

A G E N D A

HICKORY CITY COUNCIL

August 1, 2023



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

August 1, 2023
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend David Roberts, Morning Star First Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of July 18, 2023. **(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. Consideration of Ordinance Amending Chapter 2, Article II, Division 2, Section 2-52 Regular Meetings of the City of Hickory Code of Ordinances. **(First Reading Vote: Unanimous)**
 - B. Budget Revision Number 23EC. **(First Reading Vote: Unanimous)**
 - C. Budget Revision Number 1. **(First Reading Vote: Unanimous)**
 - D. Consideration of Rezoning Text Amendment 23-01 to the Hickory Land Development Code, Article 4, Section 4.6 Airport Overlay. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
 - A. Acceptance of the Bid and Approval of the Contract with Kemp Sigmon Construction Company, Inc. in the Amount of \$6,462,202.23, Contingent Upon North Carolina Department of Transportation Concurrence. **(Exhibit VIII.A.)**

Staff requests Council acceptance of the bid and award of the contract for construction of the Projects TIP # EB-5937/EB-5938 - Historic Ridgeview Walk to Kemp Sigmon Construction Company, Inc. in the amount of \$6,462,202.23, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. The Historic Ridgeview Walk (formerly referred to as Book Walk/Book Walk South) will be part of the larger Hickory Trail multi-use system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity

throughout the City. Historic Ridgeview Walk will specifically provide this connectivity within the Ridgeview community and connect the Ridgeview community to Downtown Hickory and U.S. 70. The Historic Ridgeview Walk path will travel from the City Walk down South Center Street, west across City-owned property at the Historic Ridgeview Public Library, and south on 1st Street SW to the current Ridgeview Branch Library. The path will then go west on 7th Avenue SW past Ridgeview Recreation Center, before turning south and following 4th Street SW to U.S. 70. Historic Ridgeview Walk proposes to construct a 1.2-mile, 10-foot-wide multi-use path for pedestrians and bicyclists of all ages and abilities, connecting residents to community amenities. Design plans for the Historic Ridgeview Walk will be consistent with City Walk aesthetics. Bids were advertised for the project and received on July 13, 2023. Three bids were received and opened. Staff recommends Council's acceptance of the bid and award of the contract for construction of Project TIP # EB-5937/EB-5938 - Historic Ridgeview Walk to Kemp Sigmon Construction Company, Inc. in the amount of \$6,462,202.23, contingent upon NCDOT concurrence.

- B. Approval of Amendment Number 1 to the Professional Services Agreement with KCI Associates of North Carolina, PA for the Henry River Sewer Pump Station Upgrades Project in the Amount of \$40,900. **(Exhibit VIII.B.)**

Staff requests Council's approval of Amendment number 1 to the Professional Services Agreement with KCI Associates of North Carolina, PA, for the Henry River Sewer Pump Station upgrades project in the amount of \$40,900. An evaluation of the Henry River sewer pump station was completed in October 2021. KCI Associates, PA was tasked with the design of upgrades to the pump stations in July 2022. During the design phase, and based on discussions with City staff, it has been determined that additional components of the pump stations should be evaluated and included in the upgrade design. These components include the bar screens, which are original to the pump stations, and the cranes, which will be undersized following the upgrades. Including these components in the upgrade will ensure the ongoing reliability of the pump stations as well as avoid duplication of efforts in the future. Staff recommends Council's approval of Amendment number 1 to the Professional Services Agreement with KCI Associates of North Carolina, PA, for the Henry River Sewer Pump Station upgrades project in the amount of \$40,900.

- C. Approval of the Post Approval Documentation, the 2023 Urgent Repair Program Assistance Policy, and Procurement and Disbursement Policy. **(Exhibit VIII.C.)**

Staff requests approval of the Urgent Repair Program Assistance Policy and Procurement and Disbursement Policies that accompany the applications for the Urgent Repair Program from North Carolina Housing Finance Agency in the amount of \$70,000. In January of 2023, the City of Hickory Community Development Division applied for funding through the North Carolina Housing Finance Agency's Urgent Repair Program. The City of Hickory has been awarded \$70,000 through this program in order to assist approximately 6 very low-income homeowners with urgently needed repairs in an amount not to exceed \$12,000 per housing unit. The City of Hickory will provide an additional \$5,000 in matching funds, which are available from Rental Rehabilitation program income. The total program budget will be \$75,000. The NC Housing Finance Agency requires the City of Hickory to prepare Assistance and Procurement Policies. These policies must be made available to the public and explain the guidelines of the URP23 program. These policies incorporate program requirements, applicant eligibility standards, and program capabilities. Upon approval, these policies will be submitted to the NC Housing Finance Agency in order to finalize the City's grant agreement. Upon receipt and final acceptance by NCHFA, funds will be dispersed to the City of Hickory in order to begin repairs to eligible homes. Staff recommends approval of the post approval documentation and the URP Assistance Policy and Procurement and Disbursement Policy.

- D. Approval of Supplemental Agreement Number 2 for the Professional Services Agreement with Gannett Fleming, Inc. for CEI Services Related to the Riverwalk Project (EB-5939) in the Amount of \$69,187.91. **(Exhibit VIII.D.)**

Staff requests Council's approval of supplemental agreement number 2 for Professional Services with Gannett Fleming, Inc. for CEI Services related to the Riverwalk Project (EB-5939) in the amount of \$69,187.91. The funding for this project is apportioned 80/20, North Carolina Department of Transportation (NCDOT) and City respectively. NCDOT requires that recipients hire an engineering firm separate from the design firm to perform construction engineering and inspection services for oversight, materials testing and record keeping. Gannett Fleming, Inc. was selected based on qualifications-based proposals with NCDOT concurrence. In November 2020, City Council approved the original agreement with Gannett Fleming for the project. Due to time, unforeseen conditions in the construction of the bridge, staff is requesting that the agreement be extended another two months to carry the City thru the inspections and documentation with NCDOT. Staff recommends Council's approval of supplemental agreement number 2 for Professional Services with Gannett Fleming, Inc. for CEI Services related to the Riverwalk Project (EB-5939) in the amount of \$69,187.91.

- E. Approval of a Memorandum of Understanding with NC Department of Commerce for the Creating Outdoor Recreation Economies Strategic Planning Program. **(Exhibit VIII.E.)**

Staff requests Council's approval of a Memorandum of Understanding with the NC Department of Commerce for the Creating Outdoor Recreation Economies Strategic Planning Program. The Creating Outdoor Recreation Economies (CORE) program is being offered by the NC Department of Commerce and funded by the American Rescue Plan. The goal of the program is to assist communities in North Carolina to leverage outdoor recreation to spur economic investment in their communities. Last fall, the City submitted a letter of interest in the program and was selected to receive technical assistance in the development of a strategic plan. There is no local cost associated with the program. Staff has had preliminary discussions with NC Department of Commerce staff regarding the content of the plan. Given the Hickory region's strong manufacturing base and presence of companies working in the outdoor gear manufacturing space along with resources such as the Manufacturing Solutions Center and Carolina Textile District, both parties recommend that the strategic plan focus on positioning the region to leverage growth of the outdoor gear manufacturing and promote Hickory as a location for manufacturing growth in the industry. The plan will provide a roadmap and action items for the City to leverage its manufacturing position and location in proximity to the mountain region where many outdoor gear manufacturer startups are located. NC Department of Commerce staff estimates that the project will take three to four months to complete and involve stakeholder meetings and focus groups to develop the plan. Staff recommends Council's approval of the Memorandum of Understanding with the NC Department of Commerce for the Creating Outdoor Recreation Economies Strategic Planning Program.

- F. Budget Revision Number 2. **(Exhibit VIII.F.)**

1. *To appropriate \$300 in Library donations towards Library programming expenses.*
2. *To appropriate \$1,000 in Metronet sponsorship funds towards recreation programming expenses.*
3. *To appropriate \$40,900 towards the Henry River Pump Station Project for Amendment #1 for a Professional Services Agreement with KCI Associated for design services. \$20,450 will come from Catawba County while the other \$20,450 will come from leftover funds from a completed Water Sewer Project.*
4. *To transfer \$70,000 within the Riverwalk project for Professional Services Agreement with Gannett Fleming, Inc for construction, engineering, and inspection services.*
5. *To recognize and appropriate \$75,000 in 2023-2024 Urgent Repair Program funds.*
6. *To transfer \$600,000 from the CityWalk Project and appropriate \$1,600,000 from Federal Grant funds towards the Historic Ridgeview Walk Project for a construction contract with Kemp Sigmon Construction Company, Inc.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports

1. Hickory Metro Convention Center Update – Presentation by Hickory Metro Convention Center's Chief Executive Officer Mandy Hildebrand

2. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

At-Large (Council Appoints)

VACANT

At-Large (Council Appoints)

VACANT

CITIZENS ADVISORY COMMITTEE

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

At-Large (Council Appoints) Steven Kiger

Eligible for Reappointment/Willing to Serve Again

Small Cities Project Area (Council Appoints) Mark Huggins

Eligible for Reappointment/Willing to Serve Again

COMMUNITY APPEARANCE COMMISSION

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

Ward 1 (Wood Appoints)

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)

African American (Council Appoints)

VACANT

Other Minority (Council Appoints) Leslie Mancilla

Eligible for Reappointment/Willing to Serve Again

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Term Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)

Burke County Representative (Mayor Appoints with Recommendation from Burke County)

VACANT

HISTORIC PRESERVATION COMMISSION

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

Historic Properties Owner

VACANT

Building Trades Profession Simon Lucas

Eligible for Reappointment/Willing to Serve Again

LIBRARY ADVISORY BOARD

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

Ward 3 (Seaver Appoints)

VACANT

At-Large (1) (Mayor Appoints)

VACANT

PUBLIC ART COMMISSION

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

Ward 3 (Seaver Appoints)

VACANT

PUBLIC HOUSING AUTHORITY BOARD

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

Tenant Representative Velecia Wynette Hackett Eligible for Reappointment

RECYCLING ADVISORY BOARD

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

Ward 6 (Patton Appoints)

VACANT

At-Large (Council Appoints)

William Bost Eligible for Reappointment

At-Large (Council Appoints)

Tawana Thomas Eligible for Reappointment

At-Large (Council Appoints)

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, July 18, 2023 at 7:00 p.m., with the following members present:

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

A quorum was present.

Also present were City Manager Warren Wood, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney Timothy Swanson, and Deputy City Clerk Crystal B. Mundy

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Tamika Garrison, Director of Community Relations Carolina Caring
- III. Pledge of Allegiance
- IV. Special Presentations

A. Oath of Office to City Attorney Timothy Swanson

Mayor Guess said all of our council meetings are special and we're always honored to have everyone present. This evening was a little bit more special than usual. It's not very often that we swear in a new city attorney, as most of you in the audience know, John Crone retired recently at our last meeting. This evening, we are privileged to have our newest member of our team, Mr. Tim Swanson, being sworn in just a few minutes as our new city attorney.

Mayor Guess made a couple comments about Mr. Swanson being a Hickory native. He has worked at the law firm of Young, Morphis, Bach, and Taylor since 2006. Mr. Swanson graduated from Lenoir Rhyne University and he received his doctorate degree from Campbell University in 2006. Mayor expressed council has been waiting for this day for some time now.

Mayor Guess gave him the opportunity to introduce his family.

Attorney Tim Swanson came to the podium and introduced his wife Constance, their daughter, Caroline who was 12 and their son Spencer, who was about to turn 10 in August. Caroline and Spencer both go to school at Hickory Christian Academy. Mr. Swanson also introduced his mother-in-law Sally Abernathy, his sister, Mindy Reynolds and his mom, Anita Swanson.

Mayor Guess asked City Attorney Timothy Swanson to the podium. Mayor Guess administered the oath of office to City Attorney Swanson.

B. Proclamation for Parks and Recreation Month.

Mayor Guess asked staff from Parks and Recreation to the podium. Mayor Guess read and presented the Proclamation for Parks and Recreation Month to staff in attendance.

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of June 20, 2023

Alderman Seaver moved, seconded by Alderwoman Patton that the Regular Meeting Minutes of June 20, 2023 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 Zagaroli that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Budget Revision Number 24. (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 Resolution Supporting the Grant Applications to the Greater Hickory Metropolitan Planning Organization (MPO) and Committing to the 20% Match in the Amount of \$2,750,000.

Staff requests approval of the STBG-DA/CMAQ/CR Grant Submittals to the Greater Hickory MPO. The City plans to submit three grant applications to the Greater Hickory Metropolitan Planning Organization: OLLE Art Walk Multi-Use Trail Supplemental – Additional construction funding to supplement EB-5911 to create a connection between City Walk, Aviation Walk and River Walk along Old Lenoir Road. Estimated Total Supplemental Cost \$8,750,000; 80% Federal Funding - \$7,000,000, 20% Local Match - \$1,750,000. Historic Ridgeview Walk Multi-Use Trail Supplemental – Additional construction funding to supplement EB-5938 to create a connection between City Walk and the Ridgeview Community and to US 70. Estimated Total Supplemental Cost \$2,000,000; 80% Federal Funding - \$1,600,000, 20% Local Match - \$400,000. Aviation Museum Connector Multi-Use Trail – Project funding to create a connection between the Aviation Walk Connector and Aviation Museum along Clement Boulevard 21st Street NW. Estimated Cost \$3,000,000; 80% Federal Funding - \$2,400,000, 20% Local Match - \$600,000. Staff requests Council's approval of the Resolution supporting the grant applications and committing the 20% match in the amount of \$2,750,000.

RESOLUTION NO. 23-36

RESOLUTION AUTHORIZING THE CITY OF HICKORY TO SUBMIT APPLICATIONS TO THE GREATER HICKORY METROPOLITAN PLANNING ORGANIZATION IN THE AMOUNT OF \$11,000,000 AND PROVIDE A MATCH OF \$2,750,000 FOR SURFACE TRANSPORTATION BLOCK GRANT – DIRECT ATTRIBUTABLE FUNDS FOR
 OLLE Art Walk (Old Lenoir Road) Supplemental - EB-5911
 Historic Ridgeview Walk (Book Walk South) Supplemental – EB-5938
 Aviation Museum Connector

WHEREAS, On April 19, 2023 the Greater Hickory Metropolitan Planning Organization (GHMPO) issued a call for projects to agencies in its jurisdiction for Surface Transportation Block Grant-Direct Attributable Funding (STBG-DA), Congestion Mitigation Air Quality Funding (CMAQ), and Carbon Reduction Funding (CR). Funds are available to award among four different transportation modals: bicycle and pedestrian, intersections, roadway, and transit. Each agency may submit no more than three (3) projects of not less than \$200,000 each for possible reward. The funding requires a minimum 20 percent local match.

