

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, October 16, 2018 at 7:00 p.m., with the following members present:

	Hank Guess	
Charlotte C. Williams	Aldermen	David L. Williams David P. Zagaroli Jill Patton

A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Rick Beasley, Assistant City Manager Rodney Miller, City Attorney John W. Crone, III, Deputy City Attorney Arnita Dula, Executive Assistant to the City Manager Deisy Zavala Vazquez and City Clerk Debbie D. Miller

I. Mayor Guess called the meeting to order. All Councilmembers were present except for Alderman Lail and Alderman Seaver.

II. Invocation by Bob Nehls, Member of the Hickory Stake High Council, Church of Jesus Christ of Latter Day Saints

III. Pledge of Allegiance

Mayor Guess welcomed the Hickory 101 class who were in attendance. He advised the Hickory 101 class was an abbreviated version of the City's Neighborhood College. He welcomed the other citizens who were in attendance as well.

IV. Special Presentations

V. Persons Requesting to Be Heard

A. Dr. Glenn Pinckney, P.O. Box 362, Hickory, Regarding City Laws.

Dr. Glenn Pinckney addressed City Council regarding the restrictions and fees imposed on small businesses. Of all of the cities which he has lived in he has enjoyed living in Hickory the most. However, he has been forced to face the harsh reality that our economy of living in Hickory as a resident and being in business in Hickory even as a nonprofit. To support their church, Dayspring, they opened a thrift store on 16th Street approximately 30 feet from Family Dollar. This year they put out yard signs to make the community aware they were open. The signs were in English and in Spanish. To their surprise the City took their signs telling them they were in violation. Realizing that Family Dollar customers were oblivious to them, they purchased a feather sign. Again they were notified by the City of the violation. They could not afford to have someone pass out flyers, so they placed an inflatable in front of the store so it would wave at people to let them know they were there. That worked. People started coming in. They would ask how long they had been there. They come to Family Dollar two or three times a week and they hadn't noticed their store. They had already been there, at this point, about 10 months. They received yet another notice from the City. How can the City tell a business they cannot place a sign of any type on their private sidewalk? As much as he enjoys the City of Hickory, the fees and restrictions are hurting them. He understood that fees generate revenues, but he believes if we had less fees and more businesses our City would generate more revenues, more employment, and more community acceptance from entrepreneurs. The old adage that small businesses fail within three years due to improper capitalization, may have more to do with improper exposure than funding. Regardless of how great your ridged is if enough customers don't know that you exist, failure is imminent. Yet the reasons that business owners want signage is the same reason that Council places political signs around our City to let voters know that you want their vote. Business owners want to place signage to let customers know that they want to earn their business. This is not to say that they should have the same amount of signage that politicians displays, because that is an eyesore. Yet Council exempts themselves from these restrictions. Is this really legal or constitutional? Recommendations from Commissions and Boards are good tools to have, but they didn't elect them, they elected Council. Was he suggesting that Council go against Commission or Board's recommendations? Yes, were it is warranted. Otherwise, they become the unelected governing body and City Council inadvertently becomes a rubber stamp. Then out the window goes government of the people, by the people, for the people, as President Lincoln stood and did his Gettysburg Address. He asked the Council to revisit Article 10 of the Land Development Code and how it impacts small businesses. We are all winning when our City is business friendly and small businesses are what can make America great again. He thanked Councilmembers and commented may God bless each one of you.

Alderman Williams commented on Dr. Pinckney's presentation. Being a small business owner himself, he understood and he had publicly stated in a Council meeting that he thought that signage, including feather flags were very important for small businesses. He thought that having customers know that you are there helps make their business prosper. Being a person that has ran a political campaign and that had placed political signs on each corner of the City, it would be a hypocrisy for him to not be in favor of feather flags. He felt like if he wasn't in favor of it, he shouldn't be able to put a political sign out in his next election. He felt like it was the same. They put them all over the City and they could

be considered a distraction just as any other signage in your nonprofit business or any other business. On that point, he agreed with Dr. Pinckney.

Dr. Pinckney commented that Alderman Williams was absolutely right. He cares about the City of Hickory. He would not dare recommend signs that were not professional signs that are obtrusive. He thought for example, their thrift store is 30 feet from the Family Dollar and even today people came in the thrift store and asked them how long they had been in there. They had been coming to Family Dollar two or three times a week and never realized they were there. They have signage on top of the building and in front of the building, but tunnel vision causes people to see what they are seeing. All they were asking for was an opportunity to be able to let customers know they are there, so they can thrive as a business. Just like any other business would want to. He was not asking for obtrusive signs. He said it would be great if they could do like the politicians do, but he knows that was not realistic, he was being facetious of course. He thought Council should revisit Section 10 of the Land Development Code. He advised there was a code, TA18-01, which requires a five year review of these codes. Section 10 of this particular code was adopted in 2011. It seemed to him that it would be wise to revisit it again. He reiterated he wouldn't dare recommend anything that was intrusive. He thought for a business and for prosperity of businesses which prospers the City, he thought it really should be revisited. He thanked Council for their time.

- B. Mr. Mike Pilolla, 960 36th Avenue Court NE, Hickory addressed City Council. He just recently moved to Hickory from St. Mary's, Georgia. They had a long struggle trying to do some of the things which the City already is starting to do here. The reason they pushed so hard for it was St. Mary's was really struggling to find its feet and a way back to prosperity. Bicycling and the bicycling industry was one of those engines for economic development. He thought the plans that the City already had in place, the things they see already in development, and the plans which were on the board were outstanding. He hoped they kept moving in that direction. He encouraged City Council to look into adopting complete streets as a policy of the City. It obliges the City and its planning to consider multi use pathways, but it does not obligate the City to do it. It only obliges the City to consider it. Once the City adopts complete streets it makes them eligible for Federal and State funding that we would not otherwise be eligible for. As a result of doing that in St. Mary's they were finally able to get the money they needed to complete a pathway which they had wanted to fund for several years and had not been able to find the funds. He thanked City Council.
- C. Mr. Douglas Stewart, 3826A 16th Street NE, Hickory, addressed City Council about the past weekend's Oktoberfest. Being new and returning to the City just a few weeks ago, he obviously came to it with a huge amount of doubt, not knowing what was going to happen. He felt lucky that he was put into the position. The weather was a huge circle of luck. He was surrounded by good people doing very good work, and all of a sudden his job became very easy. He thanked the departments and the people who were involved in this event. He advised that his predecessor, Connie Kincaid came back to assist him this past weekend. She took time from her job to help him get through this weekend and to make sure that everyone had a good time. He thanked the Hickory Police Department. There were countless number of officers there that acted in an unbelievably professional manner. They dealt with some unique situations and some troubling times. He was very impressed with how they handled themselves, how professional they were, and how they stayed calm and didn't get rattled. They were surrounded by thousands and thousands of people and acted as true professionals. The fire and rescue teams were there when people needed help. Again, very professional. They had headquarters set up along with the police there on the square. You could walk in at any moment and receive help, speak to an officer or speak to a fireman, and get anything that you needed. That kind of service should not be overlooked. It was tremendous. He thanked the public works department. These guys also do not get the credit that they deserve. These guys are often overlooked. He explained two instances. Just before the event happened they noticed there was some damage in one of the parking lots where they were about to have the event. He thought it was a shame they couldn't have gotten to that prior to the event and he put it on his list of things to do in six months or a year from now. When they went to setup two days later that problem had been fixed. He didn't call anybody, he didn't do anything, and they just did it on their own. That is impressive. The City had received a huge amount of rain before the event on Thursday. They were doing a lot of their setup work on Thursday. A food vendor notified him that they had flooding in one of the areas next to the railroad tracks. Mr. Stewart went to check it out himself. This area was flooded, like get your swim trunks on and go diving in flooded. He was talking to the guy in charge of food vending and trying to figure out what to do and what the problem was. He noticed a couple of guys there from public works. Then more crews came and then a big truck came and vacuumed up all of the water. In a matter of a couple of hours, without asking for a single thing, public works came up and took care of them. That was how the whole weekend went. From top to bottom, everyone knew what they were doing, and it does help with this event. This was their 33rd event. There must have been 7,500 to 100,000 people there. It was a huge success from their standpoint. He hoped it was a huge success from the City's standpoint, but whether it was or not, he thought these departments needed to be thanked and he

wanted to let them know and Council know how much they appreciated the hard work they put in this past weekend. He thanked everyone.

