickory Regional Airport has on loan from the National Naval Aviation Museum (NNAM) certain retired aircraft and artifacts located at the Hickory Regional Airport and on display by the Hickory Aviation Museum. The Hickory Regional Airport has participated in and has had on loan property from the NNAM for over fifteen (15) years. The Loan Agreement with NNAM covers a period of five (5) years commencing September 1, 2015 and ending September 1, 2020 with an option for renewal.

The loaned property is assigned to the City of Hickory while the Hickory Aviation Museum holds full responsibility for the maintenance and exterior upkeep of said loaned property including any associated costs. Hickory Aviation Museum Director, Jeff Wofford assumes responsibility for providing NNAM with required photos, inventory records and certification documentation when requested.

**ANALYSIS:**

There are no City budgetary requirements under this Loan Agreement. The Hickory Regional Airport currently has on loan multiple aircraft and artifacts as listed on the Standard Renewal Loan Agreement.

**RECOMMENDATION:**

Staff recommends execution of the National Naval Aviation Museum Standard Renewal Loan Agreement for loaned aircraft and artifacts.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Terry Clark  
Initiating Department Head

9-8-15  
Date

Armita M. Dula  
Deputy City Attorney, A. Dula

9-25-15  
Date

Rodney Miller  
Asst. City Manager, Rodney Miller

9-28-15  
Date

A. Surratt  
Asst. City Manager, A. Surratt

9/25/15  
Date

Melissa Miller  
Finance Officer, Melissa Miller

9-25-15  
Date

Bo Weichel  
Purchasing Manager, Bo Weichel

9.25.15  
Date

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date



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

4002  
N43/ 173 - - -  
August 31, 2015

The Honorable Rudy Wright  
Mayor  
City of Hickory  
P.O. B0x 398  
Hickory, NC 28603

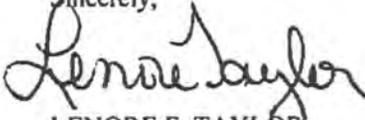
Dear Mayor Wright:

Enclosed you will find the Standard Renewal Loan Agreement for the listed aircraft and artifacts, which are on loan to the City of Hickory. Please sign the document and return the agreement as soon as possible. To expedite the process, the signed agreement may be returned via email to [Lenore.taylor@navy.mil](mailto:Lenore.taylor@navy.mil).

Please note the changes to the body of the Standard Renewal Loan Agreement. Attachment 1, Paragraph 3 establishes that only historically based markings, including crewmember names, be used on aircraft and other navy owned equipment and precludes the use of markings on this equipment for commercial, fund raising, or sponsorship purposes. These changes will be in effect for the period of the renewal agreement and are retroactive with implementation within the first six (6) months of the loan period.

As a reminder to all our borrowers, please ensure to display prominently, a placard with the property at all times which contains the following credit line: "THIS AIRCRAFT IS ON LOAN FROM THE NATIONAL NAVAL AVIATION MUSEUM AT PENSACOLA, FLORIDA." Additionally, articles published or submitted for publication, or websites that refer to the loaned aircraft must credit the National Naval Aviation Museum as owner of the aircraft with, at a minimum, the words: "THIS AIRCRAFT IS ON LOAN FROM THE NATIONAL NAVAL AVIATION MUSEUM, PENSACOLA, FLORIDA."

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

Sincerely,  
  
LENORE F. TAYLOR  
By direction

Enclosure: 1. Standard Renewal Loan Agreement



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

4002  
N43/15 1 7 3

**STANDARD RENEWAL LOAN AGREEMENT**

By this agreement, made as of 31 August 2015 between the United States of America, hereinafter called "the Government," represented by the Director, National Naval Aviation Museum (NNAM), hereinafter called "the Lender," and the City of Hickory, hereinafter called "the Borrower," incorporated and operating under the laws of the State of North Carolina and located at P.O. Box 398, Hickory, NC 28603.

Pursuant to (Public Law 80-421 (10 U.S.C. 2572)), the Lender hereby loans to the Borrower the following United States Government property which is permanently assigned to the Lender:

<u>AIRCRAFT/ ARTIFACT</u>	<u>BUREAU/ SERIAL NUMBER</u>	<u>NNAM ACCESSION NUMBER</u>	<u>VALUE</u>
A-6E COCKPIT	152924	2014.NAI.022.001	\$25,000
T-2C BUCKEYE	158327	2003.063.001	\$100,000
T-34C MENTOR	160638	2011.004.001	\$100,000
F9F-8T COUGAR	142985	2005.040.001	\$100,000
A-7A CORSAIR II	154345	1991.397.001	\$100,000
F-4B PHANTOM II	148400	1992.305.001	\$100,000
FJ-3M FURY	141393	2004.104.001	\$100,000
A-4L SKYHAWK	148538	2005.126.001	\$100,000
F-14D TOMCAT	163902	2006.136.001	\$100,000
F-5E TIGER II	741540	2007.127.001	\$100,000
F-14 GUN ASSEMBLY		2007.122.001	\$3,000
F-14 TAILHOOK		2008.099.001	\$200
F/A-18 TAILHOOK		2008.099.002	\$200
AIRCRAFT TRAINER SEAT PART # A55T63555-1		2008.009.003	\$1,000
P-3 AIRCRAFT CREW SEAT PART # 4251-5		2008.009.004	\$1,000
S-3 AIRCRAFT SEAT PART # 1200198-165		2008.099.005	\$1,000
CH-3D AIRCRAFT SEAT PART # 62830-101		2008.099.006	\$1,000
H-46 AIRCRAFT SEAT PART # C129-1-101-B		2008.099.007	\$1,000
F-14 COCKPIT WITH MISC PARTS		2010.078.001	\$25,000

<u>AIRCRAFT/ ARTIFACT</u>	<u>BUREAU/ SERIAL NUMBER</u>	<u>NNAM ACCESSION NUMBER</u>	<u>VALUE</u>
F-14 VERTICAL STABILIZER WITH FIGHTER SQUADRON INSIGNIA		2010.078.002	\$10,000
F-14 HUD DISPLAY PORTION ONLY		2010.078.003	\$15,000
F-14 VULCAN CANNON PARTIAL BARRELS & ROTATING ASSEMBLY ONLY		2010.078.004	\$10,000
S-3B VIKING EJECTION SEAT		2010.078.005	\$1,000
F-14D TOMCAT EJECTION SEAT		2010.078.006	\$1,000
F-14 MISSILE CONTROLLER		2010.096.001	\$100
TACTICAL AIRBORNE RECONNAISSANCE POD SYSTEMS (TARPS) WITH STAND		2010.106.001	\$25,000
F-14 TAIL FIN, LEFT		2012.045.001	N/A
F-14 TAIL FIN, RIGHT		2012.045.002	N/A
GENERAL ELECTRIC GUN DRUM UNIT ASSEMBLY S/N 1000733		2012.045.003	N/A
F-14 SIDE PANEL		2012.045.004	N/A
F-14 RETRACTABLE STEP ASSEMBLY PANEL		2012.045.005	N/A
EA-6B TAILHOOK S/N 03-D-010D-0611		2011.NAI.005.001	\$100
INERT SIDEWINDER DUMMY GUIDED MISSILE AIM-9D 8E1410-00-003-3610 QW64		2010.088.001	\$25,000
INERT SIDEWINDER DUMMY GUIDED MISSILE AIM-9H 8E1410-00-003-3610 PA34		2010.08.002	\$25,000

The Lender agrees to renew the current loan for the above listed property on sub-custody to the Borrower for a period of five years commencing 1 September 2015 and ending 1 September 2020, with an option for renewal, subject to the stipulations as set forth below.

The Borrower agrees to not sub-lease or display the above Government property at another location without prior written permission from the Lender.

Any work product, equipment or material resulting from efforts or at the expense of the Borrower with regard to the aircraft will become a permanent part of the aircraft and will be considered the property of the Lender unless specifically exempted by the Lender.

The Borrower agrees to repair or replace, at the discretion of the Lender, the borrowed item for any and all loss or damages that may be inflicted on the item while the life of the loan is in effect and/or until the loaned material is returned to the physical custody of the Lender. The Borrower agrees to be responsible to maintain corrosion control and routine maintenance. If the material borrowed is irreplaceable the borrower may be required to make monetary restitution to the Lender up to and including the full amount of value of the item.

The Borrower shall obtain no interest in the loaned property by reason of this agreement and title shall remain in the Lender at all times. Any improvements, modifications or additions on or to the property is limited to that approved in writing by the Lender and becomes the property of the Lender.

The Borrower agrees to use the loaned property in a careful and prudent manner, not without prior written permission of the Lender to modify, restore, or mount on pylons or any structure above ground in any way, which would alter the original form, design, or the historical significance of said property, to perform routine maintenance so as not to reflect discredit on the Lender and to display and protect it in accordance with the instructions set forth in Attachment One, incorporated herewith and made part of this Loan Agreement. Additionally, refer to Attachment I, Supplemental Requirements for Aircraft, Item 3, for more guidelines.

The Borrower agrees to report annually to the Lender on the condition and location of the property. The Borrower agrees to display prominently a placard with the property at all times which contains the following credit line: "THIS AIRCRAFT IS ON LOAN FROM THE NATIONAL NAVAL AVIATION MUSEUM AT PENSACOLA, FLORIDA." Additionally, articles published or submitted for publication or websites that refer to the loaned aircraft must credit the National Naval Aviation Museum as owner of the aircraft with, at a minimum, the words: "THIS AIRCRAFT IS ON LOAN FROM THE NATIONAL NAVAL AVIATION MUSEUM, PENSACOLA, FLORIDA."

The Borrower agrees to provide the Lender with 4 x 6 color prints on the loaned property within 90 days of the arrival of the aircraft at the Borrower's location and upon submission of the annual certification statement. The photographs shall depict one full length photograph and one individual photograph clearly identifying the Bureau Number/Serial Number, if applicable. Photographs shall include general views of the display/storage areas with enough detail to identify each aircraft and/or artifact.

The Borrower agrees not to use the loaned property as security for any loan, not to sell, lease, rent, lend, or exchange the property for monetary gain or otherwise under any circumstances. Sub-custody assignment or loaning the property to any other entity will be only with the prior written approval of the Lender.

The Borrower agrees to allow authorized Department of Defense representatives access to the Borrower's records and facilities to assure accuracy of information provided by the Borrower and compliance with the terms of this Loan Agreement.

The Borrower agrees to indemnify, save harmless, and defend the Lender from and against all claims, demands, actions, liabilities, judgements, costs, and attorney's fees, arising out of, claimed on account of, or in any manner predicated upon personal injury, death, or property damage caused by or resulting from possession and/or use of the loaned property.

The Borrower agrees to return said property to the Lender on termination of this Loan Agreement, or earlier, if it is determined that the property is no longer required, at no expense to the Lender.

The failure of the Borrower to observe any of the conditions set forth in this Loan Agreement and the attachment(s) thereto shall be sufficient cause for the Lender to repossess the loaned property. Repossession of all or any part of the loaned property by the Lender shall be made at no cost or expense to the Government; the Borrower shall defray all maintenance, freight, storage, crating, handling, transportation, and other charges attributable to such repossession.

