

# **A G E N D A**

## **HICKORY CITY COUNCIL**

**September 1, 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

September 1, 2015  
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Karla Woggon, Rector, Episcopal Church of the Ascension
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Summer Library Reading Program
  - B. Special Recognition
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A. Regular Meeting of August 18, 2015 (**Exhibit VI.A.**)
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
  - A. Approval of the Fire Protection Service Agreement with the Town of Brookford for Fire Service Protection and Medical Related Services. (**First Reading Vote: Unanimous**)
  - B. Approval of a Contract for Maintenance between the Town of Hildebran and the City of Hickory for a Sanitary Sewer System. (**First Reading Vote: Unanimous**)
  - C. Approval of Change Order 1 with McGill Associates, PA in the Amount of \$40,650 for Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivisions Sanitary Sewer. (**First Reading Vote: Unanimous**)
  - D. Approval of Change Order 1 with Neill Grading & Constructing Company Inc. in the Amount of \$26,129.89 for the Eastwood Sanitary Sewer Project. (**First Reading Vote: Unanimous**)
  - E. Budget Ordinance Amendment Number 3. (**First Reading Vote: Unanimous**)
  - F. Capital Project Ordinance Number 1. (**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 a Resolution to Declare 6,225 Surplus Discarded Library Materials. **(Exhibit VIII.A.)**

*Staff requests approval of a Resolution to declare 6,225 surplus discarded library materials. These materials will be given to the Friends of the Library to sale at the Friends October 2015 Book Sale and/or at the "Corner Book Store" at Patrick Beaver Memorial Library. The donated and discarded books is the primary fundraising activity of the Friends of the Library and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library, and is an appropriate means of disposing of unneeded materials.*

*Public Notice advertised on August 22, 2015 in a newspaper having general circulation in the Hickory area.*

B. Call for Public Hearing for Consideration of Fiscal Year 2014/2015 Consolidated Annual Performance and Evaluation Report (CAPER). **(Authorize Public Hearing for September 15, 2015) (Exhibit VIII.B.)**

C. Approve the Transfer of a Cemetery Deed from Agnes Lee Ballenger, single; Donna Davis Ballenger, Davis B. Weaver, and Melissa B. Jordan, Co-Trustees of the Thomas C. Ballenger Revocable Trust Dated October 13, 2011; Donna Davis Ballenger, Davis B. Weaver, and Melissa B. Jordan, Co-Trustees of the Thomas C. Ballenger Family Trust; Lucinda G. Ballenger, and husband, Robert H. Brinkley, III; Melissa B. Jordan and husband Erik W. Jordan; and Davis B. Weaver, single to Donna Davis Ballenger, widow, (Oakwood Cemetery, Section 21, Plot K, Lot A1, Grave Space Numbers 1-5 and 8)(Prepared by Attorney Kimberly H. Whitley).

D. Special Events Activities Application for Brews and Bases, Megan Meade, Director of Community Relations and Events Hickory Crawdads, September 12, 2015 from 11:00 a.m. to 6:30 p.m. at 2500 Clement Boulevard. **(Exhibit VIII.D.)**

E. Budget Ordinance Amendment Number 21. **(Exhibit VIII.E.)**

1. *To budget \$900,000 of Transportation Fund-Fund Balance appropriated in the Airport FBO Other Professional Services line item for fiscal year 2014-2015. Funds will be used in the AGI Associates LLC and CRA Enterprises Inc. Airport settlement due to pending litigation at the end of the fiscal year.*

F. Grant Project Ordinance Number 1. **(Exhibit VIII.F.)**

1. *The U.S. Environmental Protection Agency approved the City of Hickory Brownfields Area-Wide Planning grant in the amount of \$200,000. Council accepted the grant on May 19, 2015. This GPO formally requests the initial budget to establish the project on the City of Hickory accounting system. The project period is 08/01/15 - 07/30/17. There is no required match for the federal grant. Grant funds will be used to create a comprehensive small area plan for the redevelopment and eventual cleanup of the project area. The grant will enable the City to plan for the re-use and eventual cleanup of a number of sites within the target area, including the former Joan Fabrics site.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

1. Consideration of Changes to Hickory City Code Ordinance Chapter 4 – Animal and Fowl. **(Exhibit XI.A.1.)**

*The City of Hickory approves organizations to use public property, Union Square and other venues, to host events for the public. Over the years citizens and staff have expressed concerns about animals being allowed at these events because of public safety concerns for the citizens and animals attending the event. The Legal Department, Police, Parks and Recreation, and Branding/Public Information Office have worked together to develop proposed changes to the Hickory City Code Chapter 4 (Animal and Fowl) restricting animals within the "footprint" of the approved special event on public property. These proposed changes are in the interest of protecting the public from potential aggressive animals that could cause harm to a humans or another animals. Staff recommends City Council consider changes to the Hickory City Code Chapter 4 (Animal and Fowl) that would restrict animals on public property during approved special events.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 21, 2015.*

B. Departmental Reports:

1. 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)

(10) Positions VACANT

Mayor Wright to nominate Cynthia Ferrell to 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

At-Large (Mayor Nominates) VACANT

Mayor Wright to nominate Beth Bowman to Public Art Commission, At-Large Representative.

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms (Appointed by Mayor)  
Tenant Representative (Mayor Nominates) VACANT

**RECYCLING ADVISORY BOARD**

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

**YOUTH COUNCIL**

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

Hickory Career Arts Magnet VACANT

**NORTH CAROLINA LEAGUE OF MUNICIPALITIES**

Voting Delegate/Alternate for Annual Business Meeting October 12, 2015 (1:00 – 2:00 p.m.) Benton Convention Center, Winston-Salem, NC

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

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

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

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

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, August 18, 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, Assistant to the City Manager Yaidee Fox and City Clerk Debbie D. Miller

- I. Mayor Wright called the meeting to order. All Council members were present.
- II. Invocation by Rev. Ron Jones, Executive Pastor, Christ Church
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Business Well Crafted Award Presentation to Hickory Daily Record

Dr. Dana Chambers a member of the Business Well Crafted Committee discussed the purpose of the Business Development Committee, which is to support the growth and continuation of existing as well as new businesses in our community. The City and the Business Development Committee (BDC) established the Business Well Crafted Award to recognize and thank businesses and employees who have made a huge contribution in the community. The BDC has been honoring businesses that have been in Hickory for over 75 years, but they are discussing some new programs to recognize existing and new businesses as well over the coming years. She recognized Hickory Daily Record. She gave a brief history of Hickory Daily Record. For over 100 years Hickory Daily Record has served as a reputable employer and news source. She recognized Mr. David Millholland, a representative of one of the families that owned the paper from 1939 to 1998. She also recognized the Editor, Mr. Jonathan LaFontaine and several longtime reporters in attendance. She presented the award to the Publisher of Hickory Daily Record, Mr. Tim Dearman.

Mr. Tim Dearman, Publisher of Hickory Daily Record, thanked Council for the honor. He commented that they are privileged to work in Hickory and serve this great community. He thanked the community for the support of the newspaper. He asked those in attendance from the newspaper to come to the podium for a photograph.

- B. Ryan Edwards – Update from University City Commission

Mr. Ryan Edwards, Chairman of the University City Commission discussed the accomplishments and the progress of the University City Commission (UCC). During the time of the Commissions existence they had discussed a number of different areas during their meetings. They have made progress on many of those ideas. He highlighted a few of the projects and advised that they are always pursuing the most efficient use of their budget and dovetailing on existing opportunities and new opportunities. Some of their struggles have centered on the proper way to promote events to get student participation at events, or potential events. They have had a lot of successes. Over the last year and half they have participated in the transfer and freshman move-in day on campus at Lenoir-Rhyne. They provide all new students, freshman or transfers with a "Welcome to Hickory" t-shirt, with the City of Hickory logo on it. The theme being that they are happy to have them as part of our family. They provide a welcome at the main gathering for all the parents of those new students in the auditorium. They have implemented a Lenoir-Rhyne University (LRU) discount program with local retailers and owners of restaurants in the area. That is consistently growing and being promoted through the campus to create goodwill with the students and the business owners in Hickory. Last year in April they held a concert with Lenoir-Rhyne on campus which was open to the public to promote interaction with the community and the students. They are exploring other options for the coming year, but plans have not been finalized. He advised that internships had been another category which they have tried to promote to create a better environment and to retain some of the young talent to our area. They have explored ways to promote a good, high quality internship program while they are on campus. They are continuously working with LRU to create a centralized efficient stream of ways to promote to the business community through the Chamber of Commerce and their members. A way to effectively communicate with LRU and their students for internship opportunities. They have also explored transportation options and opportunities to make students travels easier for those who may not have a car or a mode of transportation around the city. They have also assisted and will be assisting in the promotion of LRU's 125<sup>th</sup> Anniversary. They are also in support of entertainment opportunities that are scheduled at the mill district, which borders the LRU campus. They will be using a multi-use, multi-touch video, which was created in conjunction with LRU. They will be using the video for the first time Friday at the transfer and freshman move-in day. The video is a collaboration between the City and LRU to

promote the City of Hickory and LRU together, not individually. It is expected to be used at other student recruitment activities that LRU has. The video was coordinated and produced by Mrs. Dana Kaminski and Ms. Melissa Loveless. He asked Mrs. Dana Kaminski to the podium to provide more information about the video.

Mrs. Dana Kaminski advised that intern Melissa Loveless helped put the video together. They were asked to create a video to represent what LRU campus has to offer as well as what the City of Hickory has to offer. She advised that they tried to incorporate all they could into the video to show snippets of things that are offered in Hickory like Lake Hickory or a Crawdads baseball game. She presented the video to Council.

Mayor Wright thanked Mrs. Kaminski and intern Ms. Loveless. He commented that Ms. Loveless' parents were in attendance to see her work. He thanked Mr. Ryan Edwards for his work on the Commission.

C. Acceptance of the 2015 Updated Claremont Neighborhood Plan.

Claremont Neighborhood Association has worked with City Staff to update its neighborhood plan. The current Claremont Neighborhood Plan was accepted by Hickory City Council on August 5, 2008. The updated neighborhood plan contains strategies and recommendations put forth by the neighborhood, with emphasis placed upon the preservation of the character of the neighborhood. On May 21, 2015 Claremont Neighborhood Association voted to recommend City Council's acceptance of this updated neighborhood plan.