- D. Mr. Mike Watson, 736 Moretz Court, advised he was not a Hickory resident. He shared a story about coming up Highway 127 a few months ago. In front of Jenkins School there was a cyclist two feet off the side of the road. Some jerk came up behind him and laid down on the horn and held the horn forever. The driver eventually passed the cyclist. When he got to the stop light at Walgreens and Verizon, he tapped his horn, rolled down the window and reminded the driver that cyclists had the same laws as cars do. The driver rolled up his window and when the light turned green he stomped on the gas and took off. They deal with that all of the time. Not that severe, but there is a lot of it out there. He and his wife just got back from Michigan. They went there for a week and had a fabulous time. They went to the Sleeping Bear Dunes, a National Park. It is rated as the most beautiful National Park in the country. That is why they went there. He read about it before he went and found out they had cycling and hiking. The highways all have a three foot shoulder on the side of them that is clear. There is no potholes, there is no gravel, and there is no glass. There are cyclist all over the place riding on those things. There is also a heritage trail. He applauded Council for what they are doing. There is a heritage trail 22 miles long and sort of parallel to the road, and it was wide enough for cyclists to go both ways and hikers as well. He rode on that a lot. As he was riding on it, there would be ladies walking their dogs and he would just say on your left and they would immediately move over and let him pass appropriately. Every time you got into a curve there was a line to tell you which side to be on. He could ride on that trail just as fast as he could ride on the road. There were bikers, and hikers. It was phenomenal, 22 miles long. He advised they were going back because of the cycling and the hiking. He knew that Hickory can't do a 22 mile road anywhere. The value of what that brings to the community. You go into the merchant shops, every merchant shop has t-shirts with cycle all over them. He asked the merchant how many t-shirts that they sold. They sell all of them. They had built a community based on that. He thanked Council.

VI. Approval of Minutes

- A. Regular Meeting of October 2, 2018.

Alderman Zagaroli moved, seconded by Alderwoman Patton that the Minutes of October 2, 2018 be approved. The motion carried unanimously.

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

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

- A. Budget Revision Number 4. (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 Williams moved, seconded by Alderwoman Patton approval of the Consent Agenda. The motion carried unanimously.

- A. Approved a Resolution Supporting the Surface Transportation Block Grant – Direct Attributable Grant Application.

Staff requests approval of the Surface Transportation Block Grant – Direct Attributable (STBG-DA) grant submittals to the Greater Hickory Metropolitan Planning Organization. The City has submitted a Surface Transportation Block Grant – Direct Attributable (STBG-DA) grant application to the Greater Hickory Metropolitan Planning Organization: Extend the Old Lenoir Road Multi-Use Trail Project from 12th Avenue, NW (Geitner Road) to City owned property just past the Hickory Water Plant. The current project (EB-5911), starts at 9th Street, NW and ends at 12th Avenue, NW. Adding this extension to the project would help create a connector from the City Walk project to Riverwalk project. The Old Lenoir Road Multi-Use Trail Extension is part of a much larger multi-use path system being developed by the City of Hickory. The total project cost is \$5,100,000 but North Carolina Department of Transportation (NCDOT) has agreed to participate in the extension of the currently funded EB-5911 that starts at 9th Street NW and ends at 12th Avenue NW. NCDOT will provide \$2,040,000 and the City of Hickory is requesting an additional \$2,040,000 in STBG-DA funds. The City will also prove a 20 percent match of \$1,020,000. This segment is critical to completing a full east-west, north-south corridor improvement project. It will add pedestrian and bike opportunities connecting Lake Hickory and the Riverwalk to Lenoir-Rhyne University through downtown via City Walk, multiple

neighborhoods and neighboring counties. The funded segment of EB-5911 make up 1.2 miles of the project. A missing segment of approximately .84 miles between Riverwalk and EB-5911 would complete a transportation corridor for multiple modes of transportation. The City strongly believes that investments made to the infrastructure in this sector of the City, that improve its functional and aesthetic appeal, will encourage more private investment like this and support the investments that are occurring along Old Lenoir Road by extending the Old Lenoir Road project from 12th Avenue NW to Riverwalk, there will be a continuous 5.2 mile multi-use trail from Lenoir-Rhyne University to the Catawba River. Staff requests Council's approval of the Resolution supporting the grant application and committing the 20 percent match.

RESOLUTION NO. 18-32

RESOLUTION AUTHORIZING THE CITY OF HICKORY TO SUBMIT AN APPLICATION TO THE GREATER HICKORY METROPOLITAN PLANNING ORGANIZATION IN THE AMOUNT OF \$2,040,000 FOR SURFACE TRANSPORTATION BLOCK GRANT – DIRECT ATTRIBUTABLE FUNDS FOR
“Old Lenoir Road Multi-Use Trail Extension”

WHEREAS, On September 5, 2018 the Greater Hickory Metropolitan Planning Organization (GHMPO) issued a call for projects to agencies in its jurisdiction for Surface Transportation Block Grant-Direct Attributable Funding (STBG-DA). Funds are available to award among four different transportation modals: bicycle and pedestrian, intersections, roadway, and transit. Each agency may submit no more than three (3) projects of not less than \$200,000 each for possible reward. The funding requires a minimum 20 percent local cash match.

The City of Hickory is applying for funding for the following project:

Old Lenoir Road Multi-Use Trail Extension is part of a much larger multi-use path system being developed by the City of Hickory. The total project cost is \$5,100,000 but NCDOT has agreed to participate in the extension of the currently funded EB-5911 that starts at 9th Street, NW and ends at 12th Avenue, NW. NCDOT will provide \$2,040,000 and the City of Hickory is requesting an additional \$2,040,000 in STBG-DA funds. The City will also prove a 20 percent match of \$1,020,000. This segment is critical to completing a full east-west, north-south corridor improvement project. It will add pedestrian and bike opportunities connecting Lake Hickory and the Riverwalk to Lenoir-Rhyne University through downtown via City Walk, multiple neighborhoods and neighboring counties. The funded segment of EB-5911 make up 1.2 miles of the project. A missing segment of approximately .84 miles between Riverwalk and EB-5911 would complete a transportation corridor for multiple modes of transportation. The City strongly believes that investments made to the infrastructure in this sector of the City, that improve its functional and aesthetic appeal, will encourage more private investment like this and support the investments that are occurring along Old Lenoir Road by extending the Old Lenoir Road project from 12th Avenue NW to Riverwalk, there will be a continuous 5.2 mile multi-use trail from Lenoir-Rhyne University to the Catawba River.

NOW, THEREFORE BE IT RESOLVED, that the City of Hickory is hereby authorized to submit a STBG-DA application in the amount of \$2,040,000 and will commit \$1,020,000 million as a cash match for the Old Lenoir Road Multi-Use Trail Extension project.

B. Accepted the 2018 Justice Assistance Grant.

Hickory Police Department requests approval to accept the 2018 Justice Assistance Grant. The City of Hickory has received notification of approval to receive \$15,028 under the 2018 Justice Assistance Grant Program. The JAG Program is a formula-based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. Cities and counties are required to submit joint applications for the available funding. There is no match required. The Hickory Police Department will use the funding to use grant funds to purchase a covert mobile and/or pole camera system that can be utilized as an investigative tool in areas where gun and drug gang violence occur. Additionally, Hickory Police intends to purchase a software licensing module for our records management system that would allow users remote access via the web. This functionality would allow us to grant real time access to our prosecutor's office giving them the ability to access reports immediately for swift prosecution of felony cases and repeat violent offenders. Hickory Police Department recommends approval to accept the 2018 Justice Assistance Grant in the amount of \$15,028 to purchase a covert mobile and/or pole camera system and a software licensing module for our records management system that would allow users remote access via the web.