The Borrower has read, understands and acknowledges that concealing a material fact and/or making a fraudulent statement in dealings with the federal government may constitute a violation of 18 USC 1001 (Attachment Two).

Executed on behalf of the Lender this 31 day of August, 2015, at Pensacola, Florida.

United States of America

By: Lenore F. Taylor

LENORE F. TAYLOR  
By direction  
National Naval Aviation Museum  
1750 Radford Boulevard, Suite C  
Pensacola, FL 32508-5402

ACCEPTANCE

The Borrower, through its authorized representative, hereby accepts responsibility for the loaned property subject to the terms and conditions contained in the Loan Agreement set forth above.

Executed on behalf of the Borrower this \_\_\_\_\_ day of \_\_\_\_\_ 2015, at \_\_\_\_\_.

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

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

Title: \_\_\_\_\_

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

Telephone: ( ) \_\_\_\_\_

Fax: ( ) \_\_\_\_\_

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

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

William Hill  
City of Hickory  
Finance Officer

Approved as to form

Arleta M. Dula  
City of Hickory - Legal Dept.

## ATTACHMENT ONE

## SUPPLEMENTAL REQUIREMENTS FOR AIRCRAFT

1. The Borrower agrees to use the loaned aircraft for display or educational purposes only and to protect the aircraft from vandalism by displaying it behind fences, or by other suitable means to deter easy access. The Borrower agrees to furnish the Lender a notarized statement within 15 calendar days following the last day of each calendar year, certifying that the aircraft is still in the possession of the Borrower and being displayed in the same manner and condition as indicated by the original photograph or provide an updated photograph and details regarding changes.

2. The Borrower agrees that the loaned aircraft shall not be restored to flying condition, nor shall the aircraft be flown under any circumstances.

3. The Borrower agrees to maintain the loaned aircraft in good material condition including corrosion control, painting, preservation, etc. and not to cannibalize, exchange, or remove parts of the aircraft or to modify the aircraft without written permission by the Lender. In addition, the Borrower shall seek written permission from the Lender PRIOR to painting any markings or insignia onto aircraft, especially with respect to names being applied to aircraft.

4. If, at any time, the loaned aircraft is no longer used for display or educational purposes, or if the Borrower no longer wishes to keep the loaned aircraft, written notice shall be given to the Lender and the Lender shall be entitled to immediate repossession of the aircraft. The Lender will exercise its option within 60 days after receipt of written notice from the Borrower and will:

a. Advise the Borrower that the Lender has another requirement for the loaned aircraft and will make appropriate arrangements for repositioning.

b. Advise the Borrower that the Lender desires to repossess the loaned aircraft and will arrange for appropriate disposition at the present location.

c. Advise that the Lender has no further requirement for the loaned aircraft and that the Borrower, at the Borrower's expense, is authorized, based on the Borrower's preference, to dispose of the loaned aircraft by one of the following methods:

(1) Demilitarize/destroy the property to the extent required by current Department of Defense policy as set forth by detailed guidance to be provided by the Lender. The Borrower will be required to certify in writing to the Lender that all requirements have been met and will provide the Lender with photographs depicting the specific demilitarization and/or destruction accomplished.

(2) Transport the loaned aircraft to the nearest military activity, providing the installation commander of that activity is agreeable to accepting the aircraft. The Borrower will be responsible for any disassembly necessary and all arrangements to accomplish the movement and will be required to obtain a receipt from the military installation to be provided to the Lender for record purposes.

ATTACHMENT TWO

TITLE 18 – CRIMES AND CRIMINAL PROCEDURE

PART I – CRIMES

CHAPTER 47 – FRAUD AND FALSE STATEMENTS

Sec. 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years, or both.

2

**COUNCIL AGENDA MEMOS**

Exhibit VIII.B.

**To: City Manager's Office**  
**From: Claudia Main, Human Resources**  
**Contact Person: Claudia Main or Maxine Honeycutt**  
**Date: 21 September 2015**  
**Re: Door Prizes for Coworker Appreciation Event – Vacation Days**

**REQUEST**

Human Resources respectfully requests 8 days of vacation time to be used as door prizes for our annual Coworker Appreciation Event to be held on October 29, 2015 at the Hickory Metro Convention Center.

**BACKGROUND**

The chance of winning a vacation door prize is a highlight of the event and for many years City Council has approved the eight vacation days being requested. Five of the days are our "grand" prize and three days are raffled individually.

**ANALYSIS**

Vacation leave is a wonderful benefit and City Council has generously provided this donation for several years. Employees look forward to the drawing and are appreciative of the gift.

**RECOMMENDATION**

Staff recommends approval of eight (8) days of vacation time for door prizes at the annual coworker event.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

xx

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Cmain *C. Main*  
Initiating Department Head

21 Sept 15  
Date

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

9-25-15  
Date

*Rodney Miller*  
Asst. City Manager Rodney Miller

9-25-15  
Date

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

9/25/15  
Date

*Melissa Miller*  
Finance Officer, Melissa Miller

9-25-15  
Date

*Bo Weichel*  
Purchasing Manager, Bo Weichel

9-25-15  
Date

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

3

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Mike Woods, IT Manager**  
**Contact Person: Mike Woods, IT Manager**  
**Date: 09-22-2015**  
**Re: Contract Renewal of OpenBudget with addition of OpenExpenditures**

**REQUEST**

Approve the contract renewal with Socrata in the amount of \$12,000 for OpenBudget with the addition of Socrata's OpenExpenditures product for a one year term.

**BACKGROUND**

Last year, in an effort to provide greater transparency, the City of Hickory contracted with Socrata to present the FY 2016 Budget over the internet. Following the success and popularity of that initiative Staff recommends that we take the next step in transparency by utilizing Socrata's OpenExpenditures product.

**ANALYSIS**

The City is currently using OpenBudget to present the financial plans for the fiscal year. The introduction of OpenExpenditures will present how the City's money was actually spent.

More and more people use the web and mobile devices to find information. This trend has put apps that share public data in high demand among citizens. This open data portal will enable citizens to reduce the need for administrative assistance when seeking public information from the City. By offering up-to-date and accurate open data, we achieve transparency while saving time and money.

**RECOMMENDATION**

Approve the contract renewal with Socrata in the amount of \$12,000 for OpenBudget with the addition of Socrata's OpenExpenditures product for a one year term.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

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

*Rodney Miller*  
Asst. City Manager Rodney Miller

*Melissa Miller*  
Finance Officer, Melissa Miller

\_\_\_\_\_

\_\_\_\_\_  
Date

9-28-15  
Date

9-28-15  
Date

\_\_\_\_\_  
Date

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

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

*Bo Weichel*  
Purchasing Manager, Bo Weichel

9-25-15  
Date

9/25/15  
Date

9-25-15  
Date

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

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

\_\_\_\_\_  
Date



Sales Rep	Order #	Order Date
Ryan Mannion	RM0008	9/21/2015

**Order Form For Customer: [Hickory, NC]**

**Order Form Type:**  Renewal  Expansion  Both

**Customer Contact**

Michael Woods  
76 N Center Street  
Hickory, NC 28601  
United States

**Billing Contact**

Socrata, Inc.  
83 S. King Street, Suite 107  
Seattle, WA 98104  
Phone: 206-340-8008  
Fax: 206-452-2010  
accounts\_receivable@socrata.com

*Services Subscription*

SKU	Description	Term	Unit Price	Quantity (Months)	Extended Price
SOC-App-OB	Renewal of current OpenBudget	11/5/2015-11/4/2016	\$500	12	\$6,000
SOC-App-OE	Open Expenditures V2	11/5/2015-11/4/2016	\$500	12	\$6,000
SOC-PS-APPS	App Launch Package	n/a	\$1,500	n/a	\$1,500

All values quoted in USD.

Pricing is valid until 10/21/2015 at 5:00pm PST

Subtotal:	\$13,500
<b>Launch Discount</b>	<b>\$1,500</b>
<b>Extended Price:</b>	<b>\$12,000</b>

*Standard Conditions*

1. By signing this Order Form, you are offering to purchase the products and services listed above. Your offer to purchase becomes a binding commitment upon acceptance by Socrata, and is not subject to the issuance of any further purchase orders, confirmations or other events.
2. The shipping address listed above will be used to determine the appropriate taxing jurisdiction of the products and services purchased.
3. Special conditions override standard conditions in the event of an inconsistency.
4. This Order Form is subject to the legal terms of that Order Form Agreement between Socrata, Inc. and Customer dated 11/7/14 which is incorporated herein by reference.

*Special Conditions*

None

----- Signature page follows -----



**Signatures**

By signing below, the undersigned declares and certifies that he or she is authorized to execute this Agreement on behalf of Customer.

**Socrata, Inc.**

**Customer**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

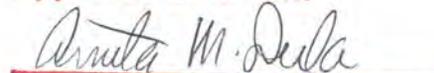
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
City of Hickory  
Finance Officer

Approved as to form

  
\_\_\_\_\_  
City of Hickory – Legal Dept.



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: Children's Advocacy and Protection Center Vigil  
 Applicant Name & Title: Kathleen Landry, Community Outreach Coordinator  
 Organization: Children's Advocacy and Protection Center  
 Mailing (Billing) Address: 4360 County Home Road  
 City / State / Zip: Conover, NC 28613  
 Daytime Phone: 828-465-8162 Cell: 828-455-1012 Email: klandry@catawbacountync.gov  
 Description of the Event: Vigil for children who lost their lives by a parent or caregiver

Does the event have a Twitter, Facebook or other social networking page? No  
 If yes, please list URL(s): \_\_\_\_\_

Event Address: <u>The Sails on the Square</u>	
Date of Event: <u>Tuesday October 20, 2015</u>	
Event Start Time: <u>12:00pm</u>	Event End Time: <u>1:00pm</u>
Road Closure Begins (if applicable): <u>N/A</u>	Road Closure Ends (if applicable): <u>N/A</u>
Set-Up Begins: <u>10:30am</u>	Clean-Up Ends: <u>1:30pm</u>
Preferred Date & Time of Inspection: <u>N/A</u>	
Estimated Attendance: <u>50-100</u>	
The Event is: <u>  </u> Private (by invitation only) or <u>  X  </u> Open to General Public	
Describe the procedures to be used for selecting participants and vendors for this event: <u>N/A</u>	

APPLICANT'S SIGNATURE Kathleen Landry DATE: 9/17/2015

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

**TENTS & MEMBRANE STRUCTURES**

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

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

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

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

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

---

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

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

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

**POWER SOURCES**

Will you use electric generators?  Yes  No

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

Provide contact information for contractor supplying generator power:

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

---

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

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

Provide contact information for person responsible for setup of power:

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

**VOICE/MUSIC AMPLICATION**

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

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

Type(s) of music: One song with possible guitar or keyboard

Will a portable or temporary stage be utilized?  Yes  No

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

Provide contact information for contractor providing stage:

