

A G E N D A

HICKORY CITY COUNCIL

September 21, 2021



7:00 p.m.



AGENDA
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.

Hickory City Council
76 North Center Street

September 21, 2021
7:00 p.m.

- I. Call to Order
- II. Invocation
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of September 7, 2021. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A. Budget Revision Number 4. **(First Reading Vote: Unanimous)**
 - B. Consideration of Rezoning Petition No. 21-04 for Property Located at 2909 16th Street NE. **(First Reading Vote: Ayes: Alderman Wood, Alderwoman Williams, Alderman Seaver, Alderman Zagaroli, Alderwoman Patton, and Mayor Guess. Nay: Alderman Williams)**
- 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. Call for Public Hearing for Consideration of Proposed Amendments Related to the Hickory Trail System, Section 18-1 and the Addition of Section 18-59 to Chapter 18 Motor Vehicles and Traffic of the Hickory City Code of Ordinance. **(Authorize Public Hearing for October 5, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.) (Exhibit VIII.A.)**
 - B. Approval of Vacation Time for Prizes for the 2021 United Way Campaign. **(Exhibit VIII.B.)**

The United Way Campaign Committee requests five days of vacation time to be used as prizes for participation in the City's annual United Way Campaign, which will be held in September 2021. The vacation day prize(s) will be drawn at the end of the campaign. Each year the City of Hickory conducts a United Way campaign, providing an opportunity for coworkers to support United Way and its member organizations. To encourage participation, the committee would like to offer participants a chance to win some vacation time. Based on the level of participation, coworkers would be eligible to enter a drawing to win one of three vacation time prizes of two (1) one-day and one (3) three-day prize. The

City is a strong supporter of United Way since they play an important and critical role in the community. The Committee uses the campaign to educate the City's workforce about the various programs and services United Way provides and also to provide an easy way to donate. The opportunity to win some vacation time will provide an incentive for participation and contribute to the success of the City's campaign. Staff recommends Council's approval of five (5) days of vacation time to be used as prizes for the 2021 United Way Campaign.

- C. Approval of a Resolution to Declare Surplus 6,082 Discarded Library Items to be Given to the Friends of the Library to be Sold at the Friends "Corner Book Store" at Patrick Beaver Memorial Library and/or Special Book Sales. **(Exhibit VIII.C)**

The Friends of the Library collect donated books and other materials on an ongoing basis to be sold at seasonal book sales and/or the Corner Book Store, the proceeds from which provide funds for library programming and other special activities. For many years, the library has given the Friends materials that have been removed from the collection because they are out of date, in poor condition, or no longer needed to meet the collection development goals of the library. The sale of donated and discarded books is the primary fundraising activity of the Friends of the Library, and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library and is an appropriate means of disposing of unneeded materials. The library requests that discarded library materials be declared surplus and given to the Friends of the Library for their use at the "Corner Book Store" and/or seasonal book sales.

Notice was advertised in a newspaper having general circulation in the Hickory area on September 9, 2021.

- D. Consideration of a Speed Limit Reduction to 25 MPH along 3rd Avenue SE between NC Highway 127 and South Center Street along 2nd Street SE between 3rd Avenue SE and 2nd Avenue SE, and along 1st Street SE between 3rd Avenue SE and 2nd Avenue SE. **(Exhibit VIII.D.)**

Staff requests approval to implement a speed limit reduction to 25mph along 3rd Avenue SE between NC Highway 127 and South Center Street along 2nd Street SE between 3rd Avenue SE and 2nd Avenue SE and along 1st Street SE between 3rd Avenue SE and 2nd Avenue SE. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens requesting traffic calming measures are required to complete and submit a petition with 75 percent of properties in favor of implementation for the request to move forward. The Traffic Division received the completed petition from property owners along 3rd Avenue SE between NC Highway 127 and South Center Street, along 2nd Street SE between 3rd Avenue SE and 2nd Avenue SE, and along 1st Street SE between 3rd Avenue SE and 2nd Avenue SE with regards to the Neighborhood Traffic Calming Program and found the property owners to compliant with the guidelines. The petition qualifies for a speed limit reduction to 25mph. Twenty-Four properties were included in the petition and eighteen properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to implement a speed limit reduction to 25mph along 3rd Avenue SE between NC Highway 127 and South Center Street, along 2nd Street SE between 3rd Avenue SE and 2nd Avenue SE, and along 1st Street SE between 3rd Avenue SE and 2nd Avenue SE.

- E. Approval of a Right of Way Agreement with the North Carolina Department of Transportation in the Amount of \$6,300. **(Exhibit VIII.E.)**

Staff requests City Council's approval of a right way settlement with the North Carolina Department of Transportation (NCDOT) for property located at the intersection of Clement Boulevard and US 321 NW. As part of the US 321 widening project, the NCDOT is purchasing right of way and utility easements on several City properties. This agreement

is the first property to get to the settlement stage. The property is located at the intersection of US 321 and Clement Boulevard just north of the Pizza Hut. The parcel is further identified as PIN 279312756227. A portion of the property will be taken for intersection improvements related to the US 321 widening project. Further agreements will come to City Council for approval when the appraisals are completed. The portion of the parcel being purchased was appraised for \$6,300. The parcel previously housed landscaping and a "Welcome to Hickory" sign that was removed several years ago. The property is currently unbuildable, and the remnant will remain unbuildable. The lot can continue to be used as a location for gateway landscaping. Staff recommends Council's approval of the right of way agreement with NCDOT in the amount of \$6,300.

- F. Approval of a Community Development Block Grant Funding Agreement with Habitat for Humanity of the Catawba Valley Inc. in the Amount of \$45,000. **(Exhibit VIII.F.)**

Staff requests Council approval of an agreement between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc. for FY 2021-2022 funding through the City's Community Development Block Grant Program (CDBG). In February 2021, the City of Hickory Office of Business Development received applications from local nonprofit organizations for funding under the CDBG Program. In the 2021 application, Habitat for Humanity requested funding to support the reconstruction of a home. On April 1st the Citizen's Advisory Committee reviewed and recommended funding for these applications as part of the City's Annual Action Plan. The Annual Action Plan was approved following a public hearing on May 4, 2021. The CDBG funding agreement describes the requirements for the City and Habitat for Humanity of the Catawba Valley to ensure that all applicable federal regulations are met. Funds will be used to support the reconstruction of one single-family owner-occupied home for households earning less than eighty percent of the area median income. The funding is part of the Housing Rehabilitation allocation of the City's CDBG Annual Action Plan. The approval of the agreement will allow them to continue to provide much needed housing services to benefit low-to-moderate income households during the 2020-2021 program year. Staff recommends approval of the CDBG funding agreement in the amount of \$45,000 between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc.

- G. Approval of Change Order Number One with W.C. English Inc. for the Riverwalk North Carolina Department of Transportation EB-5939 Project in the Amount of \$58,750. **(Exhibit VIII.G.)**

Staff requests Council's approval of change order number one with W.C. English, Inc. for the Riverwalk North Carolina Department of Transportation (NCDOT) EB-5939 Project in the amount of \$58,750. The Riverwalk NCDOT portion will contain an entrance from Old Lenoir Road, and parking and access to the trail system. Included in this project will be an elevated walkway over Lake Hickory that interacts with existing City of Hickory amenities. Lighting on the bridge, retaining walls, and all necessary drainage piping are also included in this project. WC English was awarded the bid in October 2020. Change order number one includes a supplemental agreement and constitutes full compensation to change the mast arms from weathered steel to carbon steel and to galvanize the carbon steel and apply a color coating over the galvanization that is meant to match the other weathered steel on the bridge. This change also incorporates necessary protection to avoid a galvanic rust cell developing at the connection points between galvanized carbon steel and weathered steel. The reason for the change is the lack of availability of weathered steel in the shape of the mast arms. Weathered steel is not typically used in the shape of mast arms and not currently available for this project. Staff recommends Council's approval of change order number one with W.C. English, Inc. for the Riverwalk NCDOT EB-5939 Project in the amount of \$58,750.

- H. Budget Revision Number 5. **(Exhibit VIII.H.)**

1. To appropriate \$45,000 of General Fund Balance for a revolving loan agreement between the City of Hickory and Habitat for Humanity. These funds will be used to

- support the reconstruction of one single-family owner-occupied home for households earning less than eighty percent (80%) of area median income.
- 2. To appropriate \$750,000 of General Fund Balance to be paid to American Fuji Seal as part of an economic development agreement in Trivium Corporate Center. Matching funds of \$750,000 will come from Catawba County for a total of \$1,500,000.
- 3. To appropriate \$160 in donations towards the purchase of library books.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- 1. Consideration of Rezoning Petition 21-03 for Property Located Near Startown Road, Containing Approximately 108.25 Acres, Owned by Trivium Corporate Center, Inc. – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

The subject properties were recently voluntarily annexed and currently retain Hickory's Planned Development (PD) designations. The requested action is to assign the properties a City zoning designation of Industrial – Conditional District (IND-CZ). Previously, Trivium Corporate Center, Inc. acquired a parcel on the east side of Startown Road across from the park's current entrance to be utilized for residential and/or commercial uses. Due to the rate of success for the park, Trivium Corporate Center has elected to expand the industrial opportunities onto this site. The requested action is to adjust the zoning designation to these properties. This action would consist of zoning these properties to an Industrial – Conditional District (IND-CZ). The Hickory Regional Planning Commission conducted a public hearing on August 25, 2021, to consider the petition. During the public hearing, the property owner spoke in favor of the petition, while no citizens spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) 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 September 10th and 17th, 2021.

- 2. Consideration of FY2020-2021 Consolidated Annual Performance and Evaluation Report – Presentation by Community Development Manager Karen Dickerson. **(Exhibit XI.A.2.)**

The U.S. Department of Housing and Urban Development requires the City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient, to report on CDBG monies spent within the previous fiscal year. The Consolidated Annual Performance and Evaluation Report evaluates the effectiveness of the use of resources in addressing identified goals and objectives cited in the Annual Action Plan which is prepared before the fiscal year begins. The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, has prepared the Consolidated Annual Performance and Evaluation Report for submission to HUD. The report outlines the City's CDBG expenditures from July 1, 2020 - June 30, 2021. Staff recommends that City Council approve the FY 2020-2021 Consolidated Annual Performance and Evaluation Report.

Notice of the availability of this document for public review was published in the Hickory Daily Record on September 6, 2021, September 13, 2021, and September 20, 2021

B. Departmental Reports

1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

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

Small Cities Project Area Grace McLaurin Resigned 7-12-2021 VACANT

COMMUNITY APPEARANCE COMMISSION

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

Ward 4 (Alderman William Appoints) (Charlette Gore Resigned 8-23-21)VACANT

At-Large (Outside City but within HRP) (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

Differently Abled (Council Appoints) Beth Whicker
(Not Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

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

Licensed Architect (Council Appoints) Ernie Sills
(Not Eligible for Reappointment)

At-Large (2)(Council Appoints) Mary Moorer
(Eligible for Reappointment/Does Not Wish to Serve Again)

LIBRARY ADVISORY BOARD

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

Ward 4 (D. Williams Appoints) VACANT

Ward 6 (Patton Appoints) Gail Miller
(Eligible for Reappointment/Does Not Wish to Serve Again)

PUBLIC ART COMMISSION

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

Ward 4 (D. Williams Appoints) VACANT

At-Large (Mayor Appoints) Beth Bowman
(Not Eligible for Reappointment)

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:

Fred T. Foard 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. Adjournment

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

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

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

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

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

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, 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 with the arrival of Alderman Zagaroli at 7:02 p.m.
- II. Invocation by Reverend Whit Malone, First Presbyterian Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard

Mayor Guess asked everyone to silence their electronic devices and cell phones. He thought that the majority of the citizens were present for the Public Hearing. There would be an opportunity during the public hearing, specifically related to the public hearing to speak. They were welcome to speak at this time, but at the public hearing there would be an opportunity to speak in regard to the public hearing.

- A. Mr. Scott Hooks, 614 46th Avenue Drive NE, Hickory, advised he was privileged to serve as the Pastor of the Tabernacle Baptist Church, which was located at 1225 29th Avenue Drive in Hickory. He asked Mayor Guess to clarify the public hearing. He wanted to make sure he was speaking at the appropriate time.

Mayor Guess advised he was welcome to speak. Typically, they allow time at a public hearing specifically related to the public hearing, but he was welcome to speak right now.

Mr. Hooks did not want to be out of order.

Mayor Guess knew that he had another meeting that he needed to attend, so it was probably best that he go-ahead.

Mr. Hooks appreciated that so much. He was present on behalf of Tabernacle Baptist Church and Tabernacle Christian School. He asked those who were associated with Tabernacle Baptist Church and Tabernacle Christian School to stand or step forward. All of those in attendance representing those entities stood. He represented 176 families who were members of their church. They have 550 members in toll who were active members and regular attenders. Tabernacle Christian School was comprised of 236 families with 360 students. They also operate ConquerorKids Summer Camp and after school program. This past summer they represented 140 families who participated in that program and 248 children. Tabernacle Baptist Church and Tabernacle Christian School currently employed 53 full and part-time staff. Their students represented 95 churches in the Greater Hickory Metro Area. Fourteen area pastors had their children enrolled at Tabernacle Christian School. Two pastors had their grandchildren enrolled at Tabernacle Christian School. As he stated very clearly in the previous meeting with the zoning commission, they do not oppose development. Their concern, the entire process, had been the use of 13th Street, which was a street that had laid dormant for the past 23-years, with the exception of traffic in and out of the shopping center. The development that was before Council, and the timing of their pending purchase of the Sandy Ridge Square Shopping Center had come together at somewhat of an unfortunate time. His only request was that this zoning situation be tabled and that they sit down together, Tabernacle Baptist Church, Tabernacle Christian School, the developers, and the City of Hickory and they work out an agreement, at least give them the parameters of what they were discussing so that they could go forward in good faith. They were not obstructionists. They were not opposed to development. They were for development. They believe that they should live peaceably with all men, and that they represent the Lord Jesus Christ, and they take that commission very seriously. He asked Council to give them some assurances concerning the use of that road. He knew there were other areas in the City of Hickory where there were schools and there were streets that run through those campuses. For example, Lenoir-Rhyne University and he thought Oakwood Elementary School. Lenoir-Rhyne University and University Christian High School, that campus was comprised of students who were either high school students or college students. Tabernacle Christian School, at this current time, serves families from the age of three and up. Their children play on the soccer field, and the playgrounds. As their campus expands from 14-acres to 24 their hope was to use that campus for the purpose of educating children and providing a safe space for them. He knew that was important to them and he appreciated that. They wanted some assurances going forward

that their needs and desires, and the safety of their students was going to be addressed. He thought that it would be prudent for them to have a meeting and discussion with all three parties and then work together so that when they come to the table with a proposal for rezoning that they were all in agreement. That was all that they were asking for. He hoped Council would consider that. He knew with Oakwood Elementary, it was in the heart of the City, but it was also fenced. Tabernacle Christian School was not fenced. For them to fence those campuses would be an enormous cost and he did not think anyone was going to help them with that cost. He hoped that Council would consider this and hear their requests and urge the City Planners and the developers to sit down with them and hash out a plan that they could know ahead of time what was going to work for all of them. He thanked Council for their time. He advised they had some other folks who may wish to speak if this was an appropriate time for them to do so.

- B. Mr. Shane Newby, 50 33rd Avenue NW, Hickory, thanked Council for the opportunity to speak. He was thankful for a Country that allows that. He thanked the Council members for serving the community. He appreciated the effort towards a vision for their future, not only for the City, but even their church. Their pastor just mentioned some of the things that were going on, on their campus. He urged Council to consider the safety of the children as they go from campus to campus as it was of utmost importance.
- C. Mr. David Dean, 2520 17th Street NE, Hickory, advised he had been in Hickory since 1985 and had retired from Corning. His wife was actually a Hickory native. He loves Hickory and he appreciated Council's service to the City. He knew it took a lot of their time to do what they do. He had two grandchildren, one 7 and one getting ready to turn 3, a grandson and a granddaughter who he enjoyed much. They spend a lot of time on this campus with playgrounds. He asked for Council to give them an opportunity to sit down with the developers and ensure, as they had been talking about as a nation, to ensure the safety of their children on their campus. He thanked Council for their consideration.
- D. Mr. Brian Odham, 641 5th Avenue NE, Hickory, advised he had been a citizen here for nearly 21-years. He thanked Council for their service and for what they do. He loves Hickory. His family loves Hickory. They were thankful for the influence of the Tabernacle Baptist Church in their personal lives. Their children attended and graduated from Tabernacle Christian School, and it had been a safe haven and a wonderful help to their family. Obviously, the main concern in their minds this evening was the safety issue that 13th Street posed concerning traffic and the combining of the properties of Tabernacle Baptist Church Christian School and the Lowes property that they were in the process of purchasing. They were certainly looking forward to that. They had spoken to the City Planners, and they had given them counsel and advice and they had tried, and their pastor had led them in following that advice in good faith. They had also met with the developer and received three, what were thought of as viable options to traffic and handling the traffic of the development. Again, it was not that they were against development or the homes. They knew that there was a great need, their church and some of the staff of their school was experiencing that need as well. Again, the greatest concern was the safety and allowing them to look at options and to have that time to be able to hash out those options together so that all three groups were going in the same direction for the best of the community. He thanked Council.
- E. Mr. Tim Missey, 1833 10th Street Boulevard NW, Hickory, advised it was his privilege to serve as the Principal of Tabernacle Christian School. This was his second year serving as the Principal of the school and their pastor had given Council the numbers of the families that their school had the honor to serve, families from the community. It was an honor to serve these families. They have 360 students, over 200 families that they were serving in their school. As they would expect, one of his responsibilities as administrator of the school was the safety and the wellbeing of the student body and their families while they were on their campus. As they think of 13th Street lying between their campus as it was currently, and the property that they were trying to purchase, and as they think of extending their campus in that direction, the safety of their students was something that was of great concern. They have a car line as they would expect. They have a car line at drop-off time at the beginning of the school day and at dismissal time at the end of the school day that currently makes use of 13th Street to make their way either onto 29th or to go through the Sandy Ridge Shopping Center parking lot. The additional traffic from the development was something that would be of concern to them, adding that traffic to that road, especially during those times. As they signed the sheet to speak tonight, they signed for or against, He wanted to repeat, as others have already said they were certainly not against the development and were eager to see what was going to happen through that development. They knew that was a great need for the community and for the area, the addition of housing units for families. They were looking forward to all that coming in, but the concern that they had was the additional traffic right there on their campus, especially as they think of moving forward with extending their campus. It was something that might affect the student body's safety and wellbeing while they were there. He urged Council to consider giving them a little bit of time to look at all the available options before they decided on this rezoning. He thanked Council.

- F. Mr. Dwayne Hickman advised he served as the Administrator of the ministries at Tabernacle Baptist Church and Tabernacle Christian School. He and his family were privileged to move to Hickory four-years ago this past June and they enjoyed it very much. As they had heard, they were very excited about the advancement in the community and the development and things that were taking place as had been alluded to. They employed well over 70 positions, full-time, part-time, and seasonal help. They recruit teachers nationwide and they move here, and they were all looking for places to live. They understood the need and the urgency of that matter and were excited about the opportunity, not only just houses being built, but being built in the vicinity of what will become their new church campus if the Lord continues to provide that and gives them an opportunity to minister to 250 or 300 additional households there. Council had been encouraged this evening to let everybody step back for a bit and consider the options. As Mr. Odham mentioned the developers had brought a number of options, possible options, to their attention and they had discussed some of those and were very excited about the possibility of some of those. As Council understood they were concerned about traffic on 13th Street as it would now connect their two campuses and all that would take place there. He thanked Council for their service and for the opportunity for them to be there this evening.
- G. Mr. Bob Schon, 2148 11th Avenue Place NE, Hickory appreciated Council and thanked them for serving this great community. He loves Hickory and was excited for growth and to be a part of a community that was growing and actively pursuing new families. For them, more families meant more people to serve, and they were excited about that prospect. He echoed what these gentlemen had already said. He was the Facilities Manager at Tabernacle Baptist Church/Tabernacle Baptist Christian School. Their love for the community extended far beyond the community, but also extended to Tabernacle and its children. He was a part of the car line, the active drop-off and pick-up. They already had folks that were going from Falling Creek cutting through making their way through the shopping center there. His concern was for the children. He wanted to see their safety. Their safety was first and foremost. He echoed what their pastor said tonight; that they table this proposal and give them time to discuss and come to a workable thing. He was not against the growth of the community. In fact, he loved it. He grew up in Flint, Michigan and he watched things deplete and fall apart and he was thrilled to be a part of this community and watch it grow. He thanked Council for their consideration.
- H. Mr. Dan Dixon, 2559 10th Avenue NE, Hickory, advised he lived here since 1996. He was not on staff at Tabernacle but was a member of the church. All three of his children had graduated from the school and they were pleased to see the progress, the way that God had prospered their church, and the way that they could grow and have an opportunity. The number of students that was coming to them and the number of families that they could touch. He echoed the same comments that had been made. They were all pro-growth. He was also a commercial real estate investor in Hickory. He liked to see Hickory develop to be the City that people wanted to be at. He requested that they table the discussion and have consideration for all plans.
- I. Ms. Talia Hildebrand, 2619 16th Avenue Place NE, Hickory. She advised she just moved here from Knoxville, Tennessee with her husband Christopher. And as someone that had just moved here, she understood the need for looking into housing. It was a very big struggle for she and her husband to find housing. She was the third-grade teacher at Tabernacle Christian School, and she did not usually speak in front of people like this. It was kind of scary, but she felt like it was important. Her concern was just as everyone had said, was just for the children. There was going to be lots of different movements. They had one cafeteria to service all the children at the facility. If they have to separate campuses that was going to cross between that could pose as a safety issue. Again, with the children playing on the playground and the car line, which cuts directly through there. It would just be a great opportunity she thought if they could table that request and that they could talk to each other and find a common ground on what would work best both for the community, which needs to grow and was growing whether they wanted to or not people were coming here because it was a great place, but also for the children's safety. She thanked Council for the opportunity, and she appreciated all that Council does for the City.
- J. Ms. Kara Presnell, 2211 5th Street NE, Hickory. She was new to the Tabernacle family and her concern comes obviously as a parent, but also as a former reporter. She used to cover crime in public safety in the City of Hickory. She knew Mayor Guess remembered her and she knew that he remembered many years ago that there was a school related traffic fatality at the current Hickory Career Arts and Magnet School. That was certainly something that they do not want to see again. She knew that Council's paramount concern was the community and the safety of the children. Tabernacle had been a blessing to them so far. Her two older children were very impulsive. If you have a bunch of impulsive kids and traffic issues, that would certainly be a concern. She knew that Council was going to take it into their best consideration. She asked that Council give

their staff or board a chance to come together to meet with the developers and planners just to see if a consensus could be reached.

- K. Mr. Michael Garvett, 3131 9th Street Drive NE, Hickory, noted they were a part of the City and it seemed like everything happened in downtown Hickory. They live in an area where he was not against development and he was not against the safety of the children, but 16th Street, Sandy Ridge Road, and 29th Avenue was a very busy congested area. They were going to add close to 300 new homes, which related to probably 500 cars and there was a traffic problem there as it existed. He was at the planning meeting a week to 10-days ago and they talked about the way the State works on expanding roads that they have to wait till the traffic was there. It was already there. Now they were going to add another 500 cars to that road, and they were just waiting for a death, an accident, unfortunately. He was all for the safety of the church and the students, but 13th Street was scheduled by the developers to be their secondary entrance/exit to their new development. They do need new housing. By closing that road, you would have one entrance, and it was all going to let out onto 16th or Sandy Ridge Road and there was going to be problems. He was for the safety of the children, but he thought there had to be something done before this development was approved to figure out the traffic pattern and what they were going to do. He thanked Council for their time.

Mayor Guess asked if anyone else wished to speak.

- L. Mr. Brian Correll, 1606 Victorian Hill Circle, Conover, advised he was not a member of Tabernacle, and he was not on staff at Tabernacle, but he was a concerned parent and a pastor. He was one of those pastors that Pastor Hooks was talking about. He currently had three families that attended the school. One of his children graduated from there. He had one slated to graduate from there who drove to school every day. One of the things that concerned him was the safety, but one of the things that he would hope the planning board would look at also was when that road dumps out on to 29th the traffic coming from the left or State Employees Credit Union and coming from the right or the funeral home direction it was very hard to see. It did not take much to be hit there. It did not take much to make a bad decision there. Not only were they going to compound that with more vehicles dumping out onto 29th there, but they were also going to have issues with young drivers pulling out onto that street with traffic coming. They were also going to have kids moving. He wanted to know that when he recommends families to Tabernacle, and he did, that it was a safe place and that was in the planning board's hands. As they all said, he was not opposed to growth. Any pastor would tell you that gives them an opportunity to serve the community, which then they serve. He had families from Hickory. He loves these people and he wanted what was best for the church there and for the students that were there. He hoped that Council would take a minute to consider the safety but also the traffic there. He thanked Council.

Mayor Guess asked if anyone else wished to speak.

- M. Ms. Karen Harshman asked if they had an opportunity to have the motion tabled.

Mayor Guess advised he would have to defer to Council.

City Manager Warren Wood advised they do not answer questions during this time. They could talk about that during the public hearing.

Mayor Guess advised this was not the public hearing, this was the public comments section, which they were allowed to speak on any topic she would like. When they got to the public hearing there would be an opportunity for comment there specifically related to the issue.

Ms. Harshman commented what she wanted to know if there was an opportunity to "kick this can down the road a little bit" so that they could have more time.

Mayor Guess commented they would have discussions momentarily. He asked if anyone else wished to speak at this time.

- N. Mr. Jeremiah Parker, 1518 Indian Springs Drive NW, Conover, advised he pastored Welcome Baptist Church down in Catawba, in the Bandys/Bunker Hill area. He advised he had three daughters that attended Tabernacle Christian School. As Mr. Correll said, his 14-year-old was a freshman and she would begin driver's ed this year and that was just another concern of his having those young drivers, inexperienced drivers, pulling out onto that with all of that traffic that would be added to it as well as the safety of the children going back and forth to one lunchroom. Everything that had been mentioned, he echoed the same things. He thanked Council for all that they do and for considering this. He would love to see all things, all parties considered, to get to an agreement that they could all agree with. He thanked Council for their time.

