

A G E N D A

HICKORY CITY COUNCIL

September 19, 2023



6:00 p.m.



AGENDA
www.hickorync.gov

If you have any questions about any item on this agenda or if you need more information about any item in addition to the information contained in the agenda package, please call the City Manager at 323-7412. For more information about the City of Hickory go to: www.hickorync.gov.

Hickory City Council
76 North Center Street

September 19, 2023
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Susan Smith, Assistant Executive Director of Exodus Homes, and Senior Associate Pastor of Exodus Missionary Outreach United Church of Christ
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of a Proclamation for Hispanic Heritage Month. **(Exhibit IV.A.)**
 - B. Presentation of a Proclamation Honoring the Lenoir-Rhyne Men's National Champions Lacrosse Team. **(Exhibit IV.B.)**
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of September 5, 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. Budget Revision Number 4. **(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. Approve the Adoption of the Records and Disposition Schedule in Accordance with the Provisions of Chapters 121 and 132 of the General Statutes of North Carolina Regarding Public Records. **(Exhibit VIII.A.)**

Staff requests adoption of the Records and Disposition Schedule in accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina regarding public records. It has been the practice of the City of Hickory to adopt the Records Retention and Disposition Schedule in order for the City to dispose of records legally and properly pertaining to the terms of the schedule. The Records Retention and Disposition Schedule General Records Schedule: Local Government Agencies prepared by the North Carolina Department of Natural and Cultural Resources was updated October 1, 2021 in accordance with Chapters 121 and 132 of the North Carolina General Statutes. This schedule was last updated and approved by City Council on October 16, 2012. If not approved by City Council, the City is obligated to obtain the Department of Cultural

Resources' permission to destroy any and each record, no matter how insignificant. Adoption of the updated schedule enables the City to continue to comply with the NC Records Retention and Disposition Schedule by properly disposing of records in compliance with the schedule. Staff recommends Council adopt the Records Retention and Disposition Schedule General Records Schedule: Local Government Agencies, dated October 1, 2021.

- B. Approval of an Amendment to Section 18-59 of the City of Hickory Code of Ordinance to Permit the Operation of E-Bikes and other Electric Vehicles on Multi-Use Paths. **(Exhibit VIII.B.)**

Staff requests Council's approval of an amendment to Section 18-59 of the City of Hickory Code of Ordinances to permit the operation of e-bikes and other electric vehicles on multi-use paths. In October 2021, City Council approved Ordinance 21-34 which outlined regulations regarding the operation of vehicles on multi-use trails. Given the construction of the Hickory Trail System, staff realized the need for additional regulations to ensure the safe operation of the trail system. The ordinance did not permit the operation of any motor vehicles on the trail, including e-bikes, scooters, etc. Given the popularity of e-bikes, and other electric vehicles and their ability to be operated safely on a multi-use trail, staff developed an amended ordinance which sets out regulations for e-bikes, scooters, and other similar vehicles to be operated on multi-use trails. The ordinance sets maximum size and speed limits for such vehicles along with additional provisions ensuring pedestrian and bicycle safety. Staff requests approval of the ordinance amending Section 18-59 of the Hickory City Code.

- C. Call for a Public Hearing to Consider Closing an Unopened Alley Located off of 3rd Avenue SE, as Petitioned by Jojida, LLC **(Authorize Public Hearing for October 17, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).** **(Exhibit VIII.C.)**

- D. Approval of the Implementation of an All-Way Stop at the Intersection of 5th Street SE, 3rd Avenue SE and 3rd Avenue Drive SE. **(Exhibit VIII.D.)**

Staff request Council's approval of the implementation of an all-way stop at the intersection of 5th Street SE, 3rd Avenue SE, and 3rd Avenue Drive SE. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 5th Street SE, 3rd Avenue SE, 3rd Avenue Drive SE, and 5th Avenue SE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for an all-way stop at the intersection listed. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval of the implementation of an all-way stop at the intersection of 5th Street SE, 3rd Avenue SE, and 3rd Avenue Drive SE.

- E. Approval of a Community Appearance Grant Agreement in the Amount of \$3,750 with Daniel Dixon for Property Located at 1070 3rd Avenue Drive NW (Old Lenoir Road). **(Exhibit VIII.E.)**

The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by Daniel Dixon and occupied by a commercial building, located at 1070 3rd Avenue Drive NW (Old Lenoir Road) in the amount of \$3,750. City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of

properties located within the City's designated Urban Revitalization Area. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's awnings and stonework on the front exterior wall. The property is located within the City's defined Urban Revitalization Area, and as such, is eligible for the consideration of a Community Appearance Grant. The applicant has provided two estimates for the work. The lowest estimate for the work totals \$8,200. The proposed grant at the lower of the estimates qualifies for a \$3,750 grant. The subject property's current tax value is assessed at \$187,800. The requested grant amounts to 2% of the property's tax value. The application was reviewed by the Community Appearance Commission, and they recommend funding of the grant application in the amount of \$3,750.

- F. Approval of the Sale of City-Owned Property on 8th Avenue Drive SW in the Amount of \$2,000. **(Exhibit VIII.F.)**

Staff requests approval of an offer to purchase a piece of City-owned property on 8th Avenue Drive SW. The City owns a piece of land on 8th Avenue Drive SW that was part of the Ridgeview Affordable Housing Subdivision. This property is further identified by PIN 370210455471 on the Catawba County tax maps. The parcel is approximately 0.07 acres in size and is an unbuildable lot. The adjacent property owner has expressed interest in purchasing the parcel to combine with her property and has offered \$2,000 for the property. The tax value is \$1,700. Staff feel that this is a fair offer for the property. As this is surplus property, the sale is required to go through the upset bid process as defined in NCGS 160A-269. This process will ensure any other interested parties can bid on the property. Staff requests approval of the offer to purchase City-owned property and authorizes staff to advertise for upset bids.

- G. Approval to Apply for the Neighborhood Access and Equity Grant in the Amount of \$6,500,000. **(Exhibit VIII.G.)**

Staff requests Council's approval to apply for the Neighborhood Access and Equity (NAE) grant, part of the Reconnecting Communities and Neighborhoods (RCN) Program funded by the Bipartisan Infrastructure Law and the Inflation Reduction Act. These two programs restore community connectivity through projects that remove transportation barriers and improve walkability, safety, and affordable access. There is a total of \$3.16 billion in funding for 2022-2026 for planning construction and technical assistance. Staff would like to apply for this grant funding in the amount of \$6,500,000 to construct a multi-use path along 17th Street NW from 9th Avenue NW to 2nd Avenue NW. The overall goal of this project would be to construct a multi-modal path that integrates with the overall Hickory Trail System. 17th Street NW runs through and adjacent to the new Appalachian State University Hickory campus. While there are a few short sidewalks, curb, and gutter sections, this street lacks shoulder, bike, and pedestrian amenities. Its parallel nature, north-south access, and plans for road and path expansion at the north end of 17th Street NW to Clement Boulevard and its connection to the City's Aviation Walk make this street an ideal location for a multi-use path project. The addition of bike and pedestrian facilities along 17th Street NW is listed as a high-priority project in the City of Hickory's Bike and Pedestrian Plan, completed in December 2020. As the proposed project area is disadvantaged, the Neighborhood Access and Equity grant will support the project with 100% funding. There will be no Federal match for the City to consider. Staff recommends Council's approval to apply for the Neighborhood Access and Equity grant in the amount of \$6,500,000 with a 100/0 Federal match.

- H. Approval of an Agreement for Professional Services with Johnson, Mirmiran & Thompson Consulting Engineers, Inc. in the Amount of \$818,626.76 for Historic Ridgeview Walk, Contingent upon North Carolina Department of Transportation Concurrence. **(Exhibit VIII.H.)**

Staff requests Council's approval of an Agreement for Professional Services with Johnson, Mirmiran & Thompson (JMT) for Construction, engineering, and inspection (CEI) Services related to the Historic Ridgeview Walk (EB-5937/EB-5938) in the amount of \$818,626.76, contingent on North Carolina Department of Transportation (NCDOT) concurrence. Johnson, Mirmiran & Thompson (JMT) was selected based on qualifications-based proposals and was concurred with by NCDOT. JMT's fees were negotiated by City of Hickory staff and NCDOT staff. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT and 20% City of Hickory. Construction, engineering, and inspection services include the following: construction inspections, construction materials testing, and construction administration. Staff recommends Council's approval of an Agreement for Professional Services with Johnson, Mirmiran & Thompson Consulting Engineers, Inc. in the amount of \$818,626.76, contingent upon NCDOT concurrence, for the Historic Ridgeview Walk.

- I. Approval of an Agreement for Professional Services with Thomas-Gordon-Shook Consulting Engineers in the Amount of \$194,095.41, for Preliminary Engineering and Design Services related to Aviation Walk Connector Multi-Use Trail Project, Contingent upon North Carolina Department of Transportation Approval. **(Exhibit VIII.I.)**

Staff requests Council's approval of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for preliminary engineering and design services related to the Aviation Walk Connector Multi-Use Trail Project – BL-0067 in the amount of \$194,095.41, contingent on North Carolina Department of Transportation (NCDOT) approval. The City applied for and received State Transportation Block Grant - Directly Attributable (STBG-DA) funding approval from the Greater Hickory MPO and North Carolina Department of Transportation (NCDOT) for Aviation Walk Connector Multi-Use Trail. The multi-use trail will connect 17th Street NW Extension (HL-0004) with the Aviation Walk (EB-6038). The connector is needed to join the future 17th Street NW Extension Multi-Use Trail with the Aviation Walk Multi-Use Trail. The trail will connect Appalachian State's new campus with Aviation Walk and provide a safe crossing for students over US 321 to join with the City's trail system. The extension is also along the established Hickory Urban Bike Loop (HUB) which is identified in the "Walk-Bike-Hickory Plan". Cyclists use 17th Street NW on a regular basis and this project would fill in a gap to provide a continuous route from US 70 to Clement Boulevard NW to Aviation Walk. Preliminary engineering and design is needed to connect the future 17th Street NW Extension Multi-Use Trail and the existing Aviation Walk Multi-Use Trail along Clement Boulevard and 19th Street Lane NE. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT and 20% City of Hickory. Staff recommends Council's approval of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for in the amount of \$194,095.41, contingent on NCDOT approval.

- J. Approval of an Agreement for Professional Services with Thomas-Gordon-Shook Consulting Engineers in the Amount of \$345,784.19, for Preliminary Engineering and Design Services related to the Springs Road Sidewalk Project, Contingent upon North Carolina Department of Transportation Approval. **(Exhibit VIII.J.)**

Staff requests Council's approval of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for preliminary engineering and design services related to the Springs Road Sidewalk Project – BL-0066 in the amount of \$345,784.19, contingent on North Carolina Department of Transportation (NCDOT) approval. The City applied for and received State Transportation Block Grant - Directly Attributable (STBG-DA) funding approval from the Greater Hickory MPO and North Carolina Department of Transportation (NCDOT) for sidewalk improvements on Springs Road from Sandy Ridge Road to McDonald Parkway. By adding sidewalks in an area that is already used by pedestrians, a safer connection would be created and would enhance access to various development types. Currently Springs Road connects residential development with churches, schools, medical facilities, and many commercial uses including grocery stores, banks, restaurants, pharmacies, and other uses. Preliminary engineering and design is needed to connect the existing sidewalk at Sandy Ridge Road

(SR-1401) to existing sidewalk near McDonald Parkway (SR-1005). The sidewalk project will begin at Sandy Ridge Road (SR-1401) and follow Springs Road (SR-1453) approximately 1.0 miles to the shopping center at the intersection of Springs Road and McDonald Parkway. Sidewalk is proposed on both sides of Springs Road from 12th Avenue Drive NE to existing sidewalk near McDonald Parkway. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT and 20% City of Hickory. Staff requests Council's approval of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers in the amount of \$345,784.19, contingent on NCDOT approval.

- K. Approval of the Citizens' Advisory Committee's Recommendation for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.K.)**

The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all of its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following request was considered by the Citizens' Advisory Committee at their regular meeting on September 7, 2023:

- *Rebecca Abernathy located at 823 2nd Street SE, Hickory was recommended for approval of up to \$8,846.00 under the City of Hickory's 2022 Urgent Repair Program.*

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

- L. Approval of the Retiring Canine Agreement with Master Police Officer Clayton Albrecht for Canine Riky. **(Exhibit VIII.L.)**

The Hickory Police Department requests approval to allow Master Police Officer (MPO) Clay Albrecht to adopt his retired canine partner (Riky). The Hickory Police Department will retire canine Riky on September 30, 2023. With the specialized training of Riky, he will not be safe for public adoption. MPO Clay Albrecht is the handler of Riky and is willing to provide care for him after retirement. Full care and liability for retired canine Riky will be the legal responsibility of MPO Clay Albrecht. It is common to allow the handler to adopt his canine when it is retired from service. Canine Riky has worked for the police department for approximately 6 years and is 7 years old. Due to recent court decisions surrounding police canines alerting on legalized hemp, canine Riky can no longer be fully utilized as a drug detecting canine. Riky is trained to alert on cannabis and therefore will alert on legalized hemp. MPO Clay Albrecht will sign an agreement and take full responsibility for Riky if the adoption is approved by City Council. Hickory Police Department recommends approval to retire canine Riky on September 30, 2023 and allow MPO Clay Albrecht to adopt and take full responsibility for him.

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

1. *To appropriate \$102,200 from General Fund Balance to roll forward remaining funds from the 911 FY22-23 budget.*
2. *To appropriate \$36,956 from the sale of a vehicle towards Landscape Division operations.*
3. *To appropriate a total of \$341,207 towards the Trivium Center East Sewer Extension Project for a contract with Chad Sigmon Construction for construction services, \$107,603 will come from Water & Sewer Fund Balance. The other \$107,604 will come from Catawba County.*
4. *To appropriate \$345,785 towards the Springs Road sidewalk project for a Professional Services Agreement with Thomas-Gordon-Shook for preliminary*

engineering and design services. The City's 20% match will be from the General Fund in the amount of \$69,157 while the other \$276,628 will come from NCDOT.

5. To appropriate \$194,096 towards the 17th Street Extension project for a Professional Services Agreement with Thomas-Gordon-Shook for preliminary engineering and design services. The City's 20% match will come from the General Fund in the amount of \$39,819 while \$155,277 will come from NCDOT.
6. To appropriate \$818,627 from General Fund Balance towards the Historic Ridgeview Walk Project for a Professional Services Agreement with Johnson, Miriam, and Thompson Consulting Engineers for construction, engineering, and inspection services. The City of Hickory will be applying for reimbursement of the funds through the North Carolina Department of Transportation.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

1. Consideration of Closing a Portion of 1st Avenue NW in the 1400 Block as Petitioned by Mitloop, LLC, David E. Looper, and James R. Mitchell – Presentation by Public Works Director Steve Miller. **(Exhibit XI.A.1.)**

Staff requests Council's consideration of closing a portion of 1st Avenue NW as petitioned by Mitloop LLC, David E. Looper and James R. Mitchell. The City Clerk received a petition from Mitloop LLC, David E. Looper and James R. Mitchell owners of the property abutting 1st Avenue NW. The petition requests closing a portion of 1st Avenue NW, as per NCGS §160A-299, as bound on the north by the tract owned by the Petitioners James R. Mitchell and David E. Looper and bound on the west and south by the Petitioner Mitloop, LLC. The signatures on the petition represent all the owners of the property abutting this portion of the right-of-way. The petition fee of \$830 has been paid. A memo was sent to various departments for their input on the street closing. Public Utilities advised that public sewer was located inside of the right of way, and they would need a 25' easement dedicated to the City of Hickory. Staff recommends Council's consideration of closing a portion of 1st Avenue NW, as petitioned by Mitloop, LLC, David E. Looper, and James R. Mitchell.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on August 19, and August 26, September 2, and September 9, 2023.

2. Consideration of the Voluntary Non-Contiguous Annexation of Property Owned by Barbara Vellan Revocable Living Trust and Larry J. Guthrie Grantor Trust – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Consideration of the voluntary non-contiguous annexation of 30.36 acres property located at 1448 Zion Church Road. This property is identified as PIN 370118315906. The annexation is being requested so that the development of a single-family residential community can be started and completed. In order for the development to occur as proposed, the property would need to be served by City services, including sanitary sewer. City policy is to require properties be annexed in order to connect to the City's sanitary sewer system. The annexation of the property and subsequent development of the property represents a significant private investment in the City's housing inventory, and an increase in the City's overall population. The current tax value of the property is \$218,000. Tax revenue generated by annexation of the property would be \$991.90. Upon completion of the development previously outlined, tax values and revenues would increase

significantly. Staff determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on September 9, 2023.

3. Consideration of Rezoning Petition Number 23-04 for Property Located at 1448 Zion Church Road. Hickory from Industrial (IND) to R-2 Residential – Presentation Planning Director Brian Frazier. **(Exhibit XI.A.3.)**

The City of Hickory submitted a petition requesting the consideration of rezoning property located at 1448 Zion Church Road, Hickory, from Industrial (IND) to R-2 Residential. The subject property is currently zoned industrial by the City of Hickory, and 30.36 total acres. The current IND zoning district is primarily devoted to manufacturing, processing and assembly, warehousing, distribution and servicing enterprises, and office activities. The subject property is currently unoccupied land. The owners' intention is to develop the land into a single-family residential conservation subdivision. The City of Hickory Land Development Code allows for conservation subdivision in medium density residential (R-2) zoning districts. The Hickory Regional Planning Commission conducted a public hearing on July 26, 2023, to consider the petition and acknowledged the petitions consistency with the Hickory by Choice 2030 Comprehensive Plan. The Commission voted unanimously to recommend approval of the petition. 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 September 9 and September 16, 2023.

4. Consideration of the Voluntary Non-Contiguous Annexation of Property Owned by Legacy Home Builders, LLC – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.4.)**

Consideration of the voluntary non-contiguous annexation of 1.85 acres property located on 34th Street Place NE. This property is identified as PIN 3724-19-70-3169. The annexation is being requested for the proposed development of two-family residential units. In order for the proposed development to occur the property would need to be served by City services, including sanitary sewer. City policy is to require properties be annexed in order to connect to the City's sanitary sewer system. The annexation of the property and subsequent development of the property represents a significant private investment in the City's housing inventory, and an increase in the City's overall population. The current tax value of the property is \$31,500. Tax revenue generated by annexation of the property would be \$143.35. Upon completion of the development previously outlined, tax values and revenues would increase significantly. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on September 9, 2023.

5. Consideration of Rezoning Petition Number 23-05 for Property Located at 34th Street Place NE from Catawba County R-20 to Neighborhood Commercial (NC) – Presentation Planning Director Brian Frazier. **(Exhibit XI.A.5.)**

The City of Hickory submitted a petition requesting the rezoning of property located at 34th Street Place NE, Hickory from Catawba County R-20 to Neighborhood

Commercial (NC). The subject property is currently split zoned R-20 Residential by Catawba County and Neighborhood Commercial (NC) by City of Hickory, and totals 1.85 acres. The R-20 zoning district is primarily residential and permits one and two-family residential uses at a density of two dwelling units per acre. Neighborhood Commercial zoning districts are intended to provide businesses as well as residential uses. The subject property is currently vacant. The owner's intention is to utilize the property for residential development. The City of Hickory Land Use Development Code allows for residential development in NC. The Hickory Regional Planning Commission conducted a public hearing on August 23, 2023, to consider the petition and acknowledged the petitions consistency with the Hickory by Choice 2030 Comprehensive Plan. The Commission voted unanimously to recommend approval of the petition. 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 September 9 and September 16, 2023.

6. Consideration of the FY2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) – Presentation by Community Development Specialist Anna Beth Walker. **(Exhibit XI.A.6.)**

Consideration of the FY 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) for submission as required by the U.S. Department of Housing and Urban Development. The U.S. Department of Housing and Urban Development requires the City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient, to report on CDBG monies spent within the previous fiscal year. The CAPER evaluates the effectiveness of the use of resources in addressing identified goals and objectives cited in the Annual Action Plan which is prepared before the fiscal year begins. CDBG resources were used for the following activities: Housing Rehabilitation \$175,653.23, Housing Rehab Admin \$17,352.47, Habitat for Humanity \$22,500, ALFA \$10,000, Exodus Homes \$10,000, Family Care Center \$6,000, Greater Hickory Cooperative Christian Ministry \$10,000, Hickory Soup Kitchen \$9,000, Microenterprise Assistance \$5,000, Small Business Loan \$20,000, Public Infrastructure Improvements \$93,141.40, Fair Housing \$1,785, and Program Administration \$60,234.63 for a total of \$440,666.73. The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, is preparing the CAPER, for submission to HUD. The CAPER outlines the City's CDBG expenditures from July 1, 2022 thru June 30, 2023. Staff recommends that City Council consider the FY 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER).

The public hearing was advertised in a newspaper having general circulation in the Hickory area on September 2, 7, and 16, 2023.

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

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
African American (Council Appoints)	Ida Clough Eligible for Reappointment
Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT

Alderman Williams to Nominate Phyllis Michaux as an African American Representative on the Community Relations Council.

Mayor Guess to Nominate Ida Clough for Reappointment as an African American 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
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HISTORIC PRESERVATION COMMISSION

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

Historic Properties Owner	VACANT
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LIBRARY ADVISORY BOARD

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

Ward 3 (Seaver Appoints)	VACANT
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PUBLIC ART COMMISSION

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

Ward 3 (Seaver Appoints)	VACANT
Ward 5 (Zagaroli Appoints)	VACANT
At-Large (Mayor Appoints)	VACANT

Mayor Guess to Nominate Brittany Marinelli as an At-Large Representative on the Public Art Commission.

Alderman Zagaroli to Nominate Kimberly Bost as Ward 5 Representative on the Public Art Commission.

RECYCLING ADVISORY BOARD

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

Ward 6 (Patton Appoints)	VACANT
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**



Office of the Mayor

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

PROCLAMATION
HISPANIC HERITAGE MONTH
MES DE LA HERENCIA HISPANA
SEPTEMBER 15th - OCTOBER 15th 2023

WHEREAS, Each year, Americans observe National Hispanic Heritage Month “**Mes de la Herencia Hispana**” from September 15th to October 15th, by celebrating the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America; and

WHEREAS, the City of Hickory recognizes the significant contributions of all Hispanic city residents, Hispanic city employees, El Centro Latino, and numerous grassroots leaders, outreach groups that help increase cultural awareness, provide education, enrichment, and community engagement with our residents. It is through their support and community involvement that our city has continued to become a more culturally diverse, inclusive, and welcoming city for everyone; and

WHEREAS, the City of Hickory recognizes that Hispanics amount to an estimated total 12% of the City of Hickory population of which the majority of these residents speak Spanish; and

WHEREAS, the city of Hickory recognizes that Hispanics play a vital role in our economy and workforce and have also contributed in making Hickory a great city to live in.

THEREFORE, I Hank Guess, Mayor of Hickory, NC on behalf of Hickory City Council declare September 15th through October 15th, 2023

Hispanic Heritage Month

Proclaimed this, the 19th day of September 2023.

Hank Guess, Mayor



Office of the Mayor

Exhibit IV.B.
City of Hickory
PO Box 398
Hickory, NC 28603
Phone: (828)323-7412
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PROCLAMATION

Honoring the Lenoir-Rhyne Men's Lacrosse Team

- WHEREAS,** The Lenoir-Rhyne Men's Lacrosse program under the leadership of Coach Greg Paradine, Assistant Coaches Ned Kaish, Ryan Crompton, and Eric Dickinson has brought tremendous pride to the City of Hickory and Lenoir-Rhyne University with the success of winning a National Championship Title; and
- WHEREAS,** the Lenoir-Rhyne Men's Lacrosse Team won the National Collegiate Athletic Association (NCAA) Division II National Championship Title on May 28, 2023 in Philadelphia, PA at Lincoln Financial Field; and
- WHEREAS,** the Lenoir-Rhyne Men's Lacrosse Team became the first-ever five seed to go on to win the National Championship in Division II history; and
- WHEREAS,** the Bears won four games away from home and traveled over 1,900 miles to capture the title; and
- WHEREAS,** LR dominated Mercyhurst in the National Title game, winning by a final of 20-5 and were up 14-1 at halftime. The 15-goal margin of victory was the second largest in NCAA Division II National Championship history; and
- WHEREAS,** Evan Voss would capture the Most Outstanding Player award and LR won its last three tournament games by a combined margin of 28 goals; and
- WHEREAS,** Rob Pensabene made 56 saves in the NCAA Tournament, one shy of the record which stood since 1977; and
- WHEREAS,** on top of winning a National Championship in 2023, the Lenoir-Rhyne Men's Lacrosse Team earned the highest GPA in all of NCAA Division II as announced by the United States Intercollegiate Lacrosse Association (USILA); and
- WHEREAS,** the Men's Lacrosse team also finished 2nd in NCAA Divisions II in community service in 2023 as determined by Helper Helper, the official partner of NCAA Team Works; and
- WHEREAS,** Coach Paradine has garnered National recognition and was named 2018 and 2021 USILA NCAA Division II National Coach of the Year and will be in strong contention for the 2023 award; and
- WHEREAS,** Paradine is also a three-time South Atlantic Conference Coach of the Year (2014, 2017, 2018); and
- WHEREAS,** under Coach Paradine's tenure thus far, he has garnered Six South Atlantic Conference Regular Season Championships, three SAC Tournament titles, twenty-two All-Americans, and has led the Bears to the NCAA Tournament five out of the past seven years (2017, 2018, 2021, 2022 and 2023) and hosted the NCAA National Semifinal game in 2018 and 2021.

THEREFORE, I Hank Guess, Mayor of Hickory, NC on behalf of Hickory City Council proclaim the 19th day of September, 2023, as

Lenoir-Rhyne Men's Lacrosse Team Day

in the City of Hickory and encourage all citizens to celebrate and recognize their accomplishments.

Proclaimed this 19th day of September, 2023.

Hank Guess, Mayor

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, September 5, 2023 at 6:00 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, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney Timothy Swanson, Deputy City Clerk Crystal B. Mundy, and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Mayor Hank Guess
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Recognition of Lieutenant Andrew Robison regarding his Application to Consider the Hickory Police Department for the US Secretary of Defense Freedom Award.

Mayor Guess advised this was a very special presentation and award to have presented tonight. The Hickory Police Department was recently a recipient of a National Award recognizing the City's efforts to support employees who also serve in the US military. He advised Chief Reed Baer would discuss the award and introduce some other folks from the Police Department. He asked Police Chief Reed Baer to the podium.

Chief Reed Baer thanked Council for having them tonight. He advised he would explain what the Secretary of Defense Employer Support Freedom Award was, why they won this award, and he was going to introduce Council to someone to tell them why they were nominated. The Secretary of Defense Employer Support Freedom Award was the highest recognition given by the US government to employers for their support of their employees who serve in the National Guard and Reserve. Nominations for this award must come from a guard or reserve member who was employed by the organization that they were nominating or one of their family members. This award was created to publicly recognize employers who provide exceptional support to their guard and reserve employees. It was the highest in a series of employer recognition awards given by the Department of Defense. Last week they went to Washington DC, they were notified about a month before that, they had actually won this award. Last week they traveled to the Pentagon and were actually presented the Freedom Award by the Under Secretary of Defense Gil Cisneros. He discussed the history of this award. The award was instituted in 1996 under the auspices of employer support of the Guard and Reserves. There were 1,862 nominees this year and out of the 1,862 nominees, they selected 15 winners. They were actually selected out of that based upon the nomination that they received from their Lieutenant Andrew Robison who was also Staff Sergeant, Army Reserve Sergeant Robison. The first award was in 1996. During the course of that entire timeframe, there had only been 340 winners. They now actually share that honor with the 340 other winners of the Defense Employer Support Freedom Award. He introduced Lieutenant Robison and asked him to briefly talk about why he nominated them and their trip up to DC.

Lieutenant Andrew Robison introduced himself and advised he was also a Staff Sergeant in the Army Reserves and last summer he was deployed to East Africa. He explained as he sat in a tent in Somalia checking his emails one day, he saw the opportunity to nominate your employer for this award come across his computer. He commented when you were sitting in a tent in Somalia, it makes you appreciate things back home a little more. Definitely feeling that, he nominated the Police Department and the City of Hickory for this freedom award. Some of the reasons why he did that was they have a very friendly military policy at the City of Hickory for those military service members and they all greatly appreciated it. They receive a lot of benefits and things that other military service members that he encountered on this deployment did not receive. It was a great benefit to them; it helps with the burden of those deployments as well as the willingness of the police department to help support them coming on and off of active-duty orders with those transitions and time off and the things that they need. While he was there, he received many care packages, emails, cards, phone calls, text messages from his command staff and other officers at the department. That kind of stuff goes a long way. It was very encouraging. Those care packages that they got; they shared amongst all the service members that were there. It was not only a boost of morale for the service members but all those around them. That stuff really helps out a lot and makes those days go by a little easier. He nominated the department and the City of Hickory and several months later back home and here we are. He was honored to go to the Pentagon last week with their little entourage from the City and from the police department to receive the award. He was really proud that the City and the police department were counted among a select few. He was really proud of that and proud to work for the City and for the police department. He thanked Council.

Mayor Guess thanked Lieutenant Robison.

Chief Reed Baer emphasized the point that although the police department were the lucky ones to get to go and receive this award because they were nominated by Lieutenant Robison, this was a City policy. This was a policy that all City employees benefit from if they serve in the National Guard Reserve. This was really a tip of the hat to the City and the policy and the support of military members that serve and work here at the City. They would proudly display it at the police department, and everyone was welcome to come see it whenever they want. A standing ovation was given.

Mayor Guess thanked Chief Baer. He commented they were certainly proud of all of the military personnel and for those who had served and continued to serve in the military. They appreciated their service and were glad to have those folks as a part of the team here at the City of Hickory, and they appreciated that also.

V. Persons Requesting to Be Heard

- A. Ms. Daria Jackson, 133 17th Street SE, Apartment B, Hickory advised she lived off Springs Road. She commented Springs Road had grown in the last 10 years and then there was the affordable housing behind Walmart. There was a bunch of people that came from the apartments, walking down the side of the road. They need more lighting, and they need more sidewalks that way because when the buses quit running, they walk up to the gas station and other places. You could not see them and there was no sidewalk, and it was dangerous for them, and it was dangerous for us. Springs Road was dangerous enough by itself, so they do not even need to add to that. She thanked Council for their time.

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

VI. Approval of Minutes

- A. Regular Meeting of August 15, 2023

Alderman Patton moved, seconded by Alderman Seaver that the Regular Meeting Minutes of August 15, 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.

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

- A. Budget Revision Number 3. (First Reading Vote: Unanimous)
- B. Consideration of Rezoning Petition 23-03 for Property Located at 1120 22nd Street NE, Rezoning from R-4 Residential to Commercial Corridor (CC-2). (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 Alderman Freeman approval of the Consent Agenda. The motion carried unanimously.

- A. Approved a Cemetery Deed Transfer from Larry Joe Powell, a widower, to Tamara Adams, a married woman, Fairview Cemetery, Plot No. 13, Block "A", containing 165 square feet more or less, and being 4 gravesites. (Prepared by Vanderbloemen, Fleischer & White, PLLC)
- B. Approved a Proclamation for Constitution Week 2023.
- C. Approved the Purchase of a 2023 John Deere 200 G-Tier Excavator in the Amount of \$243,551 from James River Equipment.

Staff requests Council's approval of the purchase of a John Deere 200 G-Tier excavator in the amount of \$243,551 from James River Equipment. Public Services Streets Division currently uses a 2003 model trackhoe excavator to handle construction materials, debris management, ditch maintenance and repair, and roadway construction. The equipment on that unit is outdated, no longer working, and parts are difficult to find. The equipment is being replaced as a component of the Public Services Street Division's normal Capital Budget. The 2023 John Deere 220 G-Tier Trackhoe Excavator is

budgeted in this Fiscal Year in Street Division (5460) Capital Budget. Specifications were prepared by the Street and Fleet Divisions to ensure the purchase of the type of equipment that would best serve the Division. Staff recommends Council's approval of the purchase of a John Deere 200 G-Tier excavator in the amount of \$243,551 from James River Equipment.

- D. Approved the Issuance of Pyrotechnic Display Permits to Pyro Shows Inc. and PyroStar Entertainment for Fireworks Displays.

Staff requests approval to issue pyrotechnic display permits to Pyro Shows Inc. for fireworks display at the Hickory Crawdads stadium and to PyroStar Entertainment for fireworks displays at the Hickory Motor Speedway. Douglas Locascio, General Manager of the Hickory Crawdads, has submitted a request to obtain permission to conduct public fireworks display on September 12, 2023 (rain date September 13, 2023). Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted a request to obtain permission to conduct public fireworks displays on September 30, 2023, and October 6, 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 events, 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 areas before the events to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the pyrotechnics displays.

- E. Called for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of Property Owned by Barbara Vellan Revocable Living Trust, Barbara Vellan Trustee; and Larry J. Guthrie Grantor Trust, Trustees, Larry J. Guthrie and/or Kimberly K. Montgomery, Located at 1448 Zion Church Road, PIN 3701-18-31-5906, Containing Approximately 30.36-Acres. (Authorized Public Hearing for September 19, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-42
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Barbara Vellan Revocable Living Trust, and Larry J. Guthrie Grantor Trust requesting annexation of an area described in a petition was received on August 21, 2023 by the City Council of the City of Hickory; and

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

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

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

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

CERTIFICATE OF SUFFICIENCY

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

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

Property of Barbara Vellan Revocable Living Trust and Larry J. Guthrie Grantor Trust, located at 1448 Zion Church Road, containing 30.36 acres more or less, and identified as PIN 3701-18-31-5906.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 21st day of August 2023.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 23-43
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

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

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

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

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

- Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on September 19, 2023 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 2: The area proposed for annexation is described as follows:
- Property of Barbara Vellan Revocable Living Trust and Larry J. Guthrie Grantor Trust, located at 1448 Zion Church Road, containing 30.36 acres more or less, and identified as PIN 3701-18-31-5906.
- Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 23-44
A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE
LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OF BARBARA VELLAN
REVOCABLE LIVING TRUST AND LARRY J. GUTHRIE GRANTOR TRUST AND
CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Barbara Vellan Revocable Living Trust and Larry J. Guthrie Grantor Trust are the owners of certain real property as described herein, which property is located at 1448 Zion Church Road, containing 30.36 acres more or less, and identified as PIN 3701-18-31-5906.

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

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 5th day of September 2023, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on September 19, 2023 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on maps entitled Barbara Vellan/Larry J. Guthrie Living Trust Voluntary Satellite Annexation Map 1, City Limits, subject property outlined in red; Barbara Vellan/Larry J. Guthrie Living Trust Voluntary Satellite Annexation Map 2, Current Zoning, subject property outlined in red; and Barbara Vellan/Larry J. Guthrie Living Trust, Voluntary Satellite Annexation Map 3, Aerial Photography.

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

- F. Called for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of Property Owned by Legacy Home Builders, LLC, Located at 34th Street Place NE, Hickory, PIN 3724-19-70-3169, Containing Approximately 1.85-Acres. (Authorized Public Hearing for September 19, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-45
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Legacy Home Builders, LLC requesting annexation of an area described in a petition was received on August 21, 2023 by the City Council of the City of Hickory; and

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

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

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

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

CERTIFICATE OF SUFFICIENCY

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

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

Property of Legacy Home Builders, LLC, located at 34th Street Place NE, containing 1.85 acres more or less, and identified as PIN 3724-19-70-3169.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 21st day of August 2023.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 23-46
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on September 19, 2023 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

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

Property of Legacy Home Builders, LLC, located at 34th Street Place NE, containing 1.85 acres more or less, and identified as PIN 3724-19-70-3169.

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

RESOLUTION NO. 23-47
A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OF LEGACY HOME BUILDERS, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Legacy Home Builders, LLC is the owner of certain real property as described herein, which property is located at 34th Street Place NE, Hickory, containing 1.85 acres more or less, and identified as PIN 3724-19-70-3169.

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

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 5th day of September 2023, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

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

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on September 19, 2023 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on maps entitled Legacy Home Builders, LLC Voluntary Satellite Annexation Map 1, City Limits, subject property outlined in red; Legacy Home Builders, LLC Voluntary Satellite Annexation Map 2, Current Zoning, subject property outlined in red; Legacy Home Builders, LLC Voluntary Satellite Annexation Map 3, Aerial Photography subject property outlined in red; and Legacy Home Builders, LLC Voluntary Satellite Annexation Map 4, HBC 2030 Future Lane Use subject property outlined in red.

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

G. Called for a Public Hearing to Consider the FY2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER). (Authorized Public Hearing for September 19, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

H Accepted Golden Leaf Funding in the Amount of \$200,000 for the Construction of an Access Road to Fairgrove Business Park and Approved a Grant Administrative Agreement with the Western Piedmont Council of Governments in the Amount of \$10,000.

Staff requests acceptance of the Golden Leaf Funding for the construction of an access road in Fairgrove Business Park and the approval of a Grant Administration Agreement with the Western Piedmont Council of Governments. City Council approved an economic development agreement in October of 2022, for the construction of two buildings on City-owned property in Fairgrove Business Park. As part of the agreement the City agreed to construct an access road to provide access to the second parcel. The total construction cost for the project is estimated at \$2,000,000. The City has been awarded \$1,000,000 from the Appalachian Regional Commission, \$350,000 from the NC Department of Transportation, and \$200,000 from the Golden Leaf Foundation. The remaining \$450,000 will be provided by the City of Hickory as matching funds. The grant funds will allow the City to participate in the industrial access road construction supporting the economic agreement and providing two additional sites for future development. The City was approved for a \$200,000 grant from the Golden Leaf Foundation on August 3, 2023. Staff requests approval of the acknowledgement and agreement to access the funding. Staff also requests the approval of the Grant Administration Agreement with the Western

Piedmont Council of Governments, in the amount of \$10,000, to administer the grant funding and submit all required reporting for the project.

- I. Accepted the Bid and Approved a Contract with Midstate Contractors, Inc. for Asphalt Resurfacing.

Staff request Council's approval of a contract with Midstate Contractors, Inc. for asphalt resurfacing in the amount of \$59.75 per ton for S9.5B asphalt surface, \$53.35 per ton for S9.5C asphalt surface, \$57.00 per ton for asphalt parking lots for S9.5B, \$640 per ton for binder, \$62 per ton for levelling course, \$131 per ton for patching, \$4 per square yard for edge milling, \$14 per square yard for asphalt milling (100-1,000 square yards), \$13 per square yard for asphalt milling (1,001-3,000 square yards) and \$11 per square yard (3,001-6,000 square yards). Public Services Department -Street Division Staff prepared a detailed scope of work including a complete set of specifications and an invitation to bid package (Bid No. 24-005). Midstate Contractors, Inc. was the lowest qualified bidder for this project. Unit prices remain the same with a provision for adjustment of the liquid asphalt prices if adopted by North Carolina Department of Transportation (NCDOT). This project is awarded based on unit prices to allow for a variation of quantities that the City will pay for to complete the project. Staff will work with contractors to provide quantity control. This work is budgeted in the Street Division's FY 23-24 budget. Staff requests Council's acceptance of the bid and approval of a contract with Midstate Contractors, Inc. for asphalt resurfacing in the amounts referenced above.

- J. Approved a Vacant Building Revitalization Performance Agreement, Including a Fire Suppression Forgivable Loan with YN & MJ Properties, LLC in the Total Amount of \$28,000 for Property Located at 1020 South Center Street.

Staff requests Council's approval of a Vacant Building Revitalization Performance Agreement and Fire Suppression Forgivable Loan with YN & MJ Properties, LLC. YN & MJ Properties, LLC has applied for funding in the amount of \$28,000 to assist in the renovation of the vacant building at 1020 South Center Street. The applicant plans to renovate the 15,000 square foot building for food and retail space use. The applicant plans to invest at least \$1,372,000 in real property improvements to rehabilitate the building and to install a sprinkler system. This makes the project eligible for a \$20,000 forgivable loan and an \$8,000 fire suppression forgivable loan. The applicant plans to install HVAC equipment, complete interior renovations, install a sprinkler system, and make numerous other improvements to bring the building up to code for food and retail space use. No funds will be paid until the improvements are complete and the building is occupied. No payment will be required on the loan provided that the building remains occupied for at least three years. The Business Development Committee reviewed the application and recommended approval. Staff recommends City Council's approval of the Vacant Building Performance Agreement and Fire Suppression Forgivable Loan with YN & MJ Properties, LLC.

- K. Approved Amendment No. 2 to the Professional Services Agreement with WK Dickson & Co., Inc. in the Amount of \$10,990 for Trivium East Road Widening and Traffic Signal Design Project.

Staff requests Council's approval of Amendment No. 2 to the Professional Services Agreement with WK Dickson & Co., Inc. in the amount of \$10,990 for Trivium East road widening and traffic signal design project. This phase of the project will consist of the main entrance and access for the business park. This will include road widening on Startown Road and traffic signal design along with all associated work. North Carolina Department of Transportation (NCDOT) standards will be followed for the widening of Startown Road. Included in this project is the design of a 12" water main into the park to serve the future business. This agreement will be from design thru bidding, construction, and closeout with an expected duration of 150 days for design and permitting. On May 17, 2022, Hickory City Council approved a Professional Services Agreement with WK Dickson for the Trivium Corporate Center East road widening and traffic signal design in the amount of \$232,000. Additional surveying was required and approved as amendment number 1. Amendment number 2 is required for revisions to completed plans for erosion control and construction impacts for NCDEQ permitting due to neighboring property impacts. Staff recommends Council's approval of amendment number 2 to the Professional Services Agreement with WK Dickson & Co., Inc., in the amount of \$10,990 for Trivium East road widening and traffic signal design project.

- L. Approved a TIPS Contract with GeoSurfaces Southeast in the Amount of \$604,557 for Construction and Installation of a Third Artificial Turf Field at the Henry Fork Soccer Complex.

Staff requests Council's approval of a contract with GeoSurfaces Southeast for construction and installation of a third artificial turf field at Henry Fork Soccer Complex in the amount of \$604,557. The City of Hickory purchased and graded twenty-one acres adjacent to Henry Fork River Park in 2021 to add additional parking for visitors and to

allow the expansion of three additional artificial turf fields (total of 4). In the summer of 2021, GeoSurfaces was selected as the best vendor to install a second artificial turf field based on their success with the first project and the desire to have the new field match the other turf field. The contract was awarded as a TIPS (The Interlocal Purchasing System) contract which is a purchasing cooperative offered to local governments under a competitively procured purchasing contract for its membership. The City has engaged GeoSurfaces to install a third turf field at Henry Fork under the TIPS program at a cost of \$604,557. This includes the exact same field dimensions as the other two fields, along with fencing around the perimeter and netting behind the goals. Funding is available in the Fiscal Year 23/24 budget. Staff recommends Council's approval of a TIPS contract with GeoSurfaces Southeast for construction and installation of a third artificial turf field at the Henry Fork Soccer Complex in the amount of \$604,557.

M. Approved on First Reading Budget Revision Number 4.

ORDINANCE NO. 23-24
BUDGET REVISION NUMBER 4

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 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
Economic & Community Development	200,000	-
Culture & Recreation	110	-
Public Safety	51,019	-
TOTAL	251,129	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	51,129	-
Restricted Intergovernmental	200,000	-
TOTAL	251,129	-

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.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

1. Appointments to Boards and Commissions

<u>BUSINESS DEVELOPMENT COMMITTEE</u> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) At-Large (Council Appoints) At-Large (Council Appoints)	VACANT VACANT
---	------------------

<u>COMMUNITY APPEARANCE COMMISSION</u> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) Ward 1 (Wood Appoints) At-Large (Outside City but within HRP A) (Council Appoints)	VACANT VACANT
---	------------------

<u>COMMUNITY RELATIONS COUNCIL</u> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) African American (Council Appoints) Other Minority (Council Appoints) Other Minority (Council Appoints) Other Minority (Council Appoints)	VACANT VACANT VACANT 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

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

Mayor Guess nominated Rebecca Alt as an At-Large Representative on the Library Advisory Board.

PUBLIC ART COMMISSION

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

Ward 3 (Seaver Appoints) VACANT

Ward 5 (Zagaroli Appoints) Brittany Marinelli Moved Out of Ward 5 VACANT

RECYCLING ADVISORY BOARD

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

Ward 6 (Patton Appoints) VACANT

At-Large (Council Appoints) VACANT

Mayor Guess moved seconded by Alderman Seaver approval of Rebecca Alt to the Library Advisory Board. 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

Alderwoman Williams commented she felt really privileged and honored to be part of the small City group that went to get the award. It was really an honor, and she honestly did not know how prestigious the award was until they got there. They were treated, they got a Pentagon tour, and to be one of 15 was really an honor that was due to the City, staff, and the wonderful police department and to Lieutenant Robison.

City Manager Warren Wood referred to the updates in Council Chambers.

Mayor Guess asked if he could tell them what was left?

City Manager Warren Wood advised a few lights, phone chargers.

Mayor Guess commented that it was a tremendous improvement, and they really appreciated all the efforts and all the work that had gone into it. A couple of other little things that they would not discuss right now.

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

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 July 18, 2023 - NCGS §143-318.11(a)(1)
2. Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)
3. Discussion of Pending Litigation – NCGS §143-318.11(a)(3)

Council convened to closed session at approximately 6:14 p.m.

Council reconvened to open session at approximately 6:39 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 6:39 p.m.

Mayor

City Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Debbie Miller, City Clerk
Contact Person: Debbie Miller
Date: August 28, 2023
Re: Municipal Records and Disposition Schedule

REQUEST

Adoption of the Records and Disposition Schedule in accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina regarding public records.

BACKGROUND

It has been the practice of the City of Hickory to adopt the Records Retention and Disposition Schedule in order for the City to dispose of records legally and properly pertaining to the terms of the schedule. The Records Retention and Disposition Schedule General Records Schedule: Local Government Agencies prepared by the North Carolina Department of Natural and Cultural Resources was updated October 1, 2021 in accordance with Chapters 121 and 132 of the North Carolina General Statutes. This schedule was last updated and approved by City Council on October 16, 2012.

ANALYSIS

If not approved by City Council, the City is obligated to obtain the Department of Cultural Resources' permission to destroy any and each record, no matter how insignificant. Adoption of the updated schedule enables the City to continue to comply with the NC Records Retention and Disposition Schedule by properly disposing of records in compliance with the schedule.

RECOMMENDATION

Staff recommends Council adopt the Records Retention and Disposition Schedule General Records Schedule: Local Government Agencies, dated October 1, 2021.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

☐**LIST THE EXPENDITURE CODE:****Reviewed by:**D. Miller
Initiating Department Head8-28-23
DateRodney Miller
Asst. City Manager Rodney Miller9/11/23
DateMelissa Miller
Finance Officer, Melissa Miller9/13/23
DateYaidee Fox
Exe Asst City Manager Yaidee Fox9/13/23
DateAntonia M. Dula
Deputy City Attorney, A. Dula9-12-23
DatePaul Beasley
Asst. City Manager, R. Beasley9/11/23
DateCameron McHargue
Deputy Finance Officer,
Cameron McHargue9-12-23
DateRecommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).W. Wood
City Manager, W. Wood9-14-23
Date

RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

CONTENTS

<u>Approval</u>	iv
Front Matter	
<u>Executive Summary</u>	v
<u>Legend for Records Schedule</u>	vii
Records Retention and Disposition Schedule	
<u>Standard 1: Administration and Management Records</u>	1
<u>Standard 2: Budget, Fiscal, and Payroll Records</u>	23
<u>Standard 3: Geographic Information System Records</u>	36
<u>Standard 4: Human Resources Records</u>	43
<u>Standard 5: Information Technology Records</u>	61
<u>Standard 6: Legal Records</u>	67
<u>Standard 7: Public Relations Records</u>	75
<u>Standard 8: Risk Management Records</u>	80
<u>Standard 9: Workforce Development Records</u>	86
Appendix	
<u>Managing Public Records in North Carolina</u>	A-1
<u>Audits, Litigation, and Other Official Action</u>	A-5
<u>Transitory Records</u>	A-6
<u>Destruction of Public Records</u>	A-8
<u>Sample Destructions Log</u>	A-10
<u>Electronic Records: E-mail, Born Digital Records, and Digital Imaging</u>	A-11
<u>Geospatial Records</u>	A-13
<u>Security Preservation Copies of Records</u>	A-15
<u>Disaster Assistance</u>	A-17
<u>Staff Training</u>	A-18
Request Forms	
<u>Request for Change in Records Schedule</u>	A-19
<u>Request for Disposal of Unscheduled Records</u>	A-20
<u>Request for Disposal of Original Records Duplicated by Electronic Means</u>	A-21
<u>File Plan</u>	A-22
<u>Related Records Series in Program Schedules</u>	A-23
<u>Index</u>	A-30

2021 General Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 General Records Schedule: Local Government Agencies**:

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

"(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means."

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

Electronic Records

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when “*reference value ends*.” All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction “*destroy when reference value ends*.” If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction “*destroy when reference value ends*.”

Record Copy

A record copy is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.”¹ The record copy is the one whose retention and disposition is mandated by this schedule; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to

¹ Society of American Archivists, *Dictionary of Archives Terminology*.

designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”²

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.

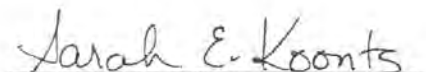
² Ibid.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes previous versions of this schedule and any localized amendments; it is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager

Title: _____



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body

Title: _____



D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____

Effective: October 1, 2021

EXECUTIVE SUMMARY

- ✓ Some records are covered by the Local Agency Program Retention and Disposition Schedules. See the appendix for Related Records Series Found in Local Agency Program Schedules.
- ✓ According to N.C. Gen. Stat. § 121-5(b) and N.C. Gen. Stat. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Society of American Archivists, *Dictionary of Archives Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by N.C. Gen. Stat. § 121-5 and N.C. Gen. Stat. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions listed with the identified record series.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina creates security preservation record copies for minutes and selected other records of governing bodies and commissions, adoption records, and maps and plats. Agencies can request copies of the digital images made during this process. Contact the appropriate Records Management Analyst to begin this process.

- ✓ If you have records that are not listed in this schedule, contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do not have historical value, we will ask you to complete a Request for Disposal of Unscheduled Records (page A-20) for records that are no longer being created.

LEGEND FOR RECORDS SCHEDULE

This records retention and disposition schedule applies to records in all media, unless otherwise specified.



— symbol designating that one or more records in this series may be confidential or may include confidential information.

Item # — an identifying number assigned to each records series for ease of reference.

Series — “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Society of American Archivists, *Dictionary of Archives Terminology*).

Series in this schedule are based on common functions in government offices.

Records Series Title — a short identification of the records in a series, based on their common function.

Series Description — a longer description of the records in a series, often including the types of records that can frequently be found in that series. This information is included underneath the Records Series Title.

Disposition Instructions — instructions dictating the length of time a series must be retained and how the office should dispose of those records after that time.

Citation — a listing of references to statutes, laws, and codes related to the records series. Citations can include:

- Authority: governing the creation of records
- Confidentiality: limiting access to public records
- Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with a SEE ALSO reference. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

AUDITS: PERFORMANCE

Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.

SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).

Sample records series title and description with cross-reference included

*No destruction of records may take place if litigation or audits are pending or reasonably anticipated.
See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.*

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS

Official records pertaining to the authority, operating philosophy, methods, primary functions, and routine office administration of local agencies.