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

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

Will your event use amplified sound?  Yes  No

If yes, please indicate times: Start time: 12 noon \_\_\_\_\_ Finish time: 1pm \_\_\_\_\_

**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? N/A

Times for alcohol to be served: N/A

Locations within event site where alcohol will be served: N/A

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)
N/A		

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
N/A		

*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
10/20/2015	10:30am	Set-up	
10/20/2015	12pm	Event Starts	
10/20/2015	1pm	Event Ends	
10/20/2015	1:30pm	Event Clean-up	



**SITE PLAN**

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

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

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

Number of participants expected: 100 % of participants expected under 18: 0

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

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

**Check the approved City/NC DOT Route on public roadways below**

- 5K 1 Downtown 5k** (Not allowed on Saturdays during the Downtown Hickory Farmers Market: Mid April-November)
- 5K 2 Hickory Foundation YMCA** (Can start and finish in Downtown District or other locations on route)
- 5K 3 FRMC 5K** (Can start and finish in Downtown District or other locations on route)
- 5K 4 Neill Clark Park 5k** (Must contact Parks and Recreation Director Mack McLeod [mmcleod@hickorync.gov](mailto:mmcleod@hickorync.gov) or 828-322-7046 and submit email confirmation with Special Event application.)
- 5K 5 Winkler Park 5k** (Must contact Parks and Recreation and Hickory Crawdads and submit email confirmation with Special Event application. Approval from Mack McLeod 828-322-7046 or [mmcleod@hickorync.gov](mailto:mmcleod@hickorync.gov) and Hickory Crawdads Mark Seaman 828-322-3000 or [mseaman@hickorycrawdads.com](mailto:mseaman@hickorycrawdads.com).)
- 5K 6 LRU 5K** (Must clear route with LRU before submitting Special Event application. (Can start and finish in various locations, including First Methodist Church)
- 10K 1 Hickory Foundation YMCA** (Can start and finish in Downtown District)
- 10K 2 Do a 5k route twice, which 5k route?** \_\_\_\_\_
- Half Marathon 1** (13.1 miles)
- Cycle Route 1** (10 mile)
- Cycle Route 2** (32 mile)

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

**AIRPORT ROUTE**

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

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

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

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

**PUBLIC PARKS ROUTES**

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

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

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

Henry Fork River Regional Recreation Park

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

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

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

Highland Recreation Center at Stanford Park Options

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

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

### ADDITIONAL GUIDELINES AND REQUIREMENTS

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

Must use a preapproved route from the City/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. KL

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

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

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

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

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. KL

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). KL

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. KL

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

Children's Advocacy and Protection Center

**NAME OF NON-PROFIT ORGANIZATION**

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

To provide a coordinated, multidisciplinary response to child sexual abuse and severe physical abuse and neglect.

**LIST ORGANIZATIONS OFFICERS:**

Tom Adkins

828-261-2600

TELEPHONE

TELEPHONE

TELEPHONE

**CHAIRPERSON OF THE SPECIAL EVENT:**

Kate Landry

828-465-8162 or 828-455-1012

NAME

TELEPHONE

4360 County Home Road

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.*

09/17/2015

Date

Adrienne Opdyke, Interim Executive Director

President

Children's Advocacy and Protection Center of Calawba County

Non-Profit Organization

Approved by:

  
CITY MANAGER - ASSISTANT

DATE

9/24/15

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 Children's Advocacy and Protection Center, a non-profit organization with its principal place of operation being Catawba County, North Carolina, Applicant:

WITNESSETH :

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

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

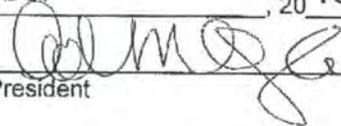
**WHEREAS**, to this end, said Applicant has previously filed with the City of Hickory an application for approval of said event, and wishes to enter into this Release and Indemnity Agreement pursuant to the Hickory City Code and the administrative rules of the City of Hickory;

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

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

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

This the 17th day of September, 2015.

  
\_\_\_\_\_  
President

\_\_\_\_\_

**COUNCIL AGENDA MEMOS****To: City Manager's Office****From: Planning & Development Services Department****Contact Person: Cal Overby, Principal Planner****Date: September 24, 2015****Re: Call for Public Hearing – Voluntary Contiguous Annexation of property owned by Cecil and Rachel Munday****REQUEST**

Call for Public Hearing, to be held on October 20, 2015 for the consideration of the voluntary contiguous annexation of 11.936 acres (519,932.16 ft<sup>2</sup>) of property located in the 3000 block of Short Road, which is also identified as PIN 3711-12-95-4256.

**BACKGROUND**

Gregory Whitley, agent for Cecil and Rachel Munday, has submitted a petition 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 (80) unit residential apartment complex, the construction of which will require municipal water and sewer service.

**ANALYSIS**

The submitted petition is a request for consideration of the voluntary contiguous annexation of 11.936 acres of residential property located in the 3000 block of Short Road. Please refer to the accompanying maps for more detail.

The owners of the property are seeking annexation in order to obtain utility services (water & sewer) for a proposed residential development site. The subject property is proposed, with appropriate city and county approval, to be developed as the location of an eighty (80) unit residential apartment complex (See accompanying sketch plans). The subject property is currently located within the jurisdictional area of Catawba County, and is zoned R-20 Residential. Should the property be annexed, staff would recommend the property, after required hearings, be placed into a Planned Development zoning district. The petitioner has also requested the property be placed into a Planned Development district.

The current tax value of the vacant land is \$104,600.00. If annexed with its present value, the property would generate approximately \$592.00 in additional tax revenues. This estimate will increase as a result of the proposed development project. A similar apartment complex in north Hickory (29 North), built in 2013, currently has a tax value of ~\$5,200,000.

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

**RECOMMENDATION**

Staff finds the petition to be in conformity with applicable statutes, and recommends authorization of a public hearing to be held on October 20, 2015.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier 6/18/2015  
Initiating Department Head Date

Rodney Miller 9-28-15  
Asst. City Manager Rodney Miller Date

Melissa Miller 9-25-15  
Finance Officer, Melissa Miller Date

\_\_\_\_\_  
Date

Amanda M. Dula 9-25-15  
Deputy City Attorney, A. Dula Date

A. Surratt 9/25/15  
Asst. City Manager, A. Surratt Date

Bo Weichel 9-25-15  
Purchasing Manager, Bo Weichel Date

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

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

\_\_\_\_\_  
Date

<b>CITY OF HICKORY</b> <b>APPLICATION FOR VOLUNTARY ANNEXATION</b>
---

DATE SUBMITTED: 9/22/15**TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:**

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

1. The property to be voluntarily annexed is located on Short Road, just south of its intersection with Startown Road, and is shown in more detail on the attached survey.

PIN NO.: **371112954256.**

Physical (Street) Address: Short Road, Hickory, NC. Applicant is not aware of a physical address for the site. Deed is shown in Book 1380, Page 569, Catawba County Registry.

2. The property is owned by: **Cecil and Rachel Munday.**  
(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: **Cecil and Rachel Munday.**Address: **300 Dogwood Drive, Hickory, NC 28601.**Phone Number: (828) 396-5870

3. The petition is submitted by: **Attorney Gregory T. Whitley.**  
(If the Petition is submitted by someone other than the owner, the attached agent authorization must be signed, notarized and submitted from the owner(s) authorizing the agent to act on his behalf.)

Agent Information:

Name: **Gregory T. Whitley.**Address: **131 S. Cool Spring St., Fayetteville, NC 28301.**Phone Number: **(910) 483-0107.**

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

5. APPLICANT'S AFFIDAVIT

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

Cecil Munday/Rachel Munday  
Printed Name of Applicant

Cecil Munday Rachel Munday  
Signature of Applicant

300 Dogwood Drive, Hickory, NC 28601  
Address of Applicant

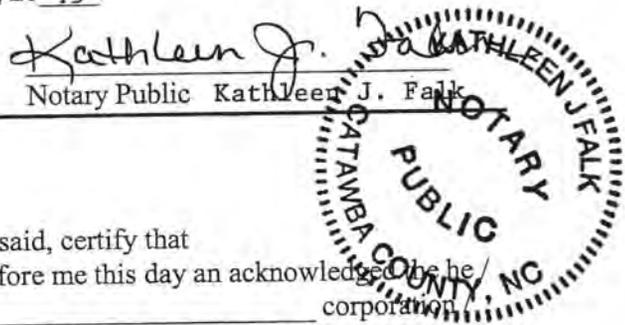
828-396-5878  
Telephone Number of Applicant

(Please choose the appropriate notary block)

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Cecil & Rachel Munday personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 22nd day of September, 2015.

My Commission Expires: 8/3/2017



State of North Carolina – County of \_\_\_\_\_

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

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

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

Drawn by Cagle and Houck, Attorneys, P. O. Box 2050, Hickory, NC 28603

STATE OF NORTH CAROLINA )  
 )  
 COUNTY OF CATAWBA )

BOOK 1330 PAGE 569  
WARRANTY DEED

5298

THIS DEED, made this the 6th day of November, 1984, by VIOLET M. BURRIS, Widow of Samuel J. Burris, of the County of Catawba and State of North Carolina, party of the first part, to CECIL J. MUNDAY and wife, RACHEL B. MUNDAY whose mailing address is Post Office Box 3, Rhodhiss, of the County of Burke and State of North Carolina, parties of the second part;

WITNESSETH:

THAT the said party of the first part, in consideration of the sum of ONE HUNDRED (\$100) DOLLARS and other good and valuable considerations to them paid by the said parties of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the said parties of the second part, their heirs and assigns, a certain tract or parcel of land, situate, lying and being in Hickory Township, Catawba County, State of North Carolina, and more particularly described as follows:

BEGINNING on a railroad spike set in the pavement of N. C. State Road No. 1166, said spike being 6.2 feet from the south edge of the pavement of said road and said spike marking the northeast corner of that certain property now, or formerly owned by Frank L. Whitener and runs thence from said Beginning Point within the right of way of N. C. State Road No. 1166, North 49° 57' 10" East 372.87 feet to a railroad spike; thence continuing in said right of way, North 37° 02' East 405.00 feet to a railroad spike located 1.6 feet from the northern edge of the pavement of said N. C. State Road No. 1166; thence a new line, South 51° 40' 50" East, passing an iron pin delineating the southern right-of-way margin of N. C. State Road No. 1166 at 38.40 feet; a total distance of 530.11 feet to an iron pin; thence another new line, South 20° 47' 05" West 390.44 feet to an iron pin; thence another new line crossing a creek, North 84° 00' West 75.00 feet to an iron pin; thence another new line, South 22° 37' 30" West 274.06 feet to an iron pin on the northern line of that certain property now, or formerly, owned by the John Whitener Estate; thence with that northern line, North 84° 00' West 486.34 feet to an iron pin found; thence continuing North 84° 00' West 5.00 feet to an iron pin in the center of an old roadbed, a private access road; thence with the centerline of said old roadbed, a private access road, North 23° 05' 35" West 352.50 feet to the point and place of Beginning. Containing 11.936 acres.