C. Accepted the 2018 Bullet Proof Vest Grant.

Hickory Police Department requests permission to accept a grant to assist in funding the purchase of bulletproof vests for police officers. The City of Hickory will receive up to 50 percent reimbursement for each vest purchased. Since 1999, the Bullet Proof Vest Grant program has provided an opportunity for law enforcement agencies to apply for a grant to receive up to 50 percent funding on the purchase of ballistic vests. In order to be eligible, the agency must have a policy in effect making it mandatory for uniformed officers to wear the vests while on duty. Hickory Police Department has the mandatory wear policy in effect and has been a recipient of this grant for numerous years. Monies are placed in the police department budget uniform line item annually to purchase vests for police officers. Life expectancy of each vest is approximately five years. The Police Department requests Council's acceptance of this grant to receive up to 50 percent funding to purchase bulletproof vests for police officers.

- D. Approved a Lease Agreement with Rene Martinez Jr. for City-Owned Property Located at 1123 15th Street NE.

Staff requests Council's consideration of a lease agreement with Rene Martinez, Jr. to lease property owned by the City of Hickory located at 1123 15th Street NE. This property is adjacent to the City's Public Services Complex. The City has rented this two bedroom home to City employees regularly since purchasing the home a number of years ago. Staff plans to continue renting the home until the property is needed for potential expansion of the Public Services Complex. Rene Martinez, a Hickory Police Officer, has rented the home since November 2017. The current lease expires on October 31st, and he is interested in extending the lease an additional 6 months. The terms for the proposed lease extension will be six months with a monthly rent of \$350. The lessee will be responsible for the payment of all utilities furnished to the property and yard maintenance. There will be a required security deposit of \$350. Staff recommends City Council's approval of the lease agreement with Rene Martinez, Jr.

- E. Approved a Special Events Activities Application for the 4th Annual Mel's Jingle Run 5K, Sarah Prencipe & Leslie Knapp, (Family Guidance Center Volunteers), December 8, 2018 from 5:30 a.m. to 11:30 a.m., at the Sails on the Square Stage & 5K Route.
- F. Approved a Cemetery Deed Transfer from Jimmy F. Kees and wife, Doris E. Kees to Shelley Baker Hughes, married, Fairview Cemetery, Lot No. 1, Block H, Section 1, containing Eighty (80) Square Feet, more or less. (Prepared by Susannah L. Brown, Anthony & Brown, PLLC.
- G. Called for a Public Hearing for Consideration of a Voluntary Non-Contiguous Annexation of Property Owned by Dayspring of Catawba County, LLC. (Authorize Public Hearing for November 6, 2018, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 18-33
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Dayspring of Catawba County, LLC requesting annexation of an area described in a petition was received on October 2, 2018 by the City Council of the City of Hickory; and

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

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

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

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

CERTIFICATE OF SUFFICIENCY

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

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

2800 14th Avenue Circle SE, containing 7.59 acres more or less

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 2nd day of October, 2018.

/s/ Debbie D. Miller, City Clerk

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

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on November 6, 2018 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

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

2800 14th Avenue Circle SE, containing 7.59 acres more or less

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

RESOLUTION NO. 18-34

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY DAYSPRING OF CATAWBA COUNTY, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Dayspring of Catawba County, LLC is the owner of certain real property as described herein, which property is located at 2800 14th Avenue Circle SE, containing 7.59 acres more or less; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 16th day of October, 2018, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on November 6, 2018 in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on maps entitled Dayspring of Catawba County, LLC Voluntary Non-Contiguous Annexation Map 1, Current City Boundary, subject property outlined in red; Dayspring of Catawba County, LLC Voluntary Non-Contiguous Annexation Map 2, 2017 Aerial Photography, subject property outlined in red; Dayspring of Catawba County, LLC Voluntary Non-Contiguous Annexation Map 3, Zoning, subject property outlined in red.

Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

- H. Called for a Public Hearing – Consideration of Closing a Portion of “E” Avenue SE. (Authorize Public Hearing for November 20, 2018, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 18-35
RESOLUTION OF INTENT

A Resolution Declaring the Intention of the City Council of the City of Hickory
to Consider the Closing of a portion of “E” Avenue SE

WHEREAS, G.S. 160A-299 authorizes the City Council of the City of Hickory to close public streets and alleys; and

WHEREAS, the City Council of the City of Hickory considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of “E” Avenue SE, Hickory.

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

1. A Public Hearing will be held at 7:00 p.m. on the 20th day of November, 2018, in the Council Chamber of the Julian G. Whitener Municipal Building at 76 North Center Street, Hickory, North Carolina to consider a resolution closing of a portion of “E” Avenue SE, Hickory.
 2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Hickory Daily Record.
 3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
 4. The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A 299.
- I. Approved the Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along the Property Located at 1344 4th Street NW, Hickory, Petition No. 18-02. (Authorize Public Hearing for November 20, 2018 at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 18-36
PRELIMINARY RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF HICKORY
(NO. 18-02)

WHEREAS, on the 10th day of August, 2018, property owners of 1344 4th Street NW, Hickory, filed with the City Engineer of the City of Hickory a petition for improving said street by placing and constructing thereon curb and gutter according to plans and specifications on file in the Office of the City Engineer; and

WHEREAS, the City Clerk has certified to this Board that said petition is sufficient in all respects.

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

1. That the above-mentioned petition is found to be sufficient in all respects.
2. That, that portion of 1344 4th Street NW be improved by placing and constructing thereon curb and gutter in accordance with plans and specifications on file in the Office of the City Engineer under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129 of the General Statutes of North Carolina.
3. That 50 percent of the total cost of the said improvements may be assessed against the property receiving the improvement for constructing curb and gutter - \$27.00 per linear foot plus \$0 per linear foot for storm drain piping for a total of \$27.00 per linear foot excluding driveway cuts and \$54.25 per linear foot of driveway apron measured at its narrowest point plus \$0 per linear foot for storm drain piping for a total of \$54.25 per linear foot of driveway apron.
4. That the assessment herein provided for shall be payable in cash, or if the

property owners shall so elect, in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment in five (5) equal annual installments, to bear interest at the rate of 8 percent per annum.

5. That a public hearing on all matters covered by this resolution shall be held on November 20, 2018, at 7:00 p.m. in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Certificate of Sufficiency
(No. 18-01)

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the annexed petition of property owners for the improvement of a portion of 4th Street NW, Hickory was lodged with me on the 5th day of October, 2018, and that I have investigated the sufficiency of said petition; and that the results of my investigation are as follows:

The total number of owners of land abutting on the parts of said street proposed by said petition to be improved is one (1). The number of said owners who signed said petition is one (1), a majority.

The total number of lineal feet of said lands upon the parts of the street proposed by said petition to be improved is 160 feet. The number of said lineal feet represented by said owners who signed said petition is 160 feet, a majority.

For the purposes of said petition a majority in interest of owners of undivided interest in any piece of property have been deemed and treated by me as one person.

I find that the said petition is in all respects sufficient and in conformity with all requirements of Chapter 160 A, Article 10 of the General Statutes of North Carolina, as amended. I find also the parts of said street proposed by said petition to be improved have been definitely laid out, and that the boundaries of same have been definitely fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory, this the 5th day of October, 2018.

/s/ Debbie D. Miller, City Clerk

- J. Approved a Proclamation for Dyslexia Awareness Month.
- K. Approved the Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs.

The following request was considered by the Citizens' Advisory Committee at their regular meeting on October 4, 2018.

- Mary Cook, 531 16th Street SW, Hickory, was awarded a City of Hickory's Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$15,000 for repairs to her house. Assistance would be in the form of a zero percent interest deferred loan.

Funds are budgeted for this item through the City of Hickory's former Rental Rehabilitation Program income received in FY 2018 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 request for assistance through the City of Hickory's housing assistance programs.

- L. Approved a Community Development Block Grant Funding Agreement with Habitat for Humanity of the Catawba Valley, Inc.