Mr. Cal Overby presented a PowerPoint presentation to City Council. He advised that Claremont Neighborhoods President, Ms. Jennifer Helton, was unable to attend the meeting. He commented that it had been a pleasure working with this group for the last 13 months to update their plan. It was a good experience meeting with the citizens in the neighborhood and hearing about the goals and objectives that the neighborhood would like to achieve over the next planning horizon, which is typically seven years on these plans. He showed the Claremont Neighborhood on a map pointing out Main Avenue on the southern boundary, to the north 8<sup>th</sup> Avenue, 7<sup>th</sup> and 8<sup>th</sup> Avenue which encompasses the majority of Lenoir-Rhyne's campus, 1<sup>st</sup> Street and Center Street to the west. He advised that the Initial plan was adopted approximately seven years ago in August of 2008. He discussed some of the initial accomplishments: changes with regards to land use patterns and recommendations in the long range comprehensive plan, which is known as Hickory by Choice. There was also the adoption of some zoning overlays which added some additional protection to the neighborhood. Collaboration with the United States Postal Service to continue door to door delivery of mail. Pedestrian improvements throughout the neighborhood. He advised that pedestrian improvements and safety is carried on throughout the plan. He discussed the eight sections of the plan. Land use and zoning was the most important portion of the plan. The overarching goal of the neighborhood is to preserve the neighborhood character of the area. They understand that there is non-residential users in the neighborhood, Frye Regional, the SALT Block, the University and several businesses through the area. They understand their needs and their concerns. It all goes back to preserving those particular residential areas. There is a lot of historic districts in the area. To achieve that the neighborhood came up with some policy strategies for Council, Staff, and the Planning Commission to consider when considering land use patterns throughout the area. The strategies are to promote the use of conditional zoning which allows more certainty as to what will happen to a piece of property. This gives a good degree of how a property is going to develop. The promotion of neighborhood meetings and developments. That interaction between the neighborhood and a perspective developer really can aid the onset of a development project to alleviate a lot of concerns or answer questions as they may arise throughout the process. Encourage appropriate design standards throughout the neighborhood and pedestrian friendly environment. There is a lot of walking that occurs in the neighborhood. He discussed thoroughfare improvements. He advised that one of the items was a carryover from the previous plan. The construction of a landscape median in the highway of 127. There was also the recommendation that when street lighting is replaced in the historic districts that superior type lighting is used to fit in with the character of the neighborhood versus the standard lighting that is seen on any street in the USA. He discussed traffic safety, pedestrian safety and ways to improve pedestrian safety. They also identified continued enforcement of speeding through the neighborhood. The addition of sidewalks in strategic areas throughout the neighborhood so that linkages that are currently absent can be connected to make it more inviting to pedestrians. Improvement of street lighting in the area for citizens that may be walking before daylight or after dark. The goal is to feel safer in the area and to be seen by motorist. He discussed community safety, and advised of some of the items that were discussed which included speeding and noise in the neighborhood. It might be a loud stereo and or a loud car. They also would like to develop some type of communication tools with the police department. They would like to know if there is something going on in the neighborhood like a rash of vandalism or break-ins. Neighborhood meetings serve as a good way to communicate that but is there another means that could be implemented using technology like an email to get something out

throughout the neighborhood. They would like to monitor the parks better for vagrancy. McComb Park, and Sally M. Fox Park are located within the neighborhood and are identified areas to monitor. He discussed the Historic District and the recommendation was to study the district and possible expansion of the district. Some of this is taking place currently with Staff. He commented they wanted also to encourage the door to door mail delivery. He discussed Parks and Recreation which was to provide dog stations and additional trash cans through the park. They also want to work with the Public Art Commission whenever art pieces are placed. He advised that at Sally M. Fox Park there are quite a few art pieces that have been placed in the park. They also wanted to replace the ID tags in Ivey Arboretum. The City is getting ready to go through that process now to update the species and how to identify them. He advised they want to continue with Code Enforcement on minimum housing. It is an ongoing item which is done through the Hickory Police Department. They also want to review commercial property maintenance in the commercial area, Main Avenue and any other areas that may have those commercial businesses. He advised of recommendation that didn't fit into a specific category: provide better trash cans at the bus stops, one was identified on Main Avenue. Also identified areas that would have some type of vegetation planted of wide areas on right of way medians. He stated that was just a few of the highlights of the plan. There is a lot more in the plan.

Mayor Wright asked the citizens in attendance from Claremont Neighborhood to raise their hands.

#### V. Persons Requesting to Be Heard

##### A. Billy Sudderth – City Owned Vacant Lot Located at 121 7<sup>th</sup> Avenue SW.

Mr. Billy Sudderth, 821 1<sup>st</sup> Street SW, addressed City Council regarding a multi-purpose center at Ridgeview at the old Warlick property across from the Ridgeview Library at 7<sup>th</sup> Avenue and 1<sup>st</sup> Street SW. He thanked Council for the opportunity to address them. He advised that the Ridgeview Community and the people that live there are not your advisory. They encourage and support the economic growth and improvement of the City that they share with love. He discussed the land located across from the Library at 7<sup>th</sup> Avenue that was donated to the City of Hickory for some public purpose. The Ridgeview Community could benefit from this as well as the entire City as a whole. He stated that the Warlick's made a charitable gift with the understanding that Ridgeview, and the leadership of the Ridgeview Community would have some viable input to the manner in which the land would be utilized. The Strive organization has set forth an action plan that would prolong and enhance the legacy of his vanishing community. He requested Council's support of this project, which would be one of kind in our City and the County. The project would house numerous programs and provide training opportunities, with all aspects of social, economic, educational, leadership, health, finance, housing, culinary, citizenship, mental and spiritual development. They would have programs to reduce criminal activity and help individuals that are seeking job opportunities to find them. Their strategy and plan is to motivate individuals in the City and County to use a program that they provide for a wholesome work oriented environment by partnering with governmental and non-governmental entities to expand on the idea of an All-American City that has been voted for. He stated that Council's support for their endeavor would uplift the leadership of their community and strengthen the goals of the City. They have a strong desire to make Hickory a beacon of hope and opportunity for all of its citizens. They hope to meet with City officials as soon as possible to further discuss this project. He thanked Council for the opportunity to speak and advised he would answer any questions. He stated there were a lot of programs going with this project.

##### B. Deb McNeur – Problems with Wildlife in the Neighborhood

Ms. Deb McNeur, 1232 7<sup>th</sup> Avenue SW, thanked the Hickory Police Department and Animal Control for their assistance in saving a dog that had been left in an automobile on a hot day in a parking lot in the City. She advised that Animal Control does what they can do to help them in the neighborhood. She commented that they are stuck between a jurisdictional problem between Animal Control and what they are allowed to do in the City, and North Carolina law. She read a handout that she had distributed to City Council which highlighted the problems that West Hickory Neighborhood are dealing with in regards to wildlife. She advised of a rabid animal that was captured in the area. She discussed other wildlife problems that they are also experiencing in the neighborhood with raccoons, foxes, and groundhogs. She discussed a kudzu problem at 5<sup>th</sup> Ave SW and 12<sup>th</sup> Street which is a wildlife 'heaven'. She continued the discussion with a disease called the raccoon roundworm. There is no treatment for this disease. It is called a zoonotic parasite, and can go from animal to human. She discussed 12 cases that were confirmed nationwide last year and advised that only two of them had survived. One of the two survivors is severely mentally incapacitated and the other one is totally blind. She discussed a study conducted by North Carolina State University and advised that the raccoon roundworm was growing at an increased pace in the Appalachian Mountains and some metropolitan areas. In 2012, 45 percent of the raccoons in North Carolina had this roundworm. They

are estimating that could now be upwards to 71 percent of the raccoons. She advised that the raccoon doesn't die from the worm but others do. Studies have shown that while not prevalent dogs can be also affected, but that prevalence rate is very low. There is a greater mortality rate for the parasite being found in groundhogs, and also can be found in cottontail rabbits, and squirrels. She commented that Animal Control isn't allowed to trap the animals. Public works can dispose of them if they are deceased. They were told by Wildlife that they were not allowed to trap the animals. They would need to hire a professional person and they are not allowed to relocate the animals. They can put bait out to give the raccoons some type of worm treatment but that doesn't help the other species. They are caught between a rock and a hard place and their health is at risk. She requested Council's help in trying to solve the problem. She advised Council of the handouts that she had distributed to them which included two slides of a presentation that talks about the cycle of the roundworm and how it is transmitted to humans. She thanked Council for their time.

Mayor Wright asked if the Wildlife Commission has the control over trapping and relocating the animals.

Alderman Lail moved to have a discussion on Mr. Sudderth's and Ms. McNeur's comments. He advised Council could discuss the items now or at the end of the regular business. Mayor Wright seconded the motion.

Alderman Guess asked if there were any other speakers.

Mayor Wright advised that there was another speaker which was Mr. Larry Pope who would be speaking about the Hickory Public Housing Authority.

- C. Larry Pope addressed City Council regarding his concerns with the Hickory Public Housing Authority. He asked Council who Unifour Capital Ventures and Hickory Public Housing Authority was. He asked how Unifour Capital Ventures came up with a checking account in the amount of \$150,000 when they came to Council, a few months ago needing \$20,000 of taxpayer's monies to apply for a planning grant from HUD to do new public housing in the City of Hickory. He asked if Council was aware that in 2012 HUD gave a Deed of Trust to units of public housing to various public housing agencies across the United States for those who had applied for RAD funds. He asked was Council in control of that Deed of Trust? Does Council have knowledge of what is being done with those units? Are you aware that Hickory Public Housing Authority has plans on selling Ridgecrest Apartment complex which is close to DSS, and Catawba Valley Medical Center? Are you aware of everything that this group is doing? He asked if Council knew that Hickory Public Housing Authority has stated that the City of Hickory no longer appoints their board members. Their board members appoint board members to the board of Unifour Capital Ventures. He asked where this group is trying to go. What is this group trying to accomplish? How much knowledge does Council have about what they are doing? Council is aware that in 2011 Mayor Wright and one of the Board members meet with Alanda Jackson after HUD came in and found misappropriation of over two hundred and some odd thousand dollars. He asked if Council was aware that in 2013 HUD came back in and did another investigation, another audit and found another two hundred and some thousand dollars misappropriated. He asked if Council was aware that Hickory Public Housing currently owes over a half million dollars to HUD. How long do they have to repay that money? How long will City Council continue to appoint the same board members to Hickory Public Housing Authority that is now going under the name of Unifour Capital Ventures? What is their intentions? Can Council answer that question? What do they plan on doing? Do you know? He heard Councilwoman Patton say at the last meeting that she needed more information about Hickory Public Housing Authority and Unifour Capital Ventures before any decisions could be made about that group. He asked Council if they were doing their investigation. He asked if they were aware of everything going on with a group that Council is supposed to have control over. Are they doing what they want to do regardless of what the Resolution said they should be doing that was established in the early 60's that established Hickory Public Housing Authority? Or have they gotten to the point that they know that it doesn't matter to Council what they can do. He asked once more do you truly know what they are doing.

Mayor Wright was compelled to respond to a couple of those things. He had not heard of any misappropriation of funds at the Hickory Housing Authority. What he heard was \$530,000, give or take \$5,000, had been spent in a manner that HUD felt was inappropriate and required that the Hickory Housing Authority pay that back over 25 years to HUD. He commented that it did not make any sense to him because if that money is here for the benefit of the neediest of us in Hickory, why should it be sent to HUD, where who knows where it goes, some kind of budget pocket there. The \$530,000 consisted of two things. It was approximately \$10,000 that was paid to Mrs. Jackson's estranged husband, according to the HUD report, for work performed, and Mrs. Jackson acknowledged that was improper and that she had made a mistake and HUD did not penalize her, or her board in any way. They did ask that the neediest of the people in Hickory have their money taken away from them and sent to Washington. The other

\$520,000 was for work performed by Mr. Pope's brother while Mr. Pope was on that board, which was taboo.

Mr. Pope interrupted Mayor Wright.

Mayor Wright advised Mr. Pope that he was through.

Mr. Pope commented that Mayor Wright's comments were not correct. He commented Dean Amos, the Attorney, he advised that he had recused himself from the voting or the discussion when that maintenance contract was awarded.

Mayor Wright instructed Mr. Pope to take his seat, he was not finished with his comments.

Mr. Pope commented that Alanda Jackson and Dean Amos should have known that they should have contacted HUD in Greensboro to get permission to award that contract before it was awarded. He told the Federal government when he found out about the complaint about the misappropriations of funds what had happened. He held the Executive Director and the Attorney for them responsible for not doing what they should have done when they were supposed to be the knowledgeable folk. But, I know...

Mayor Wright advised Mr. Pope that he was out of order.

Mr. Pope: "I don't care what you say Mayor I will finish what I have to say."

Mayor Wright stated you are out of order.

Mr. Pope: "I will finish what I have to say."

Mayor Wright stated you get 30 seconds.

Mr. Pope: "You came down to Hickory Public Housing Authority and met with Ms. Jackson after the 2011 investigation and told her not to worry that you would make sure that everything was okay."

Mayor Wright advised Mr. Pope that he was out of order.

Mr. Pope: "That is why I continue to say to you. You want to make everybody responsible for the things that you as Mayor and this City Council is supposed to be responsible for."

Mayor Wright commented to Mr. Pope that he gets up here and makes reckless, liable misstatements, and you think you can do so with immunity.

Mr. Pope: "You know what? You know what? I say what I know to be true."