The City of Hickory is applying for funding for the following three projects:

- OLLE Art Walk Multi-Use Trail Supplemental – Additional construction funding to supplement EB-5911 to create a connection between City Walk, Aviation Walk and River Walk along Old Lenoir Road.

Estimated Total Supplemental Cost \$8,750,000

- 80% Federal Funding - \$7,000,000
- 20% Local Match - \$1,750,000

- Historic Ridgeview Walk Multi-Use Trail Supplemental – Additional construction funding to supplement EB-5938 to create a connection between City Walk and the Ridgeview Community and to US 70.

Estimated Total Supplemental Cost \$2,000,000

- 80% Federal Funding - \$1,600,000
- 20% Local Match - \$400,000

- Aviation Museum Connector Multi-Use Trail – Project funding to create a connection between the Aviation Walk Connector and Aviation Museum along Clement Blvd and 21st Street NW.

Estimated Cost \$3,000,000

- 80% Federal Funding - \$2,400,000
- 20% Local Match - \$600,000

NOW, THEREFORE BE IT RESOLVED, that the City of Hickory is hereby authorized to submit grant applications in the amount of \$11,000,000 and will commit \$2,750,000 as a match for the three projects.

- B. Approved the Building Resilient Infrastructure and Communities Planning Grant Agreement in the Amount of \$486,736.95 and the Designation of Applicant Agent for the Snow Creek Pump Station Planning Project.

Staff requests Council's approval of the grant agreement and designation of applicant agent for the Snow Creek Pump Station planning project funded through a FEMA Building Resilient Infrastructure and Communities (BRIC) Grant. Staff has identified opportunities to seek Federal funding to assist in making improvements to provide resiliency to critical infrastructure. The Federal Government provides funding through the FEMA Building Resilient Infrastructure and Communities (BRIC) program. The BRIC grant program requires a 25% local match and provides funding to mitigate risks to infrastructure to better protect public investment and the environment. Due to the significant damage and environmental impact resulting from flooding events over the past several years, these projects qualify for grant funding. In February 2021, Council approved a Resolution authorizing Public Utilities to apply for a FEMA BRIC grant. FEMA approved this application and awarded the City of Hickory, through the North Carolina Department of Public Safety, a Phase 1 planning grant in the amount of \$486,736.95 on June 23, 2023 for pump station relocation and streambank restoration along Snow Creek. The City of Hickory will utilize Phase 1 funds to complete the design, surveying, and permitting required to move forward with Phase 2. This grant requires the designated applicant agent be the same individual who submitted the grant application as well as an agreement between NCDPS and the City of Hickory to disburse funds and administer the grant. Staff recommends approval of the grant agreement in the amount of \$486,736.95 and the designation of an applicant agent for the Snow Creek Pump Station planning project funded through a FEMA BRIC Grant.

- C. Approved a Contract with KCI Technologies, Inc. in the Amount of \$1,090,910 for Construction Project Administration for the FEMA BRIC Grant Project for Flood Mitigation at the Snow Creek Pump Station.

Staff requests Council's approval of the contract with KCI Technologies Inc. in the amount of \$1,090,910 for the design, permitting, bidding, grant administration, and construction project administration for the FEMA BRIC grant project for flood mitigation at the Snow Creek Pump Station. Staff has applied for and received FEMA grant assistance for a flood mitigation project at the Snow Creek Pump Station. The Federal Government provides funding through the FEMA Building Resilient Infrastructure and Communities (BRIC) program. The BRIC grant program provides funding to mitigate risks to infrastructure to better protect public investment and the environment. The City of Hickory was awarded a grant for flood mitigation efforts at the Snow Creek Pump Station on March 16, 2022. This project will require the completion of the preliminary design that was part of the grant application as well as grant and project administration. Statement of Qualifications (SOQs) were solicited and accepted on April 1, 2022. KCI Technologies Inc. was the only respondent but their familiarity with the project due to their assistance with developing the grant application makes them the best qualified firm. Staff recommends Council's approval of the contract with KCI Technologies Inc. in the amount of \$1,090,910 for the design, permitting, bidding, grant administration, and construction project administration for FEMA BRIC grant project for flood mitigation at the Snow Creek Pump Station.

- D. Approved the Final Adjusting Change Orders with Neill Grading and Construction Co., Inc. in the Amounts of -\$19,178.01 and -\$93,412.01 of the Contract for Construction of the Trivium Corporate Center Roadways Projects.

Staff requests Council's approval of the final adjusting change orders of the contract for construction of the Trivium Corporate Center Roadways Projects, TIP# U-6238 & NCDOT 48962 project with Neill Grading and Construction Co. Inc., in the amount of -\$19,178.01 and -\$93,412.01. This phase of the Trivium project consisted of the construction of the turn lanes on Robinwood Road to Lutetium Circle, the completion of Trivium Court, water lines, curb and gutter, street trees, sidewalk, and park signage. Neill Grading and Construction Co., Inc. bid \$1,102,657. Quantities have been reconciled and the total project has finished under budget by a total of \$112,590.02. Staff recommends Council's acceptance of the final adjusting change orders of the contract for construction of the Trivium Corporate Center Roadways Projects, TIP# U-6238 & NCDOT 48962 project with Neill Grading and Construction Co. Inc., in the amount of -\$19,178.01 and -\$93,412.01.

- E. Approved on First Reading an Ordinance Amending Chapter 2, Article II, Division 2, Section 2-52 Regular Meetings of the City of Hickory Code of Ordinances.

Consideration of amending Chapter 2, Article II, Division 2, Section 2-52 of the City of Hickory Code of Ordinance amending the City Council meeting times from 7:00 p.m. to 6:00 p.m., effective August 15, 2023.

ORDINANCE NO. 23-18

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION 2, SECTION 2-52 REGULAR MEETINGS OF THE CITY OF HICKORY CODE OF ORDINANCES

WHEREAS, Chapter 2, Article II, Division 2, Section 2-52 of the City of Hickory Code of Ordinance provides that council shall hold a regular meeting on the first and third Tuesday of each month, except that if a regular meeting date is a legal holiday, other than Election Day, the meeting may be held on the next business day, and that such regular meetings shall be held at the city hall at 76 North Center Street and shall begin at 7:00 p.m.; and

WHEREAS, City Council desires to amend Chapter 2, Article II, Division 2, Section 2-52 of the City of Hickory Code of Ordinances such that regular meetings shall begin at 6:00 p.m. rather than 7:00 p.m.

NOW, THEREFORE, IN ACCORDANCE WITH SECTION 1-8 OF THE CITY OF HICKORY CODE OF ORDINANCES, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA, THAT CHAPTER 2, ARTICLE II, DIVISION 2, SECTION 2-52 OF THE HICKORY CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 1: Amended

Chapter 2, Article II, Division 2, Section 2-52 of the Hickory Code of Ordinances is hereby amended to read as follows:

Sec. 2-52. – Regular meetings.

The council shall hold a regular meeting on the first and third Tuesday of each month, except that if a regular meeting date is a legal holiday, other than Election Day, the meeting may be held on the next business day. Meetings shall be held at the city hall at 76 North Center Street and shall begin at 6:00 p.m.

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

Section 4: Effective Date.

The amendments to this Ordinance shall become effective immediately upon adoption.

- F. Approved the Issuance of a Pyrotechnic Display Permit to PyroStar Entertainment for a Fireworks Display at Hickory Motor Speedway.

Staff requests approval to issue a pyrotechnic display permit to PyroStar Entertainment for fireworks display at the Hickory Motor Speedway for Saturday, July 29, 2023, (Rain Date: Saturday, September 16, 2023). The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one million dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends Council's approval of the pyrotechnics displays.

- G. Approved on First Reading Budget Revision Number 23 EC.

ORDINANCE NO. 23-14
BUDGET REVISION NUMBER 23EC

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, 2023, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2022-23 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	554,081	-
TOTAL	554,081	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	554,081	-
TOTAL	554,081	-

SECTION 2. 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.

H. Approved on First Reading Budget Revision Number 1.

ORDINANCE NO. 23-19
BUDGET REVISION NUMBER 1

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, 2024, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture & Recreation	66,985	-
Public Safety	12,789	16,846
Other Financing Uses	16,846	112,590
TOTAL	96,620	129,436

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	79,774	112,590
TOTAL	79,774	112,590

SECTION 2. To amend the Water/Sewer Fund within the FY 2023-24 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	2,247,189	-
TOTAL	2,247,189	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	2,247,189	-
TOTAL	2,247,189	-

SECTION 3. To amend the Sludge Compost Fund withing the FY 2023-24 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	122,500	-
TOTAL	122,500	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	122,500	-
TOTAL	122,500	-

SECTION 4. To amend the Justice Assistance 2022 (#G51107) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
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Public Safety	50,595	-
TOTAL	50,595	-

To provide funding for the above the Justice Assistance 2022 (#G51107) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	16,846	-
Restricted Intergovernmental	33,749	-
TOTAL	50,595	-

SECTION 5. To amend the Trivium Corporate Center Project Enzyme (#B1B003) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	-	112,590
TOTAL	-	112,590

To provide funding for the above the Trivium Corporate Center Project Enzyme (#B1B003) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	-	122,590
TOTAL	-	122,590

SECTION 6. To amend the Hickory-Catawba WWTF (#802101) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water & Sewer Capital Projects	1,400,000	-
TOTAL	1,400,000	-

To provide funding for the above, the Hickory-Catawba WWTF (#802101) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,400,000	-
TOTAL	1,400,000	-

SECTION 7. To establish the Snow Creek Pump Station FEMA Grant (#803312) Grant Project, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water & Sewer Capital Projects	1,090,910	-
TOTAL	1,090,910	-

To provide funding for the above the Snow Creek Pump Station FEMA Grant (#803312) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,090,910	-
TOTAL	1,090,910	-

SECTION 8. 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 Closing a Portion of Southgate Corporate Parkway SW – Presented by Public Works Director Steve Miller.

Staff requests Council's consideration of closing a portion of Southgate Corporate Parkway SW as petitioned by R.H. Barringer Distributing Company, Inc. The City Clerk received a petition from R.H. Barringer Distributing Company, Inc., owner of the property abutting Southgate Corporate Parkway SW. The petition requests the City to close a portion of Southgate Corporate Parkway SW,

as per NCGS § 160A-299. The portion of the street is bounded by the tract owned by the Petitioner R.H. Barringer Distributing Company, Inc. The signature on the petition represents the owner of the property abutting this portion of the right-of-way. The petition fee of \$800 has been paid. A memo was sent to various departments for their input on the street closing. Public Utilities responded that "1155 Corporate Park SW is connected to the sewer line that is inside this portion of the street that is petitioned to be closed. The petitioner must relay an easement to the City of Hickory for this sewer line or make accommodations for the service to 1155. A waterline and two fire hydrants are in this street as well. Petitioner can abandon this section of the line but is responsible for fire protection to any new structures." The comments were also made that the City needs to make sure there is some type of sewer easement for city access, and it places a viable business in the business park. Staff recommends Council conduct the public hearing to consider closing a portion of Southgate Corporate Parkway SW, as petitioned by R.H. Barringer Distributing Company, Inc.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on June 24, July 1, July 8, July 15, 2023.

City Manager Warren Wood asked Public Works Director Steve Miller to the podium to present Council with a request to close a portion of Southgate Corporate Parkway SW.

Public Works Director Steve Miller gave a PowerPoint presentation. He discussed the request to close a portion of Southgate Corporate Parkway SW. A it was a single party petition. The street was bounded on all sides by the track owned by the Petitioner RH Barringer Company Incorporated. He relayed that from all of the comments from staff, the only one that had had a caveat to the petitioner was they must relay an easement to the City of Hickory for an existing sewer line or make accommodations to the joint property, which they agreed to do. He said the petitioner was also responsible for any changes to the water service on their property as they develop it. He referred to the PowerPoint and displayed a photo of the property to be closed showing a U shape around that cul de sac and showing 321 running beside it. He conveyed what was proposed to be closed was the street in the area off the little hook to the cul de sac and then install a new cul de sac to the right at the entrance to where the new facility will be. He said the property owner's property will have a new headquarters and distribution center. Based upon the findings Staff recommended acceptance and approval of the resolution and order closing the portion of Southgate Parkway Southwest. He asked for any questions.

Mayor Guess asked if all they were doing was moving the cul de sac up so they can make better use of the land?

Public Works Director Steve Miller replied yes.

Alderman Wood questioned the major power lines and infrastructure running at the back of that property. He asked was that on their property or was there an easement going through there?

Public Works Director Steve Miller replied yes, the power lines run through their property and they will work with Duke Energy with the development of the property.

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

Alderman Patton moved, seconded by Alderman Seaver approval of closing a portion of Southgate Corporate Parkway SW. The motion carried unanimously.

RESOLUTION NO. 23-37 RESOLUTION AND ORDER

WHEREAS, R.H. Barringer Distributing Company, Inc. owns properties adjoining the following described area, in the City of Hickory, County of Catawba, which is further described as follows:

A Portion of Southgate Corporate Parkway SW

Lying and being situate in the City of Hickory, Hickory Township, Catawba County, North Carolina, and being more particularly described as follows:

Being located in Hickory Township, Catawba County, North Carolina and more particularly described as:

Commencing at a point in the western right-of-way line of Southgate Corporate Parkway SW, located on Parcel No. 370213144561, in Catawba County Records; said point having North Carolina Grid Coordinates of N:724,406.68 usft, E: 1,301,356.51 usft; thence running from said point the next nine calls, N 45°54'49" E, 68.42 feet, Arc Length: 72.80 feet, Radius: 60.00 feet; thence, S 26°54'29" E, 160.06 feet, Arc Length: 161.84 feet, Radius: 315.06 feet; thence, S 41°32'56" E, 75.00 feet; thence, S 56°53'46" E, 61.27 feet, Arc Length: 65.95 feet, Radius: 50.00 feet; thence, S 10°55'12" W, 50.06 feet, Arc Length: 52.43 feet, Radius: 50.00 feet; thence, S 69°24'42" W, 47.64 feet, Arc Length: 49.65 feet, Radius: 50.00 feet; thence, N 35°16'51" W, 72.97 feet, Arc Length: 81.79 feet, Radius: 50.00 feet; thence, N 41°32'56" W, 75.00 feet; thence, N 29°36'28" W, 155.20 feet, Arc Length: 156.33 feet, Radius: 375.06 feet, to the POINT AND PLACE OF BEGINNING, containing 20,971 square feet more or less, according to a survey, for the partial right-of-way closure of Southgate Corporate Parkway SW, for RH Barringer Distributing Company, Inc., prepared by David Alley, Allied Associates, PA, Winston-Salem, NC, Job No. PA230110, dated May 17, 2023.

