

# A G E N D A

## HICKORY CITY COUNCIL

**April 20, 2021**



**Life. Well Crafted.**

**7:00 p.m.**



Life. Well Crafted.

**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. For more information about the City of Hickory go to: [www.hickorync.gov](http://www.hickorync.gov).

Hickory City Council  
76 North Center Street

April 20, 2021  
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Antonio Logan, Friendship Missionary Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Recognition of Library Assistant Deana Jones, Ridgeview Branch Library, Regarding her Selection to Join the Association for Rural and Small Libraries (ARSL) Outstanding in Their Field Leadership Institute as Part of the 2021-2022 Cohort.
  - B. Presentation of a Proclamation for National Public Safety Telecommunications Week. (**Exhibit IV.B.**)
  - C. Proclamation Designating April as Litter Quitter Month – Presented to Community Appearance Commission Chairman Charlie Hayes. (**Exhibit IV.C.**)
  - D. Litter Reduction Program (Litter Quitter) – Presentation by Community Appearance Commission Chairman Charlie Hayes, and Staff Liaison Cal Overby. (**Exhibit IV.D.**)
- In the Fall of 2019, Mayor Guess and City Council requested the Community Appearance Commission look into ways to reduce and prevent litter within the City. The Community Appearance Commission began discussing this matter in September of 2019. In considering the topic, the Commission heard from representatives from the City's Sanitation Division and Police Departments, as well as Keep Catawba County Beautiful. The Community Appearance Commission requests City Council review its recommendations, provide needed input, and give permission to move ahead with the Litter Quitter program.*
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A. Regular Meeting of April 6, 2021. (**Exhibit VI.A.**)
  - B. Special Meeting of April 13, 2021. (**Exhibit VI.B.**)
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
  - A. Budget Revision Number 18. (**First Reading Vote: Unanimous**)

- B. Consideration of Rezoning Petition 21-01 for Property Located at 2565 Section House Road NE, Rezoning Area Containing Approximately .48 Acres (= or-) of a .99 Acres (+ or -) Tract from Low Density Residential (R-1) to Neighborhood Center Commercial (NC). **(First Reading Vote: Unanimous).**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. 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. Acknowledgement of the Publication of Notice of a Conflict of Interest Stemming from a Nonprofit's Application for Funding from the City's Community Development Block Grant Program. **(Exhibit VIII.A.)**

*Staff requests Council to acknowledge publication of notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program (CDBG). The City of Hickory is a participating jurisdiction in the United States Department of Housing and Urban Development's Community CDBG program that allows funding to nonprofit organizations to undertake eligible activities. The City has received an application for funding from a nonprofit who has a current City employee who sits on its board of directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application. Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, hereby is providing public notice of the potential conflicts of interest raised by the nonprofit's application to the City's CDBG Program. The notice is posted on the City's website, City Hall, Patrick Beaver Memorial Library and the Ridgeview Library. Staff requests Council acknowledge publication of notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program.*

- B. Acknowledgement of the Publication of Notice of a Conflict of Interest Stemming from a Nonprofit's Application for Funding from the City's Community Development Block Grant Program. **(Exhibit VIII.B.)**

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- C. Approval of a Resolution Authorizing the Sale of City-Owned property Located at 932 3<sup>rd</sup> Street Place SW and 335 8<sup>th</sup> Avenue Drive SW. **(Exhibit VIII.C.)**

*Staff requests Council's approval of a resolution authorizing the sale of City-owned property at 932 3<sup>rd</sup> Street Place SW and 335 8<sup>th</sup> Avenue Drive SW. In 2019 the City of Hickory received funding from the Unifour HOME Consortium to construct two houses for*

*low- and moderate-income homeowners on City-owned property in the Ridgeview Neighborhood. The two homes were completed in the Fall of 2020. The City of Hickory has partnered with the Family Guidance Center to use funding from the NC Housing Finance Agency's Community Partners Loan Pool to help make the sale of the property more affordable. The proceeds of the sale will be used to repay the loan received from the consortium for a portion of the funds necessary to construct the home. Upon completion, the property at 932 3<sup>rd</sup> Street SW (Catawba County GIS PIN: 370210457430) was appraised for \$154,725. The property at 335 8<sup>th</sup> Avenue Drive SW (Catawba County GIS PIN: 370210457411) was appraised for \$150,100. The City has received offers on both properties for the appraised value(s). Down payment assistance funds from nonprofit housing agencies will subsidize the purchase and make the first mortgage affordable to the homebuyer. Since this home is being sold to an income eligible buyer as affordable housing, NCGS 157-9 authorizes the City to sell the property without using a competitive sale or upset bid process. The competitive sale requirement would be incompatible with the income and ownership restrictions that are necessary due to the use of US Department of Housing and Urban Development HOME funds to build the home on the property. Staff recommends City Council adopt the resolution authorizing the City Manager to execute all documents necessary to complete the sale of the properties at 932 3<sup>rd</sup> Street Place SW and 335 8<sup>th</sup> Avenue Drive SW.*

- D. Approval of the Issuance of a Pyrotechnic Display Permit to Starfire Pyrotechnics for a Fireworks Display at Hickory Motor Speedway on May 15, 2021 (rain date May 16, 2021). (**Exhibit VIII.D.**)

*Staff requests Council's approval to issue a pyrotechnic display permit to Starfire Pyrotechnics for a firework display at the Hickory Motor Speedway. Kevin Piercy, General Manager of the Hickory Motor Speedway, has submitted a request to obtain permission to conduct a public firework display on the following dates: Saturday, May 15, 2021, (rain date Sunday, May 16, 2021). The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics displays.*

- E. Approval of the Issuance of a Pyrotechnic Display Permit to Starfire Pyrotechnics for a Fireworks Display at 409 8<sup>th</sup> Avenue NE, Hickory Career & Arts Magnet on April 28, 2021 (alternate rain date April 27, 2021). (**Exhibit VIII.E.**)

*Staff requests Council's approval to issue a pyrotechnic display permit to Starfire Pyrotechnics for a firework display at 409 8<sup>th</sup> Avenue NE, Hickory Career & Arts Magnet. Leah Clayton, Assistant AD for Marketing & Fan Engagement, Lenoir-Rhyne University has submitted a request to obtain permission to conduct a public firework display on the following dates: April 28, 2021, (alternate/rain date, April 27, 2021). The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics displays.*

F. Budget Revision Number 19. (**Exhibit VIII.F.**)

1. *To transfer \$14,000 from the Water and Sewer Fund to the General Fund to be applied toward the cost of a new generator at Public Services facilities.*
2. *To recognize and appropriate an additional \$118,620 in Airport revenues received above the budgeted amounts for the current Fiscal Year. The funds will be used for maintenance and capital needs pertaining to Hangar, grounds, and Control Tower.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

1. Consideration of a Voluntary Contiguous Annexation of Property Owned by Lifestyle Investment Company, Containing Approximately .344 acres of Property, Located at 1317 Cloninger Mill Road, Hickory, Identified as PIN 3174-08-88-9113.– Presentation by Planning Manager Cal Overby. (**Exhibit XI.A.1.**)

*Lifestyle Investment Company has petitioned for the voluntary contiguous annexation of 0.344 acres of property located 1317 Cloninger Mill Road. The subject property is currently located within Hickory's extraterritorial jurisdictional area (ETJ), and zoned Low Density Residential (R-1). The annexation is being requested in order to connect to the City's sewer system. Under the current zoning the property can be developed for single-family and two-family residential uses at a density of two dwelling units per acre. The subject property is currently occupied by a single-family home, which represents the maximum development potential for the subject property. The current tax value of the property is \$126,000. If annexed with its present value, the property would generate additional tax revenues of \$740. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on April 9, 2021.*

B. Departmental Reports

1. Trash Talk – Presentation by Communications and Marketing Manager Dana Kaminske.

*The Solid Waste Division and Office of Communications have partnered to develop a fun and educational campaign to teach residents about the “do’s and don’ts” of recycling, why it is important to recycle items correctly, and important tips for trash and recycling in the City of Hickory. The Trash Talk campaign includes social media tips twice a week, Trash Talk Tuesday videos posted on social media, a feature story in the May Snippets, and a rack card will be made available in the Fall for yard waste.*

2. Second Amendment with Scott Mitchell Design Architect for the Hickory Metro Convention Center – Presentation by City Manager Warren Wood. (**Exhibit XI.B.2.**)
3. Appointments to Boards and Commissions

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large (Outside City but within HRPA) (Council Appoints)

VACANT

**COMMUNITY RELATIONS COUNCIL**

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

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently-Abled and is African-American or Other Minority (Council Appoints)

VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)

(Appointed by City Council)

Brookford (Mayor Appoints with Recommendation from Brookford)

VACANT

**PUBLIC ART COMMISSION**

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

Ward 4 (D. Williams Appoints)

VACANT

**PUBLIC HOUSING AUTHORITY**

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

Position 3 (Mayor Appoints)

VACANT

Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements)

VACANT

**YOUTH COUNCIL**

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

Youth Council Applicant Review Committee Recommends the Following Appointments:

FTF

VACANT

HCAM

VACANT

HHS

VACANT

Homeschool

VACANT

**C. Presentation of Petitions and Requests**

- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(6) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)
  - 1. *Approval of Closed Session Minutes of January 19, 2021 - NCGS §143-318.11(a)(1)*
  - 2. *Personnel Matter - NCGS §143-318.11(a)(6)*
- XV. 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



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## PROCLAMATION

### National Public Safety Telecommunications Week

- Whereas: emergencies requiring police, fire or emergency medical services can occur at anytime;
- Whereas: during emergency situations prompt response from first responders is critical to the protection of life and preservation of property;
- Whereas: the information obtained and disseminated by the Hickory Police Department Communications Center directly affects the safety of our police officers responding to emergency situations;
- Whereas: Public Safety Telecommunicators are the first and most crucial contact our citizens have with emergency services;
- Whereas: Public Safety Telecommunicators are the direct lifeline for our first responders by monitoring their activities by radio, providing them information, and insuring their safety;
- Whereas: Public Safety Telecommunicators of the Hickory Police Department have contributed substantially to the apprehension of criminals and assistance to the citizens of Hickory;
- Whereas: each telecommunicator, while faced with the extreme stressors of the job, continued to exhibit professionalism, accountability, compassion, and teamwork during the performance of their job in the past year.

**NOW, THEREFORE**, I Hank Guess, Mayor of the City of Hickory, on behalf of Hickory City Council, do hereby proclaim the week of April 11-17, 2021 to be National Public Safety Telecommunications Week in the City of Hickory, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Proclaimed this, the 20<sup>th</sup> day of April 2021.

Hank Guess, Mayor



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Office of the Mayor

Exhibit IV.C.

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

## **PROCLAMATION LITTER QUITTER CAMPAIGN**

**WHEREAS**, in the Fall of 2019 City Council tasked the Community Appearance Commission to find ways to reduce and prevent litter within the City; and

**WHEREAS**, litter is illegal and detracts from our community's appearance and safety which negatively impacts our quality of life; and

**WHEREAS**, the Community Appearance Commission heard from representatives from the City's Sanitation Division, Police Department, as well as Keep Catawba County Beautiful. The Commission found educational activities and volunteer work were likely the most effective methods to promote a cleaner community; and

**WHEREAS**, the Commission partnered with the Communications Department to assist in the development of a campaign to get the word out and to encourage the community to join in the effort. The Communications Department developed methods for the Commission to consider the Litter Quitter Campaign; and

**WHEREAS**, we are encouraging all citizens and visitors to commit to litter prevention, waste reduction, resource conservation, and community education to reduce and ultimately eliminate litter in our community.

**NOW, THEREFORE, I HANK GUESS, MAYOR OF THE CITY OF HICKORY**, on behalf of Hickory City Council, do hereby proclaim the month of April 2021 as

### **LITTER QUITTER MONTH**

in the City of Hickory and ask the citizens of Hickory to recognize that litter is a threat to our environment and to take action to reduce litter and keep our City beautiful.

This the 20<sup>th</sup> day of April 2021.

Hank Guess, Mayor

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office  
**From:** Community Appearance Commission  
**Contact Person:** Cal Overby, Planning Department  
**Date:** April 8, 2021  
**Re:** Litter Reduction Program – Litter Quitter

**REQUEST**

Presentation of the Community Appearance Commission's litter reduction program, titled the Litter Quitter campaign.

**BACKGROUND**

In the fall of 2019, Mayor Guess and City Council requested the Community Appearance Commission look into ways to reduce and prevent litter within the city. The Community Appearance Commission began discussing this matter in September of 2019.

**ANALYSIS**

In considering the topic, the Commission heard from representatives from the City's Sanitation Division and Police Departments, as well as Keep Catawba County Beautiful. The discussions spanned from September until October of 2019. From the discussions, the Community Appearance Commission found educational activities, and volunteer work were likely the most effective methods to promote a cleaner community.

After settling on these ideas, the Commission asked the City's Communications Department to assist in the development of a campaign to get the word out and ways to get interest from the community to join in. In February of 2020, the Commission met with Communications. During this time, the Commission and Communications discussed various methods to achieve the goals of the new initiative.

Over the following months, the Communications Department developed methods for the Commission to consider. In March of 2020, Communications presented its refined recommendations to the Commission, which were referred to as Litter Quitter. The Commission was pleased with the refinements, and looked to begin the program.

Initially, the Commission and staff hoped to present the recommendations to City Council in the spring of 2020. About that time, meetings began to be restricted, and the initial phases of COVID-19 restrictions were beginning.

When COVID-19 restrictions began to ease, the Commission, and staff, restarted from where things left off in 2020, and decided to present the recommendations to City Council.

**RECOMMENDATION**

The Community Appearance Commission requests City Council review its recommendations, provide needed input, and give permission to move ahead with the Litter Quitter program.

**BUDGET ANALYSIS:****Budgetary Action**

Is a Budget Amendment required?

Yes

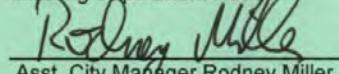
No

**LIST THE EXPENDITURE CODE: 010-5016-558-30-03****Reviewed by:**

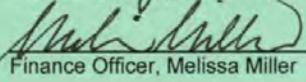
Brian Frazier



Initiating Department Head



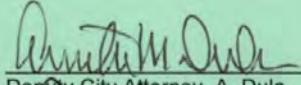
Asst. City Manager Rodney Miller



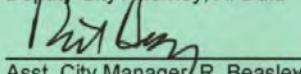
Finance Officer, Melissa Miller

4/08/2021

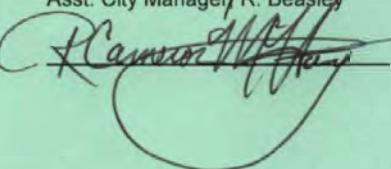
Date



Deputy City Attorney, A. Dula



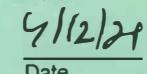
Asst. City Manager R. Beasley



C. Cameron

4-13-21

Date

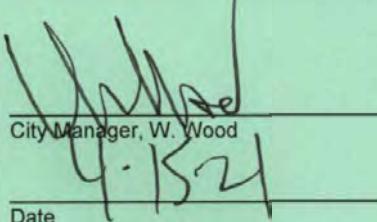


C. Cameron



C. Cameron

Date

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

Date

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, April 6, 2021 at 7:00 p.m., with the following members present:

Tony Wood Charlotte C. Williams Danny Seaver	Hank Guess Aldermen	David L. Williams David P. Zagaroli Jill Patton
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A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Rick Beasley, Deputy City Manager Rodney Miller, City Attorney John W. Crone, III, Deputy City Attorney Arnita Dula, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend David E. Roberts II, Morning Star First Baptist Church

Note: The Pledge of Allegiance was conducted prior to the invocation.

- III. Pledge of Allegiance
- IV. Special Presentations

#### A. MetroNet Presentation

Mayor Guess asked Business Services Manager Dave Leonetti to the podium to introduce the first presentation.

Business Services Manager Dave Leonetti advised the special presentation would be from two representatives from MetroNet. They were a fiber internet to the home provider and a television provider as well. He introduced Mr. Eddie Massengill, Director of Business of Development and Ms. Kathy Scheller, Director of Government Affairs who would do a brief presentation about some exciting things they have planned for the City of Hickory and the surrounding area.

Mayor Guess mentioned that this was Ms. Scheller's first time visiting Hickory.

MetroNet Director of Government Relations Kathy Scheller advised that it was. She had visited downtown, and she loved it. She presented a PowerPoint presentation. She commented on behalf of their entire organization, she welcomed Hickory into their footprint of fiber optics. Something that was the greatest technology in the world and something that they were really excited to bring to Hickory. She discussed who MetroNet was. They were a one hundred percent fiber optic internet, television, and phone company established in 2004 in Indiana. Currently they were serving over 90 plus communities across nine states. What they have was blazing fast, symmetrical internet. Symmetrical means that you could upload as fast as you download. And certainly, they talked about being impacted by Covid. A lot of people that work from home, this would be a game changer, and this was something that would help. It was all about bandwidth. This was going to help students that were learning from home, and parents that were working from home. This would truly be a game changer for the residents of Hickory and businesses alike. They have a passion for customer service. It was one of their pillars. It was something that set them apart from everybody else. They have over 215,000 customer-base. Quite frankly, they come to cities and look at cities very, very closely. They go through a very long due diligence process, as her colleague Eddie Massengill would tell them, because what they were doing was they were looking at a total investment on their part. They like to come to cities where they know they could make a difference. They were going to be investing \$36 million dollars, not only in Hickory, but some surrounding communities as well.

Ms. Scheller discussed fiber versus cable. What was the difference? As she mentioned earlier, the difference was the way that bandwidth was played across cable and fiber. Fiber was glass. In layman's terms the only devices that would be on your strand of fiber are yours. That was why when they offer 100 meg down 100 meg up all the way up to a gig down to the home, a gig up, the only devices on your strand of fiber are yours. That was why you would be able to have multiple devices maintaining their speed and their bandwidth. That was something that was future proof. Quality of life would go up. Reliably fast broadband allowing simultaneous streaming, distance learning, telecommuting and more. Gone are the days when you have fiber optics to the home of the circle, working, working, working. It was future proof. What was really interesting was they offer a gig down, a gig up now, but as technology increases, she did not know about them, but she had more devices now, more things with technology than she ever thought or dreamed possible. When that technology was coming again down the pipe, Hickory would be ready. All they have to do to get to five gigs symmetrical, 10 gigs symmetrical was change the equipment on both ends of your infrastructure. That was why they called it future proof. Hickory would be prepared for the latest technology, 4K TV, increased video streaming and telemedicine. She had the opportunity to speak to some communities, she would say, "You know what? You have a doctor in your

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neighborhood. Hospitals have fiber optics, but that doctor in your neighborhood gets that call in the middle of the night. What's going to happen is he's going to be able to get the image and upload it on his way to the hospital." These are things that are changing what they do. Look what they had learned about telemedicine, talking to your doctor on your computer. These are things that were going to be foolproof for the City.

Ms. Scheller discussed fiber benefits. She found this to be interesting. If you have fiber optics that run by your home and you have the opportunity to access a gig fiber optics, your home will increase automatically by 3.1 percent, just because you have that capability. Competition. They were talking to the Mayor earlier. Competition was great. They come in, and they were going to give them incredible fiber services, customer service and competitive pricing. They do not come into a market to price themselves out of the market. They were going to see all of this, and they were going to truly see how technology has really changed and what they were able to offer. Exclusive access. Only 20 percent of homes in the United States have access to true fiber connection. Residents in Hickory would have that opportunity. Also, in the form of measurement, in communities where they go to, in their footprint of close to 100 communities now, they were measured on their internet and they continue to have the fastest average internet speeds in all of their markets. It was a really exciting time to be a part of this, because she believed when they come into the communities and go through the due diligence, meet with the staff as they talked about earlier, find those good working relationships, the impact would be felt immediately as soon as they start lighting up the homes in Hickory. A MetroNet community benefits from a high level of customer service. They are measured on that in all of their markets. They were an average of 30 percent higher on customer satisfaction scores than their peers. It was interesting sometimes when they come into the market, they were not only the second entering the market, sometimes they were the third. They believe in customer service and that had been a niche for them and that even started during the construction process.