Mayor Wright commented you say what you want to say.

Mr. Pope: "You might say and make something out of something that you didn't do."

Mayor Wright advised Mr. Pope that he was out of order. He asked Mr. Berry for advice on what to do.

Mr. Pope: "You did it Mayor, you did it and you continue to do it."

Mayor Wright asked Mr. Pope to leave the building unless he could go back to his seat.

Mr. Pope: "This is my building, I paid for it with my tax dollars."

City Attorney John Crone tried to interject.

Mr. Pope: "You work for me, I don't work for you. I am your boss."

Mr. Crone commented Mr. Pope.

Mr. Pope: "okay, so..."

Mayor Wright commented you are out of order.

Mr. Pope: "...I will not leave this building I have a right to be here, this is a public building, a public meeting, and I have a right to be here. If you don't like what I have to say then I will recommend to you as I did once before you don't make a comment after I leave the podium. You keep your personal opinions to yourself."

Mr. Crone commented Mr. Pope...

Alderman Lail moved for a five minute recess. Alderwoman Patton seconded that motion.

Mr. Crone requested Council to wait a moment. He addressed Mr. Pope.

Mr. Pope: "Yes sir."

Mr. Crone commented Mr. Pope you always get an opportunity to say what you want to...

Mr. Pope: "That's right."

Mr. Crone: "When you want to".

Mr. Pope: "This is a public meeting."

Mr. Crone: "and, and"

Mr. Pope: "And I say what I have to say."

Mr. Crone continued and you normally abide by the rules that everybody else does, and you have always been upstanding in appreciating the rules. Right now you are violating the rules and the Mayor has declared you to be out of order.

Mr. Pope: "Well, you know the Mayor tries to control what I say, by calling me out of order. I have a right to speak myself."

Mr. Crone advised Mr. Pope that he had a right to speak within the rules.

Mr. Pope: "If the Mayor wants to pick a fight with me, then I am man enough to say what is on my mind."

Mr. Crone commented that nobody is here to pick a fight with you sir.

Mr. Pope: "Okay. The Mayor always tries to, every time I leave this podium after speaking he's got something to say."

Mr. Crone commented to Mr. Pope that he was well aware that Section 2.56 of the Code says "any person allowed to speak who shall depart from the subject matter under discussion or who shall make personal, impertinent, or slanderous remarks, or should become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of Council and barred from speaking further before Council unless permission to continue shall be granted by a majority vote of Council under such restrictions as the Council may provide". That is our rule. The Mayor has declared you out of order, and according to our Ordinance you are now barred from speaking until further permission is allowed by Council.

Mr. Pope: "Well Mr. Lail what I know is that it does not matter what the Mayor says you will always support him like a rubber stamp and I am finished. I may not say anything else because you know my position. What I recommend to the Mayor, and to you and other Council members. That you say whatever you have to say while I am at the podium..."

Mr. Crone advised Mr. Pope that he was addressing him. He advised Mr. Pope that he had a great deal of respect for him.

Mr. Pope commented that he appreciated Attorney Crone.

Mr. Crone advised Mr. Pope that he had just explained the rules to him and that the Mayor has done his best to give him an opportunity to speak.

Mr. Pope commented that he wanted to see it in writing.

Alderman Meisner questioned if there was a meeting scheduled with the Housing Authority.

City Manager Mick Berry commented not with the Housing Authority per se.

Alderman Meisner commented with some of the City's members and some of their members. He suggested taking the minutes from these comments and bring them up at that meeting.

Mr. Berry commented that would be fine.

Mayor Wright asked if he meant bringing up Mr. Pope's comments.

Alderman Meisner replied yes.

Mayor Wright commented that he didn't want people to leave the meeting with a miss impression about the allegation that he met with anybody and said don't worry we will take care of whatever happens. He stated that he did not predict the future, and has enough time with the past. He was not going to predict the future and say everything will be taken care of. But Mr. Pope makes, and I know this is direct, but his comments were pretty direct and we let him say what he wanted to say. Mr. Pope makes these liables, outrageous statements. He will not let me finish. Mayor Wright advised that he was going to say that the reason that he did not go overboard with excitement, and the rest of Council and City Staff did not, over the \$520,000 to Mr. Pope's brother. The reason they didn't was they didn't have any reason to think that anything intentionally had been done wrong. They were told that Mr. Pope had always recused himself from voting. They did not decide to get themselves involved in that and get somebody kicked out of there. If he had a chance to finish his comments that is what he would have said. But there was never anything about \$200,000 plus misappropriated. That is not true. There was nothing about \$200,000 more misappropriated, that's not true. It was \$530,000. He didn't think that the \$10,000 was misappropriated, but it was ill spent. The \$520,000 he didn't think that it was ill spent. He was told that Mr. Pope's brother requested more money because he couldn't do the job for the amount that they were paying him and the Housing Authority told him that they were not going to pay him anymore. That is the reason that the whole City didn't hear Council screaming from the roof tops that money was stolen from the Housing Authority. The reason that they have to respond is if they leave comments like that laying out there it makes it look like to the person that is not informed that there is something that we are scared to address. Or that there is truth to it. He commented that he could address it, and he could get mad too, but he is not going to throw out reckless comments, and he is going to try and deal with it in the most professional manner that he can, given that he is Mayor. Mayor Wright acknowledged Alderman Lail had moved, seconded by Alderwoman Patton. He asked for further discussion, there was none. The motion carried unanimously.

Mr. Pope asked what the motion was.

Mayor Wright paraphrased and advised that Council would take up every comment that Mr. Pope made, as well as other issues that might come before Council.

Alderman Lail advised that he moved at the conclusion of Council's regular business under "Matters Not on the Agenda" be considered matters that were related to speakers that requested to be heard.

Mayor Wright commented that it is sort of hard to make the right decisions on things, but most of the people present would say based on what they heard about the Housing Authority that Council should not have made a trip to Greensboro demanding that they all be thrown out. That is the call that Council had to make. He is still not happy with HUD. Why in the world they want that money to go that way he did not know. He hasn't quit on that \$520,000.

## VI. Approval of Minutes

### A. Regular Meeting of August 4, 2015

Alderman Meisner moved, seconded by Alderman Zagaroli that the Minutes of August 4, 2015 be approved. The motion carried unanimously.

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

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

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

A. Approval of Annual Maintenance Agreement with Grayson Fitness Repair and Maintenance, Inc. (First Reading Vote: Unanimous)

B. Acceptance of a Sanitary Sewer Line Easement for the Property of Josephine B. Hambrick, Wells Fargo NA, Margaret H. Glaze and Wilson E. Glaze II, described as PIN 3723-15-63-5314. (First Reading Vote: Unanimous)

C. Acceptance of a Sanitary Sewer Line Easement for the Property of Linda Bumgarner Sigmon described as PIN 3723-16-83-0899. (First Reading Vote: Unanimous)

August 18, 2015

- D. Acceptance of a Sanitary Sewer Line Easement for the Property of Russell D. Dellinger and wife, Stacy J. Dellinger described as PIN 3723-15-64-7165. (First Reading Vote: Unanimous)
  - E. Acceptance of a Sanitary Sewer Line Easement for the Property of Chris Albert Bumgarner and wife, Lisa H. Bumgarner described as PIN 3723-11-75-1017. (First Reading Vote: Unanimous)
  - F. Acceptance of Bid and Award of Construction Contract with Hickory Sand Company, Inc. in the Amount of \$154,500 for the Construction of the NC Highway 64-90 Waterline Project. (First Reading Vote: Unanimous)
  - G. Approval of Renewal Agreement between the Western Piedmont Council of Governments (WPCOG) and the City of Hickory to Support the Western Piedmont Stormwater Partnership for Phase II Public Education. (First Reading Vote: Unanimous)
  - H. Approval of a Contract to Kercher Engineering, Inc. in the amount of \$57,375 for Pavement Management Study to Prioritize the Condition of Streets in the City of Hickory to better optimize the Resurfacing Schedule and Maintenance Operations. (First Reading Vote: Unanimous)
  - I. Approval of Awarding the Resurfacing Contract Utilizing Federal Funds to Maymead, Inc. for Asphalt Resurfacing. (First Reading Vote: Unanimous)
  - J. Approval of Awarding a Contract to J.T. Russell & Sons, Inc. for Asphalt Resurfacing for FY 15/16. (First Reading Vote: Unanimous)
  - K. Grant Project Ordinance Amendment Number 1. (First Reading Vote: Unanimous)
  - L. Budget Ordinance Amendment Number 2. (First Reading Vote: Unanimous)
  - M. Consideration of Designating the Whisnant Hosiery Mills Complex as a Local Historic Landmark. (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 the Revision to the Assistance and Procurement Policies.

In January 2015, the City of Hickory Community Development Division applied for funding through the North Carolina Housing Finance Agency's Urgent Repair Program. The City of Hickory has been awarded \$50,000 through this program in order to assist approximately 12 very low income homeowners with urgently needed repairs in an amount not to exceed \$8,000 per housing unit. The City of Hickory will provide an additional \$5,000 in matching funds, which are available from Rental Rehabilitation program income. The total program budget will be \$55,000. NC Housing Finance Agency requires the City of Hickory to prepare Assistance and Procurement Policies. These policies must be made available to the public and explain the guidelines of the URP15 program. City Council approved the original Assistance Policy on May 5, 2015. A revision was made in the policy changing the income limits. Staff recommends approval of the revision to the Assistance Policy.

- B. Approved on First Reading the Fire Protection Service Agreement with the Town of Brookford for Fire Service Protection and Medical Related Services.

Hickory Fire Department requests approval of the Fire Protection Service Agreement with the Town of Brookford. The agreement is to provide fire service protection and medical related services to the Town of Brookford from September 1, 2015 through December 31, 2020. Brookford does not have an established fire department and has requested the City of Hickory to provide fire protection to its citizens. The Town of Brookford shall pay the City of Hickory for services outlined within the agreement. Payments are to be made quarterly as outlined in Section 2 of the agreement. The City has provided this service to the Town of Brookford since 2010. Staff recommends approval of the Fire Protection Service Agreement with the Town of Brookford beginning September 1, 2015 through December 31, 2020.

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

The following requests were considered by the Citizens' Advisory Committee at their regular meeting on August 6, 2015:

- John & Deborah Hollar, 820 9<sup>th</sup> Avenue Place NE, Hickory, were awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$10,000 for repairs to their house. Assistance would be in the form of a 0 percent interest deferred loan.
- Linda Pope, 1404 3<sup>rd</sup> Street SW, Hickory, was awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$10,000 for repairs to their house. Assistance would be in the form of a 0 percent interest deferred loan.

Funds are budgeted for these items through the City of Hickory's former Rental Rehabilitation program income and/or program income received through the City of Hickory's Community Development Block Grant Program.

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

- D. Approved on First Reading a Contract for Maintenance between the Town of Hildebran and the City of Hickory for a Sanitary Sewer System.

The Town of Hildebran and City of Hickory first entered into an agreement for Hickory to maintain the collection system owned by the Town of Hildebran in 2004. The contract for maintenance agreed to in 2004, by both parties, expired on June 30, 2015. The Town of Hildebran requested that the City of Hickory provide a contract renewal to continue the provisions of this service for the Town. The contract will continue services at the current level in all aspects of the operations including collection system permit compliance, maintenance and operations of lift stations, and operator in responsible charge duties and licensing. The base fee for this agreement is proposed to be \$75,360 per year for the first year for operations of the collection system, with subsequent year rate increases by the percentage approved by Hickory City Council for all customers of the Hickory utility system. This contract will not require the City of Hickory to hire additional staff to perform and continues an existing partnership at the current levels with the Town of Hildebran. The contract will expire June 30, 2035. Staff recommends Council's approval of this contract with the Town of Hildebran for maintenance of the sanitary sewer system.

- E. Approved on First Reading Change Order 1 with McGill Associates, PA in the Amount of \$40,650 for Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivisions Sanitary Sewer.