WHEREAS, following the filing of said petition with the City Council, a notice of public hearing upon the question of closing and abandoning said area for public roadway purposes was advertised in *The Hickory Daily Record* in the issues of June 24, July 1, July 8, and July 15, 2023.

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

THAT, the above-described area be and the same is hereby ordered to be closed and abandoned for roadway or street purposes, in accordance with the provisions of Chapter 160A, Section 299, of the General Statutes of North Carolina, and the Charter of the City of Hickory;

BE IT FURTHER RESOLVED that the City of Hickory reserves the right, title and interest in any utility improvement or easement within the above-described street or roadway to be closed, pursuant to the provisions of 160A, Section 299, of the General Statutes of North Carolina; and

RESOLVED, FURTHER, that all rights, title, and interest of the City of Hickory in and to the area covered by said street shall vest in the respective owners of the land adjoining said area, all in accordance with the provision of the abovementioned section of the General Statutes of North Carolina.

BY ORDER OF THE HICKORY CITY COUNCIL.

ADOPTED ON THIS 18TH DAY OF JULY, 2023.

2. Approved on First Reading Rezoning Text Amendment 23-01 to the Hickory Land Development Code, Article 4, Section 4.6 Airport Overlay – Presented by Planning Director Brian Frazier.

The City of Hickory staff requests Council's consideration of amendments to the Hickory Land Development Code, Article 4, Section 4.6 Airport Overlay. The proposed amendments are intended to strengthen the current Airport Overlay District. The current overlay primarily regulates height and lighting in one of the specific protection zones as identified in the Hickory Regional Airport Master Plan. The proposed amendments strengthen the existing overlay district by better defining protection zones, permitting responsibilities, and enacting new land-use development regulations on surrounding private properties. The Hickory Regional Planning Commission conducted a public hearing on June 28, 2023, to consider the proposed amendments. The Planning Commission recommended two changes to the amendments as presented. It was recommended to include in Section 4.6.3 the FAA could require heights lesser than those contained within the current ordinance; and to modify Section 4.6.10 to allow the Airport Director opportunity to give oral testimony at any required public hearing, rather than written comments, as quasi-judicial hearings require comments be presented under oath. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the amendments consistency with the Hickory by Choice 2030 Comprehensive Plan and voted unanimously (8-0) to recommend approval of the amendments. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on July 8, and July 15, 2023.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with Rezoning Text Amendment 23-01 to the Hickory Land Development Code, Article 4, Section 4.6 Airport Overlay.

Planning Director Brian Frazier gave a PowerPoint presentation. He discussed Rezoning Text Amendment 23-01 to the Hickory Land Development Code, Article 4, Section 4.6 Airport Overlay.

Planning Director Brian Frazier advised the amendment was something that couldn't wait until the annual round up later this summer or fall. He said the whole reasoning behind this was to improve safety on and around the regional airport. He said the impacts would increase, regulatory land use control of adjacent properties because all we have now basically is the Runway Protection Zone and all we're looking at was height and feet. He said they are not looking at the surrounding use and the regulatory process. He said the outcome would be improved safety for air traffic and surrounding development through the text amendment.

Mr. Frazier advised Section 4.6.2 was to make a general reference to the airport master plan rather than a specific iteration. Also, he said Section 4.6.2 amendment was to define what constitutes a runway protection zone where there was never a true definition before based on the A trapezoidal area off the end of the runway that serves to enhance the protection of people and property on the ground and air traffic and airport operations. Section 4.6.3 was to amend and establish the 50 ft. maximum height limit in the Runway Protection Zone. He advised Section 4.6.4 was being amended to further regulate permissible and prohibited uses within the Runway Protection Zone. Section 4.6.5 and 4.6.9 was to amend the reference that the Planning Director rather than the Zoning Administrator as no position exists. He advised Section 4.6.5 was amended lowering the threshold for reconstructing of damaged non-conforming structures and land-uses. The Airport Overlay states 80% of the tax value, while the section pertaining to the remainder of the code states 50%. He stated to provide greater authority over non-conforming structures and uses. He stated if a non-conforming building or use is destroyed 50% or more of its success tax value, then it can be rebuilt or reestablished if conformity with the current zoning regulations. Section 4.6.7 amendment was to add language related specifically to the Airport Overlay. The current language was extremely vague and needs to be more specific for legal enforcement purposes. Another amendment to Section 4.6.7 was to clearly state that a permit is needed for any change of use, new development or redevelopment within the Runway Protection Zone. The amendment for Section 4.6.10 was to allow the Airport Director to review applications for permits and provide written comments regarding the permit application. It would also allow the Airport Director who was the expert, not necessarily him or his office to allow review of the petitions for rezoning variances, special use permits prior to those public hearings and to provide oral comments or testimony at the hearings regarding such petitions. He stated that the Airport Director should have a more well-defined role in that process. He also referenced amending the code overall to correct cross-referencing, formatting, typographical areas, and redundancies that don't impact the intent or the enforcement of these regulations.

Mr. Frazier referred to the PowerPoint of the airport area map, the municipal jurisdiction, what was owned by the city for the airport. He referenced the ETJ, that was the runway to the northeast. The Runway Protection Zone to the northeast and the Runway Protection Zone to the southwest. He stated most of the area is within the Town of Longview. He stated upon advice of Council and city management he contacted two members of the Town of Longview administration, one elected official and one administrator. He asked if they would consider such a text amendment to their version of the Land Development Code.

Mr. Frazier referred to the PowerPoint showing the current zoning of an industrial area, an R-4 residential area and some planned development towards the bridge, the Lake and the area of West Hickory. He referred to a PowerPoint showing the Burke County and Catawba County line. He stated the northeastern zone of the runway was the protection area.

Mr. Frazier stated the Planning Commission conducted a hearing last month to consider the proposed amendments. No one spoke in favor or in opposition to the proposed text amendment to the Land Development Code. He said the Planning Commission did recommend two changes to the staff report which was

concurred with. The first recommendation was to include in Section 4.6.3 that the FAA could require heights lesser than those contained within the current ordinance. The second recommendation was to modify Section 4.6.10 to allow the Airport Director an opportunity to give oral testimony at any required hearing rather than written comments as quasi-judicial hearing requires comments be presented under oath.

Planning Director Brian Frazier acknowledged the amendments was consistent with the Comprehensive Plan and based upon the findings, the Planning Commission voted unanimously in this case 8 to 0. Staff concurred with the recommendation of the City's Planning Commission. He asked for any questions.

Alderman Patton asked if the Town of Longview would be changing their Land Development Code to be in-line with the City's as suggested to them?

Planning Director Brian Frazier responded he hoped they would but did not know for certain.

Mayor Guess asked would there be any ramifications if the Town of Longview does not change their codes?

Planning Director responded it would be helpful to have it more unified with the Airport being a Regional Airport but there were no consequences if the Town of Longview does not change their code.

Mayor Guess asked if this precluded the City from doing anything?

Planning Director Brian Frazier responded no it does not preclude the City from doing anything.

Alderman Seaver asked were these amendments being requested from the FAA?

Planning Director Brian Frazier responded there were some FAA basis to the amendments wanting to make sure that the language was consistent with theirs. They haven't really looked at the Runway Protection Zone language in some time. He stated they did last year when Council approved the suggested staff and planning commission amendments to the Land Development Code. He expressed this just is a little bit more regulatory in nature, and it would protect the city's investment in the Airport and the Pedestrian Bridge, the River Walk area, the Aviation Walk, the coming Museum and the CVCC building and to protect their interest as well. He stated we're putting quite a bit of taxpayer dollars into that area we want to make sure it has some further protections.

Alderman Wood stated the protection purposes are paramount and asked if these amendments were for the purposes of helping to protect the federal funding that we may receive in the future?

Planning Director Brian Frazier responded that would definitely help. He stated the FAA hasn't requested any changes but theoretically it would help.

Alderman Wood asked for nonconforming use or a dangerous use that could jeopardize funding from the FAA?

Planning Director Brian Frazier responded yes that very well could happen in certain instances.

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

Alderman Patton moved, seconded by Alderman Williams approval of Rezoning Text Amendment 23-01. The motion carried unanimously.

ORDINANCE NO. 23-20

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING ARTICLE 4, SECTION 4.6, AIRPORT OVERLAY DISTRICT.

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

WHEREAS, the City of Hickory has updated its comprehensive plan and where such updates necessitates revisions to the City's Land Development Code to ensure consistency between the two; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed amendments during a public hearing on June 28, 2023 and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed amendments are in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare, and comply with applicable state statutes; and

WHEREAS, the City Council has found Text Amendment 23-01 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE PROPOSED AMENDMENTS TO THE HICKORY LAND DEVELOPMENT CODE AS DESCRIBED IN EXHIBIT A are approved.

SECTION 1. Findings of fact.

- a) Whether the proposed amendment corrects an error or inconsistency in the Land Development Code or meets the challenge of a changing condition.

The amendments reflect updates found necessary to protect the safety and vitality of the Hickory Regional Airport.

- b) Whether the proposed amendment is consistent with the Hickory by Choice Comprehensive Land Use and Transportation Plan, and the stated purpose of the Land Development Code.

The proposed amendments work to further implement the Hickory by Choice 2030 Comprehensive Plan.

- c) Whether the proposed amendments will protect public health, safety and general welfare.

The amendments further the City's efforts to protect the health, safety, and general welfare of the public.

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. Technical Corrections. City Staff is authorized to correct any typographical, cross-reference, numbering, formatting, or other errors which may hereafter be discovered and to publish or distribute correction sheets as may be necessary. This section shall not be construed as authorizing City Staff to make any substantive changes to the provisions of the code without presenting the same to Council for consideration and approval as required by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 23-01 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.

B. Departmental Reports

1. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

At-Large (Council Appoints)

VACANT

At-Large (Council Appoints)

VACANT

CITIZENS ADVISORY COMMITTEE

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

At-Large (Council Appoints) Steven Kiger

Eligible for Reappointment/Willing to Serve Again

Small Cities Project Area (Council Appoints) Mark Huggins

Eligible for Reappointment/Willing to Serve Again

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) 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)
African American (Council Appoints) VACANT
Caucasian (Council Appoints) VACANT
Other Minority (Council Appoints) Leslie Mancilla
Eligible for Reappointment/Willing to Serve Again
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Alderwoman Williams Nominated MacGregor Vanbeurden as a Caucasian Representative on the Community Relations Council.

HICKORY REGIONAL PLANNING COMMISSION

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

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Historic Properties Owner VACANT
Building Trades Profession Simon Lucas
Eligible for Reappointment/Willing to Serve Again

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints) VACANT
Ward 4 (Freeman Appoints) Allison Little
Eligible for Reappointment/Willing to Serve Again
At-Large (1) (Mayor Appoints) VACANT
At Large (2) (Mayor Appoints) Michael McLamb
Eligible for Reappointment/Willing to Serve Again

Alderman Freeman Nominated Allison Little as Ward 4 Representative on the Library Advisory Board

Mayor Guess Nominated Michael McLamb as At-Large(2) Representative on the Library Advisory Board

PARKS RECREATION AND SPORTS TOURISM

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints) Timothy Shuford
Eligible for Reappointment/Willing to Serve Again

Alderman Freeman Nominated Timothy Shuford as Ward 4 Representative on the Parks Recreation and Sports Tourism Board

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints) VACANT
Ward 4 (Freeman Appoints) Wesley Christopher
Eligible for Reappointment/Willing to Serve Again
Ward 5 (Zagaroli Appoints) Brittany Marinelli Moved Out of Ward 5 VACANT
Ward 6 (Patton Appoints) VACANT

Alderman Freeman Nominated Wesley Christopher as Ward 4 Representative on Public Art Commission Board

Alderwoman Patton Nominated Clise Plant as Ward 6 Representative on the Public Art Commission Board

PUBLIC HOUSING AUTHORITY BOARD

(Terms Expiring 6-30; 5-Year Terms) (Appointed by Mayor)
Position (4) Dr. Michael Wimberly Eligible for Reappointment
Tenant Representative Velecia Wynette Hackett Eligible for Reappointment

Mayor Guess Nominated Michael Wimberly as Position 4 Representative on the Public Housing Authority Board

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints) Deborah Hollingsworth Eligible for Reappointment
Ward 6 (Patton Appoints) VACANT
At-Large (Council Appoints) William Bost Eligible for Reappointment
At-Large (Council Appoints) Tawana Thomas Eligible for Reappointment
At-Large (Council Appoints) Bill Garrard Resigned Effective 7-1-2023 VACANT

Alderman Freeman Nominated Deborah Hollingsworth as Ward 4 Representative on the Recycling Advisory Board

TOURISM DEVELOPMENT AUTHORITY

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

Mayor Guess Nominated Kimberly George as the Demonstrates Interest Representative for the Tourism Development Authority.

Mayor Guess moved seconded by Alderwoman Patton approval of the above nomination(s). The motion carried unanimously.

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(6) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

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

 - 1. Approval of Closed Session Minutes of March 7, 2023 - NCGS §143-318.11(a)(1)
 - 2. Discussion of Personnel Matter - NCGS §143-318.11(a)(6)
No action was taken upon return to open session.
- XV. There being no further business, the meeting adjourned at 8:21 p.m.

Mayor

Deputy City Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: John Marshall, Transportation Planning Director

Contact Person: John Marshall, Transportation Planning Director

Date: August 1, 2023

Re: Project TIP # EB-5937 / EB-5938 - Historic Ridgeview Walk Multi-Use Trail

REQUEST

Staff requests Council acceptance and award of the contract for construction of the Projects TIP # EB-5937/EB-5938 - Historic Ridgeview Walk to Kemp Sigmon Construction Company, Inc. in the amount of \$6,462,202.23, contingent upon NCDOT concurrence.