The foregoing description is taken from a plat prepared by Vaughn and Bradshaw Surveying Company dated August 15, 1984, and entitled "Property of Violet M. Burris."

The foregoing conveyance is also made subject to the right of way for N. C. State Road No. 1166 along its northernmost boundary and for a private access road along its westernmost boundary.

For partial chain of title see Book 410 at Page 206, Catawba County Registry.

NO REVENUE

FILED  
RUTH MACKIE  
DEC 6 AM 11 23

BOOK 1380 PAGE 570

REGISTER OF DEEDS

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging or in anywise appertaining, to the said parties of the second part, their heirs and assigns, to their only use and behoof in fee simple forever.

AND the said party of the first part for herself and her heirs, executors and administrators, covenant to and with the said parties of the second part, their heirs and assigns, that she is lawfully seized of said premises in fee and has right to convey the same in fee simple; that the same are free and clear of all encumbrances and that she does hereby forever warrant and will forever defend the title to the same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year first above written.

Violet M. Burris (SEAL)  
Violet M. Burris, Widow of  
Samuel J. Burris

NORTH CAROLINA  
CATAWBA COUNTY

I, Abbie Abernethy, Notary Public in and for said County and State do hereby certify that VIOLET M. BURRIS, Widow, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 8th day of November, 1984.



Abbie Abernethy  
Notary Public  
My Commission Expires: 11-28-86

NORTH CAROLINA  
CATAWBA COUNTY

The foregoing certificate of Abbie Abernethy, a N. P. of Catawba Co., NC is certified to be correct. This instrument was presented for registration this 6th day of November, 1984, at 11:23 o'clock A.M., and duly recorded in the Office of the Register of Deeds of Catawba County, North Carolina, in Book 1380 at Page 569.

This the 6th day of December, 1984.

Ruth Mackie  
Register of Deeds  
-2- By: Lena Reinhardt, Asst.

Purchase and Sale Agreement

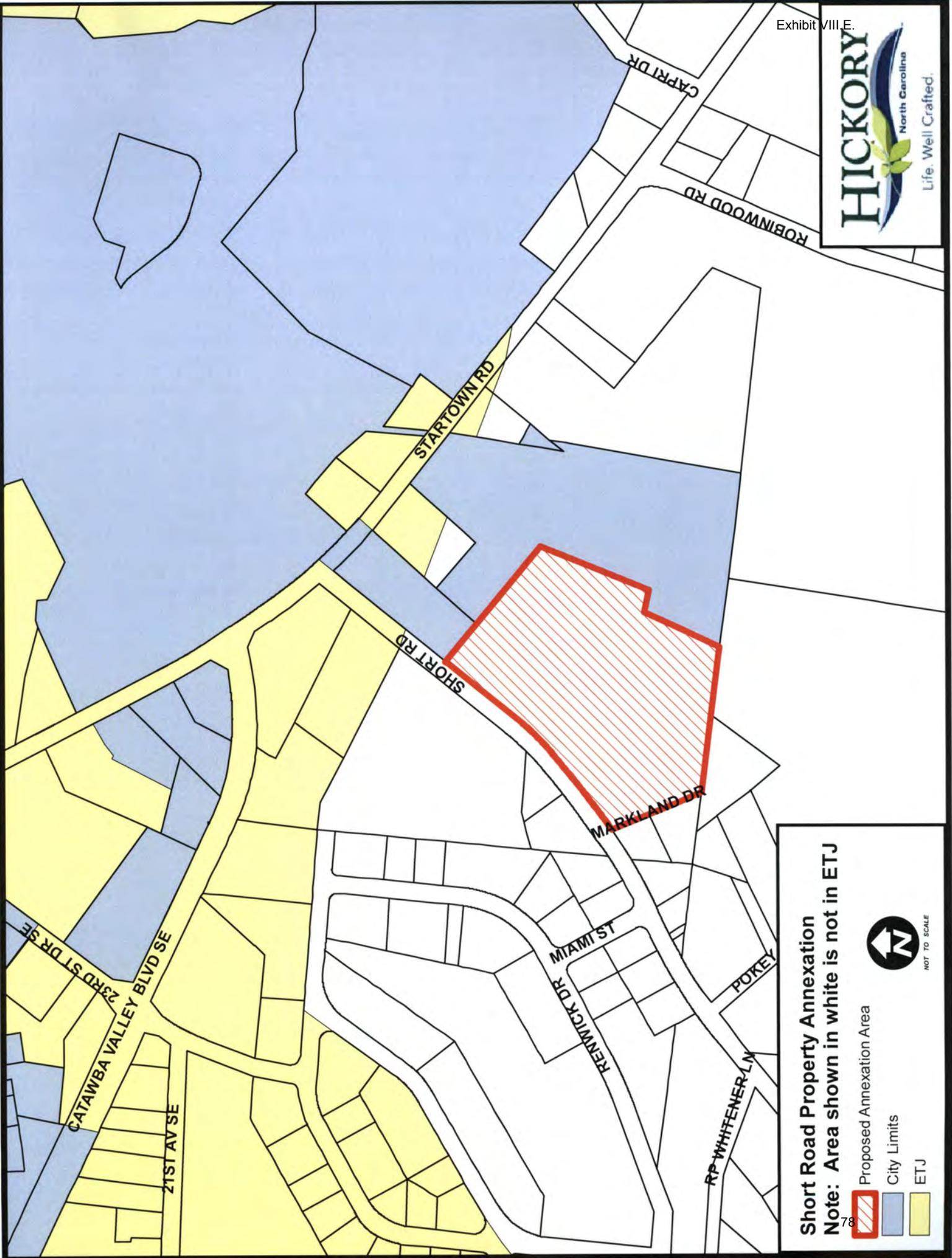
## Exhibit B

Legal Description/Depiction of the PropertyProperty of Cecil and Rachel MundayDeed Book 1380, Page 569, Catawba County RegistryCatawba County Tax Department Parcel Identification Number 371112954256

BEGINNING on a railroad spike set in the pavement of N. C. State Road No. 1166, said spike being 6.2 feet from the south edge of the pavement of said road and said spike marking the northeast corner of that certain property now, or formerly owned by Frank L. Whitener and runs thence from said Beginning Point within the right of way of N. C. State Road No. 1166, North 49° 57' 10" East 372.87 feet to a railroad spike; thence continuing in said right of way, North 37° 02' East 405.00 feet to a railroad spike located 1.6 feet from the northern edge of the pavement of said N. C. State Road No. 1166; thence a new line, South 51° 40' 50" East, passing an iron pin delineating the southern right-of-way margin of N. C. State Road No. 1166 at 38.40 feet, a total distance of 530.11 feet to an iron pin; thence another new line, South 20° 47' 05" West 390.44 feet to an iron pin; thence another new line crossing a creek, North 84° 00' West 75.00 feet to an iron pin; thence another new line, South 22° 37' 30" West 274.06 feet to an iron pin on the northern line of that certain property now, or formerly, owned by the John Whitener Estate; thence with that northern line, North 84° 00' West 486.34 feet to an iron pin found; thence continuing North 84° 00' West 5.00 feet to an iron pin in the center of an old roadbed, a private access road; thence with the centerline of said old roadbed, a private access road, North 23° 05' 35" West 352.50 feet to the point and place of Beginning. Containing 11.936 acres.

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The foregoing conveyance is also made subject to the right of way for N.C. State Road No. 1166 along its northernmost boundary and for a private access road along its westernmost boundary.



**Short Road Property Annexation**  
**Note: Area shown in white is not in ETJ**

78

-  Proposed Annexation Area
-  City Limits
-  ETJ

 NOT TO SCALE



79

**Short Road Property Annexation**

Proposed Annexation Area



NOT TO SCALE



# FAIRBROOK PLACE APARTMENTS

HICKORY, NORTH CAROLINA

UNDEVELOPED

RESIDENTIAL



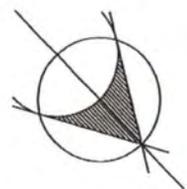
SHORT ROAD  
RESIDENTIAL

BUILDING 2 (TYPE A)

PROJECT SIGN

- UNIT LAYOUT:**  
 2 BEDROOM UNITS: 48  
 AREA: 951 SF (HEATED)  
 (2 HC UNITS W/ TUBS & 2 HC UNITS W/ SHOWERS)
- 3 BEDROOM UNITS: 32  
 AREA: 1,145 SF (HEATED)  
 (2 HC UNITS W/ TUBS & 2 HC UNITS W/ SHOWERS)
- (2 HC SHOWER UNITS WILL ALSO BE EQUIPPED FOR  
 A/V IMPAIRED)
- TOTAL UNITS: 80**
- REQUIRED PARKING:**  
 2 SPACES PER UNIT: 160 (WHICH INCLUDES 12  
 HANDICAP PARKING SPACES)
- SITE ACRES:**  
 11.440 ACRES
- REQUIRED AMENITIES:**  
**A** PLAYGROUND  
**B** MULTI-PURPOSE ROOM  
**C** COVERED PICNIC AREA W/ 2 TABLES AND GRILL
- ADDITIONAL AMENITIES:**  
**D** COVERED PATIO W/ SEATING  
**E** EXERCISE ROOM  
**F** RESIDENT COMPUTER CENTER
- SITE NOTES:**  
 • SITE CUT AND FILL BALANCES  
 • NO RETAINING WALLS REQUIRED

RESIDENTIAL



1 SITE PLAN  
1" = 100'

DATE	12-09-09
BY	1/2/09
IN CHARGE / A.D.	CLH

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
 26 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-1029 404-373-2800  
 FAIRBROOK PLACE APARTMENTS  
 HICKORY, NORTH CAROLINA

**MIRA**  
 CSPI  
 NOT RELEASED FOR CONSTRUCTION

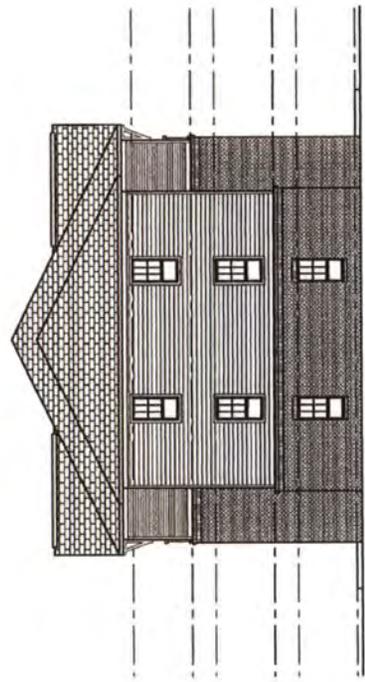
DATE	3-2-2-3
BY	CM
REVISION / CHECKED	

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
 25 CHURCH STREET, SUITE 200, DECATUR, GEORGIA 30030-1029 404-579-2800  
 HICKORY, NORTH CAROLINA  
 FABROOK PLACE APARTMENTS