Staff requests Council's approval of change order 1 with McGill Associates, PA for Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivision sanitary sewer project. The existing subdivisions are approximately 30 to 40 years old and are principally built out. This project will have a potential to serve approximately 226 homes and eliminate the potential public health hazard of septic tank system failures impacting surface waters. This project was envisioned to be designed, bid, and constructed as one project, however due to easement negotiations, regulation changes, and the need to renew some permits which had expired, this could not be achieved. These issues have resulted in additional work on the part of McGill Associates. This change order is intended to address all issues that have arisen on behalf of the engineer for each of the three subdivisions. City Council accepted the grant offer in July 2012 in the amount of \$2,946,042.99 for completion of this project. Funds for this change order have been approved by the NC Division of Water Infrastructure for inclusion in the grant money reimbursement request. Staff requests Council's approval of change order 1 in the amount of \$40,650 with McGill Associates, PA. Revised contract total to date will be \$169,950.

- F. Approved on First Reading Change Order 1 with Neill Grading & Constructing Company Inc. in the Amount of \$26,129.89 for the Eastwood Sanitary Sewer Project.

The Eastwood Subdivision sanitary sewer project is the first of three subdivisions that the City of Hickory received grant money from the NC Division of Water Infrastructure-State Revolving Grant Fund to install sanitary sewer in. This project consisted of approximately 8,700 linear feet of 8 inch sanitary sewer lines with appurtenances serving 110 single family residential homes. Change order 1 consists of two items related to additional line being extended to serve the balance of the subdivision and the replacement of a storm drain junction box that was previously unforeseen. The contractor is requesting an extension of the contract time to account for 20 days of additional work with this change order. The revised contract total to date will be \$710,778.71. Necessary funds for this change order have been approved by the NC Division of Water Infrastructure for inclusion

in the grant money reimbursement request. Staff recommends Council’s approval of change order 1 with Neill Grading & Construction Company, Inc. in the amount of \$26,129.89.

- G. Called for a Public Hearing for Consideration of Changes to Hickory City Code Ordinance Chapter 4 – Animal and Fowl. (Authorize Public Hearing for September 1, 2015)
- H. Approved a Cemetery Deed from City of Hickory to Eric Coutrier, (Southside Cemetery, Plot 4D, Lot Number 11 and 12, Section 4) (Prepared by Deputy City Attorney Arnita Dula).
- I. Approved a Cemetery Deed from City of Hickory to Judy Ikard, (Southside Cemetery, Plot 4D, Lot Number 7 and 8, Section 4) (Prepared by Deputy City Attorney Arnita Dula).
- J. Approved on First Reading Budget Ordinance Amendment Number 3.

ORDINANCE NO. 15-38  
BUDGET ORDINANCE AMENDMENT NO. 3

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

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

FUNCTIONAL AREA	INCREASE	DECREASE
Culture and Recreation	2,450	-
Other Financing Uses	35,000	-
TOTAL	37,450	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	37,450	-
TOTAL	37,450	-

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.

- K. Approved on First Reading Capital Project Ordinance Number 1.

ORDINANCE NO. 15-39  
CAPITAL PROJECT ORDINANCE NO. 1

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 capital project ordinance is hereby adopted for the duration of this project.

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

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Project	35,000	-
TOTAL	35,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	35,000	-
TOTAL	35,000	-

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

- L. Approved the Special Events Activities Application for Patriot’s Day Remembrance Ceremony, Mandy Pitts, Communications Director/Brand Manager, September 11, 2015, Sails on the Square Stage, 10:30 a.m. to 1:30 p.m.
- IX. Items Removed from Consent Agenda – None
- X. Informational Item
  - A. Mayor Wright’s travel to Raleigh, North Carolina, August 12, 2015 to the Historic Tax Credit Legislative Rally, (Meals: \$20.50, Parking: \$4.00 and Mileage Reimbursement: \$199.18).

City Manager Mick Berry reiterated Mayor Wright's travel to Raleigh on August 12, 2015 to the Historic Tax Credit Legislative Rally.  
 Mayor Wright advised he would speak briefly about his travel at the end of the meeting.

XI. New Business:

A. Public Hearings

B. Departmental Reports:

1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 At-Large Bert Showfety declined appointment 7-20-2015

Alderman Meisner nominated Cliff Moone to the Citizens Advisory Committee, At-Large Representative.

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)	Oscar Vasquez (Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

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

"As a Certified Local Government, the City of Hickory is expected to fill all vacancies on the Commission within 60 days of their occurrence. Potential members should have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. The vacancy is open to anyone living in the City of Hickory that meets the requirements. In order to maintain the City's status as a Certified Local Government, it is imperative that these vacancies be filled as soon as possible".

Mayor Wright nominated Jeff Mitchell to the Historic Preservation Commission, At-Large (3) Representative.

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)  
 (10) 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

Mayor Wright to nominate Beth Bowman to Public Art Commission, At-Large Representative.

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms (Appointed by Mayor)  
 Tenant Representative (Mayor Nominates) VACANT

RECYCLING ADVISORY BOARD

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

YOUTH COUNCIL

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

Hickory Career Arts Magnet      VACANT

Mayor Wright moved seconded by Alderwoman Patton approval of the above nominations. The motion carried unanimously.

Mayor Wright announced that he made the motion, seconded by Alderwoman Patton and the motion carried unanimously.

C.      Presentation of Petitions and Requests

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

City Attorney John Crone requested Alderman Lail move and have a second to discuss "Matters Not on the Agenda".

Alderman Lail moved that Council discuss the comments that the speakers had addressed to Council at the beginning of the meeting, seconded by Alderwoman Patton. The motion carried unanimously.

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

Alderman Lail addressed Mr. Sudderth's proposal. He had received a letter prior to the meeting and advised that until he had read the letter that he did not understand that there was some movement underway to develop some of these programs, the training center, mentorship, etc. He commented that is to be encouraged and supported anyway that Council could with regards to the City. He didn't know if the City was in a position currently to appropriate four million dollars as part of the bond funds. Council needs to stand in support of the programs going forward at Ridgeview to the extent that at some point in the future that it would make sense for the City to participate with the property, infrastructure and some of the building, with other partners such as the County, or other partners as well. He would like to "keep that door open".

Alderman Guess agreed with Alderman Lail and suggested that Mr. Sudderth, and his group, have conversations with the Bond Commission. He stated that they meet on a regular basis and those meetings are also open to the public. He was not sure if they had heard his concerns and request. He felt that it was a first step and a place where he should make his request. He agreed that anyway the City could support and enhance any of these programs that were discussed would be to the City's benefit.

Alderman Meisner questioned if Council's hands were tied on the use of the bond money.

Alderwoman Patton was under the impression that the City could not do anything with the money that was not presented in the bond.

Mr. Berry advised that he did not have the exact ballot language in front of him, but generally it was related to transportation and economic development. There actually was a listing underneath those of what would be considered in those categories. That would be the perimeters that Council would have to consider.

Alderwoman Patton advised that was not what was presented to the voters, a multi-purpose complex.

Alderman Guess commented that was not included.

Alderwoman Patton replied correct.

Alderman Guess commented that he would also be interested in knowing if there was any grassroots efforts from anywhere else to raise funds for these things that are outlined.

Mr. Berry wasn't aware of grassroots efforts to raise funds. He shared with Council previously that there is an effort currently that the City is participating in with Catawba County and other non-profit organizations to look at the provision of services for those who need employment, housing, education, and dealing with issues related to poverty. The analysis process is in its first phase. The initial phase was to bring in the stakeholders, and that meeting took place last week. Facilitated discussion about who does what, and setting some broad perimeters and goals as to how they can work better together. There is an interest by all of these parties to figure out how to create a "one stop shopping opportunity". One item that was identified was that people are scattered all over the County, and how difficult it is for people who need those services to actually access those services. Transportation is a huge issue, and how you get to all of the various places that you need to go to be served to improve your situation. He anticipates that one of the recommendations that will come out of that will be looking at how to get everybody under one roof. Or at least a representation of everybody under one roof. He commented that when he read Mr. Sudderth's letter in some ways that is what is proposed in the letter. A single location where you could avail yourself of a lot of services. That process will be ongoing for the next couple of months to evaluate how you do that.

August 18, 2015

There are lots of opportunities to continue that conversation and figure out how to work together and then start talking location and all of those kinds of issues.

Alderman Seaver questioned the size of the property at that location.

Deputy City Attorney Dula advised .17 acres.

City Clerk Debbie Miller advised that there are actually three tracts at that location.

Mayor Wright commented it appeared to be approximately one acre.

Mr. Berry advised that it is a narrow strip of land that sits right across from the library.

Mayor Wright confirmed between the library and Mt. Pisgah.

Alderman Meisner discussed Ms. McNeur's request. He asked if it would be setting a big precedent if the City were to hire some sort of extermination/management Company to do something. He asked would the City be setting themselves up for future claims.

Mr. Berry advised that he was not prepared to answer that. There had been some conversation since Ms. McNeur called on Friday. The issue that is being dealt with is that all wildlife issues are governed by the Wildlife Resource Commission. The City cannot just direct its officers to deal with the issues, or we would be in effect breaking the law. Staff would have to talk about that. The Commission grants to property owners a limited trapping permit to let private property owners trap wild animals that are on their property. We are talking about public property. Staff would need to do more research on that.

Alderman Seaver asked what would be done with them once they were trapped.

Mr. Berry commented that they are typically taken to the County Animal Shelter and put down.

Alderman Lail thanked Ms. McNeur for the information, because the raccoon parasite was news to him, particularly if it was as pervasive as the literature provided. The Wildlife Commission would be encountering this in other locations. It may be the City could get some guidance from them.

Mayor Wright discussed the 12 people killed in the country from this parasite last year.

Ms. McNeur reiterated 10 out of 12 that were diagnosed with it last year nationwide died from it. Of the other two one was totally blind and the other one was mentally incapacitated.

Mayor Wright commented that those were 12 tragedies.

Ms. McNeur commented that they are also concerned about the road off 321, the pit of kudzu and nastiness. It is a big fire hazard.

Mayor Wright advised Ms. McNeur that her comments were not allowed at this time. He suggested that Council look at this concern and talk to the Wildlife Department. He commented that across this country you would find thousands of things that could go wrong that kill 10-12 people a year. We would like to not have any of those. He advised that they would look into the issue and see if that neighborhood has a worse problem than other neighborhoods or if the City of Hickory has a worse problem than other people, and how the Wildlife Commission recommends that the problem be addressed.

Alderman Seaver commented that there is quite a population in Kenworth.

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

Mayor Wright discussed his travel to Raleigh. He advised that they are trying to take away the Historic Tax Credits on the basis of why you let one company gain at the expense of other taxpayers. He feels like that it is not at the expense of the other taxpayers when it is creating jobs and doing the kind of things for our community like the Lylerly, Moretz Mill, Hollar Hosier, Z-Loop and Piedmont Wagon conversions have done. They went down to Raleigh to fight for those tax credits. He advised that it passed the House 98-15, but somebody with a lot of power, who has a Committee, and it is just stuck in his committee, and he is not turning it loose, because he doesn't want the tax credits. That is infuriating. The second item that infuriates them is the redistribution of sales taxes because they want to hold the line and redistribute it, in whole or in part, by tagging it on to other bills that need to be passed. They get buried in a committee, or they get tagged on with something else and voted on. He commented they need to separate the items and it wouldn't hurt so much.

Alderman Zagaroli commented that it was so frustrating to him that the tax credits are taking old buildings that are not being used, they are remodeling them, re-up fitting them, and are putting people to work. Whereas before they were sitting there. Look at all the buildings in Hickory that

August 18, 2015

have been redone. They weren't getting any taxes from those buildings, or they were just minimal taxes anyway. It seems ridiculous that they do not have the foresight to take a look at what improvement that tax credit program has made and the other ones.

Alderman Patton commented about the tax credits and what it has been able to do for Hickory. It is very shortsighted of them not to see what it has done for our community and what it could do for other communities.