Ms. Scheller discussed broad availability. They always come in and build just one neighborhood or two neighborhoods, a substantial portion of the City would be built out. They were going to have a local presence, local staff, community involvement and local events. They want to participate in that because personally she believed that was a win, win situation. You get to know MetroNet and their culture and they get to participate in Hickory. They would have a retail storefront here, so residents would have the opportunity to try out MetroNet services and products. Let us not forget the community economic development factor of this. Once in here they were going to need technicians, people to work the store, and business representatives that are going to go out and talk to businesses alike. They range from all kinds and sizes of businesses small to large. They were going to have to employ people right here from Hickory to do that work. Technicians to install the fiber optics to the home. That was exciting as well. Superior fiber services were the best technology available. She had told them right now one gigabit symmetrical speeds, fastest download as you can upload. No long-term contracts for their residents. They were so confident in their infrastructure that they were not asking anybody to sign a contract. Although they have the internet, the television, and the phone, you do not have to get the phone to get the TV to get the internet, you can pick whatever you want. When you do not have any long-term contracts, let us say you try to show off in your neighborhood and get a gig symmetrical, and there you are, your whole house is lit up in your neighborhood and that is too much for you. You could just call them up and they can back it down to 500 symmetrical or whatever you need. She thought that had been really great as well. Redundancy. They are really big and when they come in they will design the entire community before they come here. What they would do was ring it. They manage their own fiber and when you ring it, if something should happen, if there was a storm or their fiber got cut, they take all that traffic and put on the other ring while they repair the other. The other perfect part about this was they were going to be right here in Hickory, and you do not have to wait days and days and days to get service restored. They were going to be here, and your friends and neighbors are probably going to be working for us, so that is always going to be helpful as well. One of the things when they come in, and this is what they would start seeing immediately, were they were really, really big about communication and they would continue to work with staff on that. They want the City's residents and businesses to understand who they are and what they were doing. What is a right of way? What are you doing in my yard? She had been down this path in many, many cities, and this was an important piece that they grow into. They would talk more about this as they come into, the City and would work with the City on the best way to communicate to the residents and educate them on what fiber optics was and what they were doing in the right of way and how long they would be there? On their part every resident in a particular area that they were going into, 30-days before they ever go in there they would get a letter. They might throw away the letter. Two-weeks before they were going to send them a green postcard that says construction was going to happen. All of these pieces of information have a MetroNet construction communication website that they could go to. They can pull up Hickory once they get that loaded. It would take a few days for them to get that, but they were working on that. They would pull up Hickory and would be able to see where they were constructing, future construction, and they would

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be able to take pictures if they have questions. They would be able to reach out to them through that construction communication website, or if they pick up the phone, they would be able to do that as well. It was a great opportunity for the City's residents to get to know them as an organization and just another way for them to tell customers that they believe customer service starts from construction. If they do something wrong, and it was a very invasive procedure, they know this, things will happen, and they would work closely with staff, but they would restore as they go. Chances were if they messed somebody's yard up, they were not going to want to be a customer of MetroNet, so they start very quickly. When you see that responsiveness 95 percent plus response rate within 24-hours, what they mean about that, they would have a Project Director specifically in charge of Hickory. If a resident goes to their construction communication website or if a resident call them, that Project Director has 24 hours to reach back to that resident and say, we have heard you. Across nine states, 215,000 customer base, they have a 95 percent plus responsive rate within 24-hours. They take that seriously. More so, once they get rolling, what was really great was every time a person calls Metronet during construction, anytime a person goes to the construction website during construction, a ticket was created, and they were able to measure how quickly they get back with that person. How they resolve their issue. Every month they will go to staff and share a report with them. Not only will they be able to see what tickets were created in Hickory, they will also be able to see how much fiber was laid every given month. When you ask for progress, to staff, how is Metronet doing, they would have some real data to show them. That had been something they had grown into and had been very impactful.

Ms. Scheller referred to the PowerPoint and displayed what the construction website would look like and the ticket, how they could fill it out, but remember, if someone does not want to go through all that, and they pick up the phone, they would create the ticket for them. She discussed restoration. They restore as they go. It was not like they were going to go in and the whole neighborhood or area was going to be torn up and then they have another group that comes two or three weeks later, they restore as they go. They would restore within 24 to 48 hours. Their crews were clearly identified, if they use some contractors, they will have MetroNet, so you would know exactly who they are. They would give staff daily street sheets. They would give this to the police to make sure that they know where MetroNet was every single day in Hickory. She referred to the PowerPoint and pointed out the construction website link, document questions or concerns. She reiterated their response rate of 95 percent which was very important to them.

Ms. Scheller discussed the Go-To-Market Plan. They light a city up as they go. They were not going to build out all of Hickory and then flip a switch and then you have fiber optics. They go neighborhood by neighborhood. They test the fiber, and then they would light that neighborhood up. Typically, they would attend events back when they could attend events, but that was coming again. Neighborhood events to let people know who they are. They have consultative sales where someone will go door to door right after they construct, and people know who they are. It was really important that they understand who they are for service. She advised their website was a place they could go look at that now. It was where their job career portal was, all of their pricing and what they offer, and they could sign-up online quickly. You could even pre-sign-up if they were interested. She discussed customer service. They would be able to go to a MetroNet store in Hickory and try out their speeds and see their process.

Ms. Scheller referred to the PowerPoint and displayed their awards and accolades that they had received over the last seven years. They believed safety was of utmost importance. They have people that were on the 811 boards. They take it very seriously and they work very, very hard to bring this in. In conclusion, she commented that she enjoyed what she does so much because she gets to bring this in, and they were investing in the City. To come in and hear stories from people about how they have that access to fiber optics, it had been impactful. As leaders in the community, she had worked with a lot of Mayors and Councils, and their job was to offer their residents choices and to be able to choose and not just have one provider, that was something that says a lot of special things about Hickory. On behalf of Eddie Massengill, and herself she thanked Council for having her. She was looking forward to coming back to Hickory along with Eddie, but they would be working hard to bring MetroNet to the City's residents as soon as possible.

Mayor Guess commented to Ms. Scheller that they could really tell that she was excited about this and that certainly meant a lot to them as well. They look forward to this opportunity to partner with MetroNet. He knew that staff had already been working closely with the two of them, and they looked forward to continuing that relationship, and they would help them in any way they could. He asked if Council had any questions.

Alderwoman Patton commented she was ready to sign-up.

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Ms. Scheller appreciated that. It was going to be a good thing and they were looking forward to becoming a part of the City as well. She thanked Council again for having her, and they looked forward to it.

Councilmembers thanked Ms. Scheller.

Mayor Guess commented it was exciting news.

**B. Proclamation for Fair Housing Month – Presented to Tami Fox, Keller Williams on Behalf of Catawba Valley Association of Realtors**

Mayor Guess commented every year in April to commemorate the Fair Housing Act of 1968 that signifies the recommitment to expand equal access to housing, they do a proclamation, and this year was no different. He asked Ms. Tami Fox, from Keller Williams, on behalf of the Catawba Valley Association of Realtors to the podium. He read and presented the Proclamation for Fair Housing Month to Ms. Fox. He thanked her for being present and for all that she does.

Tami Fox, Keller Williams Realty, thanked Mayor, City Council, and staff. She advised she was Co-chair this year of their Fair Housing Committee and that was how she had the privilege of coming here tonight. As a representative of their realtor board, she was so thankful for the support that they get from the City and from City Council and the things that they had done in the past year. Their hats were off to them for what they had done with Uniform Home Consortium, Western Piedmont Council of Governments, and the NC Housing program. Without these there were citizens that would not have a home today, and they knew that. That was what this community was all about was their residents. They would not have a community without them, and she had actually been in the homes over in Ridgefield, they were beautiful. What they were doing there in that community was an amazing work, and she really appreciated that on behalf of the people who had probably never owned a home and never thought they would. That was a special thing in the community. Fair housing was not just about opening a door of opportunity for homeownership, but also allowing people of all walks of life to access housing without fear of discrimination. You see the dynamics of the community do change when you have homeownership versus a tenant. You would see a community change because they were invested in that community. They own something in that community. They were not just renting it, and it was an empowering thing to see them move in an area when their generations before them never did. Her great-grandparents were tenant farmers in Catawba County. She knew in her heritage that there were family members who were not homeowners or landowners until they were well into their years of retirement. They probably had noticed that their housing market was a little bit crazy. They had probably heard rumors. Properties hit the market and sometimes they were under contract within hours. If they were on coming soon status sometimes they go under contract before they ever actually go live. They do have plenty of building in the community. She had been encouraged this year, going through Leadership Catawba, and hearing reports. They have lots of permits out there for new building. They have lots of exciting things coming. Hearing the previous report that they want to bring fiber optics was exciting to her. Hickory was a happening place. The City was growing and thriving and had been through something that most of them never thought they would see in their lifetime and they still see a community that was growing and moving on. That was what they were here for. She appreciated Council and what they were doing to bring employment opportunities and thinking outside the box to bring homes to the community. She thanked Council again on behalf of the Catawba Valley Association of Realtors.

Mayor Guess and Council thanked Ms. Fox.

Mayor Guess reminded everyone to silence their mobile devices.

**C. Catawba Re-Route 2021: A Community-Led Effort to Bus Route Changes – Presentation by Mobility Manager Aaron Kohrs, Greenway Public Transportation and Transportation Planning Manager Brian Horton, Western Piedmont Council of Governments**

Mayor Guess asked Mr. Aaron Kohrs, Mobility Manager of Greenway Public Transportation and Transportation Planning Manager Mr. Brian Horton, from Western Piedmont Council of Governments to the podium for a presentation regarding a community lead effort to redesign the Greenway fixed bus route system to better serve the community.

Mobility Manager Aaron Kohrs, Greenway Public Transportation thanked Council for having them. He presented PowerPoint. He advised Greenway Public Transportation, which was Western Piedmont Regional Transit Authority, was happy to present a community led effort to bus route changes. He advised the US Census was the Federal survey of how communities change over time and how government services can better suit each local community. Greenway and their partner with the Council of Governments had decided after hearing for years that people wanted the bus routes to change in

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Catawba County to gather up those comments and to process them, analyze them, and then come up with a proposal for bus route changes. He mentioned that he was a teacher for a short-time period at Hickory City schools and he loved maps and civics. He referred to a map on the PowerPoint presentation. He commented that this was one of his favorite slides in terms of maps, because he liked to ask what had changed for the bus route system between 2010 and 2020. He advised nothing really had. It had pretty much all stayed the same. The six fixed routes that they operate in Hickory, Newton, and Conover, the three municipalities that pay into the system and was matched by Federal and State dollars. They used to have a work runner too, and they still do work runs through partnerships, but for the most part the routes had stayed the same. That was something that over a time period they realized and heard from their riders and the public and they wanted to work with all of the human service stakeholders to fit the community as it stands today.

Mr. Kohrs discussed their project goals. As a community led effort, they spent a lot of time, and he personally spent a lot of time on board the bus talking to riders and hearing their story, making sure that they know where they were going, but also asking them how the service could help them better. Where do they need to go to get what they need done? They also reached out to other partners that they have not had in the public bus route system like the Town of Long View and others through the Council of Governments to see if they would be interested in possibly expanding the system. That progress of possibly expanding the bus system was still waiting on a few votes from a few councils. Right now, they have a cost neutral scenario, so that was good to hear from the taxpayer side. The proposal did not cost anything to change it. They were just making sure everything was efficient and again that it matches the community. The bottom line for the goal was to improve ridership and travel time. They want to make sure that people are using the service. They were given money through the FTA because people use the service and ridership numbers as well as again that people can get to where they need to go between their service hours when they operate.

Mr. Kohrs advised they were currently in spring 2021, and they launched the project back in the summer of last year. They put it all out on the media. They got on board and told the riders. They informed all of their human service providers in the community. Then last fall they got all the surveys together. They had over 100 surveys. They looked at the existing conditions with their transit planning team and came up with a proposal that they were presenting to the public and stakeholders like the City, and then hopefully getting it board approved with any final modifications and implementing it by fall 2021. He asked his friend and colleague Mr. Brian Horton who was the technician for the route changes proposal to talk about the survey.

Transportation Planning Manager Brian Horton, Western Piedmont Council of Governments advised that the Council of Governments had been assisting Greenway in this initiative, and it was exciting because, like Aaron said, it was not done on a regular basis, and they were really grateful to be a part of this opportunity to offer technical assistance. It was also a challenge. They proposed to do this before the pandemic happened. Once that happened, it kind of threw them a curveball. How do they engage folks through this? They got creative and had a lot of different surveys. One of those was very interactive, it was a MetroQuest program, that they got through the North Carolina Department of Transportation. This survey had slides, that folks could do on their phone or on their computer. One of which was kind of like a values survey. It pulled in ranking what they valued most or what they would like to see valued in transit services and changes. When folks did that, there were two ways to do that, they could score the rank. He referred to the PowerPoint and pointed out a line graph. Like golf, the lower score was better in terms of the overall average rank if you put up higher in a score. They also counted how often or frequently that people mentioned an item as a value. Clearly those first three bars were the winners overall, both on ranking and count. Folks valued most in the survey, more frequency, faster travel time, and they want to go more places or more destinations. They also had a gaming exercise in the survey, and again, this is not the only way they surveyed. They were on board and had other formats, but this was kind of a cool way to do this. They had a map where they could drop icons based on types of places they wanted to go anywhere on the map. People did anywhere on the map. They even had icons dropped in Charlotte, the Lake Norman area. It was a cost neutral exercise, so they were not really considering that. They did see Granite and Falls and Long View and nearby places. A lot of places within Hickory, of course, and adjoining Conover and Newton. They had over 100 markers through this process, and they even had more comments through paper surveys. They really did see some patterns. By far the winner overall was the Highway 70 corridor with its services. Folks wanted to see a lot more service on Highway 70 especially connecting all three communities and going to a lot more nearby food options like Neighborhood Walmart Grocery Stores. They also saw Springs Road and 29<sup>th</sup> Avenue Drive Northeast as destinations or added service areas desired in Hickory. They knew this was an opportunity, because this was a public investment, but there was a return expected on that investment and there was an efficiency factor. Even though it was a subsidized service, they still wanted the bang for the buck. That was a great opportunity because

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they know even though there's great ridership in places like Hilltop Apartments, Super Walmart Center, and the Viewmont corridor, they know there was also not so great ridership in places. Through this exercise they were looking at how they could reallocate some of that routing where they do not really have riders, especially like Interstate 40, they cannot stop on the interstate. Where could they reinvest that in places where people actually want to go? Can you do it in a way that was going to get them there faster? Maybe can you do it in a way that was going to overlap routes like Hickory Walmart Supercenter. They could create that frequency, because unfortunately, they cannot really double up the number of buses. That was too much cost, but maybe they could connect more routes to those popular places. When they looked at their draft scenario, that was what they were doing. It came at a cost. It meant places like Highland Avenue, Interstate 40, although Interstate 40 was in Conover, and there were places in Newton, primarily at places in Hickory that he was going to go through where there were some trade-offs, but they thought those were acceptable.

Mr. Horton looked at West Hickory. They clearly heard folks do not want to have to go downtown, transfer, and then go out by the college/mall area just to go to the Super Walmart Center for all their groceries needs. There was a Neighborhood Walmart on Highway 70 Southwest right in the neighborhood. In fact, the City's was investing in a great Ridgeview walk, eventually connecting, and crossing Highway 70 to get there. It does not make sense to force people to go all the way around town. In leveraging those investments like City Walk that was already done, they see an opportunity to reroute. A place by City Walk instead of going out 1<sup>st</sup> Avenue by Second Harvest. Instead of going directly by Ridgeview Library on 7<sup>th</sup> Avenue, they could stay and create a loop that comes up South Center Street and still gets very close to the library but add that service to the Walmart Neighborhood Market and even to those new apartments, of course, behind Walmart, which was a high request also.

Mr. Horton advised they were actually talking with Long View potentially extending to The Food Lion in Long View, but that will depend upon their participation. When they go into Northeast Hickory, the concern was how the route operated. It goes a lot of places. It goes out to Viewmont, and cuts across Sandy Ridge and comes back to Silver Springs by city water and Lenoir-Rhyne University, but it goes a one-way long loop to do that. It was great in one direction you get their fast, but the other direction you have got to go all the way back around. The idea of picking up some of the routing that they were losing on some of the Conover/Newton routes going out 70 instead of Highland and Tate, they could pick up those, and could also come back Sandy Ridge and Highway 127 and create that two-way routing that people expect so they have better service, especially in the higher ridership areas near Catawba Ridge and the Viewmont corridor.

Mr. Horton discussed the area moving more towards Fairgrove or South/Southeast Hickory. The Salvation Army was a high destination today on transit, but only has two-hour service. It was a very long ride only out to Conover. That should not be the case, plus all the resources that they have on 1<sup>st</sup> and 2<sup>nd</sup> Avenue Southeast, like the Soup Kitchen and Safe Harbor, those need better service. They were looking at shifting that routing that was on South Center, because now they would have the West Hickory route there that was very good and frequent to shift that to Lenoir-Rhyne Boulevard and provide more direct service. In fact, it was actually less mileage but because Lenoir-Rhyne Boulevard was immediately more congested than South Center Street, you get to Hickory Walmart there at about the same time cleaning up the route. Once you reach the mall area instead of dipping in and out, every shopping center like Target and even the mall places, they would still go by the mall by Belk, but maybe not go all the way to J.C. Penney's door. This provides an overall faster ride but does rely more on the sidewalk network of like Catawba Valley Boulevard to get there. The City has new street connections too that they were trying to leverage, like the new Sweetwater Road extension that comes between CVCC East and Startown Road and adds some services as well on Startown Road, where there were a lot of new apartments as well as Catawba Valley Boulevard. Keeping the route mostly the same in high ridership areas like Ridgecrest, the hospital, and elsewhere in Hickory. He mentioned before picking up the VA/Tate Medical with that new route that was going to do that two-way service through Sandy Ridge and Viewmont.

Mr. Horton advised they noticed the opportunity to reintroduce transit, not just to residents, but visitors. We have not traveled of late because of the pandemic. But when you do, it was kind of exciting, you are going someplace new. You could try the transit to that place, and often when you do, you do it fearless. You go up to the subway map if you are in DC or New York, and you are like, "yeah, I can do this". It should not be that confusing here. He knew the street names, they make fun of them, but they need to have something that was simpler and more straightforward in terms of what people can use to approach transit. They were rethinking the maps as well in the branding and how the system works. They were being creative with that as more of a graphic interactive, and they also now have a real time app on the phone. You could see where that bus was because clearly it was not every five minutes, like in New York, it was every hour. But you could know if you just missed the bus because you could actually have that in the

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power of your hand to see where that bus was, which was great. He noted they were not done. They were obviously back on the buses again, riding communities. If they knew of any community organizations that would like to hear from them, they definitely wanted to involve them. They had been having human service stakeholders involved heavily through this project and really just would like to hear any comments. He asked for any questions.

Mayor Guess commented it was exciting news to hear and he knew that there would be a lot of people that would be excited to hear about these new routes and how they were redesigning to be able to get to some places without taking as long, perhaps as it used to. They greatly appreciated everything that they were doing along with what they were doing in the City to be able to look at these things. It had been a while since they redesigned anything. He believed now was as good a time as any. He asked Council for any questions.

Alderwoman Patton inquired about the app.

Mr. Kohrs advised it was the ride system and was accessible through their home page mygreenway.org. They could also download from an app store. All of their city route buses have a tracker on them. And every seven seconds they update, and you can see the bus move along in real time. You could see all the bus stops as well, so you could see the routes.

Alderwoman Williams asked how they had been impacted by Covid. Had they seen a decrease in ridership? And are you expecting an increase?

Mr. Horton advised the Council of Governments actually performed passenger sampling, on the buses, so they were very familiar. They saw pre-pandemic and through the pandemic. Basically, April and May, were the worst months, just like everyone else, they were staying home and reduced their travel. But since then, it had picked back up. Service had been reduced, but per hour it was actually still as efficient as it was. There were no fares right now because of the safety of collecting the money and handling that. That had helped too.