1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.01	ABSTRACTS OF MUNICIPAL ELECTIONS Copies of abstracts prepared by the County Board of Elections and forwarded to the municipal clerk.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____ <i>Retention Note: Official record maintained permanently by the County Board of Elections.</i>	Authority: G.S. 163-300
1.02	ACCREDITATION RECORDS Records documenting accreditations and certifications received by the agency. Includes applications, final reports, and other related records. Also includes evaluations of the agency by outside entities.	Destroy in office 5 years after superseded or obsolete.	Authority: 10A NCAC 48B
1.03	ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES @ Records documenting requirements or directives promulgated by the agency for the conduct of a business or activity on agency premises or under agency authority.	Destroy in office when superseded or obsolete.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that *Natural and Cultural Resources* has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.04	<p>AUDITS: PERFORMANCE @</p> <p>Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.</p> <p>SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).</p>	<p>a) Retain in office permanently reports related to internal compliance or operational audits, hazardous material, or those that document a significant change in agency practices.</p> <p>b) Destroy in office PCI attestation reports after 3 years.</p> <p>c) Destroy in office remaining audit reports after 10 years.</p> <p>d) Destroy in office documentation of corrective measures 2 years after their implementation.</p> <p>e) Destroy in office working papers and remaining records when superseded or obsolete.</p>	
1.05	<p>BLUEPRINTS AND SPECIFICATIONS @</p> <p>Blueprints and specifications of agency owned buildings and facilities. Includes as-built plans and related records concerning approved changes.</p>	<p>a) Transfer as-built drawings to new owner when agency relinquishes ownership of building or facility.</p> <p>b) Retain in office as-built drawings for life of structure and then destroy.</p> <p>c) Destroy in office blueprints, floorplans, and other preliminary design and construction documents when superseded or obsolete.</p>	<p>Confidentiality: G.S. 132-1.7</p>

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.06	BONDS Records documenting written guarantees from a third party, including bid bonds, payment bonds, performance bonds, and surety bonds. SEE ALSO: Bids for Purchase (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), and Projects (below).	Destroy in office 5 years after expiration or cancellation.	
1.07	BULLETINS Internal information sharing materials that circulate information within the agency. Also includes memoranda and newsletters.	Destroy in office when superseded or obsolete.	
1.08	BUSINESS CERTIFICATION RECORDS Applications and supporting documentation submitted by businesses to be certified as a Small Business Enterprise (SBE) or other classification.	a) Destroy in office all documentation 3 years after most recent recertification. b) If certification was never issued, destroy in office all documentation when reference value ends.± Agency Policy: Destroy in office after _____.	
1.09	BUSINESS DEVELOPMENT SUBJECT FILE	Destroy in office after 3 years.	
1.10	CALENDARS OF EVENTS AND APPOINTMENTS	Destroy in office when superseded or obsolete.	
1.11	CENSUS PROJECT RECORDS Records created to assist the U.S. Census Bureau with the decennial census.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.12	CHARTER RECORDS Charter and charter proceedings related to adoption, amendment and/or repeal.	Retain in office permanently.	
1.13	COLLECTED DATA Information and statistics compiled and analyzed for research purposes or to support the functions of the agency. SEE ALSO: Data Warehouses (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	Destroy in office when superseded or obsolete.	If data contains confidential information, abide by relevant restrictions.

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that *Natural and Cultural Resources* has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.14	CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS @ Records concerning objections, dissatisfaction, or disagreements with actions or positions taken or not taken by the agency. Includes comments and petitions submitted by constituents requesting action as well as routine requests for service. Also includes requests for reasonable accommodation to the general public under Title II of the Americans with Disabilities Act, Housing and Urban Development Act, 1973 Rehabilitation Act, and Title VII of the Civil Rights Act of 1964; including constituent requests, survey of agency buildings to determine accessibility to the physically handicapped, proposals for implementation, correspondence (including e-mail), and resolutions.	a) Transfer records as applicable to Litigation Case Records (STANDARD 6: LEGAL RECORDS). b) Destroy in office comments, complaints, petitions, and requests 1 year after resolution.* c) Destroy in office accommodation requests 2 years after resolution.*	Authority: 42 USC 12132
1.15	CONSTITUENT SURVEYS Surveys and related records addressing agency services, policies, and other concerns.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that *Natural and Cultural Resources* has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.16	<p>CORRESPONDENCE AND MEMORANDA Administrative and management correspondence/memoranda (including e-mail) written or received by the office concerning agency authority, operating philosophy, purpose, methods, and any other function.</p> <p>For information on handling e-mail and text or instant messages, see ELECTRONIC RECORDS, page A-11. SEE ALSO: Public Bodies: Correspondence (below) and Legal Correspondence (STANDARD 6: LEGAL RECORDS).</p>	<p>a) Transfer correspondence (including e-mail) with historical value to History Records (below), after 3 years.</p> <p>b) Destroy routine administrative correspondence and memoranda after 1 year.</p> <p>c) Destroy in office remaining records after 3 years.</p> <p><i>Retention Note: The correspondence (including e-mail) of the most senior administrator has historical value and should be retained permanently.</i></p>	
1.17	<p>CUSTOMER CALL CENTER RECORDINGS @ Recordings of calls to customer service centers made for quality assurance and training purposes.</p>	Destroy in office after 30 days.	
1.18	<p>EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS @ Records concerning the maintenance, repair, routine testing, and inspection of agency owned equipment and vehicles. Also includes warranties.</p> <p>SEE ALSO: Grants (below), and System Maintenance Records: Hardware Repair or Service (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).</p>	<p>a) Destroy in office records documenting routine inspections, janitorial cleaning, and routine maintenance of equipment and vehicles after 1 year.*</p> <p>b) Destroy in office records documenting all other maintenance and repairs after 3 years.*</p> <p>c) Destroy in office warranties 1 year after expiration.</p>	

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1: Administration and Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.19	EQUIPMENT AND VEHICLE REFERENCE RECORDS Includes operation, specification, and technical manuals. Also includes brochures, bulletins, and related documentation.	Destroy in office when superseded or obsolete.	
1.20	EQUIPMENT, FACILITY, AND VEHICLE USAGE RECORDS Records documenting the assignment, request, and usage of agency assets. Also includes mileage and checkout logs, fuel consumption reports, reservation requests, authorizations, utility usage logs, and similar records.	a) Destroy in office after 3 years if records are used for allocating costs or determining payment under rental or lease agreements.* b) Destroy in office remaining records after 1 year.	
1.21	FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS Records documenting maintenance, repair, and inspection of agency-owned facilities, including warranties on said repairs. Also includes any real property owned by the agency. SEE ALSO: Contracts, Leases, and Agreements (STANDARD 6: LEGAL RECORDS), Property Management Records (below).	a) Destroy in office records documenting system repair and improvement (including plumbing, electrical, fire, and other systems) after 3 years. b) Destroy in office records documenting routine inspections, janitorial cleaning, environmental monitoring, and routine maintenance of facilities after 1 year. c) Destroy in office warranties 1 year after expiration.	
1.22	FORMS AND TEMPLATES Blank forms, templates, and letterhead used to create agency records.	Destroy in office when superseded or obsolete.	

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1: Administration and Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.23	GRANT PROPOSALS Proposals submitted for grants, including applications, correspondence (including e-mail), and other related records.	a) Transfer records concerning approved grants to Grants (below). b) Destroy in office rejected or withdrawn grant proposals when reference value ends.± Agency Policy: Destroy in office after _____	
1.24	GRANTS @ Records concerning approved federal, state, and private grants. File includes applications, reports, records of equipment purchased with grant funds, and all relevant programmatic records. Also includes any required certifications and disclosures, documentation about grants issued by the agency, and research records generated as part of a grant project. SEE ALSO: Grants: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions. b) Destroy in office records of state and private grants 5 years after final financial report is filed.* c) Destroy in office records of grants funded by local appropriations and other federal grants 3 years after final financial report is filed. d) Destroy in office records not relating to a specific grant after 1 year. <i>Retention Note: According to 2 CFR 200.333(c), records for real property and equipment acquired with Federal funds must be retained for 3 years after disposition of the property/equipment.</i>	Retention: 09 NCAC 03M .0703 2 CFR 200.333

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.25	HISTORICAL DESIGNATIONS RECORDS Records concerning the awarding of historical markers by the agency. Includes applications, review materials, and list of markers.	a) Retain in office permanently the list of historical markers along with the accepted applications. b) Destroy in office after 1 year rejected applications. c) Destroy in office remaining materials after 3 years.	
1.26	HISTORY RECORDS (AGENCY AND EMPLOYEES) Records concerning the history of the agency and its employees. Includes published and unpublished histories, biographical data, photographs, newspaper clippings, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
1.27	IMPROPER CONDUCT INVESTIGATIONS Records concerning investigations triggered by questions about ethics or conduct within an agency, such as whistleblower reports or allegations of fraud. Includes complaints, reports, investigations, and other related records. Also includes records from an ombuds office.	Destroy in office 3 years after resolution.*	
1.28	INDICES @ Listings of where specific information can be found.	Destroy in office when superseded or obsolete.	
1.29	INTERAGENCY PROGRAMS Records of programs involving more than one government agency. Includes resource materials, program information, and other related records.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

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1: Administration and Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.30	INVENTORIES @ Inventories describing the type of property (including equipment and facilities other and fixed assets), its location, and related information. Also includes inventory control and usage records, such as requisitions/draw tickets, mileage logs, request forms, and other related records.	a) Destroy in office lists of properties, facilities, fixed assets, supplies, and surplus property when superseded or obsolete. b) Destroy in office inventory control and usage records after 3 years.	
1.31	LEGISLATION AND REGULATORY RECORDS Notices and copies of proposed or adopted state or federal legislation or regulations affecting the agency.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
1.32	LOGISTICS MATERIALS Records concerning scheduled plans of agency personnel and activities. Includes routine notices, task lists, and arrangements.	Destroy in office when superseded or obsolete.	
1.33	MAIL: UNDELIVERABLE/RETURNED Outgoing agency mail returned by the post office for any reason, including insufficient postage, incorrect address, forwarding order expired, etc. Also includes outgoing e-mail returned for any reason.	Destroy in office after 30 days. <i>Retention Note: If notification is necessary for a particular process, reference the relevant case file for disposition instructions (e.g., tax notifications).</i>	
1.34	 MAILING AND DISTRIBUTION RECORDS Includes mailing and meeting notification lists, e-mail distribution lists, Sunshine Lists, and related documentation of transactions with the U.S. Postal Service, state courier, or private carriers.	a) Destroy in office Sunshine Lists when superseded or obsolete. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	Confidentiality: G.S. 132-1.12 G.S. 132-1.13

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1: Administration and Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.35	MEMBERSHIP RECORDS Records concerning associations, organizations, groups, etc., with which the agency is involved. Includes records concerning memberships or registrations on behalf of the agency or agency personnel.	Destroy in office when superseded or obsolete.	
1.36	MISCELLANEOUS (NON-BUILDING) APPLICATIONS, LICENSES, AND PERMITS Includes, but not limited to, applications and permits regarding free government-issued business permits, burning, special events, and landscape establishment.	a) Destroy in office 1 year after expiration of license/permit. b) Destroy in office applications for which a license/permit was never issued when reference value ends.± Agency Policy: Destroy in office after _____.	
1.37	OFFICE AND PROPERTY SECURITY RECORDS Records concerning the security of agency offices, facilities, vehicles, equipment, property, and personnel. Includes visitors' register; security, employee, or contractor access to facilities or resources; and surveillance system reports and recordings. SEE ALSO: Employee Security Records (STANDARD 8: RISK MANAGEMENT).	a) If the recording necessitates law enforcement action, transfer to the appropriate agency. b) If the recording becomes evidence in a personnel investigation or lawsuit, transfer to Disciplinary Actions (STANDARD 4: HUMAN RESOURCES RECORDS), or Litigation Case Records (STANDARD 6: LEGAL RECORDS). c) Destroy in office recordings not required to support known investigations or litigation after 30 days. d) Destroy in office remaining records after 1 year.	Confidentiality: G.S. 132-1.7

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.38	<p>ORDINANCES Includes code of ordinances.</p> <p>See the SECURITY PRESERVATION COPIES OF RECORDS section on page A-15 for instructions on imaging.</p>	<p>a) Retain in office official copy permanently.</p> <p>b) Destroy in office ordinance development records when ordinance is no longer in effect.</p> <p>c) Destroy in office additional copies (including tabled or failed ordinances) when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p>	
1.39	<p>PEST CONTROL Records concerning pest abatement or eradication programs overseen by the agency.</p> <p>SEE ALSO: Facility Maintenance, Repair, and Inspection Records (above).</p>	<p>Destroy in office after 3 years.*</p>	
1.40	<p>PHONE LOGS Records documenting calls placed and received in the course of conducting agency business.</p> <p>SEE ALSO: Accounts Payable (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Voice over Internet Protocol (VoIP) Records (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).</p>	<p>Destroy in office after 1 year.</p>	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.41	POLICIES AND PROCEDURES @ Records documenting the formulation, planning, and adoption of policies, procedures, and functions of the agency and its departments. File also includes organizational charts, reorganization studies, and similar records describing the arrangement and administrative structure of the agency. SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS), Policies and Procedures (Personnel) (STANDARD 4: HUMAN RESOURCES RECORDS), Electronic Records Policies and Procedures (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
1.42	POLL LIST/REGISTRATION LIST/ROSTER/AUTHORIZATION TO VOTE (ATV) @ Lists documenting registered electors and votes cast prior to County Board of Elections taking over municipal elections. Includes electronic or paper ATV related records such as ATV books, forms, unused stickers, lists, registers, indexes, or similar records used to verify persons are registered voters at each polling location.	Contact State Archives of North Carolina prior to destroying old poll books and voter registration books.	Authority: G.S. 163 Art. 15A G.S. 163-166.7 08 NCAC 10B .0103 52 USC Chap. 205
1.43	PRICE QUOTATIONS	Destroy in office when reference value ends. ± Agency Policy: Destroy in office after _____.	

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1: Administration and Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.44	PROCLAMATIONS AND ORDERS Proclamations and orders issued by the governing board.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
1.45	PROJECTS @ Includes project correspondence (including e-mail), feasibility studies, final reports, specifications, assessments, notices to proceed, cost estimates, change orders, statements of work, and similar documentation. SEE ALSO: Project Documentation (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records 3 years after completion of project.	
1.46	PROPERTY MANAGEMENT RECORDS Includes appraisals of the financial valuation of agency-owned property as well as surveys, plats, and maps. SEE ALSO: Facility Maintenance, Repair, and Inspection Records (above).	Destroy in office when superseded or obsolete.	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.47	PUBLIC BODIES: AGENDA AND MEETING PACKETS Includes agendas and copies of supporting documentation and exhibits submitted and discussed during meetings of public bodies. Also includes documentation of outside meetings attended by agency personnel. SEE ALSO: Public Bodies: Minutes (below).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
1.48	PUBLIC BODIES: APPLICATIONS FOR APPOINTMENT Applications and related records received from individuals applying for appointments to serve on public boards, commissions, councils, and committees.	a) Destroy in office records concerning appointed individuals 1 year after expiration of term. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	
1.49	PUBLIC BODIES: APPOINTMENT REPORTS Includes annual appointment reports filed with the NC Department of the Secretary of State.	Destroy in office after 2 years.	Authority: G.S. 143-157.1
1.50	PUBLIC BODIES: AUDIO AND VIDEO RECORDINGS OF MEETINGS SEE ALSO: Public Bodies: Minutes (below).	Destroy in office after approval of official written minutes. <i>NOTE: If these serve as the official minutes, as allowed by G.S. 143-318.10(e), their retention should be permanent. These disposition instructions apply to recordings produced solely for the purpose of generating official written minutes.</i>	

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1: Administration and Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.51	PUBLIC BODIES: CORRESPONDENCE Records documenting internal and external communications of governing and advisory board members. Includes correspondence (including e-mail) related to decision-making, policy development, and other high-level planning as well as logistical communications.	a) Transfer correspondence (including e-mail) with historical value to History Records (above), after 3 years. b) Destroy in office remaining records after 3 years.	
1.52	PUBLIC BODIES: MEETING NOTICES Includes notices and regular meeting schedules. SEE ALSO: Affidavits of Publication (STANDARD 6: LEGAL RECORDS), Publicity Records (STANDARD 7: PUBLIC RELATIONS RECORDS).	Destroy in office after 1 year.	
1.53	PUBLIC BODIES: MEMBER FILES Records concerning members of public boards, commissions, councils, and committees. Includes codes of conduct, ethics statements, agreements, notices of resignation, and other related records. Also includes biographical information and waivers. SEE ALSO: Oaths of Office (STANDARD 6: LEGAL RECORDS), Public Bodies: Applications for Appointment (above).	a) Retain in office records with historical value permanently. b) Destroy in office 1 year after superseded or obsolete waivers from board members choosing not to receive stipend/per diem payments. c) Destroy in office remaining records 1 year after service ends.	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.54	<p>PUBLIC BODIES: MINUTES Includes minutes of the governing board and all subsidiary and advisory boards. Subsidiary boards are defined as boards that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, or administrative functions. Also includes minutes of subcommittees of the governing board and its subsidiary and advisory boards.</p> <p>See the SECURITY PRESERVATION COPIES OF RECORDS section on page A-15 for instructions on imaging.</p> <p>SEE ALSO: Ordinances (above), Public Bodies: Agenda and Meeting Packets (above), Public Bodies: Audio and Video Recordings of Meetings (above), Resolutions (below).</p>	<p>a) Retain in office permanently official minutes of the governing board and its subsidiary boards as well as all attachments necessary to understand the body's actions.</p> <p>b) The official minutes of advisory boards may be destroyed only upon approval by the State Archives of North Carolina. The State Archives reserves the right to designate the minutes of any advisory board as permanent.</p> <p>c) Destroy in office minutes of committees or subcommittees when reference value ends, if the minutes or actions and decisions of the committee are entered as part of the minutes of the parent board. If minutes or actions and decisions of the committee or subcommittee in question are not entered as part of the minutes of the parent board, the State Archives reserves the right to designate the minutes as permanent.±</p> <p>Agency Policy: Destroy in office after _____</p>	Authority: G.S. 143-318.10
1.55	<p>RATE AND FEE SCHEDULES @ Records relating to rates, fees, and regulations concerning agency services.</p>	Destroy in office when superseded or obsolete.	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.56	REBATE PROGRAM RECORDS Applications, receipts, and related records concerning rebate programs sponsored by the agency. These records document programs and incentivized actions that residents may opt into.	a) Destroy in office financial records 3 years after approval.* b) Destroy in office applications 1 year after approval. c) Destroy in office denied applications when reference value ends.± Agency Policy: Destroy in office after _____	
1.57	RECORDS MANAGEMENT Includes correspondence (including e-mail) with state and/or federal agencies with regards to records retention. Also includes records disposition documentation, file plans, and copies of records retention and disposition schedules.	a) Retain in office documentation concerning the final disposition of records permanently. b) Destroy in office remaining records when superseded or obsolete.	
1.58	REFERENCE (READING) FILE Subject files containing informational copies of records organized by areas of interest. Also includes materials that have no regulatory authority for the recipient and are received from outside the agency or from other units within the agency as well as reference copies of documents where another individual or agency is responsible for maintaining the record copy.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	CITATION
1.59	<p>REPORTS AND STUDIES @</p> <p>Records concerning the performance of a department, program, or project, as well as those created for planning purposes. Includes all annual, sub-annual, or irregularly prepared research studies, reports, and studies generated by an agency or prepared by consultants hired by the agency. Also includes reports required to be submitted to the agency.</p> <p>SEE ALSO: Accident/Incident Reports (STANDARD 8: RISK MANAGEMENT RECORDS), Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Audits: Performance (above), Budget Reports (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Civil Rights Records (STANDARD 6: LEGAL RECORDS), Financial Reports (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Grants (above), Lost, Stolen, or Damaged Property Reports (STANDARD 8: RISK MANAGEMENT RECORDS), Projects (above), Public Bodies: Appointment Reports (above), Strategic Plan (below), and Unemployment Compensation Reports (STANDARD 4: HUMAN RESOURCES RECORDS).</p>	<p>a) Retain in office permanently 1 copy of all annual and biennial reports written by the agency.</p> <p>b) Retain in office permanently reports and studies prepared by request of an agency's governing body or a court.</p> <p>c) Destroy in office after 3 years reports prepared monthly, bimonthly, or semi-annually.</p> <p>d) Destroy in office after 1 year activity reports concerning workload measurements, time studies, number of jobs completed, etc., prepared on a daily or other periodic basis.</p> <p>e) Destroy in office when superseded or obsolete reports required to be submitted to the agency.</p> <p>f) Destroy in office remaining reports and studies when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____.</p> <p><i>Retention Note: Reports and studies listed elsewhere in this schedule should be retained the specified period of time.</i></p>

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1: Administration and Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.60	REQUESTS FOR INFORMATION Requests received and responses issued by the agency. SEE ALSO: Public Records Requests (STANDARD 7: PUBLIC RELATIONS RECORDS).	Destroy in office after 1 year after resolution.	
1.61	REQUESTS FOR PROPOSALS (RFP) Proposals submitted by vendors in response to requests from agency. Also includes notices and evaluations produced by the agency. SEE ALSO: Bids for Purchase (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Price Quotations (above).	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
1.62	RESOLUTIONS File consists of resolutions indicating date, issues or policy involved, and appropriate signatures. See the SECURITY PRESERVATION COPIES OF RECORDS section on page A-15 for instructions on imaging.	a) Retain in office permanently one copy of final resolution. b) Retain in office permanently resolution development records with historical value. c) Destroy in office additional copies of resolutions (including those tabled or failed) along with all remaining development records when reference value ends.± Agency Policy: Destroy in office after _____	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.63	STAFF MEETINGS FILE Records concerning meetings of internal committees, groups, or task forces along with external meetings attended by agency personnel. Includes minutes, agendas, meeting packets, visual aids, presentations, notes, recordings, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after 1 year.	
1.64	STRATEGIC PLAN @ Long-range plan outlining policies, guidelines, and plans for future development of the agency. Includes official copy of strategic plan and all background surveys, studies, and reports. Also includes business plans as well as mission statements, goals, and objectives.	a) Retain in office strategic plans permanently. b) Destroy in office background surveys, studies, and reports 5 years after adoption of plan. c) Destroy in office business plans 2 years after execution of plan. d) Destroy in office remaining records when superseded or obsolete.	
1.65	SURPLUS PROPERTY Inventories and reports of agency property to be surplus.	Destroy in office 3 years after disposition of property.*	
1.66	TRACKING MATERIALS Records intended to verify the receipt of information, such as certified mail receipts.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.67	TRAVEL REQUESTS Requests and authorizations for travel. Includes forms and itineraries. SEE ALSO: Price Quotations (above), Travel Reimbursements (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	Destroy in office after 1 year.*	
1.68	VEHICLE REGISTRATION CARDS North Carolina registration cards for vehicles in the agency fleet. SEE ALSO: Vehicle Titles (STANDARD 6: LEGAL RECORDS).	Destroy in office when superseded.	
1.69	WORK ORDERS Includes date and location of work, cost of materials used and labor, type of work performed, and other related records regarding the repairs of equipment, facilities, and vehicles.	a) If this is the only record documenting completed work, follow disposition instructions for Facility Maintenance, Repair, and Inspection Records (above), or Equipment and Vehicle Maintenance, Repair, and Inspection Records (above). b) Destroy in office remaining records 1 year after work is completed.*	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS

Records created and accumulated concerning the managerial control, budgeting, disbursement, collection, and accounting of the agency.

Note: Per 26 CFR 1.148-5(d)(6)(iii)(E), all records necessary to support the tax-exempt status of an agency debt issue must be retained for the life of the debt plus 3 years.

2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
2.01	ACCOUNTS PAYABLE Records concerning the status of accounts in which the agency owes money to firms or individuals. Includes invoices, reimbursements, receipts or bills of sale, check registers, and subsidiary registers. Also includes stop payment notices.	a) Destroy in office 5 years after payment documentation of reimbursement for business expenses to employees. b) Destroy in office all remaining records 3 years after payment.*
2.02	ACCOUNTS RECEIVABLE @ Records concerning receivables owed and collected. Includes billing statements, records of payment received, remittances, subsidiary registers, overpayment or refund records, deposits, fines and fees assessed, and collection of past due accounts. Also includes records concerning accounts sent to NC Debt Setoff Program for collection.	Destroy in office 3 years after collection.*
		Retention: 04 NCAC 24D .0501(a)(3)(i)
		G.S. 105A

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2: Budget, Fiscal, and Payroll

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.03	ACCOUNTS UNCOLLECTABLE Records of accounts deemed uncollectable, including returned checks, write-off authorizations, and other related records.	Destroy in office 3 years after account is determined to be uncollectable.*	
2.04	ANNUAL BUDGET Annual budget and budget message submitted to governing board for approval. SEE ALSO: Budget Reports (below).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after 3 years. <i>Retention Note: Annual budgets should be entered into the minutes of the governing board.</i>	Authority: G.S. 159-11
2.05	ARBITRAGE RECORDS Records concerning arbitrage rebate calculations and funds rebated.	Destroy in office 3 years after final redemption date of the bonds and after all related debts and obligations have been satisfied.*	Authority: 26 CFR 1.148-3
2.06	AUDITS: FINANCIAL @ Records concerning internal and external audits. Includes reports, working papers, and related records. SEE ALSO: Audits: Performance (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently final reports related to internal compliance or operational audits or those that document a significant change in agency practices or have significant administrative value. b) Destroy in office after 10 years final reports related to internal accounting systems and controls and those with limited administrative value. c) Destroy in office working papers and remaining records when superseded or obsolete.*	Authority: G.S. 159-34
2.07	AUTHORIZATION FORMS Authorization to purchase materials.	Destroy in office after 3 years.*	

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2: Budget, Fiscal, and Payroll



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.08	BANK STATEMENTS AND RECONCILIATIONS Includes bank statements, canceled checks, deposit slips, and reconciliation reports.	Destroy in office after 3 years.*	
2.09	BIDS FOR DISPOSAL OF PROPERTY Records concerning the disposal of surplus property. Includes information about various disposition procedures used, such as sealed bids and public auction. SEE ALSO: Accounts Receivable (above).	Destroy in office all records after the disposition of property has been recorded in governing board's minutes.*	Authority: G.S. 153A-176
2.10	BIDS FOR PURCHASE Records documenting quotes to supply products and services. Includes advertisements, tabulations, awards letters, records of bids, good faith effort documentation, and related records concerning accepted and rejected bids.	a) Transfer records to Contracts, Leases, and Agreements (STANDARD 6: LEGAL RECORDS) when bid is approved. b) Destroy in office bid records not awarded or opened after 1 year.*	Authority: G.S. 143 Article 8
2.11	BOND CLOSING RECORDS Includes applications, agreements, tax records, contracts, official statements, legal opinions, rating letters, public hearing bonds, title insurance, deeds of trust, and other related records concerning bonds issued by the agency. Also includes records concerning expenditure and/or investment of bond proceeds.	Destroy in office 6 years after final maturity.*	Authority: G.S. 159 Article 7

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2: Budget, Fiscal, and Payroll

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.12	BOND REGISTER Records of all bonds, notes, and coupons issued by the agency detailing the purpose of issuance, the date of issue, serial numbers (if any), denomination, maturity date, and total principal amount.	Retain in office permanently.	Authority: G.S. 159-130
2.13	BONDS, NOTES, AND COUPONS	Destroy in office 1 year from date of payment.	Authority: G.S. 159-139
2.14	BUDGET ADMINISTRATION RECORDS Records of budget administration. Includes research, correspondence (including e-mail), and other related records.	Destroy in office after 2 years.*	
2.15	BUDGET EXECUTION RECORDS Records of authorizations to move funds between budget codes.	Destroy in office when released from audits.	
2.16	BUDGET REPORTS Includes daily detail reports and monthly budget reports. Also includes contract budget and expenditure reports and summaries of tax allocations. SEE ALSO: Annual Budget (above).	a) Destroy in office daily detail reports after 1 year.* b) Destroy in office remaining reports after 3 years.*	
2.17	BUDGET REQUESTS AND WORKING PAPERS Includes budget requests, cost estimates, expenditures, program requests, salary and wage lists, correspondence (including e-mail), and related records.	Destroy in office after 3 years.*	Authority: G.S. 159-10

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.18	BUDGET RESOLUTIONS AND ORDINANCES Includes project ordinances, budget resolutions, and amendments. SEE ALSO: Public Bodies: Minutes (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain official copies in the minutes of the governing board. b) Destroy in office remaining copies when reference value ends.± Agency Policy: Destroy in office after _____	Authority: G.S. 159-8 G.S. 159-13 G.S. 159-13.2 G.S. 159-15
2.19	COST ALLOCATION PLANS Accounting report that calculates and spreads agency-wide indirect costs to departments and funds that receive a service from other departments.	Destroy in office after 3 years.*	
2.20 	CREDIT/DEBIT/PROCUREMENT CARD RECORDS Records of assignment of agency credit cards and purchasing cards along with authorization logs.	Destroy in office when superseded or obsolete.*	Confidentiality: G.S. 132-1.2(2)
2.21	DONATIONS AND SOLICITATIONS Records concerning requests made to agency by outside organizations. Includes applications and other related records. SEE ALSO: Fund Drive and Event Records (STANDARD 7: PUBLIC RELATIONS RECORDS).	a) Destroy in office records supporting approved donations 1 year after payment. b) Destroy in office rejected applications after 30 days.	
2.22 	ELECTRONIC FUNDS TRANSFERS (EFT) Includes forms authorizing electronic transfer of monies via wire transfer or automated clearing house (ACH) as well as ACH bank reports.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 14-113.20

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2: Budget, Fiscal, and Payroll

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.23	ESCHEATS AND UNCLAIMED PROPERTY Records containing information required to be included in holder reports submitted to the State Treasurer's office.	a) Destroy in office after 10 years if report was filed prior to July 16, 2012.* b) Destroy in office after 5 years if report was filed on or after July 16, 2012.*	Authority: G.S. 116B-60 Retention: G.S. 116B-73
2.24	FINANCIAL JOURNALS AND LEDGERS	a) Destroy in office year-end summaries of receipts and disbursements after 3 years.* b) Destroy in office daily, monthly, or quarterly transaction detail journals and ledgers after 1 year.*	
2.25	FINANCIAL REPORTS	a) Destroy in office annual financial reports or other reports generated to inform decision-making after 3 years.* b) Destroy monthly or quarterly reports generated for operational purposes after 1 year. c) Destroy logs and distribution reports generated to track transactions when released from audits.	
2.26	GOVERNMENT EMPLOYEES RETIREMENT SYSTEM MONTHLY REPORTS Reports produced by the North Carolina Department of State Treasurer regarding the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGEERS).	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.27	<p>GRANTS: FINANCIAL @ Records concerning approved federal, state, and private grants received or issued by the agency. Includes all relevant accounting, purchasing, payroll, and other financial records.</p> <p>SEE ALSO: Grants (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>a) Destroy records supporting the expenditure of federal funds passed through NC Dept. of Health and Human Services on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions.</p> <p>b) Destroy in office records of state and private grants 5 years after final financial report is filed.*</p> <p>c) Destroy in office records of grants funded by local appropriations and other federal grants 3 years after final financial report is filed.</p> <p>d) Destroy in office records not relating to a specific grant or to grants not funded after 1 year.</p> <p><i>Retention Note: According to 2 CFR 200.333(c), records for real property and equipment acquired with Federal funds must be retained for 3 years after disposition of the property/equipment.</i></p>	Retention: 09 NCAC 03M .0703 2 CFR 200.333
2.28	<p>INVESTMENTS Includes fund information, portfolio listings and reports, balance sheets, exchange or consent instructions, broker confirmations, notices, and other documentation related to agency investments. Also includes transaction schedules for projecting revenue on investments as well as performance investment reports issued by broker or investment firm.</p>	<p>a) Destroy in office transaction schedules after 2 years.*</p> <p>b) Destroy in office performance investment reports when reference value ends.±</p> <p>Agency Policy: Destroy in office after _____</p> <p>c) Destroy in office all remaining records after 3 years.*</p>	Authority: G.S. 159-30

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.29	LOAN RECORDS Records concerning loans received by the agency. Includes documentation of intent to proceed, loan agreements, promissory notes, letters of credit, statements, notices of principal and interest due, and other related records.	Destroy in office 5 years after satisfaction or cancellation of loan.*	
2.30	LOCAL GOVERNMENT COMMISSION FINANCIAL STATEMENTS	Destroy in office after 3 years.*	Authority: G.S. 159-33
2.31	LONGEVITY PAY	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
2.32 	PAYMENT CARD DATA Records created in association with payment card transactions entered by third parties for the purchase of goods or services from the agency.	Destroy in office after processed.*	Confidentiality: G.S. 132-1.2(2) G.S. 132-1.10(b)(5)


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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
2.33 	<p>PAYROLL AND EARNINGS RECORDS</p> <p>Records containing information such as the name, Social Security number, number of hours worked, compensation rate, deductions, and total wages paid each employee per payroll period. Also includes employer contributions (e.g., retirement, healthcare) along with individual and group employee earnings records and payroll registers showing earnings and deductions for each pay period.</p> <p>SEE ALSO: Payroll Deduction Records (below), Time Sheets, Cards, and Attendance Records (below); for 401(k) and other retirement plan payouts, see Retirement Records (STANDARD 4: HUMAN RESOURCES RECORDS).</p>	<p>a) Destroy in office 30 years from date of separation records necessary for retirement or similar benefits verification.</p> <p>b) Destroy in office remaining records after 5 years.*</p> <p>Authority: 29 CFR 516.30(a)</p> <p>Confidentiality: G.S. 132-1.10 G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1</p> <p>Retention: 04 NCAC 24D .0501(a) 29 CFR 516.5(a) 29 CFR 1627.3(a)</p>


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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.34 	PAYROLL DEDUCTION RECORDS Records used to start, modify, or stop all voluntary or required deductions from payroll. Includes tax withholding (NC-4, W-4), retirement and deferred compensation, savings plans, insurance, association dues, orders of garnishment, etc. Used as proof the employee approved of the deduction(s). SEE ALSO: Payroll and Earnings Records (above), Retirement Records (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Destroy in office tax withholding forms 4 years after termination of deduction.* b) Destroy in office authorizations for deductions for retirement contributions, bank payments, savings plans, insurance, and dues 2 years after termination of deduction. c) Destroy in office remaining records 3 years after termination of deduction.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: IRS Publication 15 29 CFR 516.6(c)(1)
2.35	POWELL BILL RECORDS Records include certified statements, expenditures reports, information sheets, financial statements submitted to the North Carolina Department of Transportation, and all other related records.	Destroy in office after 3 years.	
2.36	PURCHASE ORDERS Records, forms, packing slips, and attached documents concerning purchased supplies, equipment, and services. SEE ALSO: Grants: Financial (above).	Destroy in office after 3 years.* <i>Retention Note: Packing slips may be destroyed upon verification of items received if they are not the only record of the purchase of the item.</i>	
2.37	QUALIFIED PRODUCTS LISTS (QPL) Records identifying products approved for purchase by the agency.	Destroy in office 3 years after superseded or obsolete.*	

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2: Budget, Fiscal, and Payroll

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.38	REQUISITIONS Requests for payment or to acquire goods or services. SEE ALSO: Inventories (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office after 1 year.*	
2.39	SCHOLARSHIP RECORDS Records concerning scholarships awarded by the agency. Includes applications, award letters, conditions and stipulations, agreements and contracts, disbursement statements, progress reports, and other related records.	a) Destroy in office after 3 years records documenting the awarding of scholarships. b) Destroy in office 1 year after notification of applicant records concerning applications that are denied by the agency or awards that are declined by the recipient.	
2.40	SHIFT PREMIUM PAY Authorizations and other related records concerning employees receiving shift premium pay.	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
2.41	STATEMENTS OF BACK PAY Forms used to determine the gross pay an employee would have earned during a specified period for back pay in a grievance decision, settlement agreement, or other order.	Destroy in office 3 years after payment.*	

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2: Budget, Fiscal, and Payroll



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.42	TAX FORMS Tax information returns generated by the agency (e.g., 1098, 1099, W-2, W-3) to be reported to the Internal Revenue Service and furnished to the other party to the transaction.	Destroy in office 5 years after submitted to taxpayer and/or IRS.*	Confidentiality: G.S. 132-1.10 G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 04 NCAC 24D .0501(a) IRS Publication 15
2.43	TAX RETURNS Tax returns filed by the agency.	Destroy in office 6 years after filed.*	
2.44	TIME SHEETS, CARDS, AND ATTENDANCE RECORDS Records documenting the work hours and attendance of employees. SEE ALSO: Payroll and Earnings Records (above).	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a) 29 CFR 516.6(a)(1)

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2: Budget, Fiscal, and Payroll

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.45	TRAVEL REIMBURSEMENTS Includes requests and authorizations for reimbursement for travel and related expenses. SEE ALSO: Grants: Financial (above), Travel Requests (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office after 5 years. *	Retention: 04 NCAC 24D .0501(a)
2.46	VENDORS Files maintained on specific vendors authorized or debarred from doing business with the agency. Includes name and address, correspondence (including e-mail), and other related records.	Destroy in office when superseded or obsolete.	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



3: GIS

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS
Official records received and created by agency geographic information system programs. See G.S. 132-10 for information about providing public access to GIS databases.

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.01	GEOGRAPHIC INFORMATION SYSTEM (GIS) CORE DATA Geo-referenced data and metadata to facilitate the management, manipulation, analysis, modeling, representation, and spatial analysis of complex problems regarding planning and management of resources.	Retain in office parcel, boundary, zoning, and orthoimagery layers (with accompanying data sets) permanently. <i>Retention Note: Other datasets should be kept according to standards and procedures set by the North Carolina Geographic Information Coordinating Council. See also GEOSPATIAL RECORDS, page A-13.</i>	
3.02	GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA DOCUMENTATION (METADATA) Records created during development or modification of an automated system which are necessary to access, retrieve, manipulate, and interpret data in that system; and records that explain the meaning, purpose, structure, local relationships, and origin of the data elements. Includes data element dictionaries, file layout, codebooks and tables, and definition files.	Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).	

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3: GIS

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.03	GEOGRAPHIC INFORMATION SYSTEM (GIS) INTERNAL STANDARDS AND PROCEDURES Includes requirements that are intended to make hardware, software, and data compatible and that cover data capture, accuracy, sources, base categories, output, and data element dictionaries.	Retain in office permanently.	
3.04	GEOGRAPHIC INFORMATION SYSTEM (GIS) MONITORING RECORDS Includes system security, quality assurance, transaction tracking, and other related activity monitoring records.	Destroy in office after 1 year.	
3.05	GEOGRAPHIC INFORMATION SYSTEM (GIS) OPERATIONAL RECORDS Includes user guides, system flowcharts, job or workflow records, system specifications, and similar documentation.	Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).	
3.06	GEOGRAPHIC INFORMATION SYSTEM (GIS) PROJECT RECORDS	a) Retain in office GIS datasets and accompanying documentation (metadata) with historical and/or legal value permanently. b) Destroy in office remaining items when reference value ends.± Agency Policy: Destroy in office after _____	

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 ± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.
 @ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

3: GIS

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.07	<p>LAYERS: ADDRESS POINTS</p> <p>See also GEOSPATIAL RECORDS, page A-13.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p>	
3.08	<p>LAYERS: CORPORATE LIMITS</p> <p>See also GEOSPATIAL RECORDS, page A-13.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p>	

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3: GIS



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.09	LAYERS: EXTRATERRITORIAL JURISDICTIONS See also GEOSPATIAL RECORDS, page A-13.	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p>	
3.10	LAYERS: ORTHOIMAGERY See also GEOSPATIAL RECORDS, page A-13.	<p>Create a snapshot of dataset when created. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p>	

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3: GIS



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.11	<p>LAYERS: STREET CENTERLINE</p> <p>See also GEOSPATIAL RECORDS, page A-13.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p>	
3.12	<p>MAPPING PROJECT RECORDS</p> <p>Includes contract maps and all deliverable products for aerial photography, orthophotography, cartographic, cadastral, and digital mapping projects.</p> <p>See also GEOSPATIAL RECORDS, page A-13.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p>	

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3: GIS



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.13	<p>MAPS: PARCEL Maps, including cadastral maps, and surveys of boundaries and measurements of each parcel, and information about encroachments, right-of-ways, and structures.</p> <p>See also GEOSPATIAL RECORDS, page A-13, and Property Management Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>Paper: Destroy in office upon State Archives approval.</p> <p>GIS dataset: Create a snapshot of dataset quarterly. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p> <p><i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p>	
3.14	<p>MAPS: PARKS Includes park boundaries, facilities, landscaping, topography, and other pertinent information. Also includes maps and drawings stored and generated by Geographic Information System (GIS) and computer-aided design (CAD) systems.</p> <p>See also GEOSPATIAL RECORDS, page A-13.</p>	<p>Paper: Retain in office permanently.</p> <p>GIS dataset: Create a snapshot of dataset annually. To maintain permanently,</p> <p><i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p> <p><i>Or:</i> If retained in office permanently, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.</p>	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



3: GIS

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
3.15	MAPS: ALL OTHER @ Includes field maps, soil, topographic, sales, subdivision plats, right-of-way, sectional, highway, etc. Also includes paper maps.	<p>a) Retain in office maps, including GIS datasets and accompanying documentation (metadata), with historical and/or legal value permanently.</p> <p>b) Destroy in office remaining items when reference value ends.±</p> <p><i>Retention note: Contact the State Archives of North Carolina before destroying any tax maps, watershed maps, or zoning maps.</i></p> <p>Agency Policy: Destroy in office after _____</p>

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STANDARD 4: HUMAN RESOURCES RECORDS

Official records and materials created and accumulated incidental to the employment, qualifications, training, and pay status of agency employees. Comply with applicable provisions of G.S. 115C Article 21A (LPSUs), G.S. 122C-158 (area authorities), G.S. 130A-45.9 (public health authorities), G.S. 153A-98 (county), G.S. 160A-168 (municipal), G.S. 161E-257.2 (public hospitals), and G.S. 162A-6.1 (water and sewer authorities) regarding confidentiality of personnel records.

4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.01	ABOLISHED POSITIONS Records concerning positions that have been abolished.	Destroy in office after 1 year.	
4.02 	ADMINISTRATIVE INVESTIGATIONS Records concerning the investigation of conduct problems among agency personnel. SEE ALSO: Disciplinary Actions (below).	a) Destroy in office after 3 years records concerning complaints against agency personnel that are resolved without an internal investigation. b) Destroy in office after 5 years records concerning complaints lodged against agency personnel that are exonerated. c) Destroy in office 5 years after final disposition or expiration of relevant statute of limitations complaints lodged against agency personnel that are settled out-of-court. d) Transfer investigation reports, disciplinary actions, and other related internal affairs case records to Personnel Records (Official Copy) (below).	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.03 	APPLICATIONS FOR EMPLOYMENT Records submitted by job applicants for vacant positions or by current employees for promotion, transfer, or training opportunities. Includes applications, transcripts, resumes, letters of reference, and other related records.	<p>a) Transfer applications, resumes, transcripts, and similar records as applicable to Personnel Records (Official Copy) (below) or Seasonal and Contract Worker Records (below).</p> <p>b) Destroy in office after 2 years unsolicited application materials from individuals hired.</p> <p>c) Destroy in office records concerning individuals not hired 2 years after date of receipt, if no charge of discrimination has been filed. If charge has been filed, destroy in office 1 year after resolution of charge.*</p> <p>d) Destroy in office 2 years after receipt unsolicited applications/resumes and those received after posted closing dates.</p>	<p>Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1</p> <p>Retention: 29 CFR 1602.31</p>
4.04	APPRENTICESHIP PROGRAM RECORDS Records concerning registered apprenticeship programs. Includes applications and selection materials as well as aggregated data. Also includes apprenticeship affirmative action plans.	<p>Destroy in office 5 years after the making of the record or the personnel action involved, whichever occurs later.</p>	<p>Authority: 29 CFR 30.4(a) 29 CFR 1602.20</p> <p>Retention: 29 CFR 30.12(d) 29 CFR 1602.21</p>

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.05 	APTITUDE AND SKILLS TESTING RECORDS Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. Includes civil service examinations. SEE ALSO: Employment Selection Records (below).	Destroy in office after 2 years.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)(iv)
4.06	ASBESTOS TRAINING Records concerning training programs about the proper management of asbestos. SEE ALSO: Bloodborne Pathogen Training (below), Hazardous Materials Training Records (below).	a) Destroy in office employee-specific records 1 year after separation. b) Destroy in office remaining records when superseded or obsolete.	Retention: 29 CFR 1910.1001(m)(4)

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4: HR

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.07	BENEFITS RECORDS Records concerning life, health, accident, and disability insurance plans as well as seniority and merit systems. Includes records concerning systems in which employees can select fringe benefits from a cafeteria plan, including flexible spending plans. File also includes notifications, election and claim forms, rejection letters, and other records related to COBRA (Consolidated Omnibus Budget Reconciliation Act).	<ul style="list-style-type: none"> a) Destroy in office approved claims forms after 2 years.* b) Destroy in office rejected requests 6 months after decision. c) Destroy in office 3 years after employee returns or eligibility expires notifications to employees or dependents informing them of their rights to continue insurance coverage after termination or during disability or family leave. d) Destroy in office remaining records 1 year after plan is terminated. 	Retention: 29 CFR 1627.3(b)(2)
4.08	BLOODBORNE PATHOGEN TRAINING Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. SEE ALSO: Asbestos Training (above), Hazardous Materials Training Records (below).	Destroy in office after 3 years.	Retention: 29 CFR 1910.1030(h)(2)(ii)
4.09	DIRECTORIES, ROSTERS, OR INDICES Includes records listing employees, their job titles, work locations, phone numbers, e-mail addresses, and similar information.	Destroy in office when superseded or obsolete.	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

4: HR



STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.10	DISABILITY SALARY CONTINUATION CLAIMS Forms used by disabled employees to apply for salary continuation benefits. Also include short-term disability claims forms and other related records.	a) Transfer original forms to Local Government Employees' Retirement System (LGERS) or Teachers' and State Employees' Retirement System (TSERS) for action when received. b) Destroy in office remaining records after 3 years.	
4.11	DISCIPLINARY ACTIONS Correspondence (including e-mail) and other records concerning disciplinary actions taken against employees by personnel or supervisory staff, including records documenting terminations. Includes records created by civil service boards when considering, or reconsidering on appeal, an adverse action against an employee.	a) Transfer records as applicable to Personnel Records (Official Copy) (below). b) Destroy in office all remaining records 2 years after resolution of all actions.	Authority: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31 Subject to the public information provision delineated in the above authorities.

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



4: HR



STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.12	DUAL EMPLOYMENT Records concerning employees' requests and authorizations to accept employment with another local government agency. SEE ALSO: Secondary Employment (below).	a) Destroy in office approved requests and related records 1 year after employee terminates additional employment. b) Destroy in office denied requests and related records after 6 months.	
4.13 	EDUCATIONAL LEAVE AND REIMBURSEMENT Includes records requesting educational leave and tuition assistance, reimbursements, and other related records. SEE ALSO: Leave Records (below).	a) Transfer records documenting approved leave requests to Personnel Records (Official Copy) (below). b) Destroy in office records concerning denied requests 6 months after denial.* c) Destroy in office records concerning approved tuition reimbursements 3 years after reimbursement.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.14 	EMPLOYEE ASSISTANCE PROGRAMS Records documenting assistance and counseling opportunities. Includes requests for information, referrals, forms, releases, correspondence, and other related records.	Destroy in office after 3 years.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.15 	EMPLOYMENT ELIGIBILITY RECORDS Includes the I-9 forms, employment authorization documents filed with the U.S. Department of Labor, petitions filed by the agency, E-Verify documentation, and Selective Service Registration compliance forms.	a) I-9 forms have mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later. b) Destroy in office after 5 years employment authorization documents filed with the U.S. Department of Labor. c) Destroy in office immigrant or nonimmigrant petitions filed by the agency 3 years after employee separation. d) Destroy in office remaining records 1 year after employee separation.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 8 USC 1324a(b)(3)
4.16 	EMPLOYMENT SELECTION RECORDS Records concerning the selection of applicants for vacant positions or of current employees for promotion, transfer, or training opportunities. Includes interview documentation, rosters, eligibility lists, test ranking sheets, justification statements, background and criminal history checks, and similar records. SEE ALSO: Applications for Employment (above), Aptitude and Skills Testing Records (above).	a) Destroy in office background and criminal history checks after 5 years. b) Destroy in office remaining records 2 years after hiring decision.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)

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4: HR



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.19	GRIEVANCES Includes initial complaint by employee, investigation, action, summary, and disposition. SEE ALSO: Disciplinary Actions (above), Personnel Records (Official Copy) (below).	Destroy in office after 2 years.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.20	HAZARDOUS MATERIALS TRAINING RECORDS Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. May also include documentation of loans of radioactive materials for the purpose of training exercises. SEE ALSO: Asbestos Training (above), Bloodborne Pathogen Training (above).	Destroy in office after 5 years.	Authority: 29 CFR 1910.120(p)(8)(iii) 10A NCAC 15
4.21	INTERNSHIP PROGRAM Records concerning interns and students who work for the agency.	Destroy in office after 2 years.	
4.22	LAW ENFORCEMENT TRAINING Records concerning internal training for law enforcement personnel.	Retain in office permanently.	

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4: HR


STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.23 	LEAVE RECORDS Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, etc. Also includes records documenting leave without pay. SEE ALSO: Educational Leave and Reimbursement (above), Family Medical Leave Act (FMLA) Records (above), Military Leave (below).	a) Destroy in office approved requests 3 years after return or separation of employee.* b) Destroy in office denied requests after 6 months.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.24 	MEDICAL RECORDS Records for employees, contractors, and volunteers concerning asbestos, toxic substances, and bloodborne pathogen exposure; physical examinations required by the employer in connection with any personnel action, including health or physical examination reports, or certificates created in accordance with the Americans with Disabilities Act (ADA); and records of injury or illness. (Does not include worker's compensation or health insurance claim records.) SEE ALSO: Benefits Records (above), Workers' Compensation Program Claims (below).	a) Destroy in office exposure records 30 years after date of exposure.* b) Destroy in office records pertaining to first-aid job-related illness and injury after 5 years. c) Provide medical records to employees who have worked for less than 1 year at time of separation. d) Destroy in office after 1 year records concerning physical examinations or health certificates. e) Destroy in office remaining records 30 years after employee separation. <i>Retention Note: Records must be maintained separately from an employee's personnel jacket. If part of a worker's compensation claim, follow disposition for Workers' Compensation Program Claims (below).</i>	Authority: 29 CFR 1910.1020(e) Confidentiality: 29 CFR 1630.14(c)(1) 29 CFR 1910.1030(h)(1)(iii) Retention: 29 CFR 1627.3(b)(1)(v) 29 CFR 1910.1020(d) 42 USC 12112(d)(3)

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.25	MILITARY LEAVE Records concerning military leave, as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA). SEE ALSO: Leave Records (above).	Destroy in office 3 years after leave ends or employee separates from agency.*	Authority: 5 CFR 1208
4.26	 PERFORMANCE REVIEWS Information used to establish employees' goals and primary tasks. Records used to evaluate each employee's work performance. SEE ALSO: Personnel Records (Official Copy) (below).	Destroy in office after 3 years.	Confidentiality (applies only to performance evaluations): G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 60A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.27	PERSONNEL ACTION NOTICES Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, and position or job title.	Transfer records to Personnel Records (Official Copy) (below).	Subject to the public information provision delineated in relevant General Statutes.