Alderman Zagaroli stated that these would not have happened if it wasn't for the tax credits.

Council agreed.

Mayor Wright commented they wouldn't have happened. The people involved in these deals say there is no windfall gain. It merely makes it feasible to convert that old building to a usable project rather than just tear it down and start over. Which is the American way it seems like. We are doing the right thing. He didn't believe that they could be anything like or as nice a structure, and made as dramatic a difference as they had done at Lyerly Mill by flattening that property and starting over.

Alderman Zagaroli commented about the money that they put into it out of their own pocket besides the tax credit.

Mayor Wright stated that they did it so they could keep the jobs in Hickory and not take them somewhere else.

Alderman Lail commented on sales tax, it seems like there is a resurgence of energy opposing this measure. He saw it on Charlotte's media because it effects Charlotte, and there have been stories that have come out about tax dollars going to other places. It is unfortunate that it is cast as cities versus rural kind of thing. We are all one State, but certainly it doesn't make sense. Cities are our growth generators in this State right now. It doesn't make sense to penalize them.

Alderman Meisner commented redistributing of the wealth.

Alderman Lail felt that it would increase spending overall to redistribute.

Alderman Meisner advised that on Saturday morning at 10:00, the City's number one angler Mick Berry would be on TV. They were on the boat for nine hours for a 90 minute program. He commented that Mr. Berry talked about the greenway, and river-walk. The show will air on Fox Sport South.

- XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(4)(5) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

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

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

1. Approval of Closed Session Minutes of August 4, 2015 - NCGS §143-318.11(a)(1)
2. Discussion of Economic Development - NCGS §143-318.11(a)(4)
3. Discussion of Potential Property Acquisition - NCGS §143-318.11(a)(5)

No action was taken upon return to open session.

- XIV. There being no further business, the meeting adjourned at 8:50 p.m.

---

Mayor

---

City Clerk

**To: City Manager's Office**

**From: Library – Sarah Greene, Library Director**

**Contact Person: Sarah Greene**

**Date: 8-20-2015**

**Re: Discarded library materials deleted from database**

### **REQUEST**

To surplus 6225 discarded library materials so that these materials may be given to the Friends of the Library to be sold at the Friends October 2015 book sale and/or at the "Corner Book Store" at Patrick Beaver Memorial Library.

### **BACKGROUND**

The Friends of the Library collect donated books and other materials on an ongoing basis to be sold at the annual October book sale and/or the Corner Book Store, the proceeds from which provide funds for library programming and other special activities. For many years the library has given the Friends materials that have been removed from the collection because they are out of date, in poor condition, or no longer needed to meet the collection development goals of the library.

### **ANALYSIS**

The sale of donated and discarded books is the primary fundraising activity of the Friends of the Library, and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library and is an appropriate means of disposing of unneeded materials.

### **RECOMMENDATION**

The library requests that discarded library materials be surplus and given to the Friends of the Library for their use at the annual October book sale and/or the "Corner Book Store."

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

*S. Greone* 8-20-15  
Initiating Department Head Date

*Kerry Miller* 8-25-15  
Asst. City Manager, Date

*Melissa Miller* 8-24-15  
Finance Officer, Melissa Miller Date

*Bo Weichel* 8-24-15  
Purchasing Manager, Bo Weichel Date

*Annita M. Dula* 8-24-15  
Deputy City Attorney, A. Dula Date

*A. Surratt* 8/25/15  
Asst. City Manager, A. Surratt Date

\_\_\_\_\_  
Administrative Services Director Date  
M. Bennett

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

*M. Berry*  
City Manager, M. Berry

\_\_\_\_\_  
Date

**RESOLUTION NO. 15-**

**A RESOLUTION OF THE HICKORY CITY COUNCIL  
DECLARING SURPLUS LIBRARY BOOKS AND  
AUTHORIZING DONATION TO THE FRIENDS OF THE LIBRARY**

WHEREAS, the Hickory Public Library declares a list of 6,225 discarded, out of date in poor condition, or no longer needed to meet the collection development goals of the library; and

WHEREAS, the Library wishes to dispose of said property to The Friends of the Library for their use at the annual October book sale and/or the "Corner Book Store" at Patrick Beaver Memorial Library.

WHEREAS, G.S. 160A-280 allows the city to donate to another governmental unit within the United States, or a nonprofit organization incorporated after advertising and Council approval.

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

SECTION 1. That authorization is given to the Hickory Public Library to dispose of the declared surplus in a manner serving the best interest of the City.

SECTION 2. This Resolution shall become effective upon adoption.

Adopted this the 1<sup>st</sup> day of September, 2015.

**City of Hickory**

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

ATTEST:

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

Approved as to form this 21<sup>st</sup> day of August, 2015

*Arnta M. Deula*  
Deputy City Attorney for the City of Hickory

4

COUNCIL AGENDA MEMOS

**To:** City Manager's Office

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

**Contact Person:** Dave Leonetti

**Date:** August 20, 2015

**Re:** Call for Public Hearing to consider FY 2014– 2015 Consolidated Annual Performance and Evaluation Report (CAPER)

**REQUEST** Call for a public hearing to consider the FY 2014 – 2015 Consolidated Annual Performance and Evaluation Report for submission as required by the U.S. Department of Housing and Urban Development.

**BACKGROUND** 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 CAPER – Consolidated Annual Performance and Evaluation Report – 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. CDBG resources were used for the following:

Housing Rehabilitation:	\$ 21,426.32
Housing Rehab Admin	\$ 1,726.03
City of Refuge	\$ 3,278.00
Exodus Homes	\$ 9,834.00
ALFA	\$ 9,834.00
Hickory Soup Kitchen	\$ 9,834.00
Cooperative Christian Ministry	\$ 9,834.00
Safe Harbor Rescue Mission	\$ 9,834.00
Comm. Ridge Daycare	\$ 1,285.07
Down Payment Assistance	\$ 29,000.00
Curb & Gutter	\$ 79,004.55
Ridgeview Library	\$ 2,441.64
Kiwanis Park Shelter/Restrooms	\$ 98,411.04
Optimist Park Improvements	\$141,230.20
Fair Housing	\$ 1,598.00
Program Administration	\$ <u>68,039.82</u>
<b>TOTAL</b>	<b>\$496,610.67</b>

**ANALYSIS** The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, has prepared the attached FY 2014-2015 Consolidated Annual Performance and Evaluation Report (CAPER), for submission to HUD. The CAPER outlines the City's CDBG expenditures from July 1, 2014 thru June 30, 2015. Notice of the availability of this document for public review has been published in the Hickory Daily Record on September 4, and 15, 2015.

**RECOMMENDATION** Staff recommends that City Council call for a public hearing to consider the FY 2014-2015 Consolidated Annual Performance and Evaluation Report.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

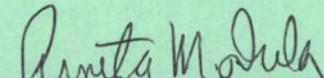
No

**LIST THE EXPENDITURE CODE:**

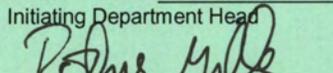
**Reviewed by:**

Brian Frazier \_\_\_\_\_  
Initiating Department Head

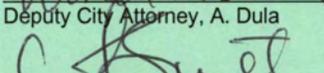
8/20/15  
Date

  
Deputy City Attorney, A. Dula

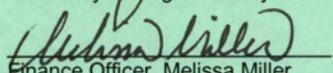
8-21-15  
Date

  
Asst. City Manager Rodney Miller

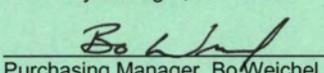
8-25-15  
Date

  
Asst. City Manager, A. Surratt

8/26/15  
Date

  
Finance Officer, Melissa Miller

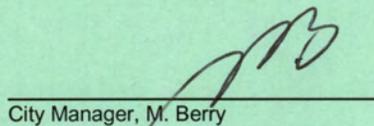
8-21-15  
Date

  
Purchasing Manager, Bo Weichel

8-24-15  
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**

**CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT**

The City of Hickory Community Development Department recently completed the City's Consolidated Annual Performance and Evaluation Report (CAPER) detailing community development activities for FY beginning July 1, 2014 and ending June 30, 2015. This report will be prepared for submission to the US Department of Housing and Urban Development on or about September 20, 2015. The submission will be available for public inspection and copying in the Planning & Development Department weekdays from 8:30am to 5:00 pm or online at [www.hickorync.gov](http://www.hickorync.gov) beginning, September 4, 2015.

Notice is also given that City Council will conduct a public hearing to receive comments on this matter at their regular meeting scheduled for September 15<sup>th</sup> at 7:00PM in the Julian G. Whitener Municipal Building, 76 North Center Street, Hickory, NC 28601. Citizens wishing to provide comments should sign up to speak on the night of the meeting.

Publish September 4, 2014, September 15, 2014

# CITY OF HICKORY

## CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

JULY 1, 2014 – JUNE 30, 2015



Life. Well Crafted.

*City of Hickory*  
*PO Box 398*  
*Hickory, NC 28603*  
*[www.hickorync.gov](http://www.hickorync.gov)*

## INTRODUCTION

In 2010, the City of Hickory joined with agencies, non-profit service providers, institutions, business leaders, beneficiaries, and its citizens to develop a community vision through which identified housing and community development needs may be realized. This community dialogue provided the basis for the City of Hickory's 2010-2014 "Five-Year Consolidated Strategy for Housing and Community Development", a comprehensive approach through which identified goals might be obtained. For each year included in the City's "Five-Year Consolidated Strategy for Housing and Community Development" is an "Annual Action Plan" that incorporates identified goals and objectives to be addressed during a specific program year. At the end of each program year, the City of Hickory joins with its citizens to evaluate the effectiveness of the use of resources in addressing identified goals and objectives cited in its "Annual Action Plan" for the previous year.

On June 30, 2015 the City of Hickory completed the fifth program year of its 2010-2014 "Five-Year Consolidated Strategy for Housing and Community Development." The City of Hickory has once again joined with its citizens to respectfully submit to the U.S Department of Housing and Urban Development the following Consolidated Annual Performance and Evaluation Report of the City's "Annual Action Plan FY 2014." The City's Consolidated Annual Performance and Evaluation Report contains three sections.

Section 1 provides a summary of available resources and investments made to achieve the goals identified in the City's "Annual Action Plan FY '14."

Section 2 examines the relationship of annual action plan initiatives taken during FY '14' to goals and objectives identified in the City's "Five-Year Consolidated Strategy for Housing and Community Development."

Section 3 provides a self-examination of initiatives taken during the past program year in addressing identified priority needs and objectives for housing and community development.

## SECTION 1

### SUMMARY OF AVAILABLE RESOURCES AND ANNUAL PROGRAM ACHIEVEMENTS

#### **Available Resources:**

As a result of annual grant submission to the U.S. Department of Housing and Urban Development, the City of Hickory received \$310,314.00 in Community Development Block Grant funding (CDBG). In addition, the City received approximately \$171,744.35 in program income from the repayment of low-interest rate housing rehabilitation loans and low-interest rate downpayment assistance program loans administered to benefit qualifying low to moderate-income citizens in previous years. In sum, the City of Hickory had approximately \$864,433.82 (includes \$382,375.47 unspent funds from previous years) in available funding from CDBG funds and Program Income to address identified priorities in its "Annual Action Plan FY '14".