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- O. Ms. Kaylie Cruse, 5757 Mill Ridge Road, Granite Falls, advised her dad was actually the pastor at Tabernacle. She had been here for over 13-years, she was honored to have graduated from Tabernacle Christian School. She had been given the privilege to serve with their missions in talking to all of their new families that were coming to their school. As she had worked in that program in the department, she had only seen a need for more students every year. There had been growth every year consistently. They also have 12 athletic teams that were traveling. They have buses everywhere. With the purchase of the Sandy Ridge Square, they would be doing a lot of crossing the campus. She asked Council to take into consideration that they find another option for the road there at 13th Street and that they would consider the very much back and forth that all of their students were going to be doing. All of their student drivers that were new. She has a 15-year-old sister who just went through driver's ed, and she had just got her permit. It was scary. She asked Council to take that into consideration as again, they were growing every single year. They have families coming to the community and they were thankful for growth, but that Council would just consider the growth that they have had every single year and that they were honored to serve the Hickory families. She thanked Council.
- P. Mr. Michael Garvett addressed Council again. He commented it seems like those that are for or those that were against, they all have the same issue, they were concerned about the traffic. He knew they needed growth in Hickory. It was great tax revenue. The church, he understood their point completely. He did not bring a busload of people in to speak. He advised he lived in a development called The Cedars. They all seemed to be on the same page that although they were looking for growth in the City, there was a traffic issue there and they were looking out for the safety of not only the church, but all the residents of Hickory that travel that direction.
- Q. Ms. Tammy Fox, 178 Fox Creek Drive, Taylorsville, advised she was a real estate agent. Council had heard from her before. She accepted the Fair Housing Award and they had received an email from her this weekend. She commented they need houses. They need affordable houses. She was for development. She was for houses. As it had been said, they have a traffic problem around that campus, and it was not just 29th Avenue. It was Falling Creek Road, and it was 16th. A traffic study needs to be done honestly to figure out the best way to reroute what was going on. You cannot put a stop light between those two stoplights and have effective traffic management. They knew that a new development was just built across from Sandy Ridge Square with a lot of new homes. Those houses had been occupied now and they have got more traffic coming in on 29th. They need to have a traffic study. Please bring them houses, bring them more houses, they need them. They have teachers who need homes. They have church families who need homes. It was a great area. She loves Hickory and they knew her passion for bringing people in here. She grew up in Hickory and she loves Hickory. She was bringing them in from Sweden now. Come on and let's get some more houses to bring more people to Hickory, but let's look at our traffic patterns and safety, not only for the students, but also for the people riding these roads. They had done an outstanding job with traffic management at this school, and she gave them hats off. She asked how many of them had driven up on 127 at 3:00 in Viewmont Elementary School and Jenkins. They knew what she was talking about. They were not lining them up down Falling Creek. They were using the parking lot and they were making a great traffic flow pattern and they were not causing a problem on the roads. That was amazing. She thanked Council for all their service and listening tonight.

Mayor Guess asked if anyone else wished to speak. No one else appeared.

VI. Approval of Minutes

A. Regular Meeting of August 17, 2021.

Alderman Seaver moved, seconded by Alderwoman Williams that the Minutes of August 17, 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 Alderman Seaver that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Budget Revision Number 3. (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.

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

- A. Approved a Cemetery Deed Transfer from R. Paul Kercher aka Paul R. Kercher and wife, Sylvia Kercher to Ronald E. Bogle, (Oakwood Cemetery, Eastern One-Half for Plot E, Lot Number 3, Section 39) (Prepared by Terry M. Taylor, Attorney at Law).
- B. Approved a Cemetery Deed Transfer from Sara C. Shores, widow, to Rachael A. LeClair, married, (Oakwood Cemetery Section 51, Plot L, Lot 3, Spaces 1 and 2.) (Prepared by Jennifer E. Eckard, Attorney at Law).
- C. Approved a Loan Settlement for Property Located at 1612 Main Avenue Drive NW, Hickory.

Staff requests City Council's approval of a Community Development Block Grant (CDBG) loan settlement of \$10,000 for 1612 Main Avenue Drive NW. The home at 1612 Main Avenue Drive NW was recently purchased prior to foreclosure by Daniel Robbins. The home was previously owned by the Phillip David and Leoma Emmett Williams who, during their period of ownership, used the City's CDBG Housing Rehabilitation Loan Program for repairs to their home. At the time of purchase by Mr. Robbins, the CDBG loan had not been settled through the foreclosure process. The remaining balance on the CDBG loan as of today is \$21,017.26. Mr. Robbins had made an offer to settle this debt with a payment to the City of Hickory in the amount of \$10,000 and this has been approved by the Citizen's Advisory Committee. Staff recommends approval of a loan settlement with Mr. Daniel Robbins in the amount of \$10,000 to satisfy the outstanding lien for CDBG Housing Rehabilitation Loan in the amount of \$21,017.26 for the property at 1612 Main Avenue Drive NW.

- D. Approved a Community Appearance Grant with CHS Real Estate Properties, LLC for Non-Residential Property Located at 219 10th Street SW in the Amount of \$7,500.

The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by CHS Real Estate Properties, LLC located at 219 10th Street SW in the amount of \$7,500. City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's doors and painting of the building's exterior. The property is located within the City's defined Urban Revitalization Area and is eligible for the consideration of a Community Appearance Grant. The applicant provided two estimates. The low estimate for the work totals \$21,600. The subject property's current tax value is assessed at \$125,300. The requested grant amounts to 5.9 percent of the property's tax value. The application was reviewed by the Community Appearance Commission. After consideration the Commission scored the application at 22 points out of a possible 36 points, which placed the application into the high category of scoring. Given the score, The Commission unanimously recommends funding of the grant application in the amount of \$7,500.

- E. Approved Change Order Number Three to the Agreement for Professional Services Required as Part of the BUILD Grant, with TGS Engineers for Design Modifications, Consulting Services, and Additional Lighting Services Related to Aviation Walk (EB-6038) in the Amount of \$135,172.81, Eligible for 80 Percent North Carolina Department of Transportation Reimbursement and 20 Percent City of Hickory.

Staff requests Council's approval of change order number three to the agreement for professional services with TGS Engineers for construction phase services including design modifications, and consulting services as directed by the City of Hickory during the construction phase of EB-6038 and additional services for lighting designs by VHB, Inc. in the amount of \$135,172.81, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. The project requirements changed beyond the original scope of services for this project based on direction from the City of Hickory, NCDOT, and Duke Energy. This project consists of the construction of a multi-use trail in two sections: construct a multi-use path along Main Avenue NW from 9th Street NW to 11th Street NW and then along 11th Street NW to Old Lenoir Road; construct a multi-use path from Old Lenoir Road to US 321 including a bike/ped bridge over US 321 to 13th Avenue Drive NW, from there, it continues across multiple properties to L.P. Frans Stadium and ends at the Hickory Regional Airport. Change order number three identified additional services that include design modifications and consulting services during the construction phase of this project by TGS and additional services for lighting design by VHB. Staff recommends Council's approval of change order number three to the agreement for professional services with TGS Engineers for design modifications and consulting services and additional lighting services by VHB, Inc. related to EB-6038 in the amount of \$135,172.81, contingent upon NCDOT concurrence.

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- F. Approved Change Order Number Two to the Agreement for Professional Services Required as Part of the BUILD Grant, with Vaughn & Melton Consulting Engineers, Inc. for Design Modifications and Consulting Services Related to the OLLE Art Walk in the Amount of \$11,217.35, Eligible for 80 Percent North Carolina Department of Transportation Reimbursement and 20 Percent City of Hickory.

Staff requests Council's approval of change order number two to the agreement for professional services with Vaughn & Melton Consulting Engineers, Inc. for construction phase services including design modifications and consulting services as directed by the City of Hickory during the construction phase of EB-5977 in the amount of \$11,217.35, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. Change order number two for 9th Street NW multi-use trail identifies additional services that include design modifications and consulting services during the construction phase of this project. City of Hickory's portion of the fees will be funded by bond proceeds. Staff recommends Council's approval of change order number two to the agreement for professional services with Vaughn & Melton Consulting Engineers, Inc. for design modifications and consulting services related to EB-5977 in the amount of \$11,217.35, contingent upon NCDOT concurrence.

- G. Approved Change Order Number Two to the Agreement for Professional Services Required as Part of the BUILD Grant, with Vaughn & Melton Consulting Engineers, Inc. for Design Modifications and Consulting Services in the Amount of \$43,853.22, for OLLE Art Walk, Eligible for 80 Percent North Carolina Department of Transportation Reimbursement and 20 Percent City of Hickory.

Staff requests approval of change order number two to the agreement for professional services with Vaughn & Melton Consulting Engineers, Inc. for construction phase services including design modifications and consulting services as directed by the City of Hickory during the construction phase of EB-5911 in the amount of \$43,853.22, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. Change order number two for Old Lenoir Road multi-use trail identifies additional services that include design modifications and consulting services during the construction phase of this project. City of Hickory's portion of the fees will be funding by bond proceeds. Staff recommends Council's approval of change order number two to the agreement for professional services with Vaughn & Melton Consulting Engineers, Inc. for design modifications and consulting services related to EB-5911 in the amount of \$43,853.22, contingent upon NCDOT concurrence.

- H. Approved an Agreement for Professional Services with A. Morton Thomas Associates, Inc. for CEI Services Required as Part of the BUILD Grant, related to the BUILD Project (EB-6038) Aviation Walk, in the Amount of \$1,808,918.27, Eligible for 80 Percent North Carolina Department of Transportation Reimbursement and 20 Percent City of Hickory.

Staff requests Council's approval of an agreement for professional services with A. Morton Thomas Associates, Inc. for CEI Services related to the BUILD Project (EB-6038) in the amount of \$1,808,918.27. This project consists of the construction of a multi-use trail in two sections: construct a multi-use path along Main Avenue NW from 9th Street NW to 11th Street NW and then along 11th Street NW to Old Lenoir Road; construct a multi-use path from Old Lenoir Road to US 321 including a bike/ped bridge over US 321 to 13th Avenue Drive NW, from there, it continues across multiple properties to L.P. Frans Stadium and ends at the Hickory Regional Airport. A. Morton Thomas Associates, Inc. (AMT) was selected based on qualifications-based proposals and was concurred by North Carolina Department of Transportation (NCDOT). AMT's fees were negotiated by City of Hickory staff and NCDPT staff. Fees are eligible for reimbursement with NCDOT funds at the same ration of 80 percent NCDOT and 20 percent City of Hickory. Staff request Council's approval of an agreement for professional services with A. Morton Tomas Associates, Inc. for CEI Services related to the City Walk Project in the amount of \$1,808,918.27, contingent upon NCDOT concurrence.

- I. Approved a Quitclaim Deed From the City of Hickory to Richard J. Kania, Commissioner for Property Located at 3211 Falling Creek Road NE.

Staff requests City Council's approval of a quitclaim deed from the City of Hickory to Richard J. Kania, Commissioner, for the Millenia property located at 3211 Falling Creek Road NE, Parcel ID# 3714-14-44-1589. The City of Hickory has engaged the Kania Law Firm to conduct judicial foreclosures on properties that Code Enforcement has abated for nuisances, and the owners have not paid the attached liens and brought the properties into compliance. The Millenia property (a large warehouse type building) referenced above was referred to Kania for prosecution of a foreclosure action. The property has abatement liens and unpaid County and City property taxes. As there were no bidders at the foreclosure sale, the City of Hickory took ownership of the property. The opening bid was \$90,000. Attorney Richard Kania, the Court appointed Commissioner for the foreclosure sale, recorded a Commissioner's Deed conveying the property to the City on

July 29, 2021. However, the recordation occurred prior to the Court confirming the foreclosure sale which meant he lacked statutory authority to convey the property to the City. Subsequently, legal counsel for the bank holding a mortgage on the property contacted Kania and stated they wanted to conduct their own tax foreclosure on the property, and they would submit the total payoff for the property (\$90,000). In order for any potential clouds on the title to be removed, the City must quitclaim the property back to the Commissioner. Quitclaiming the property is the best course of action for the City. Code Enforcement staff have determined it will be difficult for the City to find a buyer for the property primarily due to the estimated costly repairs needed to restore or demolish the property. Staff requests City Council's approval of a quitclaim deed from the City of Hickory to Richard J. Kania, Commissioner for the Millenia property located at 3211 Falling Creek Road NE, Parcel ID# 3714-14-44-1589.

- J. Approved a Contract with GeoSurfaces Southeast in the Amount of \$494,059 for an Artificial Turf Field at Henry Fork Soccer Complex.

Staff requests Council's approval of a contract with GeoSurfaces Southeast for construction and installation of a second artificial turf field at Henry Fork Soccer Complex in the amount of \$494,059. The City of Hickory purchased twenty-one acres adjacent to Henry Fork River Park a couple of years ago to provide additional parking for visitors and to expand the field inventory to include additional artificial turf fields. GeoSurfaces was selected as the best vendor to install a second artificial turf field based on their success with the first project and the desire to have the new field match the other turf field that was installed in early 2021. The City of Hickory is working with Clayton Engineering and Design for the civil design and construction management of the project. In the FY 19-20 Budget, the City issued debt through an installment purchase financing of \$7.5 million for projects including the first artificial turf field, Ridgeview Library expansion, ARC Road improvements and the City portion of the Lackey project. There was \$489,376 remaining after funding the projects above, and this amount fell to General Fund Balance on June 30, 2021. Staff recommends Council's approval of a contract with GeoSurfaces Southeast for construction and installation of a second artificial turf field at the Henry Fork Soccer Complex in the amount of \$ 494,059, and appropriation of the same amount from General Fund Balance.

- K. Approved on First Reading Budget Revision Number 4.

**ORDINANCE NO. 21-28
BUDGET REVISION NUMBER 4**

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, 2022, and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2021-22 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	599,745	-
Public Safety	23,035	-
Other Financing Uses	55,072	-
TOTAL	677,852	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	654,817	-
Miscellaneous	23,035	-
TOTAL	677,852	-

SECTION 2. To amend the Hickory Metro Convention Center Capital Project Ordinance (#700012), the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	210,750	-
TOTAL	210,750	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	210,750	-
TOTAL	210,750	-

SECTION 3. To amend the Old Lenoir Road Capital Project Ordinance (#B1O001), the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	43,854	-
TOTAL	43,854	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	43,854	-
TOTAL	43,854	-

SECTION 4. To amend the Old Lenoir Road Capital Project Ordinance (#B1O002), the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	11,218	-
TOTAL	11,218	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	11,218	-
TOTAL	11,218	-

SECTION 5. To amend the Aviation Walk Capital Project Ordinance (#B1N001), the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,944,092	-
TOTAL	1,944,092	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,944,092	-
TOTAL	1,944,092	-

SECTION 6. 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 – None
- X. Informational Item
- XI. New Business:
 - A. Public Hearings
 - 1. Approved on First Reading Consideration of Rezoning Petition No. 21-04 for Property Located at 2909 16th Street NE – Presentation by Planning Manager Cal Overby.

A petition has been submitted requesting the consideration of rezoning property located at 2909 16th Street NE (Sandy Ridge Road) from Medium Density Residential (R-2) to Planned Development (PD). The subject property is zoned Medium Density Residential (R-2) and is requested to be rezoned to Planned Development (PD). Under the current R-2 zoning the property could be developed for detached single-family residential at a density of four units per acre, which could theoretically yield 142 units. The proposal put forth is to construct a residential community, consisting of single-family attached (townhomes) and detached cottage units. The breakdown of unit types is 139 single-family attached (townhomes) units, and 150 detached cottage units, and represents a density of 8.1 units per acre. The proposal also employs conservation development principals with substantial open spaces areas. The Hickory Regional Planning Commission conducted a public hearing on August 25, 2021, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council’s approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 27, and September 3, 2021.

City Manager Warren Wood asked Planning Manager Cal Overby to the podium to present Council with rezoning petition number 21-04 for property located at 2909 16th Street NE.

Planning Manager Cal Overby presented a PowerPoint presentation. He discussed rezoning petition 21-04. The request was to rezone approximately 35 acres of property located at 2909 16th Street NE, or commonly known as Sandy Ridge Road. Currently the property was vacant. In the past it was used as a residential property and prior to that it was some different uses way back in history. The request was to rezone the property from medium residential (R2) to planned development (PD). Mr. Overby clarified what was being put before Council was a zoning action. They were not approving a plan. That was an administrative thing that comes back to the planning staff, Department of Transportation, and everyone else. Council was basically approving a concept design. There had been a lot of talk about traffic, that would be analyzed when and if the development actually comes to fruition. That was the City's role in the whole thing there. He wanted to make that clear as he proceeded on with his discussion here. He asked for any questions thus far.

City Manager Warren Wood asked Mr. Overby to follow up on that. He asked Mr. Overby to describe the process on how those other things like transportation were considered.

Mr. Overby commented as far as the transportation portion of it, the way that would work for this particular type of development was 16th Street NE, was a Department of Transportation (DOT) roadway; meaning it was under the purview and the responsibility of the North Carolina Department of Transportation (NCDOT), as well as 29th Avenue NE. The way developments typically happen, this development was not unique in this fashion, was when a developer develops a plan and it gets fully engineered it was then submitted to the North Carolina Department of Transportation for what they call a driveway permit. The driveway permit was actually permission to connect to a public roadway for a development project. When that was submitted to the North Carolina Department of Transportation, their engineering group, traffic analysis and everything, then tells the developers what would be required. Lots of times they come back and say, "okay give us a traffic study" and in the traffic they would reveal what improvements need to happen. It may say, "okay, you need right turn lanes, you need right turn lanes elongated, you need a left-hand turn lane, you need to come in or out, you need to fix traffic, so it only has right in and right-out movements". Those things are what comes about from the Department of Transportation. If it was a City street, the City's Transportation Engineering Division would probably do the same thing. That was what they look for. However, being a State roadway, it was deferred to the Department of Transportation. The City has the ability to work with them collaboratively about traffic analysis and what was going on with it, but at the end of day they were the ones that signed the paper and says yes, go forward with that one.

Alderwoman Williams asked for clarification. The only thing Council was approving, or disapproving was the rezoning from R2 to planned development.

Mr. Overby confirmed that was the only thing, the zoning action. The concept plan that everyone was seeing was just that, it was a concept. Especially showing how the properties was potentially going to develop, the number of units, how the general road layout section works, where general points of ingress, and egress were as far as the project. That was what Council was looking at from just a very generalistic standpoint.

Alderman Wood asked if housing could be built on the property now under its current zoning.

Mr. Overby advised that he had this conversation earlier with another staff member. The reason this project was brought to Council as a planned development was one sole reason. It was not uncommon in development ordinances that he had seen across the State. The reason, there were approximately 139 single-family dwellings placed on one lot. You do not see that in development anywhere. You do not go out and say I am going to buy a half-acre lot and put two houses on it. That was just not what happens. That was why this project was before Council. Under the current zoning, the developer could go in and build 140-145 houses by right, never have a zoning hearing or anything. New roads, this that and the other, and never even know that it was happening until the bulldozer pushes the road in. That was basically why they

were here was the uniqueness of what the developer was proposing was one of those one size does not fit all type scenarios. That was basically why they were having this conversation they were having now.

Alderwoman Patton asked if it was because it was a planned development and there was greater oversight on the planned development.

Mr. Overby replied yes definitely, ma'am. The term by right zoning that he used meant that if it was zoned this, then they could do that, as long as it meets engineering specs.

Alderwoman Patton commented by coming and doing as a "PD" they were actually looking for more oversight.

Mr. Overby responded correct.

Alderwoman Williams commented considering some of the issues.

Mr. Overby replied yes.

Alderwoman Patton asked what the criteria was for the planned development. She knew it was roads. She asked Mr. Overby if he could elaborate for the audience for them to understand what all greater intensity or review was involved in a planned development, just as he said.

Mr. Overby advised they look at the planned development in terms of the general concept that Council endorses through the zoning action. That concept lays out what the building types and forms are for the project. How many units, meaning dwelling units that they were going to have a family unit in, or individual in, and that was what they look for on that one. They look for the types. In this particular instance they have townhomes in the northern section of it and in the southern section of it they have the bungalow type cottage homes. That was the two things that count that staff were really looking at. Then they were looking at their general road network, how it lays out, how public services can proficiently and efficiently be provided for the development to ensure, one the safety of the residents, of the development, the safety of the community as a whole in the area, and also to make sure that they were not going to extend themselves too far with their resources. That was basically what Council was looking at.

City Attorney John Crone thought that Mr. Overby had made this clear, but the issue before Council was whether that piece of property as it sat should be rezoned to the planned development and not consider what was going there and what type of plan that would come later, correct.

Mr. Overby responded yes.

City Attorney John Crone asked if they had to conform with all of the City's rules about roads, density, appearances, and all of those elements, correct.

Mr. Overby replied yes, sir. That was very correct.

Alderman Wood confirmed what they were talking about was rezoning it where there was a more deliberate examined use of the property as opposed to how it was currently zoned.

Mr. Overby responded correct.

Alderwoman Williams commented to clarify it even further. If they keep it as is then they would most likely get someone that would just do whatever they want.

Mr. Overby replied yes, they could basically build a single-family subdivision with 100-145 houses in it with basically just staff review. They submit a set of engineering drawings to staff and if they met their specifications.

City Attorney John Crone interjected use existing roads?

Mr. Overby responded yes. They would also need a review by the Department of Transportation, but yes, the same scenario.

Mayor Guess commented that it does not change the use of the road that they were talking about the zoning as it was now versus the zoning proposed, correct.

Mr. Overby replied correct. In terms of traffic, single-family homes were probably the highest generator of traffic. Single-family detached homes by far were one of the highest generators of traffic.

Mayor Guess commented the obvious concern here tonight was with this roadway. As it exists now versus the proposal nothing changes by rezoning this particular piece of property.

Mr. Overby replied no, the concept that they showed to staff was to provide a connection on Sandy Ridge Road, 16th Street NE, as well as coming down through the shopping center between the shopping center and the church. That was just a logical connection to it; because they have two public roadways, and they were connecting to them. That was the concept moving forward. If for some reason, during design review the developers says "okay, we've talked with our neighbors and we're going to do this". Then staff would say okay, show us, meaning show us how it engineers, show us how it works.

City Manager Warren Wood commented the one thing that does change was that this process allows for collaboration with surrounding neighbors.

Mayor Guess commented that was the point he was trying to make.

City Manager Warren Wood commented which they would do.

Mayor Guess commented this could be a better scenario.

City Manager Warren Wood advised Mr. Overby was going to get into some of this in his presentation.

Alderman Williams asked if the zoning Council was considering here was it for the citizens that were here and what they had been speaking about tonight, correct. Or was it just for any development.

Mr. Overby advised what he had heard from the audience that spoke so far was it was specifically for this individual project. Some of the concerns would be transferrable to any project that happens throughout the City because those were typical concerns they hear when reviewing development projects. Mr. Overby continued with his presentation. He referred to the PowerPoint and pointed out the subject property on a map and noted the Hickory by Choice 2030 future land use plan. He pointed out areas classified as high density residential and medium density residential. He explained that meant high density residential was just that, the City's plan projects for 12-20 units an acre and between 6-8 in what was considered medium density residential. He noted the neighborhood core, and pointed out the Credit Union, shopping center, and several other things there. He displayed a map and pointed out the current zoning for the area. He pointed out The Cedars, Argyle Place, an apartment complex that was to be built at some point, a church, a classic car dealer, a cemetery, commercial property, and different types of residential properties. He advised The Cedars was approximately 5-6 units per acre. Argyle Places was approximately 8-10. He advised the proposals was right around 8-9 units per acre which was similar to what was in the area. He did not do the calculations for Lawson's Creek as it did not seem to be pertinent at the time. He showed another map and pointed out The Cedars, Lawson's Creek, an older subdivision in the area, Argyle Place Apartments, the former Lowe's Foods, the church, east car consignment business, and portions of the property owned by the cemetery.

Mr. Overby discussed project specifics. They were looking at 289 dwelling units, that may go down, they could not go up, but it may go down. That was the ceiling. That was the one thing that they were looking at here definitively, it would not go over 289 units. They may come in at 250 or whatever after design review, but 289 was the limit. They were looking at approximately 35 acres of property again, approximately 8 units an acre was what they were looking at. He advised 139 single-family attached units meant, those were townhomes. Meaning that the owners would own the drip line of the property. Kind of like what they saw at The Cedars on the map. They saw little squares there. He advised 150 single-family detached cottages. That was why they were here because that did not fit in perfectly. He discussed development design of use conservation development techniques. He advised there was a lot of open space in this development between a couple of iterations that he had seen here. A single-family tax unit had been positioned to continue the development pattern to the north. The townhomes were basically abutting townhomes. Like use to like use here. The development would be served by new streets and internal infrastructure that would all be paid for by the developer with the development of the property. He displayed the plan. He thought a lot of people had latched onto

this plan. He explained this was a concept plan of what they were looking for here. There was a lot of open space. He pointed out the connections. He noted the connection that seemed to be the point of conversation at this point. He displayed the concept of what was going on here. He had seen a different iteration from the developer which showed a higher width border shifted down with a lot more open space in the area. That was the design that had been kicked around by the developer, but largely follows the general form they were looking at here. The subdivision across the street contained approximately 1.5-units, The Cedars about 5-units, and Argyle Place about 9-units an acre. To the south and west they were looking at non-residential development, a church, a shopping center, and a cemetery. He explained what staff used to evaluate this. They were impartial to this. They look at the plan and the action in reference to what the City's adopted plans and rules were. He advised he was neither an advocate nor detractor from a project. He was the presenter of the information.

Mr. Overby explained what the Hickory by Choice Plan showed. He referred to a previous map he had displayed and advised they were looking at high density residential and medium density residential. He reiterated medium density, looking at 6-8 units an acre, and high density 12-20 units an acre. In terms of consistency with the land use pattern generally they were about hitting the middle point of these two classifications. They were looking at the low end of one and the higher end to the other. They were basically hitting that middle point. He advised that medium density residential and high density residential tended to be around core commercial areas and that was what they have at the intersection of 16th and 29th. That was what was envisioned for the acre for the area. There was vacant, developable property on several corners there, which over time would be transformed into commercial uses. Some of the other goals that they see in Hickory by Choice were providing a variety of housing options, which this did. It promotes infield development. This was as infield as it got. It was a vacant piece of property with neighborhoods all around. That was their infield. They were not going out and snatching green fields in the countryside and pulling them into developments, this was infield development and also the utilization of conservation development. That was what they were looking at, lots of open space in the development. He thought the last thing he saw there was approximately 14-20 percent open space on it. He could supply the number if anyone wanted it at a different time.

Mr. Overby discussed development requirements. If it was approved, the zoning and the concept, the developer would be required to give them full blown engineer plans that demonstrated compliance with the City's plans and any ordinances, laws, and rules that they may have to abide by. They have to meet the minimal design centers for roadways, utility, stormwater, and fire protection. Those were the core things. Those were important things to make a development community. If they get those then they were hitting it on the money. It would require NCDOT review which he had mentioned earlier. The initial plans would be reviewed prior to initiation of the development. They have to show them something before they go out there, but that did not include just clearing and grading the site. Anyone can clear and grade whatever property they have as long as they retain their erosion on site.

Mr. Overby discussed the findings. The development proposal was in the middle range of the two density requirements he talked about. That complied with the Hickory by Choice 2030 Comprehensive Plan. It was similar to development of the surrounding areas, townhomes, apartments, commercial area, and single-family homes. They have all those in the area there. They were utilizing infield development they were not going out and extending, new infrastructure was there. They were utilizing infrastructure. They were also diversifying the housing opportunities within the City. Some of these products the City had never seen, cottage type houses were not really here. There were a few developed in Windsong Village, but they were not of any scale. Staff found that the request was consistent with the comprehensive plan's recommendations. The City's Planning Commission held a hearing on August 25th and heard input, pretty much the same types of input that Council heard here thus far, traffic, and stormwater and buffering also. That was what went on with that hearing. At the end of the hearing, the Planning Commission voted 7-0 to recommend approval from City Council. He asked for any questions from Council.

Alderman Williams asked with this zoning here, would it be the same if they waited and met with the citizens and their developer and heard them out some more. Would it be the same if they waited and voted then, versus, would it be any different if they did it now? Would it hurt anything if they waited and heard the citizens out more, met with their developers and heard more from that community?

Mr. Overby did not know how to answer that question. He did not know what timeframes the developer was on. He did not know. That was an objective as far as Council.