Since 2014, the City of Hickory has provided Community Development Block Grant (CDBG) funds to Habitat for Humanity of Catawba Valley to help implement their Habitat Repairs Program. They last received funding for Program Year 2017-2018 in October of 2017. As of the end of September 2018, Habitat has spent their funded amount and is requesting funding for Program Year 2018-2019. In February 2018, the City of Hickory's Department of Planning and Development Services requested applications from local nonprofit organizations for funding under the CDBG Program. Habitat did not apply at that time due to funding that was still available to them. The Citizen's Advisory Committee reviewed and recommended funding for this application on October 4, 2018. Total funding for housing rehabilitation was approved in the City's Annual Action Plan during a public hearing on June 19, 2018. The CDBG funding agreement describes the requirements for the City and Habitat for Humanity of the Catawba Valley to ensure that all applicable federal regulations are met. Funds will be used for rehabilitation of owner occupied single

family residences with households earning less than eighty percent of the area median income. Habitat for Humanity of the Catawba Valley has requested and been approved for funding in the amount of \$40,000 through the City of Hickory's Community Development Block Grant program. The funding is part of the Housing Rehabilitation allocation of the City's CDBG Annual Action Plan. Approval of the Agreement will allow them to continue to provide much needed housing rehabilitation services to benefit low to moderate income households. Staff recommends City Council's approval of the CDBG funding agreement between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc.

- M. Approved the Community Development Block Grant Small Business Loan Program.

In its most recent five year Consolidated Plan for Housing and Community Development, the City listed increasing opportunities for entrepreneurship as a high priority need. In the 2018-2019 program year, it is the City's desire to expand on the current process to incorporate a small business loan program to expand additional economic opportunities. According to the Community Development Block Grant (CDBG) regulations, the City is allowed to loan CDBG grant monies to an eligible business owner. Since the project will be funded with CDBG funds, all loans must be made to businesses with the intent of creating jobs for low to moderate income individuals. The proposed guidelines for the Small Business Loan program state that the award will be in an amount up to \$20,000 for eligible businesses that create jobs, at least 51 percent of which are filled by low to moderate income individuals. An individual is considered low to moderate income if their household income of less than 80 percent of the area median income. That is currently \$44,000 for a family of four. The loan funds will be used to purchase business equipment only and the loan amount will be paid by the City of Hickory directly to a third-party equipment vendor. The loan period will be for nine years at a four percent interest per annum. If payments are made on time for a period of five years and other program criteria are met, the remaining balance will be forgiven. Re-payment of the loan will be in monthly payments made to the City of Hickory via an automatic bank draft from the business owner's account. The City of Hickory Business Development Committee reviewed the program guidelines and recommended their approval at their August meeting. The funding for this program was approved as part of the CDBG Annual Action Plan at the June 19th City Council meeting. Staff recommends City Council's approval of the proposed Small Business Loan Program.

- N. Approved an Agreement for Wastewater Operations Renewal with the City of Claremont.

Staff requests Council's approval of an agreement for Wastewater Operations renewal between the City of Claremont and the City of Hickory. The City of Claremont approached the City of Hickory in 2009 with desires to employ the services of the City of Hickory Public Utilities Department to operate, maintain and manage two wastewater treatment facilities, five collection system lift stations, and provide ancillary operations testing, flushing, engineering, etc. In 2011, the City of Claremont and the City of Hickory amended the contract to include the services of the City of Hickory Public Utilities Department to provide for the operator in responsible charge of their distribution and collection systems. The initial term of these contracts expired on June 30 2014. A second renewal contract was executed in 2014 extending this contract to June 30, 2017. The proposed agreement has a term of five years to recognize the necessity of long term planning for a permanent solution in the near future. This agreement for wastewater operations allows for the continuation of an economical alternative to the City of Claremont's need to hire qualified, licensed operations professionals by employing the services of the City of Hickory Public Utilities Department. The proposed agreement details the City of Hickory continuing to provide all services that we currently provide the City of Claremont. The base fee for this agreement is proposed to be \$394,236.41 per year for operations of the wastewater treatment facilities and lift stations; \$29,538.98 per year for operator in responsible charge of the collection system and \$32,604.46 per year for operator in responsible charge of the distribution system. These fees will be subject to annual fee adjustments in the future as approved by the City Council of the City of Hickory for all other public utilities rates and fees. This agreement will be in effect until June 30, 2023. Claremont will remain responsible for all capital expenditures and operation and maintenance of the distribution and collection systems. This contract agreement will not require the City of Hickory to hire additional staff. Staff recommends Council's approval of this agreement for wastewater operations renewal between the City of Claremont and the City of Hickory.

- O. Approved on First Reading Budget Revision Number 5.

ORDINANCE NO. 18-32
Budget Revision No. 5

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2019.

SECTION 1. To amend the General Fund within the FY 2018-19 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	3,933	-
Culture and Recreation	4,050	-
Other Financing Uses	74,080	-
TOTAL	82,063	-

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	7,983	-
Other Financing Sources	74,080	-
TOTAL	82,063	-

SECTION 2. To amend the Stormwater Fund within the FY2018-19 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	20,000	-
TOTAL	20,000	-

To provide funding for the above, the Stormwater Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	20,000	-
TOTAL	20,000	-

SECTION 3. To amend the Solid Waste Fund within the FY2018-19 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	27,066	-
TOTAL	27,066	-

To provide funding for the above, the Solid Waste Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	27,066	-
TOTAL	27,066	-

SECTION 4. To amend the Capital Reserve Fund within the FY2018-19 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	74,080	-
TOTAL	74,080	-

To provide funding for the above, the Capital Reserve Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	74,080	-
TOTAL	74,080	-

SECTION 5. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda
- X. Informational Item
- XI. New Business:
 - A. Public Hearings
 - 1. Approved a Resolution Confirming the Assessment Roll for Curb and Gutter Petition 17-01 for a Portion of 1440 8th Street NW – Presentation by Assistant Public Services Director, Steve Miller.

The City Clerk received petition number 17-01 from the owners of property along 1440 8th Street NW to install curb and gutter along a portion of their street as per section 29-2 of the Hickory Code of Ordinances. The petition was a single-party petition. The City Council adopted a Resolution Directing that Street Improvement Project Be Undertaken. Construction of the curb and gutter was completed on August 24, 2018. The preliminary assessment roll number 17-01 has been prepared based on the curb and gutter constructed along a portion of 1440 8th Street NW. The City Clerk mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff recommends Council's approval of a Resolution confirming the assessment roll for property located at 1440 8th Street NW, Hickory.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 5, 2018.

City Manager Warren Wood asked the City's Assistant Public Services Director Steve Miller to the podium to present Council with a Resolution confirming the assessment roll for curb and gutter Petition 17-01 for a portion of property located at 1440 8th Street NW.

Assistant Public Services Director Steve Miller presented a PowerPoint presentation. He reiterated that he was presenting to Council a Resolution authorizing appropriation of the assessment roll as a public hearing for Petition 17-01 for property located at 1440 8th Street NW. He showed an aerial of the property located at 1440 8th Street NW. It was a single party petition on a corner lot. They were able to petition as a single party. The curb and gutter was completed in August. He showed a photo of the completed project. The customer was very satisfied with the work. The petitioners were Charles and Nancy Craft. The amount of the assessment roll was \$6,491. Staff recommended Council's approval of the Resolution authorizing the appropriation of the assessment roll for street improvement Petition 17-01 for curb and gutter. He thanked Council.

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

Alderman Patton commented she had spoken to the Craft's, who were her neighbors, and they were very pleased with the work which was done. They said they were most professional, got in, and did a beautiful job.

Mayor Guess asked if there was any further discussion from Council.

Alderman Patton moved, seconded by Alderman Zagaroli approval of the Resolution confirming the assessment roll for property located at 1440 8th Street NW. The motion carried unanimously.

RESOLUTION NO. 18-37
RESOLUTION CONFIRMING AND LEVYING ASSESSMENT
STREET IMPROVEMENTS ON 1440 8th STREET NW, HICKORY
NO. 17-01

WHEREAS, the City Council of the City of Hickory has on this day held a public hearing, after due notice as required by law, on the Assessment Roll for the street improvements on 1440 8th Street NW; and

WHEREAS, the City Council has heard all those persons present who requested to be heard, and has found the Assessment Roll to be proper and correct.