**MRA**  
**A3.1**

NOT RELEASED FOR CONSTRUCTION

- 30 YEAR ARCHITECTURAL FIBERGLASS SHINGLES
- LAP FIBER CEMENT SIDING (4" AND 1" PROFILES)
- FIBER CEMENT SHAKES
- BRICK VENEER
- METAL ROOF ACCENTS
- SEAMLESS GUTTERS AND DOWNSPOUTS



2 BUILDINGS 1 & 2 SIDE ELEVATIONS  
 (BUILDING TYPE A)  
 1/16" = 1' - 0"



1 BUILDINGS 1 & 2 FRONT AND REAR ELEVATION  
 (BUILDING TYPE A)  
 1/16" = 1' - 0"

0 8' 16' 32'  
 SCALE: 1/16" = 1' - 0"

NOT RELEASED FOR CONSTRUCTION

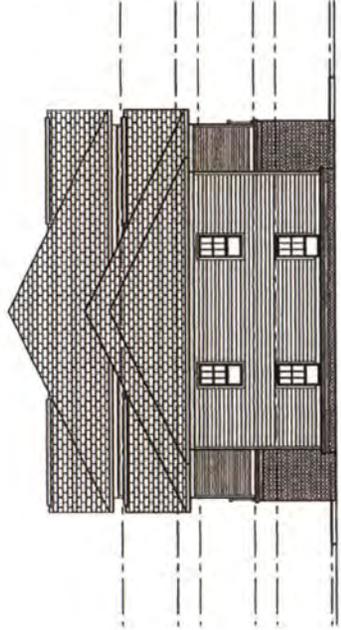
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
205 CHURCH STREET SUITE 200 DECATUR GEORGIA 3000-029 404-573-2800  
HICKORY, NORTH CAROLINA  
FAIRBROOK PLACE APARTMENTS



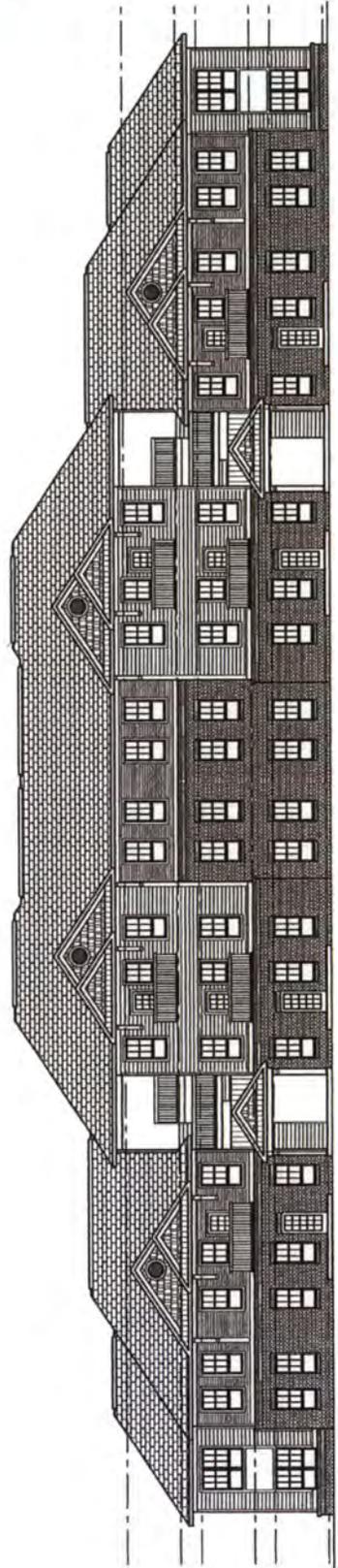
A3.2

DATE	BY	HT

- 30 YEAR ARCHITECTURAL FIBERGLASS SHINGLES
- LAP FIBER CEMENT SIDING (4" AND 1" PROFILES)
- FIBER CEMENT SHAKES
- BRICK VENEER
- METAL ROOF ACCENTS
- SEAMLESS GUTTERS AND DOWNSPOUTS



2 BUILDING 3 SIDE ELEVATIONS (BUILDING TYPE B)  
1/16" = 1' - 0"



1 BUILDING 3 FRONT AND REAR ELEVATION (BUILDING TYPE B)  
1/16" = 1' - 0"



NOT RELEASED FOR CONSTRUCTION

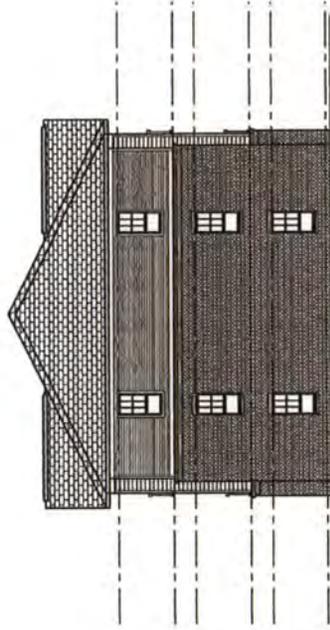


A33

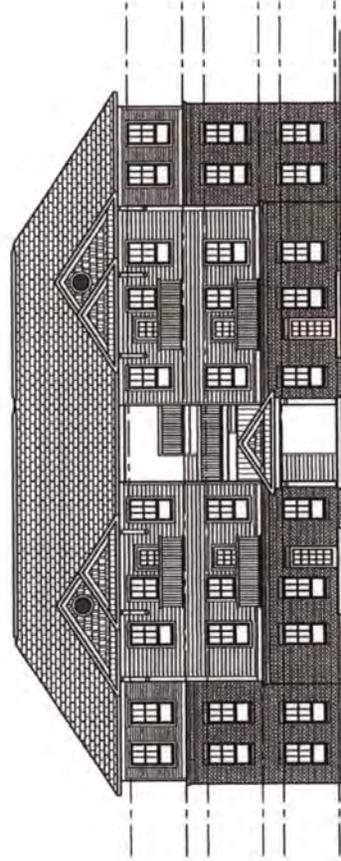
MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
205 CHURCH STREET SUITE 200 DECATUR, GEORGIA 30030-3399 404-571-2800  
FAIRBROOK PLACE APARTMENTS  
HICKORY, NORTH CAROLINA

DATE	2-28-15
BY	ML
NO. OF SHEETS	12
TOTAL SHEETS	12

- 30 YEAR ARCHITECTURAL FIBERGLASS SHINGLES
- LAP FIBER CEMENT SIDING (4" AND 1" PROFILES)
- FIBER CEMENT SHAKES
- BRICK VENEER
- METAL ROOF ACCENTS
- SEAMLESS GUTTERS AND DOWNSPOUTS



2 BUILDING 4 SIDE ELEVATIONS (BUILDING TYPE C)  
1/16" = 1' - 0"



1 BUILDING 4 FRONT & REAR ELEVATIONS (BUILDING TYPE C)  
1/16" = 1' - 0"



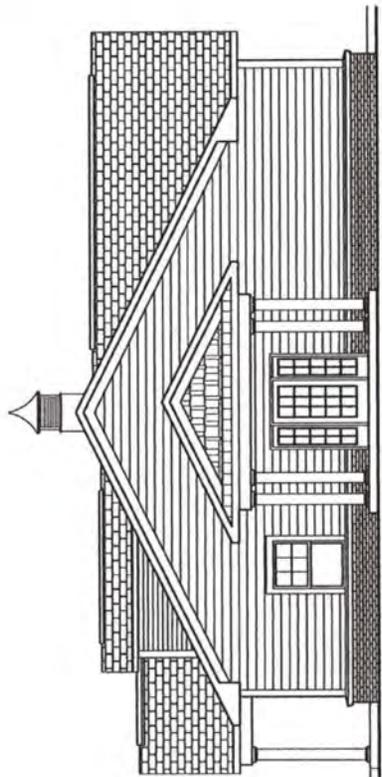
NOT RELEASED FOR CONSTRUCTION

**MIRA**

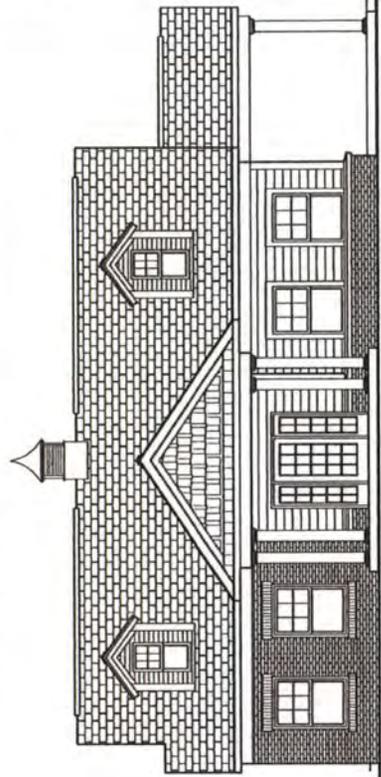
**A3.4**

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
205 CHURCH STREET SUITE 200 DECATUR, GEORGIA 30003-0292 404-771-2800  
HICKORY, NORTH CAROLINA  
FARBROOK PLACE APARTMENTS

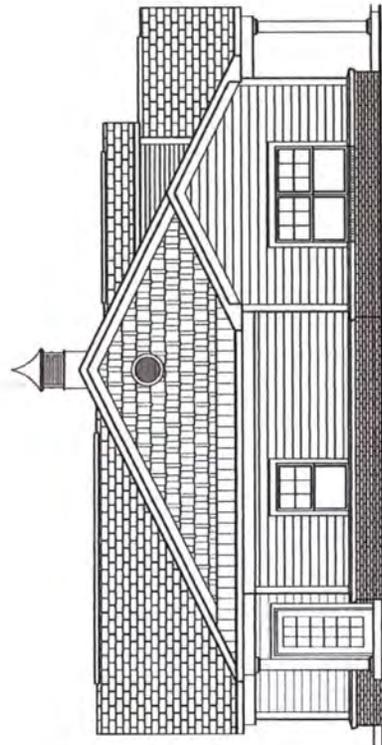
DATE	2/28/05	PROJECT	
BY	1/2/05		
CHKD			



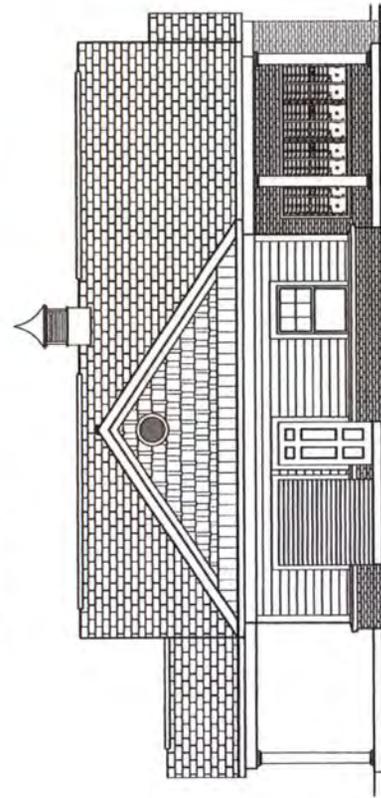
2 CLUBHOUSE SIDE ELEVATION  
1/8" = 1'-0"



1 CLUBHOUSE FRONT ELEVATION  
1/8" = 1'-0"



4 CLUBHOUSE SIDE ELEVATION  
1/8" = 1'-0"



3 CLUBHOUSE REAR ELEVATION  
1/8" = 1'-0"

**RESOLUTION NO. 15-**

**A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO  
THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN  
PROPERTY OWNED BY CECIL AND RACHEL MUNDAY  
CALLING FOR A PUBLIC HEARING ON THE SAME**

WHEREAS, Cecil Munday, and wife Rachel Munday are the owners of certain real property as described herein, which property is located in the 3000 Block of Short Road, Hickory, identified as PIN 3711-12-95-4256 containing 11.936 acres more or less; and

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

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 6<sup>th</sup> day of October, 2015, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on October 20, 2015, in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on a maps entitled Short Road Property Annexation, property outlined in red;
- Section 4: Notice of said public hearing shall be published in *The Hickory News*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

Done this 6<sup>th</sup> day of October, 2015.