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.28 	<p>PERSONNEL RECORDS (OFFICIAL COPY)</p> <p>Official copy of personnel file maintained on each permanent and temporary agency employee that is eligible for benefits. Includes basic employee information and records and forms relating to the selection or non-selection, promotion, transfer, leave, salary, suspension, and termination of employment.</p> <p>Note: For agencies responsible for maintaining personnel files for criminal justice officers, please consult 12 NCAC 09C .0307 for the mandatory records of certification that must be housed in the personnel file.</p> <p>SEE ALSO: Medical Records (above), Seasonal and Contract Worker Records (below).</p>	<p>a) Destroy in office after 30 years from date of separation information needed to document: date and amount of each increase or decrease in salary with that agency; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that agency; date and general description of the reasons for each promotion with that agency; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the agency; and, if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the agency setting forth the specific acts or omissions that are the basis of the dismissal.</p> <p>b) Destroy in office information necessary to verify benefits 30 years after date of separation.</p> <p>c) Destroy in office remaining records when individual retention periods are reached as noted in individual items in this Records Retention and Disposition Schedule.</p>	<p>Authority/ Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1</p>
4.29 	<p>PERSONNEL RECORDS (SUPERVISOR COPY)</p> <p>Personnel jacket that is often maintained by supervisors.</p>	<p>a) Transfer records as applicable to Personnel Records (Official Copy) (above).</p> <p>b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____</p>	<p>Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1</p>

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STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.30	POLICIES AND PROCEDURES (PERSONNEL) Official internal agency personnel policies and procedures. Also includes agreements and authorizations required of employees, orientation materials, and informational data. SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS), and Workers' Compensation Program Administration (below).	a) Retain in office internal agency personnel policies and procedures permanently. b) Destroy in office remaining records when superseded or obsolete.	
4.31 	POLYGRAPH RECORDS Includes statements informing employee of the time, place, and reasons for the test; copy of notice sent to examiner identifying employee to be tested; and copies of opinions, reports, or similar records generated by the examiner and provided to the agency.	Destroy in office 3 years from the date the test was given, or from the date the test was requested if no examination was given.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 801.30

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4: HR



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.32	POSITION CLASSIFICATION, CONTROL, AND HISTORY Records concerning personnel actions and position control, status of each established permanent, temporary full-time, or part-time position, and other related topics. Also includes listings providing classification, titles, and position numbers. SEE ALSO: Position Descriptions (below).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
4.33	POSITION DESCRIPTIONS Includes information on job title, grade, duties, agency assigned, and responsibilities.	Destroy in office 2 years after superseded.	Retention: 29 CFR 1620.32
4.34	POSITION EVALUATIONS Forms used to evaluate the primary purpose of a position.	Destroy in office after 1 year.	
4.35	RECRUITMENT RECORDS Includes ads and notices of overtime, promotion, and training. Also includes employment listings.	Destroy in office 1 year from date of record.	Retention: 29 CFR 1627.3(b)

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4: HR

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.36	RETIREMENT RECORDS Includes descriptive information about retirement systems along with plans and related records outlining the terms of employee pension and other deferred compensation plans, including 401(k). SEE ALSO: Payroll and Earnings Records; Payroll Deduction Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Destroy in office descriptive information about retirement plans 1 year after plan is terminated. b) Destroy in office records concerning employer-sponsored retirement plans 7 years after payment.* c) Transfer Local Governmental Employees' Retirement System (LGERS) forms to Department of State Treasurer. d) Transfer applicable records to Personnel Records (Official Copy) (above).	Retention: 29 CFR 1627.3(b)(2)
4.37	SEASONAL AND CONTRACT WORKER RECORDS Records concerning seasonal or contractual employees who are not provided with or eligible for benefits. SEE ALSO: Personnel Records (Official Copy) (above).	Destroy in office 5 years after date of separation.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.38	SECONDARY EMPLOYMENT Records concerning employees' requests and authorizations to accept employment with a private entity. SEE ALSO: Dual Employment (above.)	a) Destroy in office approved requests and related records 1 year after employee terminates outside employment. b) Destroy in office denied requests and related records after 6 months.	

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STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.39	SERVICE AWARDS AND COMMENDATIONS Includes award and selection committee reports, nominations, selection criteria, and similar administrative records relating to employee recognition or incentive programs. SEE ALSO: Personnel Records (Official Copy) (above).	Destroy in office 2 years from date of record creation or the personnel action involved.	
4.40	SUGGESTIONS AND SURVEYS Recommendations and feedback submitted by agency employees.	Destroy in office after 1 year.	
4.41	TRAINING AND EDUCATIONAL RECORDS Records concerning the delivery of training to agency personnel. Includes training manuals, syllabi and course outlines, and other related records. Also includes employee-specific records (certificates, transcripts, test scores, etc.) relating to the training, testing, or continuing education of employees. SEE ALSO: Conferences and Workshops (STANDARD 7: PUBLIC RELATIONS RECORDS), Educational Leave and Reimbursement (above). Other required trainings are handled in Asbestos Training (above), Bloodborne Pathogen Training (above), Hazardous Materials Training Records (above), Law Enforcement Training (above).	a) Transfer records as applicable to Personnel Records (Official Copy) (above), if such training and testing is required for the position held or could affect career advancement. b) Destroy in office certifications and other qualifications 5 years after expiration or employee separation. c) Destroy in office general training materials when superseded or obsolete. d) Destroy in office remaining employee-specific records after 1 year.	Retention: 29 CFR 1627.3(b)(1)(iv)

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.42	 UNEMPLOYMENT COMPENSATION CLAIMS Claim forms and other related records concerning unemployment compensation cases.	Destroy in office after 5 years. *	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 04 NCAC 24D .0501(a)
4.43	UNEMPLOYMENT COMPENSATION REPORTS Quarterly reports showing month-to-date wages, month-to-date compensation, year-to-date wages, and year-to-date compensation for each employee. May be filed with NC Division of Employment Security.	Destroy in office after 5 years. *	Retention: 04 NCAC 24D .0501(a)
4.44	UNEMPLOYMENT INSURANCE Forms submitted to the Department of Commerce to report wage records of terminated employees.	Transfer to the N.C. Department of Commerce, Division of Employment Security.	
4.45	VERIFICATION OF EMPLOYMENT RECORDS Inquiries and responses concerning verification of an employee's prior or current employment with the agency.	Destroy in office after 1 year.	
4.46	VOLUNTEER RECORDS Records concerning individuals who volunteer to assist with various agency activities.	Destroy in office 2 years after completion of assignment.	

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4: HR

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.47	WORK SCHEDULES AND ASSIGNMENTS Records concerning work, duty, shift, crew, or case schedules, rosters, or assignments.	Destroy in office after 1 year.	
4.48	WORKERS' COMPENSATION PROGRAM ADMINISTRATION Includes program policies, guidelines, and related administrative documentation.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
4.49 	WORKERS' COMPENSATION PROGRAM CLAIMS Records concerning workers' compensation claims filed by employees' supervisors concerning accidental injuries or illnesses suffered on the job. Includes Employer's Report of Injury to Employee (Form 19), accident investigation reports, medical reports, claim cost reports, reference copies of medical invoices, and other related records. <i>Note: All official copies of claims records should be transferred to the North Carolina Industrial Commission in compliance with G.S. 97-92(a).</i>	Destroy in office agency's working file for workers' compensation claims by its employees 5 years after employee returns to work or separates from agency.*	Confidentiality: G.S. 8-53 G.S. 97-92(b)

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STANDARD 5: INFORMATION TECHNOLOGY (IT) RECORDS

Information technology encompasses all activities undertaken by agency to design, develop, and operate electronic information systems. This section covers records for which Information Technology personnel are responsible, including administrative records and those used to process data and monitor and control operations.

Note: Administration, use, and retention of records concerning computer and information security should comply with applicable provisions of G.S. 132-6.1 on the confidentiality of records regarding "hardware or software security, passwords, or security standards, procedures, configurations, software, and codes." (G.S. 132-6.1 (c))

5: IT

STANDARD 5: INFORMATION TECHNOLOGY RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
5.01 	AUDITS: IT SYSTEMS Records documenting user actions affecting the contents of monitored systems. Also includes fixity checks and other periodic tests of data validity.	a) Destroy in office 1 year after superseded or obsolete fixity check documentation. b) Destroy in office remaining records after disposition of record.*
5.02	COMPUTER AND NETWORK USAGE RECORDS Records documenting usage of electronic devices and networks. Includes login files, system usage files, individual program usage files, and records of use of the Internet by employees.	Destroy in office after 1 year.
5.03	DATA DOCUMENTATION RECORDS Records concerning data in automated systems. Includes data element dictionary, file layout, code book or table, entity relationships tables, and other records related to the structure, management, and organization of data.	Destroy in office 3 years after system is discontinued and/or replaced.

Confidentiality:
G.S. 132-6.1(c)

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5: IT



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.04	DATA MIGRATION RECORDS Technical records documenting data migrations. <i>Note: The data itself is subject to the disposition instructions indicated for its relevant records series; these are merely records about migrating said data.</i>	Destroy in office 1 year after completion of data migration.	
5.05	DATA WAREHOUSES Federated data gathered by the agency from other sources for the purposes of comparison and distribution. SEE ALSO: Collected Data (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office when superseded or obsolete.	Maintain confidentiality consistent with any restrictions placed on the data provider.
5.06	DIGITIZATION AND SCANNING RECORDS Records concerning data entry and imaging operations. Includes quality control records. See also REQUEST FOR DISPOSAL OF ORIGINAL RECORDS DUPLICATED BY ELECTRONIC MEANS , page A-21.	Destroy in office 10 days after digitization. <i>Note: The digital surrogate becomes the record copy and must be retained according to the disposition instructions for that record type.</i>	
5.07	ELECTRONIC RECORDS POLICIES AND PROCEDURES Includes procedural manuals as well as an Electronic Records and Imaging Policy and a Security Backup Policy.	Destroy in office 3 years after superseded or obsolete.	Confidentiality: G.S. 132-1.7(b) G.S. 132-6.1(c)

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5: IT

STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.08	INFORMATION TECHNOLOGY ASSISTANCE RECORDS Records documenting troubleshooting and problem-solving assistance provided by agency information systems personnel to users of the systems. Includes help desk assistance requests, resolution records, and related documentation.	Destroy in office 1 year after work is completed.	
5.09 	NETWORK AND SYSTEM SECURITY RECORDS Records documenting cybersecurity efforts. Includes records concerning firewalls, anti-virus programs, intruder scanning logs, and other related records.	a) Destroy in office finalized cyber incident reports 5 years after resolution. b) Destroy in office after 2 years records documenting incidents involving unauthorized attempted entry or probes on data processing systems, IT systems, telecommunications networks, and electronic security systems. c) Destroy in office after 1 year records concerning firewalls, anti-virus programs, and other related records.	Confidentiality: G.S. 132-6.1(c)
5.10 	NETWORK DIAGRAMS Records documenting the logical and physical relationships of network components for purposes of organization, deployment, troubleshooting, monitoring of access, and management of day-to-day operations.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 132-6.1(c)

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5: IT



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.11	PROJECT DOCUMENTATION Records created to design, develop, control, or monitor a specific project or group of IT projects. Includes statements of work, assessments, maintenance agreements, and testing records. SEE ALSO: Projects (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently records with historical value. b) Destroy in office remaining records 3 years after completion of project.	
5.12	SOFTWARE LICENSE AND COPYRIGHT PROVISIONS RECORDS Records documenting compliance with agency software license and copyright provisions. Includes software licenses, correspondence (including e-mail), and related documentation.	Destroy in office 1 year after software is superseded or obsolete.	
5.13	SYSTEM ACCESS RECORDS Records documenting access requests and authorizations, system access logs, and other related records.	Destroy in office 1 year after superseded or obsolete.	
5.14	SYSTEM DOCUMENTATION RECORDS Records documenting operating systems, application programs, structure and form of datasets, system structure, and system-to-system communication. Includes system overviews, dataset inventories, server name, IP address, purpose of the system, vendor-supplied documentation, installed software, and current source code.	Destroy in office 3 years after superseded or obsolete.	Confidentiality: G.S. 132-1.1(g) G.S. 132-6.1(c)

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5: IT

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.15	<p>SYSTEM MAINTENANCE RECORDS: HARDWARE REPAIR OR SERVICE</p> <p>Records documenting inspections, maintenance, and repairs of agency computer systems that are owned or leased. Includes computer equipment inventories and service records.</p> <p>SEE ALSO: Equipment and Vehicle Maintenance, Repair, and Inspection Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</p>	<p>a) Destroy in office records documenting routine inspections and maintenance of equipment after 1 year.</p> <p>b) Destroy records documenting all other equipment maintenance and repairs upon the final disposition of the equipment.</p>	
5.16	<p>SYSTEM MAINTENANCE RECORDS: RECORDS BACKUPS</p> <p>Records documenting regular or essential system backups. Includes backup tape inventories, relevant correspondence (including e-mail), and related documentation.</p> <p>See also <u>Security Backup Files as Public Records in North Carolina: Guidelines for the Recycling, Destruction, Erasure, and Re-use of Security Backup Files</u>, available on the State Archives of North Carolina website.</p>	<p>Destroy in office in accordance with your office's established, regular backup plan and procedures.±</p> <p>Agency Policy: Destroy in office after _____</p>	
5.17	<p>TECHNICAL PROGRAM DOCUMENTATION</p> <p>Records concerning program code, program flowcharts, program maintenance logs, systems change notices, and other related records that document modifications to computer programs.</p>	<p>Destroy in office 1 year after superseded or obsolete.</p>	

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STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.18	VOICE OVER INTERNET PROTOCOL (VoIP) RECORDS Records concerning line registrations, calls logs, and voicemail records.	a) Destroy in office records concerning line registration when superseded or obsolete. b) Destroy in office call logs after 1 year. c) Destroy in office voicemail records after 30 days.	
5.19	WEB MANAGEMENT AND OPERATIONS RECORDS: STRUCTURE Site maps that show the directory structure into which content pages are organized, and commercial, off-the-shelf software configuration or content management system files used to operate the site and establish its look and feel. Includes server environment configuration specifications. SEE ALSO: Website (Electronic) (STANDARD 7: PUBLIC RELATIONS RECORDS).	Destroy in office when superseded or obsolete.	

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6: Legal

STANDARD 6: LEGAL RECORDS

Official documentation created or accumulated to substantiate the rights, obligations, or interests of the agency or their individual employees or clients. Please note the confidentiality that G.S. 132-1.1(a) confers to communications by legal counsel expires three years after receipt of such communication.

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.01	AFFIDAVITS OF PUBLICATION Proof of publication provided by newspapers regarding publication of ordinances, public hearings, bid solicitations, payment of bills, public sales, etc. SEE ALSO: Public Bodies: Meeting Notices (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently if record provides sole evidence of publication. b) Destroy in office remaining records after 3 years.*	Authority: G.S. 1-600
6.02	ANNEXATION RECORDS Records concerning annexation of property into the city. Includes petitions, reports, correspondence (including e-mail), maps, ordinances, and public hearings.	a) Destroy in office withdrawn petitions after 1 year. b) Retain remaining records in office permanently. <i>Retention Note: Annexation maps and ordinances must be filed with the County Register of Deeds office and the office of the Secretary of State (G.S. 160A-29, G.S. 160A-58.61 and G.S. 160A-58.90). A map must also be filed with the county board of elections (G.S. 163-288.1).</i>	
6.03	AUTHENTICATIONS Certificates of authentication issued by the agency.	Retain in office permanently.	

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6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.04	CIVIL RIGHTS CASE RECORDS Records concerning discrimination complaints by employees or former employees and employee requests for reasonable accommodation. Includes equal opportunity (EO) complaints. SEE ALSO: Constituent Comments, Complaints, Petitions, and Service Requests (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS), Personnel Records (Official Copy) (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Destroy in office requests for reasonable accommodation 2 years after they become obsolete. b) Destroy in office discrimination complaints 1 year after final disposition of the charge or the action.* <i>Retention Note: 29 CFR 1602.14 defines final disposition of the charge or the action as "the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated."</i>	Retention: 29 CFR 1602.14 29 CFR 1602.31

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6: Legal

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.05	<p>CIVIL RIGHTS RECORDS</p> <p>Records concerning documentation of personnel policies and procedures to comply with the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Equal Pay Act, the Genetic Information Nondiscrimination Act (GINA), Section 504 of the 1973 Rehabilitation Act, and the 1964 Civil Rights Act. Includes reports required by the Equal Employment Opportunity (EEO) Commission and affirmative action plans.</p> <p>SEE ALSO: Civil Rights Case Records (above), Constituent Comments, Complaints, Petitions, and Service Requests (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS), Policies and Procedures (Personnel) (STANDARD 4: HUMAN RESOURCES RECORDS).</p>	<p>Destroy in office 3 years after superseded or obsolete.</p>	<p>Authority: 29 CFR 1602.1 29 CFR 1602.7 29 CFR 1608.4</p> <p>Retention: 29 CFR 1602.30 29 CFR 1602.32 34 CFR 104.6(c)(2)</p>
6.06	<p>CONDEMNATION RECORDS</p> <p>Settled and pending condemnation cases.</p> <p>SEE ALSO: Accounts Payable (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) for disposition of financial records.</p>	<p>Retain in office permanently.</p>	

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

6: Legal



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.07	CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT DISCLOSURE STATEMENTS Completed by the elected agency officials as well as designated staff members in order to disclose an official's status or ownership interests.	Destroy in office 1 year after completion of term or separation.	
6.08	CONTRACTS, LEASES, AND AGREEMENTS @ Contracts and agreements for construction, equipment, property, supplies, special programs, and projects. Includes franchise agreements, hold harmless agreements, good faith effort documentation, contractor compliance monitoring, leases, and memoranda of understanding. SEE ALSO: Software License and Copyright Provisions Records (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Retain in office contracts and agreements with historical value permanently. b) Destroy in office sealed contract records 10 years after expiration of contract.* c) Destroy in office all records related to capital improvement contracts and business associate agreements 6 years after completion, termination, or expiration.* d) Destroy in office records documenting restrictions and compliance with license and copyright provisions for products and services purchased by the agency 1 year after superseded or obsolete.* e) Destroy in office all other contracts and agreements 3 years after completion, termination, or expiration.*	Retention: G.S. 1-47(2) G.S. 1-50(a)(5) 45 CFR 164.316 G.S. 1-52
6.09	DECLARATORY RULINGS Records concerning declaratory rulings issued by the agency to interpret statutes or rules as applied to a specified set of facts.	Retain in office permanently.	

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 ± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.
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6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.10	DELEGATION OF AUTHORITY RECORDS Records documenting delegations of power to authorize agency business. Includes signature authorities and powers of attorney.	Destroy in office 1 year after superseded or obsolete.	
6.11	EASEMENTS AND RIGHT-OF-WAY AGREEMENTS Granted to the agency. SEE ALSO: Accounts Payable (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) for disposition of financial records; LOCAL PROGRAM SCHEDULE, Excavation Permits and Right-of-Way Acquisition Working Records (STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS).	Destroy in office 10 years after expiration of agreement.	
6.12	ENCROACHMENTS Records concerning agreements granted by or to the agency. Also includes maps or drawings detailing construction plans attached to agreements.	a) Retain in office permanently records concerning agreements granted by outside entities to the agency. b) Destroy in office when superseded or obsolete records concerning agreements granted to utilities, businesses, and private residents to encroach upon agency property.	
6.13	EXPUNCTIONS Expunction orders received by local agencies.	Destroy in office when record is expunged.	



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6: Legal

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.14	INVESTIGATION AND HEARING RECORDS Records concerning complaints, fraud allegations, contestments, grievances, and inquiries against individuals and other entities. Includes summaries, charges, reports, assessments and findings, hearing transcripts and evidence, decisions and sanctions, referrals, correspondence, and other related records.	Destroy in office 3 years after completion.*	
6.15	LAND OWNERSHIP RECORDS Includes deeds and titles.	Destroy in office 1 year after agency relinquishes ownership of land.*	
6.16 	LEGAL CORRESPONDENCE Correspondence (including e-mail) and related records concerning legal matters not related to specific legal cases or official opinions.	Destroy in office after 5 years. For information on handling e-mail, see ELECTRONIC RECORDS , page A-11.	Confidentiality: G.S. 132-1.1(a)
6.17	LEGAL OPINIONS Formal legal opinions written by counsel in response to requests concerning the governance and administration of the agency.	Retain in office permanently.	
6.18 	LEGAL REVIEW RECORDS Includes legal reviews of by-laws and charges to boards and commissions, conflicts of interest, and all other agency matters as requested. SEE ALSO: Legal Opinions (above).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after expiration of relevant statute of limitations.	Confidentiality: G.S. 132-1.1(a)

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.19 	LITIGATION CASE RECORDS Civil suits to which the agency is a party. Includes affidavits, agreements, appeals, bills, briefs, citations, commitments, complaints, discharges, motions, notices, pleas, releases, statements, testimony, verdicts, waivers, warrants, and writs.	a) Retain in office cases having precedential or historical value permanently. b) Destroy in office adjudicated cases 6 years after final disposition. c) Destroy in office non-adjudicated cases (out-of-court claims) 6 years after final disposition or expiration of relevant statute of limitations.	Confidentiality: G.S. 132-1.1(a) G.S. 132-1.9
6.20	OATHS OF OFFICE SEE ALSO: Public Bodies: Member Files (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Transfer official copy of oath of office to the municipal clerk or the county clerk to the board of commissioners or the clerk of the governing board for permanent retention. <i>Retention Note: The Clerk should present a copy of the oaths of elected officials to the Clerk of Superior Court for recording.</i>	Authority: G.S. 105-349 G.S. 153A-26 G.S. 160A-61 G.S. 160A-68 G.S. 160A-284 Retention: G.S. 7A-103(2)
6.21	PERMISSIONS Records conferring legal permission. Includes copyright permission requests and requests for permission to publish intellectual property or holdings of the agency. Also includes copyrights, patents, and trademarks held by the agency.	a) Retain in office permanently records conferring perpetual legal permission as well as records documenting copyrights, patents, and trademarks held by the agency. b) Destroy in office 3 years after expiration records concerning one-time copyright permissions granted by the agency.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.22	PRE-TRIAL RELEASE PROGRAM RECORDS Records documenting supervision for defendants who do not pose a risk to the community as they await trial.	Destroy in office 3 years after trial.	
6.23	RELEASE FORMS Records documenting consent and waiving the individual's right to hold the agency responsible for injuries or damages occurring while voluntarily participating in events or activities.	Destroy in office 5 years after termination of release/waiver.	
6.24	SETTLEMENTS Records concerning pre-litigation or informal settlements.	Destroy in office 10 years after expiration.	Authority: G.S. 132-1.3
6.25	VEHICLE TITLES Titles of agency owned vehicles.	Dispose of in accordance with Division of Motor Vehicles procedures for title transfer upon disposition of vehicle.	Authority: G.S. 20-72

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 7: PUBLIC RELATIONS RECORDS Official records and materials created and accumulated by internal public relations programs operated by the agency.

STANDARD 7: PUBLIC RELATIONS RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
7.01	AGENCY PUBLICATIONS Publications created at agency expense. Also includes correspondence and other related records regarding the design and creation of agency publications.	a) Retain in office records with historical value permanently. b) Destroy publications management records after 5 years. c) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____
7.02	AUDIO-VISUAL RECORDINGS @ Recordings (including digital) and films produced by or for the agency. This does not include recordings of public meetings or security videos. SEE ALSO: Public Bodies: Audio and Video Recordings of Meetings (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS), Office and Property Security Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____
7.03	COMMUNITY AWARDS @ Records concerning awards by the agency recognizing community contributions.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____

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7: PR

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 7: PUBLIC RELATIONS RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.04	<p>CONFERENCES AND WORKSHOPS @ Records concerning conferences and workshops conducted by agency employees. Includes slides, charts, transparencies, handouts, and other related records used in presentations.</p> <p>SEE ALSO: Training and Educational Records (STANDARD 4: HUMAN RESOURCES RECORDS).</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.</p>	
7.05	<p>EDUCATIONAL MATERIALS Materials produced for usage by teachers or tour groups. Includes lesson plans, activities, and other related records.</p>	<p>Destroy in office when superseded or obsolete.</p>	
7.06	<p>FUND DRIVE AND EVENT RECORDS Records documenting the promotion and organization of fund drives and other special events in which the agency participated. Includes records concerning solicitations requesting and donations providing money or in-kind donations for agency programs. Also includes invitations, registration materials, agendas, handouts, presentations, and programs.</p> <p>SEE ALSO: Donations and Solicitations (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).</p>	<p>a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.</p>	

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7: PR

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 7: PUBLIC RELATIONS RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.07	INVITATIONS Invitations sent and received concerning agency and external functions.	Destroy in office after event occurs.	
7.08	MEDIA FILE Reference copies of newspaper, magazine, and other media clippings concerning the agency, agency officials, and other topics of interest.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after _____	
7.09	POPULAR ANNUAL FINANCE REPORT Comprehensive annual financial report (CAFR)	a) Retain records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
7.10	PUBLIC HEARINGS Includes agendas, minutes, notices, speaker sign-up sheets, and similar documentation. SEE ALSO: Public Bodies: Minutes (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office minutes permanently. b) Destroy in office remaining records after 1 year.	

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7: PR



2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 7: PUBLIC RELATIONS RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.11	PUBLIC RECORDS REQUESTS Formal requests submitted by persons seeking access to agency records along with documentation of agency response.	Destroy in office 2 years after resolution.* Note: These disposition instructions apply only to the request, internal agency records related to searching for and preparing responsive records, and communication of response; the documents that are responsive to public records requests should be handled according to their respective disposition instructions. However, if the agency also retains separate copies of the documents that are responsive to public records requests, they may also be destroyed 2 years after completion of the request.	
7.12	PUBLICITY RECORDS @ Records concerning overall public relations of agency. Includes advertisements, announcements, correspondence (including e-mail), photographic materials, news and press releases, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.*	
7.13	SOCIAL MEDIA SEE ALSO: Website (Electronic) (below).	See APPENDIX (page A-12) for guidance in handling social media.	
7.14	SPEECHES Speeches made by agency officials.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after _____	

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8: Risk Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 8: RISK MANAGEMENT RECORDS

Official records created and accumulated to manage risks in the agency.


STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.01	ACCIDENT/INCIDENT REPORTS (CUSTOMER AND EMPLOYEE) SEE ALSO: Workers' Compensation Program Claims (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Transfer records resulting in workers' compensation to Workers' Compensation Program Claims (STANDARD 4: HUMAN RESOURCES RECORDS). b) Destroy in office remaining employee claims 3 years after settlement or denial of claim.* c) Destroy in office adult non-employee reports 3 years after settlement or denial of claim.* d) Destroy in office reports that do not result in claims or official action after 3 years. e) Destroy in office reports of minors after minor has reached age of 21.	
8.02	DECLARATIONS AND TERMINATIONS OF STATES OF EMERGENCY	Retain in office permanently.	Authority: G.S. 166A-19.22

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8: Risk Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.03 	DISASTER AND EMERGENCY MANAGEMENT PLANS @ Records concerning preparedness, evacuations, and operations in the event of a disaster (natural, accidental, or malicious). Includes background surveys, studies, reports, and records concerning the process of notifying personnel in the event of an emergency. Also includes Continuity of Operations Plans (COOP) and Business Continuity Plans (BCP).	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 132-1.7
8.04	DISASTER RECOVERY Administrative records documenting and recovery efforts for emergencies of a short duration as well as disasters inflicting widespread destruction and having long-term consequences for the agency. Includes documents coordinating activities with federal, state, and local emergency management, incident reports, inventories, and disaster relief allocations.	a) Retain in office permanently records documenting major agency disaster recovery efforts and records evaluating emergency response and efficacy. b) Destroy in office after 3 years records concerning minor or routine agency recovery operations that are managed with minimal disruption to normal operations.	
8.05	EMERGENCY DRILLS AND EQUIPMENT RECORDS Includes test records for fire suppression, defibrillator, respirator fit, and other emergency equipment. Also includes records concerning agency emergency and fire drills.	Destroy in office when superseded or obsolete.	
8.06	EMERGENCY NOTIFICATIONS Notifications and alerts sent to residents by Emergency Management or other agency staff regarding a current emergency.	Destroy in office after 1 year.	

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8: Risk Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.07	EMPLOYEE SECURITY RECORDS Records concerning the issuance of keys, identification cards, parking assignments, passes, etc., to employees. SEE ALSO: Office and Property Security Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office when superseded or obsolete.	
8.08	FIRE, HEALTH, AND ENVIRONMENTAL SAFETY RECORDS Records concerning agency safety measures. Includes reports, logs, and other related records documenting inspections of agency facilities.	a) Destroy in office inspection reports after 7 years. b) Destroy in office safety audits after 3 years. c) Destroy in office remaining records when superseded or obsolete.	
8.09	FIXED NUCLEAR FACILITIES PLANS FILE Records concerning emergency plans for county fixed nuclear facilities.	Destroy in office when superseded or obsolete.	
8.10	FUEL OIL STORAGE TANK RECORDS	Destroy in office closure records 3 years after completion of permanent closure.	Authority: 40 CFR 280.34 Retention: 40 CFR 280.74

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8: Risk Management

STANDARD 8: RISK MANAGEMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
8.11	<p>HAZARDOUS MATERIALS MANAGEMENT</p> <p>Records documenting agency efforts to prevent and mitigate exposure to hazardous materials. Includes risk assessments, management plans, and abatement/removal records.</p> <p>SEE ALSO: Safety Data Sheets (below).</p> <p>Note: Title 10A of the NC Administrative Code provides guidelines about the records requirements for persons who receive, possess, use, transfer, own or acquire any sources of radiation within the State of North Carolina.</p>	<p>a) Retain in office permanently records documenting hazardous waste disposal sites on agency property and documenting the use of pathogens and biological toxins (select agents) at the agency.</p> <p>b) Destroy in office asbestos records 1 year after building is demolished. (Note: If building is sold, transfer records to new owner.)</p> <p>c) Destroy in office after 5 years records concerning the receipt, maintenance, and disposal of radioactive materials.</p> <p>d) Destroy in office 3 years after superseded or obsolete records concerning hazard mitigation plans.</p> <p>e) Destroy in office records documenting environmental and hazardous waste remediation projects 5 years after project completion.</p> <p>f) Destroy in office remaining records after 30 years.</p>
		Retention: 29 CFR 1910.1001(j)(3)(ii)

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8: Risk Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.12	INSURANCE POLICIES Records concerning automobile, theft, fire, and all other insurance policies purchased by agency. Also includes insurance audits, claims reports, surveys, endorsements, certificates of insurance, and waivers.	<ul style="list-style-type: none"> a) Destroy in office records concerning automobile and other liability insurance policies 10 years after superseded or obsolete.* b) Destroy in office certificates of insurance after 1 year. c) Destroy in office self-insurer certifications 6 years from date of termination of policy or settlement of all claims. d) Destroy in office remaining records after 1 year after superseded or obsolete. 	
8.13	LOSS CONTROL INSPECTION REPORTS Self-inspections to identify potential liabilities or hazards that may exist in agency owned buildings or property.	Destroy in office when superseded or obsolete.	
8.14	LOST, STOLEN, OR DAMAGED PROPERTY REPORTS Includes reports of property lost or stolen at agency. Also includes reports and employee narratives of vandalism to agency property.	Destroy in office after 2 years.*	
8.15	NATIONAL FLOOD INSURANCE PROGRAM RECORDS Records concerning the participation of a local government agency in FEMA's National Flood Insurance Program (NFIP). Includes floodplain management ordinances, maps, and other related records.	<ul style="list-style-type: none"> a) Retain in office permanently floodplain management ordinances. b) Destroy in office copies of flood insurance rate maps, elevation certificates, and elevation information when superseded or obsolete. 	

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8: Risk Management

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.16	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) Records concerning injury or illness, extent and outcomes, summary totals for calendar year, and OSHA forms. Includes ergonomic assessments for employees.	Destroy in office after 5 years.	Retention: 29 CFR 1904.33 29 CFR 1904.44
8.17	SAFETY DATA SHEETS Forms supplied to agencies from manufacturers and distributors of hazardous materials for materials held by the agency.	Destroy in office 30 years after materials have been disposed of according to manufacturer's instructions. <i>Retention Note: A data sheet for a mixture may be discarded if the new data sheet includes the same hazardous chemicals as the original formulation. If the formulation is different, both data sheets must be retained for 30 years. Data sheets may also be discarded if some other record identifying the substances used, where they were used, and when they were used is retained the required 30-year period.</i>	Retention: 29 CFR 1910.1020(d)(1)(iii)(B)

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 9: WORKFORCE DEVELOPMENT RECORDS

Official records created and accumulated by the agency to manage workforce development programs. Relevant legislation includes the Comprehensive Employment and Training Act, the Job Training and Partnership Act, the Workforce Investment Act, and the Workforce Innovation and Opportunity Act.

9: Workforce Development

STANDARD 9: WORKFORCE DEVELOPMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.01	AUDIT/AUDIT RESOLUTIONS Records concerning reports from financial and compliance audits conducted on Workforce Investment Act programs in accordance with OMB Circular A-133. Includes audit reports and correspondence concerning audits and audit resolutions for the local area. Also includes federal and state audits.	Destroy in office after 3 years.	Authority: OMB Circular A-133 29 CFR 97.26
9.02	LOCAL AREA JOB TRAINING PLAN RECORDS Records concerning the local board's bid process for contracting workforce development programs.	Destroy in office when superseded or obsolete.	Authority: 20 CFR 652.8
9.03	PARTICIPANT RECORDS Records concerning applicants, registrants, eligible applicants/registrants, participants, trainees, and employees who submit requests for services of the Dislocated Workers Program and Workforce Investment Act programs. Includes applications, client history, Employment Development Plans, program referral, monitoring notes, pay authorizations, release forms, and Workforce Investment Act follow-up questionnaires.	Destroy in office 3 years after close of audit/final year expenditure.*	Authority: 20 CFR 652.8

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MANAGING PUBLIC RECORDS IN NORTH CAROLINA

Q. What is this “records retention and disposition schedule”?

- A.** This document is a tool for the employees of local government agencies across North Carolina to use when managing the records in their offices. It lists records commonly found in agency offices and gives an assessment of their value by indicating how long those records should be retained. This schedule is also an agreement between your agency and the State Archives of North Carolina.

This schedule serves as the inventory and schedule that the State Archives of North Carolina is directed by N.C. Gen. Stat. § 121-5(c) and N.C. Gen. Stat. § 132-8 to provide. It supersedes all previous editions, including all amendments.

Q. How do I get this schedule approved?

- A.** This schedule must be approved by your governing body for use in your agency. That approval should be made in a regular meeting and recorded as an action in the minutes. It may be done as part of the consent agenda, by resolution, or other action.
-

Q. Am I required to have all the records listed on this schedule?

- A.** No, this is not a list of records you must have in your office.
-

Q. What is “reference value”?

- A.** Items containing “reference value” in the disposition instructions are generally records that hold limited value, which is typically restricted to those documenting routine operations within the office. A minimum retention period should be established by the office for any items containing the phrase “destroy in office when reference value ends” in the disposition instructions.
-

Q. Do the standards correspond to the organizational structure of my agency?

- A.** Records series are grouped into standards to make it easier for users to locate records and their disposition instructions. You may find that the groupings reflect the organizational structure of your agency, or you may find that records are located in various standards depending on the content of the record. The intent of the schedule’s organization is to provide an easy reference guide for the records created in your agency.
-

Q. What if I cannot find some of my records on this schedule?

- A.** Sometimes the records are listed in a different standard than how you organize them in your office. Be sure to check the Index and utilize the search function on the PDF version of the schedule to facilitate the location of records series. If you still cannot locate your records on the schedule, contact a Records Management Analyst. We will work with you to amend this records schedule so that you may destroy records appropriately. The Request for Change in Records Schedule form (see page A-19) can be used for such requests.
-

Q. What are public records?

- A.** The *General Statutes of North Carolina*, Chapter 132, provides this definition of public records:
- “Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the

transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

Q. Is any person allowed to see my records?

- A. Yes, except as restricted by specific provisions in state or federal law. N.C. Gen. Stat. § 132-6 instructs:

“Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at ± times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. ... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.”

Q. What about my confidential records?

- A. Not all government records are open to public inspection. Exceptions to the access requirements in N.C. Gen. Stat. § 132-6 and the definition of public records in N.C. Gen. Stat. § 132-1 are found throughout the General Statutes. You must be able to cite a specific provision in the General Statutes or federal law when you restrict or deny access to a particular record.

Q. Am I required to make available to the public copies of drafts that have not been approved?

- A. Yes, even if a report, permit, or other record has not been finalized, it is still a public record subject to request. Any record that is not confidential by law must be provided when a request is received, whether it is “finished” or not.

Q. What do I do with permanent records?

- A. Permanent records should be maintained in the office that created the records, forever.

The Department of Natural and Cultural Resources (DNCR) is charged by the General Assembly with the administration of a records management program (N.C. Gen. Stat. § 121-4 (2) and § 132-8.1) and the maintenance of “a program for the selection and preservation of public records considered **essential** to the operation of government and to the **protection of the rights and interests of persons**” (§ 132-8.2). Permanent records with these characteristics require preservation duplicates that are human-readable (paper or microfilm). Some examples of these characteristics include:

- Affect multiple people, without regard to relation
- Have significance over a long span of time
- Document governance
- Document citizenship

Examples of records with these characteristics:

- Minutes of governing bodies at the state and local levels are the basic evidence of our system of governance, and are routinely provided for the public to read.
- Records, such as deeds and tax scrolls, about land document changes in ownership and condition. Counties maintain offices expressly for the purpose of making those records

available to the public. Other records in local and state governments document potential public health hazards, such as hazardous materials spills.

- Adoptions, marriages, and divorces document changes in familial relationships. Though adoptions are confidential (not available for public inspection), they document changes in inheritance and familial succession.
- Court records, such as wills, estates, and capital cases, affect people within and across family groups, are made available for public inspection, and often involve transactions related to the examples above.

See the Human-Readable Preservation Duplicates policy issued by the North Carolina Department of Natural and Cultural Resources (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines/human-readable-preservation>) and check with a records analyst to determine whether your permanent records require a preservation duplicate.

Q. What is historical value?

- A.** Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its constituents. Two criteria for determining historical value are inherent interest and extraordinary documentation:
- Inherent interest is created by non-routine events, by the involvement of famous parties, and by compelling contexts. For instance, foreclosure proceedings from the 1930s have high historical value because they date from the era of the Great Depression.
 - Extraordinary documentation is found in records that shed light on political, public, or social history. For instance, the records from the replevin case that returned the Bill of Rights to North Carolina hold more historical value than most property case files because of the political history intertwined with this case.

SANC has further elaborated selection criteria that help distinguish records with historical value:

- Do they protect the rights and property of residents and organizations?
- Do they have a long-term impact on residents and organizations?
- Do they document the core functions of an agency?
- Do they document high-level decision-making that shapes an agency's policies or initiatives?
- Do they summarize an agency's activities?

Call a Records Management Analyst for further assistance in assessing historical value.

Q. What if I do not have any records?

- A.** Nearly every position in government generates, receives, or uses records. Computer files of any kind, including drafts and e-mail, are public records. Even if your records are not the official or final version, your records are public records. Not all records have high historical, legal, or fiscal value, but they all must be destroyed in accordance with the provisions of the appropriate records schedule.

Q. I have a lot of unsorted records. What's a good first step for getting a handle on these records?

- A.** We encourage you to create a file plan of what records you have. When you create this plan, you can match each record to its placement on this schedule or on the appropriate retention schedule. A sample file plan is available on page A-22. Having a file plan can help you strategize how to best organize your physical or digital records. A file plan is also useful in disaster planning and scheduling destructions.

Q. May I store our unused records in the basement, attic, shed, etc.?

- A.** Public records are public property. Though we encourage agencies to find places to store records that do not take up too much valuable office space, the selected space should be dry, secure, and free from pests and mold. Your office must ensure that records stored away from your main office area are well protected from natural and man-made problems while remaining readily available to your staff and the public.

Q. Our old records are stored in the attic, basement, or off-site building, etc. Are we required to provide public access to these records?

- A.** Yes, as long as the records are not confidential by law. You should also be aware that confidentiality can expire.

Q. Aren't all our old records at the State Archives of North Carolina?

- A.** Probably not. The State Archives of North Carolina collects only very specific types of records from local government offices. Contact a Records Management Analyst for more information about which records are held or can be transferred to the State Archives of North Carolina for permanent preservation.

Q. I found some really old records. What should I do with them?

- A.** Call a Records Management Analyst. We will help you examine the records and assess their historical value.

Q. Can I give my old records to the historical society or public library?

- A.** Before you offer any record to a historical society, public library, or any other entity, you must contact a Records Management Analyst. Permanent records must be kept either in your offices or at the State Archives of North Carolina.

Q. Whom can I call with questions?

- A.** If you are located west of Statesville, call our Western Office in Asheville at (828) 250-3103. If you are east of Statesville, all the way to the coast, call our Raleigh office at (919) 814-6900.

AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION

Q. Why is there an asterisk in the disposition instructions of so many items on this schedule?

A. No record involved in a pending or ongoing audit, legal, or other official action may be destroyed before that audit or action is resolved.

A legal hold or litigation hold means that records that are the subject of the legal hold or litigation hold must be preserved and thus must not be destroyed until officially released from the hold. A legal hold or litigation hold is placed when either an official discovery order is served on the agency requesting the production of the records in question (for a litigation, regulatory investigation, audit, open records request, etc.) or litigation is pending and the agency is thus on notice to preserve all potentially relevant records. You must also ensure that for a claim or litigation that appears to be reasonably foreseeable or anticipated but not yet initiated, any records (in paper or electronic formats) relevant to such a claim or litigation are preserved and not destroyed until released by your General Counsel. The records in question must not be destroyed until the completion of the action and the resolution of all issues that arise from it regardless of the retention period set forth in this schedule.

We have used an asterisk (*) in the disposition instructions to mark records series that are commonly audited, litigated, or may be subject to other official actions. However, any record has this potential. Records custodians are responsible for being aware of potential actions, and for preventing the destruction of any record that is, or may be reasonably expected to become, involved in an audit, legal, or other official action.

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See Audits: Performance (STANDARD 1: ADMINISTRATIVE AND MANAGEMENT RECORDS) and Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).) Should a dispute arise over an audit, the records that were audited should be retained until that dispute is resolved.

The attorney representing the agency should inform records custodians when legal matters are concluded and records will no longer be needed. Following the conclusion of any legal action, the records may be destroyed if they have met the retention period in the schedule. Otherwise, they should be kept for the remaining time period.

TRANSITORY RECORDS

Transitory records are defined as "record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use."³

According to North Carolina General Statutes § 121 and § 132, every document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact, or other documentary material, regardless of physical form or characteristics, made or received in connection with the transaction of public business by any state, county, municipal agency, or other political subdivision of government is considered a public record and may not be disposed of, erased, or destroyed without specific approval from the Department of Natural and Cultural Resources.

The Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called "transitory records." The following questions and answers discuss types of transitory records commonly created in state government. They may be disposed of according to the guidance below. However, all public employees should be familiar with the *General Records Schedule: Local Government Agencies*, their office's Program Records Retention and Disposition Schedule, and any other applicable guidelines for their office. If any of these documents require a different retention period for these records, follow the longer of the two retention periods. When in doubt about whether a record is transitory, or whether it has special significance or importance, retain the record in question and seek guidance from the analyst assigned to your agency.

Q. What do I do with routing slips, fax cover sheets, "while you were out" slips, memory aids, etc.?

- A.** Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed.

Similarly, "while you were out" slips, memory aids, and other records requesting follow-up actions (including voicemails) have minimal value once the official action these records are supporting has been completed and documented. Unless they are listed on the *General Records Schedule: Local Government Agencies* or your office's Program Records Retention and Disposition Schedule, these records may be destroyed or otherwise disposed of once the action has been resolved.

Q. What about research materials, drafts, and other working papers used to create a final, official record?

- A.** Drafts and working papers are materials, including notes and calculations, gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of General Statute § 132, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents which may be destroyed after final approval include:

- Drafts and working papers for internal and external policies

³ Society of American Archivists, *Dictionary of Archives Terminology*.

- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that are already formally documented.

Q. What if I have forms designed and used solely to create, update, or modify records in an electronic medium?

- A.** If these records are not required for audit or legal purposes, they may be destroyed in office after completion of data entry and after all verification and quality control procedures. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary's seal), they should be retained according to the disposition instructions for the records series encompassing the forms' function.

See also the State Archives of North Carolina's guidance on digital signatures found at: <https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines#digital-signatures>

DESTRUCTION OF PUBLIC RECORDS

Q. When can I destroy records?

- A.** Each records series listed on this schedule has specific disposition instructions that indicate how long the series must be kept in your office. In some cases, the disposition instructions are "Retain in office permanently," which means that those records must be kept in your offices forever.

Q. How do I destroy records?

- A.** After your agency has approved this records retention and disposition schedule, records should be destroyed in one of the following ways:
- 1) burned, unless prohibited by local ordinance;
 - 2) shredded, or torn so as to destroy the record content of the documents or material concerned;
 - 3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
 - 4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

The provision that electronic records are to be destroyed means that the data, metadata, and physical media are to be overwritten, deleted, and unlinked so that the data and metadata may not be practicably reconstructed.

The data, metadata, and physical media containing confidential records of any format are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

— N.C. Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510

Without your agency's approval of this records schedule, no records may legally be destroyed.

Q. How can I destroy records if they are not listed on this schedule?

- A.** Contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do have historical value, we will discuss the possibility of transferring the records to the State Archives of North Carolina to be preserved permanently.

If the records do not have historical value, we will ask you to complete a Request for Disposal of Unscheduled Records (page A-20) if the records are no longer being created. If the records are an active records series, an analyst will help you develop an amendment to this schedule so that you can destroy the records appropriately from this point forward.

Q. Am I required to tell anyone about the destructions?

- A.** We recommend that you report on your records retention activities to your governing board on an annual basis. This report does not need to be detailed, but it is important that significant destructions be entered into the minutes of the Board. See a sample destructions log that follows (and is available online at the State Archives of North Carolina website, <https://archives.ncdcr.gov/government/rm-tools>).



919-814-6900

Destructions Log

County/Municipality	Division	Section	Branch
Location(s) of Records			

[illegible]

DIVISION OF ARCHIVES AND RECORDS — GOVERNMENT RECORDS SECTION

MAILING ADDRESS: 4615 Mail Service Center Raleigh, N.C. 27699-4615	LOCATION: 215 N. Blount Street Raleigh, N.C. 27601-2823
Telephone (919) 814-6800 Facsimile (919) 715-3627	State Courier 51-81-20

<http://archives.ncdcr.gov>

A-10

ELECTRONIC RECORDS: E-MAIL, BORN-DIGITAL RECORDS, AND DIGITAL IMAGING

Q. When can I delete my e-mail?

- A.** E-mail is a public record as defined by N.C. Gen. Stat. § 121-5 and § 132. Electronic mail is as much a record as any paper record and must be treated in the same manner. **It is the content of each message that is important.** If a particular message would have been filed as a paper memo, it should still be filed (either in your e-mail program or in your regular directory structure), and it should be retained the same length of time as its paper counterparts. **It is inappropriate to destroy e-mail simply because storage limits have been reached.** Some examples of e-mail messages that are public records and therefore covered by this policy include:

- Policies or directives;
- Final drafts of reports and recommendations;
- Correspondence and memoranda related to official business;
- Work schedules and assignments;
- Meeting agendas or minutes
- Any document or message that initiates, facilitates, authorizes, or completes a business transaction; and
- Messages that create a precedent, such as issuing instructions and advice.

*From the Department of Cultural Resources E-Mail Policy (Revised July 2009),
available at the State Archives of North Carolina website*

Other publications (available online at the [State Archives of North Carolina website](#)) that will be particularly helpful in managing your e-mail include tutorials on managing e-mail as a public record and on using Microsoft Exchange.

Q. May I print my e-mail to file it?

- A.** We do not recommend printing e-mail for preservation purposes. Important metadata is lost when e-mail is printed.

Q. I use my personal e-mail account for work. No one can see my personal e-mail, right?

- A.** The best practice is to avoid using personal resources, including private e-mail accounts, for public business. N.C. Gen. Stat. § 132-1 states that records “made or received pursuant to law or ordinance *in connection with the transaction of public business* by any agency of North Carolina government or its subdivisions” are public records (emphasis added). The fact that public records reside in a personal e-mail account is irrelevant.

Q. We have an imaging system. Are we required to keep the paper?

- A.** You may scan any record, but you will need to receive approval from the Government Records Section in order to destroy paper originals that have been digitized. Your agency must develop an electronic records policy and then submit a Request for Disposal of Original Records Duplicated by Electronic Means. You can find these templates in the Digital Imaging section of the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines#digital-imaging>). Contact a Records Management Analyst for further instructions on how to develop a compliant electronic records policy.

Permanent records must have a security preservation copy as defined by State Archives of North Carolina's **Human-Readable Preservation Duplicate Policy** (N.C. Gen. Stat. § 132-8.2):

Preservation duplicates shall be durable, accurate, complete and clear, and such duplicates made by a photographic, photo static, microfilm, micro card, miniature photographic, or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. ... Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the Department of Natural and Cultural Resources.

The preservation duplicate of permanent records must be either on paper or microfilm.

Non-permanent records may be retained in any format. You will need to take precautions with electronic records that you must keep more than about 5 years. Computer systems do not have long life cycles. Each time you change computer systems, you must convert all records to the new system so that you can assure their preservation and provide access.

Q. Computer storage is cheap. Can I just keep my computer records permanently?

- A.** The best practice is to destroy all records that have met their retention requirements, regardless of format.

Q. What are the guidelines regarding the creation and handling of electronic public records, including text messages and social media?

- A.** There are numerous documents available on the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines>). Topics covered include shared storage, cloud computing, e-discovery, trustworthy digital public records, digital signatures, e-mail, social media, text messages, websites, digital imaging, metadata, file formats, database indexing, and security backups.

Note that e-mail, text messages, and social media should be handled according to their content. Therefore, this schedule does not include a records series that instructs you on how to handle one of these born-digital records by format; instead of focusing on how the information is disseminated, consider what content is contained in the e-mail, text message, or social media post. For instance, an e-mail requesting leave that is sent to a supervisor should be kept for 3 years (see Leave Records, STANDARD 4: HUMAN RESOURCES RECORDS).

GEOSPATIAL RECORDS

Q. Why should geographic information system (GIS) datasets be retained and preserved?

- A.** Geospatial records are public records and need to be retained and preserved based on their legal, fiscal, evidential and/or historical value according to an established retention schedule. Local agencies involved in GIS operations should work with the State Archives of North Carolina in order to appraise, inventory, and preserve their geospatial records according to established best practices and standards to insure both their short- and long-term accessibility.