BACKGROUND

The Historic Ridgeview Walk (formerly referred to as Book Walk/Book Walk South) will be part of the larger Hickory Trail multi-use system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City.

Historic Ridgeview Walk will specifically provide this connectivity within the Ridgeview community and connect the Ridgeview community to Downtown Hickory and U.S. 70.

ANALYSIS

The Historic Ridgeview Walk path will travel from the City Walk down South Center Street, west across City-owned property at the Historic Ridgeview Public Library, and south on 1st Street SW to the current Ridgeview Branch Library. The path will then go west on 7th Avenue SW past Ridgeview Recreation Center, before turning south and following 4th Street SW to U.S. 70.

Historic Ridgeview Walk proposes to construct a 1.2-mile, 10-foot wide multi-use path for pedestrians and bicyclists of all ages and abilities, connecting residents to community amenities. Design plans for the Historic Ridgeview Walk will be consistent with City Walk aesthetics. Historic Ridgeview Walk was funded in three sections:

- EB-5937 consists of construction of a concrete multi-use path (Book Walk), from City Walk to the Ridgeview Library. The project starts at the current City Walk project and South Center Street and follows South Center Street south then west on 4th Avenue SW and then south on 1st Street SW to the Ridgeview Library at 7th Street SW.
- EB-5938 consists of construction of a concrete multi-use path (Book Walk South), from the Ridgeview Library to US 70. The project starts at Ridgeview Library at 1st Street SW and 7th Avenue SW and follows 7th Avenue SW west to 4th Street SW and follows 4th Street SW/4th Street Drive SW south to US 70.

Bids were advertised for the project and received on July 13, 2023. Three bids were received and opened, and the results are as follows;

- Kemp Sigmon Construction Company, Inc. – \$6,462,202.23

RECOMMENDATION

Staff recommends Council acceptance and award of the contract for construction of Project TIP # EB-5937/EB-5938 - Historic Ridgeview Walk to Kemp Sigmon Construction Company, Inc. in the amount of \$6,462,202.23, contingent upon NCDOT concurrence.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes



No



LIST THE EXPENDITURE CODE:

Project# B1L003
061-7504-577.22-02

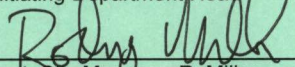
Project# B1L004
061-7504-577.22-02

Reviewed by:

John Marshall
Initiating Department Head

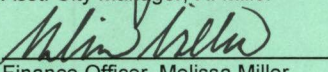
08/01/2023

Date


Asst. City Manager, R. Miller

7/26/23

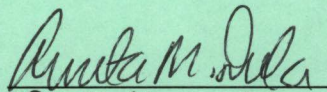
Date


Finance Officer, Melissa Miller

7/26/23

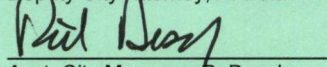
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Date


Deputy City Attorney, A. Dula

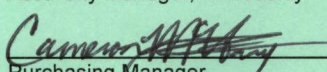
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Date


Asst. City Manager, R. Beasley

7/20/23

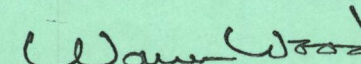
Date


Purchasing Manager,

7-26-23

Date

Recommended for approval and placement on August 1, 2023 Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).



City Manager Warren Wood

7.27.23

Date

RESOLUTION NO. _____

RESOLUTION BY HICKORY CITY COUNCIL ACCEPTING THE LOWEST RESPONSIBLE BID FROM KEMP SIGMON CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$6,462,202.23 FOR PROJECTS TIP # EB-5937 AND EB-5938 KNOWN AS HISTORIC RIDGEVIEW WALK MULTI-USE TRAIL

WHEREAS, the City of Hickory received three bids and were publicly opened on July 13, 2023 for the construction of EB-5937 and EB-5938.

WHEREAS, in the evaluation of the three bidders, Kemp Sigmon Construction Company, Inc. was the apparent responsible low bidder for the Grand Total Bid price of \$6,462,202.23.

WHEREAS, the apparent low bid submitted by Kemp Sigmon Construction Company, Inc. has been reviewed for compliance with bidding requirements included in the Bidding and Contract Documents.

WHEREAS, based upon the review of Kemp Sigmon Construction Company, Inc. qualifications and other documentation submitted as part of the bid evaluation process, their Bid is considered to be complete and responsive with respect to the bidding requirements for this project.

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

- 1) City Council accepts the bid of \$6,462,202.23 for the construction of Project TIP # EB-5937 and EB-5938 – Historic Ridgeview Walk Multi-Use Trail.
- 2) City Council authorizes the City Manager to execute all contract(s) and any necessary documents, between the contractor and the City for the construction of Project TIP # EB-5937 and EB-5938 – Historic Ridgeview Walk Multi-Use Walk.
- 3) The award of the Contract will be contingent upon the review and approval of the bid documents by the North Carolina Department of Transportation.

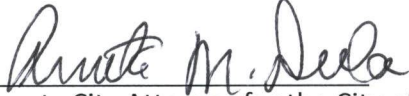
Adopted this the 1st day of August 2023, at Hickory, North Carolina.

ATTEST:

Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form on 25th day of July, 2023


Deputy City Attorney for the City of Hickory

To: City Manager's Office
From: Shawn Pennell, Public Utilities Director
Contact Person: Drew Foy, Assistant Public Utilities Director
Date: August 1, 2023
Re: Henry River Sewer Pump Station Upgrades – Amendment #1

REQUEST

Staff requests Council acceptance of Amendment #1 to the Professional Services Agreement with KCI Associates of North Carolina, PA, for the Henry River Sewer Pump Station Upgrades project in the amount of \$40,900.00.

BACKGROUND

The Public Utilities Department identifies areas within the City of Hickory Collection System annually for inspections and conditions assessment. This practice has been established so that Staff for the Public Utilities Department may evaluate portions of the System annually to determine necessary repairs and improvements in manageable portions. The Henry River sewer pump stations have seen increased flow as a result of development occurring in the City of Hickory

An evaluation of the Henry River sewer pump stations was completed in October 2021 which recommended updates to these pump stations to allow for the anticipated growth in the basins they serve. This is a continuation of the Public Utilities Department's emphasis in maintaining and/or replacing infrastructure to maximize the useful life and efficiency of the Collection and Distribution Systems for the enjoyment and benefit of our customers.

ANALYSIS

KCI Associates, PA was tasked with the design of upgrades to these pump stations in July 2022. During the design phase, and based on discussions with City staff, it has been determined that additional components of the pump stations should be evaluated and included in the upgrade design. These components include the barscreens, which are original to the pump stations, and the cranes, which will be undersized following the upgrades. Including these components in the upgrade will ensure the ongoing reliability of the pump stations as well as avoid duplication of efforts in the future.

RECOMMENDATION

Staff recommends Council acceptance of Amendment #1 to the Professional Services Agreement with KCI Associates of North Carolina, PA, for the Henry River Sewer Pump Station Upgrades project in the amount of \$40,900.00.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes



No

**LIST THE EXPENDITURE CODE:**~~From SDF Capital Reserve Fund~~

Project# 803310

065-8033-587.30-01

Reviewed by:

Shawn Pennell
Initiating Department Head

07/19/2023
Date

Rodney Miller
Asst. City Manager, Rodney Miller

7/26/23
Date

Melissa Miller
Finance Officer, Melissa Miller

7/26/23
Date

Date

A. Dula
Deputy City Attorney, A. Dula

7-25-23
Date

Rick Beasley
Asst. City Manager, Rick Beasley

7/25/23
Date

Cameron
Purchasing Manager

7-26-23
Date

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

Warren Wood
Warren Wood, City Manager

7.27.23
Date



KCI ASSOCIATES OF NC
ENGINEERS | PLANNERS | SCIENTISTS | CONSTRUCTION MANAGERS

Amendment #1 – Sandy Ford & Clark Creek Pump Stations Additional Services

To: Shawn Pennell, Public Utilities Director
From: David DePratter, KCI
CC: Drew Foy, City of Hickory; Bill Grant, KCI
Date: June 30, 2023
Re: Additional Services for the Design of the Sandy Ford and Clark Creek Pump Stations located in the Henry River Basin

KCI Associates of NC (KCI) was tasked by the City of Hickory (City) on July 19, 2022 to provide comprehensive design for the installation of new triplex submersible wastewater pumps at the existing Clark Creek and Sandy Ford Pump Stations located in the Henry River Basin near Hickory, North Carolina. The project scope includes comprehensive design for necessary electrical, controllers, automatic transfer switching, and standby power. KCI is to develop Construction Documents, provide Permitting and Bidding Assistance, and provide Construction Administration and Periodic Construction Observation.

ADDITIONAL SCOPE OF SERVICES

During the 30% design review meeting between the City and KCI, the City identified concerns with the current mechanical bar screens and jib cranes at each station. Both pieces of equipment are original to the pump stations which were constructed in 2004. The City advised that the screen at Clark Creek is experiencing a greater demand for maintenance and may be a candidate for rehabilitation or replacement. While the screen at Sandy Ford has not shown the same degree of degradation, both screens were installed at the same time and therefore it would be advisable to evaluate both screens. The existing jib cranes have been problematic over time with the crane at Sandy Ford no longer being operational. The City has relied on their boom truck to pull pumps at both pump stations. However, the weight of the pumps proposed is beyond the lifting capacity of the boom truck, as well as, the existing cranes. Therefore, it will be necessary to replace both cranes. The City requested KCI to evaluate both the bar screens and jib cranes and include recommended improvements in the upgrades to both pump stations. Engineering services to be provided are detailed as follows:

Preliminary and Final Design of Bar Screen Improvements

- Perform preliminary and final design of bar screen improvements for Clark Creek and Sandy Ford Pump Stations.
 - Discuss with the Owner existing screening equipment including current equipment conditions, operational issues, and life cycle considerations.

- Consideration/evaluation of up to three (3) alternatives, to include refurbishment and replacement of the bar screen at both pump station sites.
 - Contact current screen manufacturer to determine scopes and costs to refurbish and replace existing screen.
 - Contact alternate manufacturer that has supplied screens to the Owner to determine scope and cost of a replacement screen.
- Develop a summary memorandum reviewing the evaluation completed on the screening alternative with a recommendation for screening at both pump stations.
- Meeting with Owner to discuss investigation and recommendations and receive direction from the Owner
- Develop final design and Construction Documents (Construction Plans and Technical Specifications) for the proposed improvements and merge into the final pump station upgrade documents for each pump station.
 - Include Electrical Design and supporting Construction Documents. This work will be performed by the Electrical Engineering Subconsultant currently engaged in ongoing design.

Preliminary and Final Design of Jib Crane Improvements

- Perform preliminary and final design for replacement of the jib cranes at Clark Creek and Sandy Ford Pump Stations.
 - a. Discuss with the Owner existing condition of existing jib cranes including reliability, limitations, and expectations.
 - b. Consideration/evaluation of up to three (3) alternative jib crane manufacturers, including current jib crane supplier.
 - i. Contact jib crane manufacturers and provide details on boom length, pump weight, lift height, and minimum clearances to determine appropriate jib crane and hoist models and current screen manufacturer to determine scopes and costs to refurbish and replace existing screen.
 - c. Develop a summary memorandum reviewing the evaluation completed on the screening alternative with a jib crane recommendation for both pump stations.
 - d. Meeting with Owner to discuss investigation and recommendations and receive direction from the Owner
 - e. Develop final design and Construction Documents (Construction Plans and Technical Specifications) for the proposed improvements and merge into the final pump station upgrade documents for each pump station.
 - i. Include Electrical Design and supporting Construction Documents. This work will be performed by the Electrical Engineering Subconsultant currently engaged in ongoing design.
 - ii. Include Structural Design and supporting Construction Documents. This work will be performed by a Structural Engineering Subconsultant.

FEE AND SCHEDULE FOR COMPLETING SCOPE OF SERVICES

The services detailed above are proposed to be completed at a **Lump Sum** as broken out below for a total cost of **Thirty-Eight Thousand and Three Hundred Dollars (\$40,900.00)**. Fees will be billed on a monthly basis as a percentage of the total fee.

Breakdown of Fees

Analysis & Design	\$ 34,500.00
Structural Subconsultant (Jib Crane Reaction Blocks)	1,800.00
<u>Electrical Subconsultant (Bar Screens & Jib Cranes)</u>	<u>4,600.00</u>
Total Additional Services	\$ 40,900.00

Upon approval of this Amendment #1, KCI will complete the additional services. KCI anticipates completion of Additional Services by August 4, 2023.

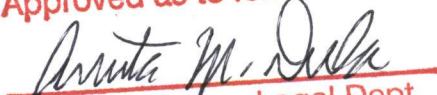
Submitted by KCI:


Date: 6/30/2023

Accepted by City of Hickory:

Date: _____

Approved as to form


 City of Hickory – Legal Dept.

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


 City of Hickory
Finance Officer

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Anna Beth Walker, Community Development Specialist, Office of Business Development

Contact Person: Anna Beth Walker, Community Development Specialist

Date: July 20, 2023

Re: Approval of 2023 Urgent Repair Program Assistance Policy and Procurement and Disbursement Policy

REQUEST

Please review and sign the attached post approval documentation and Urgent Repair Program Assistance Policy and Procurement and Disbursement Policies that accompany our applications for the Urgent Repair Program from North Carolina Housing Finance Agency in the amount of \$70,000.

BACKGROUND

In January of 2023, the City of Hickory Community Development Division applied for funding through the North Carolina Housing Finance Agency's Urgent Repair Program. The City of Hickory has been awarded \$70,000 through this program in order to assist approximately 6 very low-income homeowners with urgently needed repairs in an amount not to exceed \$12,000 per housing unit. The City of Hickory will provide an additional \$5,000 in matching funds, which are available from Rental Rehabilitation program income. The total program budget will be \$75,000.

ANALYSIS

NC Housing Finance Agency requires the City of Hickory to prepare Assistance and Procurement Policies. These policies must be made available to the public and explain the guidelines of the URP23 program. Copies of the proposed policies are attached. These policies incorporate program requirements, applicant eligibility standards, and program capabilities. Upon approval, these policies will be submitted to the NC Housing Finance Agency in order to finalize the City's grant agreement. Upon receipt and final acceptance by NCHFA, funds will be dispersed to the City of Hickory in order to begin repairs to eligible homes.