#### **Use of Resources and Program Achievements, FY '14:**

1. **Preservation of the City's Housing Stock:** \$21,426.32 was invested into preserving the City's housing stock by providing low-interest rate single-family rehabilitation loans to five qualifying low and moderate-income homeowners residing within low to moderate-neighborhoods as defined by HUD. One home was completed during the FY 14 funding year through the City of Hickory's Housing Rehabilitation Loan Program. Four more homes were assisted by Habitat for Humanity's grant program. Three additional homeowners were approved for funding in spring 2015. These properties will be rehabilitated during summer 2015.
2. **Administration of Housing Rehabilitation Program:** \$ 1,726.03 was used to fund a Housing Rehabilitation Loan Program Administrative Technician and a Rehabilitation Specialist to assist in the implementation of the City's Housing Rehabilitation Loan Program.
3. **Enhancing Affordable Housing Opportunities:** \$ 29,000 was used for First-Time Homebuyers. The City assisted 4 first-time homebuyers in obtaining homeownership.
4. **Public Services Initiative:** \$ 3,278.00 was provided in the form of a grant to the City of Refuge Community Development Center to provide an afterschool program to approximately 21 predominately low to moderate income students.
5. **Public Services Initiative:** \$9,834.00 was provided as a grant to Exodus Homes to fund employment and transportation coordination services for program residents. Exodus Homes provides employment assistance and coordinates transportation for all residents. The mission of Exodus Homes is to help homeless and previously incarcerated recovering addicts maintain their sobriety, learn new skills, and become productive, contributing members of society. Approximately 42 residents received assistance through the program.

6. **Public Services Initiative:** \$9,834.00 allocated to AIDS Leadership Foothills Area Alliance (ALFA) in the form of a grant which was used to fund a case manger position. ALFA provides case management services to people living with HIV/AIDS and also offers HIV prevention education programs to the community at large. They currently have 167 people in care through their case management program.
7. **Public Services Initiative:** \$9,834.00 was provided as a grant to the Hickory Soup Kitchen, which enabled the organization to serve approximately 350 meals per day to 220 residents of Hickory needing a warm meal.
8. **Public Services Initiative:** \$9,834.00 was provided to the Greater Hickory Cooperative Christian Ministry Healthcare Center as a grant to support a certified nursing assistant in the health clinic. The Greater Hickory Cooperative Christian Ministries Healthcare Center provides medical care services to low and moderate income individuals.
9. **Public Services Initiative:** \$9,834.00 was provided to Safe Harbor Rescue Mission to assist with the various needs of the day shelter. The day shelter provides food and shelter to women and children who are homeless or at risk for homelessness. Approximately 25 homeless women receive services each day.
10. **Public Services Initiative:** \$1,285.07 was provided to Community Ridge Day Care to assist with renovations to equip a room to house infants.
11. **Street Resurfacing:** \$79,004.55 was used to resurface portions of three neighborhood streets located within low and moderate income neighborhoods. Approximately 4,558 linear feet of two lane neighborhood streets were resurfaced.
12. **Renovations of the Ridgeview Library:** \$2,441.64 was used to assist with the renovations to preserving the old Ridgeview Library. This building was the original library and is being renovated into a community center and meeting space that will also house artifacts from the former Ridgeview High School. The renovations will result in the complete rehabilitation of the interior of the building. The renovation will be completed in fall 2015.
13. **Renovations to Hickory Optimist Park:** \$141,230.20 was used to assist with providing a walking trail around the park and constructing required drainage improvements. The improvements also include a pedestrian connection to Optimist Park to a nearby subdivision.
14. **Construction of Picnic Shelter and Restrooms at Kiwanis Park:** \$98,411.04 was used to construct a picnic shelter and accessible restrooms at Kiwanis Park. The park was recently upgraded with the Zahra Baker All Children's Playground, which has increased the number of persons using the park. The upper park did not have any accessible restrooms available. The new shelter is larger and more practical than the small shelter that previously served the site.

15. **Promote Fair Housing Practices:** \$1,598.00 of funding was used to purchase newspaper advertising to inform city residents of their fair housing rights. These advertisements ran eight times in the Hickory Daily Record and four times in a Charlotte based Spanish newspaper during the month of April. Fair housing information was included in the City's Housing Rehabilitation Program Brochures and the utility bill insert for the month of April. Fair Housing information was presented to the Community Relations Council at their April meeting. The Community Development Manager serves on the Catawba Valley Board of Realtors Equal Opportunity in Housing Committee. This committee presented training on fair housing at the board's April 2015 meeting.
16. **Program Administration:** \$69,637.82 (includes \$1,598.00 for Fair Housing Practices) was utilized to provide program administration and planning during the 2014 program year.

## SECTION 2

### **STATUS OF ANNUAL ACTIONS TAKEN TO IMPLEMENT THE CITY'S FIVE-YEAR STRATEGY**

The City of Hickory's "Five-Year Consolidated Strategy for Housing and Community Development" incorporated the following community identified goals and objectives:

- **Preservation of the City's Housing Stock** – Providing housing rehabilitation program funding that benefits low and moderate-income homeowners.
- **Affordable Housing Opportunities** - Creating affordable new housing initiatives and downpayment assistance programs that benefit low and moderate-income residents in obtaining homeownership.
- **Homeless Supportive Initiatives** – Providing support for programs that provide nutrition, medical attention, shelter, and assimilation strategies for homeless persons and families in the City.
- **Community Development Needs**- public service initiatives that benefit low and moderate-income persons through educational enrichment programs; promotion of fair housing practices; neighborhood/public facilities that provide equal access to life enhancing activities and programs; infrastructure improvements that promote public safety and quality neighborhoods throughout the city; and planning activities that promote beneficial urban change through which all of the City's citizens may prosper and grow.
- **Fair Housing** – Working to ensure that all citizens are aware of their rights to fair housing and taking steps to reduce barriers to fair housing within the community.

**All above referenced resources combined should contribute to the reduction of poverty and address fair housing issues.**

**Annual Actions FY '14:**

1. **Preservation of the City's Housing Stock:** During the 2014 program year the City utilized approximately 5% of funds spent to preserve the City's housing stock. This translated into the renovation of 5 low and moderate-income owner occupied residences for a total of \$23,152.35 (includes \$1,726.03 delivery cost).
2. **Affordable Housing Opportunities:** 4 low and moderate-income households realized homeownership during the past program year as a result of City initiated down payment assistance programs. In addition, the City continued to develop new affordable housing opportunities through the purchase of property to sell for new homes. 4 qualifying first-time homebuyers obtained homeownership as a result of the City's investment of \$29,000 from available CDBG funds.
3. **Homeless Assistance Initiatives:** Low-interest rate loans and grants provided to Exodus Homes supplemented the efforts of these area service providers to continue to provide transitional housing, intervention, medical, and nutritional assistance to homeless persons and families in the Hickory area. Homeless assistance activities also included assisting the Hickory Soup Kitchen, Safe Harbor Rescue Mission and Cooperative Christian Ministries. These organizations provide extremely valuable food, counseling, day shelter, and health care services to the homeless.
4. **Community Development: fair housing, educational enrichment programs, neighborhood facilities, infrastructure, and planning.**
  - **Fair Housing Actions** - The city's partnership with Habitat for Humanity continues with new construction in Habitat's Glen at Green Park subdivision being barrier free. Three accessible homes were built during the program year. A total of 11 homes will be completed when the project is built out. The City of Hickory also updated its Analysis of Impediments to Fair Housing during the 2012 program year. A study of the fair housing complaints received within the past five years indicated no complaints where the NC Human Relations Commission made a finding of discrimination within the City of Hickory. Therefore, the majority of fair housing efforts undertaken by the city are aimed at raising citizen awareness of their rights to fair housing.

The city continued to partner with local organizations and citizen groups to raise awareness about fair housing issues. Partnership efforts included a presentation to the Catawba Valley Association of Realtors. Community Development staff also has met with the city's Community Relations Council to discuss fair housing issues. In addition, Fair Housing posters were distributed to a number of predominately African American churches within the community. Fair housing information was included in the City's Housing Rehabilitation Program Brochures, which are distributed to groups throughout the city. Fair housing brochures are also made available at a kiosk the front of city hall for residents attending community meetings or paying utility bills.

During the past fiscal year, the City continued to be proactive in promoting fair housing practices through media announcements and availability to receive complaints. Fair Housing information was also included on all utility billing statements mailed during the month of April. Fair housing advertisements appeared in the Hickory Daily Record on every Sunday and Wednesday in April.

- **Educational Enrichment Programs** – The City of Hickory continued to fund the City of Refuge afterschool program, which provides afterschool tutoring to approximately 21 elementary school aged children that reside in predominately low and moderate income families.
  - **Public Infrastructure Improvements** – The City of Hickory continues to use CDBG funding to provide improvements to public infrastructure and neighborhood facilities in low to moderate income areas. Improvements during project year 2014 included the construction of approximately 4,558 linear feet of two lane neighborhood streets were resurfaced in the Kenworth, Green Park, and Ridgeview Neighborhoods. Funds were also used to fund improvements to the former Ridgeview Public Library, which is currently being renovated into a community center. The City also constructed a picnic shelter and accessible restrooms at Kiwanis Park. Improvements to Hickory Optimist Park included storm drainage replacement and construction of a walking trail.
  - **Administrative and Planning Initiatives-** CDBG funding was utilized during the past fiscal year for program administration and planning initiatives. This funding provided resources for Community Development staff to provide program management, monitoring, low and moderate-income community studies, and technical support to area service providers and residents. These initiatives directly benefited low and moderate-income persons and families in the City by providing affordable housing opportunities, single-family rehabilitation programs, addressing neighborhood quality issues, and providing technical assistance to area service providers serving the City’s homeless persons and people with disabilities.
5. **Leveraging CDBG Funding:** In FY `14, the City leveraged approximately \$ 436,800.00 mortgage financing from the \$ 29,000 provided to first time homebuyers as CDBG down payment assistance funds. Through the confidence of the City’s private financial institutions to provide mortgages in support of the City’s homebuyer assistance programs, four low and moderate-income families realized homeownership during the past fiscal year.
  6. **Gaps in Institutional Structure:** During the past fiscal year, the City continued to strive to achieve its community vision by addressing the citizen-identified goals and objectives formalized in its “Five-Year Consolidated Strategy for Housing and Community Development.” During this period, the City did not identify any gaps in institutional structure that interfered with the successful implementation of housing and community development initiatives cited in its “Five-Year Consolidated Strategy.”
  7. **Participation with Hickory Public Housing Authority has occurred in several areas.** The City has asked the Public Housing Authority to include pursuit of the Section 8

Homeownership Option in the PHA 5-year plan. The City has also worked with the Hickory Housing Authority as they work to implement their Rental Assistance Demonstration program funding to convert their public housing units to project based rental assistance vouchers. Community Development Staff submitted an unsuccessful Choice Neighborhoods Grant Application with the Hickory Housing Authority. Staff remains committed to taking steps to improve neighborhoods where public housing is located. Requests by the Public Housing Authority were included in City of Hickory's Annual Action Plan as Citizens Comments.

## SECTION 3

### SELF EVALUATION

**EFFECTIVE USE OF CDBG FUNDS:** During the past program year, the City utilized available CDBG funding to address the identified goals and objectives cited in its “Five-Year Consolidated Strategy for Housing and Community Development.” This translated directly into continuing to preserve the City’s housing stock by making needed single-family rehabilitation loans available to qualified beneficiaries, enhancing affordable housing opportunities for low and moderate-income homebuyers by providing downpayment assistance programs, supporting enrichment programs that benefit low and moderate-income citizens and people with disabilities, providing support to area service providers that assist the City’s homeless population, promoting fair housing practices, providing economic opportunities in low and moderate-income areas within the City, and providing needed infrastructure improvements to enhance public safety and environmental quality in low and moderate-income neighborhoods. In addition, the City continued to partner with the private sector to leverage CDBG funding and link community resources to directly benefit low and moderate-income families and persons residing in the City. The City continued to provide technical assistance to area service providers who have linked their resources together by developing a Continuum of Care initiative, CRIS.

**PROGRAM MONITORING:** The City of Hickory Community Development Department has continued to monitor the use of CDBG funding throughout the past program year. The City of Hickory plans an annual visit with all sub-recipients no later than the end of each fiscal year to monitor the use of CDBG funding and other public funding. Housing Rehabilitation projects are monitored for accuracy of file status and assistance is provided to contractors during the work phase of each rehabilitation project. Technical assistance is provided to Inter-Faith Development Corporation at regularly scheduled board of director meetings, and the use of CDBG funding is monitored as reimbursement requests are received for the City of Refuge, ALFA, Cooperative Christian Ministries, Hickory Soup Kitchen, Exodus Homes, Community Ridge Day Care and Safe Harbor Rescue Mission initiatives. All other recipients receiving CDBG funding and other public funding are monitored throughout their initiatives by City staff.