Mr. Kohrs noted that was pretty standard in transportation right now. They had seen a lot of new people on board that had not tried transit before, and they found they can get to places without having to ask a friend for a ride and it had been great for a lot of people.

Alderman Wood referenced the comparison of the routes between 2010 and 2020 and he asked how the ridership numbers changed during that same time period.

Mr. Horton commented that it had been pretty flat. You could see that growth where the routes do not go. Now was an opportunity to catch up and go more places.

Mr. Kohrs advised the Union Square stop was not there anymore because a lot of the work with the City Walk. They still aim to serve downtown, of course, at the transit center, which was a City of Hickory funded and sponsored project, which they were very grateful for. They had seen some changes, but for the most part of the routes would remain the same. They used to have more prime routes in the early mornings and evenings between a lot of the manufacturing centers. After 2008 a lot of manufacturing went away. They still meet the community's needs in various ways, like the City of Hickory sponsored project HOPE with the Hickory Soup Kitchen. They get people to work in the morning through Greenway at manufacturers in the area and bring them home in the afternoon. They try to meet the needs, and it had changed over time. Most of the ridership was shopping.

Mr. Horton commented that they wanted to be transparent about Union Square. They were proposing not to go back. They thought that was okay, because they were leveraging the investments that the City had made in a vibrant, walkable downtown. If you have that great walkability for that first last mile, transit does not have to get you to that final door, it gets you to that great place, and then you can walk about. That was what was great, because then that was a trade-off that now they could go a little bit farther out because they are not spending so much time winding around downtown blocks, getting in and out of town faster, and you could go farther out to other places that need transit.

Alderman Seaver questioned the subsidized component. He knew they got money from the Federal government. Do they also get money from the State?

Mr. Horton noted there were two primary operating assistance sources, the State Maintenance Assistance Program (SMAP) but not so much here for this fixed route. But the band service and other things in Greenway get real operating assistance program funds. Primarily it was FTA, Federal Transportation Administration funds. That was

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about half, but Hickory, Conover, and Newton participating, they leverage that, and they are basically the other half of the operating assistance.

Alderman Seaver commented he thought Mr. Kohrs had said it was mostly used for shopping. He asked if they had many that used it to go to work.

Mr. Horton replied yes, entry level jobs primarily. They admit that there was a need especially for second shift and third shift that was not really covered now. That was where the project HOPE comes in. With those larger employers that really are open for more entry level jobs. That was great partnership for folks to get their foot in the door. But yes, because the money only goes so far, and this was a costly exercise it was still primarily first shift type hours.

Alderman Seaver commented if he had a business and he wanted a bus stop near it, could he pay them to add a stop.

Mr. Horton responded right of way was a challenge. Often folks they will see that the bus stop does not have a sidewalk, a shelter, or a bench. Shelters and benches have to be safely located away from the road. They want them there as a passenger too. You do not want to be too close to a busy roadway but think about that when you design streets. Not just in the downtown, because that was great, but obviously Highway 70 that was the top request. They knew Highway 70 was kind of hostile to pedestrians, but over time, as new development happens, it was important to fill those gaps, get more sidewalks, get better crossings.

Alderman Zagaroli commented that unfortunately he had never ridden the bus and he probably should. He asked what the cost was to a passenger to ride the bus.

Mr. Kohrs advised \$1.25 each way for a single ride and if you have to transfer that was free. But if you were a person who has a disability or a senior citizen you get half fare, so that would be .75 cents. They also offer day passes for \$3, unlimited rides. They started off with a student pass and have quite a few CVCC students that use it.

Alderman Zagaroli asked where their maps were located. He would like to get a map to try one of them. Are they at the bus stops?

Mr. Kohrs advised they were at the bus stops and they were also at the transit center and online. He had brought some to the meeting and were located at the back of the room.

Alderman Zagaroli wanted one to see how good this was.

Alderwoman Williams commented they should do a ride as City Council.

Alderman Williams asked once they added these new routes would the price change and also how long would they be offering this free service that they were doing currently.

Mr. Horton advised the good news of this, with the launch in October, they were hopeful that the normalcy was returning with the vaccination rates and everything else. That would be the time to restore all the hours that were cut with the pandemic, as well as there were even new buses that were being acquired. It was a very fresh marketing opportunity. The fare would stay the same thing and actually operating assistance costs was staying the same. It was about \$70 an hour to run a bus with all the overhead, fuel, labor, and all those costs together.

Mr. Kohrs commented it really did not cover what the buses cost. The fares were about 67 percent of the general public transit agency's budget. Even with the New York City subway, which was university used, in general was only 50 percent.

Alderman Williams asked how many new buses they would need once these new routes start.

Mr. Horton responded today's routes operate with four buses and they would continue to operate with four buses, that was why it was cost neutral, but those buses were already slated for replacement. They were leveraging a lot of Federal grants through the MPO that have been programmed Congestion Mitigation Air Quality Funds and Surface Transportation Program Block Grant, and Tribal Funds.

Alderman Williams asked how much the bus cost and who paid for it.

Mr. Horton advised approximately a half of a million dollars. They do safety checks daily regularly on these, and if a blinker does not work it does not go out on the road for the safety and they have to repair it.

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Alderman Wood commented the City's was being transformed. He asked when this exercise would be done again to service areas like Startown Road. There was a lot of development going on there. Would it be another 10 or 11 years before they do this exercise again?

Mr. Horton did not think they would have to wait that long. They launched the Burke route system only two years ago, and already they were looking at how to restructure that. That was probably because they were now trying to transition to more sustainable funding sources. They were excited about next year talking to Caldwell County about a potential flexible system too. They could not afford to wait every ten years. They have Uber and Lyft and all of these new technologies, he thought it would be faster going forward.

Mayor Guess commented lots of questions and answers and lots of good input here. They appreciated all this information that they shared with them. He thanked them for the service that they provide to the community and to the municipalities around the community. He thanked them for being here tonight.

Councilmembers thanked Mr. Horton and Mr. Kohrs.

D. Presentation from Catawba Valley Quilters Guild for City of Hickory's Sesquicentennial

Mayor Guess advised more than a year ago, as many of them knew, 2020 the City of Hickory was slated to celebrate their sesquicentennial, the 150<sup>th</sup> Anniversary, of the City of Hickory being in the City. He learned through Janice Setzler about the Catawba Valley Quilters Guild. He believed they had been in existence since 1984. They meet at Holy Trinity Lutheran Church. They were an organization of about 125 women and men, and they were most famously known for the quilts of valor that they make and present to our veterans, and they were all familiar with that. They had seen those quilts being presented to the veterans who were very deserving. He had an opportunity over a year ago to attend one of their regular meetings and he politely asked them and challenged them to maybe do a quilt in commemoration of the City's 150<sup>th</sup> Anniversary. They politely accepted his challenge. To his knowledge, not very many people of any in this room had seen the quilt that was going to be presented tonight in commemoration of the 150<sup>th</sup> Anniversary. He was really excited to invite Ms. Debbie Swartzel, President of the Catawba Valley Quilters Guild to the podium. He was sure that she had some other members of the organization as well that she would introduce. She was going to tell them a little bit about the guild. He appreciated it and thanked them for being here.

President of the Catawba Valley Quilters Guild Debbie Swartzel thanked the Mayor and Councilmembers. She shared what the quilters guild was. It served as a place to learn about the art of quilting, to educate the public about quilting and to meet and interact with other quilters. They were a group of about 125 who had been meeting regularly since about 1984. Pre-covid that was in person. They had adjusted and been virtual for the last eight months or so. They do their own personal quilting, but they also participated in a number of service projects throughout the community. They provided quilts for premature babies at the hospitals, for the Child Advocacy Center, and quilts of valor, as well as participating in things like the Heritage Days with the fourth graders and Hart Square. They got a surprise visit in January asking for a quilt for the 150<sup>th</sup> Anniversary. She referred to a PowerPoint presentation and advised it was pictures of the individual squares that were in the quilt made by their members. She knew immediately what quilt they needed to do when he asked for this. One of their members, Bonnie Gold, who was present, had handed her a book a month or so before called That Town and Country Quilt, and it was 365 squares like this. Neither one of them were up to biting it off, but when they saw this opportunity for the community, they knew that this was the way to go. And gratefully, she reached out to the pattern designer for permission to make copies of copyrighted information and they quickly bought materials and made kits and prioritized what parts of Hickory's history should be highlighted. She gave special thanks on that to longtime Hickory residents, Mary Long and Bonnie Gold as they sat down and picked certain things. By February, they had announced the project, and were handing out kits to start creating these individual blocks. In March, she collected the first set of blocks, signed out the last two rounds, thinking they were going to have this ready for them in June, and that she would be able to assemble it before a planned trip in May. That was March 12, 2020. That was the day the ACC Tournament was canceled. She got home that night after the meeting, and her life had literally changed. They were naive in thinking that they would stay home a couple of weeks and then get on with their lives. Who would have thought that 13 months later they would be standing here, and life would still be impacted by Covid-19, like everything else in 2020 their best laid plans were stymied. When the City decided to postpone the celebrations, she relaxed and let those who were working on their projects relax. They sat on the backburner for a while. She thanked Susan Bisulca for prodding her along to get them all moving back again, to bring this to completion. Part of that was that she picked up a large number of blocks that were outstanding. She thanked Kandi Peterson for coordinating their landscape borders and for her embellishments, because they were spectacular. This project would not have

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been possible without the excellent work of Rebecca Mullins, who digitized the City logo that was created for the 150<sup>th</sup> Anniversary and expertly quilted the finished top. They could not have started or finished without her. On behalf of the Catawba Valley Quilters Guild, she was honored to present the Hickory City quilt to the City of Hickory.

Ms. Swartzel shared some highlights. There were 170 blocks surrounding a center block of the anniversary logo. By her count, 55 members of the guild participated in the project. Any omissions or misspellings were hers and everybody was listed on the back on the label. While most blocks came from the original pattern, they chose four cornerstone blocks to represent Hickory landmarks: Maple Grove, Hickory Tavern, the A. A. Shuford Building representing Union Square and the Piedmont Wagon Building. A special thank you to Debbie Rubin for her artistic talent on a couple of those. For the most part, they did not name current businesses, but they tried to represent a cross section of the community through some of those. Some were specifically labeled like the SALT Block, Lenoir-Rhyne, and the Polio Hospital. The label on the back named all of the quilters who lent their time and talent to this project. She noted there were a number of the participants present.

Mayor Guess, Councilmembers and all of the participants met at the podium for a photograph.

Mayor Guess commented when he challenged them to do this there was no doubt in his mind that it was going to be something very extraordinary and something that would represent our City. It commented they had outdone themselves.

Ms. Swartzel recommended that Mayor Guess make notes for the future Mayor in 2068.

Mayor Guess commented they would get the quilt displayed somewhere so everybody would get an opportunity to see it. They draped it over some seats in the audience so everyone could see it. Mayor Guess advised this quilt does not belong to any single individual, this quilt as presented belonged to the citizens, and they wanted to display it. The recommendation was that this be a traveling quilt and it would be on display at various locations throughout the City. He would imagine that it would make a tour at the libraries and different places at City Hall and in different places throughout the community. It does not belong to any one individual. It belongs to everyone and it would be on display throughout the year. Maybe they could take a picture of it and get it on the City website and tell a little bit about the effort that was put behind it to present it to City Council tonight. He could not tell them how much they appreciated all the time and love that went into this quilt. He knew that it took a lot of time and effort, and he could not tell them how much they appreciated each of them.

Councilmembers thanked them as well.

#### V. Persons Requesting to Be Heard

##### A. Mr. Allen Mitchell Jr. Regarding Cemetery Plots

Mr. Allen Mitchell Jr. commented the City has a lot of positive things going on with all the projects and everything going on. They try to draw people into the City. With that being said, what are you going to do when these people die? Especially the boomers. Several boomers on Council. What are you going do when they die? A lot of the cemetery spaces are running out because of the pandemic. The only cemetery that the City of Hickory owns that sells graves was Southside Cemetery. If you have a pre-need or if you already have a purchased plot in Oakwood, you were fine, but you cannot purchase a grave in Oakwood, Fairview, or Ridgeview. The only one that you can purchase one in was Southside. All the funerals in the Metro Hickory area, not the City of Hickory, but the Metro Hickory area are burying people in Southside. The cemetery was steadily filling up because of the pandemic. There had been a lot of burials. There had not been an extension over in Southside Cemetery, but that side was filling up. It was not anything that he was saying that they immediately needed to act on, but it was something to think about. Possibly putting a Commission together to explore what was going to be done. The reason he asked Alderman Williams to come and speak to them was this was a question that he was asking on the record. They knew that he had been the moderator of the Concerned Citizens of Ridgeview meeting for a longtime. So long he could not even remember the years, it had been over 27 years. It was an information meeting. Because of the pandemic they had not been able to have those meetings. So, whenever he has a service or people come by the funeral they ask him what they are going to do about grave spaces. There were several different options if they look at some of the other municipalities in the metro area that they may need to research. He noted that he was not putting all the pressure on Council. It was something that they need to look into. If they look at a grave price in the City of Hickory and you live in the City limits, it was \$804. That was pre-need. But if you need it at need, there was a \$68 permit fee that you add on bringing that total up to \$872 and that was just in the City limits. If you live outside the City limits it was \$1,608 and you add that \$68 permit fee on to it. Also, every fiscal year,

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the grave prices go up, and the permit fees go up. A lot of these things he shares with his clientele, even if they were not his clientele he would still share this information with them. He did not know what kind of revenue that actually brought into the City of Hickory, with all the projects and everything that was going on, they would have more people coming in. The more people coming in, the people dying. He did not mean to sound morbid, but he wanted to be real with it. Remember, boomers, he just barely made that boomer rank, we are leaving here, and the spaces are steadily filling up. That was basically all he had to say. He just wanted to share that with Council. If he could be of any help with this project they could contact him, no problem. God bless.

Councilmembers thanked Mr. Mitchell.

- B. Mr. David Crosby 1046 36<sup>th</sup> Avenue Drive NW, Hickory discussed a water bill. He usually does not say anything. He knew that he was not as smart as Mr. Rodney Miller, or our City Manager. He was remodeling a home and he got a water bill for \$81 and had used no water. He went to the City and talked to the people in the City and was pretty much told if you think that was bad you will get another bill unless you cut the meter off. He was sitting there saying, "I've used no water, I paid \$81". He paid the bill and then was told that he was going to get another bill unless he turned it back off because he did not use it. He advised he would like to put this account on hold. He was told the City does not do that. He asked what he needed to do. He was told that he needed to cancel his utilities. He said, "Well, when I get ready to put them back on than he would have to pay another fee". He was told no, that he would have to pay the one fee. He did not quite understand. He was confused when he did not have water, he was paying for it. He could understand the solid waste, he did not have a problem with that because he had solid waste that they were putting out and picking up even though he was paying for a dumpster on top of that. He just did not like to be talked down to. Like he said he was not smart, but he could add. If you do not have a meter and it says cubic feet used zero and he got an \$81 dollar bill, he just got upset about it, and he did not feel like it was addressed. He was going to be charged \$10 or \$20 when he does not use the meter. It did not make sense to him. He thought it was something that he would like to see the City look into and maybe there was some clarifications or maybe he was just not smart enough to figure out the way the City does things, but it just did not make sense to him. He was not mad at the City. He liked the City and he loved living in the City, or he would not be rebuilding in the City. He just did not understand it and was just bringing it to Council's attention. He thanked Council.

Mayor Guess thanked Mr. Crosby for bringing that to their attention, and they would certainly have someone meet with him and to help answer his questions and clarify any anything that he may need to know.

City Manager Warren Wood advised someone would speak to him immediately.

Mayor Guess asked if anyone in the audience who did not have an opportunity to sign up would like to present or address to City Council, they would give them that opportunity to be able to do that at this time. He asked if there was anyone present who did not have that opportunity who would like to address the Council? No one else appeared.

## VI. Approval of Minutes

### A. Regular Meeting of March 16, 2021

Alderman Zagaroli moved, seconded by Alderwoman Patton that the Regular Meeting Minutes of March 16, 2021 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 17. (First Reading Vote: Unanimous)

## VIII. Consent Agenda: All items below will be enacted by vote of City Council. 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 Seaver requested Item "L" be removed from the Consent Agenda.

Alderwoman Patton moved, seconded by Alderman Zagaroli approval of the Consent Agenda with the exception of Item "L". The motion carried unanimously.

### A. Approved the Community Relations Council Spring 2021 Grant Recommendations.

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As part of the Community Relations Council's work plan and annual budget process, the Community Relations Council (CRC) receives funds to disperse during the fiscal year through the CRC grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area. For the Spring 2021 grant cycle, the CRC received eight grant applications for projects totaling \$9,700 and is recommending approval of four grants totaling \$5,000. The following are recommended for approval of the grants: Centro Latino \$1,500; Women's Resource Center - \$1,000; Hickory Community Theatre, Inc. \$1,500; and Hickory Museum of Art - \$1,000; for a total of \$5,000. Funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the four grants listed above totaling \$5,000.

- B. Approved the Reappointment of Patsy Scott as the City of Hickory Tax Collector for an Additional Two-Year Term.

Staff requests approval to reappoint Patsy Scott, current Senior Accountant in the Finance Department, as the City of Hickory Tax Collector for an additional two-year term. The City of Hickory is currently responsible for printing, mailing, collecting, answering taxpayer inquiries, advertisement, and enforcing collections procedures for the City of Hickory locations within Burke and Caldwell counties. Catawba County remains responsible for printing, mailing, collecting, answering taxpayer inquiries, advertisement, and enforcing collections procedures for the City of Hickory locations within the Catawba County taxing district. The City's Tax Collector's responsibilities include coordinating ad valorem tax administration with Burke, Caldwell, and Catawba counties. Patsy Scott was hired as the City's Senior Accountant effective March 1, 2017 and her initial two-year term as Property Tax Collector was approved by Council April 4, 2017. Patsy is currently certified as a Property Tax Collector with the North Carolina Tax Collectors' Association. Staff recommends approval to reappoint Patsy Scott as the City of Hickory Tax Collector for an additional two-year term. Pursuant to acceptance in the North Carolina Tax Collectors' Association for certification, Patsy will be required to perform ten hours of continuing education credits annually.

- C. Approved the Issuance of an Order to Advertise All Real and Personal Current Fiscal Year Unpaid Tax Amounts.

General Statute 105-369(a) mandates that the tax collector must first inform the governing body of and then advertise the "total amount of unpaid taxes for the current fiscal year that are liens on real property". The following are unpaid tax amounts for 2020: Caldwell County – Real Property Tax - \$1,419.40; Personal Property Tax - \$18.21; Public Service Property Tax - \$4,862.97; Caldwell County Total \$6,300.58. Burke County – Personal Property Tax - \$44.08; Business Personal Property - \$2,918.17; Burke County Total \$2,962.25. A taxing unit has the option of advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees. General Statute 105-369(c) requires that real property tax liens for the current year be advertised at any time from March 1 through June 30. Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the "total amount of unpaid taxes for the current fiscal year that are liens on real property". (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably, immediately upon receipt of the tax collector's report. (3) At least thirty days before the advertisement is published and posted, the tax collector must provide written notice to the affected taxpayers of the intent to publish outstanding current tax liens. When a taxpayer files a bankruptcy petition, an "automatic stay" immediately becomes effective. Essentially this stay bars any effort by a creditor to collect a debt from the debtor in bankruptcy. The advertisement of a tax lien arguably qualifies as an act to enforce a tax lien and is therefore barred by the automatic stay. The Tax Collector has informed City Council of the unpaid tax amounts for the current fiscal year. It is recommended that City Council issue an order to advertise all real and personal current fiscal year tax amounts in the Hickory Daily Record in an attempt to collect the outstanding taxes.

- D. Called for a Public Hearing – Consideration of Closing a Portion of Amity Street, Newton. (Authorized Public Hearing for May 4, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

#### RESOLUTION NO. 21-11 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 Amity Street, Newton

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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 Amity Street, Newton.