RECOMMENDATION

Staff recommends approval of the post approval documentation and the URP Assistance Policy and Procurement and Disbursement Policy.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes
X

No

LIST THE EXPENDITURE CODE:

056-1620-558.32-01 (will need to be created via Budget Amendment)

059-1620-558.32-02

Reviewed by:Dave Leonetti (DL)

Initiating Department Head

7/20/2023

Date

A. Dula
Deputy City Attorney, A. Dula7-25-23

Date

R. Miller
Asst. City Manager, R. Miller7/26/23

Date

R. Beasley
Asst. City Manager, R. Beasley7/25/23

Date

M. Miller
Finance Officer, Melissa Miller7/26/23

Date

C. McHargue
Purchasing Manager, C. McHargue7-26-23

Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).W. Wood
City Manager, W. Wood7.27.23

Date

URGENT REPAIR PROGRAM

City of Hickory

Hickory, North Carolina

**ASSISTANCE POLICY
2023**

URGENT REPAIR PROGRAM ASSISTANCE POLICY

INTRODUCTION

The North Carolina Housing Finance Agency has awarded \$70,000 to the City of Hickory (the City) based on the City's application for funding to implement the City's "Urgent Repair Program 2023". This program assists qualified very low and low-income homeowners, residing within the municipal boundaries of the City of Hickory (located primarily in Catawba County as well as Burke and Caldwell counties), in need of urgent housing repairs. The funds provided by NCHFA come from the North Carolina Housing Trust Fund and Agency funds. The City of Hickory shall provide an additional \$5,000 to be used in conjunction with these funds.

This Assistance Policy has been modeled from the guidelines prescribed by the North Carolina Housing Finance Agency for recipients of "Urgent Repair Program" funds and describes who is eligible to apply for assistance, how applications for assistance will be rated and ranked, what the form of assistance is and how the repair/modification process will be managed. The City has designed this project to be fair, open, and consistent with the City's approved application for funding and with NCHFA's URP Program Guidelines.

1.0 GOALS AND OBJECTIVES

1.1 GOALS

The goals of the City of Hickory's "Urgent Repair Program 2023" ("URP 23") are:

1. To alleviate housing conditions which pose an imminent threat to the life or safety of very low and low-income homeowners with special needs;
2. To provide accessibility modifications and other repairs necessary to prevent displacement of very low and low-income homeowners with special needs, such as frail elderly and persons with disabilities;
3. To assist a minimum of Six (6) eligible homes within the municipal boundaries of the City of Hickory.

1.2 OBJECTIVES

The objectives of the City's "URP 23" are:

1. To serve eligible households located within the municipal boundaries of the City of Hickory with urgent repair needs which cannot be met through other state- or federally-funded housing assistance programs;
2. To enable frail elderly and others with physical disabilities to remain in their homes by providing funding for essential accessibility modifications.

2.0 PROGRAM REQUIREMENTS

2.1 USE OF FUNDS

1. Only repairs that address imminent threats to the life and/or safety of occupants of the dwelling unit or accessibility modifications will be performed under the City's URP. It should be noted that all deficiencies in a home will likely not be rectified with the available funds.

2. “URP 23” funds must be used either for hard costs or for “URP 23” support associated with “URP 23” eligible repairs or modifications.
3. Eligible repairs must meet the goals as stated in section 1.1 above and rectify deficiencies including but not limited to:
 - 1) combustion appliance and chimney hazards;
 - 2) electrical system hazards;
 - 3) plumbing system hazards;
 - 4) imminent structural system failures (e.g., porches, steps, and roofs);
 - 5) mitigation of environmental hazards such as lead-based paint, asbestos, or soil gases;
 - 6) repairs necessary to prevent the imminent displacement of eligible households;
 - 7) repairs designed to increase the accessibility of the unit to frail or disabled residents, including ramps, hand rails and grab bars, kitchen and bathroom adaptations and door alterations, etc.;
 - 8) imminent threats to life or safety, including those caused by lead, which can be addressed by inexpensive lead hazard reduction activities such as replacing mini-blinds, improving soil conditions around drip lines, replacing windows, etc.; or,
 - 9) other repairs approved by the Agency on a case-by case basis.
4. Hard costs are defined, in the case of an independent private contractor performing the repair work, as the contract price; or in the case of City work crews performing the repairs, as the direct costs associated with the repairs including labor, materials, mileage, and tool rental.
5. The maximum amount of the loan will depend on the scope of work necessary to address the identified imminent threats to life and/or safety, and that will be determined by the city’s rehabilitation specialist. There is no minimum to the amount of the loan; however, the maximum life-time limit according to the guidelines of “URP 23” is \$12,000.
6. Program funds must not be used:
 - 1) in conjunction with any source of state or federal housing assistance (CDBG, HOME, HPG, 504 grants, etc.), other than Weatherization Assistance Program (WAP) assistance, Heating Appliance Repair and Replacement Program (HARRP) assistance, Home and Community Care Block Grants provided by the North Carolina Division of Aging and Adult Services or contributions from local offices of Independent Living;
 - 2) on any dwelling unit for which other sources of state or federal assistance are available at the time of the repair work; or
 - 3) on any dwelling unit for which other sources of state or federal assistance are likely to become available within six months following the completion of the repair work under the “URP 23”.

2.2 PROHIBITED ACTIVITIES

1. None of the funds provided under the City's "URP 23" shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.
2. There shall be no religious instruction conducted in connection with activities under the City's "URP 23";
3. The City will not discriminate against any applicant or beneficiary of assistance under the "URP 23" program because of race, sex, familial status religion, color, disability or national origin. The City will ensure that applicants are processed without regard to race, sex, familial status, age, religion, color, disability, or national origin. The City will also ensure that any person employed in the performance of any activity under the "URP 23" are also treated without regard to race, sex, familial status, age, religion, color, disability, or national origin.
4. No officer, employee or other public official of the City, or member of the City Council or entity contracting with the City that exercises any functions or responsibilities with respect to URP23 shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with program funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of City employees, City Council and others closely identified with the City, may be approved for rehabilitation assistance only upon public disclosure before the City's Council and written permission from NCHFA.

2.3 FORM OF ASSISTANCE

1. The City of Hickory's "URP 23" funds shall be made available to qualifying owner-occupant beneficiaries in the form of a loan. Homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of \$3,000 per year, until the principal balance is reduced to zero.
2. The City of Hickory shall use loan documents prescribed and provided by the NCHFA in the administration of URP assistance to qualifying beneficiaries.

2.4 ELIGIBLE HOUSEHOLDS

1. Only qualified low and very low-income owner occupants with special needs can be assisted under the City's "URP 23". A minimum of 50% of the City's "URP 23" funds shall benefit very low-income households with the remainder going to benefit low-income households. This guideline will be adhered to strictly and will be the primary factor in the selection of those households to be assisted under URP23.
2. City of Hickory low-income households are those with gross annual incomes not exceeding 50% of the Median Family Income for North Carolina as defined in the NCHFA "Urgent Repair Program" manual by number of persons in the household (see Income Limits schedule below).
3. City of Hickory very low-income households are those households with gross annual incomes not exceeding 30% of the Median Family Income for North Carolina as defined in the NCHFA "Urgent Repair Program" manual by number of persons in the household (see Income Limits schedule below).

4. Eligible households must include at least one member or configuration considered as a special need which include households described as the following: elderly, disabled, a single parent, a Veteran, a large family with >5 household members or a household with a child below the age of six with lead hazards in the home. These special needs populations are further defined as follows:
 1. Elderly: A household member who is at least sixty-two (62) years old;
 2. Emergency: A situation in which a household member has an immediate threat of being evicted or removed from a home due to health or safety issues within a time frame that the program can complete a repair to stop eviction or removal. These applications will be received at any time during the funding cycle and evaluated on the ability of the program to complete the work in a timely manner that meets the goal of assisting homeowners to remain in their home.
 3. Disabled: A person who has a physical, mental or developmental disability that greatly limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.
 4. Large Family: A large family household is composed of five or more individuals; at least four are immediate family members.
 5. Head of Household: The person or persons who own(s) the house.
 6. Household Member: Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a "household member" (the number of household members will be used to determine household size and all household members are subject to income verification).
 7. Occupant: An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of the household, regardless of the time of occupancy); or non-immediate family member who has resided in the dwelling at least 3 months prior to the submission of the family's application.
 8. Single-Parent Household: A household in which one and only one adult resides with one or more dependent children.
 9. Child with lead hazards in the home: a child below the age of six living in the applicant house which contains lead hazards.
 10. Veteran: A person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

**URGENT REPAIR PROGRAM 2023
NC STATEWIDE INCOME LIMITS* FOR
CITY OF HICKORY BENEFICIARIES**

Number in Household	Very Low Income (30% of Median)	Low Income (50% of Median)
1	\$ 17,600	\$ 29,350
2	20,150	33,350
3	22,650	37,750
4	25,200	41,950
5	27,200	45,350
6	29,200	48,700
7	31,250	52,050
8	33,250	55,400

*Income limits are subject to change based on annually published HUD HOME Limits and will be updated each year. This update will not require a re-approval of the governing authority. Income limits presented in this schedule are based on 2023 HUD North Carolina Statewide Median Family Income of \$87,000.

2.5 REPAIR STANDARDS

Program funds may be used to affect urgently needed repairs or modifications without regard to whether the dwelling unit shall meet any local, state or federal housing quality standards. However, all work done using “URP 23” funds must meet North Carolina State Residential building code standards and be done in compliance with all state or local permitting, inspections, licensing, and insurance requirements.

3.0 CITY OF HICKORY’S “URP 23” PROGRAM REQUIREMENTS

3.1 “URP 23” PROGRAM SCHEDULE

The City’s “Urgent Repair Program for 2023” shall begin on October 1, 2023 or sooner, based on approval by NC Housing Finance Agency, at which time the City of Hickory’s Community Development Department shall seek applicants by making known to the public the availability of funding through published announcements in local newspapers, through the distribution of “URP 23” brochures, press releases, and announcements posted in public places such as the Municipal Building and Recreation Centers in eligible neighborhoods. All applications must be received by December 1, 2024 with all projects under contract by December 31, 2024. All construction work will be completed no later than February 1, 2025, no exceptions.

3.2 GEOGRAPHICAL DISTRIBUTION OF “URP 23” FUNDS

Applications shall be accepted from all qualifying residents who live within the municipal boundaries of the City of Hickory.

3.3 BENEFICIARY SELECTION PROCESS

Approximately Six (6) units will be assisted through the 2023 Urgent Repair Program. Applications for assistance will be accepted on a first come, first to qualify, first-served basis. All applications, along with financial documentation, shall be delivered to the City of Hickory’s Citizens’ Advisory Committee regularly scheduled meeting on

the 1st Thursday of each month. A minimum of 50% of the units assisted under the 2023 Urgent Repair Program must have income limits less than 30% of the area median. No units with stated income above 30% of the area median will be repaired until the 50% threshold has been met.

3.4 APPLICATION PROCESS

1. Media and personal contact shall be used throughout the City to encourage prospective beneficiaries to make application for “URP 23” assistance. Citizens may apply for URP funding by contacting Anna Beth Walker, Community Development Specialist at (828) 323-7414. The City of Hickory Community Development Department shall provide technical assistance to potential beneficiaries in completing applications for “URP 23” funds. All applications, along with financial, special need and urgent repair need documentation, shall be delivered to the City of Hickory’s Citizens’ Advisory Committee. At regularly scheduled meetings, the Citizens’ Advisory Committee shall review and approve on a first come first to qualify basis, all eligible applications submitted to ensure that beneficiary distribution is consistent with the City of Hickory’s “URP 23” Assistance Policy. Applicants not receiving notification by December 31, 2024 that they were chosen may contact Anna Beth Walker, Community Development Specialist, at (828) 323-7414 to confirm the disposition of the application. Those who have applied for URP housing assistance from the City in the past will not automatically be reconsidered. A new application will need to be submitted for consideration.

Applications shall consist of two parts:

- 1) Application for determination of eligibility, including income, home ownership, and special need documentation;
 - 2) Work write-up and cost estimate.
2. All information in applicant files will remain confidential to the extent permitted by North Carolina law. Access to the information will be provided only to City employees who are directly involved in the program, the North Carolina Housing Finance Agency and auditors.
 3. Complaints concerning the City’s “URP 23” program application process shall be in writing and addressed to the City of Hickory Community Development Department. A representative of the City of Hickory Community Development Department shall contact the person making the complaint and attempt to resolve the problem. A written response will be made within 15 working days of contact. If the complaining party is not satisfied with the response, he or she may file a complaint with the Citizens’ Advisory Committee who will schedule a meeting with the complaining party. The decision of the Committee shall be final and will be made in writing within 5 days.

3.5 CONTRACT AND REPAIR PROCESS

1. The City's Rehabilitation Specialist will visit the homes of potential grant recipients to interview and determine the need and feasibility of repairs/modifications. All parts of the home must be made accessible for inspection, including the attic and crawlspace, if any. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks and the like. The Rehabilitation Specialist will prepare a complete and detailed work specifications (known as the "work write-up"). A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bidding is completed.

Only repairs that address imminent threats to the life and/or safety of occupants of the dwelling unit or accessibility modifications will be performed under the City's URP. It should be noted that all deficiencies in a home may not be rectified with the available funds.

2. After approval of the work write-up, the homeowner will sign a formal agreement that will explain and govern the repair/modification process. This agreement will define the roles of the parties involved throughout the process.
3. The City is obligated under "URP 23" to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. To meet those very difficult requirements, the City will invite bids only from contractors who are part of an "approved contractor registry". Please request a copy of the City's Procurement and Disbursement Policy for further information.
4. The City will maintain a list of contractors eligible to bid on work financed by "URP 23" funds (approved contractor registry). Such contractors must present evidence of their rehabilitation experience, ability to complete work items in a workmanlike manner, possession of liability and workman's compensation insurance (and RRP Firm Certification which is required for units built prior to 1978), ability to work with the homeowner and City staff, and to complete work on schedule. Contractors not on this list must supply evidence of their qualifications to the City and shall be reviewed for approval by the City. All contractors performing work under this program must possess other contracting licenses as required by the adopted building codes.
5. The City's bid package consisting of a detailed work write-up, contract document, cost proposal form, and instructions to the bidder will be mailed to a minimum of three contractors on the approved contractors registry who will be given a specific period of time in which to inspect the property and prepare bid proposals. The names of the invited contractors will be supplied to the homeowner. Each will need access to those areas of the house, in which work is to be performed, in order to prepare a bid. A bid opening will be conducted at the Community Development office at a specified date and time, with all bidders and the homeowner invited to attend.