City Manager Warren Wood commented if the vote was taken on this project and if it was approved, they were going to do that regardless as part of the process. They would be glad to meet with representatives from Tabernacle, NCDOT, City staff and the developer and see if they could come up with some working solutions.

Alderman Wood commented if he was understanding correctly, it sounded like doing this rezoning opens the door to this collaboration versus how it was zoned today. He asked if he was hearing that correctly.

Mr. Overby replied correct. This was like step one. It goes no further from a design standpoint, stuff could not be worked out, the engineering just does not work, then the project does not work. They had those before.

Alderman Wood explained what he was saying was if they went the 137-home route under the existing zoning, there was no window open to collaboration unless they just choose to do so, correct.

Mr. Overby confirmed that was correct.

Alderwoman Patton commented if Council goes ahead and rezones tonight, then that would leave open the door for setting up meetings between the developer, staff, and the neighborhood.

Mr. Overby replied sure, those conversations could take place, that was perfectly fine.

Alderwoman Patton commented then the issue of the traffic would be discussed then and turned over to DOT.

Mr. Overby replied correct. DOT was sometimes detached from the City's stuff, but they were there in the conversation.

City Manager Warren Wood advised if they reach a point of a motion, they could work that into the motion, direct staff to work with all the parties involved.

Alderman Wood knew that DOT had plans for 29th Avenue, correct. The timing they did not know. He was assuming that they would take all of that into consideration when they were considering anything that happens here, correct.

Mr. Overby replied that would be his assumption.

Mayor Guess asked for any further questions from Council. He explained the rules for conducting the public hearing.

City Manager Warren Wood advised if someone had already spoken, unless they had something new, or a burning desire to speak again.

Mayor Guess commented those that had already spoken, Council understood their comments. They would allow them to speak if they so desired. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal.

OPPONENT

Mr. Scott Hooks wanted to ask if this was an appropriate time to ask a few questions.

Mayor Guess advised they do not answer questions. They allow folks to speak but they do not answer questions at this particular time.

City Manager Warren Wood advised they could let them know what the questions were.

Mayor Guess advised he could propose the question and they could get him an answer.

Mr. Hooks commented at Mr. Overby mentioned, if the rezoning measure was to pass, and he knew that was what Council was here to decide, if the rezoning measure was to pass then when they consider the plan, who makes the

decisions? He wanted to know more about that process when the plan was submitted, although the plan had been submitted and it had been made clear that 13th Street was always a part of that plan as it was submitted to the City. He asked what the process would look like going forward. Who would have input? Would they make that decision? Would the City planners make that decision? He wanted clarity there. And if alternative plans, which he was encouraged to seek, alternative plans, other than 13th Street, if that was an option then what options would the City consider? They had talked to them about three different options, and he had been told that none of those options were acceptable and that they were going to stick with the plan with the 13th Street option. So just some clarification there would be very helpful. He thanked Council for allowing him to speak again.

City Attorney John Crone clarified the planning department makes the decision based on input from everyone. He thought that it was crystal clear that they wanted to have some input and he was sure that was going to be available during that process.

Mr. Hooks asked if there was a way to describe to them what that was going to look like.

City Manager Warren Wood advised sitting down with them and walking through that.

City Attorney John Crone advised that was definitely a step down the road. The issue was not to consider the plan, the issue was whether to take that piece of property and determine whether it was suitable for that zoning request.

City Manager Warren Wood advised if it passed, they would be glad to sit down with them and describe all that.

Mr. Hooks explained the reason he had a bit of confusion about that was because he was told that if they were to develop an alternate route that the developers would have to resubmit their entire plan and have it redrawn and if the entire plan cannot be changed after the rezoning petition was heard, then that caused him to question if the plan could be altered at all.

City Manager Warren Wood advised they had not submitted their engineered plans. That would be the step. What he was describing was sitting down so when they do develop their engineered final plans that whatever they come up with was included in that. What they have today was not their final plan.

Mr. Hooks thanked Council.

Mr. Brian Correll addressed Council again. He advised he had spoken many times in front of Conover City Council and what he had heard from the elected officials here was there was a lot of assumptions. He had heard the word "I assume, I assume" several times and he did not know how the rest of them felt that were opposed to that, but what was to hinder the Council from putting down in writing that it was mandatory before they move forward with this vote tonight that they give two weeks for them to speak to one another and at least have a representative from the City. Because he was hearing a lot of assumptions. He was impartial, and they voted 7-0 even with opposition there. When they say, "I assume" and he says, "I assume", Council was their elected officials, and it does not build confidence in them to hear that when all they heard was, they were going to go ahead and vote for the first step. But as to this point, he was hearing that there had not been a lot of the City sitting down with the developer and with the church. He did not know if he was missing something, and if they could explain it better to him. He was just a little concerned. He commented don't ever give us verbal orders. They knew that, but he was hearing, "well I assume that will happen", "I assume that will happen with the NCDOT", "we can collaborate with the DOT", speaking about the highways and roads in Hickory. He thought that it would benefit the whole entire Council, the Mayor, and the representatives from Tabernacle as well as the zoning and the developer to make that mandatory that they sit down and discuss this and then if there was an impasse, then it was left in Council's hands to vote their conscience and all of that. But why are they rushing to this? He meant they were talking about 30- days. He knew for a fact, he meant, this developer did not come up with it two- weeks ago, rush it through, and then come over here. This developer wants to come in. They have folks that are already living in their area that they represent. He said to them and submitted to them what was holding them back from saying they have two weeks to sit down with this gentleman and his representatives, these folks and their representatives, and anybody else that wants to, and the developer and make it mandatory that they sit down and let them get something in writing because there

was no, what's to say the developer says forget you and moves forward. He submitted to Council, what was holding them back of doing that? He thanked Council.

Ms. Amanda Stokes, 609 Davis Cove Road, did not know how they could approve 280 plus units to go in there without a traffic study when they knew he can do 140 that was a lot less traffic for them to not take time to table it, and talk with him about it, and see if they could get to some kind of solution and then figure out a way to get 280 units in there. But until they talk to him about the traffic study, she did not know how they could approve 280 potential houses in there with that much traffic without thinking about it and sitting down and talking to him. A couple of weeks to talk to him and it figure out. The 140 he could do without their permission, but 280 he could not do without Council tabling it to get a solution.

Mr. Brian Odham advised he made a phone call to the DOT today and spoke to one of the district engineers concerning one specific road that many of them had been talking about tonight, 13th Street NE. He thought, he may have misunderstood, but he heard tonight that that was a State matter that was a State road. When he called the district engineer, he confirmed to him that it was a City road. He was not saying this to try to point out who was right, who was wrong. But again, the importance of getting confident and clear confirmed answers and communication, it just further shows them the need of tabling this and having a conversation with one another to make these things clear. He thanked Council.

Ms. Karen Harshman addressed Council again. She was not 100 percent clear on it. The developer could develop 140 houses now. He wants to do 280. He was interested in building houses in Hickory, why does he lose collaboration if he could only build 280?

Mayor Guess asked if she was asking a question?

Ms. Harshman commented she was making a statement and asking a question. Does anybody know the answer to that? She meant was there a reason why he would not collaborate with them if he could only build 140?

Mayor Guess explained that they were not prepared to answer the question. They could get her an answer to her question.

Ms. Harshman respectfully submitted and requested that someone make a motion to table the issue until they get some of those answers. She thanked Council.

Mayor Guess asked if anyone else present who would like to speak in opposition.

Mr. David Dean addressed Council again, 2520 17th Street NE. In all of the discussion that he heard from Mr. Overby and the following questions were just an observation he did not hear the word children or safety mentioned and that just concerned him. He thanked Council.

Mr. Van Estes, Falling Creek Subdivision thanked Mayor Guess for responding to his email. If he had to choose between the current zoning and the new zoning without more study, without time to do all the sit downs that everybody was requesting, he would choose the current zoning just because the proposed zoning offered a lot of townhomes, an immense amount of townhomes actually. There were many nationwide corporations, as he was sure they were all aware, that were buying up these townhomes and then renting them out. He was concerned that with all of those townhomes being rented out, and that increases a vast number, maybe not immediately, but potentially maybe some problems with the kind of clientele in populated areas of rentals. Could all of that traffic be funneling down 13th with their kids and all of that? The types of problems that could present from those kinds of situations. If he had to choose a quick decision right now, it would be to stay with what they have.

Ms. Tammy Fox addressed Council again. In July of 2021, the number one type of homes sold in Catawba Valley was a townhome and unless Amanda Stokes knew that there was probably nobody else in this room that knew that but her. She makes it her business to know what sells in this City, in this county. She studied every single day, and she knew the economics of it. They do need owner occupants, and they need entry level homes in this community, in the City. Do they have them now? No. Does she have people who are sitting on a deadline to be out of their home because their landlord is selling their home? Yes, she does. And she could not find them anything they could afford. They need homes and they need entry level. Townhomes are a beautiful solution to

that. She submitted to Council. It was not a terrible idea to have these types of developments. They do need more studies. They do need traffic studies. They need to know what was going on to their roads. As it was said that road was a City street, and he could go in and put in a subdivision very easily. One thing she did not see on the graphic was the neighborhood across the way. They have 10-homes per acre that Oscar Vazquez built in the past year. They were built as single-family dwellings and they looked kind of like a townhouse. They were two-story. He would have anywhere from 10-15 people waiting to buy those as soon as they were ready to go, because they were under \$200,000. She advised she could tell them where their pain was, and it was in getting some of these cottages and some of these townhouses built. It was a need. Safety of their children and their faculty. Her child went to school at Tabernacle. She went to school there. She was a second-generation parent, and she did not know that there was anybody else that had said that, but there were a few others here in the room who were. Safety was important. Citizen safety on those roads was also important. Falling Creek Road was probably never built for the number of cars that go on it daily now. It was a little subdivision in the middle of nowhere back when it was built. They have roads that they want to dump all this traffic onto, and they need to study to see what DOT says about their roads and the City's one street there that was the hot spot of contention tonight. She thanked Council for their consideration.

Mayor Guess asked if there was anyone else who would like to speak in opposition.

Mr. Dan Schatz, 1680 17th Avenue Court NE, Hickory, pointed out that there had been a lot of questions in the last few minutes that had been given. He understood that this was not the setting for questions to be answered. That was totally fine. He asked if Council was prepared to vote on something that they could not yet give them answers for. It was just not the time. He asked them to please consider that. He thanked Council.

Mr. Jackie Hurst, 149 Old Lackey Farm Road, Stoney Point, advised as of a month ago he has 10-grandchildren, and he was very much about his kids and his grandchildren. He understood everybody's safety. Everybody should have safety going down the road or whatever. When he grew up, children were always placed number one when it comes to safety. First thing that you would always take care of no matter what. During this meeting, he had seen a lot of that kind of shift to, there was other places that needs to come through and that was fine, but when you were coming through a place where there was a bunch of children that could dart out in front of the car, chase a ball, anything, not even be watching and dart out, it was just not a good idea. He thought a lot of times people could go the prosperous way. He thought they needed to step back, meet with everybody, talk with everybody, and go forward with a sound mind. Look at all options before they jump and do something that they were locked into or tied into. That was his opinion.

Mayor Guess asked if there was anyone else who would like to speak in opposition.

City Attorney John Crone advised Council would need to consider a motion to allow for additional time.

Mayor Guess moved, seconded by Alderman Williams to allow the continuous of public comment. The motion carried unanimously.

Mr. Bob Campbell, 117 Heathrow Lane, Statesville, advised his kids went to school at Tabernacle now. He might be wrong, but he believed that once the zoning was done, any collaboration after that would be voluntary. Completely if the developers wanted to. It would not be anything that they were made to do. With this vote today, if they vote yes and say they were going to rezone it, they take any power out of the citizens hands and they hand it to that developer. That was where his concern lay. If they were not willing to table it, if they were not willing to say, hey, let's push it off, let's talk now while the citizens have some right to speak about it, that was where he had a concern there.

Ms. Cassandra Schmidt, 443 North Shore Drive, Hickory, advised her children had been going to Tabernacle for many years. She has five children, three of which had graduated and two remain. They just got their driver's license. When she thinks about Tabernacle, she thinks about the quality of the education there and the people that bring their kids there. It was a great group of kids. Their school was growing. They were so excited about the pending sale, and everyone was really looking forward to it. She was excited about the possibility of the new housing as well. However, when she thinks about that road and the

people that would be coming through, they were talking about public access all day long in and out, watching their young children play. It concerned her a great deal for their safety. If it were their grandchildren or their own child, it would concern them as well. It could pose problems for their school. She asked Council to really consider knowing all of their answers before they moved forward on something like that.

Mr. Shawn Shepherd, 485 20th Avenue SE, Hickory, advised he was a schoolteacher now. He retired from the Navy after 23-years. He came back to teach ROTC at Alexander Central High School. Based on his experience, when he lived in Virginia, he bought a house in a new development and the development that was already there was opposed to having the new development come in. There was a connector road that was already there, and the older development actually petitioned the city to have that road blockaded off. It became a dead-end road and did not connect to the new housing development. He asked if that could be a consideration, just to truncate that road. He thanked Council.

Mayor Guess asked if there was anyone else who would like to speak in opposition. He asked if there was anyone present who would like to speak in favor of the rezoning.

PROPONENT

Mr. Nicholas Parker advised he was the President of Amicus Partners, 30 Union Street South, Concord, North Carolina. Amicus Partners was a land planning and civil engineering firm and they had been the lead designer on this project for their clients since day one. He gave a quick presentation to highlight what they felt were the benefits of their community, and then quickly touched on the traffic issue towards the end. Mr. Parker presented a PowerPoint presentation. He cruised through the first couple slides which had already been touched on by Mr. Overby as far as current zoning, adjacent property zoning, and proposed zoning. What he wanted to get into with this project was the innovation that went into this planned development. They took a lot of pride in how they layout their sites. They had done several projects in the Charlotte market that had featured pedestrian friendly, low impact communities, with cottage style architecture that had done tremendously well in the market, and this would be another example of those, and they would be privileged to bring this opportunity to Hickory. Every community they design, they want to be a destination community. They want the municipalities where they design and develop these to say they want another one in another area of town. They want pedestrian connectivity to neighboring developments and neighboring commercial. They want there to be a blend of architectural styling and product. They really put an emphasis on providing as much green space and pocket parks as possible for the residents to enjoy. They want there to be true front porch living and emphasize social connectivity. As Mr. Overby had mentioned this site was almost 36-acres. Of the 36-acres, 40 percent was being preserved as either active or passive open space. He advised he would show them that in another slide. They had originally shown 289 units and they had redesigned the plan was now 279. Even with the 40 percent open space sufficient on-street and off-street parking too for the resident's use. He referred to the PowerPoint and advised it was the plan that was presented to the Planning Board a few weeks ago and this was the plan that Mr. Overby had shown. As part of that Planning Board meeting, they had heard from residents of The Cedars community to the north. Also at that time, they had retained consultants to provide an environmental report at the site. As part of that study, and as part of the discussion with The Cedars community, this was now the alternative site plan. They had increased the perimeter buffer on the north and the east from 20 feet to 40 feet. Initially that was going to be an undisturbed buffer, but after walking the site a little bit better, a lot of the growth was dead and dying. What they were proposing was to remove that undergrowth and instead replace it with a berm and landscaping atop the berm. He had an opportunity to meet with The Cedars community last week and continued to hear their concerns and as a product of that meeting the developer had agreed to also put a fence atop that berm to further provide screening. He pointed out an area that was now a tree save area and preserve natural space. These were all going to be shallow active detention areas for stormwater control. One of the areas that his firm specializes in was innovative stormwater management. They want their stormwater management features to be an active part of the site and not an eyesore. Their village cottages were craftsman style architecture. They want to feature the large front porches. This product fronts a linear park versus a traditional street. They want people to come out into the park to interact and to socialize. The emphasis was on the front of the house instead of the rear of the house. Shallower front setbacks brought it closer to the park space and the buildings set closer to the street. He showed an example of a product that fronts

the linear green space. This was something that would be new to the community and something they had done in the Charlotte market that had been extremely successful. The other product would be townhouses. Their initial plan was all front load townhouses, but in their redesign, just like with their cottages where they front a linear park space, they wanted to afford the townhouse to have the same opportunity. More than half of their townhouses were now rear load that would front that open and preserved space in the environmentally sensitive areas. He showed an example of what the rear load townhouse product would be. He advised the amenities would include a clubhouse, pool, and cabana for the residents of the community. He mentioned one of their areas of expertise was stormwater management. They want their stormwater to be an amenity and not an eyesore. They design active shallow detention spaces that when dry could be used as active space and when rained, they do treat the stormwater. Instead of having an overgrown ugly BMP stuck behind some lots, these were out front open and could really be an amenity.

Mr. Parker touched on the traffic situation. He mentioned in the Planning Board hearing, specific to the traffic on 16th Street, they were just coming into this area and what the DOT's mandate and philosophy was and had always been that they could not decrease the existing level of service. If they decrease the existing level of service, they had to put in roadway improvements. They were going to be required to put in roadway improvements on 16th. That had already been determined by the Department of Transportation and they had dictated what those improvements had to be. That mandate was based on the developer not decreasing the level of service on 16th. When it comes to 13th Street, as he told his client, that connection was not a zoning issue. It was an engineering issue. This rezoning gives them the opportunity to see a conceptual plan come to fruition. This was not a building permit. This did not give them a permit to construct. The City of Hickory and its engineering department and its planning department dictate how, when, and if, they get those permits to construct. If Hickory decides, they have to have meetings with the neighbors and everybody else who uses this 13th Street that was on the City of Hickory. They were more than happy to be a part of those discussions. He thanked Council and asked for any questions.

Mayor Guess asked for any questions.

Alderwoman Patton commented that he was saying if they approved the rezoning, and it opens the door then for that collaboration and they make it part of their motion that they must do it even though he was saying he was more than happy to do it. But if they codify it, then they will sit down with all of the neighbors, the staff, and they have to follow all of the City's planning rules.

Mr. Parker responded absolutely. He thought they had already shown their willingness to meet with concerned neighbors. They met with The Cedars community even though technically they did not have to. They came up and met with them at their community center last week. Yes, they want to do more projects in Hickory. It did not behoove them to go against the wishes of the neighbors and the community. He advised he had two children himself, so he cared about children's safety more than anybody else. As an engineer, it was his responsibility. As an engineer it was not just about designing for efficiency and economics, it was about designing for life safety and that was what they do.

Mayor Guess asked if there was anyone else present who would like to speak in favor. No one else appeared. Mayor Guess asked if anyone would like to rebut.

REBUTTAL

Mr. Scott Hooks, 614 46th Avenue Drive NE, commented as the gentleman from Statesville pointed out, once the rezoning happens then it was voluntary. That was the statement he made, whether that was true or not, he did not know. That goes to the point of the question that he asked when he came back the second time, which was could somebody give him details and explain to him who in the City would oversee this collaboration and ensure that it happens. And then what was collaboration? Because he was told that collaboration does not necessarily mean agreement. It was simply hearing their concerns. As they know, people could hear their concerns and discount them. That was him trying to communicate to Council his sense moving forward. As the gentleman mentioned if this rezoning was passed it was really taken out of their hands as far as what input they could have. He thanked Council.

Ms. Karen Harshman commented the gentleman who was the engineer, since he had done all this in Charlotte, was there not a pattern in Charlotte that they could look at? There had to be some school that was near some kind of development

that they put up like this. Right? Why could they not wait until he brought back to planning or Council or whoever, how they had handled this issue in Charlotte, because they had to have handled it in Charlotte.

Mayor Guess asked if anyone else wished to rebuttal.

Mr. Brian Correll commented he knew they could not answer a question, but he asked them, so he was just going to propose something. If this were a Hickory City School, would they allow a street to be that close to an elementary school? The thoroughfare like that? Would they allow a development to go that close to a Hickory City School? Would that be allowed to be done, a middle school, a high school? Would they allow that kind of a development that close to a City school? That was a valid question.

Mr. Michael Garvett commented they all talked about traffic and the safety of their children. He thought all sides agreed on that. They were going to have children from the Lawson's Creek area, which was right down 16th Street going to school there. The developer had proposed putting a sidewalk in front of their development but there was probably a quarter-mile space there where there were no sidewalks. He thought the City needed to put in sidewalks for the safety of their children before they add more children to the area. He thanked Council.

Mr. Shane Newby thought they were beautiful homes. They had heard that there was collaboration that had already been made with a group of people. He thought that it was prudent that same collaboration was made with the church and the school well in advance of a vote.

Mayor Guess advised that was the rebuttal. He asked if there was any surrebuttal in favor.

Mr. Nicholas Parker advised to answer the question about whether or not they had done this in Charlotte, yes in fact they were working on a project right now where they were developing property adjacent to the school in the City of Concord. In that scenario, the City of Concord was working with them and a specialized transportation engineering firm that they had hired to mitigate impacts to that school, which was an elementary school. As far as collaboration, yes, it was one thing for them to meet with The Cedars community and discuss items such as yes, traffic was a concern, but specifically how their development relates to theirs and putting in buffers, fences, screening, and things of that nature. Coming up with a comprehensive transportation plan that works for the school, the church, the property that they intend to buy in the Town of Hickory was a significant investment and more or less a significant investment that the developer was going to have to pay for. Having the rezoning approved prior to making that investment with the understanding that they still could not start construction until Hickory approves it. That was why they were asking for this approval this evening. They were not shying away from meeting with the community, but their experience they understood the type of investment that goes into coming up with plans like these. This was more than just sketching something out on paper. This was going to take some engineering and they were willing to do that. He thanked Council.

Mayor Guess asked if there was anyone else desired to speak in this surrebuttal in favor. Surrebuttal in opposition? He declared the public hearing closed and entertained discussion or a motion from Council.

Alderwoman Williams commented during their discussion they could address some of the issues. She thought that it had been proposed, and the City Manager had confirmed that they could put into the motion on the table that mandated the City oversee and collaborate and make sure that the concerns of this group were being heard. In all kinds of negotiations, they were going to have two sides with different needs. They were probably looking at compromise more than one absolute resolution to this issue. From what she heard, they could not even move forward for negotiation or sitting at the table without the rezoning approval. She felt by stipulating in the motion they were going to be able to alleviate some of the questions.

City Manager Warren Wood advised the planning department drives the process, but the City Manager was ultimately responsible for approving whatever comes out of this. If somebody was not working in good faith, they were not going to be able to move forward with the project. Imagine expectations, it was an engineering issue as much as anything. They would just have to see what options would come out of that. They would want to collaborate with representatives from Tabernacle and potentially others.

Alderwoman Patton commented the understanding was that if Council passed the rezoning and made it a requirement for the developer to sit down with members of the church, a group from the church, City staff, then that was going to be overseen by the City Manager, so that was done.

City Manager Warren Wood replied right.

Alderwoman Patton commented there was oversight and accountability there and there would be that collaboration.

City Manager Warren Wood commented there was a variety, it was traffic safety, the Fire Department, public services, and sanitation, it was NCDOT, it was planning rules and regulations. It was a variety of people that were involved.

Alderman Zagaroli asked if that could be part of the motion.

Mayor Guess replied of course it could.

Alderwoman Patton mentioned that someone touched on sidewalks. She knew that in the development itself there was lots of sidewalks and connectivity and such, but would it be up to City staff and then DOT road planners to then decide on the type of road improvements that have to be made to ensure.

City Manager Warren Wood believed with the plans for the widening of 29th DOT would fund putting those sidewalks in. They could see if they would do that ahead of time in terms of their schedule. That would be something that was also looked at.

Mayor Guess asked for any further discussion.

Alderman Wood asked for one clarification. There was mention of some confusion regarding who owns what street. He clarified 29th Avenue and 16th Street were DOT and 13th was City of Hickory. There was no confusion on that whatsoever. They were talking about ownership, two different entities owning different roads.

City Manager Warren Wood recalled that way back when that shopping center was approved, 13th was put in intentionally to touch at least that property in the back. They would look at what other options might be.

Mayor Guess asked for any other discussion. He commented he would entertain a motion if there was.

Alderwoman Patton moved, seconded by Alderman Seaver to rezone the property to the PD with the requirement that the developers sit down with the community, church, the City planners, with the oversight of the City Manager, so that all concerns were brought to the table so that they could at least move forward for the developer to have that collaboration. Mayor Guess took the vote: Ayes: Alderman Wood, Alderwoman Williams, Alderman Seaver, Alderman Zagaroli, Alderwoman Patton, and Mayor Guess. Nay: Alderman Williams. The motion passed 6-1.

ORDINANCE NO. 21-29

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 35.58 ACRES OF PROPERTY LOCATED AT 2909 16TH STREET NE FROM MEDIUM DENSITY REIDENTIAL (R-2) TO PLANNED DEVELOPMENT (PD).

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 +/- 35.58 acres of property located at 2909 16th Street NE, more particularly described on Exhibit A attached hereto, to allow a Planned Development (PD) district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on August 25, 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 21-04 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 2909 16TH STREET NE AND DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject property is located at 2909 16th Street NE, and further identified as a portion of PIN 3714-15-62-4958.
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.

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:

The general area under consideration is identified as High and Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan's future land use map. Chapters 3 and 4 of the plan states the discusses the following:

General Land Use Goals (not all-inclusive): Several general land use goals to indicate the type of development meets specific language regarding the land use classifications:

- Support land uses that are complementary to surrounding land-uses.
- Promote pedestrian oriented neighborhood centers.
- Provide a balance between development and open space.

Medium Density:

- These residential areas are associated with each neighborhood mixed-use district and/or higher intensity commercial districts throughout the city.
- The medium density housing will be in the range of 6 to 8 units per acre.
- Conservation design principals should be used to conserve floodplains, wetlands and minimize stormwater run-off.

High Density:

- These areas are in or near mixed-use areas or higher intensity commercial districts.
- The high-density housing will be in the range of 12 to 20 units per acre.
- These areas act as a transition between commercial and lower density residential areas.

General Housing Goals and Concepts (not all-inclusive): The proposed Planned Development accomplishes several general housing goals:

- Provide diverse housing options suited to neighborhood character.
- Promote mixed-use neighborhoods.
- Provide a variety of housing options to meet citizen needs.
- Ensure compatibility between higher and lower density neighborhoods.
- Promote infill development.

Plan Consistency:

The proposed Planned Development concept plan aligns with the previously mentioned plan concept and goals in the following manner:

- The development density proposed is in the middle of density ranges.
- The envisioned land-uses in the development are like those of the surrounding area. Single-family attached (townhomes) has been positioned to share a boundary with the single-family attached to the north.
- The concept utilizes an infill parcel to mitigate utilizing open areas on the periphery of the city.
- The proposal includes two types of housing types. The cottages are a new arrival to the city and provides a product that further diversifies the city's housing options.

Based upon these findings, the Hickory City Council has found Rezoning Petition 21-04 to be reasonable and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

City Manager Warren Wood suggested a five-minute recess.

Mayor Guess moved, seconded by Alderwoman Patton to take a five-minute recess. The motion carried unanimously.

Council recessed at 8:45 p.m.

Council reconvened at 8:53 p.m.

B. Departmental Reports

1. Guidelines for Redistricting – Presentation by City Manager Warren Wood.

City Manager Warren Wood presented a PowerPoint presentation. He mentioned that tomorrow was the State redistricting meeting at the Broyhill Center at 7:00 p.m. That was just a public service announcement for that.