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 4<sup>th</sup> day of May 2021, in the Council Chambers of the Julian G. Whitener Municipal Building at 76 North Center Street, Hickory, North Carolina to consider a resolution closing of a portion of Amity Street, Newton.
  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.
- E. Called for a Public Hearing – Consideration of Closing an Unopen Portion of Lutetium Circle, Hickory. (Authorized Public Hearing for May 4, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

**RESOLUTION NO. 21-12  
RESOLUTION OF INTENT**

A Resolution Declaring the Intention of the City Council of the City of Hickory to Consider the Closing of an Unopen Portion of Lutetium Circle, Hickory

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 an unopen portion of Lutetium Circle, 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 4<sup>th</sup> day of May 2021, in the Council Chambers of the Julian G. Whitener Municipal Building at 76 North Center Street, Hickory, North Carolina to consider a resolution closing of an unopen portion of Lutetium Circle, 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.
- F. Called for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of Property Owned by Lifestyle Investment Company, Containing Approximately .344 acres of Property, Located at 1317 Cloninger Mill Road, Hickory, Identified as PIN 3174-08-88-9113. (Authorized Public Hearing for April 20, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

**RESOLUTION NO. 21-13  
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 Lifestyle Investment Company requesting annexation of an area described in a petition was received on March 17, 2021 by the City Council of the City of Hickory; and

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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:

Property of Lifestyle Investment Company located at 1317 Cloninger Mill Road, Hickory, North Carolina, containing .344 acres more or less, and identified as PIN 3714-08-88-9113.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 18<sup>th</sup> day of March 2021.

/s/ Debbie D. Miller, City Clerk

#### RESOLUTION 21-14

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 April 20, 2021 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

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

Property of Lifestyle Investment Company located at 1317 Cloninger Mill Road, Hickory, North Carolina, containing .344 acres more or less, and identified as PIN 3714-08-88-9113.

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. 21-15

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY LIFESTYLE INVESTMENT COMPANY AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Lifestyle Investment Company is the owner of certain real property as described herein, which property is located at 1317 Cloninger Mill Road Hickory, North Carolina, containing .344 acres more or less, and identified as PIN 3714-08-88-9113; and

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

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 6<sup>th</sup> day of April 2021, 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 April 20, 2021 in the Council Chambers 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 map entitled Lifestyle Investment Company Voluntary Contiguous Annexation Map 1 Existing City Boundary, subject property outlined in red; Lifestyle Investment Company Voluntary Contiguous Annexation Map 2, Current Zoning subject property outlined in red; Lifestyle Investment Company Voluntary Contiguous Annexation Map 3, Aerial Photo, 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.

- G. Accepted a North Carolina Department of Transportation Division of Aviation Grant in the Amount of \$720,000 for Design/Bid Phase of Taxiway "A" Slope Repair Project.

Staff requests City Council's acceptance of Grant 36244.33.15.1 awarded by the North Carolina Department of Transportation – Division of Aviation (NCDOT-DOA) in the amount of \$720,000 for the design/bid phase of the taxiway "A" slope repair project. The NCDOT, by letter dated February 15, 2021, has allocated State funds in the amount of \$720,000 with the local share of \$80,000 for the design/bid phase of taxiway "A" slope repair project. General fund balance will be used for the local share. This grant will assist in the continuation of the airfield improvement program. This grant will be for the design/bid phase of the project whereby repairs will consist of grade reconstruction, paving and a retaining wall. Staff recommends City Council's acceptance of Grant 36244.33.15.1 in the amount of \$720,000 from the North Carolina Department of Transportation – Division of Aviation.

- H. Approved Declaring a 2010 Chevrolet Ambulance as Surplus and Donating the Apparatus to Catawba Valley Community College.

The City of Hickory Fire Department staff requests approval to donate a surplus 2010 Chevrolet Ambulance (VIN# 1GB9G5B6XA1124701) to Catawba Valley Community College for their Emergency Services Training Center. This vehicle will be utilized during training sessions that City Fire Department personnel attends along with the training of other local first responders served by the community college programs. This apparatus was one of two ambulances donated by Catawba County to the City of Hickory Fire Department in July 2019. The department has used this apparatus for parts to equip the second ambulance. Once the parts were removed, the apparatus was transferred to storage at the Parks and Recreation covered shelter at Fire Station 3. The Hickory Fire Department has received a written request from Catawba Valley Community College requesting access to this ambulance. The intent of this request is to donate the ambulance to the community college for the purpose of training. Hickory Fire Department staff recommends declaring the 2010 Chevrolet Ambulance as surplus and donating said apparatus to the Catawba Valley Community College. In accordance with G.S. 160A-280 public notice was published in a newspaper having general circulation in the Hickory area on March 25, 2021.

**RESOLUTION NO. 21-16  
A RESOLUTION OF THE HICKORY CITY COUNCIL  
DECLARING SURPLUS EQUIPMENT  
RESERVE AMBULANCE**

WHEREAS, the Hickory Fire Department declared as surplus one (1) 2010 Chevrolet Ambulance; and

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WHEREAS, the Hickory Fire Department wishes to donate the 2010 Chevrolet Ambulance to the Catawba Valley Community College.

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 Fire Department 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.

- I. Acknowledged the Publication of Notice of a Conflict of Interest Stemming from a Nonprofit's Application for Funding from the City's Community Development Block Grant Program.

Staff requests Council to acknowledge the publication of the notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program (CDBG). The City of Hickory (City) is a participating jurisdiction in the United States Department of Housing and Urban Development's Community CDBG program that allows funding to nonprofits through Public Service Activities. The City has received an application for funding from a nonprofit who has a current City employee who sits on its board of directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application. Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, hereby is providing public notice of the potential conflict of interest raised by the nonprofit's application to the City's CDBG Program. The notice is posted on the City's website and at the Patrick Beaver and Ridgeview Libraries. Staff requests Council to acknowledge publication of the notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program.

- J. Approved a Professional Services Agreement with The Right of Way Group, LLC in the Amount of \$152,000 for Services Related to Right-of-Way Acquisition for EB-5937 (Historic Ridgeview Walk).

Staff requests Council's approval of an agreement for Professional Services with The Right of Way Group, LLC for services related to right-of-way acquisition for EB-5937 in the amount of \$152,000, contingent upon North Carolina Department of Transportation concurrence. The Historic Ridgeview Walk Multi-Use Trail Project is one of the projects envisioned in the Bond Referendum and is intended to provide improved connectivity from City Walk through the Ridgeview Community to US 70. The Historic Ridgeview Walk Multi-Use Trail project is an element of the Bond Referendum that was to be added in the future as a continued development of the multi-use path around the City that connected all parts of the City for citizens and visitor's enjoyment. This project has received Federal funding at an 80/20 ratio, Federal and City, respectively. The Agreement for the Historic Ridgeview Walk Multi-Use Trail identifies additional services that include right-of-way acquisition along the corridor. City of Hickory's portion of fees will be funded by Bond proceeds. Staff recommends Council's approval of the agreement for Professional Services with The Right of Way Group, LLC for additional right-of-way acquisition services related to EB-5937 in the amount of \$152,000, contingent upon NCDOT concurrence.

- K. Approved a Professional Services Agreement with The Right of Way Group, LLC in the Amount of \$13,000 for Services Related to Right-of-Way Acquisition for EB-5938 (Historic Ridgeview Walk).

Staff requests Council's approval agreement for Professional Services with The Right of Way Group, LLC for services related to right-of-way acquisition for EB-5938 in the amount of \$13,000, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. The Historic Ridgeview Walk Multi-Use Trail Project is one of the projects envisioned in the Bond Referendum and is intended to provide improved connectivity from City Walk through the Ridgeview Community to US 70. The Historic Ridgeview Walk Multi-Use Trail project is an element of the Bond Referendum that was to be added in the future as a continued development of the multi-use path around the City that connected all parts of the City for citizens and visitor's enjoyment. This project has received Federal funding at 80/20 ratio, Federal and City, respectively. The agreement for the Historic Ridgeview Walk Multi-Use Trail identifies additional services that include right-of-way acquisition along the corridor. City of Hickory's portion of fees

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will be funded by Bond proceeds. Staff recommends Council's approval agreement for Professional Services with The Right of Way Group, LLC for additional right-of-way acquisition services related to EB-5938 in the amount of \$13,000, contingent upon NCDOT concurrence.

- L. Removed from the Consent Agenda, Discussed under "Item IX. Items Removed from Consent Agenda" and Approved the Purchase of a 2022 Smeal/Spartan Custom Pumper in the Amount of \$647,415 from Atlantic Coast Fire Trucks LLC Through the Houston Galveston Area Council (HGAC) Interlocal Contract.

Staff requests approval of the contract for the purchase of a 2022 Smeal/Spartan custom pumper from Atlantic Coast Fire Trucks LLC through the Houston Galveston Area Council (HGAC) Interlocal Contract. The custom pumper will be purchased from Atlantic Coast Fire Trucks, LLC (the dealer for Smeal/Spartan Fire Apparatus) under the guidelines and stipulations set forth by the HGAC contract. The City of Hickory has participated in this purchasing format since November 2012. This new Smeal/Spartan fire apparatus will include an aluminum body, a Spartan Metro-Star Cab and Chassis, and a 1,500 gallon per minute (gpm) fire pump. The total cost of this new custom pumper is \$647,415. This is an 80/20 price agreement that provides a total discount of \$10,765, if a pre-payment of \$517,932.00 is paid within 10 days of fully-signed contract. The total price includes a Performance and Payment Bond of \$2,777, which protects the pre-payment amount from the City of Hickory. Hickory Fire Department staff recommends approval of the proposed contract for the purchase of a 2022 Smeal/Spartan custom pumper for the total sum of \$647,415, utilizing the 80/20 pre-payment option that will be protected by a Performance and Payment Bond. Funds are budgeted in the FY 2020/2021 budget.

- M. Approved of a Resolution Accepting a North Carolina Clean Water State Revolving Fund Loan in the Amount of \$30 Million Dollars Towards the Henry Fork Wastewater Treatment Facility Solids Handling Facility Upgrade.

Staff requests approval of a Resolution accepting the State Revolving Fund Loan for the Henry Fork Wastewater Treatment Facility solids handling facility upgrade project in the amount of \$30 million dollars at .10 percent interest for 30 years. The City of Hickory, City of Conover and Catawba County formed the Regional Sludge Consortium to develop and manage the Regional Sludge Management Facility (RSMF). The RSMF is jointly owned and operated by the City of Hickory with, City of Conover and Catawba County. As of July 1, 2019, Catawba County has withdrawn as a partner from the Consortium. Area municipalities take residuals from their wastewater treatment facilities to the RSMF where it is processed through drying and mixing to produce a quality compost product. The Consortium contracts with Veolia Water North America for the operation and maintenance of the Facility. The RSMF is a corrosive environment and requires frequent extensive maintenance and large financial investments. On behalf of the City, HDR Engineering, Inc. of the Carolinas (HDR) conducted a condition assessment to evaluate, plan and budget for current and future needs. Ultimately the report recommended that the RSMF be decommissioned, and that the City invest in another type of biosolids stabilization process at one of the City's existing wastewater treatment facilities. In October 2019, Council approved an agreement with HDR for the design of the new solids handling facility to be placed at the Henry Fork Wastewater Treatment Facility. During this period of time, Staff have reviewed multiple funding options and applied for State Revolving Funds to help finance the facility. On March 1, 2021, the City was notified that funds were approved for the project. Conditions of funding include a 25 percent grant to be realized as a one percent reduction in interest for the 30-year loan, bringing the rate to 0.10 percent. The City is required by the State Revolving Loan Program to approve a Resolution agreeing to provisions of the loan program and agreement and designating an Authorized Representative, including loan closing cost of two percent (\$600,000) to be paid to the State. This application for State Revolving Loan funds was previously approved by City Council in Resolution 20-10 dated March 3, 2020. Staff recommends Council's approval of Resolution and designation of Authorized Representative for State Revolving Loan for the Henry Fork Wastewater Treatment Facility solids handling facility upgrade project in the amount of \$30 million dollars at 0.10 percent interest for 30-years.

#### RESOLUTION NO. 21-17

**RESOLUTION BY HICKORY CITY COUNCIL ACCEPTING A NORTH CAROLINA CLEAN WATER STATE REVOLVING FUND LOAN IN THE AMOUNT OF \$30,000,000.00 TOWARDS THE HENRY FORK WWTF SOLIDS HANDLING FACILITY UPGRADE**

WHEREAS, The North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

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WHEREAS, The North Carolina Department of Environmental Quality has offered a State Revolving Loan in the amount of \$30,000,000.00 for the construction of the Henry Fork WWTF Solids Handling Facility Upgrade project, and

WHEREAS, The City of Hickory intends to construct said project in accordance with the approved plans and specifications,

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

The City of Hickory does hereby accept the State Revolving Fund Loan offer of \$30,000,000.00.

That the City of Hickory does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II – Assurances will be adhered to.

That City Manager Warren Wood, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency 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 comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

N. Approved on First Reading Budget Revision Number 18.

**ORDINANCE NO. 21-09  
BUDGET REVISION NUMBER 18**

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, 2021 and for the duration of the Project noted herein.

SECTION 1. To amend the General Fund within the FY 2020-21 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	25,000	-
Other Financing Uses	80,000	-
<b>TOTAL</b>	<b>105,000</b>	<b>-</b>

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	25,000	-
Other Financing Sources	80,000	-
<b>TOTAL</b>	<b>105,000</b>	<b>-</b>

SECTION 2. To amend the Water and Sewer Fund within the FY 2020-21 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	600,000	-
<b>TOTAL</b>	<b>600,000</b>	<b>-</b>

To provide funding for the above, the Water and Sewer revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	600,000	-
<b>TOTAL</b>	<b>600,000</b>	<b>-</b>

SECTION 3. To amend the Transportation Fund within the FY 2020-21 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	1,053,072	-
<b>TOTAL</b>	<b>1,053,072</b>	<b>-</b>

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

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FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	1,053,072	-
<b>TOTAL</b>	<b>1,053,072</b>	<b>-</b>

SECTION 4. To amend the BioSolids Capital Project Ordinance (#803306), the expenditures shall be changed as follows.

FUNCTIONAL AREA	INCREASE	DECREASE
Water and Sewer Capital Projects	30,600,000	-
<b>TOTAL</b>	<b>30,600,000</b>	<b>-</b>

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	30,600,000	-
<b>TOTAL</b>	<b>30,600,000</b>	<b>-</b>

SECTION 5. To establish the Taxiway "A" Slope Repair Capital Project Ordinance (#650031), the expenditures shall be established as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	800,000	-
<b>TOTAL</b>	<b>800,000</b>	<b>-</b>

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenues	720,000	-
Other Financing Sources	80,000	-
<b>TOTAL</b>	<b>800,000</b>	<b>-</b>

SECTION 6. To establish the Airport Hangar W3 Capital Project Ordinance (#APH0W3), the expenditures shall be established as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,053,072	-
<b>TOTAL</b>	<b>1,053,072</b>	<b>-</b>

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,053,072	-
<b>TOTAL</b>	<b>1,053,072</b>	<b>-</b>

SECTION 7. 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 – Item "L"

Alderman Seaver questioned the performance and payment bond.

City Manager Warren Wood advised if the City pays based on the way it was laid out they need a performance and payment bond to make sure they follow through, because the City was prepaying before it was built. The performance and payment bond would make sure that it gets built. He advised they went through this before, he they would recall where they actually had to use the performance bond.

Alderman Seaver asked if it cost the City to do that.

City Manager Warren Wood advised that the company pays for it.

Alderman Seaver moved, seconded by Alderwoman Williams approval of Item "L". The motion carried unanimously.

#### X. Informational Item

#### XI. New Business:

##### A. Public Hearings

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1. Approved the Voluntary Non-Contiguous Annexation of Property Owned by Larry and Cindy Williams, Containing Approximately 4.573 acres of Property (which includes street right-of-way), Located at 4763 1<sup>st</sup> Street NW, Hickory, Identified as PIN 3715-15-53-4888 and PIN #3715-15-53-2719. – Presentation by Planning Director Brian Frazier.

The Williams' have petitioned for the voluntary non-contiguous annexation of 4.573 acres of property located 4763 1<sup>st</sup> Street NW. The subject property is currently located within Hickory's extraterritorial jurisdictional area (ETJ), and zoned Medium Density Residential (R-2). The annexation is being requested in order to connect to the City's sewer system. Under the current zoning the property can be developed for single-family residential uses at a density of four dwelling units per acre. This density is reduced by being located within the Lake Hickory Watershed, where residential density is restricted to two dwelling units per acre. The subject property is currently vacant; however, the property owners intend to construct a single-family residence on the property. The current tax value of the property is \$357,100. If annexed with its present value, the property would immediately generate additional tax revenues of \$2,098. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 25, 2021.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to discuss the voluntary non-contiguous annexation of property owned by Larry and Cindy Williams, containing approximately 4.573 acres of property located at 4763 1<sup>st</sup> Street NW, Hickory.

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed the voluntary non-contiguous annexation. The applicants were Larry and Cindy Williams. He advised the property contained approximately 4.5 acres of property and would be located in Ward 2. Current developments were for a single-family residence, and the future development was the same. Annexation was being requested to obtain connection to the City's sanitary sewer system. He referred to the PowerPoint and displayed a map. He pointed out the river, the subject parcel in question that wanted to come into the City, the Hickory City limits, and Hickory's (ETJ), the extra territorial jurisdiction. It was contiguous. He displayed another map and pointed out the site, noting the zoning would remain R-2. Neighborhood commercial to the south and R-1 to the east. He displayed an aerial ortho map of the subject property. He noted it was a good-sized piece of property. Staff findings and recommendations were the voluntary annexation petition appeared to comply with all applicable annexation statutes. Adequate public services had been deemed available by the various department heads and the annexation of the property would not cause available public services to fall below the normal levels. Based upon these findings, staff respectfully recommended approval of the requested annexation. He asked for any questions.

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

Alderwoman Patton moved, seconded by Alderman Seaver approval of the voluntary non-contiguous annexation of 4763 1<sup>st</sup> Street NW, Hickory. The motion carried unanimously.