Due to the complexity and transitory nature of these records, geospatial records retention and long-term preservation is a community-wide challenge. GIS files have become essential to the function of many local agencies and will continue to frequently be utilized in agency decision-making processes in the near and far future. Accessibility of GIS records over time has legal, fiscal, practical, and historical implications. The availability of GIS records can help safeguard the local government's legal and fiscal accountability and aid agencies in conducting retrospective and prospective studies. These studies are only possible when essential data from the past are still available.

Q. What GIS datasets should be preserved by local governments?

- A.** The following types of geospatial records have been designated as having archival value:

- Parcel data
- Street centerline data
- Corporate limits data
- Extraterritorial jurisdiction data
- Zoning data, address points
- Orthophotography (imagery)
- Utilities
- Emergency/E-911 themes

For more information, see **STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS.**

Q. How often should we capture the datasets retained for their legal, fiscal, evidential or historical value?

- A.** Consult the retention schedule for frequency of capture. The frequency of capture is based on the significance of the record as well as its alterability.

Q. What data formats, compression formats, and media should be used to preserve the data?

- A.** Archiving practices should be consistent with North Carolina Geographic Information Coordinating Council (GICC) approved standards and recommendations. (Examples: Content Standards for Metadata; Data Sharing Recommendations). Consult the GICC website at <https://it.nc.gov/about/boards-commissions/gicc>.

Q. *Who should be responsible for creation and long-term storage of archived data?*

- A.** The creating agency, NCOneMap, and the State Archives of North Carolina may all have responsibility for archiving data. If you choose to upload your data to NCOneMap, consult with your county's GIS department to determine whether data will be uploaded by your agency or by the whole county. If you choose not to upload your data to NCOneMap, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.

SECURITY PRESERVATION COPIES OF RECORDS

Q. What is the advantage to having security preservation copies of records stored with the State Archives?

- A.** Having duplicate copies of essential records in a separate location mitigates the risk that you may lose the only physical copy of a given record in a disaster or other records loss event. Maintaining offsite duplicates of records, regardless of format, is a good practice to adopt.

The State Archives creates duplicate copies on microfilm because of the durability of the medium. Silver negative microfilm does not decay for hundreds of years, ensuring that your records maintain their integrity over time.

Q. What records will the State Archives back up for us?

- A.** The State Archives provides security imaging services for minutes of major decision-making boards and commissions. We will also image records of adoptions for Social Services agencies as well as maps and plats from Registers of Deeds offices. Once those records are imaged, they are converted to security microfilm. We will store the silver negative (original) microfilm in our security vault. Contact the Records Management Analyst in charge of imaging coordination for the most current information.

Q. How do I start the process of backing up the above listed records?

- A.** We have three processes for creating backup film copies of these records. First, you can send photocopies of your approved minutes to us in the mail. Simply include a copy of the **Certification of the Preparation of Records for Security Preservation Copy** form (available online at the [State Archives of North Carolina website](#)) with each shipment. For more detailed instructions, contact a Records Management Analyst.

Secondly, you can bring us your original books. We will film them and return them to you. This process is most useful when you have more minutes to film than you are willing to photocopy. It is important to remember that a representative of your office or ours must transport the original books in person so that the custody of the records is maintained. You should not mail or ship your original minutes. Contact the Records Management Analyst in charge of imaging coordination to schedule an appointment for your books to be imaged. We will make every effort to expedite the filming so that your books will be returned to you as quickly as possible.

Finally, you can submit these records to the State Archives electronically. Please see our procedures in "[Transfer of Minutes in Digital Formats for Microfilming](#)" or contact the Records Management Analyst in charge of imaging coordination for more information.

Q. In the event of a records loss, how do I obtain copies of the security preservation copies stored at the State Archives?

- A.** Contact the Records Management Analyst in charge of imaging coordination who will help you purchase copies of the microfilm from our office. You can then send those reels to a vendor who can either make new printed books or scan the film to create a digital copy.

Q. Can I obtain digital copies of the security preservation records?

- A.** Yes, you can request digital copies of records when you submit them to the State Archives for initial reproduction. Contact the Records Management Analyst in charge of imaging coordination to initiate a request for digital duplicates.

DISASTER ASSISTANCE

Q. What should I do in case of fire or flood?

- A.** Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 814-6903 for the Head of the Government Records Section or (919) 814-6849 for the Head of the Collections Management Branch. If you're in the western part of the state, call our Asheville Office at (828) 250-3103. On nights and weekends, call your local emergency management office.

DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.

Damaged records are extremely fragile and require careful handling. Our staff are trained in preliminary recovery techniques, documenting damage to your records, and authorizing destruction of damaged records. Professional vendors can handle larger disasters.

Q. What help do you give in case of an emergency?

- A.** We will do everything we can to visit you at the earliest opportunity in order to provide hands-on assistance. We can assist you in appraising the records that have been damaged so that precious resources (and especially time) are not spent on records with lesser value. We can provide lists of professional recovery vendors that you can contact to preserve your essential and permanent records.

Q. What can I do to prepare for an emergency?

- A.** We provide training on disaster preparation that includes a discussion of the roles of proper inventories, staff training, and advance contracts with recovery vendors. If you would like to have this workshop presented, call a Records Management Analyst.

Q. What are essential records?

- A.** Essential records are records that are necessary for continuity of operations in the event of a disaster. There are two common categories of records that are considered essential:
- **Emergency operating records** – including emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records.
 - **Legal and financial rights records** – these protect the legal and financial rights of the Government and of the individuals directly affected by its activities. Examples include accounts receivable records, Social Security records, payroll records, retirement records, and insurance records. These records were formerly defined as "rights-and-interests" records.

Essential records should be stored in safe, secure locations as well as duplicated and stored off-site, if possible.

STAFF TRAINING

Q. What types of workshops or training do you offer?

A. We have a group of prepared workshops that we can offer at any time at various locations throughout the state. Contact a Records Management Analyst if you are interested in having one of the workshops presented to your agency. We will work with you directly to develop training suited to your specific needs. Our basic workshops are:

- Managing public records in North Carolina
- Disaster preparedness and recovery
- Confidentiality
- Organizing paper and digital files
- Digital communications

Q. Will you design a workshop especially for our office?

A. Yes, we will. Let a Records Management Analyst know what type of training you need.

Q. Are workshops offered only in Raleigh?

A. No, we will come to your offices to present the workshops you need. We have no minimum audience requirement. We will also do presentations for professional associations, regional consortiums, and the public. To arrange a workshop, please call the State Records Center at 919-814-6900 or contact a Records Management Analyst (<https://archives.ncdcr.gov/government/local/analysts>).

Q. Is there a fee for workshops?

A. Not at this time.

Q. Are the workshops available in an online format?

A. We can offer a virtual workshop for your agency upon request. For descriptions of available webinars, see <https://archives.ncdcr.gov/government/training/webinars>. You can also find several online tutorials available on the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/training/online-tutorials-and-resources>).



NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

GOVERNMENT RECORDS SECTION
STATE RECORDS CENTER

archives.ncdcr.gov

4615 Mail Service Center, Raleigh NC 27699-4165

919-814-6900

Request for Change in Local Government Records Schedule

Use this form to request a change in the records retention and disposition schedule governing the records of your agency. Submit the signed original and keep a copy for your file. A proposed amendment will be prepared and submitted to the appropriate state and local officials for their approval and signature. Copies of the signed amendment will be sent to you for insertion in your copy of the schedule.

AGENCY INFORMATION

Requestor name _____

Location and Agency [e.g., County/Municipality + Department of Social Services] _____

Phone and email _____

Mailing Address _____

CHANGE REQUESTED

Specify title and edition of records retention schedule being used: _____

- ☐ Add a new item
☐ Delete an existing item
☐ Change a retention period

Standard Number _____ Page _____ Item Number _____
 Standard Number _____ Page _____ Item Number _____

Title of Records Series in Schedule or Proposed Title: _____

Inclusive Dates of Records: _____

Proposed Retention Period: _____

Description of Records: _____

Justification for Change: _____

Requested by: _____

Signature

Title

Date

Approved by: _____

Signature

Requestor's Supervisor

Date



NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

GOVERNMENT RECORDS SECTION
STATE RECORDS CENTER

archives.ncdcr.gov

4615 Mail Service Center, Raleigh NC 27699-4165

919-814-6900

Request for Disposal of Unscheduled Records

AGENCY INFORMATION

Requestor name

Location and Agency [e.g., County/Municipality + Department of Social Services]

Phone and email

Mailing Address

In accordance with the provisions of N.C. Gen. Stat. § 121 and § 132, approval is requested for the destruction of records listed below. These records have no further use or value for official administrative, fiscal, historical, or legal purposes.

RECORDS TITLE AND DESCRIPTION	INCLUSIVE DATES	QUANTITY	RELEVANT STATUTORY REGULATIONS	PROPOSED RETENTION PERIOD

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date

Concurred by:

Signature

Assistant Records Administrator
State Archives of North Carolina

Date

DIVISION OF ARCHIVES AND RECORDS — GOVERNMENT RECORDS SECTION

MAILING ADDRESS:
4615 Mail Service Center
Raleigh, N.C. 27699-4615

<http://archives.ncdcr.gov>
Telephone (919) 814-6900
Facsimile (919) 715-3627
State Courier 51-81-20

LOCATION:
215 N. Blount Street
Raleigh, N.C. 27601-2823

A-20



NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

GOVERNMENT RECORDS SECTION
STATE RECORDS CENTER

archives.ncdcr.gov

4615 Mail Service Center, Raleigh NC 27699-4165

919-814-6900

Request for Disposal of Original Records Duplicated by Electronic Means

If you have questions, call (919) 814-6900 and ask for a Records Management Analyst.

This form is used to request approval from the Department of Natural and Cultural Resources to dispose of non-permanent paper records that have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records that have been microfilmed or photocopied or to records with a permanent retention.

Agency Contact Name:		Date (MM-DD-YYYY):
Phone (area code):	Email:	
County/Municipality:	Office:	
Mailing address:		

Records Series Title A group of records as listed in records retention schedule	Description of Records Specific records as referred to in-office	Inclusive Dates (1987-1989; 2005-present)	Approx. Volume of Records (e.g. "1 file cabinet," "5 boxes")	Retention Period As listed in records retention schedule

Requested by: _____
Signature Title Date

Approved by: _____
Signature Requestor's Supervisor Date

Concurred by: _____
Signature Assistant Records Administrator
State Archives of North Carolina Date



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County/Municipality	Section	Branch
Division		

[illegible]



Related Records Series Found in Local Agency Program Schedules

In some limited cases, records series with similar names and/or functions that are created and maintained by local government entities have not been superseded by the *General Records Schedule: Local Government Agencies*. These records series are described as unique records series in one of the local program retention schedules issued separately by DNCR for use by specific local agencies. This duplication occurs when records with similar names and/or functions have different retention guidance due to statutory, legal, evidentiary, or fiscal requirements. An example of this is the accounts receivable records series. In the *General Records Schedule*, the Accounts Receivable records series has a disposition instruction of "Destroy in office 3 years after collection." In the *Local Health Departments Schedule*, the Accounts Receivable records series also includes the disposition instruction, "Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions." In both cases, the records series documents the money received by the local agency, however, the retention requirements for the Accounts Receivable: Clinical Services differ due to specific retention requirements concerning the management and dispersal of grant funds.

The purpose of this table is to provide a source for determining if the general records series item listed in the *General Records Schedule: Local Government Agencies* covers the function and/or retention requirements associated with the records created by your agency or if a specific program schedule applies. This table provides pointers to the relevant records series that can be found in one or more of the local agency program schedules.

Here's how to use the table:

- The records series found in the left-most column are listed and described in the *General Records Schedule: Local Government Agencies* and appear in this schedule with a @ beside them.

ACCOUNTS RECEIVABLE @
Records concerning receivables owed and collected.
Includes billing statements, records of payment received, remittances, subsidiary registers, overpayment or refund records, deposits, fines, and fees assessed, and collection of past due accounts.
Also includes records concerning accounts sent to NC Debt Setoff Program for collection.

- The middle column lists similar records series from one or more of the schedules that have been issued separately for use by specific local agencies.
- The right-hand column lists the local agency program schedule that includes the records series listed in the middle column. The agencies represented in the right column include, but are not limited to, local health departments, Registers of Deeds, Sheriff's offices, local social services agencies, and tax offices.

If you need further information, please contact a Records Management Analyst.

Local General Schedule Records Series	Related Records Series	Local Program Schedule
Accounts Receivable	Accounts Receivable: Clinical Services	Local Health Departments Schedule

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Accounts Receivable (cont.)	Accounts Receivable – Client Services	LME Schedule LME-MCO Schedule
Administrative Directives, Regulations, and Rules	State Board of Elections Numbered Memos	County Board of Elections Schedule
Audits: Financial	Clinical Record Audits	Local Health Departments Schedule
	Clinical Record Audits	LME Schedule
	Clinical Record Audits	LME-MCO Schedule
Audits: Performance	Pharmacy Audit Records	Local Health Departments Schedule
Blueprints and Specifications	Blueprints and Specifications	Local Government Agencies Program Schedule
	Project Records – Core	
Community Awards	Student Awards and Honors Records	Local Public School Unit Schedule
Conferences and Workshops	Health Promotion Training Records	Local Health Departments Schedule
Constituent Comments, Complaints, Petitions, and Service Requests	Animal Complaint Records	Local Government Agencies Program Schedule
	Illegal Dumping File	
	Violations: Building and Housing	
	Violations: Solid Waste Management	
	Complaints (Law Enforcement)	
	Complaints	County Sheriff's Office
	Complaints: All Service Areas	County Social Services Agencies Schedule
	Animal Complaints	Local Health Departments Schedule
	Complaints File	LME Schedule
	Complaints File	LME-MCO Schedule
Contracts, Leases, and Agreements	School Health Provider Contracts	Local Health Departments Schedule
	Petroleum Leases Register	Register of Deeds Schedule
Disaster and Emergency Management Plans	Public Health Emergency Preparedness and Response Records	Local Health Departments Schedule
	Equipment and Instrument Maintenance and Repair File	Local Health Departments Schedule
Equipment and Vehicle Maintenance, Repair, and Inspection Records	Autopsy and Surgical Pathology: Instrument Maintenance Records	Public Hospitals Schedule
	Clinical Laboratory Records: Instrument Maintenance Records	
	Cytology Records: Instrument Maintenance Records File	
	Instrument Maintenance File	

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Grants Grants: Financial	CDBG Records CDBG Outstanding Loan Balances CDBG Subject to Reversion of Assets Provisions or Change of Use of Real Property Continuum of Care Records Emergency Solutions Grants Records Home Investment Partnerships Program Records Housing Assistance for Persons with Disabilities Housing Opportunities for Persons with AIDS Records	Local Government Agencies Program Schedule
Indices	Board of Adjustment Case Files and Indexes Conditional Use Permit Records and Index Rezoning Records and Indexes Master Client Identification File (Master Client Index) Master Patient Index Armed Forces Discharges and Index Chattel Mortgages and Index Corporations (Incorporations) Records and Index Deeds, Record of and Index Deeds of Trust (Mortgages), Record of and Index Highway Right-of-Way Maps and Index Land Sold for Taxes and Index Merchant Returns and Index Mineral Rights Records and Index Notaries Public Records and Index Official Record Book and Index Partnerships and Assumed Names Records and Index Plats, Maps, and Index Registration of Titles (Torrens Act) and Index Surveys, Record of and Index Timber Marks and Index Vital Records: Births and Index Vital Records: Deaths and Index Vital Records: Delayed Births and Index Drug Inventories	Local Government Agencies Program Schedule LME Schedule LME-MCO Schedule Public Hospital Schedule Register of Deeds Schedule
Inventories		Local Health Departments Schedule

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Inventories (cont.)	Drugs Inventories	Public Hospitals Schedule
Maps: All Other	Utilities: Maps (Utility Installations & Distributions) Plats, Maps, and Index Maps (Utility Installations and Distributions)	Local Government Agencies Program Schedule Register of Deeds Schedule Water and Sewer Authorities and Sanitary Districts Schedule
Policies and Procedures	Clinical Policies and Procedures Laboratory Procedures Manual Behavioral Health Program Policy and Procedure Records	Local Health Departments Schedule
Poll List/Registration List/Roster/Authorization to Vote (ATV)	Laboratory Procedures/Protocol File	Public Hospitals Schedule
Projects	Poll List/Registration List/Roster/Authorization to Vote (ATV) Appraisal Project File Project Records – Cancelled Project Records – Core Project Records – Engineering & Compliance State Board of Elections Correspondence and Reports	County Board of Elections Schedule Local Government Agencies Program Schedule
Publicity Records	Water and Wastewater System Project Records	County Board of Elections Schedule
Rate and Fee Schedules	Student Publicity Records Fee Schedules Fee Schedules Fee Schedules	Waste and Sewer Authorities and Sanitary Districts Schedule Local Public School Unit Schedule Local Health Departments Schedule LME Schedule LME-MCO Schedule
Recordings: Customer Call Center Recordings Audio-Visual Recordings	Traffic Video Recordings and Data Law Enforcement Audio and Video Recordings Communication Records Electronic Recordings of Interrogations Audio and Video Recordings Communication Records Electronic Recordings of Interrogations (Juvenile and Homicide)	Local Government Agencies Program Schedule County Sheriff's Office

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Reports and Studies	Land Development and Planning Studies and Reports	Local Government Agencies Program Schedule
	Ambulance Call Reports/Patient Care Reports North Carolina Fire Incident Report Pool Records	
	Environmental: Customer Usage Records Environmental: Discharge Monitoring Reports Environmental: Landfill Monitoring Reports Environmental: Reports Submitted to U.S. Environmental Protection Agency	
	Utilities: Daily Water and Wastewater Facility Operators Logs	
	Utilities: Service Interruption Records	
	Utilities: Wastewater Maintenance Operation Reports	
	Water Quality: Pretreatment Program Records	
	Water Quality: Public Water Sanitary Survey Records	
	Appraisal Reports	
	Traffic Analysis	
	Project Records – Core	
	Project Records – Engineering & Compliance	
	Alarm Call Reports	
	Arrest Reports	
	Chemical Analysis Records	
	Crime Analysis Records	
	Detention Facility Incident Reports	
	Detention Facility Physical Force Records	
	Incident Response Reports	
	Inmate Death Reports	
	Laboratory Case Records	
	Multiple Firearms Sales Reports	
	Multiple Firearms Sales Reports Destruction Records	
	Traffic Accident Reports	

(continued on following page)

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Reports and Studies (cont.)	Daily Store Reports	Alcoholic Beverage Control Boards Schedule
	Monthly Law Enforcement Activity Reports	
	Monthly Operating Report to Board	
	Receiving Report	
	Sales Reports	
	Stock Difference Reports	
	Weekly Warehouse Reports	
	Campaign Contribution and Expenditure Reports	County Board of Elections Schedule
	Ballot Reports	
	State Board of Elections Correspondence and Reports	
	Voter Registration Lists and Reports	County Sheriff's Office
	Alarm Call Reports	
	Arrest Reports	
	Detention Facility Incident Reports	
	DWI Reports	
	Incident Response Reports	
	Inmate Death Reports	
	Traffic Accident Reports	
	Program Time and Activity Reports	Local Health Departments Schedule
	Medicare Disbursement Reports	
	Communicable Disease Reports	
	Test Reports	
	Adverse Drug Reaction Reports	
	Intravenous Hood Performance Reports	
	Medication Storage Inspection Reports	
	Medicare Disbursement Reports	LME Schedule
	Admission/Discharge/Transfer Reports	LME-MCO Schedule
	Communicable Disease Reports	Public Hospitals Schedule
	Call-In Reports	
	Adverse Drug Reaction Reports	
	Intravenous Hood Performance Reports	
	Medication Storage Inspection Reports	

(continued on following page)

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
Reports and Studies (cont.)	Certified Facility Operators Logs and Reports Discharge Monitoring Reports Periodic Inspection Reports of Industrial Facilities Wastewater Maintenance Operation Reports	Waste and Sewer Authorities and Sanitary Districts Schedule
Strategic Plan	Land Development and Planning Studies and Reports Parks Planning File Comprehensive Plan and Amendments Environmental: Comprehensive Solid Waste Management Plan and Amendments Planning File (Street Maintenance)	Local Government Agencies Program Schedule

1

1099 FORMS. *SEE* TAX FORMS

A

ABOLISHED POSITIONS, 43
 ABSTRACTS OF MUNICIPAL ELECTIONS, 1
 ACCIDENT/INCIDENT REPORTS (CUSTOMER AND EMPLOYEE), 80
 ACCOUNTS PAYABLE, 23
 ACCOUNTS RECEIVABLE, 23
 ACCOUNTS UNCOLLECTABLE, 24
 ACCREDITATION RECORDS, 1
 ADDRESS POINTS, 38
 ADMINISTRATION AND MANAGEMENT RECORDS, 1
 ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES, 1
 ADMINISTRATIVE INVESTIGATIONS, 43
 AFFIDAVITS OF PUBLICATION, 67
 AGENCY PUBLICATIONS, 75
 AMBULANCE SERVICE BILLS AND RECORDS FOR EMERGENCY MEDICAL SERVICE. *SEE* ACCOUNTS PAYABLE
 ANNEXATION FILE, 67
 ANNUAL BUDGET, 24
 APPLICATIONS FOR EMPLOYMENT, 44
 APPRENTICESHIP PROGRAM RECORDS, 44
 APTITUDE AND SKILLS TESTING RECORDS, 45
 ARBITRAGE RECORDS, 24
 ASBESTOS MANAGEMENT PLAN. *SEE* HAZARDOUS MATERIALS MANAGEMENT
 ASBESTOS TRAINING, 45
 AUDIO-VISUAL RECORDINGS, 75
 AUDITS
 FINANCIAL, 24
 IT SYSTEMS, 61
 PERFORMANCE, 2
 AUTHENTICATIONS, 67
 AUTHORIZATION FORMS, 24

B

BANK STATEMENTS, 25
 BANK STATEMENTS AND RECONCILIATIONS, 25
 BENEFITS RECORDS, 46
 BENEFITS REIMBURSEMENT PLAN. *SEE* BENEFITS RECORDS
 BIDS FOR DISPOSAL OF PROPERTY, 25
 BIDS FOR PURCHASE, 25
 BIOGRAPHICAL DATA. *SEE* HISTORY RECORDS

INDEX

BLOODBORNE PATHOGEN TRAINING, 46
 BLUEPRINTS AND SPECIFICATIONS, 2
 BOND CLOSING RECORDS, 25
 BOND REGISTER, 26
 BONDS, 3
 BONDS, NOTES, AND COUPONS, 26
 BUDGET ADMINISTRATION RECORDS, 26
 BUDGET EXECUTION RECORDS, 26
 BUDGET REPORTS, 26
 BUDGET REQUESTS AND WORKING PAPERS, 26
 BUDGET RESOLUTIONS AND ORDINANCES, 27
 BUDGET, FISCAL, AND PAYROLL RECORDS, 23
 BULLETINS, 3
 BUSINESS CERTIFICATION RECORDS, 3
 BUSINESS DEVELOPMENT SUBJECT FILE, 3

C

CALENDARS OF EVENTS AND APPOINTMENTS, 3
 CALL CENTER RECORDINGS. *SEE* CUSTOMER CALL CENTER RECORDINGS
 CANCELED CHECKS. *SEE* BANK STATEMENTS AND RECONCILIATIONS
 CASH REPORTS. *SEE* ACCOUNTS RECEIVABLE
 CENSUS PROJECT RECORDS, 3
 CHARTER RECORDS, 4
 CHECK REGISTERS. *SEE* BANK STATEMENTS AND RECONCILIATIONS
 CHECK STUBS. *SEE* BANK STATEMENTS AND RECONCILIATIONS
 CITIZEN COMPLAINTS. *SEE* CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS
 CIVIL RIGHTS CASE RECORDS, 68
 CIVIL RIGHTS RECORDS, 69
 COLLECTED DATA, 4
 COMMUNITY AWARDS, 75
 COMPLAINTS (CONSTITUENTS). *SEE* CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS
 COMPUTER AND NETWORK USAGE RECORDS, 61
 CONDEMNATION RECORDS, 69
 CONFERENCES AND WORKSHOPS, 76
 CONFLICTS OF COMMITMENT, 70
 CONFLICTS OF INTEREST, 70
 CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS, 5
 CONSTITUENT SURVEYS, 5
 CONTRACT BUDGET REPORTS, 26
 CONTRACT WORKER RECORDS, 57
 CONTRACTS, LEASES, AND AGREEMENTS, 70

CORE DATA (GIS RECORDS). *SEE* GEOGRAPHIC INFORMATION SYSTEM (GIS) CORE DATA
 CORPORATE LIMITS, 38
 CORRESPONDENCE (LEGAL), 72
 CORRESPONDENCE AND MEMORANDA, 6
 COST ALLOCATION PLANS, 27
 CREDIT/DEBIT/PROCUREMENT CARD RECORDS, 27
 CUSTOMER CALL CENTER RECORDINGS, 6

D

DAILY DETAIL REPORTS. *SEE* BUDGET REPORTS
 DATA DOCUMENTATION (METADATA) (GIS RECORDS). *SEE* GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA DOCUMENTATION (METADATA)
 DATA DOCUMENTATION RECORDS, 61
 DATA MIGRATION RECORDS, 62
 DATA WAREHOUSES, 62
 DEBIT CARD PAYMENTS. *SEE* PAYMENT CARD DATA
 DEBT FINANCING. *SEE* LOAN RECORDS
 DECLARATORY RULINGS, 70
 DELEGATION OF AUTHORITY RECORDS, 71
 DEPOSITS. *SEE* ACCOUNTS RECEIVABLE
 DESTRUCTIONS LOG, 10
 DETAIL REPORT. *SEE* FINANCIAL REPORTS
 DIGITIZATION AND SCANNING RECORDS, 62
 DIRECT DEPOSIT FORMS. *SEE* ELECTRONIC FUNDS TRANSFERS
 DIRECTORIES, ROSTERS, OR INDICES, EMPLOYEE, 46
 DISABILITY SALARY CONTINUATION CLAIMS, 47
 DISASTER AND EMERGENCY MANAGEMENT PLANS, 81
 DISASTER RECOVERY, 81
 DISCIPLINARY ACTIONS, 47
 DONATIONS AND SOLICITATIONS, 27
 DRUG AND ALCOHOL PROGRAMS FILE. *SEE* EMPLOYEE ASSISTANCE PROGRAMS
 DUAL EMPLOYMENT, 48

E

EASEMENTS AND RIGHT-OF-WAY AGREEMENTS, 71
 EDUCATIONAL ASSISTANCE, EMPLOYEE, 48
 EDUCATIONAL LEAVE AND REIMBURSEMENT, 48
 EDUCATIONAL MATERIALS, 76
 EDUCATIONAL RECORDS, EMPLOYEE, 58
 ELECTRONIC FUNDS TRANSFERS, 27
 ELECTRONIC RECORDS POLICIES AND PROCEDURES, 62
 EMERGENCY DRILLS AND EQUIPMENT RECORDS, 81
 EMERGENCY NOTIFICATIONS, 81
 EMPLOYEE ASSISTANCE PROGRAMS, 48

EMPLOYMENT ELIGIBILITY RECORDS, 49
 EMPLOYMENT SELECTION RECORDS, 49
 ENCROACHMENTS, 71
 EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS, 6
 EQUIPMENT INVENTORIES, 10
 EQUIPMENT REFERENCE RECORDS, 7
 EQUIPMENT USAGE RECORDS, 7
 ESCHEATS AND UNCLAIMED PROPERTY, 28
 EXIT INTERVIEW RECORDS, EMPLOYEE, 50
 EXPENDITURE REPORTS. *SEE* BUDGET REPORTS
 EXPUNCTIONS, 71
 EXTRATERRITORIAL JURISDICTIONS, 39

F

FACILITY MAINTENANCE, REPAIR AND INSPECTION RECORDS, 7
 FACILITY SERVICE AND MAINTENANCE AGREEMENTS. *SEE* CONTRACTS, LEASES, AND AGREEMENTS
 FACILITY USAGE RECORDS, 7
 FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS, 50
 FEE SCHEDULES, 17
 FILE PLAN, 22
 FINANCIAL JOURNALS AND LEDGERS, 28
 FINANCIAL REPORTS, 28
 FIRE EXTINGUISHER RECORDS. *SEE* EMERGENCY DRILLS AND EQUIPMENT RECORDS
 FIRE, HEALTH, AND ENVIRONMENTAL SAFETY RECORDS, 82
 FIXED ASSETS. *SEE* INVENTORIES
 FIXED NUCLEAR FACILITIES PLANS FILE, 82
 FORMS AND TEMPLATES, 7
 FUEL OIL STORAGE TANK RECORDS, 82
 FUND DRIVE AND EVENT RECORDS, 76

G

GEOGRAPHIC INFORMATION SYSTEM (GIS) CORE DATA, 36
 GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA DOCUMENTATION (METADATA), 36
 GEOGRAPHIC INFORMATION SYSTEM (GIS) INTERNAL STANDARDS AND PROCEDURES, 37
 GEOGRAPHIC INFORMATION SYSTEM (GIS) MONITORING RECORDS, 37
 GEOGRAPHIC INFORMATION SYSTEM (GIS) OPERATIONAL RECORDS, 37
 GEOGRAPHIC INFORMATION SYSTEM (GIS) PROJECT RECORDS, 37
 GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS, 36

GOVERNING AND ADVISORY BODY MEMBER FILES.

SEE PUBLIC BODIES: \MEMBER FILES

GOVERNMENT EMPLOYEES RETIREMENT SYSTEM

MONTHLY REPORTS, 28

GRANT PROPOSALS, 8

GRANTS, 8

FINANCIAL, 29

GRIEVANCES, 51

H

HAZARDOUS MATERIALS MANAGEMENT, 83

HAZARDOUS MATERIALS TRAINING RECORDS, 51

HEALTH CERTIFICATES, EMPLOYEE. SEE MEDICAL RECORDS

HISTORICAL DESIGNATIONS RECORDS, 9

HISTORY RECORDS (AGENCY AND EMPLOYEES, 9

I

I-9 FORMS. SEE EMPLOYMENT ELIGIBILITY RECORDS

IMAGING RECORDS, 62

IMPROPER CONDUCT INVESTIGATIONS, 9

INDICES, 9

INFORMATION TECHNOLOGY (IT) RECORDS, 61

INFORMATION TECHNOLOGY ASSISTANCE RECORDS, 63

INSPECTION RECORDS. SEE EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS

INSPECTION RECORDS, FACILITY, 7

INSURANCE POLICIES, 84

INTERAGENCY PROGRAMS, 9

INTERNAL STANDARDS AND PROCEDURES (GIS RECORDS) \T, 37

INTERNSHIP PROGRAM, 51

INVENTORIES, 10

INVESTIGATION AND HEARING RECORDS, 72

INVESTMENTS, 29

INVITATIONS, 77

INVOICES. SEE ACCOUNTS PAYABLE

IT DISASTER PREPAREDNESS AND RECOVERY PLANS. SEE DISASTER AND EMERGENCY MANAGEMENT PLANS

L

LAND OWNERSHIP RECORDS, 72

LAW ENFORCEMENT TRAINING, 51

LEAVE RECORDS, 52

LEGAL OPINIONS, 72

LEGAL RECORDS, 67

LEGAL REVIEW RECORDS, 72

LEGISLATION AND REGULATORY RECORDS, 10

LGERS MONTHLY REPORTS. SEE GOVERNMENT EMPLOYEES RETIREMENT SYSTEM MONTHLY REPORTS

LITIGATION CASE RECORDS, 73

LOAN RECORDS, 30

LOCAL GOVERNMENT COMMISSION FINANCIAL STATEMENTS, 30

LOGISTICS MATERIALS, 10

LONGEVITY PAY, 30

LOSS CONTROL INSPECTION REPORTS, 84

LOST, STOLEN, OR DAMAGED PROPERTY REPORTS, 84

M

MAIL, UNDELIVERABLE/RETURNED, 10

MAILING AND DISTRIBUTION RECORDS, 10

MAINTENANCE RECORDS. SEE EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS

MAINTENANCE RECORDS, FACILITY, 7

MANAGEMENT STUDIES. SEE REPORTS AND STUDIES

MAPPING PROJECT RECORDS, 40

MAPS

\ALL OTHER, 42

\PARCEL, 41

\PARKS, 41

MAPS (PAPER). SEE MAPS: ALL OTHER

MEDIA FILE, 77

MEDICAL RECORDS, EMPLOYEE, 52

MEMBERSHIP RECORDS, 11

METADATA (GIS RECORDS). SEE GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA DOCUMENTATION (METADATA)

MILITARY LEAVE, 53

MINUTES OF PUBLIC BODIES. SEE PUBLIC BODIES: MINUTES

MISCELLANEOUS (NON-BUILDING) APPLICATIONS, LICENSES, AND PERMITS, 11

MONITORING RECORDS (GIS RECORDS). SEE GEOGRAPHIC INFORMATION SYSTEM (GIS) MONITORING RECORDS

N

NATIONAL FLOOD INSURANCE PROGRAM RECORDS, 84

NETWORK AND SYSTEM SECURITY RECORDS, 63

NETWORK DIAGRAMS, 63

NEWSPAPER CLIPPINGS. SEE HISTORY RECORDS

NOTICES OF PUBLIC MEETINGS. SEE PUBLIC BODIES: \MEETING NOTICES

O

OATHS OF OFFICE, 73
 OCCUPATIONAL SAFETY AND HEALTH
 ADMINISTRATION (OSHA), 85
 OFFICE AND PROPERTY SECURITY RECORDS, 11
 OPERATIONAL RECORDS (GIS RECORDS). *SEE*
 GEOGRAPHIC INFORMATION SYSTEM (GIS)
 OPERATIONAL RECORDS
 ORDINANCE DEVELOPMENT RECORDS, 12
 ORDINANCES, 12
 ORTHOIMAGERY, 39
 OSHA, 85

P

PARKING. *SEE* SECURITY RECORDS, EMPLOYEE
 PAYMENT CARD DATA, 30
 PAYROLL AND EARNINGS RECORDS, 31
 PAYROLL DEDUCTION RECORDS, 32
 PENSION PLAN ENROLLMENT FORMS, EMPLOYEE.
SEE RETIREMENT RECORDS
 PERFORMANCE REVIEWS, EMPLOYEE, 53
 PERMISSIONS, 73
 PERSONNEL ACTION NOTICES, 53
 PERSONNEL RECORDS, 43
 PERSONNEL RECORDS (OFFICIAL COPY), 54
 PERSONNEL RECORDS (SUPERVISOR COPY), 54
 PEST CONTROL, 12
 PETITIONS (CONSTITUENT). *SEE* CONSTITUENT
 COMMENTS, COMPLAINTS, PETITIONS, AND
 SERVICE REQUESTS
 PETTY CASH. *SEE* ACCOUNTS RECEIVABLE
 PHONE LOGS, 12
 POLICIES AND PROCEDURES, 13
 POLICIES AND PROCEDURES (PERSONNEL), 55
 POLL LIST, 13
 POLYGRAPH RECORDS, EMPLOYEE, 55
 POPULAR ANNUAL FINANCE REPORT, 77
 POSITION CLASSIFICATION, 56
 POSITION CONTROL, 56
 POSITION DESCRIPTIONS, 56
 POSITION EVALUATIONS, 56
 POSITION HISTORY, 56
 POSITION REQUISITION AND ANALYSIS RECORDS.
SEE POSITION CLASIFICATION, CONTROL, AND
 HISTORY
 POWELL BILL RECORDS, 32
 PRE-TRIAL RELEASE PROGRAM RECORDS, 74
 PRICE QUOTATIONS, 13
 PROCEDURES (GIS RECORDS). *SEE* GEOGRAPHIC
 INFORMATION SYSTEM (GIS) INTERNAL
 STANDARDS AND PROCEDURES

PROCLAMATIONS AND ORDERS, 14
 PROJECT DOCUMENTATION (INFORMATION
 TECHNOLOGY), 64
 PROJECT RECORDS (GIS RECORDS). *SEE* GEOGRAPHIC
 INFORMATION SYSTEM (GIS) PROJECT RECORDS
 PROJECTS, 14
 PROPERTY INVENTORIES, 10
 PROPERTY MANAGEMENT RECORDS, 14
 PUBLIC BODIES
 \AGENDA AND MEETING PACKETS, 15
 \APPLICATIONS FOR APPOINTMENT, 15
 \APPOINTMENT REPORTS, 15
 \AUDIO AND VIDEO RECORDINGS OF MEETINGS,
 15
 \CORRESPONDENCE, 16
 \MEETING NOTICES, 16
 \MEMBER FILES, 16
 \MINUTES, 17
 PUBLIC HEARINGS, 77
 PUBLIC RECORDS REQUESTS, 78
 PUBLIC RELATIONS RECORDS, 75
 PUBLICATIONS RECEIVED. *SEE* REFERENCE (READING)
 FILE
 PUBLICITY RECORDS, 78
 PURCHASE ORDERS, 32

Q

QUALIFIED PRODUCTS LISTS, 32

R

RATE SCHEDULES, 17
 REBATE PROGRAM RECORDS, 18
 RECONCILIATIONS (FINANCIAL), 25
 RECORDS BACKUPS, SYSTEM MAINTENANCE
 RECORDS, 65
 RECORDS MANAGEMENT, 18
 RECRUITMENT RECORDS, 56
 REFERENCE (READING) FILE, 18
 REFUND REPORTS. *SEE* FINANCIAL REPORTS
 REGULATORY RECORDS (EXTERNAL). *SEE*
 LEGISLATION AND REGULATORY RECORDS
 RELEASE FORMS, 74
 REPAIR RECORDS. *SEE* EQUIPMENT AND VEHICLE
 MAINTENANCE, REPAIR, AND INSPECTION
 RECORDS
 REPAIR RECORDS, FACILITY, 7
 REPORTS AND STUDIES, 19
 REQUEST FOR CHANGE IN LOCAL GOVERNMENT
 RECORDS SCHEDULE, 19
 REQUEST FOR DISPOSAL OF ORIGINAL RECORDS
 DUPLICATED BY ELECTRONIC MEANS, 21

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS, 20
 REQUESTS FOR INFORMATION, 20
 REQUESTS FOR PROPOSALS, 20
 REQUISITIONS, 33
 RESOLUTION DEVELOPMENT RECORDS, 20
 RESOLUTIONS, 20
 RESPIRATOR PROGRAM RECORDS. *SEE* EMERGENCY DRILLS AND EQUIPMENT RECORDS
 RETIREMENT RECORDS, EMPLOYEE, 57
 RETURNED CHECKS. *SEE* ACCOUNTS UNCOLLECTABLE
 RISK MANAGEMENT RECORDS, 80

S

SAFETY DATA SHEETS, 85
 SALES AND USE TAX REPORTS. *SEE* TAX RETURNS
 SALES INFORMATION. *SEE* ACCOUNTS RECEIVABLE
 SCANNING RECORDS. *SEE* DIGITIZATION AND SCANNING RECORDS
 SCHOLARSHIP RECORDS, 33
 SEASONAL WORKER RECORDS, 57
 SECONDARY EMPLOYMENT, 57
 SECURITY RECORDS, EMPLOYEE, 82
 SECURITY VIDEO RECORDINGS. *SEE* OFFICE AND PROPERTY SECURITY RECORDS
 SELF-INSURER CERTIFICATIONS. *SEE* INSURANCE POLICIES
 SERVICE AWARDS AND COMMENDATIONS, 58
 SERVICE REQUESTS (CONSTITUENT). *SEE* CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS
 SETTLEMENTS, 74
 SHIFT PREMIUM PAY, 33
 SOCIAL MEDIA, 78, 12
 SOFTWARE LICENSE AND COPYRIGHT PROVISIONS RECORDS, 64
 SPACE NEED STUDIES. *SEE* REPORTS AND STUDIES
 SPECIAL EVENT RECORDS. *SEE* FUND DRIVE AND EVENT RECORDS
 SPEECHES, 78
 STAFF MEETINGS FILE, 21
 STANDARDS (GIS RECORDS), 37
 STATE AND OTHER COUNTY PROGRAMS. *SEE* REFERENCE (READING) FILE
 STATE OF EMERGENCY, 80
 STATEMENTS OF BACK PAY, 33
 STOLEN PROPERTY REPORTS, 84
 STRATEGIC PLAN, 21
 STREET CENTERLINE, 40
 SUGGESTIONS, EMPLOYEE, 58
 SURPLUS PROPERTY, 21
 SURVEYS, EMPLOYEE, 58

SYSTEM ACCESS RECORDS (INFORMATION TECHNOLOGY), 64
 SYSTEM DOCUMENTATION RECORDS, 64
 SYSTEM MAINTENANCE RECORDS
 \HARDWARE REPAIR OR SERVICE, 65
 \RECORDS BACKUPS, 65

T

TAX FORMS, 34
 TAX RETURNS, 34
 TECHNICAL PROGRAM DOCUMENTATION, 65
 TEMPORARY EMPLOYEE RECORDS. *SEE* PERSONNEL RECORDS (OFFICIAL COPY)
 TEXT MESSAGES, 12
 TIME SHEETS, CARDS, AND ATTENDANCE RECORDS, 34
 TRACKING MATERIALS, 21
 TRAINING RECORDS, EMPLOYEE, 58
 TRAVEL REIMBURSEMENTS, 35
 TRAVEL REQUESTS, 22
 TSERS MONTHLY REPORTS. *SEE* GOVERNMENT EMPLOYEES RETIREMENT SYSTEM MONTHLY REPORTS

U

UNEMPLOYMENT COMPENSATION CLAIMS, 59
 UNEMPLOYMENT COMPENSATION REPORTS, 59
 UNEMPLOYMENT INSURANCE, 59
 UTILITY USAGE LOG. *SEE* EQUIPMENT, FACILITY, AND VEHICLE USAGE RECORDS
 UTILITY USAGE LOGS. *SEE* PHONE LOGS
 UTILITY USAGE LOGS AND BILLS. *SEE* ACCOUNTS PAYABLE

V

VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS. *SEE* EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS
 VEHICLE MILEAGE LOG. *SEE* EQUIPMENT, FACILITY, AND VEHICLE USAGE RECORDS
 VEHICLE REFERENCE RECORDS, 7
 VEHICLE REGISTRATION CARDS, 22
 VEHICLE TITLES, 74
 VEHICLE USAGE RECORDS, 7
 VENDORS, 35
 VERIFICATION OF EMPLOYMENT RECORDS, 59
 VETERANS COMMISSION QUARTERLY REPORTS. *SEE* REPORTS AND STUDIES
 VOIP RECORDS, 66

VOLUNTEER RECORDS, 59
VOUCHERS. *SEE* ACCOUNTS RECEIVABLE

W

W-2 FORMS. *SEE* TAX FORMS
W-4 FORMS. *SEE* TAX FORMS
WARRANTIES. *SEE* EQUIPMENT AND VEHICLE
MAINTENANCE, REPAIR, AND INSPECTION
RECORDS
WEB MANAGEMENT AND OPERATIONS RECORDS
STRUCTURE, 66
WEBSITE (ELECTRONIC), 79
WORK ORDERS, 22

WORK SCHEDULES AND ASSIGNMENT RECORDS,
EMPLOYEE, 60
WORKERS' COMPENSATION PROGRAM
ADMINISTRATION, 60
WORKERS' COMPENSATION PROGRAM CLAIMS, 60
WORKFORCE DEVELOPMENT
LOCAL AREA JOB TRAINING PLAN RECORDS, 86
WORKFORCE DEVELOPMENT
AUDIT/AUDIT RESOLUTIONS, 86
WORKFORCE DEVELOPMENT
PARTICIPANT RECORDS, 86
WORKFORCE DEVELOPMENT RECORDS, 86
WORKSHOPS, 76

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: David Leonetti, Business and Community Development Manager

Contact Person: David Leonetti, Business and Community Development Manager

Date: August 25, 2023

Re: Approval of Ordinance Amending Section 18-59 of the City of Hickory Code of Ordinances

REQUEST

Staff requests approval of an amendment to section 18-59 of the City of Hickory Code of Ordinances to permit the operation of e-bikes and other electric vehicles on multi-use paths.

BACKGROUND

In October 2021, City Council approved Ordinance 21-34, which outlined regulations regarding the operation of vehicles on multi-use trails. Given the construction of the Hickory Trail System, staff realized the need for additional regulations to ensure the safe operation of the trail system. The ordinance did not permit the operation of any motor vehicles on the trail, including e-bikes, scooters, etc.

ANALYSIS

Given the popularity of e-bikes and other electric vehicles and their ability to be operated safely on a multi-use trail, staff has developed an amended ordinance which sets out regulations for e-bikes, scooters, and other similar vehicles to be operated on multi-use trails. The ordinance sets maximum size and speed limits for such vehicles along with additional provisions ensuring pedestrian and bicycle safety.

RECOMMENDATION

Staff requests approval of the ordinance amending Section 18-59 of the Hickory City Code.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

☒**LIST THE EXPENDITURE CODE:**

N/A

Reviewed by:David Leonetti

Initiating Department Head

8/25/2023

Date

Rodney Miller

Asst. City Manager Rodney Miller

8/28/23

Date

Melissa Miller

Finance Officer, Melissa Miller

8/25/23

Date

Yaidee Fox

Exe Asst City Manager Yaidee Fox

8/28/23

Date

A. Dula

Deputy City Attorney, A. Dula

8-12-23

Date

R. Beasley

Asst. City Manager, R. Beasley

8/28/23

Date

Cameron McHargueDeputy Finance Officer,
Cameron McHargue8-28-23

Date

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

City Manager, W. Wood

8-28-23

Date

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE HICKORY CITY COUNCIL HICKORY CODE OF ORDINANCES – PART 2, SECTIONS 18-1 and 18-59

WHEREAS, Section 18-59 of the City of Hickory Code of Ordinances provides regulations related to the operation of vehicles on multi-use paths; and

WHEREAS, electric assisted bicycles, electric standup scooters and other related vehicles have become popular modes of transportation; and

WHEREAS, the City of Hickory wishes to permit the safe and orderly operation of certain defined vehicles on multi-use paths within the city limits, and

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

Section 1: Amended

Section 18-1 of the Hickory Code of Ordinances is hereby amended to add the following definitions:

Sec. 18-1. – Definitions.

Electric assisted bicycle means a bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.

Electric standup scooter means a device with no more than three 12-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user while riding, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 15 miles per hour on a paved level surface. The device shall not exceed 50 pounds in weight.

Motorized skateboard means a self-propelled device which has a motor, a deck on which a person may ride and at least two (2) tandem wheels in contact with the ground.

One-wheel means a self-balancing, self-propelled electric device which has a motor, a deck on which a person may ride, and one (1) wheel in contact with the ground.

Segway means a motorized personal vehicle consisting of two (2) wheels mounted side-by-side beneath a platform that the rider stands on while holding onto handlebars, controlled by the way the rider distributes their weight.

ORDINANCE NO. 23-_____

Hoverboard means a motorized personal vehicle consisting of a platform for the feet mounted on two (2) wheels and controlled by the way the rider distributes their weight.

Section 2: Amended

Section 18-59 of the Hickory Code of Ordinances is hereby amended to read as follows:

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

- (a) It shall be unlawful for any person to ride or otherwise operate any vehicle upon any multi-use trail except at a permanent or temporary driveway. This provision shall not be applicable to non-motorized bicycles, electric assisted bicycles, electric standup scooters, motorized skateboards, one-wheels, segways and hover boards, which may be operated on any multi-use trail, except as otherwise provided herein. The term "vehicle" as used in this Section shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15, whose maximum speed does not exceed 12 miles per hour when the device is being operated by a person with a mobility impairment or who uses the device for mobility enhancement. The term "vehicle" as used in this Section shall not include an electric personal assistive mobility device as defined in G.S. 20-4.01(7b).
- (b) The operator of any vehicles permitted under this Section shall not exceed the speed of fifteen miles per hour upon any multi-use trail.
- (c) Any pedestrian or vehicular operator must follow all posted rules and regulations. It shall be unlawful for a person to ride upon or operate any motorized or non-motorized vehicle in a manner or under any condition which interferes with vehicle, motor vehicle, or pedestrian travel or in any way endangers the safety of any person. Pedestrians shall have the right of way on any multi-use trail.
- (d) It shall be unlawful to operate any vehicle otherwise permitted under this Section upon any multi-use trail unless it is equipped with a braking system in such working order to control and stop the movement thereof.
- (e) No person under the age of 16 shall use, operate or be a passenger on a bicycle, electric assisted bicycle, inline skates, roller skates, skateboard, or scooter on a multiuse trail unless the person wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet. Such helmet shall meet or exceed the safety standards set forth by the U.S. Consumer Products Safety Commission, the American National Standards Institute, or the Snell Memorial Foundation. A civil penalty may be waived as to any first-time

ORDINANCE NO. 23-_____

violator upon presentation of evidence that the violator has purchased or procured an approved helmet and demonstrated the intention of using the helmet as required by law.

- (f) It shall be unlawful for more than one person to ride upon any vehicle otherwise permitted under this Section upon any multi-use trail.
- (g) This Section shall not apply to police, fire department and fire patrol vehicles, or ambulances and rescue squad emergency service vehicles, or public transportation vehicles when an exception from such Section is reasonably necessary in the actual discharge of official duties and responsibilities or vehicles of public service corporations when an exemption from such Section is reasonably necessary in the actual installation or repair to public service equipment on or above streets, sidewalks, and multi-use trails.
- (h) Violation of this Section may subject the offender to a civil penalty in the amount of not more than \$500.00, unless some other amount shall be specifically delineated, to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after he or she has been cited for violation of the ordinance.

Section 3: Severability.

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

Section 4: Repealed.

All 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 5: Effective Date.

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

ORDAINED by the City Council of the City of Hickory, North Carolina, this the ____ day of _____, 2023.

**ORDINANCE NO.: 23-_____
CHAPTER 18, SECTIONS 18-1 AND 18-59
SEPTEMBER 19, 2023
Page 3 of 4**

ORDINANCE NO. 23-_____

THE CITY OF HICKORY,
a North Carolina Municipal Corporation

(SEAL)

ATTEST:

By: _____
HANK GUESS, Mayor

DEBBIE D. MILLER, City Clerk

Approved as to form this 12th day of September, 2023.


Attorney for the City of Hickory

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Steve Miller/Public Works Director
Contact Person: Steve Miller/Public Works Director
Date: September 19, 2023
Re: Call for Public Hearing for Street Closing Petition – Petitioner Jojida LLC, for an unused Alley located off of 3rd Avenue SE.

REQUEST

Staff request Council's approval to call for a Public Hearing to close an unused alley located off of 3rd Avenue SE. Public hearing to be held on October 17, 2023.

BACKGROUND

The City Clerk received a petition from Jojida, LLC owner of the properties abutting an unused alley located off of 3rd Avenue SE. The petition requests the City to close the unused alley per NCGS § 160A-299.

ANALYSIS

The City Clerk received a petition from Jojida, LLC to close an unused alley located off of 3rd Avenue SE. The unused alley is bound on the north, east and west by the property owned by the Petitioner Jojida, LLC and bound on the south by 3rd Avenue SE. The signature on the petition represent all the owner(s) of the property abutting this portion of the right-of-way. The petition fee of \$830 has been paid.

A memo was sent to various departments for their input on the street closing. Public Utilities advised sewer lines are inside this street, and easements for water and sewer would be needed, or abandoned, if they will not be used by the property.