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

1. The Assessment Roll for the improvement of 1440 8th Street NW, Hickory is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Hickory, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll.
3. The City Clerk is hereby directed to deliver to the Collector of Revenue the said Assessment Roll.

4. Assessments may be paid without interest at any time before expiration of 30 days from the date this notice is published.

5. The Collector of Revenue is hereby charged with the collection of the said assessments that are not paid within this time, in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.

6. The City Clerk is hereby further directed to publish once on the 5th day of November, 2018.

B. Departmental Reports:

1. Quarterly Financial Report – Presentation by Assistant City Manager Rodney Miller

City Manager Warren Wood asked Assistant City Manager and Chief Financial Officer Rodney Miller to the podium to present Council with the quarterly financial report for the first quarter of the fiscal year, which was July, August and September.

Assistant City Manager Rodney Miller presented a PowerPoint presentation. He discussed the first quarter of the fiscal year 2018-2019. He added the City closes their fiscal year on June 30th. He advised that City Council will appoint an audit committee member later in the meeting. Three members of City Council participate on an audit committee and their meeting is at the end of October to hear the yearend financial report for the 2017-18 fiscal year. They would have that report for Council at the end of October and the year financial reports will be available in November for the whole fiscal year. He discussed the first quarter of 2018/2019, July, August, and September. He started with the City's main operating fund called the general fund. He referred to the PowerPoint and showed the revenues associated with the general fund. As of September 30, 2018 the City had the following revenue sources. The largest revenue source comes in the form of ad valorem taxes. The City has a \$27.2 million dollar annual budget for those taxes. The City had collected through September for the first three months, a little over \$5.4 million dollars or 20 percent. That was not unusual, as most of us know that pay property taxes, those are due in early January. Mortgage companies will start paying those in November. And folks, individuals, residents, and business owners will pay those in December and January, so those dollars will ramp up in the December/January timeframe. Other taxes, which is primarily sales taxes, the City had a \$16.3 million dollar budget and had collected almost \$2.3 million dollars. He advised this revenue source lags behind, in fact, what he was showing was only two months of the City's sales tax revenues. If you spend \$100 at Target you would pay seven dollars in sales tax to Target. This goes to the North Carolina Department of Revenue. They keep the money for 45 days and then they return it at the end of the month to the City of Hickory or where the purchases were made all across the State of North Carolina.

Mr. Miller discussed intergovernmental revenues between State revenues as well as Catawba County and other municipal revenues which the City had received. The City had collected over 25 percent to date, \$1.1 million dollars. He pointed out permits, fees, and sales and services. He advised they were looking for approximately 25 percent. Those are typically the same every month for those four categories. He advised in investment earnings the City had received approximately \$42,000. The other categories were miscellaneous revenues and other financing sources. Those were funds which are to be used to provide funding to appropriate fund balance. We appropriate some of those dollars to balance the budget. In that \$3.5 million dollars, about a million dollars is used of our reserves to help us balance the budget. We don't plan to use those dollars but that helps us balance the budget. We plan to not spend those dollars and keep those funds in reserve. He referred to the PowerPoint and showed the trend through the first three months. From \$4.8 million dollars three years ago to \$5.5 million dollars this year. We have approximately \$27 million dollars in budgeted revenues for property tax. He added that we budget very conservatively. As many years as he could remember the City had exceeded the budgetary revenues projections. He didn't anticipate anything different this year. In fact, last year we exceeded our revenues by several hundred thousand dollars and he expects us to do the same this year. He advised the sales tax revenues were slightly up. He referred to the PowerPoint and explained 2.88 percent above last year at this time. He commented we had only received two months received to date as he discussed previously.

Mr. Miller discussed the expense side. He showed the expenditures broken down primarily by departments. He showed the year to day actual column and what had been spent through three months, as well as compared to our budget and the

percent of the budget that we had spent. You don't want to spend more than what you can bring in. With the expenditures there was a couple of exceptions. Information Technology was above 25 percent. That was because we typically buy the technology items, computers, printers, etc. in bulk in July so they can come in and distribute them among the departments. He is typically going to be more than our percentage. The others should all be below 25 percent of expenditures compared to our budget.

Mr. Miller discussed encumbrances. We have \$3.5 million dollars in contracts which had been let. That doesn't necessarily mean those dollars have been spent, but we have obligated City funds to pay for those contracts. He advised that we had actually spent more than we had received so far through September. At almost \$5 million dollars. Back to fund balance, and what you would see in our investments, the reason that we have fund balance in a reserve is for the first four months of the fiscal year, without getting property tax revenues, we have to use our reserves to pay the bills until those property tax dollars come in, in December and January. To date we had spent a little over \$15 million dollars. The expenditures in the general fund were at about 25 percent of our budget.

Mr. Miller discussed building permit activity. They track the number of residential permits as well as commercial permits. They compare this by fiscal year. He showed the first three months of the fiscal year. There was a total of 135 permits in this year compared to 142 last year, so we are seven permits behind. He noted that we had quite a bit of pick up in residential activity. He showed on the value itself, \$5 million dollars this year compared to \$4.4 million dollars last year at this time. We had dipped a little bit in commercial, but there was one big project that was actually going to skew that number that building permit hadn't been pulled for before. He advised that in August Corning had announced a \$60 million dollar project which was going to bring 110 jobs to Hickory. All we have currently is a grading permit, which was approximately a million dollars. This commercial building number in the coming months will jump by \$50 to \$60 million dollars as they pull that permit. He noted numbers which we hadn't had in years past was a number of apartments or residential units and townhomes. He pointed out Sweetwater Townhomes off of Sweetwater Road, Stone Brook, Pepper Stone, Hawks Landing, Highland Park, and in the future (permits had not been pulled for) a project off of Short Road across from CVCC, as well as a housing finance loan approved project, 80 units off of Highway 70 behind the Walmart Neighborhood Market. If you add all of those up, that is over a thousand residential units that will come online in the City of Hickory in the coming year, or two. He discussed other projects, Frye's Emergency Room expansion of \$15 million dollars was in full swing. In fact, they would be wrapping up in the coming months. They had actually tripled the number of emergency rooms they have available, if not quadrupled for the residents of this area. He commented he had added Bradington Young, a 70,000 square foot addition, but he noted that was in the City's extra territorial jurisdiction (ETJ), not technically in the City limits of Hickory. He also commented on the CVCC Workforce Solutions facility. City Council had attended a meeting there and they saw that facility, which was a \$25 million dollar facility that CVCC had done. A lot of building activity. They think this trend, at least in the short term, is going to continue. We have a lot of interest from folks in town and out of town and we are expecting these numbers to go up in the near future.

Mr. Miller discussed the water and sewer fund. He advised the City's water and sewer fund was approximately \$30 million dollars and the revenues we received were about even. We had collected approximately \$5.5 million dollars in revenue and had spent almost \$5.4 million dollars in expenditures. About 18.5 percent of the budget received today, and 18 percent spent through September 30th. He showed a new slide and explained when the City issued debt, the first series of general obligation bonds, staff met with the rating agencies in New York. They encouraged him, as the Chief Financial Officer (CFO), to present the investment report to City Council at a meeting. He advised the City invested their idle cash. You could put it in the bank, hide it under a mattress, or you could invest it. One of the responsibilities he has, as the CFO, is to invest those idle funds. The North Carolina State Treasurer's Office has guidelines and restrictions on what you can invest it in. No cities or counties in North Carolina can invest in the stock market for example, but they can invest in certain securities, which he displayed on the PowerPoint. He noted CD's, commercial paper, it has to be a certain level in North Carolina, its A1P1, which is a rating for that commercial paper. He noted some government agencies, Federal Farm Credit, Federal Home Loan Bank, Fannie Mae and Freddie Mac. We have some money market investments. We have got a fully subsidized North Carolina Management Trust Fund, which the State Treasurer's Office reviews and allows in North Carolina. It is an investment pool that local governments in North Carolina invests in. In fact, it is the safest investment. It is actually very short, the cash portfolio is really one day and the term is more like 30 days that you can get your money out. He advised those were

the City's investments. He referred to the PowerPoint and showed that the average yield of all those investments was a little over 1.6 percent. What the City was earning last year was less than one percent. We have increased our investment earning potential. Through the first three months of the fiscal year we have earned almost \$225,000 citywide. He advised this was not broken out by fund. Those idle dollars that we have, we have invested. He commented the City had \$65 million dollars in investments on a total budget of \$100 million dollars. He reminded Council that we had over \$120 million dollars in water and sewer infrastructure currently in the ground and above ground. We have to have a healthy reserve to repair those things that need our attention. In addition, we are all aware of the hurricanes here of late. The City also experienced a major tornado last October, which took out two of the hangars at the airport. Governments in North Carolina are required to keep eight percent fund balance in their reserves. We currently have approximately a 30 percent fund balance in our reserves.