**ANNEXATION ORDINANCE NO. 464  
VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)  
Larry Williams and Cindy Williams**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO  
GENERAL STATUTES 160A-58.1, AS AMENDED (NON-CONTIGUOUS)**

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

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

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WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 7:00 p.m. on the 6th day of April 2021; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety, and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described non-contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of April 2021:

Satellite Annexation  
Description of  
Larry Thomas Williams and Cindy B. Williams  
4763 1st Street NW

BEGINNING at a point in the center of 1st NW, said point being a corner of Ray H. Barnette (Deed Bok 3117, Page 741), point also located South 58 degrees- 59 minutes- 42 seconds West, 275.30 feet from an existing mag nail in the centerline intersection of 1st Street NW and 1st Court NW; thence with the street, South 44 degrees-05 minutes- 08 seconds West, 98.63 feet to a calculated point; thence continuing with 1st Street NW, South 36 degrees- 40 minutes- 12 seconds West, 23.18 feet to a calculated point in the center of the street, the corner of Mark R. Aesch (Deed Book 3617, Page 1240); thence with the line of Aesch the following nine (9) calls: (1) North 39 degrees- 01 minutes- 11 seconds West, 67.46 feet to an existing 1/2" rebar; thence (2) North 50 degrees- 21 minutes- 05 seconds West, 50.07 feet to an existing 1/2" rebar; thence (3) North 56 degrees- 53 minutes- 13 seconds West, 123.16 feet to an existing 1/2" rebar; thence (4) South 17 degrees- 48 minutes- 20 seconds West, 10.07 feet to an existing 1/2" rebar; thence (5) North 78 degrees- 26 minutes- 30 seconds West, 97.11 feet to an existing 1/2" rebar; thence (6) South 87 degrees- 04 minutes- 16 seconds West, 116.16 feet to an existing 1/2" rebar; thence (7) North 87 degrees- 49 minutes- 45 seconds West, 177.33 feet to a calculated point; thence (8) South 86 degrees- 14 minutes- 46 seconds West, 98.15 feet to an existing 1/2" rebar; thence (9) South 86 degrees- 14 minutes- 46 seconds West, 9.77 feet to a calculated point on the 835 contour line of Lake Hickory; thence with the 835 contour of Lake Hickory the following eleven (11) calls: (1) North 36 degrees- 05 minutes- 16 seconds West, 12.43 feet to a calculated point; thence (2) North 14 degrees- 22 minutes- 59 seconds East, 31.79 feet to a calculated point; thence (3) North 18 degrees- 57 minutes- 27 seconds East, 73.60 feet to a calculated point; thence (4) North 34 degrees- 33 minutes- 34 seconds East, 61.02 feet to a calculated point, thence (5) North 50 degrees- 37 minutes- 37 seconds East, 60.72 feet to a calculated point; thence (6) North 33 degrees- 00 minutes- 14 seconds East, 34.16 feet to a calculated point; thence (7) North 35 degrees- 21 minutes- 01 seconds East, 107.70 feet to a calculated

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point; thence (8) North 47 degrees- 32 minutes- 11 seconds East, 80.2 feet to a calculated point; thence (9) North 31 degrees- 41 minutes- 16 seconds East, 57.17 feet to a calculated point; thence (10) North 57 degrees- 55 minutes- 48 seconds East, 27.15 feet to a calculated point; thence (11) North 21 degrees- 08 minutes- 36 seconds East, 48.35 feet to a calculated point on the 835 contour line of Lake Hickory; thence leaving Lake Hickory and with the line of Timothy D. Lail (Deed Book 3000, Page 1433), South 39 degrees- 37 minutes- 22 seconds East, 324.84 feet to an existing 1-1/4" pipe; thence with the line of Roy H. Barnette (Deed 3117, Page 741), South 39 degrees- 29 minutes- 08 seconds East, 345.92 feet to an existing 1/2" pipe; thence continuing with the Barnette line, South 39 degrees- 29 minutes- 08 seconds East, 34.56 feet to the place and point of BEGINNING, containing 4.573 Acres by coordinate computation as being surveyed by Donald S. Miller Surveying dated February 24, 2021 (Drawing Number H3B-5508) as recorded in Deed Book 3060, Page 1314, Catawba County Registry.

Section 2. Upon and after the 30th day of April 2021, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly-annexed territory described herein shall become part of Ward No. 2 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

2. Approved on First Reading Rezoning Petition 21-01 for Property Located at 2565 Section House Road NE, Rezoning Area Containing Approximately .48 Acres (+ or -) of a .99 Acre (+ or -) Tract from Low Density Residential (R-1) to Neighborhood Center Commercial (NC) – Presentation by Planning Director Brian Frazier.

Scott Riley has petitioned for the rezoning of +/- 0.48-acre of a larger +/- 0.99-acre parcel located at 2565 Section House Road NE from Low Density Residential (R-1) to Neighborhood Center Commercial (NC). The subject property is currently vacant. The owner is seeking to rezone part of the property to provide an area for a non-residential development. The subject property is currently zoned Low Density Residential (R-1) and could potentially yield up to two dwelling units. The request is to rezone a portion of the property to Neighborhood Commercial (NC). Should the property be rezoned to Neighborhood Commercial (NC), the property could be utilized for multi-family residential, at a density of thirty dwelling units per acre, or for non-residential purposes at a maximum floor area ration of 0.85. The applicant has indicated their intention is to construct an office on the property. Given this intention, the portion of the property requested to be rezoned property could be developed to contain up to 17,772.48 square feet of total floor area. The Hickory Regional Planning Commission conducted a public hearing on March 24, 2021 to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (10-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 26, and April 2, 2021.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to discuss rezoning petition 21-01 for property located at 2565 Section House Road NE, rezoning area containing approximately .48-acre (+ or -) of a .99-acre (+ or -) tract from low density residential (R-1) to neighborhood center commercial (NC).

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed rezoning petition 21-01. The property owner and applicant were Mr. Scott Reilly. The address was 2565 Section House. It was currently zoned as R-1 residential. The property size totaled .99 acres the rezoning area was approximately half of that .48 acres. The subject property was currently zoned

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R-1 the requested action would rezone about half of the northern part of the property from R-1 to NC. Should this be successful, the residential zoned portion of the property directly on Section House Road would decrease to .51 acres. The reason that they were not recommending the entire partial be rezoned, was because it did not look like it would be contiguous to any other NC and it would not fit in with their plan, it would be inconsistent. The property owner had requested to rezone a portion of the property to extend the neighborhood commercial zoning to the east, which would include just under half an acre of property. He referred to the PowerPoint and pointed out the area in question, Section House Road and Springs Road. He noted the commercial corridor area in terms of future land use, and the area which would be deemed as high density residential. He displayed a map specifically of this parcel and the zoning and pointed out the area in question, about half of the property. He noted the area which would remain R-1 and the area which would be rezoned to NC. He displayed an aerial photo which was taken in 2018. He pointed out the subject property, Section House Road and Springs Road. The property was currently zoned low density residential use. It was a vacant property. Hickory by Choice indicates this to be high density residential area to be located within or near mixed use areas or higher intensity commercial districts. It was only about a half block away from the mixed-use area. The subject property to be rezoned was located just east of the Springs Road intersection in the commercial corridor. The text of the comprehensive plan indicates the high density residential may also contain office areas along thoroughfares and commercial areas, which they believed that it did. Another section of the comprehensive plan discusses the commercial corridor land use classification. Basically, it was applicable to areas along Springs Road and NC 127, and these areas should be pedestrian focused, and the corridor should remain accommodating to vehicular traffic. The area in question was going to be rezoned was not shown on the future land use map as being commercial corridor, but the subject property was contiguous to such as the map showed. The commercial corridor area along Springs Road basically extended about 250 feet outward east and west from either side of the right of way. The area near Springs Road was roughly about 200 feet wider from east to west than those parcels over on Section House where the NC neighborhood commercial district extends out 510 feet eastward from Springs Road, north of Section House the same zoning district only extends about 311 feet eastward. The successful rezoning of this parcel would make the NC district pretty much balanced and aligned with the northern contiguous parcels. The NC zoning district was not listed as an implementing zoning district for the high density residential, but the subject rezoning before Council was to extend the existing commercial district just a little bit eastward. Given the existing zoning of the subject property and its proximity to Springs Road, it would appear reasonable to expand the existing NC district in the manner requested. Given these factors, the rezoning of the property, NC, should be considered consistent with Hickory by Choice. Some examples of permitted uses would be duplexes and apartments, B&Bs, office and retail, vehicle repair, medical centers, schools, and religious institutions. He shared this information with Council that they had shared with the Planning Commission so they would know what was allowed to be there. Examples of districts in R-1, which was the City's lowest density district, duplexes, single-family homes, mobile homes, mobile home parks, family care homes for special needs, homeless, etc.

Mr. Frazier discussed the findings. The NC zoning district was not listed as an implementation district for high density residential, but it was to extend the existing commercial district just slightly to the east and already contiguous. Given the existing zoning of the subject property and its proximity to Springs Road it would appear reasonable to expand the existing NC district one property to the east. They believed that the rezoning of the property should be considered consistent with Hickory by Choice. The Planning Commission had a public hearing on March 24<sup>th</sup> to consider the petition, and during the public hearing, the property owner spoke in favor and no one from the neighborhood was there in opposition. Upon closing the public hearing, the Planning Commission voted unanimously 10 to 0, one member was ill, to affirm the petitions consistency with Hickory by Choice 2030 and recommended City Council's approval of the petition. Staff concurred with the recommendation of the Planning Commission. He asked Council for any questions.

Mayor Guess asked if they had any idea of what the plan was for that if it was rezoned.

Mr. Frazier advised the owner of the property, Mr. Riley, was in the audience, if there was anything that he could not answer specifically. It was an existing vacant lot, and he was looking at putting up a building that the front part of it would be an office and the rear part would be for storage and warehousing for his existing commercial business. For a living he sells windows. They may have

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seen his signs in the City and ads in the paper. He was looking for a site to store everything legally and it was not zoned that way when he was looking at purchasing the property. He advertises, he was on the internet, search Google gives a site address, but it happens to be his residence, where he has his very small office in there which of course was permitted. He was not quoting him, but he was not real thrilled sometimes about getting Saturday morning guests at eight or nine in the morning, wondering if they could look at the windows. He really needs a showroom and an office to do some work. Of course, everything would have to be compliant with State building, State Fire code and the City's LDC. He was fully aware already of all the requirements. One question that they may have, was they were not going to require annexation of this property because the late Kevin Greer and he had discussed and they had an agreement that sewer was too far away or he would never be able to get the use of this property unless he ended up getting a County and environmental health septic permit, which he had already gotten that. The next step was for the rezoning. Then he could submit the plans, which he had already, they were already stamped, and sealed by a North Carolina Engineer. That would go to both Mr. Frazier's office and to the County for any approval. He was looking at doing this as soon as possible.

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

Alderman Seaver moved, seconded by Alderwoman Williams approval of Rezoning Petition 21-01 for property located at 2565 Section House Road NE, containing .48 acres more or less. The motion carried unanimously.

#### ORDINANCE NO. 21-10

**AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 0.48 ACRES OF A LARGER +/- 0.99 ACRE PROPERTY LOCATED AT 2565 SECTION HOUSE ROAD NE FROM LOW DENSITY REIDENTIAL (R-1) TO NEIGHBORHOOD CENTER COMMERCIAL (NC).**

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the City has been petitioned to rezone +/- 0.48 acres of larger +/- 0.99 property located at 2565 Section House Road NE, more particularly described on Exhibit A attached hereto, to allow a Neighborhood Center Commercial (NC) district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on March 24, 2021 and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the City Council has found Petition 21-01 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE REZONING OF THE PROPERTY LOCATED AT 2565 SECTION HOUSE ROAD NE AND DESCRIBED IN EXHIBIT A is approved.

#### **SECTION 1. Findings of fact.**

1. The subject property is located at 2565 Section House Road NE, and further identified as a portion of PIN 3723-07-68-7968.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

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**SECTION 2.** All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

**SECTION 3. Statement of Consistency and Reasonableness**

Upon considering the matter, the Hickory City Council found:

1. The general area is classified Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan.

The Hickory by Choice 2030 Comprehensive Plan indicates High Density Residential areas are to be located within or near mixed-use areas or higher intensity commercial districts. The subject property to be rezoned is located just east of the Springs Rd. commercial corridor area. The text of the comprehensive plan indicates that High Density Residential areas may also contain office areas along thoroughfares and commercial areas.

Another section of the Hickory by Choice 2030 Comprehensive Plan discusses the Commercial Corridor land use classification. In summary, the plan indicates: 1) it is applicable to areas along Springs Rd and NC 127, 2) these areas should be pedestrian focused and 3) the corridor should remain accommodating to vehicular traffic. The area in question, to be rezoned, is not shown on the future land use map as being commercial corridor but the subject property is contiguous to such to the east. The Commercial Corridor area along Springs Rd extends out 250 from either side of the right-of-way. The existing Commercial Corridor area of Springs Rd is roughly 200ft wider from east to west on the parcels north of Section House Rd. Where the NC district extends out ~510ft eastward from Springs Road north of Section House Rd., the same zoning district only extends ~311ft eastward on the southern Section House Rd. parcels. A successful rezoning of this parcel would make the NC district more aligned with the northern contiguous parcels.

The NC zoning district is not listed as the implementing zoning district for the High-Density Residential classification; however, the subject rezoning request is to extend an existing commercial district, further eastward into an existing high-density residential district. Given the existing zoning of the subject property and its proximity to a major thoroughfare (Springs Rd.), it would appear reasonable to expand the existing NC district, in the manner requested.

Given these factors, the rezoning of the property to Neighborhood Commercial should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

2. The Neighborhood Commercial classification is intended to provide neighborhood scaled areas where residents can travel one mile or less to work, shop, and enjoy parks and open space;
3. The NC zoning district's permissible density adheres to the recommendations for areas classified as Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan;
4. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations;
5. Sufficient public infrastructure is currently in place to handle the type of development possible on the subject property;
6. Any future development that takes place on the subject property will be regulated by current and future development standards duly adopted by the City of Hickory and the State of North Carolina; and
7. Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property owners are properly protected as prescribed by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 21-01 to be reasonable and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

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## B. Departmental Reports

## 1. Appointments to Boards and Commissions

Mayor Guess asked for appointments to Boards and Commissions. There were none.

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large (Outside City but within HRPA) (Council Appoints) VACANT

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Other Minority (Council Appoints) VACANT  
Other Minority (Council Appoints) VACANT  
Other Minority (Council Appoints) VACANT  
Differently-Abled and is African-American or Other Minority (Council Appoints) VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

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

**PUBLIC ART COMMISSION**

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

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)  
Position 3 (Mayor Appoints) VACANT  
Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements) VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)  
Youth Council Applicant Review Committee Recommends the Following Appointments:

FTF	VACANT
HCAM	VACANT
HHS	VACANT
Homeschool	VACANT

## C. Presentation of Petitions and Requests

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

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

Mayor Guess commented it had already been said once, but he thought it was worth saying again. He asked Ms. Janice Setzler if she would relate to all of the members of the Catawba Valley Quilters Guild, Council's appreciation and thanks for the quilt that was presented tonight. That was something that you could not go out and buy. Those were the things that they cherish the most, those things that people put their time, effort, and love into and things that you cannot go out somewhere and buy. He could not tell them how much they appreciated that. It would be on tour from now on. They will have it on display. He expressed great gratitude for that. Thank you very much.

Alderwoman Patton commented in reading some information that had been given out to Council on House Bill 401, she asked staff to do a little research on it and come back to Council, perhaps at the next meeting and give them some information.

Alderman Williams advised he was approached by Catawba County Public Health for a partnership along with Newton Councilwoman Beverly Danner. A lot of people are having trouble getting Covid-19 vaccinations. He had posted on his social media that tomorrow at Mount Olive Baptist Church in Newton, people that are having trouble getting an appointment for the vaccination, there were up to 230 vaccinations available. He did not at this current time know how many were still available, but he had a link where anyone could sign up and make an appointment. He did not know if there was still availability, because he had not checked since this afternoon. If anyone would like to get that link, or if they had family members, because this was for any and everybody. He was trying to reach people in his community. He had this link if anyone was interested in it for themselves, family, or friends. He advised they could see him

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after the meeting. He did not know but it may be possible they could just show up there tomorrow. He did not recommend it, but if anyone would like the link they could see him after the meeting.

Mayor Guess thanked Alderman Williams. He commented it was a longer meeting but they had a lot of good information that was presented tonight. He was excited about everything that was going on in the community. He thanked everyone present, staff and those from the public. He advised if at any time if they need anything they did not have to wait until a City Council meeting obviously, he and members of City Council were always available to them. Please do not hesitate to reach out to them if they have any concerns or needs or questions about anything.

XIV. There being no further business, the meeting adjourned at 8:29 p.m.

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Mayor

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City Clerk

April 13, 2021

A Special Joint Meeting of the City Council of the City of Hickory, Catawba County Board of Commissioners and Trivium Corporate Center, Inc. Board of Directors was held at the Hickory Metro Convention Center, Located at 1960 13<sup>th</sup> Avenue Drive SE, Hickory, North Carolina, on Tuesday, April 13, 2021 at 4:00 p.m., with the following members present:

	Hank Guess	
Tony Wood	Aldermen	David L. Williams
Charlotte C. Williams		David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Rick Beasley, Deputy City Manager Rodney Miller, City Attorney John Crone, Communications and Marketing Manager Dana Kaminske, Executive Assistant City Manager Yaidee Fox, Executive Assistant Deisy Zavala Vazquez, Public Works Director Steve Miller, Public Utilities Director Shawn Pennell, and City Clerk Debbie Miller.

Catawba County Commissioners present were: Chair Randy Isenhower, Kitty Barnes, Sherry Butler, and Austin Allran, and Barbara Beatty and County Clerk Karina Zamora

Trivium Corporate Center, Inc. Board of Directors present were: President Mick Berry, Chair Hank Guess Warren Wood, Randy Isenhower, David Zagaroli, Scott Millar, Attorney Jodi Stewart and Clerk to Trivium Corporate Center, Inc. Board of Directors Deisy Zavala Vazquez

## I. Welcome

Catawba County Economic Development President Scott Millar welcomed everyone to the Hickory Metro Convention Center for the consideration of an economic development agreement with a new company. He reminded everyone that this does not happen as often with most municipalities in most counties as they might feel like it does. It was an unusual circumstance and he welcomed them to it. He recognized Mayor Hank Guess, the chief elected official of the City of Hickory.

II. Convene City of Hickory Council, Confirm Quorum - Mayor Hank Guess

Mayor Guess called the meeting to order. All Councilmembers were present with the arrival of Alderman Williams at 4:05 p.m. A quorum was present.

III. Convene Catawba County Board of Commissioners, Confirm Quorum - Chairman C. Randy Isenhower

Catawba County Board of Commissioners Chair Randy Isenhower called the meeting to order. All Commissioners were present. A quorum was present.

IV. Convene Trivium Corporate Center Inc. Board of Directors - Board Chair Hank Guess

Trivium Corporate Center Inc. Board Chair Hank Guess called the meeting to order. All of the board members were present. A quorum was present.

## V. Trivium Corporate Center Overview and Vision – Scott Millar, President, Catawba County EDC

Mr. Scott Millar, President of the Catawba County Economic Development Corporation (EDC) asked Ms. Julie Pruitt, Director of Business Recruitment, Catawba County Economic Development Corporation (EDC) to the podium to discuss an overview of the company.

Ms. Julie Pruitt, Director of Business Recruitment, Catawba County Economic Development Corporation (EDC) discussed Gusmer Enterprises, Inc. discussed Gusmer Enterprises, Inc., and their proposed project at Trivium Corporate Center. Gusmer Enterprises was a 97-year-old company, family owned, and headquartered in New Jersey, with current production facilities in Wisconsin and California. Gusmer makes fermentation media and liquid filtering devices for many different industries, for example: food, beverage, pharmaceutical and biotechnology. They make the filtering sheet. They actually put these sheets in large, huge filtering devices that filters vaccines, such as the COVID vaccine. They had huge growth in pharma and biotech industry prior to COVID and that was really what was driving their National search for an expansion location in early 2020. They also partnered with Millipore Sigma which was one of the largest leading bio processing suppliers in the world. This was driving their business which led them to look for a National search of a location to expand. In March 2020, the lockdown occurred. In early April 2020, they did their first virtual visit with this company. They met in the community, the met in the workforce, their supply chain, operational costs over many months and of course real estate. They initially were looking just for existing buildings. They came in to look at the Stonemont building. When they visited Trivium Corporate Center they realized that even though COVID had accelerated their timeline the site in Trivium would meet their timeline. She referred to a PowerPoint presentation and displayed Lot 6 in Trivium. She noted that it was graded and had a road and infrastructure to the site. They were looking to invest \$38.2 million dollars to constructing a 135,000 square foot facility on this 16-acre lot at Trivium. She advised this was a highly automated process. They would have computerized production equipment and robotics. That \$38 million dollars was going to go into construction and the equipment of that building. They also plan to create 73 new jobs with an average salary of \$44,000 dollars which was just above Catawba County's average wage, but that did not include the benefits that they generously provide to their employees. She turned the presentation over to Mr. Scott Millar, President of Catawba County Economic Development Corporation (EDC) to discuss the incentives.

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VI. Gusmer Enterprises, Inc. Overview of Incentive Proposal – Scott Millar, President, Catawba County EDC

Mr. Scott Millar, President of Catawba County Economic Development Corporation (EDC) discussed Trivium Corporate Center. As of April 1, 2021, it was the seventh-year anniversary of entering into agreements with the landowners that made up this parcel. Those elected officials at that time could think back about the project activity that they did not have for the first four-years in the park before they convinced the teardown of the houses and the silos and the improvements that they announced happening in July of 2018. The EDC's responsibility was to recruit diversified industries into Catawba County's economy. In that period of time, they had five different industries that had announced locating in addition to the speculative investment that Stonemont group had built. They had nine total sites at that time and now they only have three that are remaining to be sold. That was pretty good activity over a less than 36-month period of time. That lead to his statement about the success of this park and the successful endeavor that they entered into and that they hoped to enter into when they entered into those agreements in 2014.