RECOMMENDATION

Staff recommends Council call for the public hearing to consider closing an unused alley located off of 3rd Avenue SE, as petitioned by Jojida, LLC. Public Hearing to be held on October 17, 2023.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

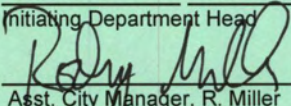
Yes

☐

No

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

Initiating Department Head



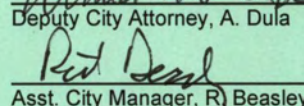
Asst. City Manager, R. Miller

Date

9/11/23

Date

Deputy City Attorney, A. Dula



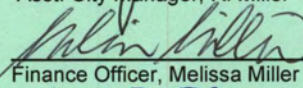
Asst. City Manager, R. Beasley

9-12-23

Date

9/11/23

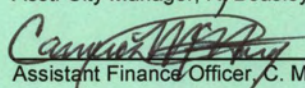
Date



Finance Officer, Melissa Miller

9/13/23

Date

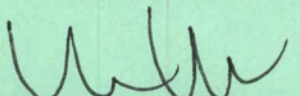


Assistant Finance Officer, C. McHargue

9-12-23

Date

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



City Manager, Warren Wood

Date

NORTH CAROLINA
CATAWBA COUNTY

PETITION TO CLOSE UNOPENED ALLEY

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF HICKORY

JOJIDA, LLC ("Petitioner"), petitions the Honorable Mayor and City Council of Hickory, North Carolina to close an alley or street and in support of this states as follows:

1. Petitioner owns the following five (5) parcels of land in Catawba County, North Carolina, that adjoin an unopened alley shown on Plat Book 1, Page 114 and Plat Book 6, Page 36 of the Catawba County Registry:
 - a. PIN # 371205078951 (LRK/REID 28322) Book 2323/Page 1140, Catawba County Registry and same as Lots 3, 4 and 5 of Plat Book 1, Page 114 and Plat Book 6, Page 36.
 - b. PIN # 371205088050 (LRK/REID 28323) Book 2323/Page 1140, Catawba County Registry and same as Lots 11 and 12 of Plat Book 1, Page 114 and Plat Book 6, Page 36.
 - c. PIN #371205088046 (LRK/REID 28324) Book 2323/Page 1140, Catawba County Registry and same as Lots 13 and 14 of Plat Book 1, Page 114 and Plat Book 6, Page 36.
 - d. PIN #371205077953 (LRK/REID 28325) Book 2323/Page 1140, Catawba County Registry and same as Lots 1 and 2 of Plat Book 1, Page 114 and Plat Book 6, Page 36.
 - e. PIN #371205088111 (LRK/REID 28326) Book 2911/Page 1556, Catawba County Registry, and same being a parcel at the northern terminus of the unopened alley.
2. The closing of the alley is not contrary to the public interest in that the unopened alley is not a necessary means of ingress and egress to the property of JOJIDA, LLC or the property of any other owners. There are no other adjoining property owners.
3. The plats for the unopened alley which Petitioner seeks to close are attached hereto as Exhibit A and are also recorded in Plat Book 1, Page 114 and Plat Book 6, Page 36 of the Catawba County Registry. A metes and bounds description of the property is attached hereto as Exhibit B.

RECEIVED
BY: D. Miller
DATE: 8-22-2023 162

4. The City of Hickory acting through its Mayor and City Council, is authorized by North Carolina General Statutes §160A-296 et seq. to close the unopened alley as hereinabove described.

WHEREFORE, the undersigned Petitioner requests the Mayor and the City Council of the City of Hickory to declare their intent to close the unopened alley as described above, and to give Notice of Hearing to be held to consider such closing in accordance with the provisions of North Carolina General Statute §160A-299.

This the 11 day of July, 2023.

JOJIDA, LLC

By: [Signature]

Name: member manager

Title: member manager

Jimmy Rowe

NORTH CAROLINA

CATAWBA COUNTY

Whitney Beck

, a Notary Public in and for said County and State, do hereby certify that Jimmy Rowe, Manager of Jojida, LLC, a North Carolina Limited Liability Company, personally appeared before me this day and acknowledged the due execution of the foregoing document, all for the purposes therein expressed.

Witness my hand and notarial seal, this the 11 day of August, 2023.



Whitney Beck

Notary Public

Whitney Beck

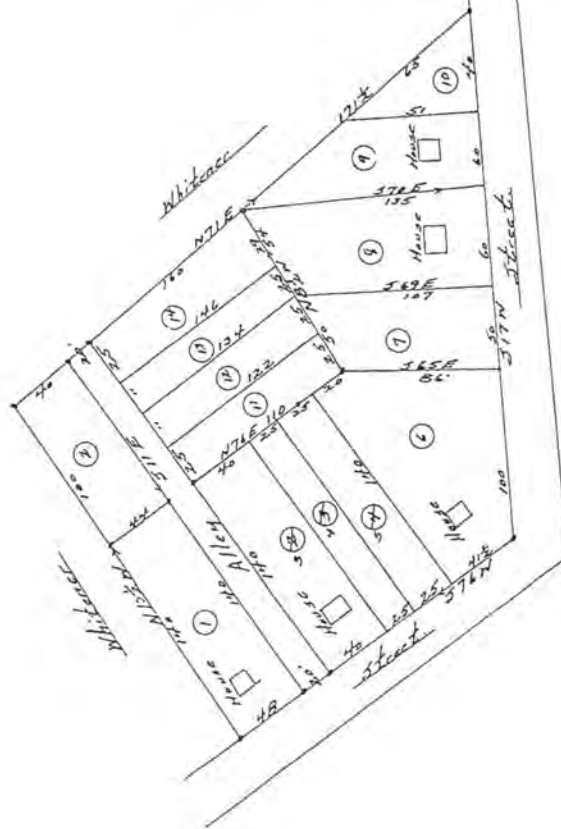
My Commission Expires:

April 16, 2025

EXHIBIT A
Recorded Plats

1/114

Green Property
Lincoln Road
History, N.C.
Oct. 27, 1924
E. M. Yoder, Surv.



No. Caroline
 Canton Co. G.
 E. M. Yoder being first duly sworn says: that he is a true and lawful owner of the property shown on the attached plat, and that the same is in all respects correct, and was prepared from an actual survey by him made on Oct. 27, 1924, and that the variation of the magnetic needle was about 10 West.

E. M. Yoder, Surveyor
 Affirmed before me, this 26th day of Dec. 1924.
 M. G. Stevens
 My Comm. exp. 2/14/26

No. Caroline
 Canton Co. G.

The foregoing certificate of E. M. Yoder, N.C. of
 Canton Co. is acknowledged to be correct, and the instrument
 with the certificate be registered.
 Witness my hand this 10th day of Dec. 1924.
 J. C. Radtke

Filed for registration at 4:15 o'clock P.M. on the 10th day
 of Dec. 1924, and registered Dec. 10, 1924, in the office
 of the Reg. of Deeds for Canton Co. in Plat Book 106
 Page 114.

J. C. Abernethy
 Reg. of Deeds.

Area to close

Hugh A. Whitener

Hugh A. Whitener

2.1.2

YOUNG STREET

1

NOTE:
O Denotes Iron Stakes at corners.

NOTE:
O Denotes Iron Stakes at corners.

NOETH CAROLINA
CATARINA COUNTY

I, R. F. Miller, Registered Surveyor, do hereby
 Certify and declare that the map shown hereon
 was prepared from an Island Survey made by me,
 this the 20th day of April, 1949.

-Registered Surveys, History, N.C.

KERR SAND CO.
SURVEYING DEPT.

PROPERTY OF
MRS. P. M. SMITH

SCALE 1"=40' DATE 20 APR

SURVEY BY R. F.

MAWBY R. F. M.

707

R.F. MILLER, REG. SURVEYOR.
HICKORY, N.C. 27642.

Filed for registration at 10.13 ⁶ o'clock, AM, on the
 ... day of ... April, 19. ⁶ and registered on
 the ... day of April, 19. ⁶ in the office of the
 Register of Deeds, of Calawba, County. 36
 In Book at page,

Mary Anne West
Register of Deeds of Catawba County

Register of Deeds of Catawba County

Note:

EXHIBIT B
Metes and Bounds Description

Metes and bounds description of unopened alley.

BEGIN at the northwestern corner of Lot 14, Plat Book 6 at Page 36, Catawba County Registry, in the southern line of Whitener, AND RUNNING THENCE FROM Beginning Corner South $68^{\circ} 50'$ West 20.32 feet with the northern terminus of the alley to the northeastern corner of Lot 2; thence with the western line of the alley, first with the eastern line of Lot 2 South $11^{\circ} 17'$ East 99.44 feet to the southeast corner of Lot 2, northeast corner of Lot 1; continuing with the western line of the alley and the eastern line of Lot 1 South $11^{\circ} 17'$ East 136.64 feet to a corner, southeast corner of Lot 1 in the northern line of Yount Street; thence with the northern line of Yount Street and the southern terminus of the alley North $77^{\circ} 42'$ East 20 feet to the southwest corner of Lot 3; thence with the eastern line of the alley and the western line of Lot 3 North $11^{\circ} 17'$ West 139.33 feet to the northwest corner of Lot 3 and southwest corner of Lot 11; thence continuing with the eastern line of the alley and along the western line of Lots 11, 12, 13, and 14 North $11^{\circ} 17'$ West 100 feet to the POINT OF BEGINNING.

The above description is taken from Plat Book 6 at Page 36, CCR, "Property of Mrs. P.M. Smith, Yount Street."



catawba county
MAKING. LIVING. BETTER.

Geospatial
Information Services

Real Estate Search



1in=80ft

Parcel: 371205078951, 877 3RD AVE SE HICKORY, 28602

Owners: JOJIDA LLC,

Owner Address: PO BOX 2610, Hickory NC 28603-2610

Values - Building(s): \$0, Land: \$17,400, Total: \$17,400

This map/report product was prepared from the Catawba County, NC Geospatial Information Services. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map or data on this report. Catawba County promotes and recommends the independent verification of any data contained on this map/report product by the user. The County of Catawba, its employees, agents, and personnel, disclaim, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arises or may arise from this map/report product or the use thereof by any person or entity.

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168
08/22/2023

RESOLUTION NO. 23-
RESOLUTION OF INTENT

A Resolution Declaring the Intention of the City Council of the City of Hickory
to Consider the Closing of an Unused Alley Located off of 3rd Avenue SE

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

WHEREAS, the City Council of the City of Hickory considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an unused alley located off of 3rd Avenue SE, Hickory.

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

1. A Public Hearing will be held at 6:00 p.m. on the 17th day of October, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building at 76 North Center Street, Hickory, North Carolina to consider a resolution closing an unused Alley located off of 3rd Avenue SE.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the *Hickory Daily Record*.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Approved this 19th day of September, 2023.

THE CITY OF HICKORY,
A North Carolina Municipal Corporation

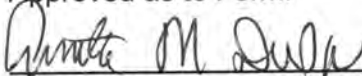
ATTEST:

By: _____
Hank Guess, Mayor

(Seal)

Debbie D. Miller, City Clerk

Approved as to Form:



Attorney for the City of Hickory

9

COUNCIL AGENDA MEMOS

Exhibit VIII.D.

To: City Manager's Office

From: Steve Miller – Public Works Director

Contact Person: Jarod Marshall – Civil Engineer I

Date: Sept. 5, 2023

Re: Neighborhood Traffic Calming Program; All-way stop; 5th St SE @ 3rd Ave SE / 3rd Ave Dr SE.

REQUEST

Staff request Council acceptance and approval to implement an all-way stop at the intersection of 5th St SE and 3rd Ave SE and 3rd Ave Dr SE.

BACKGROUND

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

ANALYSIS

Traffic Division staff received the completed petition from property owners along 5th St SE, 3rd Ave SE, 3rd Ave Dr SE, and 5th Ave SE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for an all way stop at the intersection listed. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations.

RECOMMENDATION

Staff recommends Council acceptance and approval to implement an all-way stop at the intersection of 5th St SE and 3rd Ave SE and 3rd Ave Dr SE.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

☒**LIST THE EXPENDITURE CODE:**

Reviewed by:

Steve Miller

Initiating Department Head

Date

9/11/23

Date

Asst. City Manager Rodney Miller

Finance Officer, Melisse Miller

Date

9/13/23

Date

Deputy City Attorney, A. Dula

Date

9/11/23

Date

Asst. City Manager, R. Beasley

Deputy Finance Officer,

Cameron McHargue

Date

9-12-23

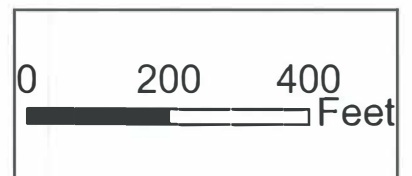
Recommended for approval and placement on _____ Council agenda (as
 Consent, Public Hearing, Informational, Department Report, etc).

City Manager, W. Wood

Date



Traffic Calming Petition 409
All-Way Stop
5th St SE/3rd Ave Dr SE



COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Community Appearance Commission
Contact Person: Wilson Elliott, Planning Department
Date: September 6, 2023
Re: Community Appearance Grant –Daniel Dixon

REQUEST

The Community Appearance Commission recommends City Council approval of a Community Appearance Grant for non-residential property owned by Daniel Dixon and occupied by a commercial building, located at 1070 3rd Avenue Drive NW (Old Lenoir Road) in the amount of \$3,750.00.

BACKGROUND

City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500.00.

ANALYSIS

The grant proposal involves the replacement of the building's awnings and stone work on the front exterior wall. The property is located within the City's defined Urban Revitalization Area, and as such, is eligible for the consideration of a Community Appearance Grant.

The applicant has provided two (2) estimates for the work listed above. The lowest estimates for the work totals \$8,200.00. If the Commission moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$3,750.00 grant.

The subject property's current tax value is assessed at \$187,800. The requested grant amounts to 2% of the property's tax value.

RECOMMENDATION

The application was reviewed by the Community Appearance Commission. After consideration the Commission scored the application at 27 points out of a possible 36 points, which placed the application into the high category of scoring. Given the score, the Commission unanimously recommends funding of the grant application in the amount of \$3,750.00.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

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

Brian M. Frazier
Initiating Department Head

9/6/2023
Date

Rodney Miller
Asst. City Manager, R. Miller

9/11/23
Date

Melvin Miller
Finance Officer, M. Miller

9/13/23
Date

Yaidee Fox
Exe Asst City Manager, Yaidee Fox

9/13/23
Date

Amanda M. Dula
Deputy City Attorney, A. Dula

9-12-23
Date

Robert Beasley
Asst. City Manager R. Beasley

9/11/23
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

9-12-23
Date

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

W. Wood
City Manager, W. Wood

9-14-23
Date

Appearance Grant Application Form

Project Location Address: 1070/1072 3RD AVE DR NW

Applicant's Name: DANIEL DIXON

Applicant's Mailing Address: 2559 10TH AVENUE
HICKORY NC 28601

Telephone: Day: _____ Mobile: 828-291-1126

E-mail address: ddixon2559@gmail.com

Project Description: We would like to improve the appearance of the store by updating the awnings to a modern look and enhancing the front view of the store with decorative stone work along the bottom and sides of the front pane glass windows and doors.

The stone work will be English Hachett colored stone across the front of store front below and along the windows. Stone work will also have a water table top.

Awning replacements will be one standing seam metal awning across the front and over the side door entrance.

Total Estimated Project Cost \$ 8200
Grant Request Amount \$ 3750

Required Attachments

- ☐ Property Deed or Lease
- ☐ Color photographs of the existing site or project area
- ☐ A plan (drawing) of the site showing the exact location of proposed improvements
- ☐ A detailed list of the materials to be used
- ☐ A detailed project narrative that fully explains how the application meets the grant guidelines; and
- ☐ **Two cost estimates/bids.** Cost estimates must be from two different companies or individuals who are capable of performing the proposed work as outlined.

Certification by Owner

I have completed the enclosed application and attached the items requested above. I have been adequately informed of the requirements of this grant (including eligible and ineligible activities) and the process for review of my application.

I understand that the grant money will only apply for approved work that is completed in accordance with the information I have provided in this grant application. Additional work that may be done on site but that is not described in this application will not be reimbursed.

Owners Signature: _____

(Owners signature must be notarized)

Date: 7/27/23

**NORTH CAROLINA
CATAWBA COUNTY**

I, Teresa L Hamby, a Notary Public for said County and State, do hereby certify that Daniel T Dixon personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the 27 day of July, 2023.



Teresa L Hamby
Notary Public

My Commission Expires: 3-14-2024

The foregoing certificate(s) of

BOOK 2507 PAGE 1620

SUSAN S MCLEAN

FILED
CATAWBA COUNTY
RUTH MACKIE
REGISTER OF DEEDS

notary/notaries public
is/are certified to be correct.

Ruth Mackie
RUTH MACKIE Register of Deeds

FILED Aug 28, 2003
AT 03:25:16 pm
BOOK 02507
PAGE 1620

Catawba County 08-28-2003
NORTH CAROLINA

Real Estate
Excise Tax \$358.00

Excise Tax \$ 358.00

Recording Tir.

032678

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 20____
by _____

Mail after recording to STEVE A. AUSTIN, ATTORNEY, P.O. BOX 297, HICKORY, NC 28603
This instrument was prepared by Steve Austin

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made August 27, 2003, by and between

GRANTOR

GRANTEE

HAMBY, HUNTLEY AND POWELL, a North Carolina
General Partnership

DIXON ENTERPRISES OF HICKORY, LLC

2559 10th Ave NE
Hickory, NC 28601

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of , HICKORY Township, CATAWBA County, North Carolina and more particularly described as follows:

SEE ATTACHED SCHEDULE OF PROPERTY DESCRIPTION

BOOK 2507 PAGE 1621

Schedule of Property Description

BEGINNING at a stake in Highway No. 321, and running thence North $8^{\circ} 35'$ West 23.4 feet to an iron stake in Lenoir Sign Company's line, and running thence South $85^{\circ} 15'$ East 251.4 feet more or less, to a stake; this point being the Northwest corner of Lot No. 9, on the plat hereinafter referred to: thence South $47^{\circ} 24'$ West 182.5 feet to a stake; thence North $42^{\circ} 35'$ West 165.4 feet to the point of the BEGINNING.

The above being Lot No. 8, as shown on that certain re-copy of map and survey by R.L. Rink, C.E., dated October, 1948, prepared June 1st, 1951, by G. Sam Rowe, C.E. and is located within the City Limits of the City of Hickory, and is described on said map as Katherine White Cook heirs.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1926, Page 130.

A map showing the above described property is recorded in Plat Book 6, Page 155 .

BOOK 2507 PAGE 1622

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

HAMBY, HUNTLEY AND POWELL
a North Carolina General Partnership

(Corporate Name)

By: _____

 (SEAL)
DENNIS L. HAMBY, PARTNER

President

 (SEAL)
ROBERT P. HUNTLEY, PARTNER

ATTEST:

 (SEAL)
PHILLIP E. POWELL, PARTNER

Secretary (Corporate Seal)



NORTH CAROLINA, CATAWBA County.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that DENNIS L. HAMBY, ROBERT P. HUNTLEY, AND PHILLIP E. POWELL, PARTNERS OF HAMBY, HUNTLEY AND POWELL, a North Carolina General Partnership Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the company. Witness my hand and official stamp or seal, this 08/27/2003.

My commission expires: February 07, 2005
Public

 Notary Public

SEAL-STAMP

NORTH CAROLINA, CATAWBA County.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he/she is Secretary of, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by him/her as its Secretary. Witness my hand and official stamp or seal, this ___/___/___.

My commission expires: ___/___/___ Notary Public

Annas Awning Co., Inc.

1133 1st Ave SW

PO Box 956

Hickory, NC 28603

828-322-1198 Fax 828-326-9229

7/10/23

Dan Dixon
1070 3rd Ave Dr NW
Hickory, NC 28601

Re: aluminum canopies

Dear Dan,

We propose to furnish and fabricate and install;
front - one standing seam metal awning to replace existing for \$3500.00.
side - one standing seam metal awning to replace existing for \$800.00.

These prices **do not** include 7% NC sales tax, any fees and or permits and are good for 90 days.

Delivery approx. 8 weeks

Thank you for considering us for the job. We look forward to working with you. If you have any questions please feel free to call me anytime at 828-322-1198.

Sincerely,

Scott Annas

92 Cove View Lane • Taylorsville, NC 28681

828.217.3553 • www.aluminumNC.com

Aluminum Patio Covers • Underdecking
Retractable Awnings • Insulated Roof Panels
Screen Rooms

DATE 6-12-23

QUOTED TO: DIXON ENTP.
1070 3RD AVE DR NW
HICKORY NC

PHONE # 291-1126

Date of Acceptance _____

Signature

Signature _____

Received By

From: a1stuccoandstone2022@gmail.com
 Subject: Invoice 001
 Date: Jul 17, 2023 at 11:11:51 AM
 To: ddixon2559@gmail.com

Invoice



A-1 Stucco & Stone, 1654 A Avenue SE, Hickory 28602, United States

BILL TO

Plum Pretty Building
 1070 3rd Avenue Dr NW
 Hickory NC
 United States

Invoice No.: 001
 Issue date: Jul 17, 2023
 Due date: Jul 17, 2023

Payment method: Cash

Invoice No. 001	Issue date: Jul 17, 2023	Due date: Jul 17, 2023	Total due \$0.00
--------------------	-----------------------------	---------------------------	---------------------

Description	Qty.	Unit price (\$)	Amount (\$)
stone over the brick	1	0.00	0.00

This is the estimate to put stone on 2 buildings below the windows

The estimate is. \$3,000 .00 materials and labor included

If you want water table that will be
 \$3,900.00

Total (USD):	\$0.00
---------------------	---------------



MOUNTAIN STONE MASONRY & LANDSCAPING



Proposal

Call us for all your stone needs

2481 Pinnacle Drive - Catawba, NC 28609

DENNIS W. GRIGG
Owner

Cell: 828-781-0000

PROPOSAL SUBMITTED TO <i>D. Dixon</i>	JOB NAME <i>Flum Pretty Stone</i>	PRICE <i>27</i>
ADDRESS <i>1070 3rd Ave. De NW H.K. NC 28601</i>	ESTIMATION <i>7-24-23</i>	
PHONE # <i>828 291 1126</i>	FAX #	

We hereby submit specifications and estimates for:

Installation: 200 sq ft Dry Stack Architectural series

: 60 linear ft Water Table sills

: All Materials

: Job cleanup

: Delivery

: Labor

\$7500.00

We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:

\$ *7500.00* Dollars

with payments to be made as follows: *5000.00 Down 2500.00 Due Upon completion*

Any alteration or deviation from above specifications involving extra work will be payable only upon written order and will involve an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or other events out of control.

Respectfully
submitted

Dennis W. Grigg

Note - this proposal may be withdrawn by us if not accepted within _____ days

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. I am authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date of Acceptance _____

Signature _____

Dan Dixon Community Appearance Grant



1070 3rd Ave Dr. NW

10TH ST PL NW

3RD AVE DR NW







PREPARED BY: Legal Department, City of Hickory
PO Box 398, Hickory, NC 28603

STATE OF NORTH CAROLINA

**COMMUNITY APPEARANCE
GRANT AGREEMENT**

COUNTY OF CATAWBA

THIS AGREEMENT, made and entered into this _____ day of _____, 2023, by and between the **CITY OF HICKORY**, a municipal corporation of Catawba County, North Carolina, hereinafter referred to as the CITY, and having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, and **Daniel Dixon**, referred to as the RECIPIENT, and having a mailing address of 1070 3rd Avenue Drive NW, Hickory, NC 28601.

WITNESSETH

THAT WHEREAS, the City is dedicated to the visual and functional improvements of properties within its Urban Revitalization Area (URA); and

WHEREAS, the City is willing to award grants for physical improvements for the purpose of assisting in the visual enhancement of certain existing properties provided the Recipient agrees to certain conditions.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained the parties agree as follows:

1. The Recipient agrees to utilize the grant funds to fulfill that project described in the Community Appearance Grant standards and to utilize said funds solely for physical improvements. Said application is made a part of this Agreement and incorporated herein by reference as if more fully set forth.
2. The Recipient agrees to improve those premises in accordance with the City Community Appearance Grant program.
3. The Recipient agrees to maintain the design integrity of the proposed improvements, creating, retaining and/or modifying those elements which enhance the premises.
4. The Recipient agrees to abide by and conform all construction, rehabilitation, renovation, demolition, and landscaping undertaken pursuant to this agreement to all applicable laws of the United States, the State of North Carolina, and those applicable provisions of the ordinances of the City of Hickory directly or indirectly related to the subject matter of this agreement.
5. The amount of this grant is Three Thousand Seven Hundred and Fifty Dollars and 00/100 (\$3,750.00), payable upon completion of said project, and submission of documentation confirming payment of all contractors and/or subcontractors, provided said project is completed within 120 days from the date of this agreement being signed in accordance

with those provisions specified in the Downtown Appearance Improvement Incentive Grant Application.

6. The Recipient agrees that in the event the actual project costs are less than the estimated costs, the City grant will be reduced to solely the amount of the actual project costs that would be eligible for participation in this program.
7. Technical assistance provided by the City will be advisory only. The City will not be a party in negotiations between the Recipient and any contractor employed by the Recipient nor will the City provide legal advice or services to any party. The Recipient agrees to hold the City harmless for any defects in workmanship or from any liability, damages, or other costs relative to this project.
8. This Agreement may be terminated, and the City may withhold grant monies upon the Recipient's breach of or failure to perform any of the terms of this agreement. The City shall give the Recipient notice in writing of any potential breach of this Agreement, after which the applicant shall have ten (10) calendar days in which to cure said breach. In the event of a failure to cure a breach of this Agreement, the City of Hickory may pursue any remedy available, either in equity or at law.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed upon the day and year first written above.

CITY OF HICKORY

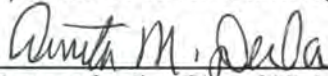
A North Carolina Municipal Corporation

By: _____
Hank Guess, Mayor

ATTEST: (SEAL)

Debbie D. Miller, City Clerk

Approved as to form and legality on behalf of the City of Hickory only:



Attorney for the City of Hickory

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



Melissa Miller, Finance Officer

Daniel Dixon

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, _____ a Notary Public of said county and state, certify that **Debbie D. Miller** personally came before me this day and acknowledged that she is City Clerk of the City of Hickory, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Hickory, the foregoing instrument was signed in its name and by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal this _____ day of _____, 2023.

(Seal)

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, _____, a Notary Public of the County and State aforesaid certify that **Daniel Dixon**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this _____ day of _____, 2023.

(Seal)

Notary Public

My Commission Expires: _____

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.

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: David Leonetti, Business and Community Development Manager

Contact Person: David Leonetti, Business and Community Development Manager

Date: September 6, 2023

Re: Approve the sale of City-owned property on 8th Avenue Drive SW

REQUEST

Staff requests approval of an offer to purchase a piece of city-owned property on 8th Avenue Drive SW.

BACKGROUND

The city owns a piece of land on 8th Avenue Drive SW that was part of the Ridgeview Affordable Housing Subdivision. This property is further identified by PIN 370210455471 on the Catawba County tax maps. The parcel is approximately 0.07 acres in size and is an unbuildable lot. The adjacent property owner has expressed interest in purchasing the parcel to combine with her property.

ANALYSIS

The adjacent property owner has offered \$2,000 for the property. The tax value is \$1,700. Staff feel that this is a fair offer for the property. As this is surplus property, the sale is required to go through the upset bid process as defined in NCGS 160A-269. This process will ensure any other interested parties can bid on the property.

RECOMMENDATION

Staff requests approval of the offer to purchase city-owned property and authorizes staff to advertise for upset bids.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

☒**LIST THE EXPENDITURE CODE:**

N/A

Reviewed by:

David Leonetti

Initiating Department Head

9/3/2023

Date

Amanda McDole

Deputy City Attorney, A. Dula

9-12-23

Date

Rodney Miller

Asst. City Manager Rodney Miller

9/11/23

Date

Phil Beasley

Asst. City Manager, R. Beasley

9/11/23

Date

Melissa Miller

Finance Officer, Melissa Miller

9/13/23

Date

Cameron McHargue

Deputy Finance Officer,
Cameron McHargue

9-12-23

Date

Yaidee Fox

Exe Asst City Manager Yaidee Fox

9/13/23

Date

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

W. Wood

City Manager, W. Wood

9-14-23

Date

OFFER TO PURCHASE AND CONTRACT

Skyler Sizemore (resident of Catawba County, North Carolina), as Buyer, hereby offers to purchase and **The City of Hickory** (a North Carolina municipal corporation), as Seller, upon acceptance of said offer, agrees to sell and convey, all of that parcel of land described below, together with any buildings and improvements thereon (referred to as "the Property"), upon the following terms and conditions:

1. **PROPERTY:** Located in Catawba County, North Carolina, being known as and more particularly described as follows:
 Legal Description: Catawba County PIN: 370210455471 a/k/a Lot 1 of Ridgeview Subdivision, Phase I, Plat Book 80 at Page 87, Catawba County Registry.
 Deed Reference: Book 3608 at Page 1905, Catawba County Registry
2. **PURCHASE PRICE:** The purchase price is \$2,000.00 and shall be paid as follows:
 - (a) \$100 = EARNEST MONEY DEPOSIT paid by check upon execution of this contract, to be deposited and held by Seller's Attorney, John W. Crone, III, until the sale is closed, at which time it will be credited to Buyer, or until this contract is otherwise terminated. In the event of breach of this contract by Seller, upon Buyer's request, all earnest money shall be returned to Buyer. In the event of breach of this Contract by Buyer, the Earnest Money Deposit shall be paid to Seller upon Seller's request as liquidated damages and as Seller's sole and exclusive remedy for such breach.
 - (b) \$1,900 = BALANCE of the purchase price paid in cash, certified check or wired funds due at closing.
3. **CONDITIONS:**
 - (a) The Property must be in substantially the same or better condition at closing as on the date of this offer, reasonable wear and tear excepted.
 - (b) All deeds of trust, liens and other charges against the Property, not assumed by Buyer, must be paid and satisfied by Seller prior to or at closing such that cancellation may be promptly obtained following closing. Seller shall remain obligated to obtain any such cancellations following closing.
 - (c) Title must be delivered at closing by Municipal Deed, and must be fee simple marketable title, free of all encumbrances except: ad valorem, taxes for the current year (prorated through the date of closing); utility easements, access easements, right of way and unviolated restrictive covenants; and such other encumbrances as may be assumed or specifically approved by Buyer. The Property must have legal access to a public right of way.
 - (d) Property to be sold pursuant to upset bid process set out in NCGS§160A-269.
4. **PRORATIONS AND ADJUSTMENTS:** Unless otherwise provided, the following items shall be prorated and either adjusted between the parties or paid at closing: (a) Ad valorem taxes on real property shall be prorated on a calendar year basis through the date of closing.
5. **CLOSING EXPENSES:** Seller shall pay for preparation of a deed, and for excise tax (revenue stamps) required by law. Buyer shall pay for recording the deed and all other closing expenses incurred by Buyer.
6. **EVIDENCE OF TITLE:** Seller agrees to use its best efforts to deliver to Buyer as soon as reasonably possible after the acceptance of this offer, a copy of any title insurance policy, survey, and deed relating to the Property in possession of or available to Seller.
7. **LABOR AND MATERIAL:** Seller shall furnish at closing an affidavit and indemnification agreement in form satisfactory to Buyer's title insurance company showing that all labor and materials, if any, furnished to the Property within 120 days prior to the date of closing have been paid for and agreeing to indemnify Buyer and Buyer's title insurance company against all loss from any cause or claim arising therefrom.
8. **PROPERTY INSPECTIONS:**
 - (a) Property Inspection: Buyer has had the opportunity to inspect the Property prior to making this Offer to Purchase.
 - (b) Acceptance: CLOSING SHALL CONSTITUTE ACCEPTANCE OF THE PROPERTY IN AS IS/WHERE IS CONDITION. The Property is being conveyed by Seller in AS IS/WHERE IS condition without representation or warranty,

Buyer Initials



Seller Initials

express or implied, as to the condition thereof, the merchantability thereof or the fitness thereof for any particular use or purpose, and Seller is under no obligation to repair any portion of the Property except as mutually agreed upon by the parties.

9. **REASONABLE ACCESS:** Seller will provide reasonable access to Buyer or Buyer's representatives for the purposes of inspection and/or evaluation of the Property.
10. **CLOSING:** Closing shall be defined as the date and time of recording of the deed. All parties agree to execute any and all documents and papers necessary in connection with closing and transfer of title on or before 30 days after acceptance of contract by both parties, at the office of Buyer's attorney as designated by Buyer. The deed is to be made to Buyer or as directed by Buyer.
11. **POSSESSION:** Possession shall be delivered at Closing.
12. **ASSIGNMENT:** This contract may not be assigned by Buyer to a third party Purchaser.
13. **PARTIES:** This contract shall be binding upon and shall inure to the benefit of the parties, Buyer and Seller and their heirs, successors, and assigns. As used herein, words in the singular shall include the plural and the masculine includes the feminine and neuter genders, as appropriate.
14. **ENTIRE AGREEMENT:** This contract contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed herein. All changes, additions or deletions hereto must be in writing and signed by all parties.
15. **EXECUTION:** This after shall become a binding contract when signed by both Buyer and Seller. This contract may be executed under seal in signed multiple originals, all of which together constitute one and the same instrument, with a signed original being retained by each party, and the parties adopt the word "SEAL" beside their signatures below.

Seller: **CITY OF HICKORY**

By: _____ (SEAL)

Name: Hank Guess
 Title: Mayor
 Address: PO Box 398
 Hickory NC, 28603
 Phone: (828) 323-7412
 Fax: (828) 323-7550

Buyer: Skylar Sizemore

By: Skylar Sizemore (SEAL)

Print Name: Skylar Sizemore

By: _____ (SEAL)

Print Name: _____

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

Malin Hill
 City of Hickory
 Finance Officer

RESOLUTION NO. 23-__**RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO
PURCHASE CERTAIN PROPERTY**

WHEREAS, City Council of the City of Hickory desires to dispose of certain surplus properties of the City of Hickory.

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

1. The following described property is hereby declared to be surplus to the needs of the City of Hickory:

Vacant lot located on 8th Avenue Drive SE, Hickory, North Carolina, containing approximately .07 acres, identified as PIN 3702-10-45-5471, Catawba County GIS, being Lot 1, Plat Book 80 at Page 87, a portion of the property in Deed Book 3608 at Page 1905, Catawba County Registry.
2. City Council has received an offer to purchase for the sum of \$2,000 for the property located on 8th Avenue Drive SE, Hickory, North Carolina. The person making the offer has deposited into John Crone's Trust Account a sum equal to five percent (5%) of his or her offer in the form of cash, cashier's check, or wire funds.
3. City Council proposes to accept the offer unless a qualifying upset bid shall be made.
4. The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
5. Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. In addition, the bid must raise the original offer by an amount of at least 10% of the first \$1000 of that offer and 5% of the remainder. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash, cashier's check, or wire funds to John Crone's Trust Account. At the conclusion of the ten (10) days, the City Clerk shall open the bids, and the highest such qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6. If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.

RESOLUTION NO. 23-__**RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO
PURCHASE CERTAIN PROPERTY**

7. Upon approval of the final upset bid, total payment for the property must be received by the City of Hickory within 30 days of the bid award.
8. City Council authorizes the City Manager to execute all documents related to the sale if no upset bids are received after due advertisement.

Adopted this the _____ day of _____, 2023.

THE CITY OF HICKORY a
North Carolina Municipal Corporation

(SEAL)

ATTEST:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this _____ day of _____, 2023.

Deputy City Attorney for the City of Hickory

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.

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Karen Dickerson, Infrastructure Grants Manager

Contact Person: Karen Dickerson, Infrastructure Grants Manager

Date: September 7, 2023

Re: Reconnecting Communities and Neighborhoods - Neighborhood Access and Equity Grant Application

REQUEST

Staff requests the Council's approval to apply for the Neighborhood Access and Equity (NAE) grant, part of the Reconnecting Communities and Neighborhoods (RCN) Program funded by the Bipartisan Infrastructure Law and the Inflation Reduction Act.

BACKGROUND

Staff wishes to apply for the Neighborhood Access and Equity Program grant established by the Inflation Reduction Act and part of the Reconnecting Communities and Neighborhoods Program. These two programs restore community connectivity through projects that remove transportation barriers and improve walkability, safety, and affordable access. There is a total of \$3.16 billion in funding for 2022-2026 for planning construction and technical assistance.

ANALYSIS

City staff wish to apply for this grant funding in the amount of \$6,500,000.00 to construct a multi-use path along 17th St NW from 9th Ave NW to 2nd Ave NW. The overall goal of this project will be to help alleviate the burdens of a disadvantaged community by constructing a multi-modal path that integrates with the overall Hickory Trail System. This path will address the challenges of isolation and provide accrued benefits of connectivity by bypassing the barrier of US Highway 321, which supports the USDOT climate and equity initiatives.

17th St NW is a north-south city street parallel to US Hwy 321 on the west side. The project area is approximately 3,500 linear feet and lies within a USDOT disadvantaged census tract, according to their Climate and Economic Justice Screening Tool. 17th St NW runs through and adjacent to the new Appalachian State University Hickory campus. While there are a few short sidewalks, curb, and gutter sections, this street lacks shoulder, bike, and pedestrian amenities. Its parallel nature, north-south access, and plans for road and path expansion at the north end of 17th ST NW to Clement Boulevard and its connection to the City's Aviation Walk make this street an ideal location for a multi-use path project. The addition of bike and pedestrian facilities along 17th St NW is listed as a high-priority project in the City of Hickory's Bike and Pedestrian Plan, completed in December 2020.

As the proposed project area is disadvantaged, the Neighborhood Access and Equity grant will support the project with 100% funding. There will be no federal match for the city to consider.

RECOMMENDATION

Staff recommends that the Council approves the City's application for the Neighborhood Access and Equity grant in the amount of \$6,500,00.00 with a 100/0 federal match.

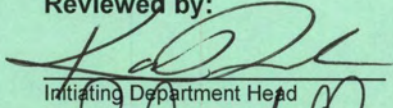
BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

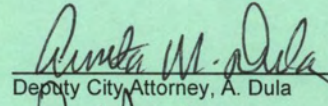
☐

No

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


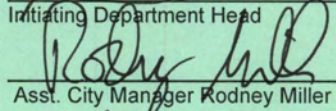
Initiating Department Head

 9/7/2023
 Date



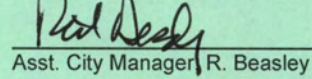
Deputy City Attorney, A. Dula

 9-12-23
 Date



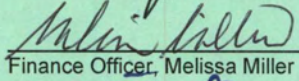
Asst. City Manager Rodney Miller

 9/11/23
 Date



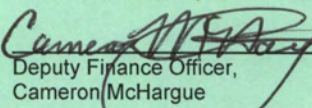
Asst. City Manager, R. Beasley

 9/11/23
 Date



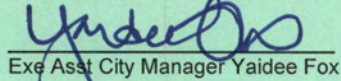
Finance Officer, Melissa Miller

 9/13/23
 Date



Deputy Finance Officer,
Cameron McHargue

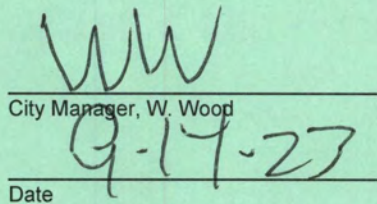
 9-12-23
 Date



Exe Asst City Manager Yaidee Fox

 9/13/23
 Date

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



City Manager, W. Wood
 9-17-23
 Date

Application for Federal Assistance SF-424			
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	
		* If Revision, select appropriate letter(s): <input style="width: 100%;" type="text"/> * Other (Specify): <input style="width: 100%;" type="text"/>	
* 3. Date Received: <input style="width: 100%;" type="text"/>		4. Applicant Identifier: <input style="width: 100%;" type="text"/>	
5a. Federal Entity Identifier: <input style="width: 100%;" type="text"/>		5b. Federal Award Identifier: <input style="width: 100%;" type="text"/>	
State Use Only:			
6. Date Received by State: <input style="width: 100%;" type="text"/>		7. State Application Identifier: <input style="width: 100%;" type="text"/>	
8. APPLICANT INFORMATION:			
* a. Legal Name: <input style="width: 100%;" type="text"/>			
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input style="width: 100%;" type="text"/>		* c. UEI: <input style="width: 100%;" type="text"/>	
d. Address:			
* Street1: <input style="width: 100%;" type="text"/> Street2: <input style="width: 100%;" type="text"/> * City: <input style="width: 100%;" type="text"/> County/Parish: <input style="width: 100%;" type="text"/> * State: <input style="width: 100%;" type="text"/> Province: <input style="width: 100%;" type="text"/> * Country: <input style="width: 100%;" type="text"/> * Zip / Postal Code: <input style="width: 100%;" type="text"/>			
e. Organizational Unit:			
Department Name: <input style="width: 100%;" type="text"/>		Division Name: <input style="width: 100%;" type="text"/>	
f. Name and contact information of person to be contacted on matters involving this application:			
Prefix: <input style="width: 100%;" type="text"/> Middle Name: <input style="width: 100%;" type="text"/> * Last Name: <input style="width: 100%;" type="text"/> Suffix: <input style="width: 100%;" type="text"/>		* First Name: <input style="width: 100%;" type="text"/> 	
Title: <input style="width: 100%;" type="text"/>			
Organizational Affiliation: <input style="width: 100%;" type="text"/>			
* Telephone Number: <input style="width: 100%;" type="text"/>		Fax Number: <input style="width: 100%;" type="text"/>	
* Email: <input style="width: 100%;" type="text"/>			

Application for Federal Assistance SF-424*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Department of Transportation

11. Catalog of Federal Domestic Assistance Number:

20.205

CFDA Title:

Neighborhood Access and Equity

*** 12. Funding Opportunity Number:**

DOT-RCP-FY22-01

* Title:

Neighborhood Access and Equity

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

NAE Capital Construction Grant Application for Multi-Modal Path on 17th ST NW Hickory, North Carolina

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant NC-010

* b. Program/Project NC-010

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: 04/01/2024

* b. End Date: 12/31/2027

18. Estimated Funding (\$):

* a. Federal	6,500,000.00
* b. Applicant	0.00
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	6,500,000.00

* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. * First Name: Hank

Middle Name:

* Last Name: Guess

Suffix:

* Title: Mayor

* Telephone Number: 828-323-7508

Fax Number:

* Email: hguess@hickorync.gov

* Signature of Authorized Representative:

* Date Signed:

View Burden Statement

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

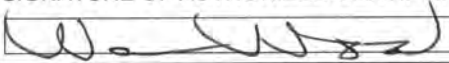
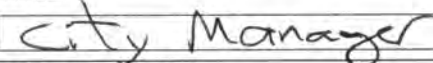
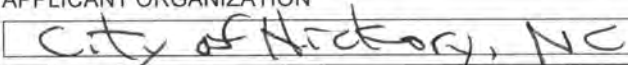
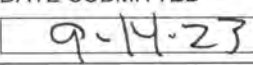
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE 
APPLICANT ORGANIZATION 	DATE SUBMITTED 

SF-424D (Rev. 7-97) Back

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: John Marshall, Transportation Planning Manager

Contact Person: John Marshall, Transportation Planning Manager

Date: September 19, 2023

Re: Historic Ridgeview Walk (Book Walk, Book Walk South) Projects EB-5937/EB-5938 - Johnson, Mirmiran & Thompson Consulting Engineers, INC (JMT) - Construction Engineering and Inspection (CEI) Services

REQUEST

Staff requests Council approval and acceptance of an Agreement for Professional Services with Johnson, Mirmiran & Thompson (JMT) for CEI Services related to the Historic Ridgeview Walk (EB-5937/EB-5938) in the amount of \$818,626.76, contingent on NCDOT concurrence.

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 Historic Ridgeview Walk Multi-Use Trail Project is one of the projects envisioned in the Bond Referendum and is intended to provide improved connectivity from City Walk through the Ridgeview Community to US 70.

ANALYSIS

The Historic Ridgeview Walk Multi-Use Trail project is an element of the Bond Referendum that was to be added in the future as a continued development of the multi-use path around the City that connected all parts of the City for citizens and visitor's enjoyment. This project has received federal funding at 80/20 ratio, federal and City respectively.

Johnson, Mirmiran & Thompson (JMT) was selected based on qualifications-based proposals and was concurred with by NCDOT. JMT's fees were negotiated by City of Hickory staff and NCDOT staff. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT and 20% City of Hickory.

CE&I services include the following:

- Construction Inspections
- Construction Materials Testing
- Construction Administration

RECOMMENDATION

Staff requests Council approval and acceptance of an Agreement for Professional Services with Johnson, Mirmiran & Thompson Consulting Engineers, INC (JMT) for CEI Services related to the Historic Ridgeview Walk Project in the amount of \$818,626.76, contingent upon NCDOT concurrence.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes



No

**LIST THE EXPENDITURE CODE:**

B1N003

061-7504-577.22-02

B1N004

061-7504-577.22-02

General Fund

Fund Balance

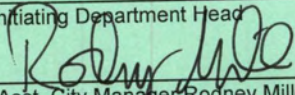
Reviewed by:

John Marshall

9/7/2023

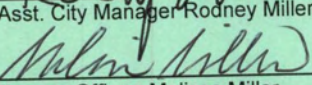
Initiating Department Head

Date


 Asst. City Manager Rodney Miller

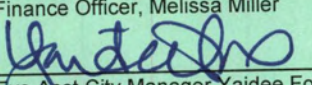
9/11/23

Date


 Finance Officer, Melissa Miller

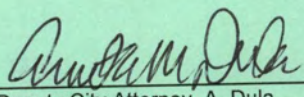
9/13/23

Date


 Exe Asst City Manager Yaidee Fox

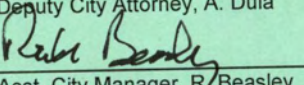
9/13/23

Date


 Deputy City Attorney, A. Dula

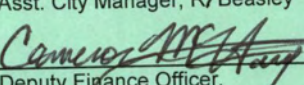
9-12-23

Date


 Asst. City Manager, R. Beasley

9/11/23

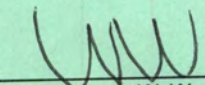
Date


 Deputy Finance Officer,
 Cameron McHargue

9-12-23

Date

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


 City Manager, W. Wood

Date

9-14-23



September 5, 2023

City of Hickory
76 N. Center Street
Hickory, NC 28603

Attn: John Marshall.

RE: Proposed Scope of Services for Construction Engineer & Inspections
Historic Ridgeview Walk (Book Walk/Book Walk South) EB-5937/EB-5938
Hickory, NC

Mr. Marshall,

Johnson, Mirmiran and Thompson (JMT) is pleased to provide you with this scope and contract for Construction Engineering & Inspection services on the above referenced project. JMT has the capability and experience to perform the services requested. Herein you will find a summary of the project as we understand it, our scope of services, and estimated fee.

Project Understanding

The Historic Ridgeview Walk is a key link to Hickory's Trail multiuse path system that will connect the community of Ridgeview to downtown Hickory. Formally known as Book Walk, this 10' multiuse path will increase the quality of life for its current and future residents and without a doubt spur economic revitalization to the community. It would be an honor for JMT to be a part of such an important project that will contribute for years to come to the community of Hickory.

The project is date of availability September 1, 2023, with a completion date scheduled for October 16, 2025, which does include the observation of the establishment of vegetative coverage.

ICT No. 2 Restrict lanes closures on the holidays listed in the contract.

ICT No. 3 Restrict Lane closures along 7th Avenue SW, 1st Street SW, S Center Street and/or 1st Avenue SW during the hours specified in the contract.

ICT No. 4 Restrict Lane closures along 4th Street Drive SW and 4th Street SW during the hours specified in the contract.

ICT No. 5 Restrict availability to perform work on S Center Street between 2nd Ave SE and NSRR ROW on S Center Street until September 1, 2023. Contractor will have 180 days to complete.

JMT understands that this project is receiving federal funds and must be constructed and administered in accordance with FHWA/NCDOT standards and procedures.

Proposed Scope of Services

JMT will perform Construction Inspection, Construction Materials Testing and Construction Administration (CA) for the project. These services will include the following:

Construction Inspection

- Daily observation and documentation of the contractor's operations
- Erosion control inspections in accordance with NPDES requirements
- Materials Received Reporting (MRRs)
- Asphalt Paving Reports
- Monitoring of subcontractor's operations for DBE compliance
- Tracking of pay quantities
- Conducting wage rate interviews
- Checking grades of pipe, pavement, curb and gutter and sidewalk to stakes provided by others
- Maintaining As-Built Drawings
- Red-Lined As-Built Drawings

Construction Materials Testing

- Materials testing and sampling in accordance with NCDOT's Minimum Sampling Guide
- Soil classification testing of borrow material
- Field testing of concrete
- Laboratory concrete testing (compressive strength testing of cylinders), performed by our subcontractor
- Laboratory asphalt core density/compaction testing, performed by our subcontractor

Construction Administration

- Conduct and document preconstruction conference and monthly progress meetings
- Conduct site visits as needed
- Review and comment on Contract retaining wall envelope submittals
- Review inspector's daily diaries and complete engineer's weekly summaries
- Review and respond to contractor's submittals and RFIs

- Review and approve Subcontract Approval Forms
- Review and submit for approval monthly pay applications
- Review and distribute material testing reports
- Evaluate and execute supplemental agreements or claim requests
- Conduct final inspection with City personnel
- Assemble final estimate package
- Conduct project closeout conference if necessary

Services Not Included in Our Scope of Services

- Construction Surveying
- Independent Construction Survey checking of survey staking provided by Contractor per line item (2) W-5712S
- Nuclear ABC Testing
- Nuclear Asphalt Testing

Fee

Based upon the proposed scope of work herein, our fee is shown below:

Construction Engineering & Inspection - \$818,626.76

EB-5937- \$407,464.27

EB-5938- \$411,162.49

Attached is our Construction Engineering & Inspection fee estimate breakdown on the NCDOT's Scope and Fee spreadsheet. Included on this spreadsheet are our Direct Costs and ECS' fee for Concrete and Asphalt testing. Our fee estimate is based on a contract completion date of October 16, 2025, which includes 184 days of observation for the establishment of vegetative coverage.

JMT plans to invoice our monthly efforts for CEI services based on a time and material basis, which are highly contingent upon the contractor's work schedule. As such, the actual fee may vary from that estimated here. However, we will not exceed the fee estimate shown above without prior written authorization from the City.

If you have any questions or need further information, please do not hesitate to contact me at 828-674-5248 or cscordray@jmt.com

Sincerely,

Johnson, Mirmiran and Thompson.

Shep Cordray
Associate Vice President

Reece Schuler, PE, PLS
Senior Vice President

A. A. General Provisions

JMT agrees that this proposal shall remain open for 60 days from the date of this proposal. Acceptance of the proposal after the end of the 60-day period is valid if JMT elects, in writing, to reaffirm the proposal and waive its right to re-evaluate and resubmit the proposal.

JMT reserves the right to renegotiate the contract which this proposal, if accepted, will comprise, on or after six (6) months from the date of this proposal, provided the Client is given 30 days of notice in writing if salaries or operational costs increase in a sufficient amount. Our present quotation is based upon current salaries and operational costs.