After review of bid breakdowns and timing factors, the winning bidder will be selected. Typically, the contract or contracts will be awarded to the low bidder(s). In

addition, the selected contractor's bid must be within 15 percent (15%) of the City's cost estimate.

All bidders and the homeowner will be notified of (1) the selection, (2) the amount, (3) the amount of the City's cost estimate, (4) any support or contingency costs that will be included in the loan amount and (5) if other than the lowest bidder is selected, of the specific reasons for the selection.

6. The promissory note and any modifications (if applicable) will be executed and will be between the homeowner and the City. The cost of the actual work and project related support costs up to the maximum amount of \$1000 will be included in the loan document. The contract for repairs will be between the homeowner and contractor with the City signing as an interested third party.
7. A pre-construction conference will be held at the home or City of Hickory offices. At this time, the homeowner, contractor and program representatives will discuss the details of the work to be done. Starting and ending dates will be agreed upon, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home (such as old plumbing, etc.). Within 24 hours of the pre-construction conference, the City will issue a "proceed order" formally instructing the contractor to commence by the agreed-upon date.
8. The contractor will be responsible for obtaining any required building permits for the project before beginning work. The permit must be posted at the house during the entire period of construction. Program staff will closely monitor the contractor during the construction period to make sure that the work is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Code Enforcement Officers will inspect new work for compliance with the State Building Code as required by the guidelines of "URP 22". The homeowner will be responsible for working with the contractor toward protecting personal property by clearing work areas as much as practicable.
9. Contractors shall not be permitted any partial payment during construction. Upon completion of all (100%) of contracted work and the execution of the City of Hickory's "Certificate of Final Inspection" and the "Owner's Certificate of Satisfaction", payment will be issued. Prior to payment the contractor shall execute a "Contractor's Release of Liens".
10. Contractors must supply lien waivers, signed by all sub-contractors employed on the job and by all material suppliers from whom materials for the job were purchased, and warranties to the homeowner upon completion of work.
11. All Change Orders to the bid specifications must be approved by the homeowner, contractor and two representatives of the City. The change order must be reduced to writing as a contract amendment ("change order"). Loan funds shall not be advanced beyond the permitted maximum (\$12,000) to cover Change Orders. If the changes

require an increase in the loan amount, a loan modification stating these changes in the contract amount must be completed by the City and executed by the owner. If the changes result in a decrease in the loan amount, an estoppel informing the homeowner of these changes in the contract amount will be completed by the City and conveyed to the owner.

12. Following construction the contractor and a City Community Development Staff member will sit down with the homeowner one last time. At this conference the contractor will provide any owner's manuals and warranties on equipment. The contractor and the City Community Development Staff member will go over operating and maintenance requirements for any new equipment installed and discuss general maintenance of the home with the homeowner. The homeowner will have the opportunity to ask any final questions about the work.
13. Once all work has been completed in accordance with the Contract and the homeowner has signed a Certificate of Satisfaction, the job will be closed out.
14. In the event of any dispute between the homeowner and the contractor during the repair Modification Process the following steps will apply:
 1. If the homeowner feels that repairs or modifications are not being completed per the contract, he/she must inform the contractor and the City Community Development Department staff, in writing.
 2. The City Community Development Department staff will inspect the work in question. If it is found that the work is not being completed according to contract, the City Community Development Department staff will review the contract with the contractor and ask the contractor to remedy the problem.
 3. If the City Community Development Department staff finds that the work is being completed according to contract, the complaint will be noted and the City Community Development Department staff and the homeowner will discuss the concern and the reason for the City Community Development Department staff's decision.
 4. If problems persist, a mediation conference between the homeowner and the contractor may be convened with the City Community Development Department staff and facilitated by the Citizens Advisory Committee.
 5. Should the mediation conference fail to resolve the dispute, the Citizen's Advisory Committee will render a written final decision.

3.6 CLIENT REFERRALS

The City of Hickory's Community Development Department has a Community Service Directory available to all applicants who are interested or in need of other assistance. When the Urgent Repair Program staff meet the homeowner during the work write-up process, they will discuss the resources and programs available in the City and provide a free copy of the City's Community Service Directory which includes a list of the agencies with contact information.

3.7 CONTACTS

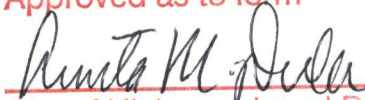
The contact for the City of Hickory's Urgent Repair Program is:
Anna Beth Walker, Community Development Specialist
Office of Business Development
City of Hickory
76 N Center Street
Hickory, NC 28601
(828) 323-7414

2023 Urgent Repair Program Assistance Policy, approved and adopted
by the City of Hickory, this ____ day of _____, 2023.

By: _____
Warren Wood, City Manager

Notary Public: _____

Approved as to form



City of Hickory – Legal Dept.

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



City of Hickory
Finance Officer

City of Hickory's Urgent Repair Program

PROCUREMENT POLICY

1. To the maximum extent practical, the City of Hickory promotes a fair, open and competitive procurement process as required under the North Carolina Housing Finance Agency's Urgent Repair program (URP). Bids are invited from Contractors who are part of the City's approved contractor registry. (To be on the registry, a contractor must complete an application, have their recent work inspected, reviewed and approved by the Rehabilitation Specialist and submit proof of insurance at the appropriate levels required by the City. For homes built prior to 1978, bid invitations will be sent only to contractors with an RRP Firm Certificate on file at the City of Hickory; these projects must have at least one personnel on site who is an RRP Certified Renovator.)
2. At least three eligible contractors on the City's approved contractor registry shall be invited to bid on each job and the lowest responsive and responsible bidder shall be selected for the contract. "Responsive and responsible" means (a) the contractor is deemed able to complete the work in a timely fashion, (b) the bid is within 15%, in either direction, of the City's cost estimate, and (c) there is no conflict of interest (real or apparent).
3. Although bid packages may be bundled for multiple job sites, the bids for multiple job sites shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder(s) for each job site.
4. Bid packages shall consist of an invitation to bid, work write up(s) and bid sheet(s) for each job.
5. Bids must include a cost-per-item breakdown with line item totals equaling the submitted bid price. Discrepancies must be reconciled prior to a contract being awarded.
6. Any change to the original scope of work must be reduced to writing in the form of a change order to be agreed upon and signed by the homeowner, contractor, and two representatives of the City. The change order must also detail any changes to the original contract price.
7. No work may begin prior to a contract being awarded and a written order to proceed provided to the contractor. In addition, a pre-construction conference and "walk thru" shall be held at the work site prior to commencement of repair work.
8. The City of Hickory reserves the right to reject any or all bids at any time during the procurement process.
9. In the event of a true emergency situation, the City reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking telephone quotes, faxed bids and the like. Should such methods ever become necessary the transaction will be fully documented.
10. All sealed bids will be opened publicly at a time and place to be announced in the bid invitation. All bidders are welcome to attend.

DISBURSEMENT POLICY

1. All repair work must be inspected by (a) the City's Rehabilitation Specialist, (b) a Code Enforcement Officer, and (c) the homeowner prior to any payments to contractors. If all work is deemed satisfactory and all other factors and written agreements are in order, payment shall be issued upon presentation of an original invoice from the contractor. Contractor should allow 15 business days for processing of the invoice for payment.
2. If any of the work is deemed unsatisfactory, it must be corrected prior to authorization of payment. If the contractor fails to correct the work to the satisfaction of the City's Rehabilitation Specialist, payment may be withheld until such time the work is satisfactory. (Contractors may follow the City's Urgent Repair Program Assistance Policy if a dispute occurs; however, contractors shall abide by the final decision as stated in the policy).
3. The City of Hickory assures, through this policy, that adequate funds shall be available to pay the contractor for satisfactory work.
4. All contractors, sub-contractors and suppliers must sign a lien waiver prior to disbursement of funds.

The Procurement and Disbursement Policies are adopted this the _____ day of _____ 20____.

City of Hickory

BY: _____

Attested by: _____

CONTRACTORS STATEMENT:

I have read and understand the attached Procurement and Disbursement Policy.

BY: _____

COMPANY NAME: _____

WITNESS: _____

**North Carolina Housing Finance Agency
Urgent Repair Program (URP23)
Post-Approval Documentation**

URP2320	City of Hickory
----------------	------------------------

A. Instructions

Your Application for Funding was approved for the requested amount. The numbers in the table in section E below reflect the numbers from your application and represent the required performance standards for your URP22 award. If you agree with the amounts listed, please provide the information and documentation requested below and return this Post Approval Documentation packet to Donna Coleman, Senior Housing Rehabilitation Officer, who will serve as your case manager throughout your project. All proposed changes to these performance standards will require Agency approval and should result in no net loss of application rating points.

B. Local Matching Funds (Attach)

Your Application for Funding stated that other funds would be available to assist with repairs/modifications of your proposed housing units. Please provide documentation, from the funding source, for each source of local matching funds. The table immediately below summarizes the proposed amount of matching funds according to your application.

Source of Funds	Amount
Matching local funds	\$5,000
Total of local matching funds committed to the URP23 project	\$5,000

C. Assistance Policy (Attach)

Because URP beneficiaries are not necessarily pre-selected and approved through a public hearing process, it is especially important that URP recipients **adopt** an assistance policy that thoroughly and clearly identifies criteria for eligibility for assistance, and for prioritizing applicants once they have been determined eligible. This policy should be fair, open and non-discriminatory. In addition, other facts, policies and procedures affecting potential applicants and/or recipients of assistance should be spelled out in your assistance policy. **Please submit your proposed Assistance Policy as part of the completed Post Approval Documentation.**

D. Procurement and Disbursement Policies (Attach)

URP Recipients must submit a copy of their Procurement Policy that is specific to URP23 and is written in accordance 2 CFR 200, and a copy of their Disbursement Policy to the Agency for review and approval.

E. Service Area Requirements

The Application for funding was approved based partly on your targets for Program assistance by service area and the percentages of Program funding to be spent in each county within the service area. Your required targets (based on your requested amount), broken out by county, are shown in the table below.

Service Area	Proposed # of Units	Program Funds
City of Hickory	6	\$70,000
TOTAL	6	\$70,000

F. Bonding/Honesty and Fidelity Insurance Coverage (*Attach*)

Recipients must submit evidence that honesty and fidelity insurance coverage is available in an amount not less than 50% of your URP23 funding allocation. This must be in the form of a letter from the recipient's insurer identifying the policy by number, the amount of coverage, the effective date, the positions covered by the policy, and containing a statement that NCHFA will be notified in writing if the coverage is discontinued or reduced. For self-insured units of government, the acceptable evidence of insurance will be a letter from the unit's chief financial officer or manager, stating that the unit maintains a self-insurance fund in an amount adequate to provide honesty and fidelity coverage equal to 50% of the URP23 allocation. The letter must state that the recipient will notify NCHFA in writing if the self-insurance is discontinued or reduced to a level that no longer provides the required 50% coverage.

G. Fiscal Year and Audits (*Complete this section*)

Recipients will be required to submit reports as required under NC State General Statute 143C-6-23 (Non-Government Organizations) or NC State General Statute 159-34 (Units of Local Government)

Fiscal year begins _____ and ends _____.

H. Acknowledgement of Audit Compliance Reporting Responsibilities (*Attach*)

Please have the financial person from your organization, responsible for coordinating the annual audit, complete and sign the enclosed "Audit Compliance Responsibilities" form, acknowledging its receipt. Then, return it with the completed PAD.

I. Organizational Documents (*N/A*)

1. Recipients who are not units of government must supply copies of their organizational documents, including articles of incorporation, by laws and a listing of all directors, officers and staff.
2. Recipients that are private-nonprofit organizations must forward a notarized copy of their Conflict of Interest policy, in accordance with G.S. 143C-6-23, to the Agency, which addresses conflicts of interest that may arise involving any member of the recipient's management, board of directors or other governing body.
3. Recipients that are private nonprofit organizations must provide a written statement, made under oath and completed by the organizations board of directors or appropriate governing body, stating that the organization does not have any overdue taxes, as defined by G.S. 105-243.1.

J. W9 Tax ID and Direct Deposit (*Attach*)

1. Enclosed is the Form W-9 Request for Taxpayer Identification Number and Certification. Please complete this form with the requested information and return the completed form with the PAD.
2. Also, enclosed is the form for electronic payments, which will allow for direct deposit of Program funds into your designated checking account. Please complete this form with the requested information and return the completed form with the PAD.

K. Intergovernmental Agreement (*N/A*)

Please provide a copy of an intergovernmental agreement between your governmental entity and the governmental entity in which you will be providing services under URP23, as required by GS 160-456.

L. Certifications

The Recipient certifies that: 1) there have been no changes in the key personnel or their roles as identified in section III. B of the Application for Funding; or 2) the Recipient has submitted a written request to the Agency indicating the change(s) in personnel and/or their roles accompanied by a detailed resume for each. The Recipient certifies that the information, provided herein and herewith, is complete and accurate and that, if approved by the North Carolina Housing Finance Agency, it will be made part of the Funding Agreement by reference, superseding any conflicting information contained in the original Application for funding without otherwise affecting said Application.

Attest

Authorized Signature

Title

Date

Title

Date

2023 Urgent Repair Program Annual Compliance Reporting Information

Please forward this to the financial person who coordinates your organization's annual audit.

The 2023 Urgent Repair Program is funded with State funds from the Housing Trust Fund. The North Carolina Housing Finance Agency is the pass-through for these funds.

Federal and State Regulations may change at any time. Refer to the applicable websites for any updates. Your organization will be responsible for complying with any new regulations or statutes as they occur.

For Non-Profit Organizations only:

N.C. State General Statute 143C-6-23 – “*State grant funds: administration; oversight and reporting requirements.*” (State funds include federal funds that flow through the State.) These reports will be submitted directly to NCHFA at email subreport.rehabteam@nchfa.com. Our organization will submit these reports by the required deadline and will notify our NCHFA contact when reports are submitted.