Mr. Miller discussed restrictive funds. That was the \$15 million dollars which they issued in bonds in August. They issued a little more than \$15 million dollars to pay for the expenses associated with that transaction. Through September 30th we had not paid those financing costs, but that number would go down in October. He asked Council for any questions.

Mayor Guess asked Council if they had any questions. He thanked Mr. Miller for the very encouraging report.

2. Approved a Resolution of Support for the North Carolina Department of Transportation Bicycle Grant Application – Presentation by Transportation Planning Manager John Marshall.

Staff requests Council's consideration of a Resolution of support for a North Carolina Department of Transportation (NCDOT) bicycle grant application. The NCDOT Division of Bicycle and Pedestrian Transportation (DBPT) and the Transportation Planning Branch created an annual matching grant program - the Bicycle and Pedestrian Planning Grant Initiative - to encourage municipalities to develop comprehensive bicycle plans and pedestrian plans. The City of Hickory will apply for a comprehensive bicycle plan. The grant application is due November 2, 2018. If the City is awarded the grant, NCDOT will send out a municipal reimbursement agreement. NCDOT/DBPT maintains a short on-call list of experienced, pre-qualified consultants to prepare bicycle and pedestrian plans funded through the Planning Grant Initiative Program. DBPT staff will select a firm to prepare a community's plan whose skills match the needs of the local jurisdiction (with input from the local government when necessary). Consultant assignment will also be influenced by current workload/available staff. The final plan development cost will be negotiated between DBPT and the selected firm with the final cost falling within the plan approved cost range. Based on Hickory's population the cost range is between \$55,000 and \$70,000. The City will be responsible for a local match also based on population, which is 30 percent of the plan total cost. The consultant will be responsible for submitting quarterly progress reports to NCDOT. NCDOT-DBPT will handle all consultant invoicing and all other related documentation. Staff requests City Council adopt the Resolution of support for the NCDOT bicycle grant application.

City Manager Warren Wood asked the City's Transportation Planning Manager John Marshall to the podium to present Council with a Resolution of support for the North Carolina Department of Transportation (NCDOT) bicycle grant application.

Transportation Planning Manager John Marshall advised he would talk about the grant itself and Mr. Adrian Holtzman, representing the Friends of Hickory, would speak on the park loop itself, and Mr. Zack King with Public Health would speak on the health benefits of the biking and pedestrian facilities. Mr. Marshall presented a PowerPoint presentation. He commented the bicycling and pedestrian division created an annual matching grant program and that is what the City would apply for. The City would apply for the bicycle part of it. Cities our size can either apply for a standalone pedestrian plan or bicycle plan. The City had decided to apply for the bicycle plan this year. They developed this program to try and encourage municipalities to do comprehensive bicycle and transportation plans. This program had been around for almost 15 years now. The plan would be developed by a consultant that was prequalified by NCDOT. They will actually match the City with a consultant to do this plan if we are awarded the grant. An employee of the municipality must be assigned as a Project Manager to oversee the plan. We have to also put together a taskforce. The City would like to have a diverse taskforce to include business owners, citizens, health and educational citizens, police and fire. The grant focus will identify critical local needs for infrastructure improvements.

Fill in those gaps where we are missing those. Identify corridors for maximizing existing infrastructure and improving conditions. Recognizing the need to serve diverse populations. Develop a comprehensive bicycle transportation system and identify how a bicycle plan would help improve health of the community. That is what Mr. Zack King would address. They also want to recognize the value of developing educational enforcement and awareness initiatives. That could be education for drivers, or school children. They also want to show widespread local support from elected officials and stakeholders. He thought Council had already done this through the bond, and through the BUILD grant and different applications. They had already proven that. Demonstrate an understanding of interrelationships with other adopted plans, which the City had also done through a lot of these projects that are beginning to start. Demonstrate involvement of other organizations' support letters. He advised so far they have about 15 support letters, and they would like to have a few more. The more they get the better the application looks. Identify realistic plan implementation plan strategies. A lot of this implementation is happening because of the bond. If we get the BUILD grant again, we will have applied for the STBG-DA money, so we are just trying to enhance that with addition funds. He discussed the matching grant formula and the cost estimate. He referred to the PowerPoint and showed the population range which the City was in, 25,000 to 50,000. DOT would pay for 70 percent of the plan and the City would be responsible for 30 percent. The estimated cost for the plan for our size was somewhere between \$55,000 and \$70,000 dollars. He discussed the key dates noting this was a November 2nd deadline, but because of the recent hurricane a couple of weeks was added to that. They will award the grant in February. Then six months later notification, hopefully you would start the plan maybe in late summer and it would take about 12 months to finish that plan. They also really wanted to see pictures and they emphasized putting pictures with the application. They wanted to see what the City's weaknesses and strengths were. He showed pictures of some of the weaknesses. He referred to some photos and explained that people put debris where people like to ride bikes. Every railroad crossing is rough, it is hard to get across any railroad crossing with a bicycle. We also have some utilities in some of the areas where cyclist like to ride. He showed the City's strengths as well, referring to the photo of the paved trails at Geitner Park and the children riding the bikes. It gets a lot of use. Also, the mountain bike trails are doing fantastic. We also have really nice bike lanes in some areas of town as well. He asked Mr. Holtzman to the podium to discuss the park and the bicycle loop itself.

Mayor Guess asked Mr. Marshall where citizens could submit the letters of support to.

Mr. Marshall advised they could send them to him. If they wanted to email him, or call him, he could provide them with the information of who the letter needed to be addressed to, officials at DOT. He will collect all of the letters and he would submit them all together with the grant.

Mayor Guess asked if there was a way that could be put on the City's website.

City Manager Warren Wood responded yes.

Mayor Guess thought that might be helpful.

Mr. Adrian Holtzman representing Friends of Hickory and the larger cycling community addressed City Council. He lives at 945 18th Avenue Court NW. He introduced two of his sons and convenient political props. They were wearing their bicycle helmets. He advised the Friends of Hickory had proposed that the hub of our City bike network start with a 13 mile bi-directional loop to encircle our City using existing infrastructure. Sections of this loop are already designated for updates and needed road improvements. This beltway will be incorporated into already existing development plans for the City Walk, Riverwalk, and the Book Walk. The project would span all four quadrants of the City connecting numerous parks, schools, and businesses, while allowing economic development to extend into lower income areas. This is a means of alternate transportation as well as recreation. The purpose is to create a defined route that is well marked, relevant, and safe. If developed well, with proper consultation, and is part of a complete street effort, which was discussed earlier, this beltway can become the basis for a wider cycling network and a foundation for stronger, safer cycling culture and help educate the public in bringing awareness of cyclist and to promote healthy living in our City. Safe and happy cities prioritize the people's wellbeing. A cycling network fits into what is called an 8 to 80 model. Which means if you build infrastructure that is great for an 8 year old and an 80 year old, then you have essentially built something for all people. Cycling by its nature is inclusive. Whether you are old or young, rich or poor, experienced or not, fit or even handicapped you can still theoretically be able to participate. Universally this should be done well and it

should be made safe. This goes hand in hand with economic development. If you look around most of the people who had come to support having this loop, they are wearing jerseys and are avid cyclist. You will see them riding with cars, riding in packs, riding on Highway 127 during busy times of the day. This was the one percent of the population which he considered himself to be. Even so, they still don't want to be with cars. They think that cars and bikes need to have their own spaces. If you talk to any of them they will tell you stories of people that they know that have experienced serious injuries and occasionally death. A lot of these are related to auto related injuries. The majority of the people constitute the 60 percent of the population, which means they are interested but concerned. They would ride if there was an infrastructure in place and if it was safe. If any part of that was not felt to be safe, they will not ride it. We live in a great City, it is a great time. The Council has a unified vision and he applauds them for moving forward with this initiative. They have a lot of enthusiasm and support. He thinks they have a good plan and a great opportunity to be innovation leaders in our region. They hold themselves accountable to a high standard and not lose sight of the fact there are actual lives at stake with what they do, and do it right. He asked Mr. Zack King to the podium to discuss some of the health benefits.