It is understood and agreed that once work is started on this project by JMT, only the Client or its duly authorized representative has the authority to order the work stopped on his behalf and only upon giving JMT, 10 days of notice in writing, as to when the work shall stop. The Client further agrees to be liable and pay to JMT, for all labor done, work performed, materials furnished, and expenses incurred up to and including the day work is stopped in accordance with the notice.

Client acknowledges and agrees that JMT may include or otherwise reference the Project in its general project portfolio and shall be entitled to identify the Project and the services performed by JMT for the Client in its general marketing materials, and for purposes of demonstrating relevant qualifications and experience. JMT shall also have the right to access the Project site to document, photograph, video, and/or record by any media or means, the Project at each phase, during construction and upon completion, for its own use and for other legitimate business purposes, including but not limited to exhibitions, or award competitions, or publication in journals. Any publication of the Project by Client or any representative of the Client, shall include reference to JMT and proper attribution and credit for its role in the Project.

B. Time of Payments and Litigation Expenses

JMT will submit monthly certified invoices for services rendered during the preceding month. Payments are due and payable within 30 days from the date of invoice. If Client fails to pay the full amount due for services and expenses within 30 days after date of invoice, the amount due will include a charge at the rate of 1-1/2% per month of the outstanding balance from said 30th day. In addition, in the event any invoice has not been paid in full by its due date, JMT may, after giving three (3) days written notice

to Client, suspend services under this Agreement until Client has paid in full amounts due JMT for services, expenses and interest.

In the event JMT deems it necessary to refer any unpaid invoices to its attorneys for the purposes of instituting collection or mechanic's liens proceedings, Client agrees to pay JMT's attorney's fees, court costs, and litigation expenses, including fees for expert witnesses, trial and deposition transcripts, cost of printing briefs, and travel expenses for witnesses, attorneys and employees.

In the event Client asserts a claim against JMT and/or JMT's subconsultants for any act arising out of performance of the services provided herein, whether by an original action, or by counterclaim set-off or other defense to any mechanic's lien or other claim asserted by JMT as a result of Client non-payment of fees and expenses for services rendered, and if Client fails to prevail in such action, counterclaim, set-off, or defense, Client agrees to pay all attorney's fees, costs and litigation expenses (including fees for expert witnesses, trial transcripts and deposition transcripts) incurred by JMT and/or JMT's subconsultants in opposing any such action, counterclaim, set-off or defense.

JMT may withhold the delivery, signature or sealing plans and specifications, and may repossess all plans and specifications previously delivered to or otherwise made available to Client, their agents, or assigns, without incurring any liability for direct and/or consequential damages to Client or anyone claiming through them or on their behalf whenever JMT deems it necessary to ensure payment for services rendered. Should any claim for such damages be made, Client agrees to hold JMT harmless from all litigation expenses incurred by JMT as defined herein.

C. Additional Services

In the event additional services beyond those identified in the Scope of Work are required by the Client or by circumstances beyond JMT's control, JMT will furnish such services upon written authorization of the Client. Payment for Additional Services will be charged at the following hourly rates which are inclusive of labor, overhead, payroll burden and profit.

Any changes to the previously approved submittals will be considered a change in scope of services and JMT will be entitled to additional compensation at the rates herein specified.

D. Insurance

JMT maintains Professional Liability, General Liability and Workmen's Compensation Insurance. On request, JMT will furnish Client certification of insurance.

E. Termination

In the event of termination of this Agreement by Client, Client shall pay JMT for services (including additional services) rendered, performed, or procured through such phase, including Expenses, at the rates stated in the Agreement, plus all termination expenses. Termination expenses mean additional Reimbursable Expenses directly attributable to termination.

F. Indemnification and Limitation of Liability

JMT shall hold harmless and indemnify the Client against injury, loss or damage arising out of its performance of the Services, but only to the extent caused by the negligent acts, errors or omissions of JMT. The Client agrees to limit JMT's liability hereunder to Client and to all Construction Contractors and Subcontractors on the project, due to such negligent acts, errors or omissions, such that the total aggregate liability of JMT to all those named shall not exceed JMT's total fee for services rendered on this project.

G. Standard of Care

JMT shall perform the services in a manner consistent with the degree of skill and care ordinarily exercised by members of the same profession currently practicing under the same conditions.

H. Severability

If any provision of this Agreement, or application thereof, shall be held invalid, the invalidity shall not affect the other provisions of the Agreement which can be given effect without the invalid provisions or applications, and to this end the provisions of this Agreement are declared to be severable.

WE HEREBY AUTHORIZE JOHNSON, MIRMIRAN & THOMPSON, INC. TO PROCEED IN ACCORDANCE WITH THE ABOVE PROPOSAL. IF ANY PROFESSIONAL SERVICES ARE ORDERED BY A REPRESENTATIVE OF THE CLIENT, FOR ITEMS LISTED ABOVE WITH A RETURNED ACCEPTANCE, THE PRICES AND TERMS OF THIS PROPOSAL SHALL BE IN EFFECT.

ORGANIZATION: _____ DATE: _____

BY: _____

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



City of Hickory
Finance Officer

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.

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: John Marshall, Transportation Planning Manager

Contact Person: John Marshall, Transportation Planning Manager

Date: September 19, 2023

**Re: BL-0067 – Aviation Walk Connector Multi-Use Trail – 17th Street NW
Extension to Aviation Walk**

REQUEST

Staff requests Council approval and acceptance of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for Preliminary Engineering and Design Services related to the Aviation Walk Connector Multi-Use Trail Project – BL-0067 in the amount of \$194,095.41, contingent on NCDOT approval.

BACKGROUND

The City applied for and received State Transportation Block Grant - Directly Attributable (STBG-DA) funding approval from the Greater Hickory MPO and North Carolina Department of Transportation (NCDOT) for Aviation Walk Connector Multi-Use Trail. The multi-use trail will connect 17th Street NW Extension (HL-0004) with the Aviation Walk (EB-6038).

The connector is needed to join the future 17th Street NW Extension Multi-Use Trail with the Aviation Walk Multi-Use Trail. The trail will connect Appalachian State's new campus and with Aviation Walk and provide a safe crossing for students over US 321 to join with the City's trail system.

The extension is also along the established Hickory Urban Bike Loop (HUB) which is identified in the "Walk-Bike-Hickory Plan". Cyclist use 17th Street NW on a regular basis and this project would fill in a gap to provide a continuous route from US 70 to Clement Blvd NW to Aviation Walk.

ANALYSIS

Preliminary Engineering and Design is needed to connect the future 17th Street NW Extension Multi-Use Trail and the existing Aviation Walk Multi-Use Trail along Clement Blvd and 19th Street Lane NE.

The multi-use trail connector would begin at the future 17th Street NW Extension Multi-Use Trail and continues west along Clement Blvd to 19th Street Lane NW. The trail then travels north along 19th Street Lane NW and joins the Aviation Walk Multi-Use Trail. The project is approximately .25 miles in length.

RECOMMENDATION

Staff requests Council approval and acceptance of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for Preliminary Engineering and Design Services related to the Aviation Walk Connector Multi-Use Trail Project – BL-0067 in the amount of \$194,095.41, contingent on NCDOT approval.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes



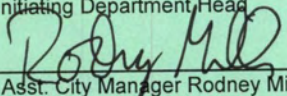
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**LIST THE EXPENDITURE CODE:**

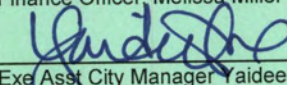
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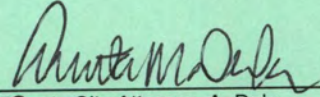
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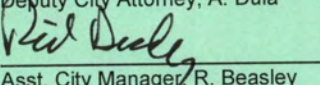
John Marshall
Initiating Department Head
Date 9/7/2023

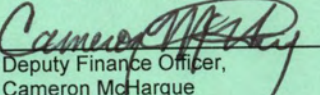

Asst. City Manager Rodney Miller
Date 9/11/23


Finance Officer, Melissa Miller
Date 9/13/23

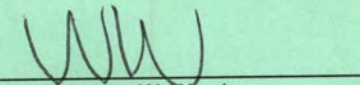

Exe Asst City Manager Yaidee Fox
Date 9/13/23


Deputy City Attorney, A. Dula
Date 9-12-23


Asst. City Manager, R. Beasley
Date 9/11/23


Deputy Finance Officer,
Cameron McHargue
Date 9-12-23

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


City Manager, W. Wood
Date 9-14-23

**AGREEMENT BETWEEN OWNER
AND
TGS ENGINEERS
FOR PROFESSIONAL SERVICES**

THIS AGREEMENT is made as of this _____ day of _____, 2023, between the City of Hickory ("OWNER"), with principal offices at 76 North Center Street, Hickory, NC, 28601 and TGS Engineers ("ENGINEER"), with principal offices at 201 W. Marion Street, Shelby, NC 28150 for services in connection with the project known as the BL-0067 ("Project");

WHEREAS, OWNER desires to engage ENGINEER to provide professional engineering, consulting and related services ("Services") in connection with the Project; and

WHEREAS, ENGINEER desires to render these Services as described in SECTION I, Scope of Services.

NOW, THEREFORE, OWNER and ENGINEER in consideration of the mutual covenants contained herein, agree as follows:

SECTION I. SCOPE OF SERVICES

ENGINEER will provide Services for the Project, which consist of the Scope of Services as outlined on the attached Exhibit A.

SECTION II. TERMS AND CONDITIONS OF ENGINEERING SERVICES

The "TERMS AND CONDITIONS," which are attached hereto in Exhibit B, are incorporated into this Agreement by this reference as if fully set forth herein.

SECTION III. RESPONSIBILITIES OF OWNER

The OWNER shall provide the information set forth in paragraph 6 of the attached Terms and Conditions for Professional Services.

SECTION IV. COMPENSATION

Compensation for ENGINEER'S services under this Agreement shall be on the basis of lump sum. The amount of the lump sum price is **(\$194,095.41)**.

The amount of any sales tax, excise tax, value added tax (VAT), or gross receipts tax that may be imposed on this Agreement shall be added to the ENGINEER'S compensation as Reimbursable Expenses.

Compensation terms are defined as follows:

SECTION V. PERIOD OF SERVICE

Upon receipt of written authorization to proceed, ENGINEER shall perform the services within the time period(s) described in Exhibit A.

Unless otherwise stated in this Agreement, the rates of compensation for ENGINEER'S services have been agreed to in anticipation of the orderly and continuous progress of the project through completion. If any specified dates for the completion of ENGINEER'S services are exceeded through no fault of the ENGINEER, such as Acts of God, Delay attributed solely to Owner or unforeseeable delay related to Regulatory Agency, the time for performance of those services shall be automatically extended for a period which may be reasonably required for their completion and all rates, measures and amounts of ENGINEER'S compensation may be equitably adjusted, as agreed to in writing.

SECTION VI. SPECIAL PROVISIONS

Engineer shall be responsible for paying all fees related to regulatory or other governing authority submittal, review, permitting, etc. These fees shall be requested as a reimbursement from the City at the direct cost with no markup.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

City of Hickory
"OWNER"

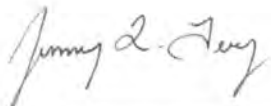
BY: _____

NAME: _____

TITLE: Mayor

ADDRESS: PO Box 398
Hickory, NC 28603

TGS Engineers
"ENGINEER"

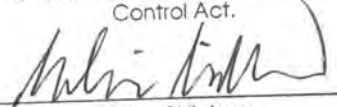
BY: 

NAME: Jimmy L. Terry

TITLE: Project Manager

ADDRESS: 201 W. Marion Street
Shelby, NC 28150

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



 City of Hickory
 Finance Officer

EXHIBIT A
SCOPE OF SERVICES

TGS Engineers
201 W. Marion Street
Shelby, NC 28150

SCOPE OF WORK

August 31st, 2023

NCDOT Project Title/Name: BL-0067 – Aviation Walk Connector

Introduction

Based on conversations with the City of Hickory and NCDOT, this document will serve as documentation of the important items discussed and as a proposed scope of work for this project.

Background and Purpose

The project's purpose is to connect the 10' multi-use trail from the future 17th Street NW Extension to the existing Aviation Walk Trail. The trail will run along Clement Blvd and 19th Street Lane NE. The project is approximately 0.25 miles in length. This trail will be used to connect the future Appalachian State Campus to Aviation Walk.

Tasks

The tasks to be performed within this assignment include:

- I. Roadway Design
- II. Work Zone Traffic Control
- III. Signing and Pavement Markings
- IV. Hydraulic Design
- V. Erosion Control Design
- VI. Surveying
- VII. Geotech (See attached scope from Carolinas Geotechnical Group)
- VIII. PDEA Planning (includes NRTR and Cultural Resources)
- IX. Utility Coordination
- X. Utility Design

I. Roadway Design

TGS Engineers will perform the following items to complete the Roadway Design:

1.1 Project Familiarization

1.2 Prepare Design Assumptions – Prepare Design Assumptions in accordance with the AASHTO Greenbook.

1.3 Complete Base Plan Sheets (Project No., Preliminary Stickers, Edit, etc.) – Prepare Base Plan Sheets in accordance with the NCDOT *Roadway Design Manual*.

1.4 Preliminary Typical Sections - Prepare Typical Sections in accordance with the NCDOT *Roadway Design Manual*.

1.5 Preliminary Studies of Vertical and Horizontal Alignment - - Prepare horizontal and vertical alignments in accordance with the AASHTO *A Policy on Geometric Design of Highways and Streets*, AASHTO Guide for Development of Bicycle Facilities, and in accordance with the approved design criteria utilizing GEOPAK design software.

1.6 Plot Profile and Grades - Plot profile grade in accordance with NCDOT CADD guidelines.

1.7 Complete Cross-Sections (Existing Ground and Elevation, Preliminary Stickers, Scale, Project No., etc.) - Prepare Cross-Sections in accordance with the NCDOT *Roadway Design Manual* utilizing GEOPAK design software and criteria files.

1.8 Plot Templates on Cross-Sections - Plot templates on cross-sections utilizing GEOPAK design software.

1.9 Plot Slope Stakes - - Plot slope stakes utilizing GEOPAK design software.

1.10 Prepare Title Sheet - Prepare Project Title Sheet in accordance with the NCDOT *Roadway Design Manual*.

1.11 Run Earthwork Areas and Prepare Preliminary Summary – Run earthwork areas and prepare preliminary summary utilizing GEOPAK design software.

1.12 Attend Preliminary Review - Consultant will follow *NCDOT Guidelines for roadway design activities* and send electronic plans to the Municipality and NCDOT.

1.13 Revise after Review - Revise plans per review comments.

1.14 Intersection Design. (Including details) – Intersection Designs (including details) in accordance with the AASHTO *A Policy on Geometric Design of Highways and Streets*, NCDOT *Roadway Design Manual* and NCDOT *Roadway Standard Drawings*.

1.15 Plot Hydrology on Plans - Plot and label hydrology on plans in accordance with NCDOT CADD guidelines.

1.16 Draft Right-of-Way and Easements on Plans - Plot and label right of way and easements on plans in accordance with NCDOT CADD guidelines.

1.17 Finalize Right of Way Plans and Check by Engineer - Finalize plans in accordance with standard NCDOT guidelines for appropriate checklist.

1.18 Incorporate Final Pavement Design Recommendations – Revise Typical sections to include final pavement design and recommendations.

1.19 Finalize Earthwork Computations, and Balance Card – Complete earthwork computations and balance card for project.

1.20 Prepare Index of Sheets, General Notes, Standards, List of Special Provisions – Complete Index of sheets, General Notes and List of Standards for 1-A sheet. Generate list of special provisions needed for project specs.

1.21 Drafting of Special Detail (Undercut, Ditches, Special Drainage Structures, etc.) – Draft special details needed for the project that are not furnished by or available from NCDOT.

1.22 Prepare Earthwork Summary – Complete earthwork summary.

1.23 Prepare Guardrail Summary – Complete guardrail summary.

1.24 Prepare Drainage Summary (includes temporary pipe) – Complete drainage summary.

1.25 Prepare Pavement Removal Summary – Complete pavement removal summary.

1.26 Final Quantities and Estimate – Calculate roadway quantities for roadway section of project and complete Engineer's estimate (roadway items).

1.27 Finalize All Designs and Plans and Check by Engineer (Plans 90% Complete) – Complete project and review plans.

1.28 Final Review by City of Hickory, NCDOT, Revise Plans and Submit Original Plans and Quantities – Revise plans, quantities, special provisions, engineer's estimate. Seal plans and submit to NCDOT.

1.29 Miscellaneous Estimates, Studies and Preparation of Correspondence, Coordination with Various Agencies, etc. - Consultant will prepare estimates, correspondence and coordinate with agencies as required per *Guidelines for roadway design activities*.

1.30 Coordination with Sub-consultants - Consultant/Sub consultant coordination through duration of project.

1.31 Prepare Contract Document and Pre-Bid Information – Preparation of Contract bid documents per NCDOT Standards and Special Provisions. Aid the City in preparing for Letting of the Contract, including pre-bid advertisement, pre-bid conference, and any other assistance needed.

II. Traffic Management Plan

TGS Engineers will perform the following items to complete the Traffic Management Plan:

1.1 Project Notes:

A preliminary listing of general and local project notes will be incorporated onto the plan set.

1.2 Quantity Estimate:

A quantity estimate will be required as part of the final submittal.

1.3 Pre-Final Plan Submittal:

The consultant is expected to use the NCDOT-WZTC Guidelines, located at http://www.ncdot.org/doh/preconstruct/wztc/PEF/TMP_Guidelines.pdf, when developing the Pre-Final Plans for the Traffic Management Plan (TMP).

1.4 Final Plan Submittal:

The consultant is expected to use the NCDOT-WZTC Guidelines, located at http://www.ncdot.org/doh/preconstruct/wztc/PEF/TMP_Guidelines.pdf, when developing the Final Plans for the Traffic Management Plan (TMP).

1.5 Meetings/Coordination:

A representative from the PEF will be required to coordinate with the Division Traffic Engineer, City of Hickory, and NCDOT Work Zone Traffic Control Unit.

III. Signing and Pavement Delineation Design

DESCRIPTION OF WORK REQUIRED

Proposed Signing and Pavement Delineation Design plans

The Engineer shall furnish signing and pavement delineation plans. Plans will be submitted at the 90% plan stage of roadway plans and final 100% roadway design plan stage. The Engineer shall prepare the signing and pavement delineation design plans utilizing the MUTCD and the NCDOT Guidelines for the preparation of signing plans & signing and delineation roadway standard specifications.

III. Hydraulic Design

TGS Engineers will perform the following items to complete the Hydraulics Design:

Description

The project includes ditch analysis, cross drainage, storm drainage analysis, outfall analysis, Storm water Management Plan, and preliminary drainage coordination to minimize utility impacts. Wetlands and surface waters will be mapped by TGS.

Scope of Work

1.1 Field Recon & Supplemental Survey – The TGS Surveying staff will provide special survey data required by the hydraulic engineer for the design study. The type and presentation format of this data is provided in the Locations Units' "Hydraulic Survey Guidelines". The hydraulics engineer will supplement the location data with survey and informational data obtained during his field reconnaissance and site visit. Review of the project in the field prior to commencing detailed design is a requirement of the engineer with primary responsibility for the drainage study. The purpose of this field trip in addition to obtaining supplemental survey data is to:

- Visually acquaint the designer with conditions and constraints of the site.
- Verify data obtained from other sources
- Identify ponds, lakes, reservoirs and other storage areas which affect discharge rates
- Review existing drainage features and obtain information on performance
- Review potential outlet channels for performance and adequacy
- Identify sediment sensitive areas such as lakes, ponds, and developed stream areas
- Review contributing watershed characteristics
- Review and obtain design information on environmental areas of concern such as wetlands and special fishery streams (State GIS mapping is a good resource)
- Obtain details of size, location, length, material type and condition of existing drainage structures.
- Obtain historical flood and other stream flow information
- Locate areas where beam ditches are needed.
- Locate and obtain elevations of low areas back of existing curb for special pickups
- Locate small inflow systems such as roof and basement drains.

All pertinent data and facts gathered through this field reconnaissance and survey are to be documented on work plans, field notes or other forms suitable for submittal with the final project report.

1.2 Hydrologic and Hydraulic Design: Develop a set of Drainage Redline Plans in accordance with Chapter V of the North Carolina Division of Highways *Guidelines for Drainage Studies and Hydraulics Design*.

a. Pipes, Storm Drainage, & Ditches – Prepare hydraulic design in accordance with the North Carolina Division of Highways *Guidelines for Drainage Studies and Hydraulics Design*. Design the Storm Drainage using Geopak Drainage.

1.3 Storm water Management Plan - Design Storm water Controls and develop a Storm water Management Plan using Best Management Practices per the latest NCDOT Storm water Best Management Practices Toolbox.

1.4 Prepare Drainage Summary – Prepare drainage summary in accordance with current NCDOT standards and procedures.

IV. Erosion Control

TGS Engineers will perform the following items to complete the Erosion Control plans:

1.1 Plan Development:

a. Clearing and Grubbing Phase:

Develop an erosion control plan for the clearing and grubbing phase of grading. This plan will include types, sizes, and locations of all erosion control devices to be used. Erosion control devices will be designed to NCDENR and NCDOT specifications.

b. Intermediate / Final Grading Phase: Develop an erosion control plan for the intermediate / final phase of grading to accommodate new drainage patterns and site topography resulting from the clearing and grading phase of grading.

1.2 Details and Notes: Provide additional details and notes to supplement the erosion control plans. Details and notes to include standard drawings of erosion control devices as well as scheduling considerations and details of any unusual conditions which dictate that special measures be used.

1.3 Title Sheet: A title sheet will be produced to include pertinent information to the project.

1.4 Commitments & Revisions Due to Comments: Address any revisions which need to be made from the plan review by NCDENR and NCDOT. This includes resubmittal for final approval.

1.5 Specifications and Documentations: Provide additional information to include site preparation, surface stabilization, runoff control measures, runoff conveyance measures, outlet protection, inlet protection, sediment traps and barriers, and other related practices not detailed in plans. Specifications may also include design criteria and calculations.

V. Surveying

The following surveying scope of work is proposed:

- 1) Courthouse Research will be performed on properties.
- 2) Contacting Property Owners will be performed on properties

- 3) Baseline will be Traversed
- 4) Baseline will be staked at intermediate intervals
- 5) Existing alignments will be computed using acquired field data
- 6) Supplemental DTMs will be field located
- 7) Properties will be field tied and reconed
- 8) R/W and Survey Control Sheets will be provided for final plans.
- 9) Field location of Topo & Plan features is medium
- 10) Non-gravity U/G utilities is medium
- 11) Gravity utilities and pipe invert location is medium
- 12) Staking and flagging of R/W & Easements will be performed
- 13) Base Mapping will be prepared
- 14) Travel time (Round Trip) will consist of 2 hours
- 15) SUE will be performed for all underground utilities

VI. Geotechnical (See attached Scope from CG2)

VII. Planning Document

TGS Engineers will perform the following items to complete the Planning Document and Public Involvement:

1.0 Preparation of Federal Categorical Exclusion

1.1 Scoping

- 1.1.1 Field Review
- 1.1.2 Review Scope of Work
- 1.1.3 Develop Project Schedule
- 1.1.4 Estimates & Negotiations

1.2 Planning

- 1.2.1 Vicinity Map
- 1.2.2 Scoping Letter to Agencies
- 1.2.3 Scoping Letter to SHPO
- 1.2.4 Natural Resources Technical Report
- 1.2.5 Community Impacts

1.3 Public Involvement – No meeting expected

1.4 Environmental Document

- 1.4.1 Prepare Figures
- 1.4.2 Prepare Draft
- 1.4.3 Revise & Finalize

No Historic or Archaeological Surveys are included in this scope of work. Any surveys required from the SHPO review will be considered extra work.

VIII. Utility Coordination - Dry Utilities

With respect to utility coordination, TELICS will:

- 1) Assist in identifying all utilities and owners within the project limits
- 2) Send conflict letter to all utility owners and obtain No cost/No conflict letters (if applicable)
- 3) Municipal utility construction requests
- 4) Work early with TGS during the preliminary design phase in order to minimize or ultimately resolve utility conflicts, prioritize utility relocations that could have a major impact on the overall construction schedule, and insure that all utility issues (S.U.E., construction phasing, etc.) are addressed during design.
- 5) Establish relocation timelines and provide milestones to utility owners.
- 6) Report utility progress monthly via the Complex Utility Relocation Spreadsheet.
- 7) Meet with all affected utilities in the Project area when 70% Final Right-of-Way Roadway
- 8) Determine the cost responsibility / compensable interest for all utilities to be relocated due to the roadway construction.
- 9) Review the Utility Relocation Plans with TGS and ensure that no conflicts exist with either the proposed roadway improvements or between each of the utility company's relocation plans.
- 10) Maintain constant communication with all Utilities, TGS and the NCDOT to ensure that issues are resolved in a timely manner.
- 11) Develop a Master Relocation Schedule for the Project that lists all utilities in conflict with the project and the current status of their relocation.
- 12) Schedule and facilitate all necessary field meetings during the utility relocation phase to insure timely, complete, and satisfactory coordination with the utilities affected by the Project.

If utility relocation efforts are still underway at the start of roadway construction, a member of TELICS Utility Coordination Team will be available to meet with the Construction Project Manager to review and discuss items pertinent to utility conflict resolution. TELICS personnel will be on site as needed to facilitate the timely relocation of utilities.

TELICS will be available as required to perform the tasks in this scope of work. TELICS does not anticipate having personnel on the Project site on a daily basis.

IX. Utility Design – Wet Utilities

TGS Engineers will perform the following items to complete Utility Design:

1.1 Draft Utility Analysis:

Note and describe all potential utility conflicts.

1.2 Data Collection:

Meet with facility owners and obtain all available information regarding the type, size, age, and description of each utility and all available prior rights circumstances.

1.3 Conflict Mitigation:

Investigate the potential of altering construction, drainage, project limits, etc. to relieve the need for utility relocation. Cost effectiveness of design changes versus time and cost of relocation should always be considered.

1.4 Preliminary Routing:

In conjunction with the utility companies, determine the most efficient and cost effective routing for the necessary relocations. Consideration must be given to probable project phasing and basic constructability.

1.5 Identification of ROW/PUE Requirements:

When the preliminary routing is agreed upon, all necessary ROW additions and or PUE necessities must be identified.

1.6 Coordinate with Other Utilities on Final Plan Layout – The PEF will work with the “wet” utility owners to provide a design that meets the requirements and specifications of both NCDOT and the “wet” utility owners. Coordination with the “dry” utility owners and other disciplines will be required to ensure that no conflicts are created from the proposed final “wet” utility design layout.

1.7 Utility Construction Plans – PEF will design and prepare final utility construction plans to include title sheet, plan and profile layout of the proposed utility construction, special details, cost estimates, and special provisions. The PEF will work with the “wet” utility owners to produce a 90% set of plans for NCDOT to review. Once the “wet” utility owners and NCDOT accept the plans, the PEF will be responsible for providing a 100% sealed construction set. Hard copies and electronic files of the utility construction plans, special provisions, and cost estimates will be provided to the City of Hickory and NCDOT.

Schedule/Timeline

The Project shall begin upon written notice to proceed from the City of Hickory.

The following schedule shall be used as a guideline for the project:

Task	Date
Proposal & Estimate Submitted	September 1st, 2023
NTP Received	October 13th, 2023
Start of Study Letters/Cultural Resource Letters/Geoenvironmental Planning Report/Tribal Letters	Submitted by October 31st, 2023 & Received by November 30th, 2023
Surveys Completed	January 31st, 2024
Preliminary Roadway Plans (25%)	March 15th, 2024
Hydraulic Design Completed	April 30th, 2024
Utility Kick-Off Meeting	May 15th, 2024
Planning Document – Federal CE & NRTR	June 30th, 2024
EC Basin Layout & Preliminary Design	June 30th, 2024
PUE Needs & Markups Received	June 30th, 2024
Right of Way Plans & Estimate	July 15th, 2024
R/W Authorization	August 15th, 2024
R/W Acquisition	Approximately nine (8) months – Completed in April ‘25
Final Plans Approved – All Disciplines (90%)	March 31st, 2025
Utility Agreements (URA & 16.1)	March 31st, 2025
Utility Relocations	Min. 4 months after R/W secured
Sealed Plans, Contract, R/W and Utility Certifications to NCDOT	May 31st, 2025
Advertisement	July 15th, 2025
Let	August 12th, 2025
Date of Availability to Contractor	September 30th, 2025
Substantial Contract Completion Date – Excluding 6 month Seeding/Stabilization	November 30th, 2026
Contract Completion	May 30th, 2027

Hours

TGS Engineers proposes to undertake this work as a lump sum for the agreed upon amount, excluding the right of way acquisition fee. A separate Cost Proposal will be attached showing names, position classifications, rates of pay, and anticipated hours required to complete the various tasks as listed and described above.

Budget/Invoicing

The total fee for the scope of work as stated above is **\$194,095.41**.

All Non-salary direct costs will be billed in accordance with current NCDOT approved rates. It will be necessary to include a detailed monthly activity report and a DBE-IS form when submitting invoices for the project. Compensation will be based on the percentage of the total work completed as shown on the invoice. The DBE-IS form can be downloaded at <http://www.ncdot.org/doh/forms/files/DBE-IS.xls> (instructions on how to complete the form are included on the second tab of the spreadsheet).



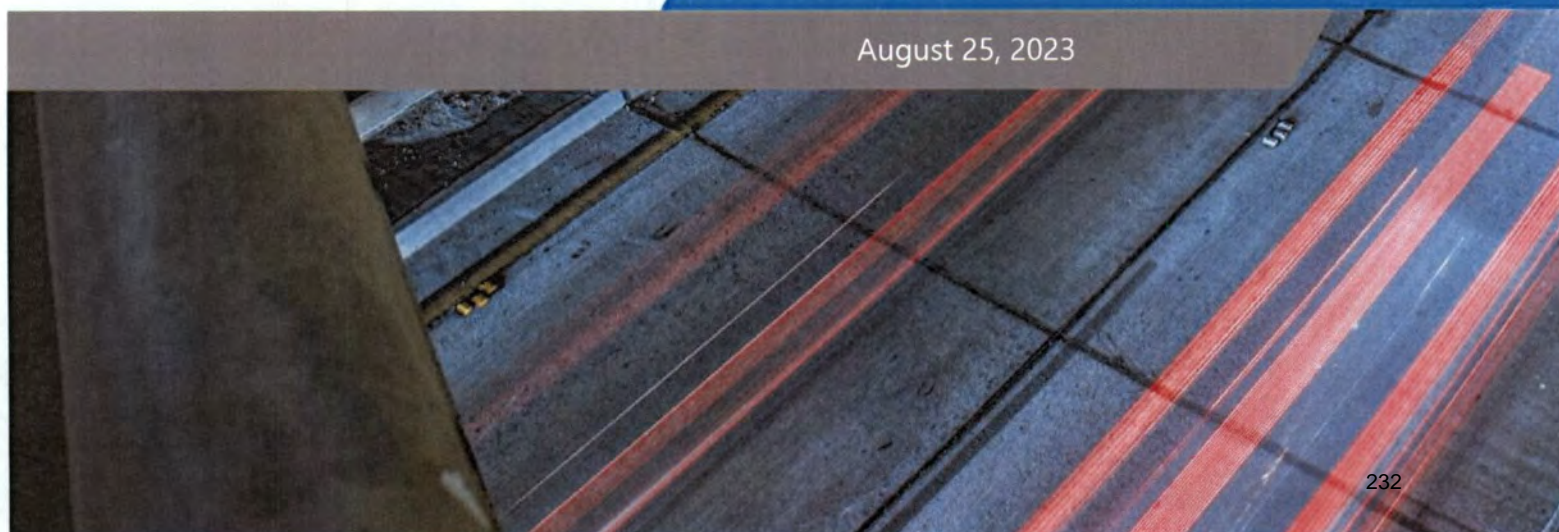
CAROLINAS
GEOTECHNICAL
GROUP

Request for Proposal

Prepared for:

TGS Engineers, Inc.
201 W. Marion Street, Suite 200
Shelby, North Carolina 28150

August 25, 2023





**CAROLINAS
GEOTECHNICAL
GROUP**

N.C. Firm License: P-1904

📍 2400 Crownpoint Executive Drive
Suite 800
Charlotte, NC 28227

☎ (980) 339-8684
✉ contact@carolinasgeotech.com
🌐 www.carolinasgeotech.com

August 25, 2023

Mr. Jimmy Terry, P.E.
TGS Engineers, Inc.
804-C N. Lafayette Street
Shelby, North Carolina 28150

PROJECT NO.: BL-0067
COUNTY: Catawba
DESCRIPTION: Aviation Walk Connector Multi-Use Trail
CG2 PROPOSAL NO.: 2023271

RE: Request for Proposal – Roadway Subsurface Inventory and Recommendations

Dear Mr. Terry:

Carolinas Geotechnical Group, PLLC (CG2) would like to thank you for the opportunity to submit our scope of work and cost estimate to provide geotechnical investigation and report preparation services for the roadway project in Catawba County, North Carolina. Our proposal is based on our review of the provided project information. This proposal presents our understanding of the project, proposed scope of services, proposed schedule, fee estimate, and authorization requirements.

PROJECT UNDERSTANDING

This roadway project consists of the construction of new sidewalk along Clement Blvd NW. The proposed multi-use trail will be approximately 1,500 to 2,000 feet in length. We assume cuts on the order of 40 to 45 feet will be required in order to lay back the existing project slopes on the south side of Clement Blvd NW. No other information is available regarding the proposed scope at this time.

SCOPE OF WORK

Property Owner Contact Letters

We will attempt to contact property owners (if required) in person during our boring layout. Prior to our mobilization to the site, we will mail property owner contact letters to each property that could be impacted by our investigation.

Boring Layout

CG2 will utilize a GPS unit to perform the boring layout. CG2 will note and/or locate the any relevant boundaries and confirm the presence of utilities during the boring layout.

Request for Proposal – Roadway Subsurface Inventory and Recommendations
BL-0067 – Aviation Connector Walk Multi-Use Trail
Catawba County, North Carolina

Public Utility Clearance

CG2 will contact North Carolina One Call (NC 811) to locate underground utilities at the site; however, our experience indicates that NC 811 will normally not locate private utilities.

Soil Test Borings

The drilling work will be performed by CG2 using ATV-mounted or track-mounted drill rigs to perform the Standard Penetration Test (SPT) borings. A field professional from CG2, working under the supervision of the project engineer, will perform this exploration.

In general accordance with the *Geotechnical Investigation and Recommendations Manual*, CG2 proposes to perform a total of 8 soil test borings along the top and toe of the proposed cut slope on -L-. It is our understanding that shallow rock will likely be encountered during drilling in this cut slope. Up to 250 feet of drilling is anticipated for these borings, and we have also included a contingency item for up to an additional 100 feet of auger probing to delineate the presence of rock. In addition, CG2 proposes to perform hand auger borings along the proposed sidewalk alignment to evaluate the suitability of the subgrade for sidewalk support. In general, these hand auger borings are spaced at approximately 750 to 1,000 foot intervals along the length of the project.

Site Access

CG2 will adjust boring locations as needed to avoid utility conflicts. Access to private property may be required in order to access the retaining wall locations.

Groundwater

Groundwater will be measured at the termination of investigation activities and after a stabilization period of at least 24 hours. Prior to our demobilization from the site, the boreholes performed will be backfilled with the hand auger cuttings, and will include a bentonite plug, placed in accordance with Section 2.5 of the NCDOT *Geotechnical Investigation and Recommendations Manual*.

Laboratory Services

A CG2 Geotechnical Engineer will select representative test samples for AASHTO Classification and Indexing tests. An NCDOT approved Tier III laboratory will perform the laboratory testing in accordance with AASHTO and NCDOT guidelines. Laboratory testing for this project will include up to 3 soil classifications tests, which include Atterberg limits, sieve analysis with hydrometer, and natural moisture content tests (AASHTO M-145).

Reporting

CG2 will provide the following reports as part of this scope of work:

- Roadway Inventory and Recommendations Report including graphics and recommended quantities.

Each of these reports will be prepared in general accordance with guidelines included in the *Geotechnical Investigation and Recommendations Manual*.

Request for Proposal – Roadway Subsurface Inventory and Recommendations
BL-0067 – Aviation Connector Walk Multi-Use Trail
Catawba County, North Carolina

SCHEDULE

CG2 can generally mobilize to the site for the investigation within 7 to 10 business days of receiving written authorization to proceed and utility clearance by NC 811. Our field exploration is expected to require up to 1 working days to complete, weather permitting. We understand that final deliverable dates will be communicated to us at a later date.

FEE

The NCDOT Manday Estimate has been attached to this proposal. This estimate includes the costs associated with the CG2 geotechnical scope of work. We understand a Notice to Proceed (NTP) will be issued to CG2 upon acceptance of our cost estimate and proposal. We also understand that our work will be billed on a Time and Materials (unit cost) basis. If modification to the scope is required, we will contact you immediately for authorization prior to completing any additional services.

CLOSING

CG2 is pleased to have the opportunity to provide these services to you and looks forward to working with you on your project. If you have questions concerning the content of this proposal, or if CG2 can be of further service, please contact CG2 at (980) 339-8684.

Sincerely,

Carolinas Geotechnical Group, PLLC

DocuSigned by:

D. Matthew Brewer

386129C0A4C1482...

D. Matthew Brewer, P.E.
Senior Project Engineer

Attachments:

Cost Estimate Spreadsheet

OVERALL SUMMARY						Version: 2023 (3.30) SPM	
TIP NUMBER:	BL-0067	When initial estimate is complete, lock initial estimates					
COUNTY:	Catawba						
TASK ORDER NUMBER: (if applicable)	1						
FA NUMBER: (if applicable)							
ESTIMATE SUBMITTAL NUMBER: (Version Control-If needed) (Ex. InitialV2 (initial estimate version 2))		WBS NUMBER(s):					
OTHER PROJECT IDENTIFIER INFORMATION: (if needed)		Firm: fill out WBS Number(s) section on "Acct Initiation Request" DOT: the Project Manager fills out the entire "Acct Initiation Request"					
DESCRIPTION: (List the project parameters; where the project starts and stops)	Aviation Connector						
DISCIPLINE USED: (List each discipline that will be involved in this project)	PM-Project Mgmt : EP-Env Policy : GT-Geotechnical : HY-Hydraulics : LS-Location Surveys : PD-Final Pavement Marking & Markers : RD-Roadway : RE-Erosion Control : SD-Signing : TM-Work Zone Traffic Control (WZTC) : UT-Utilities Coordination : UT-Utilities Design						
DISCIPLINE ITEM		INITIAL			FINAL		
		WD	COST	COST/WORKDAY	WD	COST	COST/WORKDAY
PM-Project Mgmt		10.000	\$ 15,326.15	\$ 1,532.62			
	Direct Costs		\$ -				
EP-Env Policy		16.000	\$ 19,748.84	\$ 1,234.30			
	Direct Costs		\$ -				
GT-Geotechnical	(Boring and Lab)	8.000	\$ 7,761.12	\$ 970.14			
	Foundations		\$ 9,033.00				
HY-Hydraulics		10.000	\$ 11,417.98	\$ 1,141.80			
	Direct Costs		\$ -				
LS-Location Surveys		30.000	\$ 29,776.51	\$ 992.55			
	Direct Costs		\$ -				
PD-Final Pavement Marking & Markers		3.000	\$ 3,284.17	\$ 1,094.72			
	Direct Costs		\$ -				
RD-Roadway		40.000	\$ 48,430.63	\$ 1,210.77			
	Direct Costs		\$ -				
RE-Erosion Control		10.000	\$ 9,852.52	\$ 985.25			
	Direct Costs		\$ -				
SD-Signing		3.000	\$ 3,284.17	\$ 1,094.72			
	Direct Costs		\$ -				
TM-Work Zone Traffic Control (WZTC)		7.000	\$ 8,812.53	\$ 1,258.93			
	Direct Costs		\$ -				
UT-Utilities Coordination		18.000	\$ 10,946.92	\$ 608.16			
	Direct Costs		\$ -				
UT-Utilities Design		12.500	\$ 16,420.67	\$ 1,313.67			
	Direct Costs		\$ -				
Grand Total - All Disciplines		167.500	\$ 194,095.41				
Labor Overhead & Fee							
MANAGING DOT DISCIPLINE:		TGS Engineers					
ENGINEERING FIRM:		TGS Engineers					
ENGINEERING FIRM CONTRACT NUMBER:		CONTRACT TYPE:			PAYMENT TYPE: LUMP SUM		
SCOPE/WORKDAY ESTIMATE PREPARED BY:		TGS Engineers			DATE: August 28, 2023		
SCOPE/WORKDAY ESTIMATE APPROVED BY:					DATE:		
REASON FOR SUPPLEMENTAL: (If this is a supplemental to the original Scope of Services, state reason for supplemental.)							
PO NUMBER: (If Available)		SUPPLEMENTAL NUMBER: (If Applicable)					

EXHIBIT B
TERMS AND CONDITIONS

Terms and Conditions for Professional Services

1. STANDARD OF PERFORMANCE

The standard of care for all professional engineering, consulting and related services performed or furnished by ENGINEER and its employees under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

2. INSURANCE/INDEMNITY

ENGINEER agrees to procure and maintain, at its expense, Workers' Compensation insurance as required by statute; Employer's Liability of \$250,000; Automobile Liability insurance of \$1,000,000 combined single limit for bodily injury and property damage covering all vehicles, including hired vehicles, owned and non-owned vehicles; Commercial General Liability insurance of \$1,000,000 combined single limit for personal injury and property damage; and Professional Liability insurance of \$3,000,000 per claim for protection against claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which ENGINEER is legally liable. OWNER shall be made an additional insured on Commercial General and Automobile Liability insurance policies and certificates of insurance will be furnished to the OWNER. ENGINEER agrees to indemnify OWNER for claims to the extent caused by ENGINEER's negligent acts, errors or omissions. However, neither Party to this Agreement shall be liable to the other Party for any special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project or the Agreement from any cause or causes, including but not limited to any such damages caused by the negligence, errors or omissions, strict liability or breach of contract.

3. OPINIONS OF PROBABLE COST (COST ESTIMATES)

Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications, and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s) methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares.

4. CONSTRUCTION PROCEDURES

ENGINEER's observation or monitoring portions of the work performed under construction contracts shall not relieve the contractor from its responsibility for performing work in accordance with applicable contract documents. ENGINEER shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction. ENGINEER shall not be responsible for the acts or omissions of the contractor or other parties on the project. ENGINEER shall be entitled to review all construction contract documents and to require that no provisions extend the duties or liabilities of ENGINEER beyond those set forth in this Agreement.

5. CONTROLLING LAW

This Agreement is to be governed by the state of NC. Jurisdiction and Venue shall lie with the courts of Catawba County, NC.

6. SERVICES AND INFORMATION

OWNER will provide all criteria and information pertaining to OWNER's requirements for the project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations. OWNER will also provide copies of any OWNER-furnished Standard Details, Standard Specifications, or Standard Bidding Documents which are to be incorporated into the project.

In performing professional engineering and related services hereunder, it is understood by OWNER that ENGINEER is not engaged in rendering any type of legal, insurance or accounting services, opinions or advice. Further, it is the OWNER's sole responsibility to obtain the advice of an attorney, insurance counselor or accountant to protect the OWNER's legal and financial interests. To that end, the OWNER agrees that OWNER or the OWNER's representative will examine all studies, reports, sketches, drawings, specifications, proposals and other documents, opinions or advice prepared or provided by ENGINEER, and will obtain the advice of an attorney, insurance counselor or other consultant as the OWNER deems necessary to protect the OWNER's interests before OWNER takes action or forebears to take action based upon or relying upon the services provided by ENGINEER.

7. SUCCESSORS AND ASSIGNS

OWNER and ENGINEER, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the covenants of this Agreement. Neither OWNER nor ENGINEER will assign, sublet, or transfer any interest in this Agreement or claims arising therefrom without the written consent of the other.

8. RE-USE OF DOCUMENTS

Upon payment of all amounts rightfully owed by Owner to the Engineer for services rendered with respect to the Services provided under this Agreement, all plans, drawings, specifications, elements of design, models, reports, submissions, mock-ups and other documents and materials that are produced by the Engineer as part of its performance of such Services hereunder (hereinafter the "Design Documents"), with the exception of those documents that constitute standard details, specifications, and/or other data and/or materials that are regularly used by the Engineer and/or the professional design industry in the normal course of business, shall be deemed to be the property of Owner. Any reuse or modification of such documents for purposes other than those intended by the Engineer shall be at the Owner's sole risk and without liability to the Engineer.

9. TERMINATION OF AGREEMENT

OWNER or ENGINEER may terminate the Agreement, in whole or in part, by giving ten (10) days written notice to the other party. Where the method of payment is "lump sum," or cost reimbursement, the final invoice will include all services and expenses associated with the project up to the effective date of termination. An equitable adjustment shall also be made to provide for termination settlement costs ENGINEER incurs as a result of commitments that had become firm before termination.

10. SEVERABILITY

If any provision of this agreement is held invalid or unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or condition shall not be construed by the other party as a waiver of any subsequent breach of the same provision, term or condition.

11. INVOICES

ENGINEER will submit monthly invoices for services rendered and OWNER will make payments within 30 days in response to ENGINEER's invoices.

ENGINEER will retain receipts for reimbursable expenses in general accordance with Internal Revenue Service rules pertaining to the support of expenditures for income tax purposes. Receipts will be available for inspection by OWNER's auditors upon request.

If OWNER disputes any items in ENGINEER's invoice for any reason, including the lack of supporting documentation, OWNER may temporarily delete the disputed item and pay the remaining amount of the invoice. OWNER will promptly notify ENGINEER of the dispute and request clarification and/or correction. After any dispute has been settled, ENGINEER will include the disputed item on a subsequent, regularly scheduled invoice, or on a special invoice for the disputed item only.

OWNER recognizes that late payment of invoices results in extra expenses for ENGINEER. ENGINEER retains the right to assess OWNER interest at the rate of one percent (1%) per month, but not to exceed the maximum rate allowed by law, on invoices which are not paid within thirty (30) days from the date of receipt by OWNER. In the event undisputed portions of ENGINEER's invoices are not paid when due, ENGINEER also reserves the right, after ten (10) days prior written notice, to suspend the performance of its services under this Agreement until all past due amounts have been paid in full.

12. CHANGES

The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as this Agreement. Adjustments in the period of services and in compensation shall be in accordance with applicable paragraphs and sections of this Agreement. Any proposed fees by ENGINEER are estimates to perform the services required to complete the project as ENGINEER understands it to be defined. For those projects involving conceptual or process development services, activities often are not fully definable in the initial planning. In any event, as the project progresses, the facts developed may dictate a change in the services to be performed, which may alter the scope. ENGINEER will inform OWNER of such situations so that changes in scope and adjustments to the time of performance and compensation can be made as required. If such change, additional services, or suspension of services results in an increase or decrease in the cost of or time required for performance of the services, an equitable adjustment may be made, and the Agreement modified accordingly.

13. CONTROLLING AGREEMENT

These Terms and Conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice-to-proceed, or like document.

14. EQUAL EMPLOYMENT AND NONDISCRIMINATION

In connection with the services under this Agreement, ENGINEER agrees to comply with the applicable provisions of federal and state Equal Employment Opportunity for individuals based on color, religion, sex, or national origin, or disabled veteran, recently separated veteran, other protected veteran and armed forces service medal veteran status, disabilities under provisions of executive order 11246, and other employment, statutes and regulations, as stated in Title 41 Part 60 of the Code of Federal Regulations § 60-1.4 (a-f), § 60-300.5 (a-e), § 60-741 (a-e).

ENGINEER shall comply with NC's e-verify program.

15. HAZARDOUS MATERIALS

OWNER represents to ENGINEER that, to the best of its knowledge, no hazardous materials are present at the project site. However, in the event hazardous materials are known to be present, OWNER represents that to the best of its knowledge it has disclosed to ENGINEER the existence of all such hazardous materials, including but not limited to asbestos, PCB's, petroleum, hazardous waste, or radioactive material located at or near the project site, including type, quantity and location of such hazardous materials. It is acknowledged by both parties that ENGINEER's scope of services do not include services related in any way to hazardous materials. In the event ENGINEER or any other party encounters undisclosed hazardous materials, ENGINEER shall have the obligation to notify OWNER and, to the extent required by law or regulation, the appropriate governmental officials, and ENGINEER may, at its option and without liability for delay, consequential or any other damages to OWNER, suspend performance of services on that portion of the project affected by hazardous materials until OWNER: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the hazardous materials; and (ii) warrants that the project site is in full compliance with all applicable laws and regulations. OWNER acknowledges that ENGINEER is performing professional services for OWNER and that ENGINEER is not and shall not be required to become an "arranger," "operator," "generator," or "transporter" of hazardous materials, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA), which are or may be encountered at or near the project site in connection with ENGINEER's services under this Agreement. If ENGINEER's services hereunder cannot be performed because of the existence of hazardous materials, ENGINEER shall be entitled to terminate this Agreement for cause on 30 days written notice. To the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER, its officers, directors, partners, employees, and subconsultants from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from hazardous materials, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing in this paragraph shall obligate OWNER to indemnify any individual or entity from and against the consequences of that individual's or entity's sole negligence or willful misconduct.

16. EXECUTION

This Agreement, including the exhibits and schedules made part hereof, constitute the entire Agreement between ENGINEER and OWNER, supersedes and controls over all prior written or oral understandings. This Agreement may be amended,

supplemented or modified only by a written instrument duly executed by the parties.

17. ALLOCATION OF RISK

OWNER and ENGINEER have evaluated the risks and rewards associated with this project, including ENGINEER'S fee relative to the risks assumed, and agree to allocate certain of the risks, so, to the fullest extent permitted by law, the total aggregate liability of Engineer (and its related corporations, subconsultants, and employees) to OWNER and third parties granted reliance is limited to _____, for any and all injuries, damages, claims, losses, or expenses (including attorney and expert fees) arising out of ENGINEER's services or this Agreement regardless of cause(s) or the theory of liability, including negligence, indemnity, or other recovery. This limitation shall not apply to the extent the damage is paid under Engineer's commercial general liability insurance policy.

18. LITIGATION SUPPORT

In the event ENGINEER is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a legal or dispute resolution proceeding to which ENGINEER is not a party or negligent in the performance of services rendered, OWNER shall reimburse ENGINEER for reasonable costs in responding and compensate ENGINEER at its then standard rates for reasonable time incurred in gathering information and documents and attending depositions, hearings, and trial.

19. UTILITY LOCATION

If underground sampling/testing is to be performed, a local utility locating service shall be contacted to make arrangements for all utilities to determine the location of underground utilities. In addition, OWNER shall notify ENGINEER of the presence and location of any underground utilities located on the OWNER's property which are not the responsibility of private/public utilities. ENGINEER shall take reasonable precautions to avoid damaging underground utilities that are properly marked.

20. PROFESSIONAL LICENSURE

All work shall be sealed by a properly licensed design professional in North Carolina doing business in the state of North Carolina. These shall include but not be limited to: Engineer, Landscape Architect, Surveyor, Architect, Geologist, etc.