For Local Government Organizations:

www.treasurer.state.nc.us – NC State General Statute 159-34 – Audit Requirements of “*The Local Government Budget and Fiscal Control Act*”

Instruct your auditor to send audit confirmations to:

Heather Lawrence

NCHFA

PO Box 28066

Raleigh, NC 27611-8066

919-981-2541

919-877-5703 – fax

hnlawrence@nchfa.com

Acknowledgement of Audit Compliance Reporting Responsibilities

Exhibit VIII.C.

Please 'X' applicable section(s) and return this form with your PAD

_____ We are a **non-profit organization(sub-recipient)** and will comply with North Carolina General Statute 143C-6-23 to submit grant reports and the requirement to submit an audited financial statement.

If your organization received **less than \$500,000** in state and/or federal funds in the fiscal year, the following reports must be submitted:

1. A program report of activities and accomplishments. Also, a grant expenditures report providing an accounting how grant funds were expended. The reports are due three (3) months after your fiscal year-end date. Submit reports to: subreport.rehabteam@nchfa.com.
2. An Audited Financial Statement. The audit is due nine (9) months after your fiscal year-end date. Submit a PDF version electronically to: caxtell@nchfa.com.

If your organization received **\$500,000 or more** in state and/or federal funds in the fiscal year, the following reports must be submitted:

1. A program report of activities and accomplishments. Also, a grant expenditures report providing an accounting how grant funds were expended. The report is due three (3) months after your fiscal year-end date. Submit report to: subreport.rehabteam@nchfa.com.
2. A Single or Yellow Book audit. The audit is due nine (9) months after your fiscal year-end date. Submit a PDF version electronically to: caxtell@nchfa.com.

_____ We are a **local governmental organization** and will comply with North Carolina General Statute 159-34 to submit an independent audit. The Statute reads, "This audit, combined with the audit of financial accounts, shall be deemed to be the single audit described by the "Federal Single Audit Act of 1984."

The annual audit is due nine (9) months after your fiscal year-end date. Submit a PDF version electronically to: caxtell@nchfa.com.

I acknowledge receipt of the information regarding compliance reporting. I am the person responsible for coordinating the submission of reports that comply with state and federal regulations pertaining to this funding.

Signed: _____ Date: _____

Name _____

Title _____

Organization _____

Federal Tax ID Number _____ Fiscal Year End Date _____

Address _____

Email _____ Phone _____

Award: _____

**STATE OF NORTH CAROLINA
STATE TREASURER'S ELECTRONIC PAYMENTS**

State Agency Name: North Carolina Housing Finance Agency

Program: Urgent Repair Program (URP)

Check One: Initial Sign-up _____ Change _____

PARTICIPATING ENTITY ACCOUNT INFORMATION

Entity Name: _____

Entity Address: _____

Contact Name: _____ Phone #: _____

Email address: _____

Note: E-mail address will be used to send notices of deposited funds.

FINANCIAL INSTITUTION INFORMATION

Institution Name: _____

Transit/Routing #: _____

Bank Account #: _____

PLEASE ATTACH A VOIDED CHECK

NOTE: CHECKING ACCOUNTS ONLY PLEASE

PARTICIPATING ENTITY AUTHORIZATION

I, on behalf of the participating entity indicated above, hereby authorize the North Carolina State Treasurer, his successors and his agents, at the direction of the State agency indicated above, to initiate ACH credit entries to the above designated bank account for payments due from the State agency for the referenced program name, pursuant to the "Established Operational Procedures for State Treasurer's electronic payments system," which may be in effect from time to time.

Finance Officer's name: _____ Phone #: _____

Signature: _____ Date: _____

MAIL COMPLETED FORM TO:

**NC HOUSING FINANCE AGENCY
3508 BUSH STREET
RALEIGH, NC 27609
ATTN: ACCOUNTS PAYABLE
Fax: 919-877-5703**

5/18/2023

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Shawn Pennell, Public Utilities Director
Contact Person: Shawn Pennell, Public Utilities Director
Date: August 1, 2023
Re: Riverwalk NCDOT portion EB-5939 - Gannett Fleming, Inc. - Construction Engineering and Inspection (CEI) Services Supplemental Agreement #2

REQUEST

Staff requests Council approval and acceptance of Supplemental Agreement #2 for Professional Services with Gannett Fleming, Inc. for CEI Services related to the Riverwalk Project (EB-5939) in the amount of \$69,187.91.

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.

ANALYSIS

The funding for this project is apportioned 80/20, NCDOT and City respectively. NCDOT requires that recipients hire an Engineering firm separate from the Design firm to perform Construction Engineering and Inspection services for oversight, materials testing and record keeping.

Gannett Fleming, Inc. was selected based on qualifications-based proposals with NCDOT concurrence. In November 2020, City Council approved the original agreement with Gannett Fleming for the project. Due to time, unforeseen conditions in the construction of the bridge, staff is requesting that the agreement be extended another two months to carry the City thru the inspections and documentation with NCDOT.

RECOMMENDATION

Staff recommends Council approval and acceptance of Supplemental Agreement #2 for Professional Services with Gannett Fleming, Inc. for CEI Services related to the Riverwalk Project (EB-5939) in the amount of \$69,187.91.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes



No

**LIST THE EXPENDITURE CODE:**

Project# B1R002

061-7503-577.23-04

Reviewed by:

Shawn Pennell
Initiating Department Head

07/20/2023
Date

Amelia M. Dula
Deputy City Attorney, A. Dula

7-25-23
Date

Rodney Miller
Asst. City Manager, R. Miller

7/26/23
Date

Pat Beasley
Asst. City Manager, R. Beasley

7/26/23
Date

Melissa Miller
Finance Officer, Melissa Miller

7/26/23
Date

Cameron Miller
Date

7-26-23
Date

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

Warren Wood
City Manager, Warren Wood

7.27.23

Date



July 17, 2023

Shawn Pennell
City of Hickory
76 North Center Street
Hickory, NC 28601

Re: Construction Services Budget Supplement – Hickory Riverwalk

Shawn,

Given the status of the project and our current remaining budget it appears necessary to add an additional two months of budget to facilitate the continuation of our services through final completion, punch list and close out portion of the project.

The provided excel document outlines the cost for our staff for the additional two months. The spreadsheet is the NCDOT required document for estimating CEI costs and all estimates are based off of NCDOT standard practices. The total additional budget requested is **\$69,187.91**.

Should you have any questions or concerns please do not hesitate to contact me.

Regards,

Steven Kelly Marshall, PE, MBA
NC Area Manager - Carolinas Construction Services
Gannett Fleming, Inc.

CEI and ALL TECHNICIAN/ SCOPE and ESTIMATE--(WITH SHFT PREMIUM) No 85% Rule--STAND-ALONE or ON-CALL

Version: 2022.01.14.RJS

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PROFESSIONAL SERVICES MANAGEMENT UNIT**

Construction Engineering and Inspection (CEI)

Hickory Riverwalk

City of Hickory

CEI Services Supplement 2

Choose YES or NO to
Hide/Unhide Appropriate
Estimate Sheets as dictated by
Task Order Scope.

ENGINEERING AND INSPECTION TECHNICIANS

Regular Direct Labor

Gannett Fleming, Inc.	Prime Contractor Technicians		\$	23,516.79
Gannett Fleming, Inc.	Prime Contractor Overhead Audited -- FIELD	135.14%	\$	31,780.59
SUBCONTRACTOR1 NAME	Subcontractor1 Technicians		\$	-
SUBCONTRACTOR1 NAME	Subcontractor1 Overhead Audited -- FIELD		\$	-
SUBCONTRACTOR2 NAME	Subcontractor2 Technicians		\$	-
SUBCONTRACTOR2 NAME	Subcontractor2 Overhead Audited -- FIELD		\$	-
SUBCONTRACTOR3 NAME	Subcontractor3 Technicians		\$	-
SUBCONTRACTOR3 NAME	Subcontractor3 Overhead Audited -- FIELD		\$	-
	Subtotal		\$	55,297.38
	Operating Margin (Fixed Fee Rate) (Usually 9%)	9.00%	\$	4,976.76
	Subtotal		\$	60,274.14
Gannett Fleming, Inc.	TOTAL PREMIUM LABOR - Prime Contractor		\$	689.70
SUBCONTRACTOR1 NAME	TOTAL PREMIUM LABOR - Subcontractor1		\$	-
SUBCONTRACTOR2 NAME	TOTAL PREMIUM LABOR - Subcontractor2		\$	-
SUBCONTRACTOR3 NAME	TOTAL PREMIUM LABOR - Subcontractor3		\$	-
	TOTAL DIRECT SALARY COST CEI TECHNICIANS		\$	60,963.84

Prime CEI Tech Salary Cost	Prime CEI Tech Fee Cost
\$ 55,297.38	\$ 4,976.76
Sub1 CEI Tech Salary Cost	Sub1 CEI Tech Fee Cost
\$ -	\$ -
Sub2 CEI Tech Salary Cost	Sub2 CEI Tech Fee Cost
\$ -	\$ -
Sub3 CEI Tech Salary Cost	Sub3 CEI Tech Fee Cost
\$ -	\$ -
\$ 55,297.38	\$ 4,976.76
Prime TOTAL CEI Tech Cost	\$ 60,963.84
Sub1 TOTAL CEI Tech Cost	\$ -
Sub2 TOTAL CEI Tech Cost	\$ -
Sub3 TOTAL CEI Tech Cost	\$ -
\$	\$ 60,963.84

PROJECT MANAGEMENT/CONTRACT ADMINISTRATION

Position

Direct Labor

Gannett Fleming, Inc.	Prime Contractor Project Manager		\$	1,456.00
Gannett Fleming, Inc.	Prime Contractor Overhead	159.08%	\$	2,316.20
SUBCONTRACTOR1 NAME	Subcontractor1 Project Manager		\$	-
SUBCONTRACTOR1 NAME	Subcontractor1 Overhead		\$	-
SUBCONTRACTOR2 NAME	Subcontractor2 Project Manager		\$	-
SUBCONTRACTOR2 NAME	Subcontractor2 Overhead		\$	-
SUBCONTRACTOR3 NAME	Subcontractor3 Project Manager		\$	-
SUBCONTRACTOR3 NAME	Subcontractor3 Overhead		\$	-
	Subtotal		\$	3,772.20
	Operating Margin (Fixed Fee Rate) (Usually 9%)	9.00%	\$	339.50
	TOTAL DIRECT SALARY COST PM/CA		\$	4,111.70

Prime PM/CA Salary Cost	Prime PM/CA Fee Cost
\$ 3,772.20	\$ 339.50
Sub1 PM/CA Salary Cost	Sub1 PM/CA Fee Cost
\$ -	\$ -
Sub2 PM/CA Salary Cost	Sub2 PM/CA Fee Cost
\$ -	\$ -
Sub3 PM/CA Salary Cost	Sub3 PM/CA Fee Cost
\$ -	\$ -
\$ 3,772.20	\$ 339.50
\$	\$ 4,111.70

APPENDIX D (continued)

PROJECT DIRECT EXPENSES

TOTAL DIRECT EXPENSES \$ 4,104.00

AGREEMENT COSTS AND FEES SUMMARY

	Direct Salary Cost CEI Technicians	\$	60,963.84
	Direct Salary Cost Project Management/Contract Administration	\$	4,111.70
	Project Direct Expenses	\$	4,104.00
	TOTAL AGREEMENT COSTS AND FEES	\$	69,179.54
Gannett Fleming, Inc.	Facilities Cost of Capital (Prime Contractor TECHNICIANS) FIELD	0.030%	\$ 7.06
Gannett Fleming, Inc.	Facilities Cost of Capital (Prime Contractor PROJECT MANAGER) HOME	0.090%	\$ 1.31
SUBCONTRACTOR1 NAME	Facilities Cost of Capital (Subcontractor 1 TECHNICIANS) FIELD		\$ -
SUBCONTRACTOR1 NAME	Facilities Cost of Capital (Subcontractor 1 PROJECT MANAGER) HOME		\$ -
SUBCONTRACTOR2 NAME	Facilities Cost of Capital (Subcontractor 2 TECHNICIANS) FIELD		\$ -
SUBCONTRACTOR2 NAME	Facilities Cost of Capital (Subcontractor 2 PROJECT MANAGER) HOME		\$ -
SUBCONTRACTOR3 NAME	Facilities Cost of Capital (Subcontractor 3 TECHNICIANS) FIELD		\$ -
SUBCONTRACTOR3 NAME	Facilities Cost of Capital (Subcontractor 3 PROJECT MANAGER) HOME		\$ -
	TOTAL Non-DIRECT SALARY COST CEI TECHNICIANS & PM/CA	\$	8.37
	TOTAL DIRECT and NON-DIRECT SALARY COST CEI TECHS & PM/CA	\$	65,083.91
	Contingency		
	TOTAL AGREEMENT AMOUNT	\$	69,187.91

PRIME DIRECTs COST	\$ 4,104.00
SUB1 DIRECTs COST	\$ -
SUB2 DIRECTs COST	\$ -
SUB3 DIRECTs COST	\$ -
\$	\$ 4,104.00

Prime TOTAL CoC Cost	PRIME TOTAL D&ND Salary COST
\$ 8.37	\$ 65,083.91
Sub1 TOTAL CoC Cost	Sub1 TOTAL D&ND Salary COST
\$ -	\$ -
Sub2 TOTAL CoC Cost	Sub2 TOTAL D&ND Salary COST
\$ -	\$ -
Sub3 TOTAL CoC Cost	Sub3 TOTAL D&ND Salary COST
\$ -	\$ -
\$ 8.37	\$ 65,083.91
TOTAL AGREEMENT AMOUNT	\$ 69,187.91

FOR STAND-ALONE PURCHASE ORDERS ONLY -- ADDITIVE:

STAND-ALONE PO WILL BE WRITTEN FOR THIS AMOUNT:

MANHOURS TECHNICIANS	528
MANHOURS PROJECT MANAGEMENT	16
TOTAL MANHOURS	544
LABOR COSTS	\$ 65,083.91
DIRECT EXPENSES	\$ 4,104.00
TOTAL COSTS	\$ 69,187.91

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: David Leonetti, Business and Community Development Manager
Contact Person: Dave Leonetti, Business and Community Development Manager
Date: July 19, 2023
Re: Approval of Memorandum of Understanding with NC Department of Commerce for the Creating Outdoor Recreation Economies Strategic Planning Program

REQUEST

Staff requests that the City Council approve a memorandum of understanding with the NC Department of Commerce for the Creating Outdoor Recreation Economies Strategic Planning Program

BACKGROUND

The Creating Outdoor Recreation Economies (CORE) program is being offered by the NC Department of Commerce and funded by the American Rescue Plan. The goal of the program is to assist communities in North Carolina to leverage outdoor recreation to spur economic investment in their communities. Last fall, the City submitted a letter of interest in the program and was selected to receive technical assistance in the development of a strategic plan. There is no local cost associated with the program.