Mr. Zack King advised he was the Public Health Strategist with the Catawba County Public Health and Coalition Director for Live Well Catawba. The last time he was at a Council meeting he was actually talking about the 2015 community health assessment. He discussed some of the facts which would support what Mr. Marshall and Mr. Holtzman had talked about previously. He advised that 54 percent of deaths in Catawba County were related to four preventable chronic diseases that were directly related to physical activity and healthy eating. We talk about the nature of impact related to increasing opportunities for physical activity like biking. We have major preventable, premature, early deaths related to chronic disease, 54 percent of our deaths. What we know is that those impact certain parts of our community differently than others. We have an 18 year life expectancy gap between northwest Hickory and west Hickory touching Long View. When we look at the opportunity that this proposed loops and other parts of the plan that could come from the grant, we look at this as an opportunity for equity. Whether it is for recreation or for transportation we know that this kind of investment and sign of support in biking is something that can change our community economically, socially, and in a way that changes our health. About 50 percent of our health outcomes come from our physical and social and economic environments and biking has all of those things in one. He mentioned that the social connectivity that this provides between all four quadrants of the City creates health impacts far beyond just the activity itself. People who are socially connected are healthier, live longer and are happier that they live in the City of Hickory. They are committed as part of this grant process and part of the proposed projects which Council sees in front of them to look at health impacts, to conduct health impact assessments like Atlanta, Greenville, and the City of Davidson has so they can report back to Council and the community on the impact that this project and other projects to follow it will have in our community. He thanked City Council.

Mr. Marshall recommended that Council adopt the Resolution of support so they could apply for this bicycle grant.

Mayor Guess thanked everyone who spoke. Obviously this is an economic development tool. Several members of Council and staff had actually ridden this proposed route. He applauded everyone involved in this and those that would continue to have involvement as the City moves forward.

Mayor Guess moved, seconded by Alderwoman Patton approval of the Resolution of support for the NCDOT bicycle grant application. The motion carried unanimously.

RESOLUTION NO. 18-38
A RESOLUTION FOR SUPPORT OF THE
NCDOT BICYCLE AND PEDESTRIAN GRANT APPLICATION

WHEREAS, NCDOT's Bicycle and Pedestrian Division provides funding and technical assistance to develop comprehensive local bicycle/pedestrian plans, and

WHEREAS, the NCDOT may provide grant funding along with matching monies from the City of Hickory to develop a comprehensive bicycle plan for the City of Hickory due to its history of coordination and collaboration on land use, transportation, and economic development issues; and

WHEREAS, the City of Hickory recognizes a need to promote better connectivity via alternative modes of travel to reduce congestion, improve air quality, increase

tourism, promote recreation, improve health, and increase safety for existing pedestrians, motorists; and

WHEREAS, the City of Hickory will consider implementation of the future comprehensive plan through the recommended implementation strategies found in the future plan; and

WHEREAS, the City of Hickory is requesting the endorsement of the Greater Hickory Metropolitan Planning Organization (MPO) which serves the City of Hickory;

NOW, THEREFORE BE IT RESOLVED that the City of Hickory adopts this resolution of support for the NCDOT BICYCLE/PEDESTRIAN GRANT APPLICATION.

3. Approved a Locally Administered Project Agreement with North Carolina Department of Transportation for Projects EB-5937 for Book Walk and EB-5938 for Book Walk South - Presentation by Assistant to the City Manager Yaidee Fox.

Staff requests approval of the agreement with North Carolina Department of Transportation (NCDOT) for EB-5937 and EB-5938 to receive federal funds to construct Book Walk and Book Walk South. The City was granted approval from the Greater Hickory MPO to receive Surface Transportation Block Grant – Direct Attributable (STBG-DA) funds of \$2,000,000 to assist in the construction of Book Walk and \$3,200,000 to assist in the construction of Book Walk South. To receive the funding, the City must enter into an agreement with NCDOT, so they can administer the disbursement of STBG-DA grant funds. Book Walk, which is a 10 foot multi-use path, from City Walk to the Ridgeview Library. The project starts at City Walk and South Center Street and follows South Center Street and 1st Street SW to the Ridgeview Library at 7th Street SW. The project is approximately 3,180 feet in length and is a critical link to neighborhoods in the southwest section of Hickory. Book Walk South, which is a 10 foot multi-use path, from the Ridgeview Library to US 70 and to the Walmart Neighborhood Grocery Store. The project starts at Ridgeview Library at 1st Street SW and 7th Avenue SW and follows 7th Avenue SW west to 4th Street SW and follows 4th Street SW south to US 70. The project is approximately 3,160 feet in length and is a critical link to neighborhoods in the southwest section of Hickory with the downtown area and with a grocery store. Book Walk and Book Walk South are part of a much larger multi-use path system being developed by the City of Hickory. Book Walk and Book Walk South will create a better connection for the citizens of the Ridgeview Community and other adjacent neighborhoods in southwest Hickory to the downtown area with an existing grocery store on US 70. Staff requests Council's approval of the agreement with NCDOT for EB-5937 and EB-5938 to receive federal funds to construct Book Walk and Book Walk South.

City Manager Warren Wood asked the Assistant to the City Manager Yaidee Fox to the podium to present Council with an agreement with North Carolina Department of Transportation to receive federal funds to construct Book Walk and Book Walk South.

Assistant to the City Manager Yaidee Fox presented a PowerPoint presentation. She advised she would be providing Council with a brief overview of the Book Walk project and present the Book Walk project agreement that was for their consideration. She showed a map of an overview composite map which was in the Inspiring Spaces Plan from 2012. It was to provide connectivity all around the entire City not just in one specific area. She pointed out this was actually an original concept that came from the Inspiring Spaces Plan. There was some mention of it in the actual master plan itself to help provide connectivity, pedestrian and bicycle linkage, between the historic Ridgeview Library and the current Ridgeview Library from US 70 to the downtown through the City Walk. She commented that none of this would even be coming before Council if it had not been for the excellent work of Mr. John Marshall, the Transportation Planning Manager. He was the one that worked with the City's team, along with Public Services Director Mr. Kevin Greer. It is all of the work of the team that worked on all of this. They were able to put forward a really great application that went before the Greater Hickory Metro Planning Organization (MPO). It received a favorable report and the City was granted the funds to be able to go directly to this project, the funds itself, (STGB-DA) Surface Transportation Block Grant Direct Attributable funds. So \$2 million of it would go to the assistance to the construction of the Book Walk, which would be considered the first segment from the City Walk going down towards the Library and \$3.2 million going to the assistance of the construction of the Book Walk South, which finishes that up all the way to right at the intersection where you would find the Walmart Neighborhood Grocery Store. Helping to provide that connectivity there and strengthening the transportation for

pedestrian and bikers. This was an 80/20 so it is Federal dollars, 80 percent State and then a 20 percent match on the local side. In order to receive the funds the City would have to enter into an agreement, which was what she was bringing before Council, with NCDOT so they can administer the distribution of the funds. She showed some photos which were taken for some other items that were along the route of the Book Walk. She advised it was two different segments but we would be doing it all at one time. It was a 10 foot multi use path just like the City Walk. It in essence extends another portion of that City Walk going from the City Walk to the Library and then from the Library down to the Walmart Neighborhood Grocery Store. She pointed out the starting point of the City Walk where Lenoir-Rhyne University was located and it extends all the way down to 9th and then it connects up to Old Lenoir Road and then up to the Riverwalk. But, with this, we are now able to do this extension going all the way to US 70. She showed a map with a little more detail. She stressed this is a preliminary concept that was submitted for the grant application, certainly any final designs of where the path will actually be will be discussed with our stakeholders in the Ridgeview community along with the Bond Commission so they will be working on this well, so once that has all been finalized and worked with the designers we will have a definitive path. She requested, on behalf of staff, Council's approval of the project agreement to provide the Federal and State funds to construct Book Walk.