City Manager Warren Wood advised they had the Attorney from Tharrington Smith and the Demographer that would be working on redistricting for Hickory moving forward here. Under the constitution every governmental jurisdiction that had wards or districts had to rebalance their boundaries after every census and that was what they were doing here. This was interesting, they had gotten the numbers on population for the six different wards. He referred to the PowerPoint and pointed out that Ward 6 had seen the most growth, along with Wards 2 and 3, which meant Wards 1, 4 and 5 would need to grow into other areas and would decrease in geographic size. That was the work that was being done with all this. In an ideal world, they would take the City's population divide it by six and that was what each would be. They could have a five percent variance up or down from that. That was what they were seeing so far. The City had engaged Tharrington Smith, this was the third time the City had used them. They do this all across the State of North Carolina, so they were really busy right now. This was the first time that they brought a Demographer, so that was a great addition to make sure the City was leaving every stone unturned with the process. They were going to help them work through this. The tentative schedule right now was they were looking at a filing period in December if they stay on schedule. Tonight, Council would be considering approval of the redistricting criteria which they had seen. September 21st may end up being a workshop before the Council meeting just to give them more time to dig into it. He thought that was what they did last time. To make sure they have ample time to present the proposed plans. There would probably be two different plans that they would present, two options, to City Council. On October 19th, they would have the public hearing. If that went as planned, then November 2nd would be the final adoption of the redistricting plan. By November 17th they would have to submit the map to the Board of Elections. There was not a whole lot of wiggle room for a mistake here. However, if they do not hit that November 17th deadline, they could go into January as far as the filing, so there was a little buffer there. The primary would be March 8th, and the general election April 26th. That was the timetable. He asked for any questions about it?

City Manager Warren Wood advised there were 10 different guidelines. The first five were legal guidelines and this was why the Attorney was so important to keep them legal. It was one person, one vote. No districts should have more than five percent above or below, minority voting strength should not be deluded or over concentrated, although typically what they would do, they try to keep neighborhoods intact, so that was a consideration at a different level. Districts should not split census blocks. Council had seen all of these before. They should be contiguous except for outlying areas. Those were the legal guidelines for redistricting and then there were the general guiding principles that Tharrington Smith recommended that all their clients adopt as part of the process. Compact, natural boundaries, geographic features such as rivers or roads should be followed, keeping current board members in their districts and avoid double bunking. They had always done that, that was nothing new. And then consider areas of potential growth. For example, they had just heard tonight, potentially Ward 2, may continue to grow so they may tweak some of the percentages some to account for what potentially happens in wards that they were going to see some growth. Neighborhoods or communities of interest to remain intact. For example, like the Ridgeview Community, they were not going

to go down South Center Street and put half of it in one ward and half in another. They were not going to do that to any neighborhood to the degree possible. Although, he thought Ward 4 grew into somewhat more of the Kenworth community, but that was just out of necessity to the population. There may be some of that. That was what they would present.

Alderman Seaver commented that he still got complaints.

City Manager Warren Wood commented they got a great representative. They do this independently. They don't sit down with staff. They are going to come forward with their professional recommendations on what they think it should be. He advised that was just a real quick overview. He asked Council to take action to give Tharrington Smith guidance on principles that they should be using when making the recommendations. That would be the motion that they would need.

Alderwoman Patton moved, seconded by Alderman Zagaroli to affirm the legal mandates and guiding principles that will be utilized by the consultants to create a new ward boundary map. The motion carried unanimously.

2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Small Cities Project Area Grace McLaurin Resigned 7-12-2021
 VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 4 (Alderman William Appoints) (Charlette Gore Resigned 8-23-21) VACANT
 At-Large (Outside City but within HRP) (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
 Differently Abled (Council Appoints) Beth Whicker
 (Not Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Licensed Architect (Council Appoints) Ernie Sills
 (Not Eligible for Reappointment)
 At-Large (2)(Council Appoints) Mary Moorer
 (Eligible for Reappointment/Does Not Wish to Serve Again)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 6 (Patton Appoints) Gail Miller
 (Eligible for Reappointment/Does Not Wish to Serve Again)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 4 (D. Williams Appoints) VACANT
 At-Large (Mayor Appoints) Beth Bowman
 (Not Eligible for Reappointment)

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:

Fred T. Foard VACANT
 Homeschool VACANT

September 7, 2021

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

Alderwoman Patton mentioned the Untouchables presentation on Saturday was a really good presentation representing Ridgeview and the collaboration with the Arts Council and all the groups that came together to put that together, CVCC, and the City. It was wonderful.

Mayor Guess commented that it was well attended and long overdue.

Alderman Zagaroli mentioned that Saturday there would be the 9-11 ceremony at the SALT Block.

Mayor Guess interjected at the auto lawn.

Alderman Zagaroli commented that anyone that wanted to see some European roadsters at the auto lawn, food trucks, and dancing women, to please come Saturday.

Mayor Guess added to pay tribute to those who lost their lives on September 11th.

Alderman Zagaroli thought the fire department was going to do a major thing, and police. The event was scheduled for 10:00 a.m.

Alderman Seaver mentioned that on September 18th was the annual Kid Fest celebration. It was usually held at Kiwanis Park, but this year it was going to be a Taft Broome Park on the campus of Ridgeview School from 3:00 - 6:00 p.m. sponsored by the City of Hickory, Kiwanis Club, Lowe's Foods, Salvation Army, and many others.

Alderman Wood asked for thoughts and prayers for Louisiana and all the other places that were hit by this latest storm. He encouraged anyone that could give blood, to give blood. That was a good to support it and there was a lot of reputable charities out there that they could give money to help those people that were in desperate need right now.

Alderman Seaver added that there was going to be a Sails event right after that on Davis Field, right before you go through the arch with the mural of the Untouchables, starting at 6:30 p.m. with Mac Arnold and the Blues. He mentioned that he plays some good blues. He was in Hickory last year, or the year before. A very good show. He reiterated that it stated at 6:30 p.m. right after Kid Fest.

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

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

1. Approval of Closed Session Minutes of August 3, 2021 - NCGS §143-318.11(a)(1)
2. Discussion of Pending Opioid Litigation – NCGS §143-318.11(a)(3)

Council convened to closed session at approximately 9:04 p.m.

Council reconvened to open session at approximately 9:10 p.m.

Mayor Guess moved, seconded by Alderwoman Patton approval of a Resolution by the City of Hickory approving the Memorandum of Agreement between the State of North Carolina and Local Governments on proceeds relating to the settlement of Opioid Litigation. The motion carried unanimously.

RESOLUTION NO. 21-37

A RESOLUTION BY THE CITY OF HICKORY
APPROVING THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE STATE OF
NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE
SETTLEMENT OF OPIOID LITIGATION

WHEREAS, as of 2019, the opioid epidemic had taken the lives of more than 16,500 North Carolinians, torn families apart, and ravaged communities from the mountains to the coast; and

WHEREAS, the COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total "economic burden" of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, the City of Hickory has experienced an increase in prescription opioid use, addictions, overdoses, and deaths, as well as an increase in non-prescription (*i.e.*, heroin, fentanyl, and other opioids) which has led to increased Narcan and related medical supply expenditures and required hours of City staff time to develop and implement a narcotic diversion program with partner agencies; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuit against opioid manufacturers and pharmaceutical distribution companies and hold those companies accountable for their misconduct; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of any proceeds from a settlement of national opioid litigation to the State of North Carolina and to individual local governments; and

WHEREAS, Local Governments and the State of North Carolina anticipate a settlement in the national opioid litigation to be forthcoming; and

WHEREAS, by signing onto the MOA, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, once a negotiation is finalized, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including the City of Hickory and its citizens, to sign onto the MOA and demonstrate solidarity in response to the opioid epidemic, and to maximize the share of opioid settlement funds received both in the state and local governments to help abate the harm; and

WHEREAS, the MOA directs substantial resources over multiple years to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in an effective way to address the crisis.

NOW, THEREFORE BE IT RESOLVED, the City of Hickory hereby approves the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, and any subsequent settlement funds that may come into North Carolina as a result of the opioid crisis. Furthermore, the City of Hickory authorizes the City Manager (or City Attorney) take such measures as necessary to comply with the terms of the MOA and receive any settlement funds, including executing any documents related to the allocation of opioid settlement funds and settlement of lawsuits related to this matter. Be it further resolved copies of this resolution and the signed MOA be sent to opioiddocs@ncdoj.gov .

XV. There being no further business, the meeting adjourned at 9:10 p.m.

Mayor

City Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Arnita M. Dula

Contact Person: Arnita M. Dula

Date: 8-30-21

Re: Public Hearing on Proposed Amendments to Section 18-1 and the addition of Section 18-59 to Chapter 18 Motor Vehicles and Traffic of the Hickory City Code

REQUEST

Staff requests Council to call for a public hearing on September 21, 2021 to consider amendments to the Chapter 18 of the Hickory Code of Ordinances.

BACKGROUND

As part of the 2014 citizen supported \$40 million bond referendum, the City is engaged in constructing the Hickory Trail, a 10-mile multi-use path made up of the City Walk, Historic Ridgeview Walk, OLLE Art Walk, Riverwalk and Aviation Walk. The Hickory Trail will provide pedestrians, bicyclists and other vehicle operators safety while connecting popular amenities and destinations.

ANALYSIS

Section 18-1 of Chapter 18 currently defines "sidewalk," but it does not define "multi-use trail" which is to be distinguished from a traditional sidewalk. Other chapter sections also address the use of bicycles, skateboards, and other similar vehicles on traditional city sidewalks, but these sections do not address such use on the Hickory Trail, which is a multi-use pathway. The proposed amendment to Section 18-1 will define "multi-use trail." Currently, Section 18-59 is reserved for future use. Placing 18-59 into operation is proposed to address the types of vehicles that will be permitted on the multi-use trail system.

RECOMMENDATION

Staff requests Council to call for a public hearing on September 21, 2021 to consider amendments to Chapter 18 of the Hickory Code of Ordinances.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

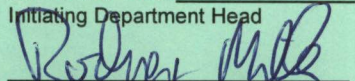
Reviewed by:

Arnita M. Dula
Initiating Department Head

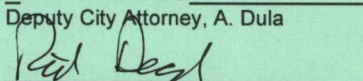
8-30-21
Date

Arnita M. Dula
Deputy City Attorney, A. Dula

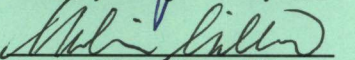
8-30-21
Date


Asst. City Manager Rodney Miller

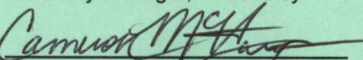
9/13/21
Date


Asst. City Manager, R. Beasley

9/17/21
Date

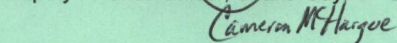

Finance Officer, Melissa Miller

9/16/21
Date

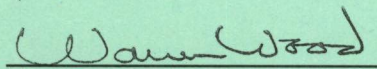

Deputy Finance Officer, Shana Guy

9-16-21
Date

Date


Cameron McHargue

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


City Manager, W. Wood

09-17-21
Date

ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING SECTION, 18-1 DEFINITIONS AND ADDING SECTION 18-59 OPERATION OF VEHICLES ON MULTI-USE TRAILS IN CHAPTER 18 MOTOR VEHICLES AND TRAFFIC OF THE HICKORY CODE OF ORDINANCES

WHEREAS, as part of the 2014 citizen supported \$40 million bond referendum, the City is engaged in constructing the Hickory Trail, a 10-mile multi-use path made up of the City Walk, Historic Ridgeview Walk, OLLE Art Walk, Riverwalk and Aviation Walk; and

WHEREAS, the Hickory Trail will provide pedestrians, bicyclists and other vehicle operators safety while connecting popular amenities and destinations; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, THAT SECTION 18-1 and 18-59 OF CHAPTER 18 OF THE HICKORY CITY CODE BE AMENDED AS FOLLOWS:

Section 1: Amended.

a. Sec 18-1. - Definitions

This following definition is added to this section:

Multi-use Trail means any city-maintained pathway, at least 10 feet in width, designated for the shared use of pedestrians, bicycles, and non-motorized vehicles.

The following current definition is amended by adding the underlined language:

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacently property lines, generally ranging in width from 48 inches to 60 inches, intended for the use of pedestrians.

b. Sec.18-59. which was reserved for future use shall be amended as follows:

Sec.18-59. - Operation of vehicles on multi-use trails.

- (a) It shall be unlawful for any person to ride or otherwise operate any motor vehicle upon any multi-use trail maintained by the city or to which public access has been granted in any manner by any private property owner, with the exception of an electric vehicle that serves as an aid for mobility or is auxiliary to a wheelchair.

- (b) The operator of any permissible, non-motorized vehicles shall not exceed the speed of 10 miles per hour upon any multi-use trail.
- (c) Any pedestrian or vehicular operator must follow all posted rules and regulations.
- (d) Violation of this section may subject the offender to a civil penalty in the amount of not more than \$50.00, unless some other amount shall be specifically delineated, to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after he has been cited for violation of the ordinance.
- (e) This section shall not include the operation of motor vehicles engaged in property maintenance, emergency services, or other services authorized by the city.

Section 2: Severability.

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

Section 3: Repealed.

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

Section 4: Effective Date.

This Ordinance shall become effective immediately upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this the _____ day of _____, 2021.

THE CITY OF HICKORY
A North Carolina Municipal Corporation

(SEAL)

ATTEST:

By: _____
Hank Guess, Mayor

Debbie Miller, City Clerk

Approved as to form this 15th day of September, 2021.

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

2

COUNCIL AGENDA MEMOS

Exhibit VIII.B.

To: City Manager's Office

From: *Claudia Main, HR Director*

Contact Person: *Claudia Main*

Date: 31 August 2021

Re: City of Hickory United Way Campaign 2021

REQUEST

The United Way Campaign Committee is requesting five days of vacation time to be used as prizes for participation in our annual United Way Campaign, which will be held in September 2021. The vacation day prize(s) will be drawn at the end of the campaign.

BACKGROUND

Each year the City of Hickory conducts a United Way campaign, providing an opportunity for coworkers to support United Way and its member organizations. To encourage participation, we'd like to offer participants a chance to win some vacation time. Based on the level of participation, coworkers would be eligible to enter a drawing to win one of three vacation time prizes of two (1) one day and one (3 day) prize.

ANALYSIS

The City is a strong supporter of United Way since they play an important and critical role in our community. We use our campaign to educate our workforce about the various programs and services United Way provides and also to provide an easy way to make a donation. The opportunity to win some vacation time will provide an incentive for participation and contribute to the success of our campaign.

RECOMMENDATION

Approve 5 (five) days of vacation time to be used as prizes for the 2021 United Way Campaign.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

xx

LIST THE EXPENDITURE CODE:

Reviewed by:

Claudia Main
Initiating Department Head
Date 31 Aug 2021

A. Dula
Deputy City Attorney, A. Dula
Date 9-15-21

Rodney Miller
Asst. City Manager Rodney Miller
Date 9/13/21

R. Beasley
Asst. City Manager, R. Beasley
Date 9/14/21

Melissa Miller
Finance Officer, Melissa Miller
Date 9/16/21

Shana Guy
Deputy Finance Officer, Shana Guy
Date 9-16-21

Date

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

W. Wood
City Manager, W. Wood

09-17-21
Date

To: City Manager's Office
From: Sarah Greene, Library Director
Contact Person: Sarah Greene
Date: September 2, 2021
Re: Discarded Library Materials

REQUEST

To surplus 6,082 discarded library items so that these materials may be given to the Friends of the Library. Books will be sold at the Friends "Corner Book Store" at Patrick Beaver Memorial Library and/or at special book sales.

BACKGROUND

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

ANALYSIS

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

RECOMMENDATION

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

BUDGET ANALYSIS:

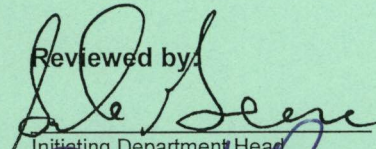
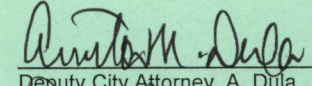
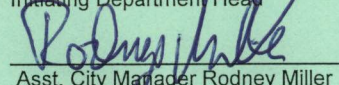
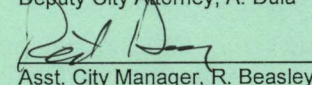
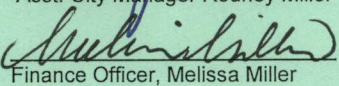
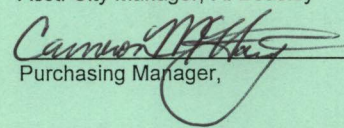
Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:			
	9/2/21		9-15-21
Initiating Department Head	Date	Deputy City Attorney, A. Dula	Date
	9/13/21		9/19/21
Asst. City Manager Rodney Miller	Date	Asst. City Manager, R. Beasley	Date
	9/16/21		9-16-21
Finance Officer, Melissa Miller	Date	Purchasing Manager,	Date
_____	_____		
	Date		

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

City Manager, W. Wood

Date

RESOLUTION NO. 21-

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

WHEREAS, the Hickory Public Library declares a list of 6,082 discarded library materials which are out of date, in poor condition, or no longer needed to meet the collection development goals of the library; and

WHEREAS, the Library wishes to dispose of said property to The Friends of the Library. Books will be sold at the Friends "Corner Book Store" at Patrick Beaver Memorial Library and/or at special book sales.

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

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

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

SECTION 2. This Resolution shall become effective upon adoption.

Adopted this the 21st day of September, 2021.


City of Hickory

By: _____
Hank Guess, Mayor

ATTEST:

Debbie D. Miller, City Clerk

Approved as to form this 15th day of September, 2021.


Deputy City Attorney for the City of Hickory

COUNCIL AGENDA MEMOS**To: City Manager's Office****From: Steve Miller, Public Works Director****Contact Person: Caroline M. Kone, PE – Transportation & Engineering Manager****Date: Sept. 7, 2021****Re: Neighborhood Traffic Calming Program;
Speed limit Reduction to 25mph; 3rd Ave SE from NC Hwy 127 to S. Center St, 2nd
St SE from 3rd Ave SE to 2nd Ave SE, and 1st St SE from 3rd Ave SE to 2nd Ave SE****REQUEST**

Staff request Council acceptance and approval to implement a speed limit reduction to 25mph along 3rd Ave SE between NC Hwy 127 and S. Center St, along 2nd St SE between 3rd Ave SE and 2nd Ave SE, and along 1st St SE between 3rd Ave SE and 2nd Ave SE.

BACKGROUND

City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward.

ANALYSIS

Traffic Division staff received the completed petition from property owners along 3rd Ave SE between NC Hwy 127 and S. Center St, along 2nd St SE between 3rd Ave SE and 2nd Ave SE, and along 1st St SE between 3rd Ave SE and 2nd Ave SE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for a speed limit reduction to 25mph. Twenty-Four (24) properties were included in the petition and eighteen (18) properties signed in favor of implementation. This represents at least 75% approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations.

RECOMMENDATION

Staff recommends Council acceptance and approval to implement a speed limit reduction to 25mph along 3rd Ave SE between NC Hwy 127 and S. Center St, along 2nd St SE between 3rd Ave SE and 2nd Ave SE, and along 1st St SE between 3rd Ave SE and 2nd Ave SE.

ORDINANCE NO. ____ - ____

AN ORDINANCE OF THE HICKORY CITY COUNCIL
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

WHEREAS, Article III of the City of Hickory Code of Ordinances be and is hereby amended through the modification of the official maps authorized therein as follows, to wit:

Amend the Traffic Ordinance by reducing the speed limit along 3rd Ave SE from NC Hwy 127 to S. Center St, 2nd St SE from 3rd Ave SE to 2nd Ave SE, and 1st St SE from 3rd Ave SE to 2nd Ave SE to 25 mph.

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

This Ordinance shall become effective immediately upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this _____ day of _____, 20__.

CITY OF HICKORY,
A North Carolina Municipal Corporation

(SEAL)

Hank Guess, Mayor

Attest:

Debbie D. Miller, City Clerk

Approved as to form this 15th day of September, 2021.

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

ORDINANCE NO. ____ - ____
HICKORY CITY COUNCIL
PAGE 1 OF 2



Traffic Calming Petition 399
Speed Limit Reduction to 25 MPH along 3rd Ave SE,
1st St SE, and 2nd St SE



COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Dave Leonetti, Business Services and Redevelopment Manager
Contact Person: Dave Leonetti, Business Services and Redevelopment Manager
Date: September 9, 2021
Re: US 321 Right of Way Agreement

REQUEST

Staff requests that City Council approve a right way settlement with NC DOT for property located at the intersection of Clement Blvd NW and US 321 NW.

BACKGROUND

As part of the US 321 widening project, the NC DOT is purchasing right of way and utility easements on several city properties. This agreement is the first property to get to the settlement stage. The property is located at the intersection of US 321 and Clement Blvd just north of the Pizza Hut. The parcel is further identified as PIN 279312756227. A portion of the property will be taken for intersection improvements related to the US 321 widening project. Further agreements will come to City Council for approval when the appraisals are completed.

ANALYSIS

The portion of the parcel being purchased was appraised for \$6,300. The parcel previously housed landscaping and a "Welcome to Hickory" sign that was removed several years ago. The property is currently unbuildable, and the remnant will remain unbuildable. The lot can continue to be used as a location for gateway landscaping.

RECOMMENDATION

Staff recommends that the approve the right of way agreement with NC DOT in the amount of \$6,300.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Dave Leonetti
Initiating Department Head

9-9-21
Date

Auntie M. Dula
Deputy City Attorney, A. Dula

9-15-21
Date

Robyn White
Asst. City Manager, R. Miller

9/13/21
Date

Paul Jean
Asst. City Manager, R. Beasley

8/14/21
Date

Melissa Miller
Finance Officer, Melissa Miller

9/16/21
Date

Cameron [Signature]

9-16-21
Date

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

Warren Wood
City Manager-Warren Wood

09-17-21
Date

Revenue Stamps \$ 13.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Noel MacArthur CHECKED BY *Darrin K. Riddle* Darrin K. Riddle

The hereinafter described property Does Does not include the primary residence of the Grantor

RETURN TO: Noel MacArthur, Division R/W Agent, NCDOT
840 Wallace Grove Drive
Shelby, NC 28150

NORTH CAROLINA	TIP/PARCEL NUMBER: <u>U-4700A 081</u>
COUNTY OF <u>Catawba</u>	WBS ELEMENT: <u>35993.2.GV6</u>
TAX PARCEL <u>279312756227</u>	ROUTE: <u>US 321 From US 70 to South of US 321A (New Farm Road)</u>

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20 _____
by and between City of Hickory, A Municipal Corporation
PO Box 398
Hickory, NC 28603-0398

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 6,300.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE (together with any provisions relating to abutter's rights of access which may be hereinafter stated), that certain property located in Hickory Township, Catawba County, North Carolina, which is particularly described as follows:

Point of beginning being N 75°42'19.9" W, 122.715 feet from -L- Sta 122+00 thence to a point on a bearing of S 86°40'17.1" W 136.516 feet thence along a curve 60.073 feet and having a radius of 4910.000 feet. The chord of said curve being on a bearing of S 87°1'18.9" W, a distance of 60.073 feet thence to a point on a bearing of S 1°16'57.4" E 14.780 feet thence along a curve 38.178 feet and having a radius of 5050.000 feet. The chord of said curve being on a bearing of N 87°8'51.6" E, a distance of 38.178 feet thence to a point on a bearing of S 86°47'5.9" E 55.202 feet thence to a point on a bearing of S 0°53'33.8" E 15.000 feet thence along a curve 90.567 feet and having a radius of 1430.000 feet. The chord of said curve being on a bearing of S 89°4'42.1" E, a distance of 90.552 feet thence to a point on a bearing of S 37°21'40.6" E 26.764 feet thence to a point on a bearing of S 84°18'57.6" E 19.735 feet thence along a curve 70.874 feet and having a radius of 2735.000 feet. The chord of said curve being on a bearing of N 19°45'12.0" W, a distance of 70.872 feet returning to the point and place of beginning.

COUNTY: Catawba WBS ELEMENT: 35993.2.GV6 TIP/PARCEL NO.: U-4700A 081

IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Permanent Utility Easement described as follows:

Point of beginning being S 75°26'13.9" W, 131.850 feet from -L- Sta 122+00 thence to a point on a bearing of S 84°18'57.6" E 13.077 feet thence to a point on a bearing of N 37°21'40.6" W 26.764 feet thence to a point on a bearing of S 9°10'49.9" E 20.237 feet returning to the point and place of beginning.

Said Permanent Utility easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described Permanent Utility Easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above described project. The underlying fee owner shall have the right to continue to use the Permanent Utility Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

Temporary Construction Easement described as follows:

Point of beginning being N 89°11'8.3" W, 314.894 feet from -L- Sta 122+00 thence to a point on a bearing of S 1°16'57.4" E 9.984 feet thence to a point on a bearing of N 87°10'39.4" E 38.489 feet thence to a point on a bearing of N 3°4'8.1" W 10.000 feet thence along a curve 38.178 feet and having a radius of 5050.000 feet. The chord of said curve being on a bearing of S 87°8'51.6" W, a distance of 38.178 feet returning to the point and place of beginning.

This construction easement(s) shall expire upon completion and acceptance of the aforementioned project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

The undersigned property owners request that the Department enter upon our lands outside the right of way to the extent necessary for the reconnection of our driveway and we will have no further claim as a result of said reconnection.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Catawba County Registry in Deed Book 1770 Page 535.

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 35993.2.GV6 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 35993.2.GV6, Catawba County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

COUNTY: Catawba WBS ELEMENT: 35993.2.GV6 TIP/PARCEL NO.: U-4700A 081

IT IS UNDERSTOOD AND AGREED between the parties hereto that this conveyance is made for the purpose of constructing and establishing upon the right of way hereby conveyed a road or highway designated as State Highway Project 35993.2.GV6, Catawba County, which road or highway is a controlled access facility as defined by law and the GRANTORS shall have no right of access to said road or highway, except such access as may be provided by way of local service or frontage roads and streets or specific access points as shown and designated as such on the right of way plans for said State Highway Project on file in the office of the DEPARTMENT in Raleigh, North Carolina and to be recorded in the Register of Deeds Office of Catawba County pursuant to NCGS 136-19.4.

The access as provided is more particularly described as follows:

By means of a local traffic road which is designated as SR 1371 Clement Boulevard NW said access point being located right of and between Survey Station 16+90, Survey Line Y13A and the grantor's western property line.

As to such local service or frontage roads and streets or specific points of access, the GRANTORS reserve unto themselves, their heirs, successors, executors and assigns for the benefit of their remaining property abutters' rights of access thereto as at common law; subject, however, to the right of the DEPARTMENT to reasonably regulate said abutters' rights of access in order to protect and safeguard the traveling public.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: Restrictive covenants and easements of record, government regulations, and the lien of property taxes for the current year.