Mr. Millar discussed the matrix process that calculates the proposal or incentives that they would give to either a new company that would be locating in the park or the County, or an existing industry that could be locating somewhere in the City or the County. They used this scoring system to make sure that everything was fair for every potential project that they have. You do what they get, you will get what they got. That was pretty much the mindset behind the use of this scientific approach towards the incentives that they use. Using this standard incentive matrix, the scoring on this proposed project previously described was what determined the value of the incentive of the grant that would be proposed. It was proposed as a level four grant that would be received by the County. In normal circumstances, where they did not have the real estate as an incentive, they would grant that as future grants based on taxes received that would be coming back. Over time, those grants would accrue to the company and the grants would have a value of approximately \$1,200,000 dollars as they would calculate it normally. Using the land as an incentive that gave them the ability to negotiate off of the land price in lieu of the grant back opportunity. Using that same standard, the marketing value of the acreage in this park, that was graded, they had been marketing that at \$95,000 dollars per acre. What they did to determine the incentive value for that was, in order to value that \$1,200,000 dollars that they thought was appropriate and fair for this specific project, they worked with the company to determine that they would pay to Trivium, therefore, the City and the County, \$20,000 dollars an acre in lieu of that \$95,000 dollars asking price for the land. They are paying \$20,000 dollars an acre and receiving an incentive value of \$75,000 dollars per acre multiplying by the 16-acres roughly that the site was for this project. Therefore, the incentive value, when you do it using the land as the incentive, or you use the grants back as the incentive, was roughly equal and therefore fair no matter which methodology that you use.

Mr. Millar discussed Lot 6, the determination of the value on that site. They go by North Carolina General Statute 158-7.1 to follow the letter of the law, the statute for granting of the incentives for this project. Acquisition costs would be \$1,520,000 dollars using the \$95,000 dollars per acre multiplied by 16. Proceeds from the sale, the company was going to send them a check for \$320,000 dollars, so the value of the incentive applied in this instance was \$1,200,000 dollars. He thought that it was helpful to walk through this process to make sure that everyone understood. He advised that it was different than the approach which they had used in the past. The City and the County would keep 100 percent of the future taxes that were paid on this project from day one. Beginning with the investment in construction, the installation of the equipment, and all of that would accrue 100 percent as appropriate to the municipality and the County. They calculated a payback. The General Statute allows up to ten-years for calculating that repayment. They thought that using methods for determining depreciation on the equipment and on the building value, they determined that the probable repayment of that would come in the fourth or fifth year of that depending on the amount that the property was valued at and the installation scheduled for the equipment that goes in. As with all of the agreements they are performance based with claw backs. If for some reason this company does not do what they have guaranteed they will do by a contract, then they have the ability in several different ways to claw back the value of that incentive. The money that they were putting out here was safe and abled to be clawed back in the event something was not kosher as it were. They would have to meet the contractual minimums that were out there, which was \$38.2 million dollars' worth of investment over the five-year window, and 73 new jobs at above Catawba County's average wages that would be created during a three-year window. In this instance they were not exactly the same, which helped them with some costs and contractual problems that they had to deal with. He advised the Resolution that they were asking to be approved would direct the sale by Trivium Corporate Center of approximately 16-acres as the final survey dictates, at \$20,000 dollars per acre and allow the City and the County to finalize the contract and execute the contract as appropriate and allowing the Chief elected officers to execute those documents in their condition.

VII. Questions by Elected Bodies/Trivium Board

Alderwoman Patton asked what the company's timeframe was.

Mr. Scott Millar, President of Catawba County Economic Development Corporation (EDC) advised they had already held the pre-permitting discussion. He asked Ms. Julie Pruett what the timeframe was for this.

Ms. Julie Pruett, Director of Business Recruitment, Catawba County Economic Development Corporation (EDC) advised they wanted to be in the building by the end of November so they could start testing their equipment and production sometime in December or early January.

VIII. Joint Public Hearing

April 13, 2021

- A. Hickory City Council
- B. Catawba County Board of Commissioners
- C. Trivium Corporate Center Board of Directors

Mayor Guess declared the Public Hearing open for Hickory City Council. He asked if anyone would like to speak regarding the proposal.

Catawba County Board of Commissioners Chair Randy Isenhower declared the Public Hearing open for the Catawba County Board of Commissioners. He asked for any questions or comments regarding the proposal.

Chair Hank Guess for the Trivium Corporate Center Board of Directors declared the Public Hearing open. Chair Hank Guess asked if anyone wished to speak regarding the proposal.

No one appeared to be heard.

Mayor Guess closed the Public Hearing for the City of Hickory.

Catawba County Board of Commissioners Chair closed the Public Hearing for the Catawba County Board of Commissioners.

Chair Hank Guess closed the Public Hearing for the Trivium Corporate Center Board of Directors.

#### **IX. Consideration and Action Steps**

- A. Hickory City Council
- B. Catawba County Board of Commissioners
- C. Trivium Corporate Center Board of Directors

Mayor Guess noted that Alderman Williams had arrived and that all Councilmembers were present. He asked for any comments or questions from Council. Mayor Guess moved, seconded by Alderwoman Patton approval of the economic development agreement as presented by Mr. Millar between the City of Hickory, Catawba County and Gusmer Enterprises, Inc., and any related Resolutions and to authorize the Mayor to execute any and all documents including but not limited to, the economic development agreement necessary to complete the substance of the Resolution and the underlying transaction. The motion carried unanimously.

Catawba County Board of Commissioners Chair Randy Isenhower asked the Catawba County Board of Commissioners if there were any questions. He asked if there was a motion in regard to the proposal.

Commissioner Sherry Butler moved to approve the economic development agreement as presented by Mr. Millar between the City of Hickory, Catawba County and Gusmer Enterprises, Inc., and any related Resolutions and to authorize the Chairman to execute any and all documents including to but not limited to, the economic development agreement necessary to complete the substance of the Resolution and the underlying transaction. Catawba County Board of Commissioners Chair Randy Isenhower asked if there was any discussion. The motion carried unanimously.

Trivium Corporate Center Inc. Board Chair Hank Guess Mayor Guess advised that all members of the Trivium Corporate Center Board of Directors were present. Barbara Beatty moved, seconded by David Zagaroli, approval of the conveyance of property as presented by Mr. Millar and the described economic development agreements between the City of Hickory, Catawba County and Gusmer Enterprises Inc. subject to the potential plat amendments and any related Resolutions and to authorize the President to execute any and all documents necessary to complete the substance of the Resolution and the underlying transaction. The motion carried unanimously.

#### **X. There being no further business, the meeting adjourned at 4:20 p.m.**

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Mayor

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City Clerk

## COUNCIL AGENDA MEMOS

Exhibit VIII.A.

**To: City Manager's Office**

**From: Community Development Department**

**Contact Person: Karen Dickerson**

**Date: April 6, 2021**

**Re: Acknowledgement of conflict of Interest – Exodus Homes**

### **REQUEST**

Staff requests that Council acknowledge publication of a notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program ("CDBG").

### **BACKGROUND**

The City of Hickory ("City") is a participating jurisdiction in the United States Department of Housing and Urban Development's Community CDBG program that allows funding to nonprofit organizations to undertake eligible activities. The City has received an application for funding from a nonprofit who has a current City employee who sits on its board of directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application.

### **ANALYSIS**

Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, hereby is providing public notice of the potential conflicts of interest raised by the nonprofit's application to the City's CDBG Program in the attached notice. The notice is posted on the City's website, City Hall, Patrick Beaver Memorial Library and the Ridgeview Library.

### **RECOMMENDATION**

Staff requests that Council acknowledge publication of a notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program ("CDBG").

**BUDGET ANALYSIS:****Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:****Reviewed by:**

Initiating Department Head

Asst. City Manager Rodney Miller

Finance Officer, Melissa Miller

4/6/21  
Date4/12/21  
Date4/15/21  
Date

Date

Deputy City Attorney, A. Dula

Asst. City Manager, R. Beasley

Deputy Finance Officer,  
Cameron McHargue4/13/21  
Date4/12/21  
Date4-13-21  
DateRecommended for approval and placement on \_\_\_\_\_ Council agenda (as  
Consent, Public Hearing, Informational, Department Report, etc).

City Manager, W. Wood

4-15-21

Date

## **NOTICE OF CONFLICT OF INTEREST CITY OF HICKORY**

The City of Hickory (“City”) is a participating jurisdiction in the United States Department of Housing and Urban Development’s Community CDBG program that allows funding to nonprofits through Public Service Activities. The City has received an application for funding from a nonprofit, Exodus Homes, who has a current employee, Arnita Dula, Deputy City Attorney, who sits on its board of directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application.

The public will take notice that Pursuant to the CDBG Program’s Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, is hereby providing public notice of the potential conflicts of interest raised by the nonprofit’s application to the City’s CDBG Program. This publication of notice of a conflict of interest stemming from a nonprofit’s application for funding from the City’s Community Development Block Grant Program (“CDBG”) will be acknowledged at the April 20<sup>th</sup> Hickory City Council Meeting.

Persons wishing to comment on this notice must do so in writing to the Community Development Department, Office of Business Development, City of Hickory, at 76 North Center Street, PO Box 398, Hickory, NC 28603.

The City of Hickory does not discriminate on the basis of disability in the provision of its services as charged by the City Council of the City of Hickory. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the Community Development Department at least 48 hours prior to the scheduled meeting. Non-English speaking persons who require translation services should also make their request 48 hours in advance. If you have a question about the meetings or would like to request assistance, please call the Community Development Director at (828)323-7414 (voice) or (828)323-7438 (TDD).

The notice is posted on the City’s website and at the Patrick Beaver Memorial Library and the Ridgeview Library as well as City Hall beginning April 6, 2021.

## A COUNCIL AGENDA MEMOS

Exhibit VIII.B.

**To: City Manager's Office**

**From: Community Development Department**

**Contact Person: Karen Dickerson**

**Date: April 6, 2021**

**Re: Acknowledgement of conflict of Interest – Habitat for Humanity of Catawba Valley**

### **REQUEST**

Staff requests that Council acknowledge publication of notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program ("CDBG").

### **BACKGROUND**

The City of Hickory ("City") is a participating jurisdiction in the United States Department of Housing and Urban Development's Community CDBG program that allows funding to nonprofit organizations to undertake eligible activities. The City has received an application for funding from a nonprofit who has a current City Council Member who sits on its board of directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application.

### **ANALYSIS**

Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, hereby is providing public notice of the potential conflicts of interest raised by the nonprofit's application to the City's CDBG Program in the attached notice. The notice is posted on the City's website, City Hall, Patrick Beaver Memorial Library and the Ridgeview Library.

### **RECOMMENDATION**

Staff requests that Council acknowledge publication of a notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program ("CDBG").

**BUDGET ANALYSIS:****Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

Reviewed by:

Initiating Department Head

Asst. City Manager Rodney Miller

Finance Officer, Melissa Miller

4/6/21

Date

4/12/21

Date

4/15/21

Date

Date

Deputy City Attorney, A. Dula

Asst. City Manager, R. Beasley

Deputy Finance Officer,  
Cameron McHargue

4-13-21

Date

7/12/21

Date

4-13-21

Date

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

City Manager, W. Wood

4-15-21

Date

## **NOTICE OF CONFLICT OF INTEREST CITY OF HICKORY**

The City of Hickory (“City”) is a participating jurisdiction in the United States Department of Housing and Urban Development’s Community CDBG program that allows funding to nonprofits through Public Service Activities. The City has received an application for funding from a nonprofit, Habitat for Humanity of Catawba Valley, who has a current City Council Member, Charlotte Williams, who sits on its board of directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application.

The public will take notice that Pursuant to the CDBG Program’s Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, is hereby providing public notice of the potential conflicts of interest raised by the nonprofit’s application to the City’s CDBG Program. This publication of notice of a conflict of interest stemming from a nonprofit’s application for funding from the City’s Community Development Block Grant Program (“CDBG”) will be acknowledged at the April 20<sup>th</sup> Hickory City Council Meeting.

Persons wishing to comment on this notice must do so in writing to the Community Development Department, Office of Business Development, City of Hickory, at 76 North Center Street, PO Box 398, Hickory, NC 28603.

The City of Hickory does not discriminate on the basis of disability in the provision of its services as charged by the City Council of the City of Hickory. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the Community Development Department at least 48 hours prior to the scheduled meeting. Non-English speaking persons who require translation services should also make their request 48 hours in advance. If you have a question about the meetings or would like to request assistance, please call the Community Development Director at (828)323-7414 (voice) or (828)323-7438 (TDD).

The notice is posted on the City’s website and at the Patrick Beaver and Ridgeview Libraries as well as City Hall beginning April 6, 2021.

## COUNCIL AGENDA MEMOS

**To:** City Manager's Office

**From:** Dave Leonetti, Business Services Manager

**Contact Person:** Dave Leonetti, Business Services Manager

**Date:** April 8, 2021

**Re:** Adopt a Resolution Authorizing the Sale of City-owned Property at 932 3<sup>rd</sup> Street Place SW and 335 8<sup>th</sup> Avenue Drive SW

### REQUEST

Adopt a Resolution Authorizing the Sale of City-owned Property at 932 3rd Street Place SW and 335 8th Avenue Drive SW.

### BACKGROUND

In 2019 the City of Hickory received funding from the Unifour HOME Consortium to construct two houses for low and moderate income homeowners on City-owned property in the Ridgeview Neighborhood. The two homes were completed in Fall 2020. The City of Hickory has partnered with the Family Guidance Center to use funding from the NC Housing Finance Agency's Community Partners Loan Pool to help make the sale of the property more affordable. The proceeds of the sale will be used to repay the loan received from the consortium for a portion of the funds necessary to construct the home.

### ANALYSIS

Upon completion, the property at 932 3<sup>rd</sup> Street SW (Catawba County GIS PIN: 370210457430) was appraised for \$154,725. The property at 335 8<sup>th</sup> Avenue Drive SW (Catawba County GIS PIN: 370210457411) was appraised for \$150,100. The City has received offers on both properties for appraised value. Downpayment assistance funds from nonprofit housing agencies will subsidize the purchase and make the first mortgage affordable to the home buyer. Since this home is being sold to an income eligible buyer as affordable housing, NCGS 157-9 authorizes the city to sell the property without using a competitive sale or upset bid process. The competitive sale requirement would be incompatible with the income and ownership restrictions that are necessary due to the use of US Department of Housing and Urban Development HOME funds to build the home on the property.

### RECOMMENDATION

Staff recommends City Council adopt the attached resolution authorizing the City Manager to execute all documents necessary to complete the sale of the properties at 932 3<sup>rd</sup> Street Place SW and 335 8<sup>th</sup> Avenue Drive SW.

**BUDGET ANALYSIS:****Budgetary Action**

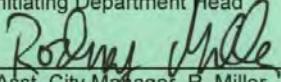
Is a Budget Amendment required?

Yes

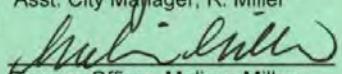
No

**LIST THE EXPENDITURE CODE:****Reviewed by:**Dave Leonetti

Initiating Department Head



Asst. City Manager, R. Miller



Finance Officer, Melissa Miller

4-8-2021

Date

4/12/21

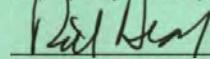
Date

4/15/21

Date



Deputy City Attorney, A. Dula



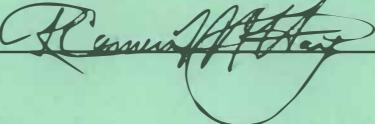
Asst. City Manager, R. Beasley

4-13-21

Date

4/12/21

Date



Date

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

---

City Manager-Warren Wood

---

Date

**Resolution No. 21-**

**Resolution of Hickory City Council Authorizing the Sale of Properties  
Located at 932 3<sup>rd</sup> Street Place SW and 335 8<sup>th</sup> Avenue Drive SW at the Appraised Value(s)**

**WHEREAS**, the City of Hickory received funding from the Unifour HOME Consortium to construct two houses for low- and moderate-income homeowners on City-owned property in the Ridgeview Neighborhood; and

**WHEREAS**, the City of Hickory has partnered with the Family Guidance Center to use funding from the NC Housing Finance Agency's Community Partners Loan Pool to help make the sale of the properties more affordable; and

**WHEREAS**, the proceeds of the sale will be used to repay the loan(s) received from the consortium for a portion of the funds necessary to construct the home(s); and

**WHEREAS**, the property located at 335 8<sup>th</sup> Avenue Drive SW was appraised for \$150,100 and the property located at 932 3<sup>rd</sup> Street SW was appraised for \$154,725. Down-payment assistance funds from nonprofit housing agencies will subsidize the purchase and make the first mortgage affordable to the homebuyer. Since these homes are being sold to an income eligible buyer as affordable housing, NCGS 157-9 authorizes the City to sell the property without using a competitive sale or upset bid process. The competitive sale requirement would be incompatible with the income and ownership restrictions that are necessary due to the use of US Department of Housing and Urban Development HOME funds to build the home(s) on the property.

**WHEREAS**, the City has received an offer for the appraised value of \$150,100 for the property located at 335 8<sup>th</sup> Avenue Drive SW and an offer for the appraised value of \$154,725 for the property located at 932 3<sup>rd</sup> Street SW.

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

- 1) City Council accepts the offer(s) of \$150,100 for the property located at 335 8<sup>th</sup> Avenue Drive SW and \$154,725 for the property located at 932 3<sup>rd</sup> Street SW.
- 2) City Council authorizes the City Manager to execute all contract(s) and any necessary documents, between the buyer(s) and the City for the sale of 335 8<sup>th</sup> Avenue Drive SW at the appraised value of \$154,725 and for the property located at 932 3<sup>rd</sup> Street SW for the appraised value of \$154,725.

The resolution shall become effective upon adoption.

This the 20<sup>th</sup> day of April 2021.

---

Mayor

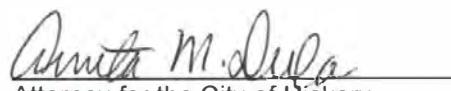
(SEAL)

ATTEST:

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City Clerk

Approved as to Form:

  
Anita M. Dula  
Attorney for the City of Hickory

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office  
**From:** Stephen Craig, Fire Marshal  
**Contact Person:** Stepehn Craig  
**Date:** April 7, 2021  
**Re:** Public Fireworks Display

**REQUEST**

To obtain approval to issue a pyrotechnic display permit to Starfire Pyrotechnics for a fireworks display at the Hickory Motor Speedway for the below listed dates.

**BACKGROUND**

Kevin Piercy, General Manager of the Hickory Motor Speedway, has submitted a request to obtain permission to conduct a public fireworks display on the following dates:

Saturday, May 15, 2021

The following would be a rain date:

Sunday, May 16, 2021

**ANALYSIS**

The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one million dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable).

**RECOMMENDATION**

Staff recommends approval of the above pyrotechnics displays.

**BUDGET ANALYSIS:****Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:****Reviewed by:**

Steve L.  
Initiating Department Head

4-8-21

Date

Rodney Miller  
Asst. City Manager Rodney Miller

4/12/21

Date

Melissa Miller  
Finance Officer, Melissa Miller

4/15/21

Date

                                  
Date

Anita M. Dula  
Deputy City Attorney, A. Dula

4-13-21

Date

R. Beasley  
Asst. City Manager R. Beasley

4/12/21

Date

R. McHague  
Asst. Finance Officer, C. McHague

4-13-21

Date

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

W. Wood  
City Manager, W. Wood

4-15-21

Date



## Hickory Motor Speedway

Exhibit VIII.D  
3130 HWY 70 – Newton, NC 28658

Phone: 828-464-3655 Fax: 828-465-5017

Contact: Kevin Piercy

Email: [hickormotor@bellsouth.net](mailto:hickormotor@bellsouth.net)

Web Site: [www.hickormotorspeedway.com](http://www.hickormotorspeedway.com)

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3-4-2021

To whom it may concern:

I would like to put in a request to the City Council for fireworks this year at Hickory Motor Speedway. The date we are looking for are:

May 15<sup>th</sup> with a rain date of May 16<sup>th</sup>

Other dates will be requested for future events.