City Manager Warren Wood reiterated what Mrs. Fox had said about the work that Mr. John Marshall and Mr. Kevin Greer did. Mr. Marshall just started with the City in January and he got \$5.2 million dollars working with Mr. Greer. Mr. Greer was promoted last spring, so they are new to the City in terms of their current roles, but they have done an outstanding job. That \$5.2 million dollars was a piece of what they have done.

Alderwoman Williams commented that both of the proposal that Council was hearing tonight reflect how we are able to leverage grant funding to really enhance the bond projects too. It is great for our staff to have the foresight to do this. She was happy that we have great staff that can do this.

City Manager Warren Wood advised the voters approved \$40 million dollars in the bond projects. We have taken that and leveraged it and gotten another \$23 or so million so far in grants, including this, and we have applied for a \$17 million dollar grant through the Federal government that we will find out about in December. We could have potentially doubled the \$40 million dollars by December in grant funding in what we are doing here with these projects.

Mayor Guess reminded everyone that all of this was related specifically to economic development and our goals in growing our population, and growing our economic development and growing our City. It is about creating jobs and destinations and amenities. It is not just a path or a trail or a sidewalk, it is a whole lot more than just that.

Alderwoman Patton commented also we have the other players who come into making each piece of it larger, just like the Tennis Association, and Kiwanis Park, and what they have done. Everyone is willing to partner with the City to expand what we can do. It has been amazing.

City Manager Warren Wood commented that Mr. Rodney Miller had mentioned it earlier, we are bearing fruit with this, a \$60 million investment by Corning coming our way. Council would hear about another one in closed session that relates to the bond program. This is bearing fruit. A lot of good things are happening.

Mayor Guess asked for any further discussion.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of the agreement with North Carolina Department of Transportation to receive federal funds to construct Book Walk and Book Walk South. The motion carried unanimously.

Mrs. Fox explained the next steps. Now that Council has approved that agreement, the next steps would be the agreement would now go to NCDOT for their review and signature. Staff will continue to work with the Bond Commission and stakeholders in the Ridgeview Community on the concepts and then move forward at the same time working on the request for qualifications for design and letter of intent. Then the project will be designed and the bid will be awarded. She thanked Council.

Mayor Guess commented it was great news.

4. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 2 (C. Williams Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

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

Alderman Zagaroli nominated Paul Packard as the Caucasian Representative on the Community Relations Council.

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms with Unlimited Appointments)
(Appointed by City Council)
Burke County (Mayor Appoints with Recommendation from County) VACANT
Caldwell County (Mayor Appoints with Recommendation from County) VACANT

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)
(3) Position VACANT

PARKS AND RECREATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
At-Large Minority (1) (Council Appoints) VACANT

Alderman Williams nominated Randall Williams as the Ward 4 Representative on the Parks and Recreation Commission.

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Lail Appoints) VACANT
Ward 4 (D. Williams Appoints) VACANT
At-Large (Mayor Appoints) (Lisë Swensson Resigned 9-13-18) VACANT

Alderman Williams nominated Randall Williams as the Ward 4 Representative on the Public Art Commission.

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 2 (C. Williams Appoints) (Mahesh Patel Resigned 10-1-18) VACANT
Ward 4 (D. Williams Appoints) VACANT

YOUTH COUNCIL

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

At-Large Representative VACANT
At-Large Representative VACANT

AUDIT COMMITTEE

Addition of One Councilmember to Serve on the Audit Committee. Currently Mayor Guess and Alderman Lail are serving on this Committee.

Mayor Guess nominated Alderman Seaver to serve on the Audit Committee.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of the above nomination. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Mayor Guess commented about the successful Oktoberfest that we had. He had attended both nights and he agreed that it was as crowded as he had ever seen it, and he says that every year. Every year he sees people that he has never seen before, so that is a good thing as well. He thanked everyone who had worked so hard to make that happen. They have quite the challenge

for next year to make it better. He also mentioned the Quilt Show. He had also attended it and it was a huge success. One of the things that they did which was phenomenal was the quilt of valor. They had 80 quilts that the ladies and three gentleman had put their hearts and souls into. Out of those 80 quilts they had 35 veterans that were allowed to pick out a quilt from those 80 quilts and they presented those quilts of valor to our servicemen and women thanking them for their service. It was really something to see and quite appreciated. He advised that the Lenoir-Rhyne Bears won their homecoming. It's Bear Time.

Alderman Zagaroli mentioned there had been a ribbon cutting for the tennis facility on Saturday. He commended Mack McLeod and his team for the fabulous job. He joked that they even paid tennis players to show up that day. All the courts were filled with tennis players. He, Alderwoman Patton, and Mayor Guess were in attendance. He advised it was a nice facility. He thanked the Tennis Association for their contribution.

Mayor Guess interjected and the Parks and Recreation Commission.

Alderwoman Patton referred to Mike Pilolla who had spoken earlier and he had mentioned that he recently had moved to Hickory. If you are bored in Hickory you are just not paying attention. She went to the quilting show and it was fabulous. She also attended the tennis ribbon cutting an hour later and also the Oktoberfest. There is just a lot of stuff going on in Hickory.

Mayor Guess advised that Alderman Lail wanted him to remind everyone about the Law Enforcement Assist and Diversion program (LEAD). They would be having a program on Wednesday, October 17th, at the Episcopal Church of the Ascension at 726 1st Avenue NW. This event was open to the public if anyone was interested in hearing about the LEAD program. That program would be presented tomorrow night for free at 6:30 p.m.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3)(4) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Alderwoman Patton moved, seconded by Alderman Williams to go into closed session to consider the items listed below. The motion carried unanimously.

1. Approval of Closed Session Minutes of October 2, 2018 - NCGS §143-318.11(a)(1)
2. Discussion of Litigation – 18CVS2674 Fun Arcade, LLC vs City of Hickory et. al. - NCGS §143-318.11(a)(3)
3. Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)

Council convened into closed session at approximately 8:05 p.m.

Council reconvened into open session at approximately 8:54 p.m.

Mayor Guess moved, seconded by Alderwoman Williams approval of an Authorizing Resolution for project "Noodle" Building Reuse Application. The motion carried unanimously.

RESOLUTION NO. 18-39
City of Hickory Authorizing Resolution
The Rural Economic Development Division North Carolina Department of Commerce
Building Reuse Program Project "Noodle" Building Reuse Application

WHEREAS, the North Carolina General Assembly authorized in 2013 funds to the North Carolina Department of Commerce Rural Economic Development Division to stimulate economic development and job creation. A portion of the funding authorized the making of grants to aid eligible units of government to stimulate the creation of jobs through the expansion and renovation of buildings currently in use that will spur economic activity; and

WHEREAS, The City of Hickory desires to assist through grant funding the economic renovation of a former manufacturing building located in Hickory; and

WHEREAS, The City of Hickory intends to request from NC Department of Commerce Rural Economic Development Division grant assistance for the project from the Building Reuse Program for the "up-fitting" and renovation of the facility:

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

That the City of Hickory will provide a minimum 5% match for an estimated \$187,500 grant request, if approved for a grant.

That Warren Wood, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Hickory with The NC Department of Commerce Rural Economic Development Division for a grant to assist in the pre-development of the project described above.

October 16, 2018

That Warren Wood, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as The NC Department of Commerce Rural Economic Development Division may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Hickory has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

XV. There being no further business, the meeting adjourned at 8:55 p.m.

Mayor

City Clerk