(SEAL)

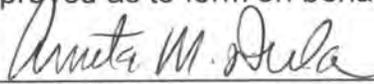
**THE CITY OF HICKORY, A**  
North Carolina Municipal Corporation

**Attest:**

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

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

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

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

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

WHEREAS, a petition from Cecil and Rachel Munday requesting annexation of an area described in a petition was received on September 22, 2015 by the City Council of the City of Hickory; and

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

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

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

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

**CERTIFICATE OF SUFFICIENCY**

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

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

Located in the 3000 Block of Short Road, Hickory, NC, identified as PIN 3711-12-95-4256 containing 11.936 acres more or less

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 23<sup>rd</sup> day of September, 2015.



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

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

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on October 20, 2015, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

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

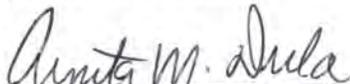
Property of Cecil and Rachel Munday located in the 3000 Block of Short Road, Hickory, NC, identified as PIN 3711-12-95-4256 containing 11.936 acres more or less.

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

\_\_\_\_\_  
Rudy Wright  
Mayor

\_\_\_\_\_  
Mick Berry, City Manager

Approved As To Form:

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

**COUNCIL AGENDA MEMOS****To: City Manager's Office****From: Dave Leonetti, Community Development Manager****Contact Person: Dave Leonetti, Community Development Manager****Date: September 28, 2015****Re: Call for Public Hearing to consider sale of City-owned properties on F Avenue SE****REQUEST**

Call for a public hearing to consider the sale of five City-owned properties on F Avenue SE.

**BACKGROUND**

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. The company plans on developing these properties for residential use.

**ANALYSIS**

Since the properties were purchased with CDBG funds, a public hearing is required prior to the property sale. According to 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.

**RECOMMENDATION**

Staff recommends that City Council call for a public hearing to consider the sale of five City-owned properties on F Avenue SE.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier

Initiating Department Head

9/28/15

Date

Deputy City Attorney, A. Dula

10-1-15

Date

Asst. City Manager Rodney Miller

10/1/15

Date

Asst. City Manager, A. Surratt

Date

Finance Officer, Melissa Miller

10/1/15

Date

Purchasing Manager, Bo Weichel

10-1-15

Date

Date

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

City Manager, M. Berry

Date



City of Hickory Properties

1 inch = 100 feet

- Parcels
- City of Hickory Properties

6

COUNCIL AGENDA MEMOS

Exhibit VIII.G.

**To: City Manager's Office**  
**From: Terry Clark, Airport Director**  
**Contact Person: Terry Clark**  
**Date: September 22, 2015**  
**Re: Acceptance of North Carolina Department of Transportation Grant 36237.66.NPE.15 (Non-Primary Entitlement Funds) in the Amount of \$150,000 for Airport Improvements**

**REQUEST**

Request City Council to accept Grant 36237.66.NPE.15 (Non-Primary Entitlement Funds) awarded by the NC Department of Transportation (NCDOT) in the amount of \$150,000 for future airport improvements at the Hickory Regional Airport.

**BACKGROUND**

The North Carolina Department of Transportation by letter dated July 30, 2015 has allocated FAA Non-Primary Entitlement funds under the State Block Grant Program for Federal Fiscal Year 2015 for the Hickory Regional Airport. Said funds are to be used for airside safety needs first with consideration of other needed airport projects. These funds are to be expended no later than July 1, 2019.

The NCDOT has allocated Federal funds via Grant 36237.66.NPE.15 with the Federal share of \$150,000 and the local share of \$16,667 for airport improvements.

**ANALYSIS**

This grant will assist in the continuation of the airfield improvement program as recommended by the Airport's Task Force. Once City Council accepts said grant, any future proposed projects that fall under the guidelines of this grant will be brought back to Council for approval.

**RECOMMENDATION**

Staff recommends City Council's acceptance of Grant 36237.66.NPE.15 in the amount of \$150,000 from the North Carolina Department of Transportation.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Terry Clark  
Initiating Department Head

9-22-15  
Date

Amy M. Dula  
Deputy City Attorney, A. Dula

9-25-15  
Date

[Signature]  
Asst. City Manager, ~~W. Wood~~

9-28-15  
Date

[Signature]  
Asst. City Manager, A. Surratt

9/25/15  
Date

[Signature]  
Finance Officer, Melissa Miller

9-25-15  
Date

[Signature]  
Administrative Services Director  
M. Bennett

\_\_\_\_\_  
Date

[Signature]  
Purchasing Manager, Bo Weichel

9-25-15  
Date

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

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

\_\_\_\_\_  
Date

cc: Terry Clark ✓  
Andrea Surratt  
Original: Rodney Miller



Exhibit VIII.G.

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

1501 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1501

PAT MCCRORY  
GOVERNOR

NICHOLAS J. TENNYSON  
ACTING SECRETARY

July 30, 2015

The Honorable Rudy Wright, Mayor  
City of Hickory  
P. O. Box 398  
Hickory, NC 28603

Dear Mayor Wright:

On behalf of Governor Pat McCrory, Transportation Acting Secretary Nicholas J. Tennyson, and the NC Board of Transportation, please be advised that FAA *Non-Primary Entitlement* funds have been allocated under the State Block Grant Program for Federal Fiscal Year (FFY) 2015 for the Hickory Regional Airport. Please note, these funds are intended for airside safety needs first, at which point other needs can be considered. Furthermore, this award must be fully expended no later than July 1, 2019, or any unspent funds will be taken down.

The specific funding allocation is noted below:

Award ID	Description	Federal Funds	Local Funds
36237.66.NPE.15	Airport Improvements	\$150,000	\$16,667

The NCDOT – Division of Aviation is excited to partner with you and we appreciate your commitment and contribution to our state's aviation system. Please work closely with your Airport Project Manager for grant execution.

Sincerely,

A handwritten signature in black ink that reads "Bobby L. Walston".

Bobby L. Walston, P.E.  
Director of Aviation

BLW/vh

cc: Governor Pat McCrory  
Nicholas J. Tennyson, Acting Secretary, NCDOT  
Keith Weatherly, Interim Deputy Secretary for Transit  
Thom Tillis, United States Senate  
Richard Burr, United States Senate  
Patrick McHenry, United States Congress  
Lou Wetmore, BOT Representative  
John D. Lennon, BOT Member At Large

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF AVIATION  
1560 MAIL SERVICE CENTER  
RALEIGH NC 27699-1560

TELEPHONE: 919-814-0550  
Fax: 919-840-9267

WEBSITE: WWW.NCDOT.GOV

LOCATION:  
RDU AIRPORT  
1050 MERIDIAN DRIVE  
MORRISVILLE, NC 27560

**BUDGET ORDINANCE AMENDMENT # 7**

**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, 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 & Recreation	5,175	
Transportation	4,128	
<b>TOTAL</b>	9,303	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	5,175	
Unrestricted Intergovernmental Revenues	4,128	
<b>TOTAL</b>	9,303	-

**SECTION 2.** To amend the Water and Sewer Fund the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	77,465	
<b>TOTAL</b>	77,465	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	77,465	
<b>TOTAL</b>	77,465	-

**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

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**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**

**From: Arnita M. Dula**

**Contact Person: Arnita M. Dula**

**Date: 9-30-15**

**Re: Amendments to the Economic Development Agreement between the City of Hickory and Blue Bloodhound, LP**

**REQUEST**

Staff requests Council consider amendments to the Economic Development Agreement ("Agreement") between the City of Hickory and Blue Bloodhound, LP.

**BACKGROUND**

On June 25, 2015, Council approved the Agreement with Blue Bloodhound, LP. Blue Bloodhound is a company that is developing software and IT programming specific to the transportation industry. Blue Bloodhound will create 191 jobs over a three year period in exchange for certain economic incentives from the City.

**ANALYSIS**

Subsequent to Council approving the Agreement, Blue Bloodhound, LP created another company, Blue Bloodhound Management, LLC. Blue Bloodhound Management, an affiliate of Blue Bloodhound, LP, will be responsible for some of the performance of Blue Bloodhound, LP under the economic development agreement. Therefore, both companies need to be a part of the Agreement.

In addition to adding the affiliate company's name to the Agreement, the due date for the Opinion of Counsel letters from the company and the city has been changed from August 31, 2015 to October 1, 2015.

Other than adding Blue Bloodhound Management, LLC to the Agreement and revising the due date for the Opinion of Counsel letters, no other changes have been made to the Agreement.

**RECOMMENDATION**

Staff requests Council approve the amended Economic Development Agreement ("Agreement") between the City of Hickory, Blue Bloodhound, LP, and Blue Bloodhound Management, LLC.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

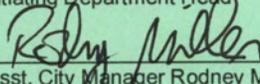
No

**LIST THE EXPENDITURE CODE:**

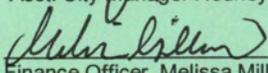
**Reviewed by:**

Arnita M. Dula  
Initiating Department Head

9-30-15  
Date

  
Asst. City Manager Rodney Miller

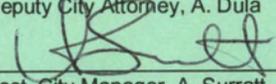
9-30-15  
Date

  
Finance Officer, Melissa Miller

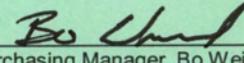
10-2-15  
Date

Arnita M. Dula  
Deputy City Attorney, A. Dula

9-30-15  
Date

  
Asst. City Manager, A. Surratt

10/2/15  
Date

  
Purchasing Manager, Bo Weichel

10.2.15  
Date

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

Prepared by:  
Arnita Dula, Attorney, City of Hickory  
P.O. Box 398, Hickory, NC 28601

**STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA**

**CITY OF HICKORY AND  
BLUE BLOODHOUND, LP  
ECONOMIC DEVELOPMENT AGREEMENT**

This **JOINT ECONOMIC DEVELOPMENT AGREEMENT** (this "Agreement") is made and entered into this \_\_\_ day of \_\_\_, 2015, by and among **the City of Hickory** (the "City"), a North Carolina Municipal Corporation having a mailing address of **P.O. Box 398, Hickory, NC, 28601**, **BLUE BLOODHOUND, LP**, ("Blue Bloodhound LP"), a Delaware limited partnership qualified to do business in the State of North Carolina, having a mailing address of **130 Harbour Place Drive, Suite 310, Davidson, NC 28036**, and **BLUE BLOODHOUND MANAGEMENT, LLC**, ("Blue Bloodhound Management"), a North Carolina limited liability company qualified to do business in the State of North Carolina, having a mailing address of 130 Harbour Place Drive, Suite 310, Davidson, NC 28036.