I appreciate your help in submitting this request and I look forward to hearing from you soon.

Thanks,

***Kevin Piercy***  
***General Manager***  
***Hickory Motor Speedway***



**828-464-3655 (office)**

**828-217-0002 (cell)**



**COUNCIL AGENDA MEMOS**

**To:** **City Manager's Office**  
**From:** **Stephen Craig, Fire Marshal**  
**Contact Person:** **Stephen Craig**  
**Date:** **April 12, 2021**  
**Re:** **Public Fireworks Display**

**REQUEST**

To obtain approval to issue a pyrotechnic display permit to Starfire Pyrotechnics for a fireworks display at 409 8<sup>th</sup> Av NE, Hickory Career & Arts Magnet for the below listed dates.

**BACKGROUND**

Leah Clayton, Assistant AD for Marketing & Fan Management, of Lenoir-Rhyne University, has submitted a request to obtain permission to conduct a public fireworks display on the following dates:

Wednesday, April 28, 2021

**The following would be a rain date:**

Tuesday, April 27, 2021

**ANALYSIS**

The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one million dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable).

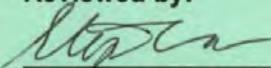
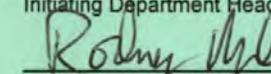
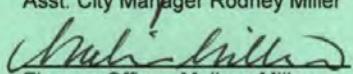
**RECOMMENDATION**

Staff recommends approval of the above pyrotechnics displays.

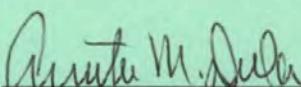
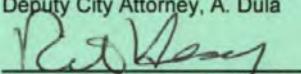
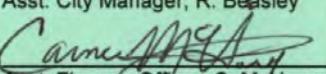
**BUDGET ANALYSIS:****Budgetary Action**

Is a Budget Amendment required?

Yes  
No  
**LIST THE EXPENDITURE CODE:****Reviewed by:**

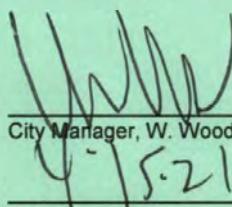
  
Initiating Department Head  
  
Asst. City Manager Rodney Miller  
  
Finance Officer, Melissa Miller

4/12-21  
Date  
4/12/21  
Date  
4/15/21  
Date

  
Deputy City Attorney, A. Dula  
  
Asst. City Manager, R. Beasley  
  
Asst. Finance Officer, C. McHargue

4/13-21  
Date  
4/13/21  
Date  
4-15-21  
Date

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

  
City Manager, W. Wood  
4/15/21  
Date

Dear Hickory City Council,

Lenoir-Rhyne Athletics is requesting permission to conduct a fireworks display at 409 8th Ave NE Hickory North Carolina 28601. The date of the event is April 28th 2021 with a rain/alternate date of April 27th 2021. The display will take place from 9pm until 9:15pm.

Thank you.

Leah Clayton



**Leah Clayton**  
Assistant AD for Marketing & Fan Engagement  
Lenoir-Rhyne University  
(828) 328-7094 - Office  
(828) 640-4394 - Cell  
[LRBEARS.COM](http://LRBEARS.COM)  
**GO BEARS!**

**DEVELOP CHAMPIONS FOR LIFE | DRIVE COMPETITIVE EXCELLENCE | DEDICATE THE EFFORT FOR SUCCESS**

**BUDGET REVISION # 19**

**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, 2021.

**SECTION 1.** To amend the General Fund within the FY 2020-21 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	14,000	
<b>TOTAL</b>	14,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	14,000	
<b>TOTAL</b>	14,000	-

**SECTION 2.** To amend the Water and Sewer Fund within the FY2020-21 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection		14,000
Other Financing Uses	14,000	
<b>TOTAL</b>	14,000	14,000

**SECTION 3.** To amend the Transportation Fund within the FY2020-21 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	118,620	
<b>TOTAL</b>	118,620	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Sales and Services	118,620	
<b>TOTAL</b>	118,620	-

**SECTION 4.** 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.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Brian Frazier, Planning Director

**Date:** April 8, 2021

**Re:** Voluntary Contiguous Annexation of Property Owned by Lifestyle Investment Company.

**REQUEST**

Consideration of the voluntary contiguous annexation of 0.344 acres of property located at 1317 Cloninger Mill Road. This property is identified as PIN 3714-08-88-9113.

**BACKGROUND**

Lifestyle Investment Company has petitioned for the voluntary contiguous annexation of 0.344 acres of property located 1317 Cloninger Mill Road. The subject property is currently located within Hickory's extraterritorial jurisdictional area (ETJ), and zoned Low Density Residential (R-1). The annexation is being requested in order to connect to the City's sewer system.

**ANALYSIS**

Under the current zoning the property can be developed for single-family and two-family residential uses at a density of two (2) dwelling units per acre. The subject property is currently occupied by a single-family home, which represents the maximum development potential for the subject property.

The current tax value of the property is \$126,000.00. If annexed with its present value, the property would generate additional tax revenues of \$740.00.

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

**RECOMMENDATION**

Staff finds the petition to be in conformity with applicable statutes, and recommends approval of the petition.

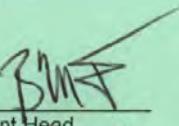
**BUDGET ANALYSIS:****Budgetary Action**

Is a Budget Amendment required?

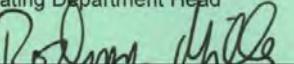
Yes

No

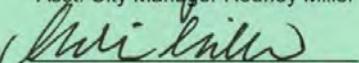
**LIST THE EXPENDITURE CODE:****Reviewed by:**

Brian Frazier   
Initiating Department Head

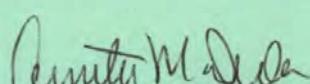
4/8/2021  
Date

Rodney Miller   
Asst. City Manager Rodney Miller

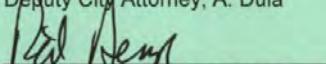
4/12/21  
Date

Melissa Miller   
Finance Officer, Melissa Miller

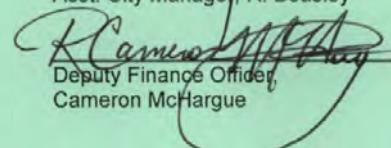
4/15/21  
Date

Amita M. Dula   
Deputy City Attorney, A. Dula

4/13-21  
Date

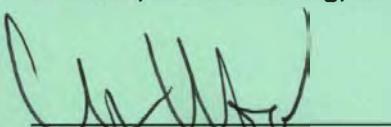
R. Beasley   
Asst. City Manager, R. Beasley

4/12/21  
Date

Cameron McHargue   
Deputy Finance Officer  
Cameron McHargue

4-13-21  
Date

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

  
City Manager, W. Wood

4-15-21  
Date

**CITY OF HICKORY**  
**APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 3-1-2021

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

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

1. The property be voluntarily annexed is located on Cloninger Mill Road, NE \_\_\_\_\_  
between \_\_\_\_\_ and \_\_\_\_\_  
and is shown in more detail on the attached survey.

PIN NO. (S) : 3714-08-88-9113    LRK(REID) : 64267

Physical (Street) Address: 1317 Cloninger Mill Road, NE Hickory, NC

2. The property is owned by: (please print) Lifestyle Investment Company,  
a NC Corporation  
(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Lifestyle Investment Company

Address: 4149 Pinecrest Drive, NE Hickory, NC 28601

Phone Number: 828-312-1798

3. The petition is submitted by: Jesse M. Rector, President  
(If the Petition is submitted by someone other than the owner, the attached agent authorization must be signed, notarized and submitted from the owner(s) authorizing the agent to act on his behalf.)

Agent Information:

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

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

Phone Number: \_\_\_\_\_

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

*RECEIVED  
MAR 01 2021  
Initial: DCO*

## 5. WATER AND SEWER AVAILABILITY AND CONNECTIONS

We, the undersigned property owner(s), hereby understand and agree we shall be responsible for all costs associated with providing for extensions and/or connections to the City of Hickory public utility system (water and sewer). This includes all design, permitting, construction, legal and applicable City of Hickory Tap Fees. Furthermore, we shall be responsible for obtaining any and all necessary easements and encroachment agreements needed to provide for such extensions or connections and provide those to the City of Hickory as appropriate.

The undersigned owner further acknowledges, they shall be responsible for any future utility extensions required to serve the property due to subdivision of the property.

## 6. APPLICANT'S AFFIDAVIT

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

Lifestyle Investment Company

Printed Name of Property Owner(s)

4149 Pinecrest Drive, NE  
Hickory, NC 28601

Address of Property Owner(s)

By Jesse Rector  
Signature of Property Owner(s)

Jesse M. Rector  
President

828-512-1798

Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina – County of CATAWBA

I, the undersigned Notary Public of the County and State aforesaid, certify that Jesse M. Rector personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the ~~purposes~~ expressed herein. Witness my hand and Notarial stamp or seal, this 1st day of March, 2021.

My Commission Expires: July 12, 2025

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Jesse M. Rector personally came before me this day and acknowledged the he / she is the President of Lifestyle Investment Company corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he / she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 1st day of March, 2021.

My Commission Expires: July 12, 2025

City of Hickory Voluntary Annexation Application

Page 2 of 4

FILED Catawba County

on Jan 08, 2020 at 08:52:00 am

Excise Tax \$310.00 (AT)

INST. #00373

DONNA HICKS SPENCER,  
Register of Deeds

BK 03548 Pg 0535-0537

J/(HB)

Prepared by Monroe Pannell, MARTIN & MONROE PANNELL, P.A., Post Office Box 519, 233  
First Street East, Conover, North Carolina 28613 (MMP/km)

REVENUE: \$310.00

NORTH CAROLINA      )  
                          )  
CATAWBA COUNTY      )

WARRANTY DEED

THIS DEED, made this 2nd day of January, 2020, by and between

SEVEN HAVEN, LLC, a North Carolina Limited Liability Company, whose address is Post Office  
Box 1581, Hickory, NC 28603, hereinafter called Grantor, ANDLIFESTYLE INVESTMENT COMPANY, a North Carolina Corporation, whose address is 4149  
Pinecrest Drive, NE, Hickory, NC 28601, hereinafter called Grantee.

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations to him in hand paid by the Grantee, the receipt of which is hereby acknowledged, has given, granted, bargained, sold, and conveyed, and by these presents does give, grant, bargain, sell and convey and confirm unto the Grantee, their heirs and/or successors and assigns, premises in Hickory Township, Catawba County, North Carolina, described as follows:

DESCRIPTION IS SET OUT ON LEGAL DESCRIPTION WHICH IS ATTACHED HERETO  
AND MADE A PART HEREOF.[ ] YES [x] NO DOES PROPERTY INCLUDE THE PRIMARY RESIDENCE OF GRANTOR?  
This is in accordance with NCGS: 105-228.32 & 105-317.2Property Address: 1317 Cloninger Mill Road, NE, Hickory, North Carolina 28601  
Catawba County GIS 3714-08-88-9113      LRK(REID): 64267

TO HAVE AND TO HOLD the above described premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantee, their heirs and/or successors and assigns forever.

3

And the Grantor covenants that he is seized of said premises in fee, and has the right to convey the same in fee simple; that said premises are free from encumbrances (with the exceptions above stated, if any); and that he will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

0536

When reference is made to the Grantor or Grantee, the singular shall include the plural and the masculine shall include the feminine or the neuter.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

SEVEN HAVEN, LLC

✓ By ROBERT O. TATE, JR.  
ROBERT O. TATE, JR., Member & Manager

✓ By ALISA D. TATE  
ALISA D. TATE, Member & Manager

STATE OF Georgia  
COUNTY OF Jackson

I, Kim L. Fisher, a Notary Public in and for said County and State, do hereby certify that ROBERT O. TATE, JR. AND ALISA D. TATE, Members & Managers of Seven Haven, LLC, personally appeared before me this day and acknowledged on behalf of Seven Haven, LLC, the voluntary due execution of the foregoing document, all for the purposes therein expressed.

Witness my hand and notarial seal, this the 6<sup>th</sup> day of January, 2020.

[PLACE NOTARY SEAL BELOW]

Kim L. Fisher  
NOTARY PUBLIC  
Printed Name: Kim L. Fisher  
My Commission Expires: 05/22/23



DESC /SEVEN HAVEN TO LIFESTYLE 01022020

EXHIBIT A - LEGAL DESCRIPTION ATTACHMENT TO WARRANTY DEED  
FROM SEVEN HAVEN, LLC, A NORTH CAROLINA LIMITED LIABILITY  
COMPANY, GRANTOR  
TO LIFESTYLE INVESTMENT COMPANY, GRANTEE  
DATED JANUARY 2, 2020

0537

BEING all of Lot No. 7, of Block "B" of the Cloninger Heights Subdivision as per plat recorded in Plat Book 15 at Page 141, in the Office of the Register of Deeds of Catawba County, to which reference is hereby made for greater certainty of description.

For back title see Catawba County Estate File No. 07 E 1040, Catawba County Estate File No. 95 E 146, Deed Book 1309 at Page 804, and Deed from Sipe Lumber Co., Inc., to Maynard L. Hefner and Wife, Catherine L. Hefner in Book 1282 at Page 914, Catawba County Registry.

BUT this land is conveyed subject to certain restrictions as to the use thereof, running with said land by whomsoever owned and said restrictions shall be in effect for twenty-five (25) years and renew automatically for successive periods of ten (10) years unless an instrument to change is signed by the majority of owners, said restrictions which are expressly assented to by the Grantee herein in accepting this deed being as follows:

1. No lot shall be used except for residential purposes. Each dwelling shall have a minimum of 1,400 square feet of heated floor space.
2. No structure of a temporary character, basement, trailer, tent, shack, barn or other outbuildings or garage apartment shall be used on any lot at any time as a residence, either temporarily or permanently.
3. All outside or additional buildings on the premises shall be constructed of the same or similar exterior building materials as that of the dwelling house.
4. No dog lots shall be permitted nor shall animals or pets be kept in such manner or in such manners that the same shall constitute a nuisance to the neighborhood.

For further reference to title see deeds recorded in Book 3283 at Page 606, Book 2934 at Page 56, and Plat Book 15 at Page 141, Catawba County Registry.

DESC /SEVEN HAVEN TO LIFESTYLE 01022020



## BUSINESS CORPORATION ANNUAL REPORT

10-2017  
NAME OF BUSINESS CORPORATION:

Lifestyle Investment Company

SECRETARY OF STATE ID NUMBER: 0219461

STATE OF FORMATION: NC

REPORT FOR THE FISCAL YEAR END: 12/31/2019

**SECTION A: REGISTERED AGENT'S INFORMATION**

1. NAME OF REGISTERED AGENT: Jesse M Rector

2. SIGNATURE OF THE NEW REGISTERED AGENT:

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS &amp; COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

4149 Pinecrest Dr NE

4149 Pinecrest Dr NE

Hickory, NC 28601 Catawba

Hickory, NC 28601 Catawba



Filing Office Use Only

Changes

**SECTION B: PRINCIPAL OFFICE INFORMATION**

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate Rental

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 256-3793

3. PRINCIPAL OFFICE EMAIL:

Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

4149 Pinecrest Dr NE

4149 Pinecrest Dr NE

Hickory, NC 28601 Catawba

Hickory, NC 28601 Catawba

6. Select one of the following if applicable. (Optional see instructions)

- The company is a veteran-owned small business  
 The company is a service-disabled veteran-owned small business

**SECTION C: OFFICERS (Enter additional officers in Section E.)**

NAME: Jesse M Rector

NAME: Mindy S. Rector

NAME:

TITLE: President

TITLE: Vice President

TITLE:

ADDRESS:

ADDRESS:

ADDRESS:

4149 Pinecrest Dr NE

4149 Pinecrest Dr NE

Hickory, NC 28601 Catawba

Hickory, NC 28601 Catawba



SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

SIGNATURE

Form must be signed by an officer listed under Section C of this form.

DATE

Print or Type Name of Officer

Print or Type Title of Officer

SUBMIT THIS ANNUAL REPCRT WITH THE REQUIRED FILING FEE OF \$25

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

Contiguous Annexation  
Description of  
Lifestyle Investment Company  
**1317 Cloninger Mill Road NE**

**BEGINNING** at a existing 3/4" pipe in concrete on the north side of Cloninger Mill Road NE on the existing City Limits Line; said pipe also being located North 27 degrees- 37 minutes- 33 seconds West, 134.72 feet from an existing mag nail in the centerline intersection of Cloninger Mill NE and 13<sup>th</sup> Street Place NE; thence along the existing City Limits Line, **North 40 degrees- 29 minutes- 10 seconds West, 100.01 feet** to an existing 3/4" pipe in concrete; thence leaving the right of way of Cloninger Mill Road NE and a new City Limit Line, **North 49 degrees- 57 minutes- 19 seconds East, 150.01 feet** to a 3/4" pipe in concrete; thence with a City Limit Line, **South 40 degrees- 28 minutes- 46 seconds East, 58.26 feet** to an existing 1" pipe, a new City Limit Line; thence with a new City Limit Line, **South 40 degrees- 27 minutes- 50 seconds East, 41.76 feet**; thence **South 49 degrees- 57 minutes- 32 seconds West, 149.98** to the place and point of **BEGINNING**, containing **0.344 Acre** by coordinate computation as being surveyed by Donald S. Miller Surveying dated February 24, 2121 (Drawing Number H3B-5510) as recorded in Deed Book 3548, Page 535, Catawba County Registry.

## VOLUNTARY CONTIGUOUS ANNEXATION ANALYSIS

**APPLICANT:** Lifestyle Investment Company

**PROPERTY LOCATION (See Map 1):** 1317 Cloninger Mill Road

**PIN NUMBER:** 3714-08-88-9113

**WARD:** If annexed, the subject property will be located in Ward 2 (Councilwoman Williams).

**REQUESTED ACTION:** The request is for voluntary contiguous annexation.

**ACREAGE:** 0.344 acres

**DEVELOPMENT POTENTIAL:** The subject property is currently within Hickory's extraterritorial jurisdictional area (ETJ), and zoned Low Density Residential (R-1). This is a single-family and two-family residential district, where development density is permitted at a rate of two (2) dwelling units per acre. The subject property is currently occupied by a single-family residence, which represents the property's maximum development potential.

**TAX VALUE:** The current tax value of the property is \$126,000.00. If annexed with its present value, the property would generate additional tax revenues of \$740.00.

**POPULATION INCREASES:** The subject property is occupied by one (1) single-family residence. Current estimates for Hickory indicate single-family residences contain 2.46 occupants.

**SCHOOL DISTRICTS:** The property is located within the jurisdictional area of the Catawba County Public School System, and located in the following school districts:

School Type	School District	Student Multiplier Per Dwelling	Number of Potential Dwelling Units	Potential Additional Students
Elementary	Campbell	0.42	1	0.42
Middle	Arndt	0.09	1	0.09
High	St. Stephens	0.16	1	0.16

*\*Note: The student multipliers above reflect numbers for single-family dwellings only.*

### **SURROUNDING LAND USE AND ZONING (See Maps 2 & 3):**

- **North:** The properties are zoned R-1 Residential, and occupied by single-family residences;
- **South:** The properties are zoned R-2, and occupied by single-family residences, or are vacant;
- **East:** The properties are zoned R-1, and occupied by single-family residences; and

- **West**: The properties are zoned R-1, and occupied by single-family residences.

**UTILITY SERVICE:** Water and sewer are available to serve the property. Any extensions will be the responsibility of the property owner.

**ACCESS:** Access to the subject property is from Cloninger Mill Road, which is a state maintained street (SR 1400).

**DISTANCE FROM CITY LIMITS (See Map 1):** The subject property immediately abuts Hickory's proper boundary on its southern property line.