ANALYSIS

Staff has had preliminary discussions with NC Department of Commerce staff regarding the content of the plan. Given the Hickory region's strong manufacturing base and presence of companies working in the outdoor gear manufacturing space along with resources such as the Manufacturing Solutions Center and Carolina Textile District, both parties recommend that the strategic plan focus on positioning the region to leverage growth of the outdoor gear manufacturing and promote Hickory as a location for manufacturing growth in the industry.

The plan will provide a roadmap and action items for the City to leverage its manufacturing position and location in proximity to the mountain region where many outdoor gear manufacturer startups are located. NC Department of Commerce staff estimates that the project will take three to four months to complete and involve stakeholder meetings and focus groups to develop the plan.

RECOMMENDATION

Staff recommends that City Council approve the Memorandum of Understanding with the NC Department of Commerce for the Creating Outdoor Recreation Economies Strategic Planning Program.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

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

Dave Leonetti

Initiating Department Head

7-19-23

Date

A. M. Dula

Deputy City Attorney, A. Dula

7-25-23

Date

Asst. City Manager, R. Miller

7/26/23

Date

Asst. City Manager, R. Beasley

7/25/23

Date

Finance Officer, Melissa Miller

7/26/23

Date

C. M. Beasley

7-26-23

Date

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

Warren Wood

City Manager-Warren Wood

7.27.23

Date

N.C. Department of Commerce
 Rural Economic Development Division
 NC Main Street & Rural Planning Center
 Rural Planning Program



MEMORANDUM OF UNDERSTANDING CREATING OUTDOOR RECREATION ECONOMIES (CORE) PROJECT City of Hickory, NC

This Memorandum of Understanding (MOU) is entered into by and between the North Carolina Department of Commerce, Rural Economic Development Division, Main Street & Rural Planning Center, Rural Planning Program ("Program"), and the City of Hickory, NC, ("City"), and together the "Parties," for the purpose of setting out the terms and understandings between the Parties for the Program to provide Creating Outdoor Recreation Economies services to the City.

WHEREAS, as part of the North Carolina Department of Commerce, the state's lead agency for promoting economic development and prosperity, the Program provides services and assistance to add value to local community economic development efforts.

WHEREAS, through its American Rescue Plan Travel, Tourism & Outdoor Recreation program, the U.S. Economic Development Administration focused resources to accelerate the recovery of communities that rely on the travel, tourism, and outdoor recreation sectors. This included a non-competitive "State Tourism Grant" to help states quickly invest in marketing, infrastructure, workforce, and other projects to rejuvenate safe leisure, business, and international travel.

WHEREAS, as part of North Carolina's successful request for a State Tourism Grant, the Program developed a technical assistance initiative to provide outdoor recreation economy strategic planning and asset development services to rural North Carolina communities. The initiative, Creating Outdoor Recreation Economies ("CORE"), is intended to leverage the abundant outdoor recreation assets available across the state to bolster local economic vitality.

WHEREAS, the City applied to receive CORE services and subsequently met with the Program to identify the strategic planning process, asset development and other plan implementation services, and work products that would suit the City's needs ("CORE Project"), including the roles and responsibilities of the Parties, the involvement of other partners, as well as the projected timeframe to complete the CORE Project.

WHEREAS, the mission of the NC Main Street & Rural Planning Center, which includes the Program, is to work in regions, counties, cities, towns, downtown districts, and designated North Carolina Main Street communities to inspire placemaking through building asset-based economic development strategies that achieve measurable results such as investment, business growth, and jobs. To further that mission, the Program may share successful "best practices" with other communities when appropriate. In this context, relevant materials produced from the project and economic outcomes may be shared with other communities, as needed.

The Program and the City agree as follows:

1. Scope of Work

Primary Services

The primary services to be provided by the Program for the City's CORE Project include the following:

- A. Outdoor Recreation Asset Mapping – A review of any current asset mapping initiatives and relevant updates.
- B. Outdoor Recreation Economy Strategic Planning – A series of meetings with local work group and city staff to develop strategies for growing the City's outdoor economy. Some components of this process are outlined below but may be adjusted to meet the needs of the City.

Community Assessment

The Program will facilitate one or more assessment meeting(s) with a local work group to include, but not be limited to:

- 1) Presentation of general information about the outdoor recreation economic sector, as well as relevant outdoor recreation economy and other data.
- 2) Discussion of local outdoor recreation assets.
- 3) Presentation and discussion of results of interviews, surveys, other input gathered during the Community Assessment from the local work group, stakeholders, and the community regarding outdoor recreation and the economy.

Development of an Outdoor Recreation Economy Strategic Plan

Following the Community Assessment, the Program will work with the local work group and City staff to develop a strategic plan focused on the local outdoor recreation economy. The Community Assessment will inform the identification and development of an outdoor recreation economy-building positioning statement/vision, strategies, goals, objectives, actions/projects, and tasks that will comprise the outdoor recreation strategic plan.

- C. Asset Development and Other Plan Implementation Services – Once the Outdoor Recreation Asset Mapping, if applicable, and the Outdoor Recreation Economy Strategic Planning have been completed, the Program will work with City staff, the local work group, and other project partners, to determine the asset development and plan implementation services that may be the most beneficial for the community's outdoor recreation economy-building efforts, potential resources for acquiring such services, and the timeframe(s) within which the services should be pursued.

City Roles and Responsibilities

- A. Local Work Group - The City will be responsible for assembling a local work group to participate in the CORE Project. The local work group may include, but is not limited to, elected officials, municipal or county staff, local business owners/operators, representatives of civic organizations with an interest in the community, and/or active residents.
- B. Meetings – The City will be responsible for providing or otherwise securing meeting space for the local work group and other activities related to the CORE Project. If local work group meetings and/or other CORE Project activities must be conducted virtually, using an internet-based video conferencing platform, for example, the City will be responsible for ensuring participants are able to access and attend such meetings.

- C. Meeting Materials and Other Information - The City will share meeting agenda, relevant maps and other images, documents, and plans electronically with the Program and all CORE Project participants.

Project Staff

Kyle Case, ARC Community Economic Development Planner for the Northwest Region, is the Program staff member assigned to lead the CORE Project. Other Program staff will assist with the project, as needed.

David Leonetti, Business Services and Redevelopment Manager, will be the City's primary contact for the CORE Project.

Proposed Project Timeline

The CORE Project is planned to begin in September 2023 and to be completed by December 2023.

Project Schedule Tasks

1. Asset Mapping
2. Community Assessment
3. Strategic Planning
4. Asset Development and Other Implementation Projects

Next Steps

The CORE Project will be scheduled to begin upon receipt by the Program of this signed MOU and a signed resolution to request Program services for the CORE Project (sample resolution attached) adopted by the Hickory City Council.

2. Effective Term and Termination of MOU

This MOU will be effective on the date the last of the Parties executes it through December 31, 2025. This MOU is subject to modification at any time upon written amendment signed by the Parties. In the event of staff turnover, budget reductions, or other unforeseeable events, however, the Program may be compelled to place a project in an indefinite "hold" status until replacement staff resources can be secured. In rare cases, where very specialized staff skills are unable to be replaced, the project commitment may be terminated by the Program. Projects may also be reprioritized consistent with department or division policies.

3. Funding

The Program will provide its CORE Project services, including Program staff time, labor, materials, and travel costs, as well as project work products produced by the Program, at no cost to the City, thanks to the State Tourism Grant from the U.S. Economic Development Administration.

4. Auditing

The records as they relate to this MOU shall be accessible to the North Carolina State Auditor's Office in accordance with N.C. Gen. Stat. §147-64.7 and to any other State or federal entity authorized to conduct audits with respect to activities performed pursuant to this MOU.

5. Information Sharing/Confidentiality

To facilitate necessary information sharing and cooperation in fulfilling the purpose of this MOU, the Parties agree that they will protect all confidential information provided to them by the other Party in accordance with applicable state and federal statutes. Those employees who receive confidential information will be limited by the Parties to those who need access to it for the purpose of carrying out the functions outlined in this MOU and confidential information shall not be disclosed to third parties for any purpose, except when required by law.

6. Notices

All notices given in connection with this MOU shall be in writing and, if routine, may be sent by email and, if requested, followed by first class United States mail, postage prepaid, or sent by certified mail, return receipt requested, hand delivered, or delivered by overnight courier. Notices shall be delivered to the appropriate Parties at the addresses set forth below.

PROGRAM:

Karen Smith, AICP, Rural Planning Program Manager
 NC Main Street & Rural Planning Center
 48 Grove Street
 Asheville, NC 28801
ksmith@commerce.nc.gov

City of Hickory:

David Leonetti, AICP, Business Services and Redevelopment Manager
 City of Hickory
 76 North Center Street
 Hickory, NC 28601
dleonetti@hickorync.gov

7. Governing Law

This MOU is governed and construed in accordance with the laws of the State of North Carolina.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

8. Signatures

The Program and City agree to the foregoing understandings as indicated by the signatures below of their respective authorized representatives, on duplicate originals.

**NORTH CAROLINA DEPARTMENT OF COMMERCE
RURAL ECONOMIC DEVELOPMENT DIVISION
NC MAIN STREET & RURAL PLANNING CENTER
RURAL PLANNING PROGRAM**

Karen C. Smith, AICP
Rural Planning Program Manager

Date

CITY OF HICKORY, NC

Hank Guess, Mayor
City of Hickory, NC

Date

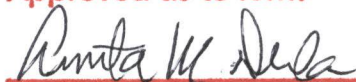
Please sign, date, and return one original, by email or U.S. mail, to:

Karen Smith, Rural Planning Program Manager
NC Main Street & Rural Planning Center
48 Grove Street
Asheville, NC 28801
ksmith@commerce.nc.gov

Please also send a signed copy, by email or U.S. mail, to:

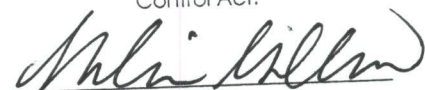
Kyle Case
720 E. Union St.
Morganton, NC 28655
kyle.case@commerce.nc.gov

Approved as to form



City of Hickory – Legal Dept.

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



City of Hickory
Finance Officer

**Resolution Requesting
Creating Outdoor Recreation Economies (CORE) Services
from the NC Main Street & Rural Planning Center, Rural Planning Program**

WHEREAS, the City of Hickory, NC, ("City"), City Council believes the City would benefit from assistance with outdoor recreation economy strategic planning and asset development; and

WHEREAS, the NC Main Street & Rural Planning Center's Rural Planning Program ("Program") has developed the Creating Outdoor Recreation Economies ("CORE") initiative to provide outdoor recreation economy strategic planning and asset development services to rural communities in North Carolina; and

WHEREAS, the City Council would like the Program to provide CORE services to the City; and

WHEREAS, the City and Program have reached agreement on the scope of work for the City's CORE project, as outlined in the attached Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby requests that the Program assist the City with its CORE project and expresses its commitment to the CORE planning process and plan implementation.

Duly adopted by the City of Hickory, NC, City Council, this ____ day of _____, 2023.

Mayor, City of Hickory, NC

ATTEST:

City Clerk, City of Hickory, NC

E-VERIFY ADDENDUM

Party 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. Party 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). Party hereby pledges, attests and warrants through execution of this Agreement that Party complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and further pledges, attests and warrants that any third-party Party currently employed by or subsequently hired by Party shall comply with any and all E-Verify requirements. Failure to comply with the above requirements shall be considered a breach of this Agreement.

BUDGET REVISION # 2

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, 2024 and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the		General Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
Culture & Recreation		1,300		
	TOTAL	1,300	-	
To provide funding for the above, the		General Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
Miscellaneous		300		
Sales and Services		1,000		
	TOTAL	1,300	-	

SECTION 2. To amend the		Urgent Repair Program Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
Economic & Community Development		75,000		
	TOTAL	75,000	-	
To provide funding for the above, the		Urgent Repair Program Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
Restricted Intergovernmental		75,000		
	TOTAL	75,000	-	

SECTION 3. To amend the		Henry River Pump Basin (#803310)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
Water & Sewer Capital Projects		40,900		
	TOTAL	40,900	-	
To provide funding for the above, the		Henry River Pump Basin (#803310)	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
Restricted Intergovernmental		20,450		
	TOTAL	20,450	-	

SECTION 4. To amend the		Central Business District (#803302)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
Water & Sewer Capital Projects			20,450	
	TOTAL	-	20,450	
To provide funding for the above, the		Central Business District (#803302)	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	TOTAL	-	-	

SECTION 5. To amend the Riverwalk NCDOT EB-5939 (#B1R002) Capital Project Ordinance, the expenditures shall be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	70,000	70,000
TOTAL	70,000	70,000
To provide funding for the above, the Riverwalk NCDOT EB-5939 (#B1R002) revenues will be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
TOTAL	-	-

SECTION 6. To amend the Citywalk (#B1C001) Capital Project Ordinance, the expenditures shall be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects		600,000
TOTAL	-	600,000
To provide funding for the above, the Citywalk (#B1C001) revenues will be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
TOTAL	-	-

SECTION 7. To establish the Historic Ridgeview Walk (#B1L001) Capital Project, the expenditures shall be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	757,882	
TOTAL	757,882	-
To provide funding for the above, the Historic Ridgeview Walk (#B1L001) revenues will be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
TOTAL	-	-

SECTION 8. To establish the Bookwalk South (#B1L002) Capital Project, the expenditures shall be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,447,118	
TOTAL	1,447,118	-
To provide funding for the above, the Bookwalk South (#B1L002) revenues will be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	1,600,000	
TOTAL	1,600,000	-

SECTION 9. 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 _____, 2023

Mayor

Clerk