**WITNESSETH:**

**WHEREAS**, Blue Bloodhound Management, an affiliate of Blue Bloodhound, LP, will be responsible for some of the performance of Blue Bloodhound, LP under this Agreement, and, accordingly, references to "Blue Bloodhound LP" and "Company" in this Agreement shall be deemed to include references to Blue Bloodhound, LP and/or Blue Bloodhound Management, as applicable;

**WHEREAS**, North Carolina General Statute (NCGS) 158-7.1(a) authorizes Cities to make appropriations for the purpose of aiding and encouraging the location of business enterprises and industrial and commercial plants in or near its boundaries, and Company is engaged in developing Information Technology products and Electronic Business to Business Services within the meaning of NCGS 158-7.1; and

**WHEREAS**, Blue Bloodhound, LP intends to lease, improve and equip, or cause to have improved (the "Improvements"), at the Moretz Mills LLC facility at 74 8TH ST SE, HICKORY, NC (Parcel ID # 370208994831, the "Property"), at a cost of not less than Four Hundred Thousand Dollars (\$400,000) and intends to create a minimum of One Hundred and Ninety One (191) new jobs at the facility over a three year improvement period, with the improvements to be made and new jobs to be created between June 25, 2015 and June 24, 2018 (the "Improvement Period"); and

**WHEREAS**, Company anticipates having an additional 63 jobs in 2018-19 although these jobs are not a part of this economic development agreement; and

**WHEREAS**, Company expects to be a community-oriented company and intends to participate in philanthropy, community events and programs intended to increase the health and happiness of their employees and the greater community as a whole; and to consider participation in the Catawba EDC's corporate Committee of 100 501(c)(3) non-profit sponsorship; and

**WHEREAS**, Company is encouraged, to the reasonable extent possible, to purchase local services and supplies, such as, but not limited to, locally produced products, local hotel, motel and hospitality services, local building and construction services, and other products and services;

**NOW, THEREFORE**, in consideration of the promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

### **SECTION I – Company**

1. On or before October 1, 2015, Company shall:
  - 1.1 Deliver to City a certificate confirming that Company has leased the real Property and has caused the improvement and installation of the Improvements that will result in the creation, maintenance and availability of a minimum of 191 new jobs prior to June 24, 2018, and the average of these jobs will meet or exceed 100% of the Average Weekly Wage established for Catawba County by the North Carolina Department of Commerce's Wage Standards for each year that City pays Company the economic development incentive provided for herein. Company affirms understanding of, and agrees to comply with, the Calendar of Responsibilities as outlined in Exhibit "A". Such certificate shall be in the form or substantially in the form of the certificate attached to this Agreement as Exhibit "A".
  - 1.2 Provide an Opinion of Counsel for Company, in form and substance reasonably satisfactory to City, that this Agreement has been duly authorized, executed and delivered by Company; and
  - 1.3 Provide an Opinion of Counsel for Company, in form and substance reasonably satisfactory to City, stating that this Agreement is binding upon and enforceable against Company, in North Carolina, in accordance with its terms.
  
2. In order to induce City to enter into this Agreement and to appropriate and expend monies for payment of economic development incentives, Company represents and warrants that, as of the execution date hereof:
  - 2.1 Company is a Delaware limited partnership or North Carolina limited liability company, as applicable, qualified to do business in the State of North Carolina, has a place of business within the State of North Carolina, and is in good standing and authorized to do business in the State of North Carolina;
  - 2.2 Company has the limited partnership or limited liability company power and authority to own its properties and assets and to carry on its business as now being conducted and has the limited partnership or limited liability company power and authority to execute and perform this Agreement;

- 2.3 The undersigned representative of Company has the right, authority and duty to execute this Agreement in the name and on behalf of Blue Bloodhound;
- 2.4 This Agreement (i) is the valid and binding instrument and agreement of Company, enforceable against Company in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on Company, the charter documents or operating agreement of Company or any provision of any indenture, agreement or other instrument to which Company is a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any indenture, agreement or other instrument to which Company is a party;
- 2.5 There is no suit, claim, action or litigation pending, or to the knowledge of Company threatened, relating to the Improvements, the use of the Improvements for their intended purpose, or any other matter contained herein;
- 2.6 There is no impediment to the use of the Property for the purposes contemplated by this Agreement.
- 2.7 Company is not engaged in a business that would be exempt from property taxes.
3. In order to induce Company to enter into this Agreement and to appropriate and expend monies for payment of economic development incentives, City represents and warrants that, to the best of City's knowledge, that, as of the execution date hereof:
- 3.1 City is a North Carolina Municipal Corporation existing under North Carolina law;
- 3.2 City has the power and authority to carry on its business as now being conducted and has the power and authority to execute and perform this Agreement;
- 3.3 The undersigned authorized representative of City has the right, authority and duty to execute this Agreement in the name and on behalf of City;
- 3.4 This Agreement (i) is the valid and binding instrument and agreement of City, enforceable against City in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on City, the charter documents of City or any provision of any indenture, agreement or other instrument to which City is a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any indenture, agreement or other instrument to which City is a party; and
- 3.5 There is no suit, claim, action or litigation pending, or to the knowledge of City threatened, relating to the Improvements, the use of the Improvements for their intended purpose, or any other matter contained herein.
4. Company shall make or cause to be made investments to the Property and Improvements during the Improvement Period. Cumulative expenditures will meet or exceed Four Hundred Thousand Dollars (\$400,000) by December 31, 2015, all of which will qualify and

result in additional value for ad valorem tax purposes as determined by the Catawba County Tax Office, and Company further agrees to maintain in place, in good condition (ordinary wear and tear excepted), said Improvements for three years after the final incentive payment.

5. Company shall create a minimum of 191 new jobs at the Property in Hickory by June 24, 2018 with a minimum job creation each year ending on June 24<sup>th</sup> as follows: 73 new jobs in 2016, an additional 84 new jobs created in 2017 and an additional 34 new jobs created in 2018. Of the 191 new jobs created, up to 21 are expected to pay salaries in excess of \$75,000 per year created as follows: 10 jobs in 2016, 8 jobs in 2017 and 3 jobs in 2018. Company will maintain or make available these jobs in place for three years after the final incentive payment. A job is defined as employment that provides 1600 hours or more of work in any 12 month period.

## SECTION II – CITY

6. On or before October 1, 2015, City shall deliver to Company an Opinion of Counsel for City, in form and substance reasonably satisfactory to Company, that this Agreement has been duly authorized, executed and delivered by City; and stating that this Agreement complies with the terms and requirements of NCGS 158-7.1(a) and is binding upon and enforceable against City with its terms; and evidence in the form of a Resolution or Resolutions, or official minutes, which City duly adopted authorizing the economic development incentives set forth in this Agreement.
7. Payment of economic development incentives for Job Creation in accordance with this Agreement shall be made as follows:
  - a. City will provide a one-time payment of \$800 for each of the jobs created over commencing with the jobs created beginning June 25, 2015, pursuant to paragraph 5. Should the Company create additional jobs above the amounts required for given year these jobs will accrue toward the allowable maximum for the following year but the parties agree payments for jobs shall not exceed what is depicted in the chart below.
  - b. City will provide an additional one-time payment of \$800 for up to 21 high-wage positions created at the Hickory facility that can be documented to meet or exceed the following criteria:
    - i. Yearly earnings (all cash payments, bonus payments, and commissions, not to include non-cash benefits) in excess of \$75,000 per year, and
    - ii. Proof of residency within the City of Hickory.
  - c. In no event will the cumulative payments by City exceed One Hundred Sixty Nine Thousand, Six Hundred Dollars (\$169,600).

Project Year	Total Number of Jobs Created by Year	Incentive Payment by City by Year	Number of High Wage Positions Created by Year (\$75,000+)	Additional Incentive for High Wage Positions	Maximum Incentive Payment by Year
1 (2016)	73	\$800	10	\$800	\$66,400
2 (2017)	84	\$800	8	\$800	\$73,600
3 (2018)	34	\$800	3	\$800	\$29,600
<b>Total</b>	<b>191</b>		<b>21</b>		<b>\$169,600</b>

- d. Said amounts shall be payable annually, beginning with a payment in early 2016 for jobs created during Project Year 1 and properly documented as required under the terms of this agreement, with similar payments in each of the following two years for additional jobs created in Project Year 2 and 3.
- e. Upon creation of new jobs by Company at the facility for each of 2015 through 2018 and certification by Company in the form or substantially in the form of the certificate attached hereto as Exhibit B, and proof of payment of taxes as agreed herein, City will, within sixty (60) days, pay to Company an economic development incentive payment, the amount of which is calculated in Paragraph 7.c.
- f. Company shall furnish to City on or before March 5th of each calendar year, following and corresponding to the previous July 1st when taxes are billed, the certification required by this Section 7 and proof of payment of all applicable taxes. If requested, Company shall provide City, at City's expense, independent certification as to such expenditures and number of existing jobs.

### SECTION III - OTHER

8. Force Majeure. Notwithstanding the provisions of Paragraph 9, in the event Company is unable to meet the requirements of this agreement as a result of (i) an event of force majeure, including but not limited to fires, explosions, acts of God, acts of public enemy, insurrections, riots, terrorism, embargoes, labor disputes, including strikes, lockouts and job actions, or boycotts; (ii) the inability to obtain the governmental permits or approvals (including zoning) necessary for the acquisition of the land or undertaking and operating the Improvements after a good faith effort to obtain same has been made; (iii) shortages of materials or energy; (iv) changes in laws; or (v) other causes beyond the control of and arising without the fault or negligence of Company; then, in such event, the Improvement Period shall be extended for a period equal to the delay caused by any of the foregoing events so long as Company shall (a) have furnished City on a timely basis, upon the occurrence of such event, a notice thereof, and (b) take all commercially reasonable steps necessary to relieve the effect of such event and to resume completion of the Improvements. In accord with the foregoing, should Company be unable to meet the requirements as described above as a result of a force majeure, the obligation of the City to pay as provided in Section II above, shall be suspended until such time as the Company is relieved from the effect of an event of force majeure and resumes completion of the Improvements.