COUNTY: Catawba WBS ELEMENT: 35993.2.GV6 TIP/PARCEL NO.: U-4700A 081


IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

City of Hickory, A Municipal Corporation

BY: Warren Wood
~~(President)~~
City Manager

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

 <p>Notary Public Deisy Zavala Vazquez</p>	<p>North Carolina, <u>Catawba</u> County</p> <p>I, <u>Deisy Zavala Vazquez</u>, a Notary Public for <u>Burke</u> County, North Carolina, do hereby certify that <u>Warren Wood</u> personally came before me this day and acknowledged that he/she is president of <u>City of Hickory</u>, a municipal corporation, and that he/she, as president, being authorized to do so, executed the foregoing on behalf of the corporation.</p> <p>Witness my hand and official seal this the <u>17</u> day of <u>September</u>, 20 <u>21</u>.</p> <p><u>Deisy Zavala Vazquez</u> Notary Public</p> <p>My commission expires: <u>04-01-23</u></p>
	<p>Burke County, North Carolina</p>

VENDOR REGISTRATION FORM
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Pursuant to Internal Revenue Service (IRS) Regulations, vendors must furnish their Taxpayer Identification Number (TIN) to the State. If this number is not provided, you may be subject to a 20% withholding on each payment. To avoid this 20% withholding and to insure that accurate tax information is reported to the Internal Revenue Service and the State, please use this form to provide the requested information exactly as it appears on file with the IRS.

NAME ON FORM SHOULD BE THE LEGAL ENTITY OR INDIVIDUAL NAME DOING BUSINESS WITH NCDOT:
INDIVIDUAL AND SOLE PROPRIETOR - ENTER NAME AS SHOWN ON SOCIAL SECURITY CARD
CORPORATION OR PARTNERSHIP - ENTER YOUR LEGAL BUSINESS NAME

NAME: City of Hickory, A Municipal Corporation

(NAME OF COMPANY OR INDIVIDUAL REGISTERED TO THE PROVIDED TAX ID)

PHYSICAL ADDRESS: STREET/PO BOX: PO Box 398

CITY, STATE, ZIP: Hickory, NC 28603-0398

DBA / TRADE NAME (IF APPLICABLE):

BUSINESS DESIGNATION: INDIVIDUAL (use Social Security No.) SOLE PROPRIETOR (use SS No. or Fed ID No.)
 CORPORATION (use Federal ID No.) PARTNERSHIP (use Federal ID No.)
 ESTATE/TRUST (use Federal ID no.) STATE OR LOCAL GOVT. (use Federal ID No.)
 OTHER / SPECIFY _____

SOCIAL SECURITY NO. _____ (Social Security #)

OR

FED.EMPLOYER IDENTIFICATION NO. 56 - 60 0 0 1 2 4 4 (Employer Identification #)

COMPLETE THIS SECTION WITH CHECK MAILING ADDRESS AS IT APPEARS ON INVOICES:

REMIT TO ADDRESS: STREET / PO BOX: PO Box 398
CITY, STATE, ZIP: Hickory, NC 28603

Participation in this section is voluntary. You are not required to complete this section to become a registered vendor. The information below will in no way affect the vendor registration process and its sole purpose is to collect statistical data on those vendors doing business with NCDOT. If you choose to participate, circle the answer that best fits your firm's group definition.

What is your firm's ethnicity? (Prefer Not To Answer, African American, Native American, Caucasian American, Asian American, Hispanic American, Asian-Indian American, Other: _____)

What is your firm's gender? (Prefer Not to Answer, Male, Female) Disabled-Owned Business? (Prefer Not to Answer, Yes, No)

IRS Certification

Under penalties of perjury, I certify that:

- 1. The number shown on this form is my correct taxpayer identification and
- 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the IRS that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- 3. I am a U.S. person (including a U.S. resident alien).

The IRS does not require your consent to any provision of this document other than the certifications required to avoid backup withholding. For complete certification instructions please see IRS FORM W-9 at <http://www.irs.gov/pub/irs-pdf/fw9.pdf>.

Warren Wood
NAME (Print or Type)

Signature
SIGNATURE (Typed, fonted and scripted Signatures are not acceptable. DocuSigned signatures are accepted)

City Manager
TITLE (Print or Type)

09-17-21 DATE 828-323-7412 PHONE NUMBER

WWood@hickorync.gov
EMAIL

To avoid payment delays, completed forms should be returned promptly to:

NC Department of Transportation
Fiscal /Commercial Accounts
1514 Mail Service Center
Raleigh, North Carolina 27699-1514
ap@ncdot.gov FAX (919) 733-9247

THIS DATA IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THE PROPERTY DESCRIBED HEREIN HAS BEEN LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY DESIGN PURPOSES. SOME ERRORS MAY EXIST BETWEEN THIS DATA AND THE ACTUAL GROUND LOCATION OF PROPERTY LINES. THIS DATA IS TO BE USED AS A GENERAL REPRESENTATION OF THE NCDOT'S INTENT TO ACQUIRE PROPERTY FOR RIGHT OF WAY PURPOSES, AND IN NO WAY REPRESENTS AN ACTUAL BOUNDARY SURVEY OF THIS PROPERTY.

TIP:

Parcel_081_01282020

Parcel

Point of beginning being N 75°42'19.9" W, 122.715 feet from -L- Sta 122+00 thence to a point on a bearing of S 86°40'17.1" W 136.516 feet thence along a curve 60.073 feet and having a radius of 4910.000 feet. The chord of said curve being on a bearing of S 87°1'18.9" W, a distance of 60.073 feet thence to a point on a bearing of S 1°16'57.4" E 33.818 feet thence to a point on a bearing of S 84°18'57.6" E 220.557 feet thence along a curve 70.874 feet and having a radius of 2735.000 feet. The chord of said curve being on a bearing of N 19°45'12.0" W, a distance of 70.872 feet returning to the point and place of beginning. Having an area of 10362.248 Sqr feet being 0.238 acres.

ROW Left

Point of beginning being N 75°42'19.9" W, 122.715 feet from -L- Sta 122+00 thence to a point on a bearing of S 86°40'17.1" W 136.516 feet thence along a curve 60.073 feet and having a radius of 4910.000 feet. The chord of said curve being on a bearing of S 87°1'18.9" W, a distance of 60.073 feet thence to a point on a bearing of S 1°16'57.4" E 14.780 feet thence along a curve 38.178 feet and having a radius of 5050.000 feet. The chord of said curve being on a bearing of N 87°8'51.6" E, a distance of 38.178 feet thence to a point on a bearing of S 86°47'5.9" E 55.202 feet thence to a point on a bearing of S 0°53'33.8" E 15.000 feet thence along a curve 90.567 feet and having a radius of 1430.000 feet. The chord of said curve being on a bearing of S 89°4'42.1" E, a distance of 90.552 feet thence to a point on a bearing of S 37°21'40.6" E 26.764 feet thence to a point on a bearing of S 84°18'57.6" E 19.735 feet thence along a curve 70.874 feet and having a radius of 2735.000 feet. The chord of said curve being on a bearing of N 19°45'12.0" W, a distance of 70.872 feet returning to the point and place of beginning. Having an area of 6462.953 Sqr feet being 0.148 acres.

TCE Left

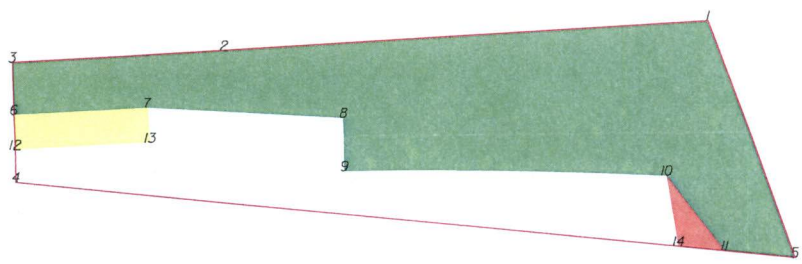
Point of beginning being N 89°11'8.3" W, 314.894 feet from -L- Sta 122+00 thence to a point on a bearing of S 1°16'57.4" E 9.984 feet thence to a point on a bearing of N 87°10'39.4" E 38.489 feet thence

to a point on a bearing of N 3°4'8.1" W 10.000 feet thence along a curve 38.178 feet and having a radius of 5050.000 feet. The chord of said curve being on a bearing of S 87°8'51.6" W, a distance of 38.178 feet returning to the point and place of beginning. Having an area of 382.028 Sqr feet being 0.009 acres.

PUE Left

Point of beginning being S 75°26'13.9" W, 131.850 feet from -L- Sta 122+00 thence to a point on a bearing of S 84°18'57.6" E 13.077 feet thence to a point on a bearing of N 37°21'40.6" W 26.764 feet thence to a point on a bearing of S 9°10'49.9" E 20.237 feet returning to the point and place of beginning. Having an area of 127.888 Sqr feet being 0.003 acres.

Parcel has a remaining Area of 3899.295 feet being 0.090 acres after all takings have been subtracted.



-L- Sta 122+00

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY DESIGN PURPOSES. SOME ERROR MAY EXIST BETWEEN THE GRAPHICAL AND ACTUAL GROUND LOCATIONS OF PROPERTY LINES. THIS MAP IS TO BE USED AS A GRAPHICAL REPRESENTATION OF THE NCDOT'S INTENT TO ACQUIRE PROPERTY FOR RIGHT OF WAY PURPOSES, AND IN NO WAY REPRESENTS AN ACTUAL BOUNDARY SURVEY OF THIS PROPERTY.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF HICKORY	01-28-2020
PARCEL * 081	S:\CADD\4700A\DDRAFT\4700A_D
DB 1770 PG 535	UNKNOWN SCALE

ROW Left	SQR FT	ACRES	SQR M	HECTARES
	6462.953	0.148	600.430	0.060
FROM - TO	DISTANCE (FT/M)		BEARING	
-L- Sta 122+00 - 1	122.715	37.404	N 75°42'19.9" W	
1 - 2	136.516	41.610	S 86°40'17.1" W	
2 - 3	60.073	18.310	S 87°1'18.9" W	4910.000 1496.571 60.073 18.310
3 - 6	14.780	4.505	S 116°57.4" E	
6 - 7	38.178	11.637	N 87°8'51.6" E	5050.000 1539.243 38.178 11.637
7 - 8	55.202	16.826	S 86°47'5.9" E	
8 - 9	15.000	4.572	S 0°53'33.8" E	
9 - 10	90.552	27.600	S 89°44'21" E	1430.000 435.865 90.567 27.605
10 - 11	26.764	8.158	S 37°21'40.6" E	
11 - 5	19.735	6.015	S 84°18'57.6" E	
5 - 1	70.872	21.602	N 19°45'12.0" W	2735.000 833.630 70.874 21.602

TCE Left	SQR FT	ACRES	SQR M	HECTARES
	382.028	0.009	35.492	0.004
FROM - TO	DISTANCE (FT/M)		BEARING	
-L- Sta 122+00 - 6	314.894	95.980	N 89°11'8.3" W	
6 - 12	9.984	3.043	S 116°57.4" E	
12 - 13	38.489	11.731	N 87°10'39.4" E	
13 - 7	10.000	3.048	N 3°4'8.1" W	
7 - 6	38.178	11.637	S 87°8'51.6" W	5050.000 1539.243 38.178 11.637

PUE Left	SQR FT	ACRES	SQR M	HECTARES
	127.888	0.003	11.881	0.001
FROM - TO	DISTANCE (FT/M)		BEARING	
-L- Sta 122+00 - 14	131.850	40.188	S 75°26'13.9" W	
14 - 11	13.077	3.986	S 84°18'57.6" E	
11 - 10	26.764	8.158	N 37°21'40.6" W	
10 - 14	20.237	6.168	S 91°49.9" E	

TYPE	COUNT	SQR FEET	ACRES
Parcel	1	10362.248	0.238
ROW Left	1	6462.953	0.148
TCE Left	1	382.028	0.009
PUE Left	1	127.888	0.003
ROW Right	0	0.000	0.000
PDE Left	0	0.000	0.000
PDE Right	0	0.000	0.000
TDE Left	0	0.000	0.000
TDE Right	0	0.000	0.000
TCE Right	0	0.000	0.000
PUE Right	0	0.000	0.000
TSE Left	0	0.000	0.000
TSE Right	0	0.000	0.000
DUE Left	0	0.000	0.000
DUE Right	0	0.000	0.000
DTE Left	0	0.000	0.000
DTE Right	0	0.000	0.000
AUE Left	0	0.000	0.000
AUE Right	0	0.000	0.000
PCE Left	0	0.000	0.000
PCE Right	0	0.000	0.000
TUE Left	0	0.000	0.000
TUE Right	0	0.000	0.000
REM Left	0	0.000	0.000
REM Right	0	0.000	0.000
Other Left	0	0.000	0.000
Other Right	0	0.000	0.000
PE Left	0	0.000	0.000
PE Right	0	0.000	0.000

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NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF HICKORY	01-28-2020
PARCEL * 081	S:\CADD\U4700A\DDRAFT\U4700A.D
DB 1770 PG 535	UNKNOWN SCALE

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Karen Dickerson, Community Development Manager
Contact Person: Karen Dickerson, Community Development Manager
Date: September 8, 2021
Re: Approve CDBG Funding Agreement Habitat for Humanity of the Catawba Valley, Inc.

REQUEST

Approve attached agreement between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc. for FY 2021-2022 funding through the City's Community Development Block Grant Program (CDBG).

BACKGROUND

In February 2021, the City of Hickory Office of Business Development received applications from local nonprofit organizations for funding under the CDBG Program. In the 2021 application, Habitat for Humanity requested funding to support the reconstruction of a home. On April 1st the Citizen's Advisory Committee reviewed and recommended funding for these applications as part of the City's Annual Action Plan. The Annual Action Plan was approved following a public hearing on May 4, 2021.

The CDBG funding agreement describes the requirements for the City and Habitat for Humanity of the Catawba Valley to ensure that all applicable federal regulations are met. Funds will be used to support the reconstruction of one single family owner occupied home for households earning less than eighty percent (80%) of the area median income.

ANALYSIS

Habitat for Humanity of the Catawba Valley has been approved for funding in the amount of \$45,000.00 through the City of Hickory's Community Development Block Grant program to support the reconstruction of one single family owner-occupied home for a household earning less than eighty percent (80%) of area median income. The funding is part of the Housing Rehabilitation allocation of the City's CDBG Annual Action Plan. The approval of the attached Agreement will allow them to continue to provide much needed housing services to benefit low to moderate income households during the 2020-2021 program year.

RECOMMENDATION

Staff recommends approval of the attached CDBG funding agreement in the amount of \$45,000 between the City of Hickory, North Carolina and Habitat for Humanity of the Catawba Valley, Inc.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

059-1535-558.38-75

Reviewed by:

Dave Leonetti ^{DGL}

Initiating Department Head

9-8-2021

Date

Alicia M. Dula

Deputy City Attorney, A. Dula

9-15-21

Date

Rodney Miller

Asst. City Manager, R. Miller

9/13/21

Date

Rick Beasley

Asst. City Rick Beasley

9/15/21

Date

Melissa Miller

Finance Officer, Melissa Miller

9/16/21

Date

Cameron McHargue

Purchasing Manager, Cameron McHargue

9-16-21

Date

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

W. Wood

City Manager, W. Wood

09-17-21

Date

SUBRECIPIENT AGREEMENT

**AGREEMENT BETWEEN THE CITY OF HICKORY
AND
HABITAT FOR HUMANITY OF CATAWBA VALLEY
FOR**

THE CITY OF HICKORY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

THIS AGREEMENT, entered this ____ day of _____, 20__ by and between the City of Hickory (DUNS number: 071062483) (herein called the “Grantee”) and the Habitat for Humanity of Catawba Valley (DUNS number: 002066996) (herein called the “Subrecipient”).

WHEREAS, the Grantee has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended (HCD Act), Public Law 93-383; and

WHEREAS, the Grantee has received \$329,318 under the Community Development Block Grant Program (CDFA number 14.218) through the United States Department of Housing and Urban Development; and

WHEREAS, The Federal Award Identification Number of the award is B-21-MC-37-0013; and

WHEREAS, the City of Hickory’s program year runs from July 1, 2021 to June 30, 2022; and

WHEREAS, the Grantee wishes to engage the Subrecipient to assist the Grantee in utilizing such funds, and such funds will not be used for research and development;

NOW, THEREFORE, it is agreed between the parties hereto that;

I. SCOPE OF SERVICE

A. Activities

The Subrecipient will be responsible for administering a Project Year 2021-2022 reconstruction of owner occupied single family residence in a manner satisfactory to the Grantee and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the Community Development Block Grant program:

Program Delivery

Activity #1

Subrecipient shall do, carry out, and perform all the necessary services provided under this Agreement in connection with and respecting the reconstruction of an owner occupied single family residence for households earning less than eighty percent (80%) of the area median income. Funds disbursed shall be in the form of a loan to the subrecipient.

Scope of Service	To provide a loan to Habitat for Humanity of Catawba Valley to reconstruct an owner occupied single family residence for households earning less than eighty percent of area median income.
Description of services	Total reconstruction of a home on a lot where a home was recently demolished. This will include but is not limited to foundation and footers, framing, roofing, exterior and interior elements, HVAC units, gutters, plumbing and electric repairs. etc, to complete a home ready for habitation by a family at or below 80% of area median income.
Quantity of Service	Reconstruct one house in a 15-month period.
Frequency of Service	Approximately 1 household will be served this year
Cost of Service	1 household served in 12 months with a loan of \$45,000

B. National Objectives

All activities funded with CDBG funds must meet one of the CDBG program’s National Objectives:

benefit low- and moderate-income persons;

aid in the prevention or elimination of slums or blight;

or meet community development needs having a particular urgency, as defined in 24 CFR 570.208.

The Subrecipient certifies that the activity (ies) carried out under this Agreement will meet the Low and Moderate Income Housing Benefit. The program will meet this objecting through the provision of case management services to homeless families.

C. Levels of Accomplishment – Goals and Performance Measures

The Subrecipient agrees to provide the following levels of program services:

<u>Activity</u>	<u>Total Units/Year</u>
Activity #1	1 household assisted with CDBG Funding during the program year.

D. Staffing

Any changes in the Key Personnel assigned or their general responsibilities under this project are subject to the prior approval of the Grantee.

E. Performance Monitoring

The Grantee will monitor the performance of the Subrecipient against goals and performance standards as stated above. Substandard performance as determined by the Grantee will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the Grantee, contract suspension or termination procedures will be initiated.

II. TIME OF PERFORMANCE

Services of the Subrecipient shall start on the 1st day of September 2021 and end on the 30th day of June 2022. The term of this Agreement and the provisions herein shall be extended to cover any additional time period during which the Subrecipient remains in control of CDBG funds or other CDBG assets, including program income.

III. BUDGET

<u>Line Item</u>	<u>Amount:</u>
Salaries	\$ _____
Fringe	0
Office Space (Program only)	0
Utilities	0
Communications	0
Reproduction/Printing	0
Supplies and Materials	0
Mileage	0
Audit	0
Other (LOAN)	45,000
Indirect Costs (Specify)	0
 TOTAL	 \$ 45,000

Any indirect costs charged must be consistent with the conditions of Paragraph VIII (C)(2) of this Agreement. In addition, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee. Any amendments to the budget must be approved in writing by both the Grantee and the Subrecipient.

IV. LOAN STRUCTURE

- a. It is expressly agreed and understood that the total amount to be paid by the Grantee under this Agreement shall not exceed \$45,000. This amount represents the total federal funds obligated by this action. The total amount of federal funds obligated by the grantee to the

subrecipient at the time of this loan agreement is \$45,000. Drawdowns for the payment of eligible expenses shall be made against the line item budgets specified in Paragraph III herein and in accordance with performance. Payment of this loan will be as follows: 50% (\$22,500) after full contract execution (including promissory note and deed of trust for a specific location). The remaining 50% (\$22,500) after footers and foundations have been poured and have passed inspection. Expenses for general administration shall also be paid against the line item budgets specified in Paragraph III and in accordance with performance. Payments may be contingent upon certification of the Subrecipient's financial management system in accordance with the standards specified in 2 CFR part 200.

- b. Repayment of the loan of \$45,000 will be made to the Grantee at the time the subrecipient sells the newly reconstructed home. In order to ensure consistent record keeping a deed of trust and a promissory note will be signed by the Grantee and the Subrecipient. The balance of the loan will immediately come due and payable to the grantee if the subrecipient fails to meet the nine month completion date of December 31, 2022 unless an extension is agreed upon by both parties.

V. NOTICES

Notices required by this Agreement shall be in writing and delivered via mail (postage prepaid), commercial courier, or personal delivery or sent by facsimile or other electronic means. Any notice delivered or sent as aforesaid shall be effective on the date of delivery or sending. All notices and other written communications under this Agreement shall be addressed to the individuals in the capacities indicated below, unless otherwise modified by subsequent written notice.

Communication and details concerning this contract shall be directed to the following contract representatives:

Grantee
 Karen Dickerson, CD Manager
 City of Hickory
 PO Box 398
 Hickory, NC 28603
 Phone: (828) 323-7414
 Email: kdickerson@hickorync.gov

Subrecipient
 Mitzi Gellman, Executive Director
 Habitat for Humanity of Catawba Valley
 PO Box 9475
 Hickory, NC 28603
 (828) 612-9104
 Email: mitzi@habitatcatawbavalley.org

VI. SPECIAL CONDITIONS

The Subrecipient certifies that it has received copies of 2 CFR part 200 "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards" and *Playing by the Rules: A Handbook for CDBG Subrecipients on Administrative Systems* in either print or electronic form.

VII. GENERAL CONDITIONS

- A. General Compliance

The Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart K of these regulations, except that (1) the Subrecipient does not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) the Subrecipient does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. The Subrecipient also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract. The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. "Independent Contractor"

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, as the Subrecipient is an independent contractor.

C. Hold Harmless and Liability Insurance

The Subrecipient shall hold harmless, defend and indemnify the Grantee from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the Subrecipient's performance or nonperformance of the services or subject matter called for in this Agreement. Subrecipient shall carry general commercial liability insurance coverage of at least \$1,000,000 per occurrence and \$2,000,000 general aggregate. The Grantee shall be named as an additional insured on the policy. The Subrecipient shall provide the Grantee with a copy of its Certificate of Insurance listing the Grantee as an additional insured.

D. Workers' Compensation

The Subrecipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

E. Insurance & Bonding

The Subrecipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Grantee.

The Subrecipient shall comply with the bonding and insurance requirements of 2 CFR part 200, Bonding and Insurance.

F. Grantee Recognition

The Subrecipient shall insure recognition of the role of the Grantee in providing services through this Agreement. All activities, facilities and items utilized pursuant to this Agreement shall be prominently labeled as to funding source. In addition, the Subrecipient will include a reference to

the support provided herein in all publications made possible with funds made available under this Agreement.

G. Amendments

The Grantee or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each organization, and approved by the Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release the Grantee or Subrecipient from its obligations under this Agreement.

The Grantee may, in its discretion, amend this Agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both Grantee and Subrecipient.

H. Suspension or Termination

In accordance with 2 CFR part 200, the Grantee may suspend or terminate this Agreement if the Subrecipient materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:

1. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;
2. Failure, for any reason, of the Subrecipient to fulfill in a timely and proper manner its obligations under this Agreement;
3. Ineffective or improper use of funds provided under this Agreement; or
4. Submission by the Subrecipient to the Grantee reports that are incorrect or incomplete in any material respect.

In accordance with 2 CFR part 200, this Agreement may also be terminated for convenience by either the Grantee or the Subrecipient, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Grantee determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the Grantee may terminate the award in its entirety.

The sub-recipient nor any contractor for the sub-recipient shall not be included on the government-wide exclusions in the System for Award Management (SAM), in accordance with OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."

VIII. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. Accounting Standards

The Subrecipient agrees to comply with 2 CFR part 200 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

The Subrecipient shall administer its program in conformance with OMB Circulars A-122, "Cost Principles for Non-Profit Organizations," or A-21, "Cost Principles for Educational Institutions," and 2 CFR part 200 as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record Keeping

1. Records to be Maintained

The Subrecipient shall maintain all records required by the Federal regulations specified in 24 CFR 570.506 that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;
- c. Records required to determine the eligibility of activities;
- d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
- e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
- f. Financial records as required by 24 CFR 570.502, and 24 CFR 84.21-28; and
- g. Other records necessary to document compliance with Subpart K of 24 CFR Part 570.

2. Retention

The Subrecipient shall retain all financial records, supporting documents, statistical records, and all other records pertinent to the Agreement for a period of four (4) years. The retention period begins on the date of the submission of the Grantee's annual performance and evaluation report to HUD in which the activities assisted under the Agreement are reported on for the final time. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the four-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the four-year period, whichever occurs later.

3. Client Data

The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such

information shall be made available to Grantee monitors or their designees for review upon request.

4. Disclosure

The Subrecipient understands that client information collected under this contract is private to the extent permitted by state and federal law. The use or disclosure of such information, shall be according to applicable state and federal laws.

5. Close-outs

The Subrecipient's obligation to the Grantee shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the Grantee), and determining the custodianship of records. Notwithstanding the foregoing, the terms of this Agreement shall remain in effect during any period that the Subrecipient has control over CDBG funds, including program income.

6. Audits & Inspections

All Subrecipient records with respect to any matters covered by this Agreement shall be made available to the Grantee, grantor agency, and the Comptroller General of the United States or any of their authorized representatives, at any time during normal business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 30 days after receipt by the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments. The Subrecipient hereby agrees to have an annual agency audit conducted in accordance with current Grantee policy concerning subrecipient audits and OMB Circular A-133.

C. Reporting and Payment Procedures

1. Program Income

The Subrecipient shall report quarterly all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with CDBG funds made available under this contract. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balances on hand. All unexpended program income shall be returned to the Grantee at the end of the contract period. Any interest earned on cash advances from the U.S. Treasury and from funds held in a revolving fund account is not program income and shall be remitted promptly to the Grantee.

2. Indirect Costs

If indirect costs are charged, the Subrecipient will develop an indirect cost allocation plan for determining the appropriate Subrecipient's share of administrative costs and shall submit such plan to the Grantee for approval, in a form specified by the Grantee.

3. Payment Procedures

The Grantee will pay to the Subrecipient funds available under this Agreement based upon information submitted by the Subrecipient and consistent with any approved budget and Grantee policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed actual cash requirements. Payments will be adjusted by the Grantee in accordance with advance fund and program income balances available in Subrecipient accounts. In addition, the Grantee reserves the right to liquidate funds available under this contract for costs incurred by the Grantee on behalf of the Subrecipient.

4. Progress Reports

The Subrecipient shall submit regular Progress Reports to the Grantee in the form, content, and frequency as required by the Grantee.

D. Procurement

1. Compliance

The Subrecipient shall comply with current Grantee policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the Grantee upon termination of this Agreement.

2. OMB Standards

Unless specified otherwise within this agreement, the Subrecipient shall procure all materials, property, or services in accordance with the requirements of 2 CFR part 200. Subrecipient will provide Grantee with an updated Procurement Policy to ensure proper procedures and documentation.

3. Travel

The Subrecipient shall obtain written approval from the Grantee for any travel outside the metropolitan area with funds provided under this Agreement.

E. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement shall be in compliance with the requirements of 2 CFR part 200 and 24 CFR 570.502, 570.503, and 570.504, as applicable, which include but are not limited to the following:

1. The Subrecipient shall transfer to the Grantee any CDBG funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.
2. Real property under the Subrecipient's control that was acquired or improved, in whole or in part, with funds under this Agreement in excess of \$25,000 shall be used to meet one of the CDBG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement [or such longer period of time as the Grantee deems appropriate]. If the Subrecipient fails to use CDBG-assisted real property in a manner that meets a CDBG National Objective for the prescribed period of time, the Subrecipient shall pay the Grantee an amount equal to the current fair market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such payment shall constitute program income to the Grantee. The Subrecipient may retain real property acquired or improved under this Agreement after the expiration of the five-year period [or such longer period of time as the Grantee deems appropriate].
3. In all cases in which equipment acquired, in whole or in part, with funds under this Agreement is sold, the proceeds shall be program income (prorated to reflect the extent to that funds received under this Agreement were used to acquire the equipment). Equipment not needed by the Subrecipient for activities under this Agreement shall be (a) transferred to the Grantee for the CDBG program or (b) retained after compensating the Grantee [an amount equal to the current fair market value of the equipment less the percentage of non-CDBG funds used to acquire the equipment].

IX. RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT

The Subrecipient agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Anti-displacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in 24 CFR 570.606(d) governing optional relocation policies. [The Grantee may preempt the optional policies.] The Subrecipient shall provide relocation assistance to displaced persons as defined by 24 CFR 570.606(b)(2) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-assisted project. The Subrecipient also agrees to comply with applicable Grantee ordinances, resolutions and policies concerning the displacement of persons from their residences.

X. PERSONNEL & PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

The Subrecipient agrees to comply with [fill in local and state civil rights ordinances here] and with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the

Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.

2. Nondiscrimination

The Subrecipient agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders referenced in 24 CFR 570.607, as revised by Executive Order 13279. The applicable non-discrimination provisions in Section 109 of the HCDA are still applicable.

3. Land Covenants

This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and 24 CFR 570.601 and 570.602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, the Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

The Subrecipient agrees to comply with all Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination against the individuals with disabilities or handicaps in any Federally assisted program. The Grantee shall provide the Subrecipient with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement.

B. Affirmative Action

1. Approved Plan

The Subrecipient agrees that it shall be committed to carry out pursuant to the Grantee's specifications an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1966. The Grantee shall provide Affirmative Action guidelines to the Subrecipient to assist in the formulation of such program. The Subrecipient shall submit a plan for an Affirmative Action Program for approval prior to the award of funds.

2. Women- and Minority-Owned Businesses (W/MBE)

The Subrecipient will use its best efforts to afford small businesses, minority business enterprises, and women's business enterprises the maximum practicable opportunity to

participate in the performance of this contract. As used in this contract, the terms “small business” means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and “minority and women’s business enterprise” means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, “minority group members” are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians. The Subrecipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. Access to Records

The Subrecipient shall furnish and cause each of its own subrecipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

4. Notifications

The Subrecipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker’s representative of the Subrecipient’s commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. Equal Employment Opportunity and Affirmative Action (EEO/AA) Statement

The Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

6. Subcontract Provisions

The Subrecipient will include the provisions of Paragraphs X.A, Civil Rights, and B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; inherently religious activities; lobbying; political patronage; and nepotism activities.

2. Labor Standards

The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) and all other applicable Federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Subrecipient agrees to comply with the Copeland Anti-Kick Back Act (18 U.S.C. 874 *et seq.*) and its implementing regulations of the U.S. Department of Labor at 29 CFR Part 5. The Subrecipient shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Grantee for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of \$2,000.00 for construction, renovation or repair work financed in whole or in part with assistance provided under this contract, shall comply with Federal requirements adopted by the Grantee pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided that, if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

3. “Section 3” Clause

a. Compliance

Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the Federal financial assistance provided under this contract and binding upon the Grantee, the Subrecipient and any of the Subrecipient’s subrecipients and subcontractors. Failure to fulfill these requirements shall subject the Grantee, the Subrecipient and any of the Subrecipient’s subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which Federal assistance is provided. The Subrecipient certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements.

The Subrecipient further agrees to comply with these “Section 3” requirements and to include the following language in all subcontracts executed under this Agreement:

“The work to be performed under this Agreement is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701). Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of

the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located.”

The Subrecipient further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

The Subrecipient certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

b. Notifications

The Subrecipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker’s representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

c. Subcontracts

The Subrecipient will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. The Subrecipient will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations. A contractor for the sub-recipient shall not be included on the government-wide exclusions in the System for Award Management (SAM), in accordance with OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.”

D. Conduct

1. Assignability

The Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of the Grantee thereto; provided, however, that claims for money due or to become due to the Subrecipient from the Grantee under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.

2. Subcontracts

a. Approvals

The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the Grantee prior to the execution of such agreement.

b. Monitoring

The Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

The Subrecipient shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

The Subrecipient shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis in accordance with applicable procurement requirements. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

3. Hatch Act

The Subrecipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V of the U.S.C.

4. Conflict of Interest

The Subrecipient agrees to abide by the provisions of 2 CFR part 200 and 570.611, which include (but are not limited to) the following:

- a. The Subrecipient shall maintain a written code or standards of conduct that shall govern the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds.
- b. No employee, officer or agent of the Subrecipient shall participate in the selection, or in the award, or administration of, a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.
- c. No covered persons who exercise or have exercised any functions or responsibilities with respect to CDBG-assisted activities, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest in any contract, or have a financial interest in any contract, subcontract, or agreement with respect to the CDBG-assisted activity, or with respect to the proceeds from the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for a period of one (1) year thereafter. For purposes of this paragraph, a "covered person" includes any person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee, the Subrecipient, or any designated public agency.

5. Lobbying

The Subrecipient hereby certifies that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- c. It will require that the language of paragraph (d) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly:

CDBG Subrecipient Agreement
City of Hickory and Habitat for Humanity of Catawba Valley

d. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

6. Copyright

If this contract results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for governmental purposes.

7. Religious Activities

The Subrecipient agrees that funds provided under this Agreement will not be utilized for inherently religious activities prohibited by 24 CFR 570.200(j), such as worship, religious instruction, or proselytization.

XI. ENVIRONMENTAL CONDITIONSA. Air and Water

The Subrecipient agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

- Clean Air Act, 42 U.S.C. , 7401, *et seq.*;
- Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder;
- Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.
- Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservacation Act (42 U.S.C 6201)

B. Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001), the Subrecipient shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint

The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, Subpart B. Such regulations pertain to all CDBG-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken. The regulations further require that, depending on the amount of Federal funds applied to a property, paint testing, risk assessment, treatment and/or abatement may be conducted.

D. Historic Preservation

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this agreement.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a Federal, state, or local historic property list.

E. PROCUREMENT OF RECOVERED MATERIALS

“(1) In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired—

- (i) Competitively within a timeframe providing for compliance with the contract performance schedule;
- (ii) Meeting contract performance requirements; or
- (iii) At a reasonable price.

(2) Information about this requirement, along with the list of EPA-designate items, is available at EPA’s Comprehensive Procurement Guidelines web site, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.”

XII. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

XIII. SECTION HEADINGS AND SUBHEADINGS

The section headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Agreement.

XIV. WAIVER

The Grantee's failure to act with respect to a breach by the Subrecipient does not waive its right to act with respect to subsequent or similar breaches. The failure of the Grantee to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

XV. ENTIRE AGREEMENT

This agreement constitutes the entire agreement between the Grantee and the Subrecipient for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the Grantee and the Subrecipient with respect to this Agreement.

Date: 9/1/2021

IN WITNESS WHEREOF, the Parties have executed this contract as of the date first written above.

CITY OF HICKORY, NORTH CAROLINA

Hank Guess, Mayor

ATTEST:


Debbie D. Miller; City Clerk

Habitat for Humanity of Catawba Valley



President

ATTEST:



Secretary

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



City of Hickory, Finance Director

This instrument has been approved as to form.



City Attorney, City of Hickory

E-VERIFY ADDENDUM

GRANTEE

Grantee hereby acknowledges that "E-Verify" is the federal E-Verify program operated by the US Department of Homeland Security and other federal agencies which is used to verify the work authorization of newly hired employees pursuant to federal law and in accordance with Article 2, Chapter 64 of the North Carolina General Statutes. Grantee further acknowledges that all employers, as defined by Article 2, Chapter 64 of the North Carolina General Statutes, must use E-Verify and after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS §64-26(a). Grantee hereby pledges, attests and warrants through execution of this Agreement that Contractor complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and further pledges, attests and warrants that any subcontractors currently employed by or subsequently hired by Grantee shall comply with any and all E-Verify requirements. Failure to comply with the above requirements shall be considered a breach of this Agreement.

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Shawn Pennell, Public Utilities Director
Contact Person: Shawn Pennell, Public Utilities Director
Date: September 21, 2021
Re: Riverwalk Bond Project – NCDOT EB-5939 Change Order #1/Supplemental Agreement #1

REQUEST

Staff requests Council approval of change order #1 with W.C. English, Incorporated, for the Riverwalk NCDOT EB-5939 Project in the amount of \$58,750.00.

BACKGROUND

The City of Hickory Bond Commission and City Council approved a group of projects that were voted on by the citizens of Hickory to complete with a \$40 Million Bond Referendum. These projects are intended to identify Hickory as a prospering and vibrant City to enjoy, do business in and hopefully move to. The Riverwalk Bond Project is one of the core projects of the Bond Referendum and the third to move forward in construction. The Riverwalk will offer on-land connections to existing and future amenities, including the Lake Hickory Trails, paved greenway and Boy Scout Cabin at Rotary-Geitner Park, future Deidra Lackey Memorial Park, and the future pedestrian bridge across Lake Hickory.

The Riverwalk NCDOT Portion project will contain an entrance from Old Lenoir Road, parking and access to the trail system. Included this project will be an elevated walkway over Lake Hickory that interacts with existing City of Hickory amenities. Lighting on the bridge, retaining walls and all necessary drainage piping are also included in this project.

ANALYSIS

This project was advertised to bid on September 6, 2020 and bids were received on October 8, 2020. WC English was the lowest responsible bidder and awarded the bid in October 2020.

Change order #1 includes a Supplemental Agreement and constitutes full compensation to change the mast arms from Weathered Steel to Carbon steel and to galvanize the carbon steel and apply a color coating over the galvanization that is meant to match the other weathered steel on the bridge. This change also incorporates necessary protection to avoid a galvanic rust cell developing at the connection points between galvanized carbon steel and weather steel. The reason for the change is the lack of availability of weather steel in the shape of the mast arms. Weathered steel is not typically used in the shape of mast arms and not currently available for this project.

RECOMMENDATION

Staff recommends Council approval of change order #1 with W.C. English, Incorporated, for the Riverwalk NCDOT EB-5939 Project in the amount of \$58,750.00.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Project# B1R002

061-7503-577.23-02

Reviewed by:

ms
Shawn Pennell 9.9.2021
 Initiating Department Head Date
Rodney Miller 9/13/21
 Asst. City Manager, Rodney Miller Date
Melissa Miller 9/16/21
 Finance Officer, Melissa Miller Date

 Date

A. Dula 9-15-21
 Deputy City Attorney, A. Dula Date
Rick Beasley 9/14/21
 Asst. City Manager, Rick Beasley Date
Camryn H. Hays 9-16-21
 Purchasing Manager, Date

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

Warren Wood
 City Manager, Warren Wood
09-17-21
 Date

Form 880-LG
Rev. 2-16-10



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION SUPPLEMENTAL AGREEMENT or FORCE ACCOUNT DOCUMENTATION

SUPPLEMENTAL AGREEMENT NO: 1 FORCE ACCOUNT DOCUMENTATION NO: _____
 PROJECT NO: TIP RB-5939 FEDERAL AID NO: STBGDA – 1143 (016)
 COUNTY: Burke CONTRACT NO: N/A
 CONTRACTOR: English Construction, Inc.

1. Description, location, and justification for change:

This Supplemental Agreement is constitutes full compensation to change the mast arms from Weathered Steel to Carbon steel and to galvanize the carbon steel and apply a color coating over the galvanization that is meant to match the other weathered steel on the bridge. This change also incorporates necessary protection to avoid a galvanic rust cell developing at the connection points between galvanized carbon steel and weather steel. This supplemental agreement does not negate the need for any shop drawing submittals and approvals that would otherwise be needed and must comply with the plans and specifications outside of the material change. The reason for the change is the lack of availability of weather steel in the shape of the mask arms. Weathered steel is not typically used in the shape of mast arms.

2. Estimation of quantities of work resulting from change and the basis of payment:

Line Code No.	Description	Unit	Negotiated or Contract Price	Field Change		Original Plan	
				Quantity	Amount	Quantity	Amount
57	SA #1 Mast Arms Material Change	LS	\$58,750.00	1	\$58,750.00		

Total Field Change Amount: \$58,750.00 Total Original Plan Amount: _____
 Supplemental Agreement Net Underrun: _____ Supplemental Agreement Net Overrun: _____

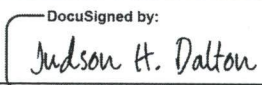
3. Extension of contract time (if applicable):
0 Days

Continued on back

**BASIS OF AGREEMENT BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CONTRACTOR**

1. The Contractor agrees to perform the work described in this Supplemental Agreement in consideration of the payment set out herein.
2. The terms and conditions of said contract are hereby ratified and remain in full force and effect except as modified by such Supplemental Agreement(s) as may heretofore have been entered into between the Department and the Contractor and as modified by this Supplemental Agreement.
3. All terms and conditions of this Supplemental Agreement are herein set out and there are no agreements relating thereto not expressed herein.
4. This Supplemental Agreement shall not constitute a release or waiver of any lawful claims that the Contractor has or may have against the Department under said contract pursuant to G.S. 136-29 except for the matters specifically covered herein.

In witness whereof, the Department and the Contractor have caused this Supplemental Agreement to be executed by their duly authorized representatives.

APPROVAL RECOMMENDED: BY: _____ <small>LOCAL GOVERNMENT AGENCY OFFICIAL</small> DATE: _____	CONTRACTOR: <small>DocuSigned by:</small>  <small>35 AUTHORIZED REPRESENTATIVE</small> 8/30/2021 BY: _____ DATE: _____
APPROVAL RECOMMENDED: BY: _____ <small>NCDOT ENGINEER</small> DATE: _____	APPROVAL GRANTED: BY: _____ <small>NCDOT ENGINEER</small> DATE: _____

FORCE ACCOUNT DOCUMENTATION

Documentation of the authorized Force Account work shall be completed for all state and federally-funded projects.

APPROVAL GRANTED: BY: _____ <small>RESIDENT ENGINEER</small> DATE: _____	APPROVAL GRANTED: BY: _____ <small>DIVISION ENGINEER</small> DATE: _____
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FOR CONSTRUCTION AND MATERIALS BRANCH USE ONLY


Approval of the Federal Highway Administration is is not requested.

APPROVED with the understanding that Federal participation in this work, the cost of which cannot be met from Federal aid funds provided for under the now effective project agreement, will be contingent upon additional Federal aid funds being made available for the project by a modified project agreement, to be executed prior to or at the final voucher stage.

APPROVED: FEDERAL HIGHWAY ADMINISTRATION BY: _____ DATE: _____	REVIEWED: CONSTRUCTION UNIT BY: _____ DATE: _____
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COMMENTS


SUPPLEMENTAL AGREEMENT PRICING FORM

Project Number TIP RB-5939 WBS 48181.3.1		Date
Turn-around time needed to avoid project delays Day(s)		03/10/2021
Potential impacts to project schedule should be discussed when prices are requested		
Brief description of Supplemental Agreement: Mod Materials and Coating on Structural Steel		
If work is subcontracted, describe portion of work performed by Prime		
Describe special conditions that affect pricing (Risk)		
Materials*		
Cost		\$ 58,750.00
Transportation Costs		\$
Anticipated fabrication and/or delivery time		
*Provide description of material(s) and source(s)		
Labor*		
Labor cost		\$ N/A
Labor Burden (Percent mark-up to labor cost)		\$
*Provide certified annual labor burden		
*Attach quantity, duration, labor classification and wage rates of anticipated work force.		
Equipment*		
Cost		\$ N/A
*Attach quantity, type, production rates and duration of associated equipment. Identify rented equipment separately.		
*Describe any equipment that is idled during operations or associated with crew and idled by operation.		
Subtotal of costs associated with work		\$
Subcontract		
Subcontract Administration Cost (percent mark-up on cost subtotal)		\$ N/A
Overhead		
Overhead Cost (percent mark-up on cost subtotal)		\$ 0.00
Profit		
Profit Cost (percent mark-up on cost subtotal)		\$ 0.00
Total Supplemental Agreement Price		\$ 58,750.00
Time Extension*		Days
*Provide justification for any proposed time extension		
The costs detailed herein, although an estimate of the proposed work, are based upon the most accurate available information and/or historical costs of similar operations.		
		Date 03/10/2021

Assemble separately for each operation within the Supplemental Agreement

SUPPLEMENTAL AGREEMENT PRICING FORM

Assemble separately for each operation within the Supplemental Agreement

Project Number		Date
Turn-around time needed to avoid project delays Day(s) Potential impacts to project schedule should be discussed when prices are requested		3/10/2021
Brief description of Supplemental Agreement		
Modification of Materials/ Coatings on Mast Assemblies		
If work is subcontracted, describe portion of work performed by Prime		
Describe special conditions that affect pricing (Risk)		
Delay in release may lead to increase materials cost (resolved)		
Materials*		
Cost	\$	49,022.88
Transportation Costs	\$	-
Anticipated fabrication and/or delivery time		
*Provide description of material(s) and source(s) - \$121,965.92 + \$81,125.43 + \$89,863.36		
Weathering Deduct Carbon Mat'l Add ColorGalv Add		
Labor*		
Labor cost	\$	765.26
Labor Burden (Percent mark-up to labor cost)	\$	-
*Provide certified annual labor burden		
*Attach quantity, duration, labor classification and wage rates of anticipated work force. 10.2 Hrs. @\$75/ Hr.		
Addition of Vent Holes		
Equipment*		
Cost	\$	-
*Attach quantity, type, production rates and duration of associated equipment. Identify rented equipment separately.		
*Describe any equipment that is idled during operations or associated with crew and idled by operation.		
Subtotal of costs associated with work		\$ 49,788.14
Subcontract		
Subcontract Administration Cost (percent mark-up on cost subtotal)	\$	-
Overhead		
Overhead Cost (percent mark-up on cost subtotal)	\$	-
Profit		
Profit Cost (percent mark-up on cost subtotal)	\$	8,961.86
Total Supplemental Agreement Price		\$ 58,750.00
Time Extension*		Days
*Provide justification for any proposed time extension		
The costs detailed herein, although an estimate of the proposed work, are based upon the most accurate available information and/or historical costs of similar operations.		
		Date 3/10/2021

Zachary M. Foster
 Estimating Manager
 Newport Industrial Fabrication

Material	Weathering Steel			Base Design	C
	Base Design	ColorGalv Design	Difference		
HSS12.750x0.500	\$ 11,927.84	\$ -	\$ (11,927.84)	\$ -	
HSS14x0.625	\$ 27,129.70	\$ -	\$ (27,129.70)	\$ -	
HSS16x0.625	\$ 21,889.56	\$ -	\$ (21,889.56)	\$ -	
MC18x58	\$ 7,043.52	\$ 7,043.52	\$ -	\$ -	
W10x30	\$ 13,851.75	\$ 13,851.75	\$ -	\$ -	
W18x130	\$ 130,962.00	\$ 122,231.20	\$ (8,730.80)	\$ -	
W18x86	\$ 14,439.40	\$ 3,609.85	\$ (10,829.55)	\$ -	
W4x13	\$ 35,796.28	\$ 35,796.28	\$ -	\$ -	
WT10.5x28.5	\$ 7,656.24	\$ 6,699.21	\$ (957.03)	\$ -	
PL1	\$ 4,734.17	\$ 946.83	\$ (3,787.34)	\$ -	
PL1 1/2	\$ 7,101.26	\$ 1,420.25	\$ (5,681.01)	\$ -	
PL1 1/8	\$ 7,989.79	\$ 5,326.52	\$ (2,663.26)	\$ -	
PL1 3/4	\$ 16,569.60	\$ 8,284.80	\$ (8,284.80)	\$ -	
PL1/2	\$ 4,245.73	\$ 2,367.09	\$ (1,878.64)	\$ -	
PL1/4	\$ 1,775.31	\$ -	\$ (1,775.31)	\$ -	
PL2	\$ 9,468.35	\$ 9,468.35	\$ -	\$ -	
PL3/4	\$ 3,550.63	\$ 3,550.63	\$ -	\$ -	
PL3/8	\$ 1,775.89	\$ 1,775.89	\$ -	\$ -	
PL5/16	\$ 1,479.14	\$ 1,479.14	\$ -	\$ -	
PL7/8	\$ 16,567.29	\$ 12,425.46	\$ (4,141.82)	\$ -	
CVN	\$ 10,000.00	\$ 5,000.00	\$ (5,000.00)	\$ -	
Freight	\$ 27,000.00	\$ 20,000.00	\$ (7,000.00)	\$ -	
Total			\$ (121,676.66)		

Carbon Steel Added			Color Galvanizing	
<i>ColorGalv Design</i>	<i>Difference</i>		<i>Base Design</i>	<i>ColorGalv Design</i>
\$ 8,560.93	\$ 8,560.93		\$ -	\$ 9,478.88
\$ 19,471.72	\$ 19,471.72		\$ -	\$ 17,064.19
\$ 17,955.12	\$ 17,955.12		\$ -	\$ 13,641.32
\$ -	\$ -		\$ -	\$ -
\$ -	\$ -		\$ -	\$ -
\$ 5,974.02	\$ 5,974.02		\$ -	\$ 12,012.00
\$ 6,443.55	\$ 6,443.55		\$ -	\$ 11,836.83
\$ -	\$ -		\$ -	\$ -
\$ 2,177.40	\$ 2,177.40		\$ -	\$ -
\$ 1,352.62	\$ 1,352.62		\$ -	\$ 1,475.91
\$ 1,014.47	\$ 1,014.47		\$ -	\$ 1,328.63
\$ 1,902.33	\$ 1,902.33		\$ -	\$ 3,321.16
\$ 8,876.57	\$ 8,876.57		\$ -	\$ 12,604.12
\$ 1,690.78	\$ 1,690.78		\$ -	\$ 64.20
\$ 1,268.08	\$ 1,268.08		\$ -	\$ 1,950.23
\$ -	\$ -		\$ -	\$ -
\$ 1,268.08	\$ 1,268.08		\$ -	\$ 1,913.83
\$ -	\$ -		\$ -	\$ -
\$ 211.31	\$ 211.31		\$ -	\$ 294.76
\$ 2,958.44	\$ 2,958.44		\$ -	\$ 2,877.31
\$ -	\$ -		\$ -	\$ -
\$ -	\$ -		\$ -	\$ -
Total	81,125.43		Total	\$ 89,863.36

Section C-941
CHANGE ORDER FORM

Change Order No. One (1)

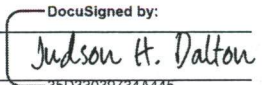
Date of Issuance:	8/19/21	Effective Date:	Upon Execution
Owner:	City of Hickory	Owner's Contract No.:	
Contractor:	WC English Inc.	Contractor's Project No.:	
Engineer:		Engineer's Project No.:	
Project:	Hickory Riverwalk	Contract Name:	

The Contract is modified as follows upon execution of this Change Order:

Description: See NCDOT SA Form that is attached.

Attachments: *NCDOT SA Forms*

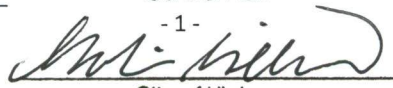
CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$7,185,655.25	Original Contract Times: Substantial Completion: Ready for Final Payment: _____ days
[Increase] [Decrease] from previously approved Change Orders No. _____ to No. ____: \$ _____	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. ____: Substantial Completion: Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ 7,185,655, _____	Contract Times prior to this Change Order: Substantial Completion: Ready for Final Payment: _____ days
Increase of this Change Order: \$ 58,750	[Increase] [Decrease] of this Change Order: Substantial Completion: Ready for Final Payment: _____ days
Contract Price incorporating this Change Order: \$ 7,244,405.25	Contract Times with all approved Change Orders: Substantial Completion: Ready for Final Payment: _____ days

RECOMMENDED:	ACCEPTED:	ACCEPTED:	DocuSigned by:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)	 35D33039734A445... Vice President
Title: _____	Title: _____	Title: _____	
Date: _____	Date: _____	Date: <u>8/30/2021</u>	

Approved by Funding Agency (if applicable)
By: _____
Title: _____

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

Date: _____

- 1 -

City of Hickory
Finance Officer

BUDGET REVISION # 5

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2022 and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2021-22 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	45,000	
Other Financing Uses	750,000	
Culture & Recreation	160	
TOTAL	795,160	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	795,000	
Miscellaneous Revenue	160	
TOTAL	795,160	-

SECTION 2. To amend the *Trivium Corporate Center* Capital Project Ordinance (#B1B004), the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,500,000	
TOTAL	1,500,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	750,000	
Restricted Intergovt Revenue	750,000	
TOTAL	1,500,000	-

SECTION 3. 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

4

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Brian Frazier, Planning Director

Date: September 7, 2021

Re: Consideration of Rezoning Petition 21-03

REQUEST

Conduct a public hearing to consider Rezoning Petition 21-03.

BACKGROUND

The properties were recently voluntarily annexed. The properties currently retain Hickory's Planned Development (PD) designations. The requested action is to assign the properties a city zoning designation of Industrial – Conditional District (IND-CZ).

ANALYSIS

Previously, Trivium Corporate Center, Inc. acquired a parcel on the east side of Startown Road across from the park's current entrance to be utilized for residential and/or commercial uses. Due to the rate of success for the park, Trivium Corporate Center has elected to expand the industrial opportunities onto this site.

The requested action is to adjust the zoning designation to these properties. This action would consist of zoning these properties to an Industrial – Conditional District (IND-CZ).

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on August 25, 2021, to consider the petition. During the public hearing, the property owner spoke in favor of the petition, while no citizens spoke in opposition.

Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT:

As of September 7, 2021, staff has received no inquiries regarding this petition.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

B. Miller

Initiating Department Head

9/8/21

Date

Arnta M. Dula

Deputy City Attorney, A. Dula

9-15-21

Date

Rodney Miller

Asst. City Manager, R. Miller

9/13/21

Date

Pat Beasley

Asst. City Manager R. Beasley

9/17/21

Date

M. Miller

Finance Officer, M. Miller

9/16/21

Date

Camryn Miller

9-16-21

Date

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

W. Wood
City Manager, W. Wood

09-17-21
Date

REZONING ANALYSIS

PETITION: Rezoning 21-03

APPLICANT: Trivium Corporate Center, Inc.

OWNER: Trivium Corporate Center, Inc.

PROPERTY LOCATION: Startown Road and Robinwood Road

PIN: 3721-19-61-2638, and a portion of 3721-19-51-1871

WARD: The properties are located Ward 3 (Councilman Seaver).

ACREAGE: 108.25 acres

REQUESTED ACTION: Rezone the properties to Industrial – Conditional District (IND-CZ).

BACKGROUND: The properties were recently voluntarily annexed. The properties currently retain Hickory's Planned Development (PD) designations. The requested action is to rezone the properties from PD to Industrial – Conditional District (IND-CZ).

DEVELOPMENT POTENTIAL: Previously, Trivium Corporate Center, Inc. acquired a parcel on the east side of Startown Road across from the park's current entrance to be utilized for residential and/or commercial uses. Due to the rate of success for the park, Trivium Corporate Center has elected to expand the industrial opportunities onto this site.