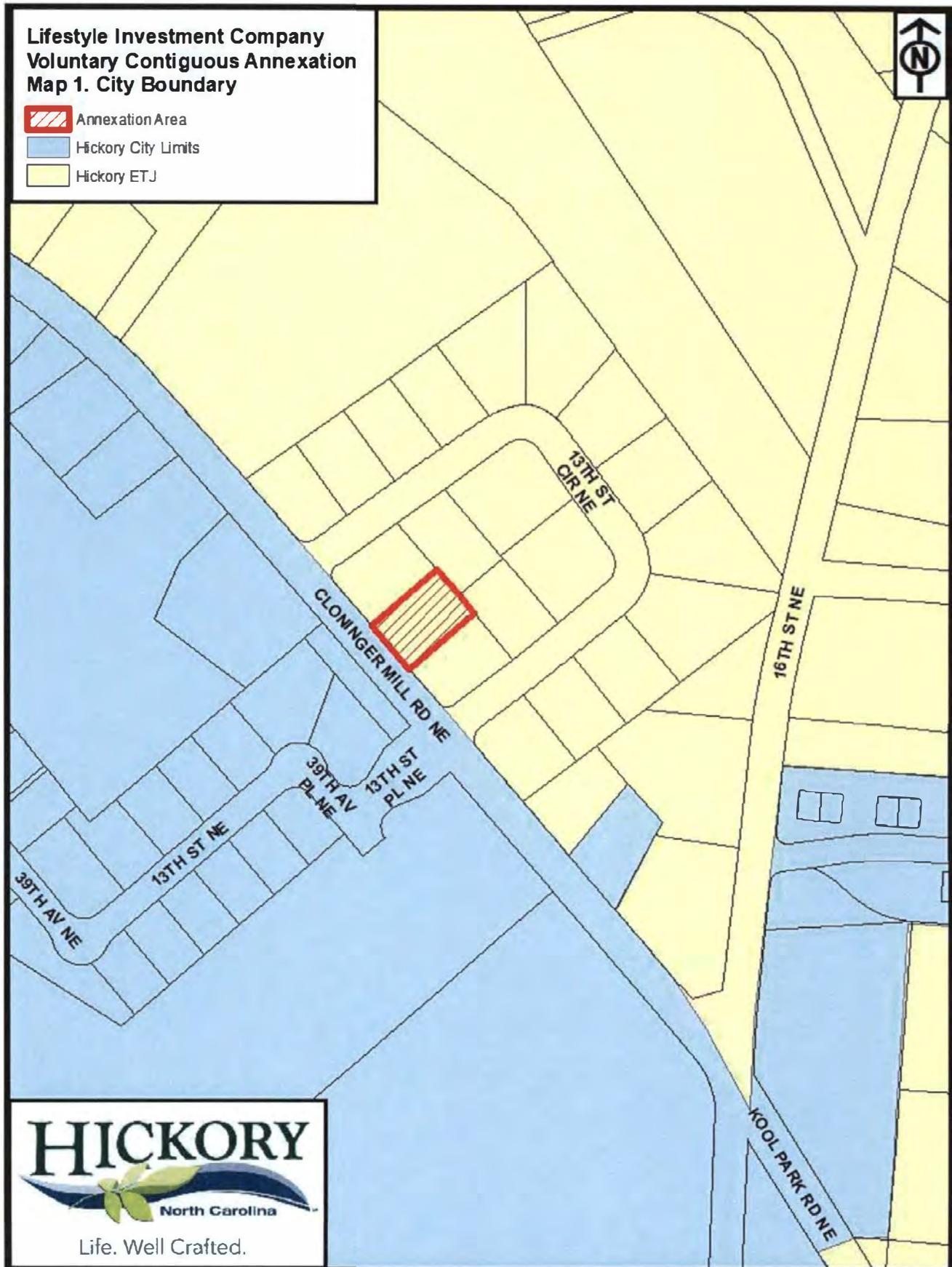
**STAFF COMMENTS:**

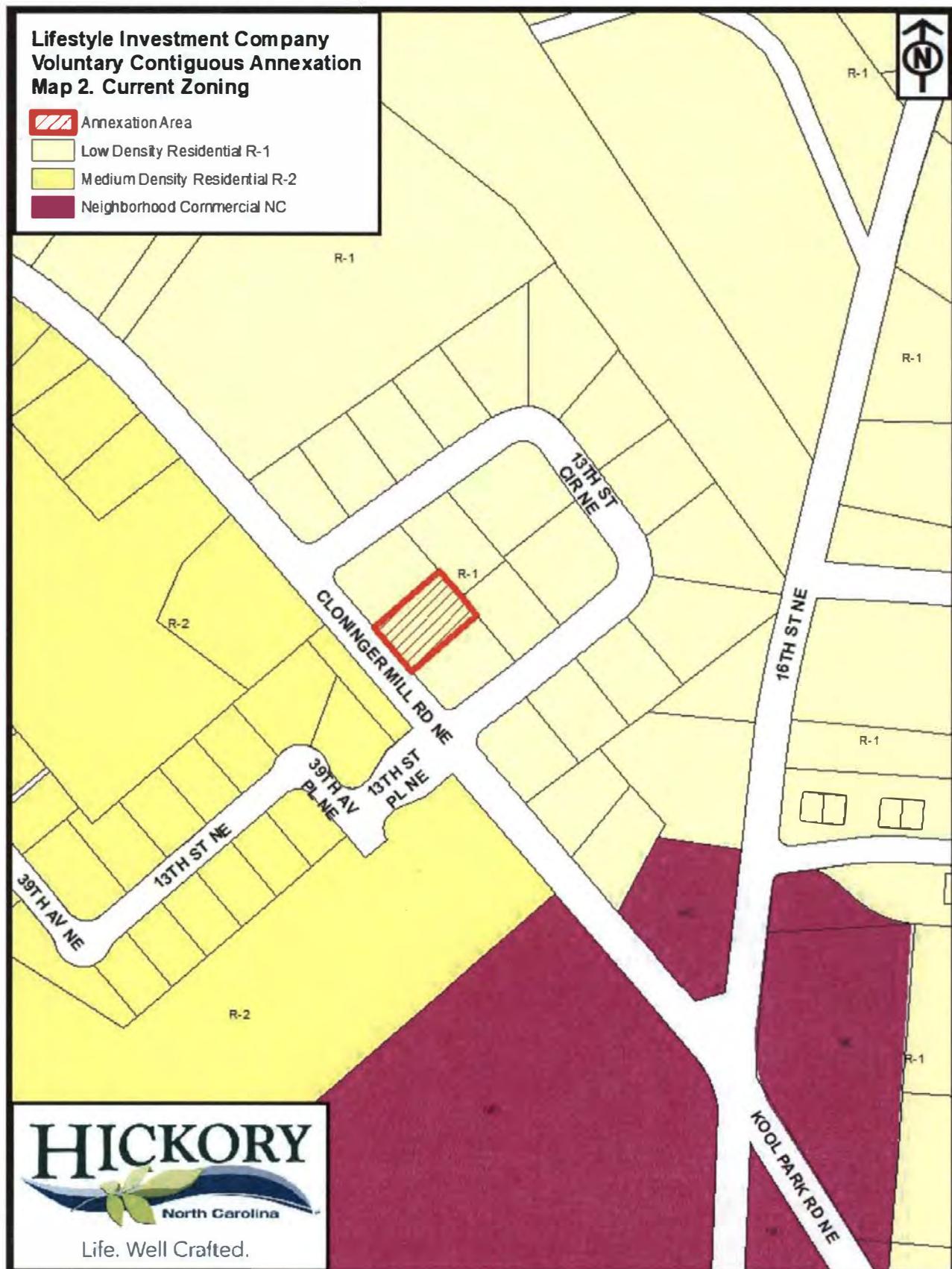
- Fire: Annexation of this property would not adversely affect the operations of the fire department at this time. The property is currently in HFD Station 6's response area and will remain in such with no changes.
- Police Department: Annexation would not adversely affect the police department. The property, upon annexation, would be in Baker PACT.
- Engineering: No objections.
- Planning: No objections.
- Public Services: Adequate services can be provided to the property.
- Public Utilities: Water and sewer are available to serve the property. Any extensions will be the responsibility of the property owner.
- Legal: No objections.
- City Manager's Office: No objections.

**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

1. The voluntary contiguous annexation petition complies with all applicable statutes regarding the voluntary annexation of contiguous properties;
2. Adequate public services are available in sufficient quantities to properly serve the subject properties; and
3. The annexation of the properties will not cause available public services to fall below acceptable levels.

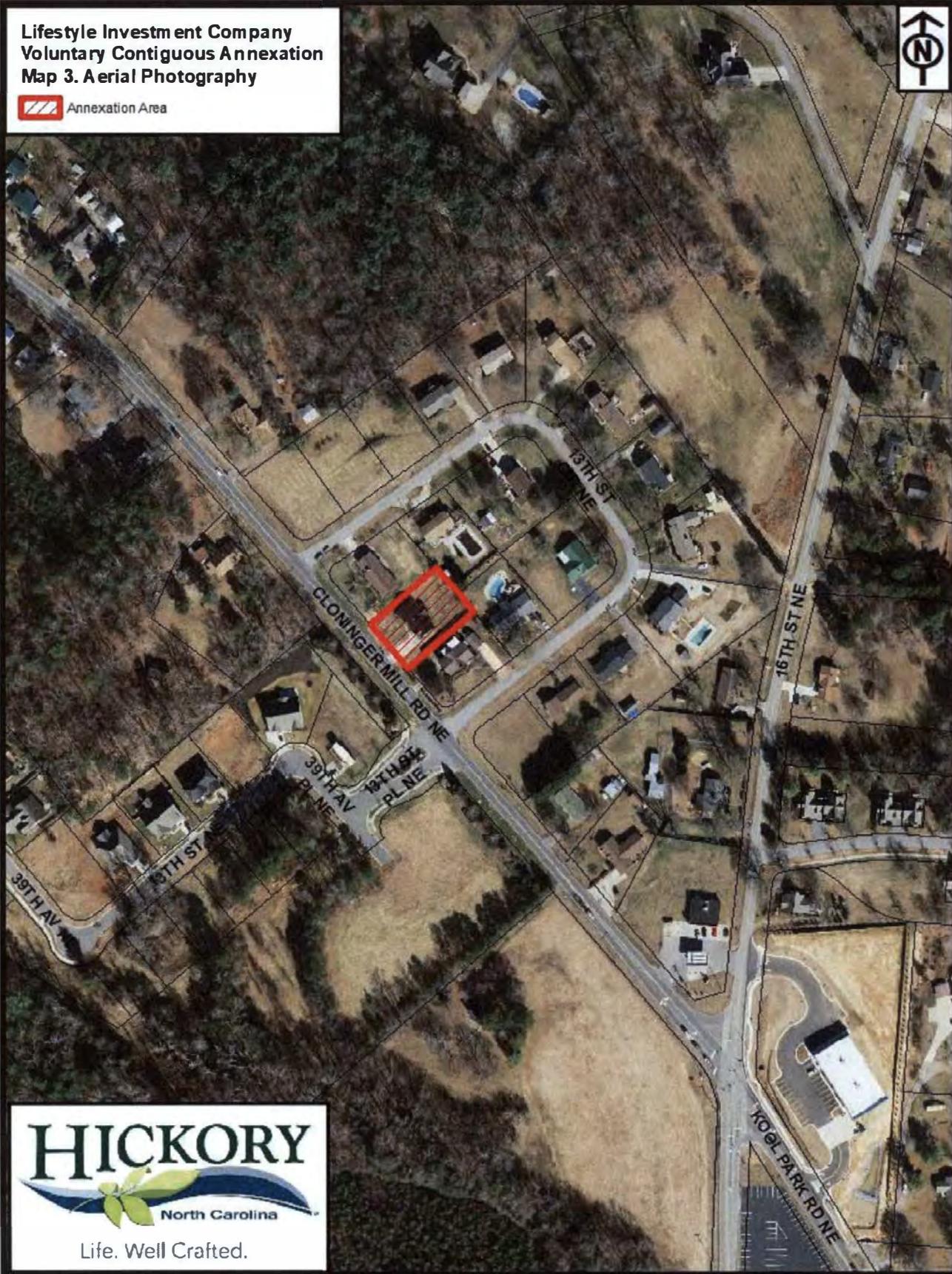
Based upon the findings provided above, staff recommends City Council approve the voluntary contiguous annexation petition.





## **Lifestyle Investment Company Voluntary Contiguous Annexation Map 3. Aerial Photography**

 Annexation Area



The logo for Hickory, North Carolina. It features the word "HICKORY" in large, bold, black capital letters. Below the letters is a stylized graphic of a blue wave or ribbon. On top of the wave, there is a green sprig with three leaves.

Life. Well Crafted.

Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory  
P.O. Box 398, Hickory, NC 28603-0398

**ANNEXATION ORDINANCE NO. 465**

**VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)**

**Lifestyle Investment Company**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO  
GENERAL STATUTES 160A-58.1, AS AMENDED (CONTIGUOUS)**

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 7:00 p.m. on the 20<sup>th</sup> day of April 2021; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety, and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30<sup>th</sup> day of April 2021:

**CONTIGUOUS ANNEXATION  
OF THE PROPERTY OF  
LIFESTYLE INVESTMENT COMPANY  
1317 Cloninger Mill Road NE**

**BEGINNING** at a existing 3/4" pipe in concrete on the north side of Cloninger Mill Road NE on the existing City Limits Line; said pipe also being located North 27 degrees- 37 minutes- 33 seconds West, 134.72 feet from an existing mag nail in the centerline intersection of Cloninger Mill NE and 13<sup>th</sup> Street Place NE; thence along the existing City Limits Line, **North 40 degrees- 29 minutes- 10 seconds West, 100.01 feet** to an existing 3/4" pipe in concrete; thence leaving the right of way of Cloninger Mill Road NE and a new City Limit Line, **North 49 degrees- 57 minutes- 19 seconds East, 150.01 feet** to a 3/4" pipe in concrete; thence with a City Limit Line, **South 40 degrees- 28 minutes- 46 seconds East, 58.26 feet** to an existing 1" pipe, a new City Limit Line; thence with a new City Limit Line, **South 40 degrees- 27 minutes- 50 seconds East, 41.76 feet**; thence **South 49**

**degrees- 57 minutes- 32 seconds West, 149.98** to the place and point of **BEGINNING**, containing **0.344 Acre** by coordinate computation as being surveyed by Donald S. Miller Surveying dated February 24, 2121 (Drawing Number H3B-5510) as recorded in Deed Book 3548, Page 535, Catawba County Registry.

Section 2. Upon and after the 30<sup>th</sup> day of April 2021, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly-annexed territory described herein shall become part of Ward No. 2 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

ADOPTED THIS 20<sup>TH</sup> DAY OF APRIL 2021.

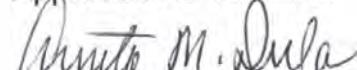
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Hank Guess, Mayor

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Warren Wood, City Manager

Approved As To Form:



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Arnita M. Dula, Deputy City Attorney

## CERTIFICATION OF ANNEXATION ORDINANCE

NORTH CAROLINA  
CATAWBA COUNTY  
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the Annexation Ordinance of Lifestyle Investment Company was adopted at a regular meeting of the Hickory City Council held on April 20, 2021, and that said Ordinance is in full force and effective on April 30, 2021.

---

City Clerk

NORTH CAROLINA  
CATAWBA COUNTY

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that Debbie D. Miller, City Clerk for the City of Hickory, personally appeared before me this date and acknowledged the due execution of the foregoing certificate for the purposes therein expressed.

Witness my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

Notary Public

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

**SECOND SCOPE ADDITION LETTER (DESIGN TEAM) FOR PROFESSIONAL SERVICES**

This Second Amendment Letter Confirming Scope Addition to Agreement by and between **SCOTT MITCHELL, DESIGN ARCHITECT** (hereinafter "Architect") and **THE CITY OF HICKORY** (hereinafter "Owner") as of the \_\_\_\_ day of March, 2021.

**WHEREAS**, the Parties entered into a Professional Services (Design Team) Agreement dated February 18, 2020 and thereafter first amended on August 10, 2020 for the engagement of a Design Team to provide professional architectural, engineering, consulting, and related services ("services") in connection with alterations and additions to the building known as the Hickory Metro Convention Center ("HMCC") for the Owner in Catawba County, North Carolina (the "Project");

**WHEREAS**, the Owner desires to move forward at this time with a portion of the Project to cover alterations as now described on Schedule I at the HMCC building at 1960 13<sup>th</sup> Ave. Dr. SE, Hickory, NC 28602, and the parties have mutually agreed to this;

**NOW, THEREFORE**, that to Scope is amended as follows:

**1. AMENDMENT OF SCOPE:** The Parties hereby affirm that all continuing obligations under the Agreement are hereby effective and the "Work" now to be undertaken is amended to also include the Work described on Schedule I attached hereto.

**2. COMPENSATION.** The Architect agrees that the Compensation Amount is for the additional work is described on Schedule I, for preparation of additional specifications, bid documents, bid activity, contract negotiation, and extended construction administration for alterations and additions to existing areas.

**3. CONTINUING OBLIGATIONS.** The Architect hereby acknowledges its obligation to maintain records, and provided those to the Owner upon request, pursuant to the Original Agreement and further to provide the same warranties and deliverables. Architect further warrants that all work performed will be performed in a good workmanlike manner and consistent with all applicable building codes or similar regulations.

**4. MISCELLANEOUS.** That this Scope Amendment will be governed by the laws of the State of North Carolina, and this Agreement contains the entire Agreement of the Parties.

**5. INCORPORATED BY REFERENCE.** All other remaining terms not so modified in the Original Agreement are hereby ratified and incorporated by reference.

**IN WITNESS WHEREOF**, the Parties hereto execute this Letter Agreement effective as of the date first hereinabove written.

**City of Hickory**

BY: \_\_\_\_\_ (SEAL)

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

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

Address: PO Box 398  
Hickory, NC 28603

**DESIGN TEAM Principal**

BY: Scott Mitchell (SEAL)  
As Agent for Design Team

Name: SCOTT MITCHELL

TITLE: DESIGN ARCHITECT

Address: 1776 Second Street NW  
Hickory, NC 28601

Approved for reimbursement under the Interlocal Agreement Hickory  
Conover Tourism Development Authority

By: \_\_\_\_\_  
Mandy Pitts Hildebrand, CEO

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

Mandy Pitts  
\_\_\_\_\_  
City of Hickory  
Finance Officer

257697.1

## SCHEDULE I

### SCOPE OF SERVICES

Project will consist of a one story addition of approximately 45,000 square feet consisting of a 30 foot clear span exhibit hall, pre-function corridor, and special exhibits meeting room. Alterations will consist of site work reconfiguration of the existing west parking lot, storm drainage, lighting, and landscaping; interior alterations of the "Catawba" meeting room's movable partitions, finishes, lighting, and ductwork, and conversions of the "Catawba" for additional meeting rooms, restrooms, and pre-function corridor. Anticipated construction cost shall be approximately \$13,000,000.

### COMPENSATION

Fixed fee of \$ 888,250 plus reimbursable expenses

Base Fee will be billed monthly in proportion to the percentage of work completed. Anticipated Phase proportions of the total fee will generally be Schematic Design 10% Design Development 20%, Construction Documents 45%, Full Permitting 1%, Bid Phase 1%, Construction Administration 22%, and Final As-Built Drawings with electronic CAD file 1%.

Reimbursable expenses will be defined and billed as follows:

Out of town travel IF REQUESTED – Cost & 10%

Document Printing and Postage – Cost & 10%

Soil testing – Cost

Phase	Weeks
Schematic Design	6
Design Development	6
Construction Documents	30
Advertise for Bids	2
Bidding	4
Award Construction Contract	2
Construction Administration	78
Closeout	4

### SPECIAL PROVISIONS

If deemed necessary for the project and requested, additional surface and/or structured parking areas with the necessary site work changes can be added to the scope of work. Work will be bid as an alternate to the original project. Addition Design Team fee for additional documents required will be 8.0% of Alternate Bid Construction Cost. Billing will be in accordance with the original agreement.