9. It shall be an Event of Default if any one or more of the following events shall occur for any reason whatsoever (and whether such occurrence shall be voluntary or involuntary or come about or be effected by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):
- a. If Company, except in the event of force majeure, shall commit a material breach of a material obligation hereunder (including without limitation, the obligation to meet the investment goals and maintain a minimum of 90% of the number (191) of newly created jobs as set forth herein) and such breach shall continue for a period of sixty (60) or more days following receipt of written notice from City;
  - b. If Company shall fail to qualify and/or maintain the requirements for eligibility and participation in agreements for State of North Carolina incentives, Building Reuse Grants, or other North Carolina grants/incentives applied for and awarded;
  - c. If Company fails to timely file Exhibit A, or Exhibit B on or before March 5 of each year, following and corresponding to the previous July 1st when taxes are billed, and any qualifying incentive would be due to Company, this shall be deemed a breach of the Agreement and notwithstanding paragraph 10 below, the sole remedy will be that City will not owe Company any incentive that may have otherwise been due had those filings properly been made when due.
  - d. If any material representation, warranty or other statement of fact contained in this Agreement or in any final writing, certificate, report or statement furnished by Company to City in connection with the transaction described in this Agreement, shall, to Company' knowledge, to be false or misleading in any material respect at the time given;
  - e. If Company shall be unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of a receiver, trustee, liquidator or conservator of themselves or of the whole or any substantial part of their property; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or any state;
  - f. If City, except in the event of force majeure, fails to pay Company when such payment is due or is otherwise unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of an emergency manager, receiver, trustee, liquidator or conservator or any similar entity; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or North Carolina;

- g. If a Court of competent jurisdiction shall enter an order, judgment, or decree appointing a custodian, receiver, trustee, liquidator, or conservator of Company or of the whole or any substantial part of their properties, or approves a petition filed against Company seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of Company or of the whole or any substantial part of their properties;
  - h. If a Court of competent jurisdiction shall enter an order, judgment, or decree appointing an emergency manager, custodian, receiver, trustee, liquidator, or conservator or any similar entity for City, or approves a petition filed against City seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of City; or
  - i. If Company shall allow its taxable assets, employment and average wage amounts to fall below the minimum values agreed upon in this Agreement, as each of the same pertain to the facility contemplated by this Agreement.
10. City Remedy: If Company fails to cure an Event of Default for which it receives written notice from City, the obligation of City as set out herein shall terminate, and Company shall immediately refund to City all economic development incentive payments paid to Company prior to the date of the Event of Default plus interest at the rate of prime plus one percent (1%). The date the prime interest rate shall be determined shall be the date the Company receives the notice of the Event of Default and prime will be the prime rate as published in the *Wall Street Journal (WSJ)*. Company shall, as it relates to an Event of Default, have sixty (60) days after receipt of the notice required above, or such longer period to which the parties agree in writing to cure the Event of Default.
11. Company Remedy: If City fails to cure an Event of Default for which it receives written notice from Company, the obligations of Company as set out herein shall terminate. City shall, as it relates to an Event of Default, have sixty (60) days after receipt of the notice required above, or such longer period to which the parties agree in writing to cure the Event of Default.
12. Company and City acknowledge that any monies appropriated and expended by City for economic development incentives, as provided in this Agreement, are for a bona fide public purpose and are expended in good faith reliance on NCGS 158-7.1. In the event a Court of competent jurisdiction rules to which either Company or City is a party, that all monies expended by City pursuant to this Agreement were not offered and accepted in good faith and in compliance with NCGS 158-7.1 and, further, that such monies must be repaid, Company will make such repayment to City. In the event one or more lawsuits are brought against City or any City elected official, officer, agent or employee, or Company, challenging the legality of this Agreement, then City and Company shall exercise their best efforts to defend against any and all such lawsuits, at their own cost and expense. In any event, if Company is required to repay funds to City pursuant to this paragraph 12, the

benefit of this Agreement to Company will have been lost and all further obligations of Company hereunder shall terminate.

13. All notices, certificates or other communications required or permitted to be given or served hereunder shall be deemed given or served in accordance with the provisions of this Agreement if the notice is (i) mailed in a sealed wrapper and is deposited in the United States mail, certified mail, return receipt requested, postage prepaid, or (ii) deposited with a national overnight courier service that retains receipts for its deliveries, properly addressed as follows:

City of Hickory:           City of Hickory  
                                  Attn: Mick Berry, City Manager  
                                  PO Box 398  
                                  Hickory, NC, 286001

Copy to:                    City of Hickory  
                                  Attn: Arnita Dula, City Attorney  
                                  PO Box 398  
                                  Hickory, NC, 28601

Company:                   Blue Bloodhound, LP  
                                  Attn: Todd Warner  
                                  130 Harbour Place Drive, Suite 310  
                                  Davidson, NC 28036

City or Company may, by notice given to the other, designate any further or different addresses to which notices, certificates, requests or other communications shall be sent.

14. This Agreement shall inure to the benefit of, and is binding upon, City and Company and their respective successors and assigns. However, neither this Agreement, nor any rights, privileges, nor claims created by this Agreement may be transferred by Company without the prior, written approval of City, which approval will not be unreasonably withheld.
15. Except as otherwise provided in this Agreement, this Agreement may not be amended, changed, modified or altered except by written agreement of the parties.
16. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions of this Agreement.
17. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully-executed counterpart.

18. Controlling Law and Venue. This Agreement is governed by and shall be construed in accordance with the laws of the State of North Carolina; venue of any action shall be in the general courts of justice in Catawba County, or if in Federal court in the Western District of North Carolina.
19. The term of this Agreement shall commence on the date of execution and expire upon payment by City of all payments due to Company and Company fulfilling all of its requirements including real and personal property investments and the creation and maintenance of jobs, unless earlier terminated as provided herein.
20. Both Company and City acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by Counsel for both Company and City. As such, the doctrine of construction against the drafter shall have no application to this Agreement.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year first above written.

**City of Hickory,**  
A North Carolina Municipal Corporation

**Attest:**  
**(SEAL)**

By: \_\_\_\_\_ **(Seal)**  
Rudy Wright, Mayor  
City of Hickory

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

**Blue Bloodhound, LP**

By: \_\_\_\_\_ **(Seal)**  
\_\_\_\_\_  
TITLE

**Blue Bloodhound Management, LLC**

By: \_\_\_\_\_ **(Seal)**  
\_\_\_\_\_  
TITLE

**STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA**

I, \_\_\_\_\_ a Notary Public of said county and state, certify that Debbie Miller personally came before me this day and acknowledged that she is City Clerk to the City of Hickory, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the body politic the foregoing instrument was signed in its name by its Mayor, sealed with its body politic seal, and attested by herself as City Clerk.

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

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

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

**STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA**

I, \_\_\_\_\_ a Notary Public of said County and State, do certify that \_\_\_\_\_, \_\_\_\_\_(Title), personally appeared before me this day and acknowledged on behalf of Blue Bloodhound, LP the voluntary due execution of the foregoing document, all for the purposes therein expressed.

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

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

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

**STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA**

I, \_\_\_\_\_ a Notary Public of said County and State, do certify that \_\_\_\_\_, \_\_\_\_\_(Title), personally appeared before me this day and acknowledged on behalf of Blue Bloodhound Management, LLC the voluntary due execution of the foregoing document, all for the purposes therein expressed.

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

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

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

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

\_\_\_\_\_  
Melissa Miller, Finance Officer  
Approved as to form on behalf of City of Hickory only:

\_\_\_\_\_  
Amrita Dula, City Attorney

**EXHIBIT A**

Joint Economic Development Agreement  
Among City of Hickory, Blue Bloodhound, LP and Blue Bloodhound Management, LLC

**CERTIFICATE**

**TO: City of Hickory**

This Certificate is delivered pursuant to paragraph 1.1 and paragraph 9 of the Joint Economic Development Agreement (the "Agreement"), dated \_\_\_\_\_, 2015, between City of Hickory ("City"), Blue Bloodhound, LP and Blue Bloodhound Management, LLC (collectively, "Company"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement.

I, \_\_\_\_\_, do hereby certify, for and on behalf of Company, that:

- (a) Company has leased and equipped or caused to be equipped, the real property necessary for the Facility and the Improvements; and
- (b) Company will create, maintain and make available a minimum of 191 new jobs prior to June 24, 2018 and the average of these jobs will meet or exceed 100% of the Average Weekly Wage established for Catawba County by the North Carolina Department of Commerce's Wage Standards for each year that City pays Company the economic development incentive provided for herein; and
- (c) Company agrees to comply with the Calendar of Responsibilities listed below.

**Calendar of Responsibilities:**

- By January 5: Company makes payment to County according to Tax Listing filed by January 31<sup>st</sup> of the previous year unless extension is requested and approved for April 15<sup>th</sup>. Any extension request must be filed by January 31<sup>st</sup>.
- By March 5: Company must provide Exhibit B and, supporting documents and proof of payment and/or compliance as required within Agreement.
- By April 15: Company must provide Real/Personal Property Tax listings to County Tax Office.

Dated at Catawba County, North Carolina, this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**BLUE BLOODHOUND, LP**

**BLUE BLOODHOUND MANAGEMENT, LLC**

\_\_\_\_\_  
BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

\_\_\_\_\_  
BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**EXHIBIT B**

Joint Economic Development Agreement  
Among City of Hickory, Blue Bloodhound, LP and Blue Bloodhound Management, LLC

**CERTIFICATE**

**TO: City of Hickory**

This Certificate is delivered pursuant to Section 7 and Section 9 of the Joint Economic Development Agreement ("the "Agreement") dated \_\_\_\_\_, 2015, between City of Hickory ("City") and Blue Bloodhound, LP ("Company"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement.

Company does hereby certify that:

- (a) The following improvements were made during the 20\_\_ Calendar Year: \_\_\_\_\_;
- (b) The following jobs were created during the 20\_\_ Calendar Year: \_\_\_\_\_ (please attach the most recent quarterly Form NCUI 101);
- (c) The following High Wage jobs (jobs with eligible salary/wage totals in excess of \$75,000 per year with documented residency within the City of Hickory were created within the 20\_\_ Calendar Year: \_\_\_\_\_ (please attach proof of residency);
- (d) The average wage of all of those employed at the \_\_\_\_\_ Hickory facility during the 20\_\_ Calendar Year is as follows: (Wage Forms Total Payroll divided by number of employees) \_\_\_\_\_;
- (e) Total cumulative personal property valuation installed at the \_\_\_\_\_ facility during the 20\_\_ Calendar Year \_\_\_\_\_; and
- (f) Proof of taxes paid is attached to this certificate.

Dated at Catawba County, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**BLUE BLOODHOUND, LP**

**BLUE BLOODHOUND MANAGEMENT, LLC**

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**Attachments (required):**

Current Year Catawba County personal and real property Tax Listing information as reported to Catawba County Tax Office, Most recent quarterly Form NCUI 101, Proof of taxes paid in full.

**Calendar of Responsibilities:**

- By January 5: Company makes payment to County according to Tax Listing filed by January 31<sup>st</sup> of the previous year unless extension is requested and approved for April 15<sup>th</sup>. Any extension request must be filed by January 31<sup>st</sup>.
- By March 5: Company must provide Exhibit A and Exhibit B, supporting documents and proof of payment and/or compliance as required within Agreement.
- By April 15: Company must provide Real/Personal Property Tax listings to County Tax Office.