The requested action is to adjust the zoning designation to these properties. This action would consist of rezoning these properties to Industrial – Conditional District (IND-CZ).

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan* and the stated Purpose and Intent of this Land Development Code;

The areas under consideration are identified as High Density Residential by the Hickory by Choice 2030 Comprehensive Plan's future land use map (**Please refer to Map 1 for detail**). Chapter 3 of the plan states the following about the areas:

High Density Residential: *High density residential development in Hickory is located in or near mixed-use areas or higher-intensity commercial districts. The area covered by this land use extends approximately one half mile from the central point of each mixed use center, allowing for convenient walking or bicycling from home to shop. This will create higher density living in close proximity to neighborhood-scale shopping and office employment centers. The combination of smaller single-family lots, shorter building setbacks, shorter blocks, and multi-family development would create a gross average density for housing at approximately 12 to 20 units per acre. These areas may also contain office uses along thoroughfares and adjacent to commercial areas to act as a transition between commercial and residential land uses. Provided, such office uses, and their corresponding zoning districts, are located immediately adjacent to existing office uses and office zoning districts. This should be done to avoid saw tooth land use patterns along thoroughfares.*

The IND-CZ 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 industrial district, further eastward toward an existing industrial district. Given the existing zoning of the subject property and its proximity to a major thoroughfare (Startown Rd.), it would appear reasonable to expand the existing IND district, in the manner requested.

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- Implement the Hickory by Choice 2030 Comprehensive Plan;

The areas under consideration for rezoning are clearly indicated by the Hickory by Choice 2030 Comprehensive Plan as being future High Density Residential Areas. However, these parcels would be bridging a gap between two existing residential districts, creating a more comprehensive and uniform future land use.

- Preserve and protect land, air, water and environmental resources and property values;

Any and all improvements that are to take place on the properties will be required to follow all applicable development regulations.

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures;

The current land use pattern is predominately residential and farm land. The location of the business park expansion and mixed-use area reflects a further southern expansion of Hickory's urban area. As development continues southward, it is easily conceivable to expect further urbanization of the area. Public utilities and transportation infrastructure are in place, or being constructed to serve the proposed development, as well as the surrounding area.

- Regulate the type and intensity of development; and

Any future development that takes place on the subject properties will be regulated by current and future development standards duly adopted by the City of Hickory and the State of North Carolina.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on the subject properties 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 employees are properly protected as prescribed by law.

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps 2 & 3 for more detail**):

- **North:** The properties are zoned R-20 Residential (Catawba County), and are occupied single family residences and vacant pasture land;

- **South:** The properties are zoned R-20 Residential, and are occupied by single family residences, or are vacant;
 - **East:** The properties are zoned R-20 Residential and Industrial (IND), and are occupied by single family residences, vacant land, as well as some manufacturing; and
 - **West:** The properties are zoned R-20 Residential, Neighborhood Commercial, Planned Development, and Industrial Conditional (IND-CZ) and are occupied by vacant land, single family homes, and Trivium Corporate Center.
3. The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

The land area is located in an area where public services and infrastructure support this type of development, and as such make them suitable for more industrial development.

4. The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

Any rezoning has the potential to detrimentally impact properties in the general vicinity. Whenever non-residential development directly abuts residentially zoned land, screening and buffering is required by the City's Land Development Code.

5. The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire and police protection to fall below acceptable levels.

The proposed rezoning will not cause public services to fall below acceptable levels. Startown Road is maintained by NCDOT, and is proposed to be expanded in the future to accommodate growing traffic demands. Public water is available to serve the development. Stormwater control measures will be required during industrial development. The properties are within an acceptable distance from HFD's Engine 5 rural area, also the properties are within HPD's Charles PACT patrol area.

6. The proposed amendment (zoning map) will protect the public health, safety, and general welfare.

The properties in question are located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated additional non-residential and high-density residential growth. The current use of the properties is agricultural and unused, and the request would allow the properties to be redeveloped into a business park. Any future development that occurs of the subject properties as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

CONDITIONS OF APPROVAL FOR INDUSTRIAL CONDITIONAL DISTRICT (IND-CZ):

1. Landscaping / Berms / Recreation

- a. Decorative fencing or an alternative shall be constructed and installed along the industrial boundary between residential on Startown Road.
- b. All parking areas shall be landscaped as required by Hickory's Land Development Code.
- c. All exterior buffering around the perimeter of the district shall comply with Hickory's Land Development Code.

2. Property Maintenance

- a. Long term maintenance shall be accomplished through a Property Owners Association.

3. Development Standards

- a. Building setback from all property lines external to the established district shall be fifty (50) feet. Building setbacks from all internal property lines shall be approved during of the site planning process.
- b. Maximum building height within the district shall be seventy (70) feet.
- c. All roof-top mounted mechanical equipment shall be screened from view of properties not located within the district.
- d. Metal facades shall not be permitted within the district. All buildings will be designed to exist in a complementary fashion to rural business park setting in as much as possible.
- e. Exterior lighting shall be designed to minimize adverse impact on properties not located within the district.

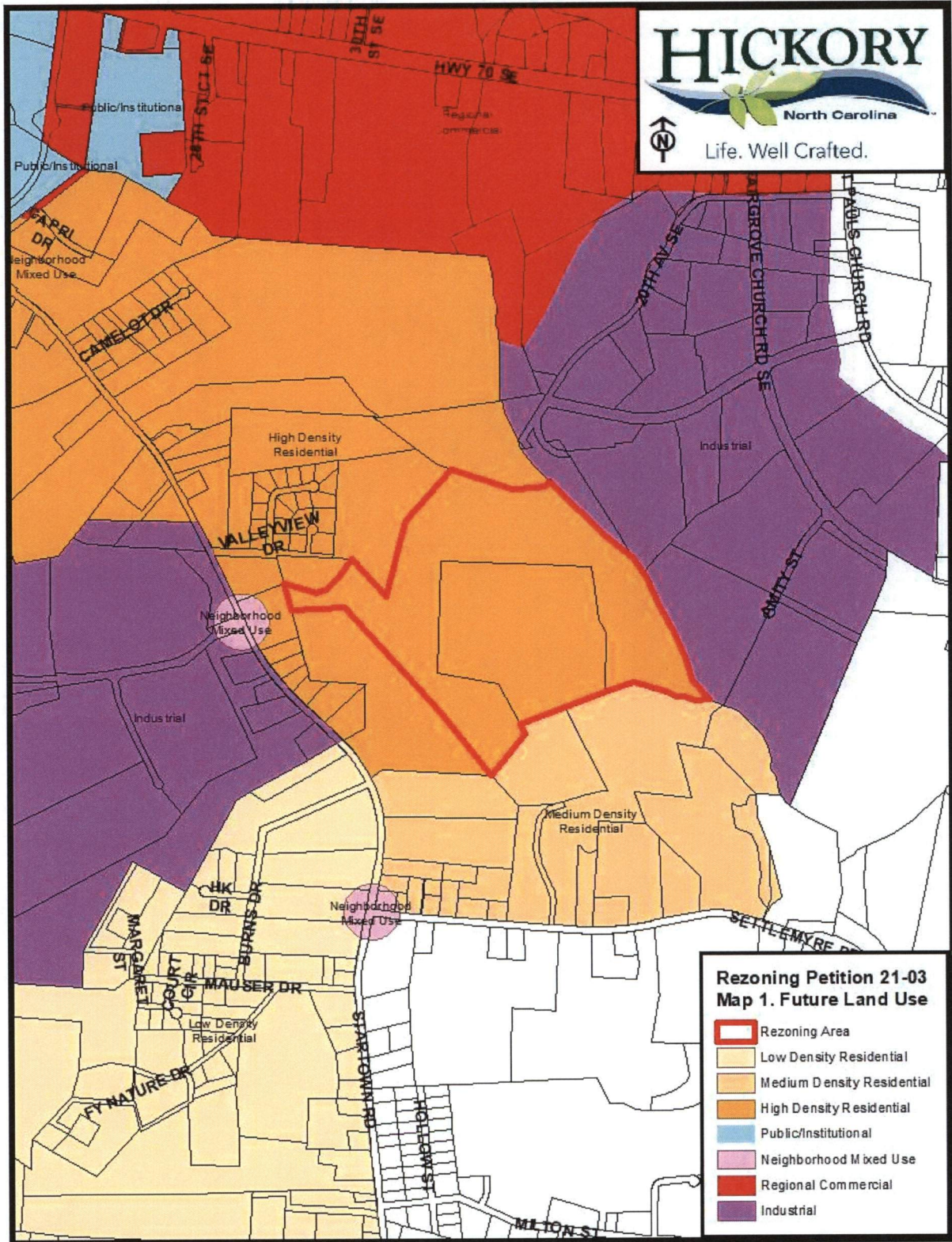
RECOMMENDED ACTION:

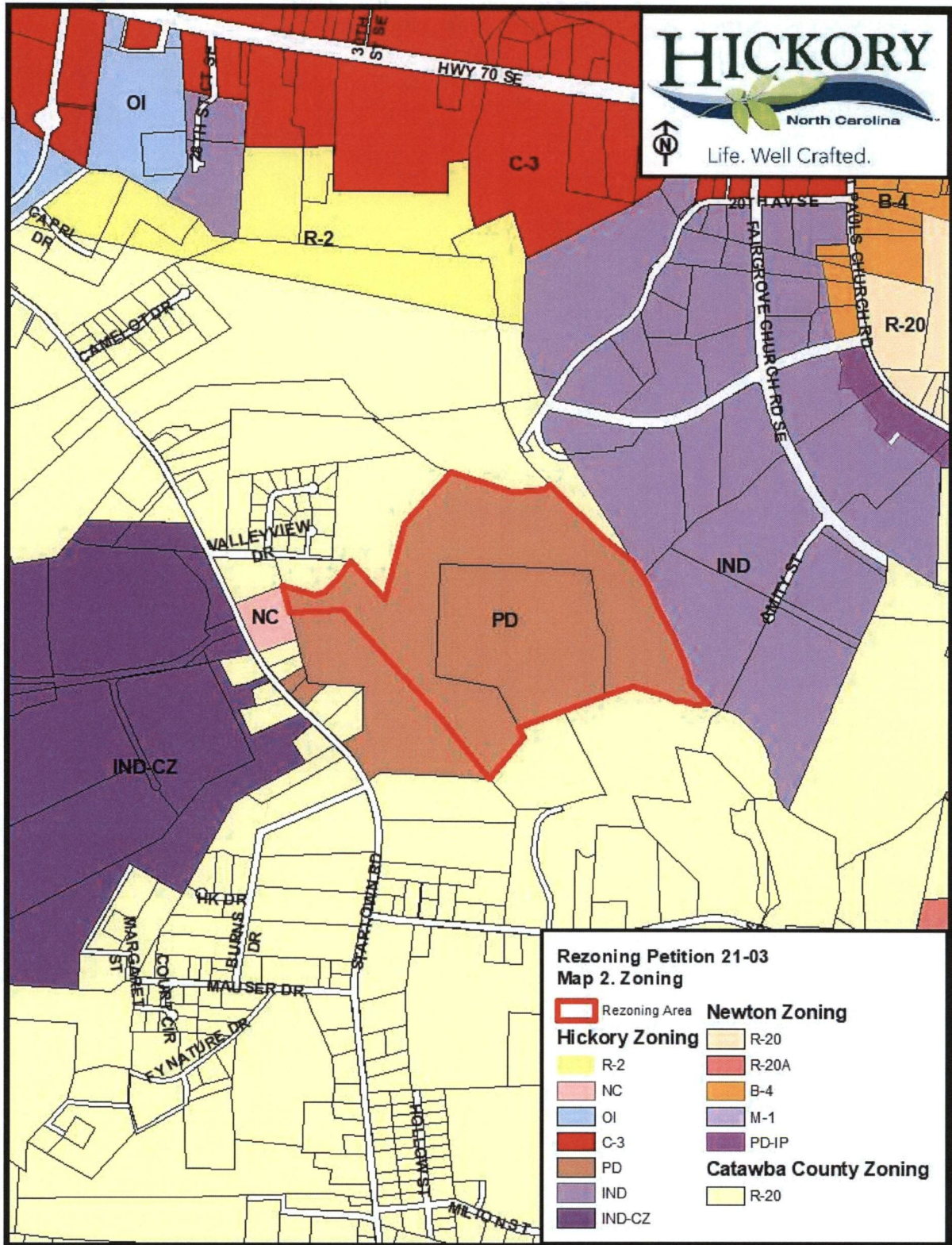
The Hickory Regional Planning Commission conducted a public hearing on August 25, 2021, to consider the petition. During the public hearing, the property owner spoke in favor of the petition.

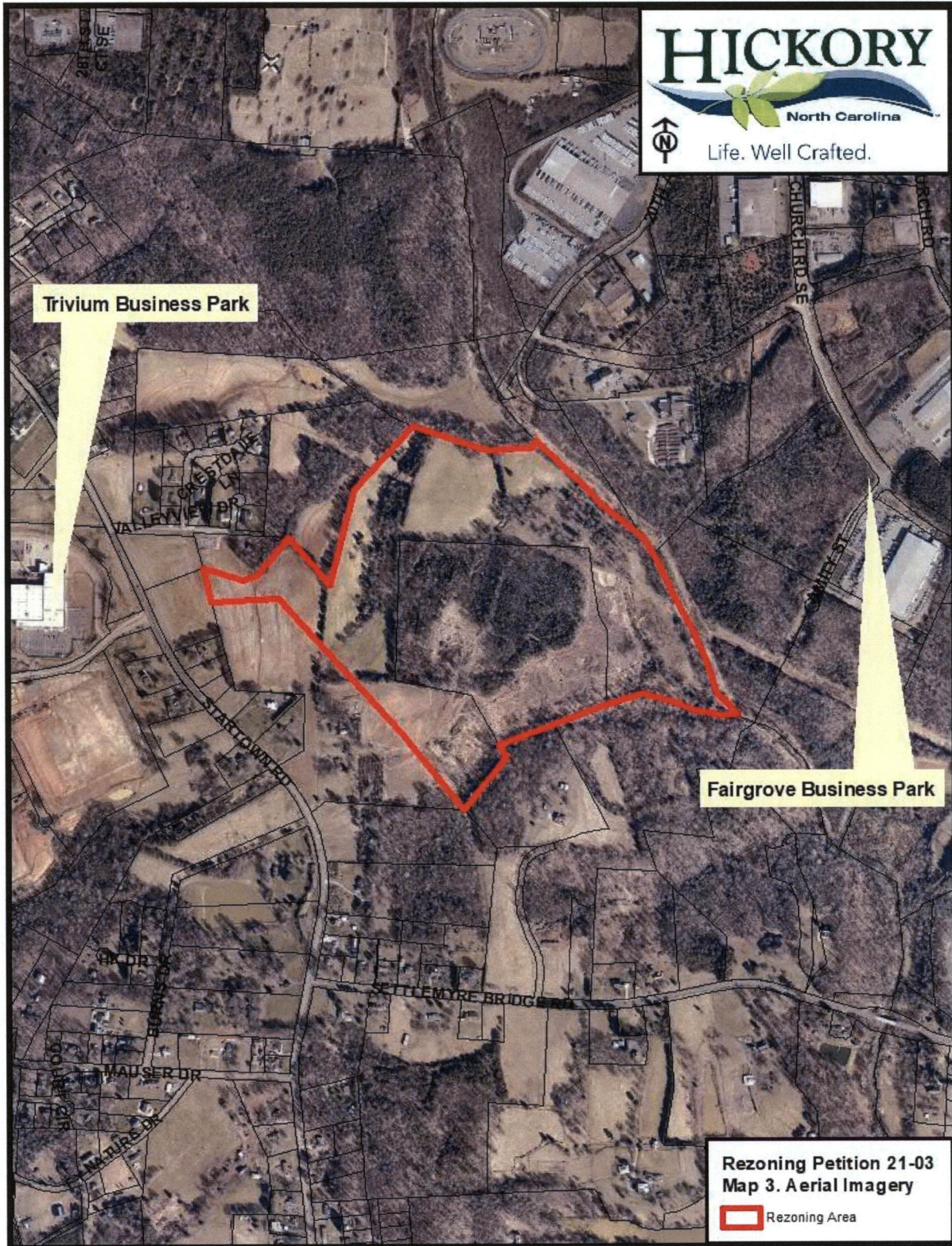
Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

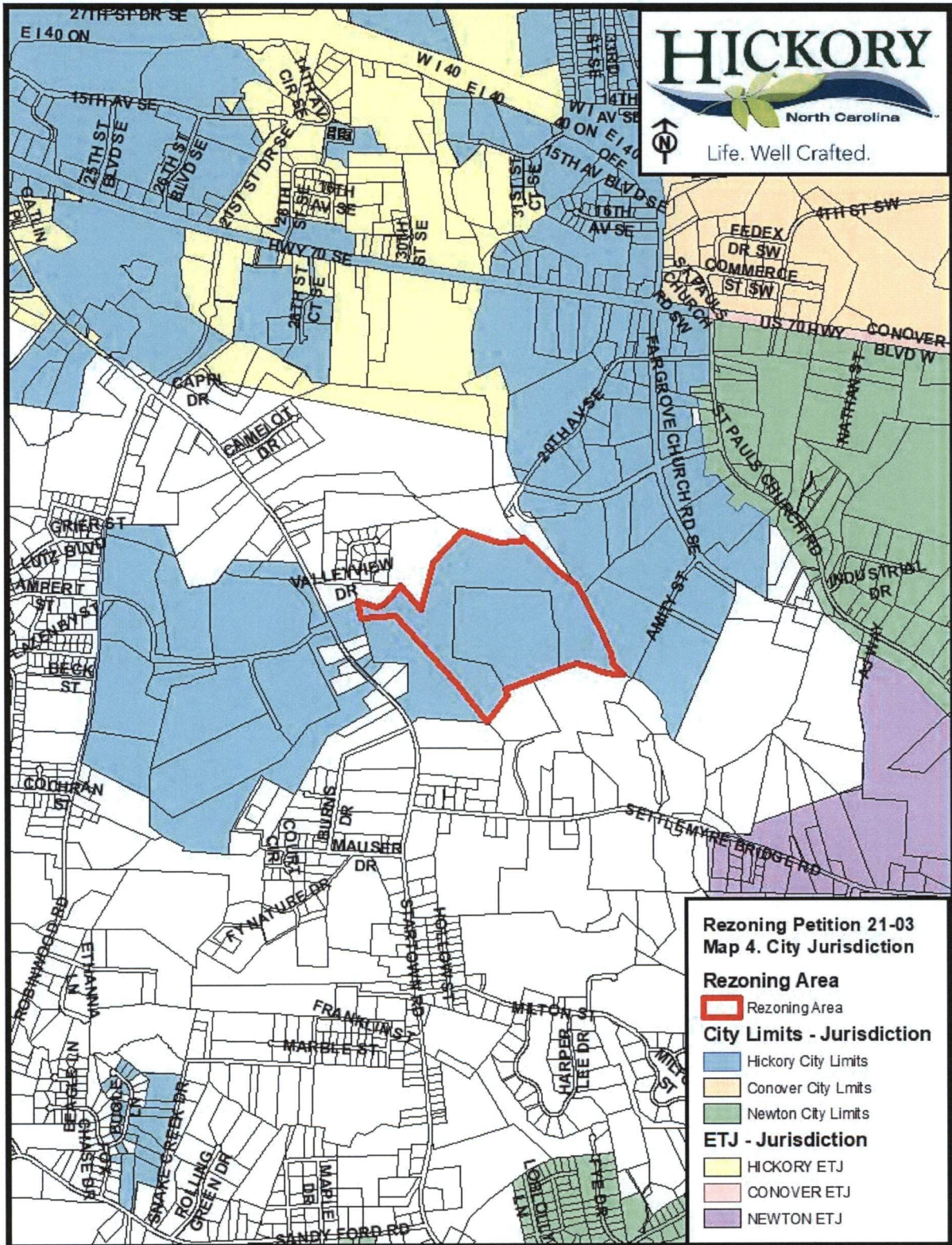
CITIZEN INPUT:

As of September 7, 2021, staff has not received any inquiries regarding this petition.









ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 108.25 ACRES OF PROPERTY LOCATED BETWEEN THE TERMINUS OF STARTOWN ROAD AND THE TERMINUS OF ROBINWOOD ROAD, FROM PD (PLANNED DEVELOPMENT) TO IND-CZ.

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 +/- 108.25 acres of property between the terminus of Startown Road and the terminus of Robinwood Road, more particularly described on **Exhibit A** attached hereto, to allow an IND-CZ district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on August 25, 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 21-03 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 BETWEEN THE TERMINUS OF STARTOWN ROAD AND THE TERMINUS OF ROBINWOOD ROAD DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

1. The subject property is located Between the terminus of Startown Road and the terminus of Robinwood Road. Identified as PINs 3721-19-61-2638, and a portion of 3721-19-51-1871
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*.

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. Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.)

The Hickory by Choice 2030 Comprehensive Plan states the following about High Density Residential areas: "High density residential development in Hickory is located in or near mixed-use areas or higher- intensity commercial districts. The area covered by this land use extends approximately one half mile from the central point of each mixed use center, allowing for convenient walking or bicycling from home to shop. This will create higher density living in close proximity to neighborhood-scale shopping and office employment centers. The combination of smaller single-family lots, shorter building setbacks, shorter blocks, and multi-family development would create a gross average density for housing at approximately 12 to 20 units per acre. These areas may also contain office uses along thoroughfares and adjacent to commercial areas to act as a transition between commercial and residential land uses. Provided, such office uses, and their corresponding zoning districts, are located immediately adjacent to existing office uses and office zoning districts. This should be done to avoid saw tooth land use patterns along thoroughfares." (HBC 2030, Pg. 3.8)

The IND-CZ 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 industrial district, further eastward toward an existing industrial district. Given the existing zoning of the subject property and its proximity to a major thoroughfare (Startown Rd.), it would appear reasonable to expand the existing IND district, in the manner requested.

Given these factors, the rezoning of the properties to IND-CZ should be considered to be consistent with the findings and recommendations of the Hickory by Choice (2030) comprehensive Plan.

2. The IND-CZ classification is intended to provide locations for industrial development.
3. The IND-CZ's zoning district's permissible development adheres to the recommendations for areas surrounding High-Density Residential 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 protect as prescribed by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 21-03 to be reasonable and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the ____ day of _____, 2021.

(SEAL)

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

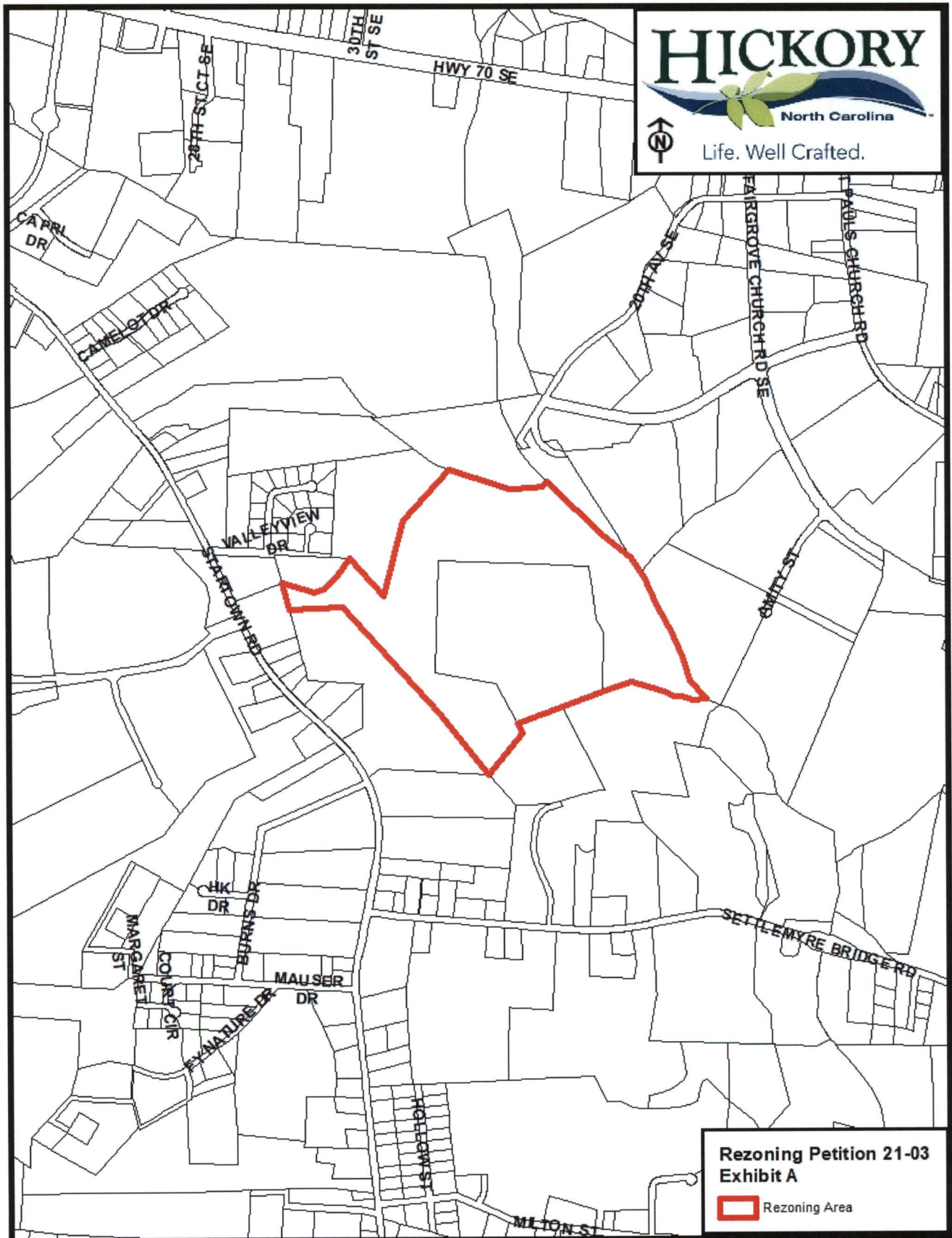
Attest:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this ____ day of _____, 2021.

Attorney for the City of Hickory



8

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Karen Dickerson, Community Development Manager

Contact Person: Karen Dickerson, Community Development Manager

Date: September 8, 2021

Re: Public Hearing to consider FY 2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER)

REQUEST

Conduct a public hearing to consider the FY 2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER) for submission as required by the U.S. Department of Housing and Urban Development.

BACKGROUND

The U.S. Department of Housing and Urban Development requires the City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient, to report on CDBG monies spent within the previous fiscal year. The CAPER evaluates the effectiveness of the use of resources in addressing identified goals and objectives cited in the Annual Action Plan which is prepared before the fiscal year begins. CDBG resources were used for the following activities:

Housing Rehabilitation	\$ 100,197.10
Housing Rehab Admin	16,872.02
Habitat for Humanity	21,457.95
ALFA	10,000.00
Exodus Homes	7,000.00
Family Care Center	7,000.00
Family Guidance Center	10,000.00
Hickory Soup Kitchen	10,000.00
Microenterprise Assistance	4000.00
Public Infrastructure Improvements	55,730.50
Fair Housing	1,785.00
Program Administration	60,068.20
CDBG-CV funds to GHCCM	224,650.76
CDBG-CV Program Administration	<u>6292.98</u>
TOTAL	\$535,054.51

ANALYSIS

The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, has prepared the CAPER, for submission to HUD. The CAPER outlines the City's CDBG expenditures from July 1, 2020 thru June 30, 2021. Notice of the availability of this document for public review was published in the Hickory Daily Record on September 6, 2021, September 13, 2021, and September 20, 2021

RECOMMENDATION

Staff recommends that City Council conduct a public hearing on September 21, 2021 to consider the FY 2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER).