21. IRAN DIVESTMENT ACT

By executing this Agreement/Contract, Contractor hereby certifies that Contractor is not listed on the Iran Final Divestment List ("List") created by the State Treasurer pursuant to N.C.G.S. 147-86.58, Iran Divestment Act ("Act"). In compliance with the Act's requirement and N.C.G.S. § 147-86.59, Contractor shall not utilize in the performance of this agreement/contract any subcontractor that is identified on the List. The List can be found on the State Treasurer's website at the address www.nctreasurer.com/iran and should be updated at least every 180 days.

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.

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: John Marshall, Transportation Planning Manager

Contact Person: John Marshall, Transportation Planning Manager

Date: September 19, 2023

Re: BL-0066 – Springs Road Sidewalk – Sandy Ridge Road to McDonald Pkwy

REQUEST

Staff requests Council approval and acceptance of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for Preliminary Engineering and Design Services related to the Springs Road Sidewalk Project – BL-0066 in the amount of \$345,784.19, contingent on NCDOT approval.

BACKGROUND

The City applied for and received State Transportation Block Grant - Directly Attributable (STBG-DA) funding approval from the Greater Hickory MPO and North Carolina Department of Transportation (NCDOT) for sidewalk improvements on Springs Road from Sandy Ridge Road to McDonald Pkwy.

By adding sidewalk in an area that is already used by pedestrians, a safer connection would be created and would enhance access to various development types. Currently Springs Road connects residential development with churches, schools, medical facilities and many commercial uses including grocery stores, banks, restaurants, pharmacies, and other uses.

ANALYSIS

Preliminary Engineering and Design is needed to connect existing sidewalk at Sandy Ridge Road (SR-1401) to existing sidewalk near McDonald Parkway (SR-1005). The sidewalk project will begin at Sandy Ridge Road (SR-1401) and follow Springs Road (SR-1453) approximately 1.0 miles to the shopping center at the intersection of Springs Road and McDonald Parkway. Sidewalk is proposed on both sides of Springs Road from 12th Ave Drive NE to existing sidewalk near McDonald Pkwy.

RECOMMENDATION

Staff requests Council approval and acceptance of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for Preliminary Engineering and Design Services related to the Springs Road Sidewalk Project – BL-0066 in the amount of \$345,784.19, contingent on NCDOT approval.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes



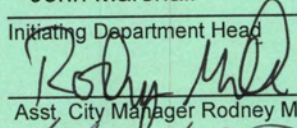
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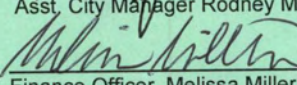
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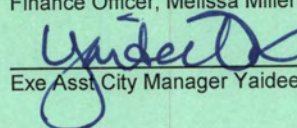
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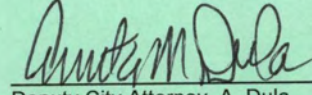
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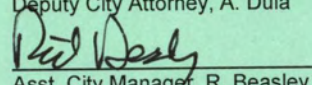
John Marshall
Initiating Department Head
Date 9/7/2023

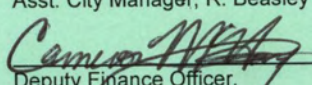

Asst. City Manager Rodney Miller
Date 9/11/23


Finance Officer, Melissa Miller
Date 9/13/23

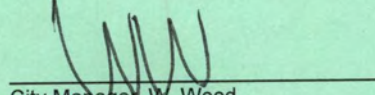

Exe Asst. City Manager Yaidee Fox
Date 9/13/23


Deputy City Attorney, A. Dula
Date 9-12-23


Asst. City Manager, R. Beasley
Date 9/11/23


Deputy Finance Officer,
Cameron McHargue
Date 9-12-23

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


City Manager, W. Wood
Date 9-14-23

**AGREEMENT BETWEEN OWNER
AND
TGS ENGINEERS
FOR PROFESSIONAL SERVICES**

THIS AGREEMENT is made as of this _____ day of _____, 2023, between the City of Hickory ("OWNER"), with principal offices at 76 North Center Street, Hickory, NC, 28601 and TGS Engineers ("ENGINEER"), with principal offices at 201 W. Marion Street, Shelby, NC 28150 for services in connection with the project known as the BL-0066 ("Project");

WHEREAS, OWNER desires to engage ENGINEER to provide professional engineering, consulting and related services ("Services") in connection with the Project; and

WHEREAS, ENGINEER desires to render these Services as described in SECTION I, Scope of Services.

NOW, THEREFORE, OWNER and ENGINEER in consideration of the mutual covenants contained herein, agree as follows:

SECTION I. SCOPE OF SERVICES

ENGINEER will provide Services for the Project, which consist of the Scope of Services as outlined on the attached Exhibit A.

SECTION II. TERMS AND CONDITIONS OF ENGINEERING SERVICES

The "TERMS AND CONDITIONS," which are attached hereto in Exhibit B, are incorporated into this Agreement by this reference as if fully set forth herein.

SECTION III. RESPONSIBILITIES OF OWNER

The OWNER shall provide the information set forth in paragraph 6 of the attached Terms and Conditions for Professional Services.

SECTION IV. COMPENSATION

Compensation for ENGINEER'S services under this Agreement shall be on the basis of lump sum. The amount of the lump sum price is **(\$345,784.19)**.

The amount of any sales tax, excise tax, value added tax (VAT), or gross receipts tax that may be imposed on this Agreement shall be added to the ENGINEER'S compensation as Reimbursable Expenses.

Compensation terms are defined as follows:

SECTION V. PERIOD OF SERVICE

Upon receipt of written authorization to proceed, ENGINEER shall perform the services within the time period(s) described in Exhibit A.

Unless otherwise stated in this Agreement, the rates of compensation for ENGINEER'S services have been agreed to in anticipation of the orderly and continuous progress of the project through completion. If any specified dates for the completion of ENGINEER'S services are exceeded through no fault of the ENGINEER, such as Acts of God, Delay attributed solely to Owner or unforeseeable delay related to Regulatory Agency, the time for performance of those services shall be automatically extended for a period which may be reasonably required for their completion and all rates, measures and amounts of ENGINEER'S compensation may be equitably adjusted, as agreed to in writing.

SECTION VI. SPECIAL PROVISIONS

Engineer shall be responsible for paying all fees related to regulatory or other governing authority submittal, review, permitting, etc. These fees shall be requested as a reimbursement from the City at the direct cost with no markup.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

City of Hickory

"OWNER"

BY: _____

NAME: _____

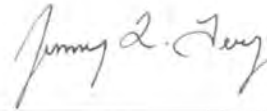
TITLE: Mayor

ADDRESS: PO Box 398
Hickory, NC 28603

TGS Engineers

"ENGINEER"

BY: _____



NAME: Jimmy L. Terry

TITLE: Project Manager

ADDRESS: 201 W. Marion Street
Shelby, NC 28150

EXHIBIT A
SCOPE OF SERVICES

TGS Engineers
201 W. Marion Street
Shelby, NC 28150

SCOPE OF WORK

August 31st, 2023

NCDOT Project Title/Name: BL-0066 – Springs Road SW Sidewalk

Introduction

Based on conversations with the City of Hickory and NCDOT, this document will serve as documentation of the important items discussed and as a proposed scope of work for this project.

Background and Purpose

The project's purpose is to connect the existing sidewalk at Sandy Ridge Rd (SR 1401) to the existing sidewalk near McDonald Parkway (SR 1005). The sidewalk project will begin at SR 1402 and follow Springs Road (SR 1453) approximately 1.0 miles to the shopping center at the intersection of Springs Road and SR 1401. A sidewalk will be placed on both sides of Springs Road from 12th Ave Drive NE to the existing sidewalk near SR 1401.

Tasks

The tasks to be performed within this assignment include:

- I. Roadway Design
- II. Work Zone Traffic Control
- III. Signing and Pavement Markings
- IV. Hydraulic Design
- V. Erosion Control Design
- VI. Surveying
- VII. Geotech (See attached scope from Carolinas Geotechnical Group)
- VIII. Traffic Signals (See attached scope from VHB)
- IX. PDEA Planning (includes NRTR and Cultural Resources)
- X. Utility Coordination

I. Roadway Design

TGS Engineers will perform the following items to complete the Roadway Design:

1.1 Project Familiarization

1.2 Prepare Design Assumptions – Prepare Design Assumptions in accordance with the AASHTO Greenbook.

1.3 Complete Base Plan Sheets (Project No., Preliminary Stickers, Edit, etc.) – Prepare Base Plan Sheets in accordance with the NCDOT *Roadway Design Manual*.

1.4 Preliminary Typical Sections - Prepare Typical Sections in accordance with the NCDOT *Roadway Design Manual*.

1.5 Preliminary Studies of Vertical and Horizontal Alignment - Prepare horizontal and vertical alignments in accordance with the AASHTO *A Policy on Geometric Design of Highways and Streets*, AASHTO Guide for Development of Bicycle Facilities, and in accordance with the approved design criteria utilizing GEOPAK design software.

1.6 Plot Profile and Grades - Plot profile grade in accordance with NCDOT CADD guidelines.

1.7 Complete Cross-Sections (Existing Ground and Elevation, Preliminary Stickers, Scale, Project No., etc.) - Prepare Cross-Sections in accordance with the NCDOT *Roadway Design Manual* utilizing GEOPAK design software and criteria files.

1.8 Plot Templates on Cross-Sections - Plot templates on cross-sections utilizing GEOPAK design software.

1.9 Plot Slope Stakes - Plot slope stakes utilizing GEOPAK design software.

1.10 Prepare Title Sheet - Prepare Project Title Sheet in accordance with the NCDOT *Roadway Design Manual*.

1.11 Run Earthwork Areas and Prepare Preliminary Summary – Run earthwork areas and prepare preliminary summary utilizing GEOPAK design software.

1.12 Attend Preliminary Review - Consultant will follow NCDOT *Guidelines for roadway design activities* and send electronic plans to the Municipality and NCDOT.

1.13 Revise after Review - Revise plans per review comments.

1.14 Intersection Design. (Including details) – Intersection Designs (including details) in accordance with the AASHTO *A Policy on Geometric Design of Highways and Streets*, NCDOT *Roadway Design Manual* and NCDOT *Roadway Standard Drawings*.

1.15 Plot Hydrology on Plans - Plot and label hydrology on plans in accordance with NCDOT CADD guidelines.

1.16 Draft Right-of-Way and Easements on Plans - Plot and label right of way and easements on plans in accordance with NCDOT CADD guidelines.

1.17 Finalize Right of Way Plans and Check by Engineer - Finalize plans in accordance with standard NCDOT guidelines for appropriate checklist.

1.18 Incorporate Final Pavement Design Recommendations – Revise Typical sections to include final pavement design and recommendations.

1.19 Finalize Earthwork Computations, and Balance Card – Complete earthwork computations and balance card for project.

1.20 Prepare Index of Sheets, General Notes, Standards, List of Special Provisions – Complete Index of sheets, General Notes and List of Standards for 1-A sheet. Generate list of special provisions needed for project specs.

1.21 Drafting of Special Detail (Undercut, Ditches, Special Drainage Structures, etc.) – Draft special details needed for the project that are not furnished by or available from NCDOT.

1.22 Prepare Earthwork Summary – Complete earthwork summary.

1.23 Prepare Guardrail Summary – Complete guardrail summary.

1.24 Prepare Drainage Summary (includes temporary pipe) – Complete drainage summary.

1.25 Prepare Pavement Removal Summary – Complete pavement removal summary.

1.26 Final Quantities and Estimate – Calculate roadway quantities for roadway section of project and complete Engineer's estimate (roadway items).

1.27 Finalize All Designs and Plans and Check by Engineer (Plans 90% Complete) – Complete project and review plans.

1.28 Final Review by City of Hickory, NCDOT, Revise Plans and Submit Original Plans and Quantities – Revise plans, quantities, special provisions, engineer's estimate. Seal plans and submit to NCDOT.

1.29 Miscellaneous Estimates, Studies and Preparation of Correspondence, Coordination with Various Agencies, etc. - Consultant will prepare estimates, correspondence and coordinate with agencies as required per *Guidelines for roadway design activities*.

1.30 Coordination with Sub-consultants - Consultant/Sub consultant coordination through duration of project.

1.31 Prepare Contract Document and Pre-Bid Information – Preparation of Contract bid documents per NCDOT Standards and Special Provisions. Aid the City in preparing for Letting of the Contract, including pre-bid advertisement, pre-bid conference, and any other assistance needed.

II. Traffic Management Plan

TGS Engineers will perform the following items to complete the Traffic Management Plan:

1.1 Project Notes:

A preliminary listing of general and local project notes will be incorporated onto the plan set.

1.2 Quantity Estimate:

A quantity estimate will be required as part of the final submittal.

1.3 Pre-Final Plan Submittal:

The consultant is expected to use the NCDOT-WZTC Guidelines, located at http://www.ncdot.org/doh/preconstruct/wztc/PEF/TMP_Guidelines.pdf, when developing the Pre-Final Plans for the Traffic Management Plan (TMP).

1.4 Final Plan Submittal:

The consultant is expected to use the NCDOT-WZTC Guidelines, located at http://www.ncdot.org/doh/preconstruct/wztc/PEF/TMP_Guidelines.pdf, when developing the Final Plans for the Traffic Management Plan (TMP).

1.5 Meetings/Coordination:

A representative from the PEF will be required to coordinate with the Division Traffic Engineer, City of Hickory, and NCDOT Work Zone Traffic Control Unit.

III. Signing and Pavement Delineation Design

DESCRIPTION OF WORK REQUIRED

Proposed Signing and Pavement Delineation Design plans

The Engineer shall furnish signing and pavement delineation plans. Plans will be submitted at the 90% plan stage of roadway plans and final 100% roadway design plan stage. The Engineer shall prepare the signing and pavement delineation design plans utilizing the MUTCD and the NCDOT Guidelines for the preparation of signing plans & signing and delineation roadway standard specifications.

IV. Hydraulic Design

TGS Engineers will perform the following items to complete the Hydraulics Design:

Description

The project includes ditch analysis, cross drainage, storm drainage analysis, outfall analysis, Storm water Management Plan, and preliminary drainage coordination to minimize utility impacts. Wetlands and surface waters will be mapped by TGS.

Scope of Work

1.1 Field Recon & Supplemental Survey – The TGS Surveying staff will provide special survey data required by the hydraulic engineer for the design study. The type and presentation format of this data is provided in the Locations Units' "Hydraulic Survey Guidelines". The hydraulics engineer will supplement the location data with survey and informational data obtained during his field reconnaissance and site visit. Review of the project in the field prior to commencing detailed design is a requirement of the engineer with primary responsibility for the drainage study. The purpose of this field trip in addition to obtaining supplemental survey data is to:

- Visually acquaint the designer with conditions and constraints of the site.
- Verify data obtained from other sources
- Identify ponds, lakes, reservoirs and other storage areas which affect discharge rates
- Review existing drainage features and obtain information on performance
- Review potential outlet channels for performance and adequacy
- Identify sediment sensitive areas such as lakes, ponds, and developed stream areas
- Review contributing watershed characteristics
- Review and obtain design information on environmental areas of concern such as wetlands and special fishery streams (State GIS mapping is a good resource)
- Obtain details of size, location, length, material type and condition of existing drainage structures.
- Obtain historical flood and other stream flow information
- Locate areas where beam ditches are needed.
- Locate and obtain elevations of low areas back of existing curb for special pickups
- Locate small inflow systems such as roof and basement drains.

All pertinent data and facts gathered through this field reconnaissance and survey are to be documented on work plans, field notes or other forms suitable for submittal with the final project report.

1.2 Hydrologic and Hydraulic Design: Develop a set of Drainage Redline Plans in accordance with Chapter V of the North Carolina Division of Highways *Guidelines for Drainage Studies and Hydraulics Design*.

a. Pipes, Storm Drainage, & Ditches – Prepare hydraulic design in accordance with the North Carolina Division of Highways *Guidelines for Drainage Studies and Hydraulics Design*. Design the Storm Drainage using Geopak Drainage.

1.3 Storm water Management Plan - Design Storm water Controls and develop a Storm water Management Plan using Best Management Practices per the latest NCDOT Storm water Best Management Practices Toolbox.

1.4 Prepare Drainage Summary – Prepare drainage summary in accordance with current NCDOT standards and procedures.

V. Erosion Control

TGS Engineers will perform the following items to complete the Erosion Control plans:

1.1 Plan Development:

a. Clearing and Grubbing Phase:

Develop an erosion control plan for the clearing and grubbing phase of grading. This plan will include types, sizes, and locations of all erosion control devices to be used. Erosion control devices will be designed to NCDENR and NCDOT specifications.

b. Intermediate / Final Grading Phase: Develop an erosion control plan for the intermediate / final phase of grading to accommodate new drainage patterns and site topography resulting from the clearing and grading phase of grading.

1.2 Details and Notes: Provide additional details and notes to supplement the erosion control plans. Details and notes to include standard drawings of erosion control devices as well as scheduling considerations and details of any unusual conditions which dictate that special measures be used.

1.3 Title Sheet: A title sheet will be produced to include pertinent information to the project.

1.4 Commitments & Revisions Due to Comments: Address any revisions which need to be made from the plan review by NCDENR and NCDOT. This includes resubmittal for final approval.

1.5 Specifications and Documentations: Provide additional information to include site preparation, surface stabilization, runoff control measures, runoff conveyance measures, outlet protection, inlet protection, sediment traps and barriers, and other related practices not detailed in plans. Specifications may also include design criteria and calculations.

VI. Surveying

The following surveying scope of work is proposed:

- 1) Courthouse Research will be performed on properties.
- 2) Contacting Property Owners will be performed on properties
- 3) Baseline will be Traversed
- 4) Baseline will be staked at intermediate intervals
- 5) Existing alignments will be computed using acquired field data
- 6) Supplemental DTMs will be field located
- 7) Properties will be field tied and reconed
- 8) R/W and Survey Control Sheets will be provided for final plans.
- 9) Field location of Topo & Plan features is medium
- 10) Non-gravity U/G utilities is medium
- 11) Gravity utilities and pipe invert location is medium
- 12) Staking and flagging of R/W & Easements will be performed
- 13) Base Mapping will be prepared
- 14) Travel time (Round Trip) will consist of 2 hours
- 15) SUE will be performed for all underground utilities

VII. Geotechnical (See attached Scope from CG2)

VIII. Traffic Signals (See attached Scope from VHB)

IX. Planning Document

TGS Engineers will perform the following items to complete the Planning Document and Public Involvement:

1.0 Preparation of Federal Categorical Exclusion

1.1 Scoping

- 1.1.1 Field Review
- 1.1.2 Review Scope of Work
- 1.1.3 Develop Project Schedule
- 1.1.4 Estimates & Negotiations

1.2 Planning

- 1.2.1 Vicinity Map
- 1.2.2 Scoping Letter to Agencies
- 1.2.3 Scoping Letter to SHPO
- 1.2.4 Natural Resources Technical Report
- 1.2.5 Community Impacts

1.3 Public Involvement – No meeting expected

1.4 Environmental Document

- 1.4.1 Prepare Figures
- 1.4.2 Prepare Draft
- 1.4.3 Revise & Finalize

No Historic or Archaeological Surveys are included in this scope of work. Any surveys required from the SHPO review will be considered extra work.

X. Utility Coordination - Dry Utilities

With respect to utility coordination, TELICS will:

- 1) Assist in identifying all utilities and owners within the project limits
- 2) Send conflict letter to all utility owners and obtain No cost/No conflict letters (if applicable)
- 3) Municipal utility construction requests
- 4) Work early with TGS during the preliminary design phase in order to minimize or ultimately resolve utility conflicts, prioritize utility relocations that could have a major impact on the overall construction schedule, and insure that all utility issues (S.U.E., construction phasing, etc.) are addressed during design.
- 5) Establish relocation timelines and provide milestones to utility owners.
- 6) Report utility progress monthly via the Complex Utility Relocation Spreadsheet.
- 7) Meet with all affected utilities in the Project area when 70% Final Right-of-Way Roadway
- 8) Determine the cost responsibility / compensable interest for all utilities to be relocated due to the roadway construction.
- 9) Review the Utility Relocation Plans with TGS and ensure that no conflicts exist with either the proposed roadway improvements or between each of the utility company's relocation plans.
- 10) Maintain constant communication with all Utilities, TGS and the NCDOT to ensure that issues are resolved in a timely manner.
- 11) Develop a Master Relocation Schedule for the Project that lists all utilities in conflict with the project and the current status of their relocation.
- 12) Schedule and facilitate all necessary field meetings during the utility relocation phase to insure timely, complete, and satisfactory coordination with the utilities affected by the Project.

If utility relocation efforts are still underway at the start of roadway construction, a member of TELICS Utility Coordination Team will be available to meet with the Construction Project Manager to review and discuss items pertinent to utility conflict resolution. TELICS personnel will be on site as needed to facilitate the timely relocation of utilities.

TELICS will be available as required to perform the tasks in this scope of work. TELICS does not anticipate having personnel on the Project site on a daily basis.

Schedule/Timeline

The Project shall begin upon written notice to proceed from the City of Hickory.

The following schedule shall be used as a guideline for the project:

Task	Date
Proposal & Estimate Submitted	September 1st, 2023
NTP Received	October 13th, 2023
Start of Study Letters/Cultural Resource Letters/Geoenvironmental Planning Report/Tribal Letters	Submitted by October 31st, 2023 & Received by November 30th, 2023
Surveys Completed	January 31st, 2024
Preliminary Roadway Plans (25%)	March 15th, 2024
Hydraulic Design Completed	April 30th, 2024
Utility Kick-Off Meeting	May 15th, 2024
Planning Document – Federal CE & NRTR	June 30th, 2024
EC Basin Layout & Preliminary Design	June 30th, 2024
PUE Needs & Markups Received	June 30th, 2024
Right of Way Plans & Estimate	July 15th, 2024
R/W Authorization	August 15th, 2024
R/W Acquisition	Approximately nine (8) months – Completed in April '25
Final Plans Approved – All Disciplines (90%)	March 31st, 2025
Utility Agreements (URA & 16.1)	March 31st, 2025
Utility Relocations	Min. 4 months after R/W secured
Sealed Plans, Contract, R/W and Utility Certifications to NCDOT	May 31st, 2025
Advertisement	July 15th, 2025
Let	August 12th, 2025
Date of Availability to Contractor	September 30th, 2025
Substantial Contract Completion Date – Excluding 6 month Seeding/Stabilization	November 30th, 2026
Contract Completion	May 30th, 2027

Hours

TGS Engineers proposes to undertake this work as a lump sum for the agreed upon amount, excluding the right of way acquisition fee. A separate Cost Proposal will be attached showing names, position classifications, rates of pay, and anticipated hours required to complete the various tasks as listed and described above.

Budget/Invoicing

The total fee for the scope of work as stated above is **\$345,784.19**.

All Non-salary direct costs will be billed in accordance with current NCDOT approved rates. It will be necessary to include a detailed monthly activity report and a DBE-IS form when submitting invoices for the project. Compensation will be based on the percentage of the total work completed as shown on the invoice. The DBE-IS form can be downloaded at <http://www.ncdot.org/doh/forms/files/DBE-IS.xls> (instructions on how to complete the form are included on the second tab of the spreadsheet).



Exhibit A

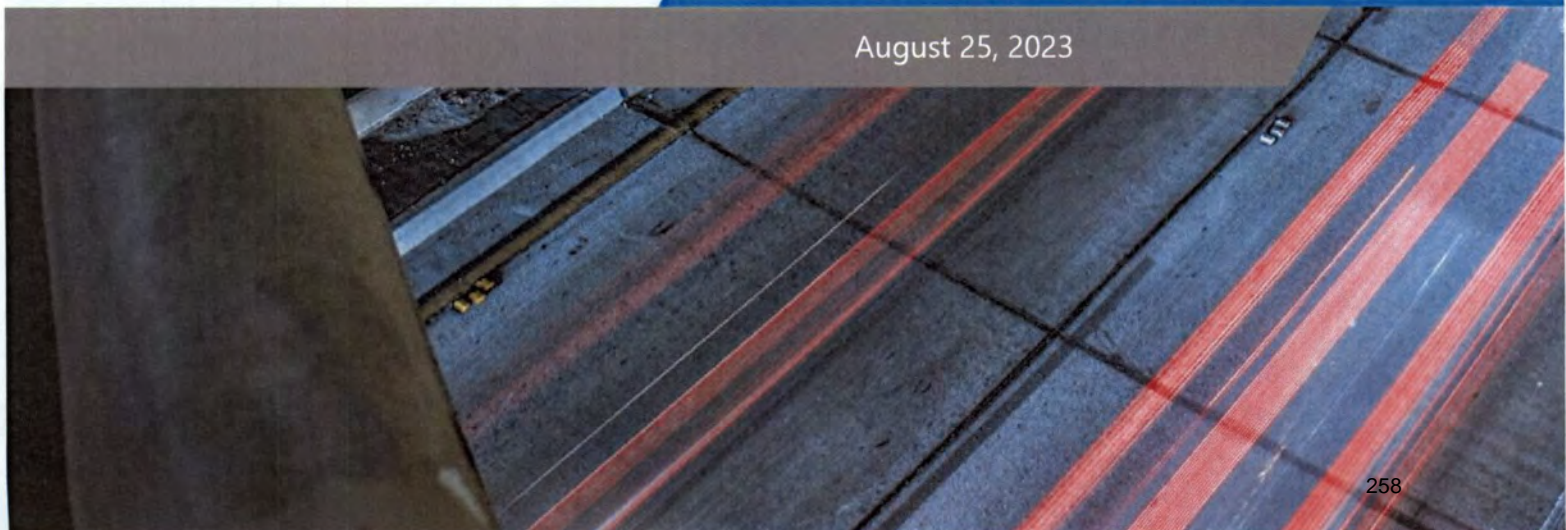


CAROLINAS
GEOTECHNICAL
GROUP

Request for Proposal

Prepared for:
TGS Engineers, Inc.
201 W. Marion Street, Suite 200
Shelby, North Carolina 28150

August 25, 2023





**CARLINAS
GEOTECHNICAL
GROUP**

N.C. Firm License: P-1904

2400 Crownpoint Executive Drive
Suite 800
Charlotte, NC 28227

(980) 339-8684
contact@carlinasgeotech.com
www.carlinasgeotech.com

August 25, 2023

Mr. Jimmy Terry, P.E.
TGS Engineers, Inc.
804-C N. Lafayette Street
Shelby, North Carolina 28150

PROJECT NO.: BL-0066
COUNTY: Catawba
DESCRIPTION: Springs Road Sidewalk Project
CG2 PROPOSAL NO.: 20223270

RE: Request for Proposal – Roadway Subsurface Inventory and Recommendations

Dear Mr. Terry:

Carlinas Geotechnical Group, PLLC (CG2) would like to thank you for the opportunity to submit our scope of work and cost estimate to provide geotechnical investigation and report preparation services for the roadway project in Catawba County, North Carolina. Our proposal is based on our review of the provided project information. This proposal presents our understanding of the project, proposed scope of services, proposed schedule, fee estimate, and authorization requirements.

PROJECT UNDERSTANDING

This roadway project consists of the construction of new sidewalk along Springs Street. The proposed roadway will be approximately 6,000 to 6,500 feet in length. No other information is available regarding the proposed scope at this time. Current plans also show two retaining walls will be constructed as part of the project. We assume cuts and fills on the order of 5 feet or less.

SCOPE OF WORK

Property Owner Contact Letters

We will attempt to contact property owners (if required) in person during our boring layout. Prior to our mobilization to the site, we will mail property owner contact letters to each property that could be impacted by our investigation.

Boring Layout

CG2 will utilize a GPS unit to perform the boring layout. CG2 will note and/or locate the any relevant boundaries and confirm the presence of utilities during the boring layout.

Request for Proposal – Roadway Subsurface Inventory and Recommendations
BL-0066 – Springs Street Sidewalk Project
Catawba County, North Carolina

Public Utility Clearance

CG2 will contact North Carolina One Call (NC 811) to locate underground utilities at the site; however, our experience indicates that NC 811 will normally not locate private utilities.

Soil Test Borings

The drilling work will be performed by CG2 using ATV-mounted or track-mounted drill rigs to perform the Standard Penetration Test (SPT) borings. A field professional from CG2, working under the supervision of the project engineer, will perform this exploration.

In general accordance with the *Geotechnical Investigation and Recommendations Manual*, CG2 proposes to perform a total of 6 retaining wall borings along the retaining wall alignments on -L-. Up to 60 feet of drilling is anticipated for these borings. In addition, CG2 proposes to perform hand auger borings along the proposed sidewalk alignment to evaluate the suitability of the subgrade for sidewalk support. In general, these hand auger borings are spaced at approximately 750 to 1,000 foot intervals along the length of the project.

Site Access

CG2 will adjust boring locations as needed to avoid utility conflicts. Access to private property may be required in order to access the retaining wall locations.

Groundwater

Groundwater will be measured at the termination of investigation activities and after a stabilization period of at least 24 hours. Prior to our demobilization from the site, the boreholes performed will be backfilled with the hand auger cuttings, and will include a bentonite plug, placed in accordance with Section 2.5 of the NCDOT *Geotechnical Investigation and Recommendations Manual*.

Laboratory Services

A CG2 Geotechnical Engineer will select representative test samples for AASHTO Classification and Indexing tests. An NCDOT approved Tier III laboratory will perform the laboratory testing in accordance with AASHTO and NCDOT guidelines. Laboratory testing for this project will include up to 5 soil classifications tests, which include Atterberg limits, sieve analysis with hydrometer, and natural moisture content tests (AASHTO M-145).

Reporting

CG2 will provide the following reports as part of this scope of work:

- Roadway Inventory and Recommendations Report including graphics and recommended quantities.
- Retaining Wall Inventory and Recommendations Report including Wall Plans and Special Provisions.

Each of these reports will be prepared in general accordance with guidelines included in the *Geotechnical Investigation and Recommendations Manual*.



Request for Proposal – Roadway Subsurface Inventory and Recommendations
BL-0066 – Springs Street Sidewalk Project
Catawba County, North Carolina

SCHEDULE

CG2 can generally mobilize to the site for the investigation within 7 to 10 business days of receiving written authorization to proceed and utility clearance by NC 811. Our field exploration is expected to require up to 1 working days to complete, weather permitting. We understand that final deliverable dates will be communicated to us at a later date.

FEE

The NCDOT Manday Estimate has been attached to this proposal. This estimate includes the costs associated with the CG2 geotechnical scope of work. We understand a Notice to Proceed (NTP) will be issued to CG2 upon acceptance of our cost estimate and proposal. We also understand that our work will be billed on a Time and Materials (unit cost) basis. If modification to the scope is required, we will contact you immediately for authorization prior to completing any additional services.

CLOSING

CG2 is pleased to have the opportunity to provide these services to you and looks forward to working with you on your project. If you have questions concerning the content of this proposal, or if CG2 can be of further service, please contact CG2 at (980) 339-8684.

Sincerely,

Carolinas Geotechnical Group, PLLC

DocuSigned by:

D. Matthew Brewer

386129C0A4C1462

D. Matthew Brewer, P.E.
Senior Project Engineer

Attachments:

Cost Estimate Spreadsheet



Office: 919.829.0328

www.vhb.com

Engineers | Scientists | Planners | Designers

Venture I

940 Main Campus Drive, Suite 500

Raleigh, NC 27606-5217

Client Authorization

☒ New Contract

Date August 25, 2023

☐ Amendment No.

Project No. 85115.23

Project Name BL-0066, Traffic Signal Designs – Hickory, NC

		Cost Estimate	
		Amendment	Contract Total
To: Jimmy Terry, PE TGS Engineers 201 W Marion St Ste 200 Shelby, NC 28150	Labor		\$50,201.00
	Expenses		Included
	TOTAL		\$50,201.00
E-mail: 201 W Marion St Ste 200 Shelby, NC 28150	<input checked="" type="checkbox"/> Lump Sum		<input type="checkbox"/> Time & Expenses
	<input type="checkbox"/> Cost + Fixed Fee		<input type="checkbox"/> Labor Multiplier
	Phone No: 704-476-0003	Estimated Date of Completion:	01-12-2024

This agreement between VHB Engineering NC, P.C. (VHB) and TGS Engineers (TGS) is made up of two parts. Part I consists of this Client Authorization form and Attachment 1 providing the Scope of Services, Compensation, and Schedule. Part II consists of the attached Terms and Conditions of the agreement.

SCOPE OF SERVICES:

VHB Engineering NC, P.C. (VHB) is pleased to submit this Client Authorization to provide engineering consulting services to TGS in support of BL-0066 in Hickory, NC. We understand that a new sidewalk will be provided along Springs Road and that three existing traffic signals will be upgraded with pedestrian facilities and one new traffic signal with pedestrian facilities will be constructed. The following intersections are included in the project scope for traffic signal designs:

- 16th Street NE at 12 Avenue NE, NCDOT Signal Inventory 12-0657 (existing)
- 22nd Street NE at 12 Avenue NE, NCDOT Signal Inventory 12-0920 (existing)
- 12 Avenue Drive NE at 12 Avenue NE/Springs Road, NCDOT Signal Inventory 12-0968 (existing)
- 17th Avenue NE at Springs Road (proposed)

Our tasks are detailed below.

Task 1: Meetings and Site Visits

VHB staff will participate in up to two project team meetings and one site visit to complete this scope of services. It is assumed that two VHB staff will participate in the meetings and in the site visit along with the appropriate staff from TGS and NCDOT. The two team meetings will be held in an online platform such as Microsoft Teams.

Task 2: Traffic Signal Plan Designs

VHB will prepare traffic signal plans for the locations noted above to provide traffic signal operations incorporating signalized pedestrian crosswalks.

Traffic Signal Design Requirements

VHB will prepare the temporary and final traffic signal plans to meet the following requirements:

- Standards and specifications of NCDOT
- The existing cabinet, controller, supports, vehicular traffic signal heads, and operating software will remain in service as appropriate.
- New pedestrian signals with Accessible Pedestrian Signal (APS) pushbuttons will be included in the designs.
- New pedestrian pedestals will be included where necessary to provide required separation of heads and to provide access to pushbuttons.
- New traffic signal heads will be provided to accommodate new phasing operations.
- New vehicle detection loops with lead-ins will be provided where necessary to accommodate new marked crosswalks and stop bars.
- Flashing yellow arrow (FYA) operations will be provided.
- Existing emergency vehicle preemption will remain in service, but no additional emergency preemption will be included in the designs.

VHB will provide plan review submittals to TGS and NCDOT in digital format (Adobe Acrobat PDF) on the following schedule: 75% complete, 90% complete, and 100% complete (Final). Once the plans are approved by NCDOT, VHB will provide the final plans in digital format (Microstation and/or Adobe Acrobat PDF) with digital signatures as well.

Task 3: Conduit and Cable Routing Plan Designs

VHB will prepare conduit and cable routing plans for connecting the new traffic signal controller at the intersection of 17th Avenue NE at Springs Road to the City of Hickory traffic signal system. It is assumed that the plans will include a drop cable and splice enclosure.

VHB will provide plan review submittals to TGS and NCDOT in digital format (Adobe Acrobat PDF) on the following schedule: 75% complete, 90% complete, and 100% complete (Final). Once the plans are approved by NCDOT, VHB will provide the final plans in digital format (Microstation and/or Adobe Acrobat PDF) with digital signatures as well.

Data and Design Assumptions

- TGS will provide all necessary design files and survey data that will be used as the basis for designs to be prepared by VHB. Design files shall be provided to VHB in Microstation format. VHB will provide the limits of survey data needed for the designs.
- VHB will rely on the completeness and accuracy of design plans and survey data that are provided by TGS for the purposes of the designs prepared by VHB. Should any plans prepared by VHB require revisions or redesign due to incomplete or inaccurate design plans provided by TGS, then the revisions or redesigns will be considered additional services.
- VHB will not be responsible for injury to contractor personnel or damage to property that occurs during the construction of the designs prepared by VHB in this scope of services.

Excluded Services

The following services are not included under this agreement. Should these services be required in the future, then VHB will prepare an amendment to include the requested additional services.

- Preparing designs for metal pole loading diagrams, utility make-ready plans, or wireless communication plans
- Performing wireless radio signal testing
- On-site or off-site surveys, including subsurface utility engineering (SUE)
- Traffic analysis

Page 3

- Pedestrian or safety analysis
- Safety or constructability analysis, formal engineering design, and cost estimating for roadway/intersection improvements.
- Filing of any permits
- Easement surveys, mapping of easements, platting/recording of plats or easements, legal descriptions
- Construction staking
- Attendance at meetings or work sessions beyond those specified herein or sworn testimony at any quasi-judicial hearings.

COSTS

VHB will provide this scope of services for a total lump sum cost of \$50,201.00.

SCHEDULE

VHB will initiate this scope of services upon receipt of an executed agreement and a notice to proceed from TGS. Assuming typical reviews by NCDOT, the expectation is that final plans will be prepared and approved in January 2024, barring any delays in receipt of survey data or roadway plans or delays in reviews by NCDOT.

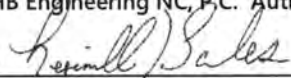
Prepared By: **Matt Stygles, PE**Department Approval: **Joseph L. Lewis, PE**

Please execute this Client Authorization for VHB to proceed with the above scope of services at the stated estimated costs. No services will be provided until it is signed and returned to VHB.

☒ Subject to attached terms & conditions.

☐ Subject to terms & conditions in our original agreement dated
VHB Engineering NC, P.C. Authorization

By



Print Reginald T. Scales

Title Managing Director

Date

Client Authorization (Please sign original and return)

By

Print

Title

Date

OVERALL SUMMARY				Version: 2023/3.301.SPM			
TIP NUMBER:	BL-0066	When initial estimate is complete, lock initial estimates					
COUNTY:	Catawba						
TASK ORDER NUMBER: (if applicable)	1						
FA NUMBER: (if applicable)							
ESTIMATE SUBMITTAL NUMBER: (Version Control-If needed) (Ex. InitialV2 (initial estimate version 2))		WBS NUMBER(s):					
OTHER PROJECT IDENTIFIER INFORMATION: (if needed)		Firm: fill out WBS Number(s) section on "Acct Initiation Request" DOT: the Project Manager fills out the entire "Acct Initiation Request"					
DESCRIPTION: (List the project parameters; where the project starts and stops)	Springs Road Sidewalk Project						
DISCIPLINE USED: (List each discipline that will be involved in this project)	PM-Project Mgmt : EP-Env Policy : GT-Geotechnical : HY-Hydraulics : LS-Location Surveys : PD-Final Pavement Marking & Markers : RD-Roadway : RE-Erosion Control : SD-Signing : SG-Signal Communications : SS-Signals : TM-Work Zone Traffic Control (WZTC) : UT-Utilities Coordination						
DISCIPLINE	ITEM	WD	INITIAL COST	COST/WORKDAY	WD	FINAL COST	COST/WORKDAY
PM-Project Mgmt	Direct Costs	11.000	\$ 16,858.76	\$ 1,532.61			
EP-Env Policy	Direct Costs	26.000	\$ 31,440.50	\$ 1,209.25			
GT-Geotechnical	(Boring and Lab)	12.500	\$ 13,510.33	\$ 1,080.83			
	Foundations		\$ 3,348.00				
HY-Hydraulics	Direct Costs	20.000	\$ 23,022.06	\$ 1,151.10			
LS-Location Surveys	Direct Costs	60.000	\$ 60,144.18	\$ 1,002.40			
PD-Final Pavement Marking & Markers	Direct Costs	4.000	\$ 4,291.32	\$ 1,072.83			
RD-Roadway	Direct Costs	70.000	\$ 84,425.18	\$ 1,206.07			
RE-Erosion Control	Direct Costs	20.000	\$ 19,705.05	\$ 985.25			
SD-Signing	Direct Costs	3.000	\$ 3,284.17	\$ 1,094.72			
SG-Signal Communications	Direct Costs	2.500	\$ 3,429.28	\$ 1,371.71			
SS-Signals	Direct Costs	33.750	\$ 46,635.92	\$ 1,381.81			
TM-Work Zone Traffic Control (WZTC)	Direct Costs	13.000	\$ 16,092.45	\$ 1,237.88			
UT-Utilities Coordination	Direct Costs	32.000	\$ 19,461.19	\$ 608.16			
Grand Total - All Disciplines		307.750	\$ 345,784.19				
Labor, Overhead & Fee							
MANAGING DOT DISCIPLINE:		TGS Engineers					
ENGINEERING FIRM:							
ENGINEERING FIRM CONTRACT NUMBER:		CONTRACT TYPE:		PAYMENT TYPE: LUMP SUM			
SCOPE/WORKDAY ESTIMATE PREPARED BY:		TGS Engineers		DATE:		August 28, 2023	
SCOPE/WORKDAY ESTIMATE APPROVED BY:				DATE:			
REASON FOR SUPPLEMENTAL: (If this is a supplemental to the original Scope of Services, state reason for supplemental.)							
PO NUMBER: (If Available)		SUPPLEMENTAL NUMBER: (If Applicable)					

EXHIBIT B
TERMS AND CONDITIONS

Terms and Conditions for Professional Services

1. STANDARD OF PERFORMANCE

The standard of care for all professional engineering, consulting and related services performed or furnished by ENGINEER and its employees under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

2. INSURANCE/INDEMNITY

ENGINEER agrees to procure and maintain, at its expense, Workers' Compensation insurance as required by statute; Employer's Liability of \$250,000; Automobile Liability insurance of \$1,000,000 combined single limit for bodily injury and property damage covering all vehicles, including hired vehicles, owned and non-owned vehicles; Commercial General Liability insurance of \$1,000,000 combined single limit for personal injury and property damage; and Professional Liability insurance of \$3,000,000 per claim for protection against claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which ENGINEER is legally liable. OWNER shall be made an additional insured on Commercial General and Automobile Liability insurance policies and certificates of insurance will be furnished to the OWNER. ENGINEER agrees to indemnify OWNER for claims to the extent caused by ENGINEER's negligent acts, errors or omissions. However, neither Party to this Agreement shall be liable to the other Party for any special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project or the Agreement from any cause or causes, including but not limited to any such damages caused by the negligence, errors or omissions, strict liability or breach of contract.

3. OPINIONS OF PROBABLE COST (COST ESTIMATES)

Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications, and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares.

4. CONSTRUCTION PROCEDURES

ENGINEER's observation or monitoring portions of the work performed under construction contracts shall not relieve the contractor from its responsibility for performing work in accordance with applicable contract documents. ENGINEER shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction. ENGINEER shall not be responsible for the acts or omissions of the contractor or other parties on the project. ENGINEER shall be entitled to review all construction contract documents and to require that no provisions extend the duties or liabilities of ENGINEER beyond those set forth in this Agreement.

5. CONTROLLING LAW

This Agreement is to be governed by the state of NC. Jurisdiction and Venue shall lie with the courts of Catawba County, NC.

6. SERVICES AND INFORMATION

OWNER will provide all criteria and information pertaining to OWNER's requirements for the project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations. OWNER will also provide copies of any OWNER-furnished Standard Details, Standard Specifications, or Standard Bidding Documents which are to be incorporated into the project.

In performing professional engineering and related services hereunder, it is understood by OWNER that ENGINEER is not engaged in rendering any type of legal, insurance or accounting services, opinions or advice. Further, it is the OWNER's sole responsibility to obtain the advice of an attorney, insurance counselor or accountant to protect the OWNER's legal and financial interests. To that end, the OWNER agrees that OWNER or the OWNER's representative will examine all studies, reports, sketches, drawings, specifications, proposals and other documents, opinions or advice prepared or provided by ENGINEER, and will obtain the advice of an attorney, insurance counselor or other consultant as the OWNER deems necessary to protect the OWNER's interests before OWNER takes action or forebears to take action based upon or relying upon the services provided by ENGINEER.

7. SUCCESSORS AND ASSIGNS

OWNER and ENGINEER, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the covenants of this Agreement. Neither OWNER nor ENGINEER will assign, sublet, or transfer any interest in this Agreement or claims arising therefrom without the written consent of the other.

8. RE-USE OF DOCUMENTS

Upon payment of all amounts rightfully owed by Owner to the Engineer for services rendered with respect to the Services provided under this Agreement, all plans, drawings, specifications, elements of design, models, reports, submissions, mock-ups and other documents and materials that are produced by the Engineer as part of its performance of such Services hereunder (hereinafter the "Design Documents"), with the exception of those documents that constitute standard details, specifications, and/or other data and/or materials that are regularly used by the Engineer and/or the professional design industry in the normal course of business, shall be deemed to be the property of Owner. Any reuse or modification of such documents for purposes other than those intended by the Engineer shall be at the Owner's sole risk and without liability to the Engineer.

9. TERMINATION OF AGREEMENT

OWNER or ENGINEER may terminate the Agreement, in whole or in part, by giving ten (10) days written notice to the other party. Where the method of payment is "lump sum," or cost reimbursement, the final invoice will include all services and expenses associated with the project up to the effective date of termination. An equitable adjustment shall also be made to provide for termination settlement costs ENGINEER incurs as a result of commitments that had become firm before termination.

10. SEVERABILITY

If any provision of this agreement is held invalid or unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or condition shall not be construed by the other party as a waiver of any subsequent breach of the same provision, term or condition.

11. INVOICES

ENGINEER will submit monthly invoices for services rendered and OWNER will make payments within 30 days in response to ENGINEER's invoices.

ENGINEER will retain receipts for reimbursable expenses in general accordance with Internal Revenue Service rules pertaining to the support of expenditures for income tax purposes. Receipts will be available for inspection by OWNER's auditors upon request.

If OWNER disputes any items in ENGINEER's invoice for any reason, including the lack of supporting documentation, OWNER may temporarily delete the disputed item and pay the remaining amount of the invoice. OWNER will promptly notify ENGINEER of the dispute and request clarification and/or correction. After any dispute has been settled, ENGINEER will include the disputed item on a subsequent, regularly scheduled invoice, or on a special invoice for the disputed item only.

OWNER recognizes that late payment of invoices results in extra expenses for ENGINEER. ENGINEER retains the right to assess OWNER interest at the rate of one percent (1%) per month, but not to exceed the maximum rate allowed by law, on invoices which are not paid within thirty (30) days from the date of receipt by OWNER. In the event undisputed portions of ENGINEER's invoices are not paid when due, ENGINEER also reserves the right, after ten (10) days prior written notice, to suspend the performance of its services under this Agreement until all past due amounts have been paid in full.

12. CHANGES

The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as this Agreement. Adjustments in the period of services and in compensation shall be in accordance with applicable paragraphs and sections of this Agreement. Any proposed fees by ENGINEER are estimates to perform the services required to complete the project as ENGINEER understands it to be defined. For those projects involving conceptual or process development services, activities often are not fully definable in the initial planning. In any event, as the project progresses, the facts developed may dictate a change in the services to be performed, which may alter the scope. ENGINEER will inform OWNER of such situations so that changes in scope and adjustments to the time of performance and compensation can be made as required. If such change, additional services, or suspension of services results in an increase or decrease in the cost of or time required for performance of the services, an equitable adjustment may be made, and the Agreement modified accordingly.

13. CONTROLLING AGREEMENT

These Terms and Conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice-to-proceed, or like document.

14. EQUAL EMPLOYMENT AND NONDISCRIMINATION

In connection with the services under this Agreement, ENGINEER agrees to comply with the applicable provisions of federal and state Equal Employment Opportunity for individuals based on color, religion, sex, or national origin, or disabled veteran, recently separated veteran, other protected veteran and armed forces service medal veteran status, disabilities under provisions of executive order 11246, and other employment, statutes and regulations, as stated in Title 41 Part 60 of the Code of Federal Regulations § 60-1.4 (a-f), § 60-300.5 (a-e), § 60-741 (a-e).

ENGINEER shall comply with NC's e-verify program.

15. HAZARDOUS MATERIALS

OWNER represents to ENGINEER that, to the best of its knowledge, no hazardous materials are present at the project site. However, in the event hazardous materials are known to be present, OWNER represents that to the best of its knowledge it has disclosed to ENGINEER the existence of all such hazardous materials, including but not limited to asbestos, PCB's, petroleum, hazardous waste, or radioactive material located at or near the project site, including type, quantity and location of such hazardous materials. It is acknowledged by both parties that ENGINEER's scope of services do not include services related in any way to hazardous materials. In the event ENGINEER or any other party encounters undisclosed hazardous materials, ENGINEER shall have the obligation to notify OWNER and, to the extent required by law or regulation, the appropriate governmental officials, and ENGINEER may, at its option and without liability for delay, consequential or any other damages to OWNER, suspend performance of services on that portion of the project affected by hazardous materials until OWNER: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the hazardous materials; and (ii) warrants that the project site is in full compliance with all applicable laws and regulations. OWNER acknowledges that ENGINEER is performing professional services for OWNER and that ENGINEER is not and shall not be required to become an "arranger," "operator," "generator," or "transporter" of hazardous materials, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA), which are or may be encountered at or near the project site in connection with ENGINEER's services under this Agreement. If ENGINEER's services hereunder cannot be performed because of the existence of hazardous materials, ENGINEER shall be entitled to terminate this Agreement for cause on 30 days written notice. To the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER, its officers, directors, partners, employees, and subconsultants from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from hazardous materials, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing in this paragraph shall obligate OWNER to indemnify any individual or entity from and against the consequences of that individual's or entity's sole negligence or willful misconduct.

16. EXECUTION

This Agreement, including the exhibits and schedules made part hereof, constitute the entire Agreement between ENGINEER and OWNER, supersedes and controls over all prior written or oral understandings. This Agreement may be amended,

supplemented or modified only by a written instrument duly executed by the parties.

17. ALLOCATION OF RISK

OWNER and ENGINEER have evaluated the risks and rewards associated with this project, including ENGINEER'S fee relative to the risks assumed, and agree to allocate certain of the risks, so, to the fullest extent permitted by law, the total aggregate liability of Engineer (and its related corporations, subconsultants, and employees) to OWNER and third parties granted reliance is limited to _____, for any and all injuries, damages, claims, losses, or expenses (including attorney and expert fees) arising out of ENGINEER's services or this Agreement regardless of cause(s) or the theory of liability, including negligence, indemnity, or other recovery. This limitation shall not apply to the extent the damage is paid under Engineer's commercial general liability insurance policy.

18. LITIGATION SUPPORT

In the event ENGINEER is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a legal or dispute resolution proceeding to which ENGINEER is not a party or negligent in the performance of services rendered, OWNER shall reimburse ENGINEER for reasonable costs in responding and compensate ENGINEER at its then standard rates for reasonable time incurred in gathering information and documents and attending depositions, hearings, and trial.

19. UTILITY LOCATION

If underground sampling/testing is to be performed, a local utility locating service shall be contacted to make arrangements for all utilities to determine the location of underground utilities. In addition, OWNER shall notify ENGINEER of the presence and location of any underground utilities located on the OWNER's property which are not the responsibility of private/public utilities. ENGINEER shall take reasonable precautions to avoid damaging underground utilities that are properly marked.

20. PROFESSIONAL LICENSURE

All work shall be sealed by a properly licensed design professional in North Carolina doing business in the state of North Carolina. These shall include but not be limited to: Engineer, Landscape Architect, Surveyor, Architect, Geologist, etc.