In sum, all CDBG efforts continue to be consistent with the identified goals and objectives cited in the City’s “Five-Year Consolidated Strategy for Housing and Community Development.” The City continues to strive with its citizens to realize our community vision for a quality environment in which all citizens may grow and prosper.

**FOR PUBLIC REVIEW AND CITIZEN COMMENTS**

The City of Hickory encourages all citizens to review this document. Persons with questions or comments regarding the contents of this document may contact a representative at the Community Development Department:

Telephone: (828) 323-7414

Mail: City of Hickory  
Community Development Department  
Post Office Box 398  
Hickory, North Carolina 28603

**CITY OF HICKORY:**

**Consolidated Annual Performance and Evaluation Report  
Fiscal Year beginning July 1, 2014 and Ending June 30, 2015.**

**SUMMARY OF IMPEDIMENTS TO FAIR HOUSING:**

During the past year, the Community Development Department has been available to assist any resident of the City with a housing discrimination problem. During this period, staff inquiries did not reveal any unfair housing practices involving realtors, lenders, or insurance agents in the City of Hickory.



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

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

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

The purpose of this application is to provide information about your event or activity in order for various departments and agencies to determine if they need to be involved in the approval and/or permitting process. Depending on the specific event, a permit application and/or fee(s) from individual departments may be required.

The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan. The applicant is also responsible for notifying the Planning Department of any changes. Incomplete applications will not be accepted. \*\*A complete application should be submitted at least 90 days prior to the planned event to allow sufficient review time. Public officials may contact you with specific questions. Any official may require a pre-planning meeting.

Applications and events are prioritized based on a first come-first served basis and the City may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

\*\*If the event is to be held on public property, approval to use the property must be obtained from City Council; therefore the application must be submitted 90 days prior to the event.

**APPLICANT INFORMATION**

Name of Event: Brews and Bases  
 Applicant Name & Title: Megan Meade- Director of Community Relations and Events  
 Organization: Hickory Crawdads  
 Mailing (Billing) Address: PO Box 1268  
 City / State / Zip: Hickory, NC 28601  
 Daytime Phone: 8283223000 Cell: 814-638-1347 Email: mmeade@hickorycrawdads.com  
 Description of the Event: Beer festival with Craft beer tastings, food for purchase and a band.

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

Event Address: 2500 Clement Blvd Hickory, NC 28601	
Date of Event: September 12, 2015	
Event Start Time: 2pm	Event End Time: 6pm
Road Closure Begins (if applicable):	Road Closure Ends (if applicable):
Set-Up Begins: 11am	Clean-Up Ends: 6:30pm
Preferred Date & Time of Inspection:	
Estimated Attendance: 300	
The Event is: <input type="checkbox"/> Private (by invitation only) or <input checked="" type="checkbox"/> Open to General Public	
Describe the procedures to be used for selecting participants and vendors for this event: Participants will purchase tickets and vendors will be selected by the Jaycees and the Crawdads.	

APPLICANT'S SIGNATURE [Signature] DATE: 8/4/15

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

### TENTS & MEMBRANE STRUCTURES

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

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

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

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

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

---

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

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

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

### POWER SOURCES

Will you use electric generators?  Yes  No

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

Provide contact information for contractor supplying generator power:

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

---

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

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

Provide contact information for person responsible for setup of power:

Name: **Charlie Downs** Phone: **8283223000** Email: **cdowns@hickorycrawdads**

### 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: 2

Type(s) of music: Assorted

---

Will a portable or temporary stage be utilized?  Yes  No

If yes\*, state the number of portable or temporary stages: 1

Provide contact information for contractor providing stage:

Name: **Hickory Crawdads** Phone: **8283223000** Email: **mmeade@hickorycrawdads**

*\*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: 2pm Finish time: 6pm



### VENDORS

Does the event include food vendors? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If the event will have food vendors, please check the following that apply: <input type="checkbox"/> Served <input checked="" type="checkbox"/> Sold <input type="checkbox"/> Free <input type="checkbox"/> Catered <input type="checkbox"/> Prepared Outdoors <i>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.</i>		
Does the event include food concession and/or cooking areas? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other) <i>(Use additional sheet if necessary)</i>		
<i>VENDOR</i>	<i>COOKING METHOD</i>	<i>FOOD ITEM</i>
Hickory Crawdads	Grill and Fryer	Ballpark food
<i>Fire Code requires a fire extinguisher at each cooking location. Food and beverages shall not be sold at an event unless approved and licensed, if necessary, by the Catawba County Health Department. Event organizers are responsible for arranging health inspections for their events.</i>		

### EVENT SCHEDULE

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

DATE	TIME	ACTION	ADDITIONAL NOTES
9/11	4:00pm	Vendors will drop of kegs	Crawdads will store
9/12	11am	Set will begin	Tables for beer vendors will be along up concourse
9/12	1:00pm	Beer Vendors will arrive	Tables for beer vendors will be along up concourse
9/12	2:00pm	Gates will open for VIP members	Public can purchase VIP tickets to come in an hour early
9/12	2:00pm	Band will start to perform	Crawdads Thursday night stage will be used
9/12	3:00pm	Gates will open to General Public	All other ticket holders may come in and enjoy
9/12	6:00pm	The event will be over	Clean-up will begin

**CITY SERVICES**

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

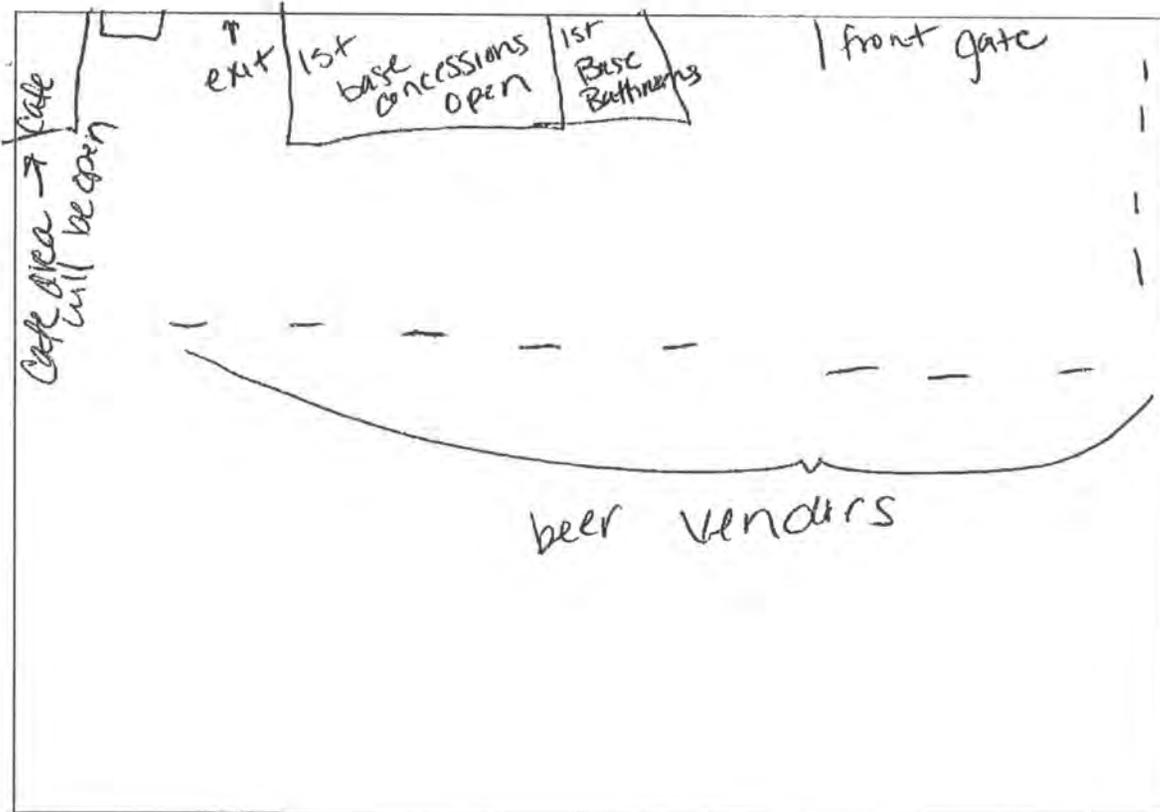
<p><b>ROLLOUT CARTS</b></p> <p>In order to determine what types of containers best suit the needs of the event, please answer the following questions:</p> <p>Will the event be serving/selling/distributing beverages? <input type="checkbox"/> Yes or <input checked="" type="checkbox"/> No.</p> <p>If yes, in what containers will they come packaged in?  <input type="checkbox"/> Aluminum cans    <input type="checkbox"/> Glass bottles/jars    <input checked="" type="checkbox"/> Plastic bottles/jugs/jars</p> <p>How many rollout carts are you requesting for trash? <u>0</u></p> <p>How many recycle carts are you requesting? <u>0</u></p>
<p>Delivery Location?</p>
<p>Date and Time for rollout carts to be emptied/picked up?</p> <p><i>Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. The cost of any employee overtime incurred because of an applicant's failure to clean and/or restore the site following the event will be borne by the applicant. If you reasonably believe that no litter will be generated during your event, please state this in your plan.</i></p>
<p><b>PUBLIC PROPERTY CLEAN-UP</b></p> <p>Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event? <u>The Crowdads will handle cleanup</u></p>
<p>Will the event need City personnel to assist with event site clean-up? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Date &amp; Time for clean-up staff arrival:</p>
<p>Will any of the following services be used for the event:  <input type="checkbox"/> Water Service    <input type="checkbox"/> Wastewater Service    <input type="checkbox"/> Portable Toilet Service</p>
<p><b>SAFETY AND SECURITY (CHECK TYPES OF SECURITY USED)</b></p> <p><input type="checkbox"/> Beer/Alcohol Security    <input type="checkbox"/> Stage Security    <input type="checkbox"/> Event Area Security    <input type="checkbox"/> Gate Security  <input type="checkbox"/> Road Closure Security    <input type="checkbox"/> Money Handling Security    <input type="checkbox"/> Other _____  <input type="checkbox"/> Overnight Security    From _____; _____ To _____; _____</p> <p>Dates &amp; Times security will be on site: <u>9/12- 2pm-6pm</u></p> <p>Security provided by: <u>City of Hickory PD</u>    Number of Security Personnel: <u>1</u></p> <p><i>Applicant may be required to hire sworn off-duty City of Hickory police officers to provide security to insure public safety. The Hickory Police Department will determine the number of security personnel required on site.</i></p>

### SITE PLAN

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

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

### SITE PLAN SKETCH



## USE OF UNION SQUARE AND OTHER PUBLIC PLACES

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

### RULES REGULATING THE USE OF UNION SQUARE COMMON, STREETS ADJOINING THERETO AND OTHER PUBLIC PLACES AND PARKS FOR SPECIAL EVENTS

- Special events may be held in one or more of the following areas:
  - Union Square Common, north of the Southern Railway tracks, east of Third Street, NW, and west of Second Street, NW.
  - Streets adjoining Union Square, including Third Street, NW, between the Southern Railway tracks and the northern margin of First Avenue, NW; First Avenue, NW between Third Street, NW and Second Street, NW; Second Street, NW from the Southern Railway tracks to the northern margin of First Avenue, NW; and Trade Alley.
  - Any other public building, park or property owned or possessed by the City of Hickory which, by its nature, is suitable for any certain special event that may be applied for, provided that said event remains open to the public at large.
- The City Council reserves the right to reject any application as to the use of any area described above for any special event. If the City Council learns that the event or vendors participating were misrepresented to the City Council or that the event in any way fails to comply with the rules regulating the use of Union Square Common or fails to comply with any applicable local, state, or federal laws, it reserves the right to rescind any approved application up to and during the course of the event. In the case of a special event being held at a City-owned facility for which a rental fee is usually charged, the normal rental fee shall be charged to the applicant unless the City Council waives such rental.
- Application must be filed in the City Manager's Office at least ninety (90) days prior to the time that the applicant desires to first take possession of the area to make preparations for the special event. The applicant for a special event must be a non-profit organization, organized and existing for the purpose of either some charitable or public benefit or for the promotion of business in the Downtown Area of Hickory. In addition, said non-profit organization may at the request of the Council be required to produce evidence of their non-profit corporation status as defined by state and federal laws. In addition, procedures to be used for selecting participants and vendors must be included with the application.
- The applicant shall provide to the City Manager at least two (2) weeks prior to the beginning of the public participation in the special event a list of all of the vendors or others having booths or display tables during the special event. No other persons may sell merchandise or operate any booth or display tables during the special event, unless the applicant, in writing, requests the City Manager to amend such list accordingly and permission is granted.
- No motor vehicles or other large equipment or manufactured items or livestock will be permitted within the area unless they are clearly identified and described and the proposed location is stated in the application and specific approval is given.
- The size, type of construction and location of display tables and booths must be described generally in the application; all construction must be safe and self-sustaining; no spikes or other holding devices may be driven into the ground of any street, sidewalk or tied to any tree.
- When food preparation, painting and/or pottery -making activities or similar activities are held, appropriate protective materials must be placed over any paved or brick areas for protection.