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

D64
Dave Leonetti

Initiating Department Head

9/9/2021

Date

Amita M. Dula

Deputy City Attorney, A. Dula

9-5-21

Date

Rodney Miller

Asst. City Manager Rodney Miller

9/13/21

Date

Pat Beasley

Asst. City Manager, R. Beasley

9/14/21

Date

Melissa Miller

Finance Officer, Melissa Miller

9/16/21

Date

Cameron McHargue

Purchasing Manager, Cameron McHargue

9-16-21

Date

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

W. Wood

City Manager, W. Wood

09-17-21

Date

City of Hickory

Consolidated Annual Performance and Evaluation Report

July 1, 2020 to June 30, 2021



Life. Well Crafted.

City of Hickory
PO Box 398
Hickory, NC 28603
www.hickorync.gov

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Hickory's program year 2020-2021 highlights include:

1. Preservation of the City's Housing Stock: \$100,197.10 was provided to low and moderate income homeowners to assist with repairs to their homes. Five projects were completed during the program year through the City of Hickory's Housing Rehabilitation Loan Program. Habitat for Humanity used \$21,457.95 to assist eight additional homeowners.
2. Administration of Housing Rehabilitation Program: \$16,872.02 funded staff costs related to the implementation of the City's Housing Rehabilitation Loan Program.
3. Public Services Initiative: \$7,000 was provided to Exodus Homes to fund employment and transportation coordination services for homeless, formerly incarcerated individuals, and those coming from treatment programs. Exodus Homes provides employment assistance and transportation for all residents. 57 residents were supported through this funding.
4. Public Services Initiative: \$10,000 was allocated to AIDS Leadership Foothills Area Alliance (ALFA) to provide case management services to people living with HIV/AIDS. ALFA also offers HIV prevention education programs to the community at large. They have 85 city residents in care through their program.
5. Public Services Initiative: \$10,000 was provided to the Hickory Soup Kitchen, which enabled the organization to serve approximately 350 meals per day to 235 residents of Hickory needing a hot meal.
6. Public Services Initiative: \$7,000 was provided to Family Care Center to support for a transitional housing program for homeless or potentially homeless families. 127 individuals were supported through this funding.
7. Public Services Initiative: \$10,000 was provided to Family Guidance Center to assist their financial and housing counseling program. This organization assists in foreclosure avoidance and establishing homeownership in the city. 46 homeowners were assisted.
8. Increase Entrepreneurship Opportunities: A \$4,000 grant was provided to assist a small business owned by low/moderate income individual. The business develops and distributes a unique diffuser/infuser for multiple therapeutic modalities including aroma and sound therapies.
9. Public Infrastructure Improvements: \$55,730.50 was used to resurface a neighborhood street located within a low and moderate income neighborhood. Approximately 1,515 linear feet of two lane neighborhood street was resurfaced. 2,475 low/mod individuals and 4,170

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individuals overall benefited from this project. At Taft Broome Park/Ridgeview Library , \$99,987.50 was used for develop a parking lot on three city owned lots adjacent to the library, recreation center and playground and will serve as overflow parking for the library expansion and new park amenities. This project was completed in August of 2021. 1,410 low/mod individuals benefited from this project and 2,130 persons overall.

- 10. Promote Fair Housing: \$1,785.00 was used to purchase newspaper ads and social media advertising to inform residents of their fair housing rights.
- 11. Program Administration: \$60,068.20 was used to provide program administration and planning.
- 12. Public Service Activities for CDBG-CV: \$224,650.76 was provided to Greater Hickory Cooperative Christian Ministries to support citizens who are in need of emergency rental/mortgage and utility assistance. To date, approximately 556 households have been assisted.
- 13. Administration of CDBG-CV Program: \$6292.98 was used to provide program administration and planning for the CDBG-CV funding.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee’s program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Demolish Dilapidated Structures	Non-Housing Community Development	CDBG: \$	Buildings Demolished	Buildings	4	0	0.00%			

Preserve the City's Housing Stock	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	20	13	65.00%	4	13	325.00%
Provide Services to Persons Living with HIV/AIDS	Non-Homeless Special Needs	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	750	85	11.33%	160	85	53.13%
Public Infrastructure and Facility Improvements	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	5500	4170	75.82%	5000	4170	83.40%
Support Homeownership	Affordable Housing	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	250	46	18.40%	50	46	92.00%
Youth Services	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	150	0	0.00%			

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan,

giving special attention to the highest priority activities identified.

The City of Hickory was able to address significant portions of its goals. Projects helped protect the City's housing stock by providing urgent repairs and housing rehabilitation assistance to thirteen (13) households during the program year. Significant numbers of citizens benefited from street resurfacing projects and public facility improvements. Construction on a parking lot to give expanded access to park, recreation center, and library patrons began at Taft Broome Park/Ridgeview Library in 2020. This location is in low/mod Census Tract 109, with a benefit to 2,130 individuals overall and 1,410 low/mod individuals. In 2020, the City resurfaced one street in a low/mod census tract in the northeast portion of the city and benefited 2,475 low/mod individuals and 4,170 persons overall.

In the 2020 Program year, the City of Hickory continued its small business assistance programs which provide funding to businesses to create jobs and purchase equipment necessary to take their business to the next level. In 2020, the City awarded one microenterprise grant. The City has awarded three small business loans and seven microenterprise grants since beginning the programs.

The City's public services initiative continued to assist the community's most vulnerable populations, including the homeless, persons living with HIV and AIDS, persons with substance abuse issues, and persons needed financial and housing counseling.

Fair housing activities are undertaken through the City's program administration funds and will not show specific accomplishments in IDIS. This year's fair housing outreach included ads in the Hickory Daily Record and Hola Noticias Spanish language newspaper as well as the City Snippets that are included in resident water bills. Additional ads on Facebook, Instagram, Twitter greatly increased the reach of the City's advertising efforts.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	456
Black or African American	611
Asian	9
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	1,076
Hispanic	15
Not Hispanic	1,061

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

This table indicates the racial and ethnic breakdown of families assisted through CDBG public service funds including CDBG-CV funding to assist citizens with emergency rent and utility payments. This does not include the racial and ethnic breakdown of area benefit activities that benefit all residents of a census tract or block group. Please note that there are 44 multi-racial individuals that do not appear in the table above due to lack of category listing within the required software.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	618,487	304,111

Table 3 - Resources Made Available

Narrative

The funds available include \$178,925.01 in unexpended funds at the beginning of the program year. The City received \$330,758.00 in its annual allocation from the US Department of Housing and Urban Development. The City also received 108,803.87 in program income during the fiscal year. There is also an additional \$468,830 in CDBG-CV funds that were allocated to 2019 Action Plan that were expended in PY 2020 and PY 2021.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
CDBG ELIGIBLE AREA	70	70	Low Mod Census Tracts
City-Wide	30	30	Eligibility Area

Table 4 – Identify the geographic distribution and location of investments

Narrative

The majority of funds expended during program year 2020 were spent in low and moderate income census tracts. \$55,730.50 was spent on infrastructure and facility projects in CDBG eligible areas. The City improved a neighborhood street in a low/mod census tract which benefited 2,475 low mod income residents and 4,170 residents overall. In addition, the City also created/expanded a parking lot for overflow parking adjacent to the Ridgeview Library and Taft Broome park. This project was started in PY 2020 but was not invoiced before end of program year as work was not completed. This project will ultimately benefit 1,410 low/mod individuals and 2,130 individuals overall in a low/mod census tract. Three of five public services agencies are located in low to moderate income census tracts. Three of five homeowners assisted through the City of Hickory Housing Rehabilitation Program are located in low and moderate income census tracts. The percentages shown above are based on the estimated percentage of non-program administration expenses spent in low and moderate income census tracts. In PY 2020, the City partnered with Greater Hickory Cooperative Christian Ministry to assist low/mod income households affected by coronavirus with emergency rental/mortgage and utility assistance. 556 households have been assisted with \$230,944 to date. The program aimed to alleviate the threat of losing a home or have utilities disconnected due to the effects of the coronavirus.

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Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

These federal funds were leveraged through the use of donated roofing shingles from Habitat for Humanity. The organization is able to receive donated shingles to assist low income households including those with City rehabilitation projects. This helps the City provide roof repair services to additional households. For loan recipients, the reduced cost of the roof repairs is passed on the homeowners in the form of lower deferred loan amounts. The City also receives funds from the North Carolina Housing Finance Agency for their Urgent Repair Program to assist homeowners with their needs. This funding, allows the City to assist more individuals in the community. In PY 2020, the City of Hickory assisted eight (8) homeowners with repairs through the Urgent Repair Program.

In PY 2020, the City constructed two affordable houses. This process began in 2019, when the City of Hickory partnered with the Unifour HOME Consortium to construct two homes on city-owned lots. These houses were completed in October 2020 and were sold in the spring of 2021 to two homebuyers with household incomes at or below 80% of AMI (\$48,250 for a family of four in the Hickory-Lenoir-Morganton metropolitan statistical area). The homebuyers received additional down payment assistance through the NC Housing Finance Agency Community Partners Loan Pool and the Western Piedmont Council of Governments. One of these homes was sold to a Housing Choice Voucher recipient who received additional assistance through its homeownership program. The City is currently working with several developers to continue building affordable housing on city owned lots with the hopes of creating at least a dozen if not more affordable houses for those families that qualify. In addition to the City built homes, Habitat for Humanity is continuing their effort to construct affordable housing in several neighborhoods in the City of Hickory.

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CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	2	2
Number of Special-Needs households to be provided affordable housing units	0	0
Total	2	2

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	2	2
Number of households supported through Rehab of Existing Units	8	13
Number of households supported through Acquisition of Existing Units	0	0
Total	10	15

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Hickory is a participating jurisdiction in the Unifour HOME Consortium to help meet the affordable housing needs of its citizens. The HOME Consortium provides downpayment assistance to eligible households and provides additional funding to support affordable housing. Households continue to be served through the City's Housing Rehabilitation Loan program and the Habitat Repairs! Single Family Rehabilitation program. The City's program assisted five low and moderate income households with home repairs. Habitat funded repairs to eight households in the 2020 program year with their allocation.

In PY 2020, the City constructed two affordable houses. This process began in 2019, when the City of Hickory partnered with the Unifour HOME Consortium to construct two homes on city-owned lots. These houses were completed in October 2020 and were sold in the spring of 2021 to two homebuyers with household incomes at or below 80% of AMI. The homebuyers received additional down payment assistance through the NC Housing Finance Agency Community Partners Loan Pool and the Western Piedmont Council of Governments. One of these homes was sold to a Housing Choice Voucher recipient who received additional assistance through its homeownership program. The City is currently working with several developers to continue building affordable housing on city-owned lots with the hopes of creating at least a dozen if not more affordable houses for those families that qualify. In addition to the City-built homes, Habitat for Humanity is continuing their effort to construct affordable housing in several neighborhoods in the City of Hickory.

Discuss how these outcomes will impact future annual action plans.

The City plans to continue funding its Housing Rehabilitation program in future action plans. The City plans to support the reconstruction of homes through Habitat for Humanity with CDBG funding. The City will continue applying for funding from the North Carolina Housing Finance Agency Urgent Repair Program to fund urgently needed home repairs for households below 50% of Statewide Area Median Income.

The City will continue to work to increase the number of families served through housing rehabilitation. Its deferred loan program has begun to gain popularity, and the expectation is for it to continue to grow. Since it does not require the owner to make monthly payments, it is easier for homeowners to qualify. In recent years, fewer applicants have been able to meet loan criteria, which led to the creation of the program for households earning less than 50% of the area median income. In 2019, the City moved all rehab housing loans to a deferred program, doing away with a previous version that allowed for amortized loans for homeowners with household incomes between 50% and 80%. The City has implemented an advertising process to increase awareness of these programs to those that most need the assistance. The City has seen an increase in the number of rehab applications. For example, in PY 2019 we completed two rehabilitations but in 2020 we completed five. For PY2021, they City Has seven rehabilitation projects underway.

The City continues to work to increase the number of families served by the housing counseling program offered by a local non-profit. The Family Guidance Center program assists in housing counseling, foreclosure avoidance, and encouraging homeownership in our community. The Family Guidance Center is a local HUD Housing Counseling Agency.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	2	0
Low-income	3	0
Moderate-income	8	0
Total	13	0

Table 7 – Number of Households Served

Narrative Information

Thirteen (13) families were assisted with funding during the 2020-2021 program year. Thirty-eight percent were low and extremely low income families. In PY 2020, more than half (54%) were under the age of 65 and more than half (54%) were Black or African American. The City works to assist those with the greatest financial needs with the funding that is available. The number of families assisted in 2020 is more than in the past due to the impact of the Coronavirus at the end of PY 2019. Also in PY 2020, the City partnered with Greater Hickory Cooperative Christian Ministry to assist low/mod income households that have been affected by the coronavirus with emergency rental/mortgage and utility assistance. 556 households have been assisted with \$230,944 to date. The program aimed to alleviate the threat of losing a home or having utilities disconnected due to the effects of the coronavirus.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Community Development Division staff continues to serve on the Catawba County Continuum of Care. This organization brings together homeless serving agencies from across the county to determine funding options, raise awareness about important issues, and reduce duplication of services. The City funded the Hickory Soup Kitchen in the amount of \$10,000. This organization provides a hot meal and showers to homeless individuals five days per week. The City supported the Family Care Center with a grant of \$7,000 to provide support for a transitional housing program for homeless or potentially homeless families. The City also supported Exodus Homes with a \$7,000 grant. This organization provides a residential treatment program for homeless and previously incarcerated individuals with substance abuse issues.

Additionally, in the summer of 2019, the City hired a Community Navigator to work specifically with our homeless population. This position is responsible for case management and ensuring that homeless persons reach the proper agency in order to receive services. This coordinated effort by multiple agencies has helped to ensure that our community is reaching as many of our homeless neighbors as possible. In PY 2020, the Community Navigator received 108 referrals for assistance to the homeless. He has been able to assist approximately 62 individuals with services needed and has secured housing for 23 individuals to help them transition from homelessness to sheltered.

Also in PY 2020, the City partnered with Greater Hickory Cooperative Christian Ministry to assist low/mod income households that have been affected by the coronavirus with emergency rental/mortgage and utility assistance. 556 households have been assisted with \$230,944 to date. The program aims to alleviate the threat of losing a home or having utilities disconnected due to the effects of the coronavirus.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City continues to fund Exodus Homes, which provides transitional housing to homeless and previously incarcerated individuals with substance abuse issues. The organization was funded with an \$7,000 grant in 2020-2021. These funds were used to support the salary of the Employment Coordinator who directs the entire vocational training program and assists residents in determining a path to employment. Approximately 57 individuals received assistance during the PY 2020. The City also supported the Family Care Center with a grant of \$7,000 to provide support for a transitional housing

program for homeless or potentially homeless families. Approximately 127 individuals received assistance through the program during PY 2020.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City's grants to public service agencies assist low income individuals by providing free or low cost services such as healthcare, food assistance and job training. These services can enable families to make their incomes go further and reduce the likelihood of homelessness. The Hickory Soup Kitchen provides meals and food assistance to individuals in need with the City's grant of \$10,000. In PY 2020, they assisted 235 individuals. ALFA, also with a grant of \$10,000, provides case management services to persons living with HIV and AIDS to help them stay in care, which should reduce healthcare costs and help reduce the risk of becoming homeless. ALFA assisted 85 individuals who are residents in the City of Hickory. The Family Care Center assists families that are homeless or are in danger of becoming homeless with transitional housing and counseling to help provide a path towards self sufficiency and greater economic opportunity. They were supported with a grant of \$7,000 in PY 2020 and assisted 127 individuals. The City also supported Exodus Homes with a \$7,000 grant. This organization provides a residential treatment program for homeless and previously incarcerated individuals with substance abuse issues.

The City's Community Navigator works specifically with our homeless population including youth. This position is responsible for case management and ensuring that homeless persons reach the proper agency in order to receive services. This coordinated effort by multiple agencies has helped to ensure that our community is reaching as many of our homeless neighbors as possible. In PY 2020, the Community Navigator received 108 referrals for assistance to the homeless. He has been able to assist approximately 62 individuals with services needed and has secured housing for 23 individuals to help them transition from homelessness to sheltered.

Also in PY 2020, the City partnered with Greater Hickory Cooperative Christian Ministry to assist low/mod income households that have been affected by the coronavirus with emergency rental/mortgage and utility assistance. 556 households have been assisted with \$230,944 to date. The program aims to alleviate the threat of losing a home or having utilities disconnected due to the effects of the coronavirus.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Exodus Homes helps homeless individuals with substance abuse issues make the transition from homelessness to employment and permanent housing. The Family Care Center assists families in need by providing transitional housing program and counseling for those that are homeless or in danger of becoming homeless. Also, the City continues to work with the Continuum of Care to coordinate services and work with other service providers to identify gaps in services, and assist agencies in serving as many individuals in need as possible.

Additionally, for the last two years, the City has had a Community Navigator to work specifically with our homeless population. This position is responsible for case management and ensuring that homeless persons reach the proper agency in order to receive services. This coordinated effort by multiple agencies has helped to ensure that our community is reaching as many of our homeless neighbors as possible. The Community Navigator received 108 referrals for assistance to the homeless. He has been able to assist approximately 62 individuals with services needed and has secured housing for 23 individuals to help them transition from homelessness to sheltered.

Also in PY 2020, the City partnered with Greater Hickory Cooperative Christian Ministry to assist low/mod income households that have been affected by the coronavirus with emergency rental/mortgage and utility assistance. 556 households have been assisted with \$230,944 to date. The program aims to alleviate the threat of losing a home or having utilities disconnected due to the effects of the coronavirus.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Staff continues to work with Hickory Housing Authority staff on planning issues related to housing authority properties. The Housing Authority recently received funding to remodel most of their units through the RAD program. This will improve the quality of the units as well as the longevity.

Also, the City is still in the process of constructing a multi-modal path for bikes and pedestrians called the Historic Ridgeview Walk. This path will be located in the Ridgeview Community, in close proximity to the majority of Hickory Public Housing Authority units. This will give community members easier and safer access to the downtown area, as well necessary amenities such as a grocery store.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

In PY 2020, the City constructed two affordable houses. This process began in 2019, when the City of Hickory partnered with the Unifour HOME Consortium to construct two homes on city-owned lots. These homes were promoted throughout the community including public housing. These homes were also promoted through the local Section 8 representatives as well. These houses were completed in October, 2020 and were sold in the spring of 2021 to two homebuyers whose household income was at or below 80% of AMI (\$48,250 for a family of four in the Hickory-Lenoir-Morganton metropolitan statistical area). Financing was layered for down payment assistance through the NC Housing Finance Agency Community Partners Loan Pool and the Western Piedmont Council of Governments. One of these homes was sold to a Housing Choice Voucher recipient who received additional assistance through its homeownership program. The City is currently working with several developers to continue building affordable housing on city owned lots with the hopes of creating at least a dozen if not more affordable houses for those families that qualify. Promotion of these new homes to public housing will continue into the next few years. In addition to the City built homes, Habitat for Humanity is continuing their effort to construct affordable housing in several neighborhoods in the City of Hickory. These homes will be promoted to residents of the Housing Authority through the Section 8 homeownership program.

Actions taken to provide assistance to troubled PHAs

The Hickory Housing Authority does not have a troubled housing authority designation.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

City of Hickory staff continues to review its ordinances annually to ensure there are not unnecessary barriers to affordable housing. Recent actions taken in 2019 to address affordable housing needs include rezoning of an area in NE Hickory to high-density residential (R-4). The area had been zoned as Medium-Density Residential (R-2) and Community Center Commercial (CC-1) for the last few decades, but the City has rezoned it to High-Density Residential. In order to reduce barriers to multi-family and affordable housing, City ordinances allow multi-family homes or duplexes to be permitted by right within all commercial zoning districts and within all but one residential zoning district. It is the hope of staff and City Council that this helps spur residential multi-family development in the area with the help of the Low Income Housing Tax Credit (LIHTC) projects. Since 2015, the City of Hickory has partnered with the NCHFA to create approximately 230 Low Income Housing Tax Credit (LIHTC) apartments, with another 72 units planned for 2021. Also in spring of 2021 four applications for additional LIHTC projects were submitted to the NCHFA and are currently being reviewed. Now that the 2020 census data has been published, City Planning Staff will work to update the Hickory By Choice 2030 plan that will include efforts to support all housing development including affordable housing efforts.

Additionally, City Staff completed two affordable homes on City owned property that is adjacent to Hickory Public Housing. These homes were promoted to residents of the Housing Authority through the Section 8 homeownership program and one sold to a citizen who was receiving Section 8 for rental but was able to convert it to Section 8 for homeownership.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City continues to use CDBG funding to provide public infrastructure and facility improvements in low and moderate income areas. Infrastructure projects this year included resurfacing more than a quarter mile of a city street in the northeast portion of the City. This resurfacing benefits approximately 2,475 low and moderate individuals and 4,170 persons overall. CDBG funding enables the City to provide additional resurfacing beyond its normal resurfacing schedule.

CDBG funds are used to provide additional facility improvements that would not be possible without federal funding. In 2021, Facility and infrastructure improvements began for Taft Broome Park/Ridgeview Library with the addition of a new parking facility. This parking lot benefits 1,410 low/mod individuals and 2,130 individuals overall in Census Tract 109 in a historically minority community. This project was completed in August 2021, just after the close of the program year.

Also, the City of Hickory has partnered with the NCHFA to create approximately 230 Low Income Housing Tax Credit (LIHTC) apartments in recent years, with another 72 units planned for 2021. Also in spring of 2021 four applications for additional LIHTC projects were submitted to the NCHFA and are currently being reviewed. Now that the 2020 census data has been published, City Planning Staff will work to update the Hickory By Choice 2030 plan that will include efforts to support all housing development including affordable housing efforts. Additionally, City Staff completed and sold two affordable homes on City owned property and is continuing to pursue additional affordable housing development partnerships.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City has also taken actions to reduce lead paint hazards. The City follows the lead safe housing rule when conducting housing rehabilitation activities. All of the City's rehabilitation projects are under \$25,000 in hard costs, which means that the City must identify and address lead hazards when paint is disturbed by renovation activities. This includes conducting a lead hazard risk assessment on the home and addressing all of the hazards identified in the report. All lead hazards are addressed at no cost to the homeowner.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Numerous public service activities are funded each year with the aim of reducing poverty in the City of Hickory. \$10,000 was provided to the Hickory Soup Kitchen to provide meals and food assistance to very low income families. The families that received assistance were able to stretch their income further to fund additional needs. ALFA received \$10,000 to assist its housing case management program, which provides housing assistance to persons with HIV and AIDS to ensure that they stay in treatment. Exodus Homes received \$7,000 to provide job and transportation coordination services for residents in its substance abuse treatment programs. The goal of the program is to assist residents in finding employment and move towards self sufficiency. The Family Care Center received \$7,000 for its transitional housing program that assists families living that are homeless or are in danger of becoming homeless. This program also offer counseling and aimed at providing them a pathway to economic self-sufficiency. Also in 2020, the City supported families in need because of the coronavirus with an emergency rental and utility assistance payment program through Greater Hickory Cooperative Christian Ministry. As of the end of June, we had assisted 556 households with emergency payments totaling \$230,944 through the CDBG-CV funding.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Staff is always striving to review policies and procedures to ensure that programs are run according to appropriate federal guidelines. Improvements in the previous program year included gaining new knowledge of the environmental review process through the process of completing a full Environmental Assessment. In the last program year, staff attended an online course on managing subrecipients. Staff have worked to streamline the continual review of nonprofit subrecipients. This review includes regular updates on required documentation and regular meetings with nonprofit subrecipients to ensure that they are aware of federal requirements including any procurement and lead based paint regulations and processes that may need to be followed.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

City of Hickory staff continues to attend Catawba County Continuum of Care meetings. These meetings provide a forum for local public and private housing providers along with public and private social service agencies to address issues confronting the homeless and poverty level families in the community.

In 2019, the City hired a Community Navigator to work specifically with our homeless population. This position is responsible for case management and ensuring that homeless persons reach the proper agency in order to receive services. This coordinated effort by multiple agencies has helped to ensure that our community is reaching as many of our homeless neighbors as possible. In 2020, the Community Navigator received 108 referrals for assistance to the homeless. He has been able to assist approximately 62 individuals with services needed and has secured housing for 23 individuals to help them transition from homelessness to sheltered.

The City of Hickory and Habitat for Humanity have also enhanced their partnership to provide housing rehabilitation assistance within the City of Hickory. The City has provided additional assistance to Habitat for Humanity as they increase the amount of housing rehabilitation services they provide in the community. In addition, for the next program year, the City will enter into a partnership to assist in funding the reconstruction of affordable housing built by Habitat.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

City of Hickory Staff continues to advertise and educate citizens regarding their rights to fair housing. Advertisements informing residents of their fair housing rights ran in the Hickory Daily Record, and the Spanish newspaper Hola Noticias. This year's advertising included a Facebook, Instagram, and Twitter marketing campaign that increased the reach of the City's advertising efforts. Staff continues to serve on the Catawba Valley Association of Realtors Equal Housing Opportunity Committee. This committee provides education and outreach to local realtors regarding fair housing laws. Every April, City staff makes a presentation on fair housing at the bi-monthly luncheon that for the association. Unfortunately, the bi-monthly luncheon was cancelled due to the coronavirus in both 2020 and 2021.

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CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Hickory Community Development Division conducts file audits of all city-initiated CDBG activities to ensure compliance with relevant federal requirements. Staff maintains file checklists for each of the types of activities normally undertaken each year. In addition, all nonprofit subrecipients are monitored by City staff at least once per year to ensure compliance with applicable requirements. Also, the City hires an independent auditor to review its finances each year. This audit includes an in-depth review of CDBG program activities.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

All reports are made available for review on the City's website and in the Office of Business Development at City Hall. The City advertises the availability of the report through its legal notice on the website and those placed in the local newspaper. The City also holds a public hearing to receive comments on the report prior to its consideration by the Hickory City Council.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

This is the first year of the City's 2020-2024 Consolidated Plan. The overall aspects of our Consolidated Plan for 2020-2024 did not change drastically as the programs seem to be assisting those most in need. The City allocates a good portion of its funding to housing rehabilitation as well as public infrastructure and park projects for low and moderate income areas. The City also allocates funds to increase entrepreneurial activities through its Small Business Loan program and Micro-Enterprise Grant Program. This has allowed the City to support entrepreneurial activities and economic development by assisting businesses in job creation. The City will continue to support economic and entrepreneurial activities through the course of the next four years.

In 2019, the City made the decision to move all rehab housing loans to a deferred program, doing away with a previous version that allowed for amortized loans for homeowners with household incomes between 50% and 80% of area median income. City loans no longer require homeowners to make monthly payments. This makes it easier for homeowners to qualify while reducing the cost burden to households already in need. This has increased the use of the program by low and moderate income homeowners – from a total of two projects completed in 2019 to a total of five completed in 2020. In addition the City has another seven at some stage of the qualification, approval or rehabilitation process for the 2021 program year.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.