- No tents may be placed in the area without being described and exhibited to the Fire Prevention Inspectors of the Hickory Fire Department and special approval by the City Council.
- Public address systems can be used only if specifically requested in the application and special permission given, including limitations as to use.
- Sufficient portable toilets shall be provided for the expected number of participants.
- A first-aid station shall be provided, staffed by competent Emergency Medical Technicians, unless a waiver is requested and granted by the City.
- The applicant shall be responsible for providing trash receptacles of the number and size as the city shall require in order to eliminate litter.
- If the applicant desires to sell alcoholic beverages, it shall specifically so state in its application and shall provide a sketch of the area where the same will be sold and consumed. The area shall be delineated by barricades, with the entrance to be clearly marked and so constructed as to allow ready control of patrons, including viewing of identification to avoid underage persons being within the barricaded area. Signs shall be posted stating that no one shall leave the barricaded area with alcoholic beverages.
- Application must be made to proper State authorities for special permit for sale of alcoholic beverages. Special permit shall be available for inspection by the City at any time.
- The applicant shall assume full liability for all accidents or claims of accidents as a result of activities taking place at the special event and during the time the area is being readied for the event and while it is being cleaned up following the event. A copy of the insurance policy must be submitted to the City Manager's office prior to the event. The policy is to be one of comprehensive general liability in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury per person and One Million Dollars (\$1,000,000.00) per occurrence and not less than One Hundred Thousand Dollars (100,000.00) for property damage per occurrence.
- The applicant will be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event.
- Applicants must obtain any special use permits required by the Hickory Fire Inspector, must comply with all applicable provisions of the North Carolina Fire Code and must at all times insure that all fire lanes in the area to be used remain unobstructed.
- Applicants must comply with all applicable Health Department regulations pertaining to the scheduled event.
- Applicants must comply with the requirements of the Hickory Sign Ordinance.
- Applications must comply with any and all local, state, and federal laws pertaining to equal opportunity and should make every effort to make events accessible to the disabled public. In addition, applicants shall not deny access or a vendor's booth to any group based on national origin, race, religion, age, sex, or disability.

Hickory Crawdads

NAME OF NON-PROFIT ORGANIZATION

BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:

To host baseball games and have  
out side events

LIST ORGANIZATIONS OFFICERS:

Charlie Downs

828-322-3000

TELEPHONE

Mark Seaman

828-322-3000

TELEPHONE

Megan Meade

828-322-3000

TELEPHONE

CHAIRPERSON OF THE SPECIAL EVENT:

Megan Meade

828-322-3000

NAME

TELEPHONE

2500 Clement Blvd NW Hickory, NC 28601

ADDRESS

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

8/4/15

Date

  
President  
Hickory Crawdads  
Non-Profit Organization

Approved by:

CITY MANAGER

DATE

DATE APPROVED BY HICKORY CITY COUNCIL:

NORTH CAROLINA

RELEASE AND INDEMNITY AGREEMENT

CATAWBA COUNTY

**THIS RELEASE AND INDEMNITY AGREEMENT**, entered into by **THE CITY OF HICKORY**, a North Carolina Municipal Corporation, party of the first part, and the Hickory Crawdads, a non-profit organization with its principal place of operation being Catawba County, North Carolina, party of the second part:

WITNESSETH:

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

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

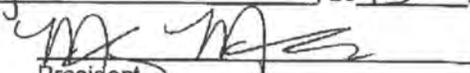
**WHEREAS**, to this end, said party of the second part has heretofore filed with the City of Hickory an application for approval of said event, and wishes to enter into this Release and Indemnity Agreement pursuant to the Hickory City Code and the administrative rules of the City of Hickory;

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

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

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

This the 4 day of August, 2015.

  
\_\_\_\_\_  
President

\_\_\_\_\_  
Witness

**BUDGET ORDINANCE AMENDMENT # 21**

**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, 2015.

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

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	900,000	
<b>TOTAL</b>	900,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	900,000	-
<b>TOTAL</b>	900,000	-

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

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**GRANT PROJECT ORDINANCE # 1**

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

**SECTION 1.** To amend the Multi-Year Grant Fund/Brownfields Area-Wide Planning Grant 00D31715, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic and Community Development	200,000	
<b>TOTAL</b>	200,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Governmental Revenue (Federal)	200,000	
<b>TOTAL</b>	200,000	-

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

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

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

**CITY OF HICKORY**  
**GRANT PROJECT ORDINANCE # 1**  
**BROWNFIELDS AREA-WIDE PLANNING GRANT 00D31715**

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

**SECTION 1.** The project authorization is the Brownfields Area-Wide Planning Grant 00D31715.

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

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

<b>Restricted Government Revenue:</b>	
Federal Revenue	<u>\$200,000</u>
<b>Total</b>	<b>\$200,000</b>

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

<b>Economic and Community Development:</b>	
Professional Services	\$188,000
Salaries	6,000
Travel	250
Supplies	4,000
Seminar Registration	250
Training - Meals and Lodging	<u>1,500</u>
<b>Total</b>	<b>\$200,000</b>

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

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

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

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

Adopted this the \_\_\_\_ day \_\_\_\_\_, 2015.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Clerk

5

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office  
**From:** Tom Adkins, Chief of Police  
**Contact Person:** Tom Adkins/Arnita Dula  
**Date:** 20 August 2015  
**Re:** Proposed Changes to Hickory City Code Chapter 4 (Animal and Fowl)

**REQUEST:** Staff requests City Council consider changes to Hickory City Code Chapter 4 (Animal and Fowl) that would restrict animals on public property during approved special events.

**BACKGROUND:** The City of Hickory approves organizations to use public property (Union Square and other venues) to host events for the public. These events include Music under the Sails, Oktoberfest, The Farmer's Market, special events in the parks not hosted by Hickory Parks and Recreation, and many other events. Over the years, citizens and staff have expressed concerns about animals being allowed at these events because of public safety concerns for the citizens and animals attending the event.

**ANALYSIS:** City Staff to include Legal, Police, Parks and Recreation, and Branding/Public Information Office have worked together to develop proposed changes to Hickory City Code Chapter 4 (Animal and Fowl) restricting animals within the "footprint" of the approved special event on public property. These proposed changes are in the interest of protecting the public from potential aggressive animals that could cause harm to a human or another animal.

**RECOMMENDATION:** Staff recommends City Council consider changes to Hickory City Code Chapter 4 (Animal and Fowl) that would restrict animals on public property during approved special events.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Tom Adkins  
Tom Adkins

Initiating Department Head

08/20/15

Date

Annita M. Dula

Deputy City Attorney, A. Dula

8-21-15

Date

Rodney Miller  
Asst. City Manager Rodney Miller

8-25-15

Date

A. Surratt  
Asst. City Manager, A. Surratt

8/26/15

Date

Melissa Miller  
Finance Officer, Melissa Miller

8-21-15

Date

Bo Weichel  
Purchasing Manager, Bo Weichel

8-24-15

Date

\_\_\_\_\_  
Date

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

MB

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

\_\_\_\_\_  
Date

REVISED Chapter 4 of the Hickory City Code  
\_\_\_\_\_  
Approved on first reading  
\_\_\_\_\_  
Approved on second reading

**ORDINANCE NO. 15-42**

**ORDINANCE AMENDING CHAPTER 4 (ANIMALS AND FOWL) OF THE CODE OF ORDINANCES OF THE CITY OF HICKORY**

WHEREAS, the City of Hickory has the authority, pursuant to N.C.G.S. § 160A-186, to regulate the keeping of domestic animals; and

WHEREAS, the authority to regulate the keeping of domestic animals is applicable to the keeping of animals on public properties and at public events; and

WHEREAS, the City Council has determined it is in the interest of the public's health, safety and welfare to amend Chapter 4 of the City Code to address certain animal matters in relationship to their impact upon public properties and public events;

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

**Section 1. Amended.**

Chapter 4 of the Hickory City Code is amended as set forth herein.

**Section 2. Amendment**

Section 4-25 which has been reserved shall now be utilized and the following provision assigned to that section in its entirety:

**4-25. Animals at events.**

**(a) Applicability.** This section shall apply to any public event on city property, in which a special event application is required. The presence of animals at these events poses health and safety concerns for both the spectators and animals. Sponsors of other events may also request the city manager or his authorized designee in writing to apply the provisions of this section to such events.

**(b) Unlawful to have animal at an event.** It shall be unlawful for any person owning, having possession, charge, custody or control of any animal, as defined in subsection (f) herein, to take that animal, whether on a leash or otherwise, into or allow the animal to enter the boundaries of any event. The boundaries and the interior of a special event shall consist

of any area part of the event or parade route and shall include any public street, road, highway, sidewalk, alley, parking lot, grassy area, right-of-way or other publicly owned area.

(c) **Failure to remove animal.** It shall be unlawful for any person with an animal within the boundaries of a special event to fail to obey the command of a law enforcement officer or animal control officer to remove such animal from the event.

(d) **Exceptions.** This section shall not apply to those animals part of an authorized event, exhibit, or parade. The special event operator and sponsor shall be responsible for immediately cleaning up and removing any animal waste from animals that are part of an authorized exhibit or parade. All animal waste shall be disposed of properly. This section also shall not apply to service dogs or other animals relied upon by persons with disabilities, to animals owned and controlled by public law enforcement agencies, or to animals used by a vehicle for hire in accordance with applicable City ordinances.

(e) **Waivers.** An organizer of an event to which this ordinance applies may request a waiver from this ordinance. The sponsor shall submit plans specifying how the public will be protected from the animals. Requests shall be reviewed as part of the special event permitting process and may be approved or denied as part of that process.

(f) **Definitions.** For the purposes of this section, the term "animal" shall mean every vertebrate and invertebrate nonhuman species of animal, wild or domestic, male or female, including but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish. The term "event" is applicable to all public events on city property for which a special event application is required.

### **Section 3: Severability.**

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

### **Section 4. Repealed.**

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

### **Section 5. Effective Date.**

This Ordinance shall become effective immediately upon adoption.

## **ANIMALS AND FOWL ORDINANCE**

**August 2015**

**PAGE 2 OF 3**

ORDAINED by the City Council of Hickory, North Carolina, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

THE CITY OF HICKORY  
A North Carolina Municipal Corporation

(SEAL)  
ATTEST:

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

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

Approved as to form this 21<sup>st</sup> day of August, 2015.

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