21. IRAN DIVESTMENT ACT

By executing this Agreement/Contract, Contractor hereby certifies that Contractor is not listed on the Iran Final Divestment List ("List") created by the State Treasurer pursuant to N.C.G.S. 147-86.58, Iran Divestment Act ("Act"). In compliance with the Act's requirement and N.C.G.S. § 147-86.59, Contractor shall not utilize in the performance of this agreement/contract any subcontractor that is identified on the List. The List can be found on the State Treasurer's website at the address www.nctreasurer.com/iran and should be updated at least every 180 days.

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.

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Dave Leonetti, Business Services & Community Development Manager

Contact Person: Dave Leonetti, Business Services & Community Development Manager

Date: September 7, 2023

Re: Citizens Advisory Committee Recommendation

REQUEST

Recommendation for assistance through the City of Hickory's Housing Programs.

BACKGROUND

The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all of its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive.

ANALYSIS

The following request was considered by the Citizens' Advisory Committee at their regular meeting on September 7, 2023:

- Rebecca Abernathy located at 823 2nd Street SE, Hickory was recommended for approval of up to \$8,846.00 under the City of Hickory's 2022 Urgent Repair Program.

RECOMMENDATION

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

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

☒**LIST THE EXPENDITURE CODE:**

056-1619-558-32-02

Reviewed by:**Dave Leonetti**

Initiating Department Head

9/7/23

Date

Deputy City Attorney, A. Dula

Date

Asst. City Manager Rodney Miller

9/11/23

Date

Asst. City Manager, R. Beasley

9/11/23

Date

Finance Officer, Melissa Miller

9/13/23

Date

Deputy Finance Officer,
Cameron McHargue

9-12-23

Date

Exe Asst City Manager Raidee Fox

9/13/23

Date

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

City Manager, W. Wood

Date

COUNCIL AGENDA MEMOS

20

To: City Manager's Office

From: Chief Reed Baer

Contact Person: Chief Reed Baer

Date: 09/06/2023

Re: Retirement of Police Canine and Adoption by Handler

REQUEST

The Hickory Police Department requests approval to allow Master Police Officer Clay Albrecht to adopt his retired canine partner (Riky).

BACKGROUND

The Hickory Police Department will retire canine Riky on September 30, 2023. With the specialized training of Riky, he will not be safe for public adoption. MPO Clay Albrecht is the handler of Riky and is willing to provide care for him after retirement. Full care and liability for retired canine Riky will be the legal responsibility of MPO Clay Albrecht. It is common to allow the handler to adopt his canine when it is retired from service.

ANALYSIS

Canine Riky has worked for the police department for approximately 6 years and is 7 years old. Due to recent court decisions surrounding police canines alerting on legalized hemp, canine Riky can no longer be fully utilized as a drug detecting canine. Riky is trained to alert on cannabis and therefore will alert on legalized hemp. MPO Clay Albrecht will sign an agreement and take full responsibility for Riky if the adoption is approved by City Council.

The retiring canine agreement is attached for review.

RECOMMENDATION

Hickory Police Department recommends approval to retire canine Riky on September 30, 2023 and allow MPO Clay Albrecht to adopt and take full responsibility for him.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

X

LIST THE EXPENDITURE CODE:**Reviewed by:**Chief Reed Baer
Initiating Department Head09/06/2023
DateRodney Miller
Asst. City Manager Rodney Miller9/11/23
DateMelissa Miller
Finance Officer, Melissa Miller9/13/23
DateYaidee Fox
Exe Asst City Manager Yaidee Fox9/13/23
Date

Deputy City Attorney, A. Dula

Date

Rick Beasley
Asst. City Manager, R. Beasley9/11/23
DateCameron McHague
Deputy Finance Officer,
Cameron McHague9-12-23
DateRecommended for approval and placement on Next Council agenda (as
Consent Public Hearing, Informational, Department Report, etc).W. Wood
City Manager, W. Wood

Date

Retiring Canine Agreement

This Agreement shall be entered between The City of Hickory and Master Police Officer Clayton Albrecht of the City of Hickory Police Department.

WHEREAS, the Hickory Police Department shall retire police canine Riky October 1, 2023; and

WHEREAS, Riky is personal property of the city and will no longer be of use or value to the City of Hickory and its police department from this date forth; and

WHEREAS, due to Riky specialized training the canine will not be safe for public adoption; and

WHEREAS, Master Police Officer Clayton Albrecht is Riky handler and has bonded with and worked with the canine and is willing and able to provide immediate care for Riky; and

WHEREAS, Master Police Officer Clayton Albrecht will adopt and take full responsibility for Riky and relieve the City of Hickory of all obligations and responsibilities of the canine in accordance with the provisions of this agreement; and

WHEREAS, this agreement is intended to be a full and complete agreement between the City of Hickory and Master Police Officer Clayton Albrecht; and

WHEREAS, Master Police Officer Clayton Albrecht is not being coerced, forced, or inappropriately encouraged by the Hickory Police Department to adopt this canine; and

WHEREAS, this agreement is intended to be in effect until such time as the canine is no longer living.

NOW THEREFORE, the parties agree to the following provisions:

- (1) Master Police Officer Clayton Albrecht shall assume full care and responsibility of the canine including, but not limited to:
 - (a) Providing adequate food, water, and shelter to the canine for the duration of its life; and
 - (b) Providing the canine with adequate health care; including but not limited to vaccinations, medication, and all other medical necessities as needed or as required by the county's animal control requirements.
- (2) Master Police Officer Clayton Albrecht shall assume all liability that may result from the canine's actions, including but not limited to those actions and behaviors learned as a result of the canine's special training provided by the City of Hickory.
- (3) Master Police Officer Clayton Albrecht shall not purposefully, negligently, or knowingly use the canine's special skill set developed as a result of its career as a police canine either for profit, personal gain, or in any capacity, whether this capacity would put others in danger or not.
- (4) Master Police Officer Clayton Albrecht shall release the City of Hickory from liability from any sickness or health deficiencies that resulted from the canine's work with the City of Hickory Police Department.
- (5) Master Police Officer Clayton Albrecht shall not loan, lend, give away, or rid himself of the canine in any manner which would result in the canine being in the care of another person, business, or entity.

- (6) Master Police Officer Clayton Albrecht shall be solely responsible for the actions of the canine while either in his personal care or otherwise.
- (7) Any personal property equipment assigned specifically to Riky (collar, leashes) and any shelter previously constructed on Master Police Officer Clayton Albrecht's property becomes the property of Master Police Officer Clayton Albrecht. This does not include specialized police equipment (protective equipment, special police issued equipment).
- (8) Master Police Officer Clayton Albrecht shall become the canine's primary and sole caregiver as evidenced by his signature of this agreement and notarization by the proper authority.

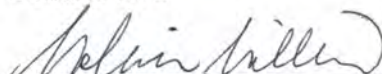
**CITY OF HICKORY,
A North Carolina Municipal
Corporation**

ATTEST: (SEAL)

By: _____
Hank Guess, Mayor

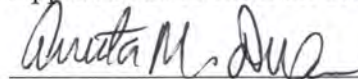
Debbie Miller, City Clerk

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




Melissa Miller, Finance Officer
City of Hickory

Approved as to form on behalf of the City of Hickory.



Anita M. Dug
Attorney for the City of Hickory

OWNER



Clayton Albrecht

BUDGET REVISION # 5

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 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	
	Public Safety	102,200		
	General Government	36,956	107,976	
	Other Financing Uses	926,603		
	TOTAL	1,065,759	107,976	
To provide funding for the above, the		General Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Other Financing Sources	920,827		
	Miscellaneous	36,956		
	TOTAL	957,783	-	

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	170,603		
	TOTAL	170,603	-	
To provide funding for the above, the		Water/Sewer Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Other Financing Sources	170,603		
	TOTAL	170,603	-	

SECTION 3. To amend the		Trivium Corporate Center East (#B1B004)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
	General Capital Projects	341,207		
	TOTAL	341,207	-	
To provide funding for the above, the		Trivium Corporate Center East (#B1B004)	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Other Financing Sources	170,603		
	Restricted Intergovernmental	170,604		
	TOTAL	341,207	-	

SECTION 4. To amend the Historic Ridgeview Walk (#B1L003) Capital Project Ordinance, the expenditures shall be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	409,314	
TOTAL	409,314	-
To provide funding for the above, the Historic Ridgeview Walk (#B1L003) revenues will be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	409,314	
TOTAL	409,314	-

SECTION 5. To amend the Historic Ridgeview Walk (#B1L004) Capital Project Ordinance, the expenditures shall be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	409,313	
TOTAL	409,313	-
To provide funding for the above, the Historic Ridgeview Walk (#B1L004) revenues will be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	409,313	
TOTAL	409,313	-

SECTION 6. To establish the Springs Road Sidewalk (#546020) Capital Project, the expenditures shall be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	345,785	
TOTAL	345,785	-
To provide funding for the above, the Springs Road Sidewalk (#546020) revenues will be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	69,157	
Restricted Intergovernmental	276,628	
TOTAL	345,785	-

SECTION 7. To establish the 17th Street Northwest Extension (#546021) Capital Project, the expenditures shall be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	194,096	
TOTAL	194,096	-
To provide funding for the above, the 17th Street Northwest Extension (#546021) revenues will be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	38,819	
Restricted Intergovernmental	155,277	
TOTAL	194,096	-

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.

Adopted this ____ day of _____, 2023

Mayor

Clerk

CITY OF HICKORY
CAPITAL PROJECT ORDINANCE
17th STREET NORTHWEST EXTENSION PROJECT

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

SECTION 1. The project authorization is the 17th Street Northwest Extension Capital Project.

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

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

Other Financing Sources:

Transfer from General Fund \$ 38,819

Restricted Intergovernmental:

State Revenues/Miscellaneous \$ 155,277

Total **\$ 194,096**

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

General Capital Projects:

Aviation Walk Connector/Engineering \$ 194,096

Total **\$ 194,096**

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

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

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

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

Adopted this the ____ day _____, 2023.

Mayor

Clerk

**CITY OF HICKORY
CAPITAL PROJECT ORDINANCE
SPRINGS ROAD SIDEWALK PROJECT**

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

SECTION 1. The project authorization is the Springs Road Sidewalk Capital Project.

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

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

Other Financing Sources:

Transfer from General Fund \$ 69,157

Restricted Intergovernmental:

State Revenues/Miscellaneous \$ 276,628

Total **\$ 345,785**

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

General Capital Projects:

Street Improvements/Engineering \$ 345,785

Total **\$ 345,785**

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

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

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

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

Adopted this the ____ day _____, 2023.

Mayor

Clerk

COUNCIL AGENDA MEMOS

Exhibit XI.A.1.

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Steve Miller, Public Works Director

Contact Person: Steve Miller

Date: September 19, 2023

Re: Conduct a Public Hearing for Street Closing Petition – Petitioner Mitloop LLC, David E. Looper, and James R. Mitchell for a Portion of 1st Avenue NW

REQUEST

Staff request Council conduct a Public Hearing to consider closing a portion of 1st Avenue NW as petitioned by Mitloop LLC, David E. Looper and James R. Mitchell.

BACKGROUND

The City Clerk received a petition from Mitloop LLC, David E. Looper and James R. Mitchell owners of the property abutting 1st Avenue NW. The petition requests the City to close a portion of 1st Avenue NW, as per NCGS § 160A-299.

ANALYSIS

The City Clerk received a petition from Mitloop LLC, David E. Looper and James R. Mitchell to close a portion of 1st Avenue NW as bound on the north by the tract owned by the Petitioners James R. Mitchell and David E. Looper and bound on the west and south by the Petitioner Mitloop, LLC. The signatures on the petition represent all the owners of the property abutting this portion of the right-of-way. The petition fee of \$830 has been paid.

A memo was sent to various departments for their input on the street closing. Public Utilities advised that public sewer was located inside of the right of way, and they would need a 25' easement dedicated to the City of Hickory.

RECOMMENDATION

Staff recommends Council conduct the public hearing to consider closing a portion of 1st Avenue NW, as petitioned by Mitloop, LLC, David E. Looper, and James R. Mitchell.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

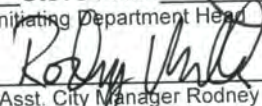
☐**LIST THE EXPENDITURE CODE:**

Reviewed by:



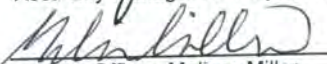
Steve Miller
Initiating Department Head

8-17-23
Date



Asst. City Manager Rodney Miller

9/1/23
Date



Finance Officer, Melissa Miller

9/13/23
Date



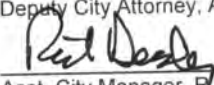
Exe Asst City Manager Yaidee Fox

9/13/23
Date



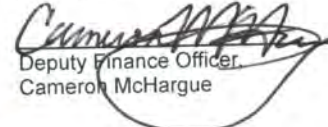
Deputy City Attorney, A. Dula

9-12-23
Date



Asst. City Manager, R. Beasley

9/11/23
Date



Deputy Finance Officer,
Cameron McHargue

9-12-23
Date

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



City Manager, W. Wood

9.14.23
Date

Petition to Close and Abandon Street

TO: The Honorable Mayor and Hickory City Council

The undersigned, **MITLOOP, LLC**, a North Carolina limited liability company ("Mitloop"), **DAVID E. LOOPER**, an individual resident of Catawba County ("Looper"), North Carolina, and **JAMES R. MITCHELL**, an individual resident of Catawba County, North Carolina ("Mitchell," and together with Mitloop and Looper, the "Petitioners," each a "Petitioner"), respectfully show unto the Honorable Mayor and Hickory City Council the following:

- (1) Mitloop is the sole owner of the following parcels (the "Mitloop Parcels"):
 - (a) Parcel ID 279208893899, having a street address of 66 Highway 321 NW in the City of Hickory, Catawba County, North Carolina, containing approximately 1.76 acres and being more particularly described in the General Warranty Deed filed in Deed Book 2759, Page 57, in the office of the Catawba County Register of Deeds office (the "Registry"). A copy of the deed for such parcel is attached as Exhibit A.
 - (b) Parcel ID 279320803117, having no designated street address but identified as being on Highway 321 NW in the City of Hickory, Catawba County, North Carolina, containing approximately 0.70 acres and being more particularly described in the General Warranty Deed filed in Deed Book 2759, Page 54 in the Registry. A copy of the deed for such parcel is attached as Exhibit B.
- (2) Looper and Mitchell, together, are the sole owners of that certain parcel (the "Looper and Mitchell Parcel") having Parcel ID 279320804252 with a street address of 1462 1st Ave. NW in the City of Hickory, Catawba County, North Carolina, containing approximately 1.10 acres and being more particularly described in the General Warranty Deed filed in Deed Book 2907, Page 1688 in the Registry. A copy of the deed for such parcel is attached as Exhibit C.
- (3) A diagram showing the Mitloop Parcels and the Looper and Mitchell Parcel (together, the "Petitioners' Parcels") is attached as Exhibit D.
- (4) The Petitioners' Parcels abut and are divided by a section of 1st Ave. NW, which extends in a westerly direction from 14th St. NW between the largest of the Mitloop Parcels and the Looper and Mitchell Parcel, and which dead ends at the parcel boundary line of the smaller of the Mitloop Parcels.
- (5) Petitioners desire that Hickory City Council close that portion of 1st Ave. NW which abuts and dead ends into the Petitioners' Parcels. Exhibit E is a survey depicting the Petitioners' Parcels and that portion of 1st Ave. NW that Petitioners are respectfully requesting that Hickory City Council agree to close (the "Street Closure Section"). The Street Closure Section is bounded only by the Petitioners' Parcels.

- (6) The Street Closure Section is specifically described as follows:

Located in the City of Hickory, Catawba County, North Carolina, surveyed by C. Neil Shepherd, PLS of Survey Pros PLLC, Project #23002, with bearings relative to NC Grid, NAD83. A metes and bounds description taken from said survey is as follows:

BEGINNING at a PK nail found at the existing western terminus of 1st Avenue NW, said PK nail having NC Grid coordinates of N: 730,052.97' and E: 1,298,362.31'; thence from the POINT OF BEGINNING, with the northern margin of the right-of-way of 1st Avenue NW, North 85°44'50" East a distance of 185.88 feet to a 1-inch square bolt found at the southwest corner of Lot 26, Plat Book 1, Page 9; thence crossing 1st Avenue NW at the proposed new terminus, South 02°36'33" West a distance of 19.88 feet to a 1-inch square bolt found at the northwest corner of Lot 17, Plat Book 1, Page 9; thence with the southern margin of the right-of-way of 1st Avenue NW, South 85°43'08" West a distance of 186.92 feet to a railroad spike found; thence with the existing western terminus of 1st Avenue NW, North 05°31'36" East a distance of 20.12 feet to a PK nail, the POINT OF BEGINNING, containing an area of 0.085 acres, more or less.

- (7) The following parcels are nearest to the Street Closure Section (the "Notice Parcels"):

(a) Parcel ID 279320805198, having a street address of 1446 1st Ave. NW in the City of Hickory, Catawba County, North Carolina, containing approximately 0.57 acres and owned by Mitloop.

(b) Parcel ID 279208895995, having a street address of 1443 1st Ave. NW in the City of Hickory, Catawba County, North Carolina, containing approximately 0.34 acres and owned by **PWG INVESTMENTS, LIMITED PARTNERSHIP**.

A map showing the Notice Parcels is attached as Exhibit F.

- (8) The following persons are entitled to receive a copy of the proposed resolution closing the Street Closure Section by registered or certified mail pursuant to N.C.G.S. § 160A-299:

Mitloop, LLC
200 1st Avenue NW, Suite 507
Hickory, North Carolina 28601-6113

David E. Looper and James R. Mitchell
200 1st Avenue NW, Suite 507
Hickory, North Carolina 28601-6113

PWG Investments, Limited Partnership
PO Box 636
Hickory, North Carolina 28603-0636

(9) Closing the Street Closure Section is not contrary to the public interest. No individual, partnership or corporation owning property in the vicinity of the Street Closure Section or in the subdivision in which it is located will be deprived of reasonable means of ingress and egress to his, her or its property by virtue of closing the Street Closure Section. The Street Closure Section has not previously been accepted by the North Carolina Department of Transportation for maintenance.

(10) The City of Hickory, acting through its Mayor and City Council, is authorized by N.C.G.S. § 160A-296 et seq. to close the Street Closure Section more particularly described herein.

(11) **MPG UPSTATE, LLC**, a South Carolina limited liability company, has entered into an agreement of purchase and sale with MITLOOP and Looper and Mitchell to purchase the Petitioners' Parcels, and respectfully requests notice of the public hearing on this Petition and correspondence related to this Petition at the address set forth below:

MPG Upstate, LLC
c/o Magnolia Property Group, Inc.
31 Wade Hampton Blvd.
Greenville, South Carolina 29609
Attn: Zachary Grogan
Email: zg@magnoliapropertygroup.com
Phone: (864) 298-9191

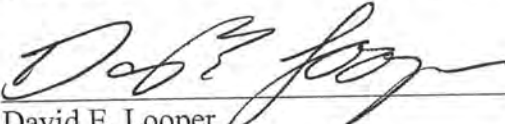
WHEREFORE, Petitioners respectfully request that the Mayor and City Council consider this petition, declare their intent to close that portion of 1st Ave. NW herein described, give notice of such intent in accordance with the requirements of N.C.G.S. § 160A-299, set the time for public hearing upon this matter, and to take such other actions are required by law.

Respectfully submitted the 17th day of July, 2023.

[signatures appear on following pages]

[signature page to Petition to Close and Abandon Street]

Mitloop, LLC, a North Carolina limited liability company

By: 
Name: David E. Looper
Title: Manager


DAVID E. LOOPER

JAMES R. MITCHELL

[signature page to Petition to Close and Abandon Street]

Mitloop, LLC, a North Carolina limited liability company

By: _____
Name: David E. Looper
Title: Manager

DAVID E. LOOPER



JAMES R. MITCHELL

[joinder page to Petition to Close and Abandon Street]

By: _____, wife of **DAVID E. LOOPER**

Nancy S. Mitchell

Nancy S. Mitchell, wife of **JAMES R. MITCHELL**

[joinder page to Petition to Close and Abandon Street]

Deborah K. Looper

By: Deborah K. Looper, wife of DAVID E. LOOPER

Nancy S. Mitchell, wife of JAMES R. MITCHELL

Exhibit A

General Warranty Deed, Deed Book 2759, Page 57
Mitloop, LLC

[see attached]

2759
0057

FILED
CATAWBA COUNTY
DONNA HICKS SPENCER
REGISTER OF DEEDS

BK 2759 PG 0057

FILED Jun 16, 2006
AT 03:50:03 pm
BOOK 02759
START PAGE 0057
END PAGE 0060
INSTRUMENT # 17208
EXCISE TAX \$753.00
BR

NORTH CAROLINA GENERAL WARRANTY DEED**THIS INSTRUMENT WAS PREPARED BY:**

ELOISE D. BRADSHAW

PATRICK, HARPER & DIXON L.L.P.

P. O. Box 218, Hickory, NC 28603

Return To: Young M. Smith, Jr., Attorney, Hickory, NC

REVENUE \$753.00

NORTH CAROLINA

CATAWBA COUNTY

THIS DEED made this 13th day of June, 2006, by and between **Johnson Family Partnership of Sarasota, Ltd.**, a limited partnership organized under the law of the State of Florida, Grantor and **Mitloop, LLC**, a North Carolina limited liability company, 127 1st Avenue NE, Hickory, NC 28601, Grantee.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situate in Catawba County, North Carolina and more particularly described as follows:

Exhibit A

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of

2759
0058

BK 2759 PG 0058

all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

All easements, restrictions, and rights-of-way of record.

Ad valorem taxes for 2005 to be prorated as of closing.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its name by its duly authorized partners the day and year first above written.

Johnson Family Partnership of Sarasota, Ltd.

By:

Charles Allen Johnson, Jr.
Charles Allen Johnson, Jr., General Partner

By:

David Ted Johnson
David Ted Johnson, General Partner

Florida
NORTH CAROLINA
Sarasota
CATAWBA COUNTY

I, Jan L. Smutz, a Notary Public of the County and State aforesaid, certify that Charles Allen Johnson, Jr., general partner of Johnson Family Partnership of Sarasota, Ltd., a limited partnership organized under the laws of the State of Florida, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the partnership.

Witness my hand and official stamp or seal, this 16th day of March, 2006.

My Commission Expires: 3-12-2009

Jan L. Smutz
Notary Public



Jan L. Smutz
Commission # DD391104
Expires March 12, 2009
Bonded Troy Fair - Insurance, Inc. 800-325-7019

NOTARY PUBLIC STATE OF FLORIDA
My Comm. Exp. Date: 3/12/09
My Comm. No.: DD391104

2759
0059

BK 2759 PG 0059

Florida
NORTH CAROLINA
Sarasota
GATAWBA COUNTY

I, Jan L. Smutz, a Notary Public of the County and State aforesaid, certify that **David Ted Johnson, general partner of Johnson Family Partnership of Sarasota, Ltd.**, a limited partnership organized under the laws of the State of Florida, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the partnership.

Witness my hand and official stamp or seal, this 16th day of March, 2006.

My Commission Expires 3-12-2009

Jan L. Smutz
Notary Public

PHD #271806



Jan L. Smutz
Commission # DD391104
Expires March 12, 2009
Bonded Title Firm - Insurance, Inc. 800-365-7019

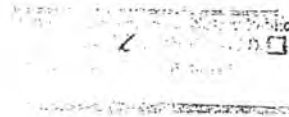


Exhibit "A"

BEGINNING at N.C. GRID Monument "Bridge" NAD 83 N = 729,331.829 and E = 1,298,268.082, and running thence North 32° 52' 50" East 498.13 feet to a ½" iron pipe located in the northern margin of the right-of-way of Main Avenue Drive NW, the POINT OF BEGINNING, said point of beginning also being the southwestern corner of the property of Stephen E. Wilson acquired by Deed recorded in Book 1448, Page 513, Catawba County Registry, thence with the northern margin of the right-of-way of Main Avenue Drive NW for three calls: South 85° 43' 55" West 100.00 feet to a point; thence North 79° 26' West 47.88 feet to a point in the concrete drive; thence North 77° 02' 10" West 107.91 feet to a nail in the eastern margin of the right-of-way of U.S. Highway 321; thence with the eastern margin of the right-of-way of U.S. Highway 321 North 10° 45' 45" West 274.86 feet to an iron pipe; thence South 84° 38' 05" East 3.37 feet to an iron pipe, the southwest corner of the property of Charles Johnson acquired by Deed recorded in Book 1634, Page 154 (Tract 2); thence with Johnson's southern line South 84° 38' 05" East 122.38 feet to a spike in the southern margin of the right-of-way of First Avenue NW; thence with the southern margin of the right-of-way of First Avenue NW, North 85° 44' 55" East 186.90 feet to a bolt, the northwestern corner of the property of PWG Investments Limited Partnership acquired by Deed recorded in Book 2541, Page 1906; thence South 1° 36' West 297.78 feet to a ½" iron pipe, the POINT OF BEGINNING, and containing 1.838 acres, more or less, as shown on a survey dated October 5, 2005 by James D. Ferguson, PLS, to which survey reference is hereby made for greater certainty of description.

WEB

Exhibit B

**General Warranty Deed, Deed Book 2759, Page 54
Mitloop, LLC**

[see attached]

2759
0054

Exhibit XI.A.1.

FILED
CATAWBA COUNTY
DONNA HICKS SPENCER
REGISTER OF DEEDS

BK 2759 PG 0054

FILED Jun 16, 2006
AT 03:48:51 pm
BOOK 02759
START PAGE 0054
END PAGE 0056
INSTRUMENT # 17207
EXCISE TAX \$308.00
BR

NORTH CAROLINA GENERAL WARRANTY DEED

THIS INSTRUMENT WAS PREPARED BY:

ELOISE D. BRADSHAW

PATRICK, HARPER & DIXON L.L.P.

P. O. Box 218, Hickory, NC 28603

Return To: Young M. Smith, Jr., Attorney, Hickory, NC

REVENUE \$ 308.00

NORTH CAROLINA

CATAWBA COUNTY

THIS DEED made this 13th day of June, 2006, by and between **Charles Allen Johnson, Jr.**, single, Grantor and **Mitloop, LLC**, a North Carolina limited liability company, 127 1st Avenue NE, Hickory, NC 28601, Grantee.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situate in Catawba County, North Carolina and more particularly described as follows:

See Exhibit A

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of

3

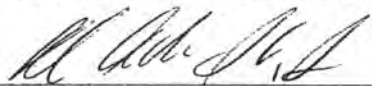
all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

All easements, restrictions, and rights-of-way of record.

Ad valorem taxes for 2005 will be prorated as of closing.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

USE BLACK INK ONLY

 (SEAL)
Charles Allen Johnson, Jr.

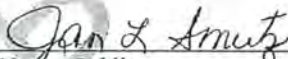
STATE OF Florida

COUNTY OF Sarasota

I, Jan L. Smutz, a Notary Public of Sarasota County, State of Florida, certify that **Charles Allen Johnson, Jr.**, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 14th day of March, 2006.

My Commission Expires: 3-12-2009


Notary Public



Jan L. Smutz
Printed Name of Notary

Exhibit "A"

TRACT ONE:

Beginning at an iron pin in the northern margin of First Avenue, N.W., said iron pin marking the southwest corner of James R. Mitchell and Gavin B. Mitchell (see Book 2691 at Page 458), and proceeding thence with the northern margin of first Avenue, N.W. South 85° 44' 55" West 100.0 feet to an iron pin in the southeast corner of James R. Mitchell (see Book 2655 at Page 988); thence with Mitchell's eastern line North 2° 11' 55" East 259.57 feet to an iron pin in the southern line of G&M Rentals, LLC (see Book 2001 at Page 1456); thence with the southern lines of G&M Rentals, LLC and, subsequently, Lisa M. Parker (see Book 2549 at Page 1574) South 85° 42' 30" East 99.58 feet to an iron pin in the northwest corner of James R. Mitchell and Gavin B. Mitchell; thence with the Mitchells' western line South 2° 14' West 244.69 feet to the Beginning, and containing approximately 0.576 acre, according to a survey by James D. Ferguson, P.L.S., dated October 5, 2005.

TRACT TWO:

BEGINNING at an iron pipe set in the eastern margin of the right-of-way of U.S. Highway 321, said point also being the southwestern corner of the property of Edith W. Brown acquired by Deed recorded in Book 385, Page 605; thence with the line of Brown for three calls: North 87° 59' 15" East 37.46 feet to an iron pipe; thence North 4° 29' 15" East 261.07 feet to a 5/8" iron pipe; thence South 86° 53' 45" East 99.74 feet to a 3/4" iron pipe, the northwestern corner of the property of James R. Mitchell described in the Deed recorded in Book 2655, Page 988; thence with the line of James R. Mitchell South 5° 24' 20" West 284.46 feet to a point; thence South 5° 24' 20" West 20.08 feet to a spike in the line of the property the Johnson Family Partnership acquired by Deed recorded in Book 2094, Page 826; thence with the line of Johnson Family Partnership for two calls: North 84° 38' 05" West 122.38 feet to an iron pipe set in the eastern margin of the right-of-way of U.S. Highway 321; thence with the right-of-way of U.S. Highway 321 North 11° 01' 15" West 36.23 feet to an iron pipe, the POINT OF BEGINNING, and containing 0.703 acres, more or less, as shown on a survey dated October 5, 2005 by James D. Ferguson, PLS, to which survey reference is hereby made for greater certainty of description.

For reference to the chain of title, see the Deed recorded in Book 1634, Page 154, Catawba County Registry.

PHD 280976

Exhibit C

**General Warranty Deed, Deed Book 2907, Page 1688
David E. Looper and James R. Mitchell**

[see attached]

2907
1688FILED
CATAWBA COUNTY
DONNA HICKS SPENCER
REGISTER OF DEEDS

BK 2907 PG 1688

FILED Apr 25, 2008
AT 12:38:49 pm
BOOK 02907
START PAGE 1688
END PAGE 1691
INSTRUMENT # 09890
EXCISE TAX (None)
EM✓ Prepared by and return to John G. Fuller, Attorney, 352 2nd Street, NW, Suite 106, Hickory,
North Carolina 28601REVENUE: 0.00NORTH CAROLINA
CATAWBA COUNTY**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 16th day of OCTOBER, 2007, by and between **MITLOOP, LLC**, Grantor and **JAMES R. MITCHELL AND DAVID E. LOOPER**, whose mailing address is 127 1ST AVE. NE HICKORY, NC 28601, Grantee.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Hickory, Hickory Township, Catawba County, North Carolina and more particularly described as follows:

SEE EXHIBIT A & B

The drafter of this deed did not perform a title examination, does not certify the title of this real estate and did not participate in any closing related to this deed.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantors covenant with the Grantees, that the Grantors are seized of the premises in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Grantors will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

2907
1689

BK 2907 PG 1689

MITLOOP, LLC

BY

James R. Mitchell
James R. Mitchell/Member

BY

David E. Looper
David E. Looper/MemberSTATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, Lynn Price, a Notary Public of the County and State aforesaid, certify that James R. Mitchell and David E. Looper being all of the members of **MITLOOP, LLC**, personally and voluntarily appeared before me this day and voluntarily acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 16th day of October 16, 2007.

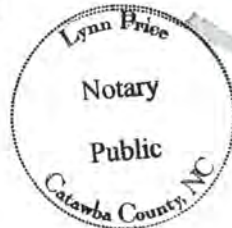
My Commission Expires:

Feb 13, 2010

[Notary Public]

Lynn Price
Lynn Price

[SEAL]



Realclos/mitloop deed

2907
1690

BK 2907 PG 1690

EXHIBIT "A"

BEGINNING AT AN IRON PIN IN THE NORTHERN MARGIN OF FIRST AVENUE, NW, SAID IRON PIN MARKING THE SOUTHWEST CORNER OF CHARLES JOHNSON (SEE BOOK 1634 AT PAGE 154, TRACT 1), AND PROCEEDING THENCE WITH THE NORTHERN MARGIN OF FIRST AVENUE, NW SOUTH $85^{\circ} 44' 55''$ WEST 185.90 FEET TO AN IRON PIN IN THE EASTERN LINE OF CHARLES JOHNSON (SEE BOOK 1634 AT PAGE 154, TRACT 2); THENCE WITH JOHNSON'S EASTERN LINE NORTH $5^{\circ} 24' 20''$ EAST, PASSING AN IRON PIN AT 20.08 FEET, A TOTAL OF 304.54 FEET TO AN IRON PIN IN THE SOUTHERN LINE OF EDITH W. BROWN (SEE BOOK 385 AT PAGE 605); THENCE WITH THE SOUTHERN LINES OF EDITH W. BROWN AND, SUBSEQUENTLY, G & M RENTAL, LLC (SEE BOOK 2001 AT PAGE 1453) SOUTH $86^{\circ} 22' 35''$ EAST 113.89 FEET TO AN IRON PIN IN THE SOUTHWEST CORNER OF ANOTHER TRACT OF G & M RENTAL, LLC (SEE BOOK 2001 AT PAGE 1456); THENCE WITH THE SOUTHERN LINE OF G & M RENTAL, LLC SOUTH $87^{\circ} 02' 15''$ EAST 54.96 FEET TO AN IRON PIN IN THE NORTHWEST CORNER OF CHARLES JOHNSON (SEE BOOK 1634 AT PAGE 154, TRACT 1); THENCE WITH JOHNSON'S WESTERN LINE SOUTH $2^{\circ} 11' 55''$ WEST 259.57 FEET TO THE BEGINNING AND CONTAINING APPROXIMATELY 1.10 ACRES, ACCORDING TO A SURVEY BY JAMES D. FERGUSON, PLS, DATED OCTOBER 5, 2005.

PIN NO.: 2793-20-80-4252.

FOR FURTHER REFERENCE SEE DEED BOOK 2759 AT PAGE 0048.

2907
1691

BK 2907 PG 1691

EXHIBIT "B"

BEGINNING AT AN IRON PIN IN THE NORTHERN MARGIN OF FIRST AVENUE, N.W., SAID IRON PIN MARKING THE SOUTHWEST CORNER OF ALBERT BROWN (SEE BOOK 898 AT PAGE 306), AND PROCEEDING THENCE WITH THE NORTHERN MARGIN OF FIRST AVENUE, N.W. SOUTH $85^{\circ} 44' 55''$ WEST 100.0 FEET TO AN IRON PIN IN THE SOUTHEAST CORNER OF CHARLES JOHNSON (SEE BOOK 1634 AT PAGE 154, TRACT 1); THENCE WITH JOHNSON'S EASTERN LINE NORTH $2^{\circ} 14'$ EAST 244.69 FEET TO AN IRON PIN, CORNER OF LISA M. PARKER (SEE BOOK 2549 AT PAGE 1574); THENCE WITH PARKER'S SOUTHERN LINE SOUTH $85^{\circ} 42' 30''$ EAST 99.58 FEET TO AN IRON PIN IN THE NORTHWEST CORNER OF ALBERT BROWN; THENCE WITH BROWN'S WESTERN LINE SOUTH $2^{\circ} 16' 20''$ WEST 229.82 FEET TO THE BEGINNING, and CONTAINING APPROXIMATELY 0.542 ACRE, ACCORDING TO A SURVEY BY JAMES D. FERGUSON, P.L.S., DATED OCTOBER 5, 2005.

PIN No.: 2793-20-80-6199.

FOR FURTHER REFERENCE SEE DEED BOOK 2759 AT PAGE 0051.

WEB

Exhibit D

Diagram of Petitioners' Parcels

[see attached]



Exhibit E

Survey Map Depicting the Street Closure Section

[see attached]

Survey Pros, PLLC
924 Main Street, Suite 300
North Wilkesboro, NC 28659

Firm Number: P-2218
File Number: 23-002
Date: 6/23/2023

Exhibit F

Diagram of the Notice Parcels

[see attached]



Prepared by/Return to: City of Hickory, Legal Department
Deputy City Attorney Arnita Dula
P.O. Box 398
Hickory, NC 28603

RESOLUTION NO. 23-
RESOLUTION AND ORDER

WHEREAS, Mitloop LLC, David E. Looper, James R. Mitchell, and PWG Investments Limited Partnership owns properties adjoining the following described area, in the City of Hickory, County of Catawba, which is further described as follows:

A Portion of 1st Avenue NW

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:

Located in the City of Hickory, Catawba County, North Carolina, surveyed by C. Neil Shepherd, PLS of Survey Pros PLLC, Project #23002, with bearings relative to NC Grid, NAD83. A metes and bounds description taken from said survey is as follows:

BEGINNING at a PK nail found at the existing western terminus of 1st Avenue NW, said PK nail having NC Grid coordinates of N: 730,052.97' and E: 1,298,362.31'; thence from the POINT OF BEGINNING, with the northern margin of the right-of-way of 1st Avenue NW, North 85°44'50" East a distance of 185.88 feet to a 1-inch square bolt found at the southwest corner of Lot 26, Plat Book 1, Page 9; thence crossing 1st Avenue NW at the

RESOLUTION AND ORDER
CLOSING A PORTION OF 1ST AVE NW
PAGE 1 OF 4

proposed new terminus, South 02°36'33" West a distance of 19.88 feet to a 1-inch square bolt found at the northwest corner of Lot 17, Plat Book 1, Page 9; thence with the southern margin of the right-of-way of 1st Avenue NW, South 85°43'08" West a distance of 186.92 feet to a railroad spike found; thence with the existing western terminus of 1st Avenue NW, North 05°31'36" East a distance of 20.12 feet to a PK nail, the POINT OF BEGINNING, containing an area of 0.085 acres, more or less.

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 August 19, August 26, September 2, and September 9, 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 19TH DAY OF SEPTEMBER, 2023.

THE CITY OF HICKORY,
A North Carolina Municipal Corporation

By: _____
Hank Guess, Mayor

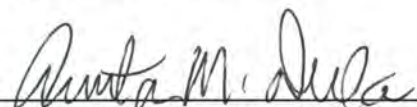
Attest:

(SEAL)

Date: _____

Debbie D. Miller, City Clerk

Approved as to form:



Arnita Dula, Deputy City Attorney

CERTIFICATION OF RESOLUTION AND ORDER CLOSING STREET

NORTH CAROLINA
CATAWBA COUNTY
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the attached Resolution and Street Closing Order was adopted at a regular meeting of the City Council held on September 19, 2023, and that said Resolution and Street Closing Order is in full force and effect.

City Clerk

NORTH CAROLINA
CATAWBA COUNTY

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

Witness my hand and notarial seal, this ____ day of _____, 2023.

Notary Public

My Commission Expires: _____

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development, Planning Division

Contact Person: Mike Kirby, Senior Planner

Date: September 7th, 2023

Re: Voluntary non-contiguous annexation of property owned by Barbara Vellan/Larry J Guthrie Living Trust

REQUEST

Consideration of the voluntary non-contiguous annexation of 30.36 acres property located at 1448 Zion Church Road. This property is identified as PIN 370118315906.

BACKGROUND

The property is currently zoned Industrial (IND), and was zoned such in 1999 as part of a perspective industrial park that never came to fruition. The applicant is requesting the zoning map amendment in the expectation of constructing a single-family residential development utilizing a conservation subdivision design.

ANALYSIS

The annexation is being requested so that the development of a single-family residential community can be started and completed. In order for the development to occur as proposed, the property would need to be served by city services, including sanitary sewer. City policy is to require properties be annexed in order to connect to the City's sanitary sewer system.

The annexation of the property and subsequent development of the property represents a significant private investment in the city's housing inventory, and an increase in the city's overall population.

Surrounding properties are zoned Catawba County R-20 Residential, Medium Density Residential (R-2), and Catawba County Mixed Use (321-ED(MX)).

The current tax value of the property is \$218,000. Tax revenue generated by annexation of the property would be \$991.90. Upon completion of the development previously outlined, tax values and revenues would increase significantly.

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

RECOMMENDATION

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

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

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

Initiating Department Head

9/7/2023

Date

Rodney Miller

Asst. City Manager R. Miller

9/11/23

Date

M. Miller

Finance Officer, M. Miller

9/13/23

Date

Yaidee Fox

Exe Asst City Manager Yaidee Fox

9/13/23

Date

Amanda M. Dula

Deputy City Attorney, A. Dula

9-12-13

Date

R. Beasley

Asst. City Manager, R. Beasley

9/11/23

Date

Cameron McHargueDeputy Finance Officer,
Cameron McHargue

Date

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

Warren Wood

City Manager, Warren Wood

9-14-23

Date

VOLUNTARY ANNEXATION ANALYSIS

APPLICANT: Barbara Vellan Revocable Living Trust /Larry J Guthrie Living Trust

AGENT: DR Horton, Inc.

PROPERTY LOCATION (See Map 1): 1448 Zion Church Road

PIN NUMBER: 3701-18-31-5906

WARD: If annexed, the subject property will be located in Ward 4 (Councilman Freeman).

REQUESTED ACTION: The request is for a voluntary non-contiguous annexation.

ACREAGE: 30.36

DEVELOPMENT POTENTIAL: The property is currently located within the Catawba County Planning Jurisdiction and is zoned R-20 Residential with an ED-O (Economic Development Overlay). The applicant has requested that the property be rezoned to and R-2 (Medium Density Residential). The applicants intend to construct 121-unit single family homes. The applicants intend to utilize the Conservation Subdivision standards to preserve open space and other environmental resources.

TAX VALUE: The current tax value of the property is \$218,000. Tax revenue generated by annexation of the property would be \$991.90. Upon completion of the development previously outlined, tax values and revenues would increase significantly.

POPULATION INCREASES: The property is currently vacant. The owners / developers intend to construct a 121-unit residential community, and as such increases in population resulting from the annexation are likely to occur. The current U.S. Census Bureau residential household size estimate for renter occupied dwellings in the city is 2.23 occupants. Given this estimate, a population increase of approximately 270 persons could occur.

SCHOOL DISTRICTS: The property is located within the jurisdictional area of the Catawba County Public School System, and located in the schools listed below. It should be noted the multipliers are several years old and are currently being update.

School Type	School District	Student Multiplier Per Dwelling	Number of Potential or Existing Dwelling Units	Potential Additional Students
Elementary	Mountain View	0.42	121	51
Middle	Jacobs Fork	0.06	121	7
High	Fred T Ford	0.11	121	13

**Note: The student multipliers above reflect estimates and are for single-family occupied dwellings only.*

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

- North and East: The properties are zoned Catawba County R-20 Residential. The properties are primarily occupied by detached single family residences or are vacant properties.
- West: The properties are zoned R-2 Residential. The properties are primarily occupied by detached single family residences.
- South: The properties are zoned 321 Economic Development Mixed Use (321-ED(MX)). The properties are primarily vacant with commercial site adjacent.

UTILITY SERVICE: The City of Hickory has adequate water and sewer capacities to serve the proposed annexation area. The owner / developer will be responsible for the installation of any water and sewer extensions needed to serve the proposed development.

ACCESS: Access to the subject property is from Zion Church Road which is a state-maintained highway.

DISTANCE FROM CITY LIMITS (See Map 1): The proposed annexation area is non-contiguous and approximately 2700 feet east of the proper city boundary.

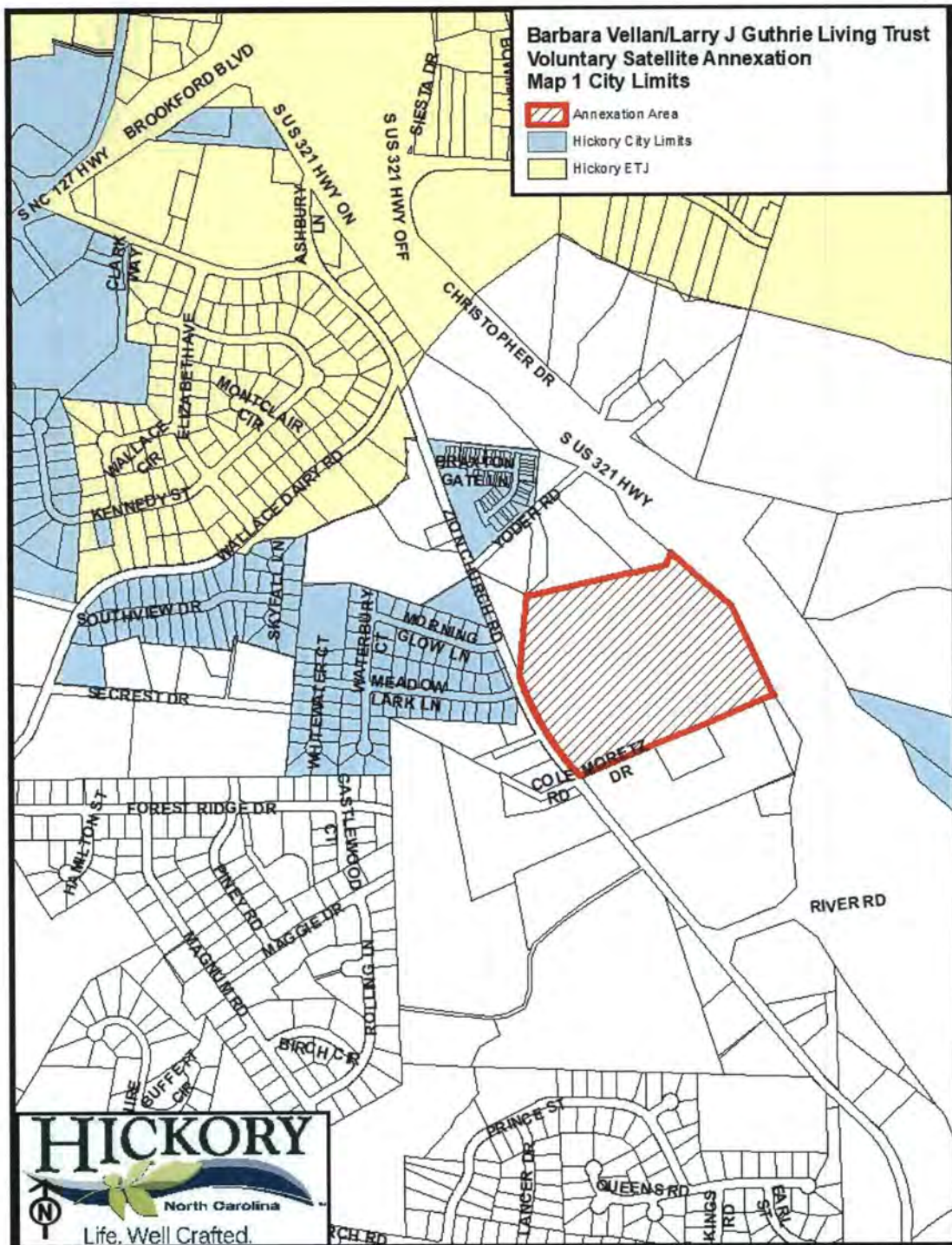
STAFF COMMENTS:

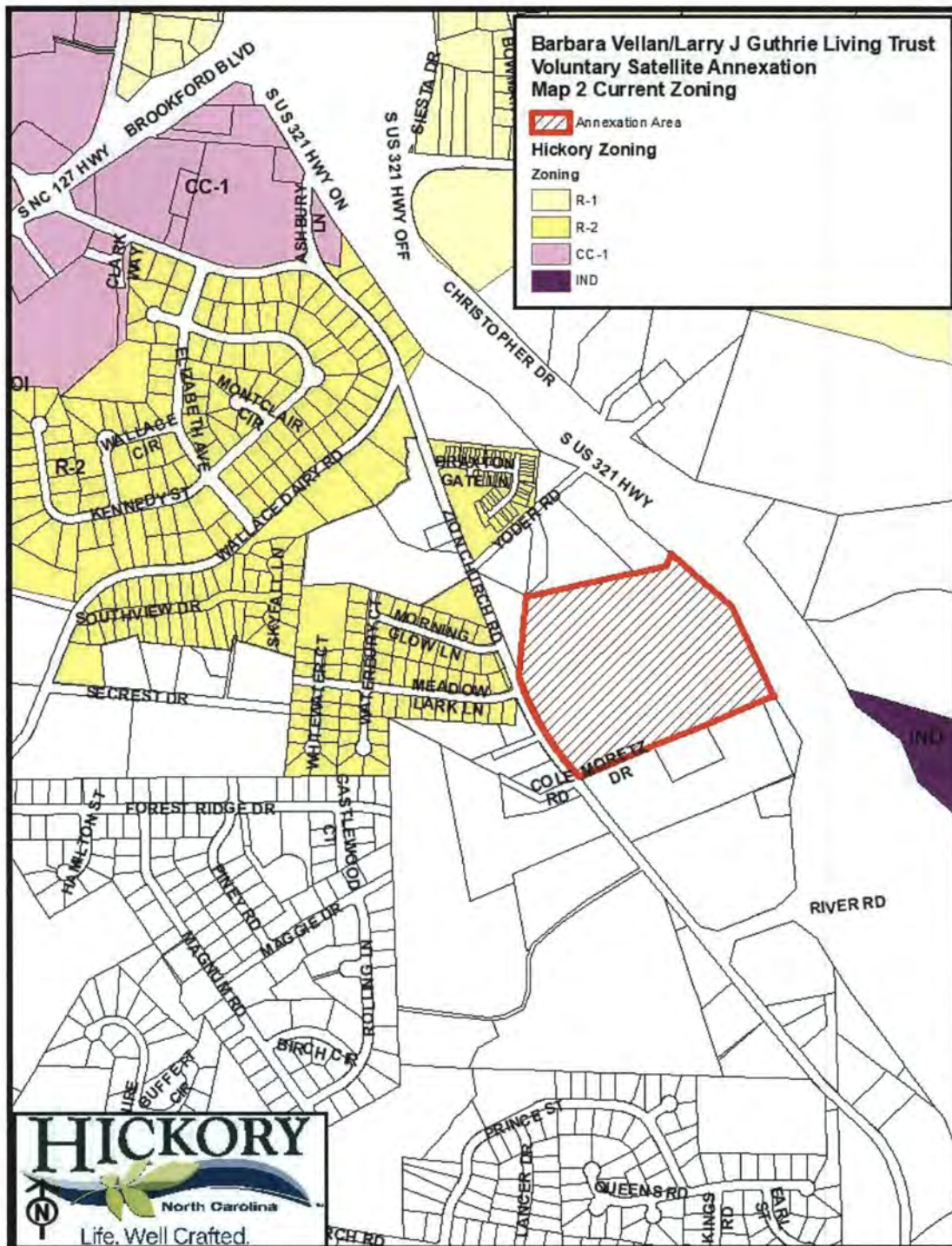
- Fire: Annexation of this property would impact the Fire Department's ability to provide fire protection to this property. Response time from Station 7 is well over the 4-minute threshold. Response time for the initial alarm assignment is within the 8-minute threshold. The extension of 6th Street SE would alleviate this gap in service. Hydrants would be required as the property develops. This property is currently in the Mt View VFD response district. If annexed, it would be assigned to Engine 7.
- Police Department: Annexation would not adversely affect the police department. The property, upon annexation, would be in Edward PACT.
- Transportation / Engineering: No objections
- Planning: No objections.
- Public Services: No objections.
- Public Utilities: The City of Hickory has adequate water and sewer capacities to serve the proposed annexation area. The owner / developer will be responsible for the installation of any water and sewer extensions needed to serve the proposed development.
- Legal: No objections.
- City Manager's Office: No objections.
-

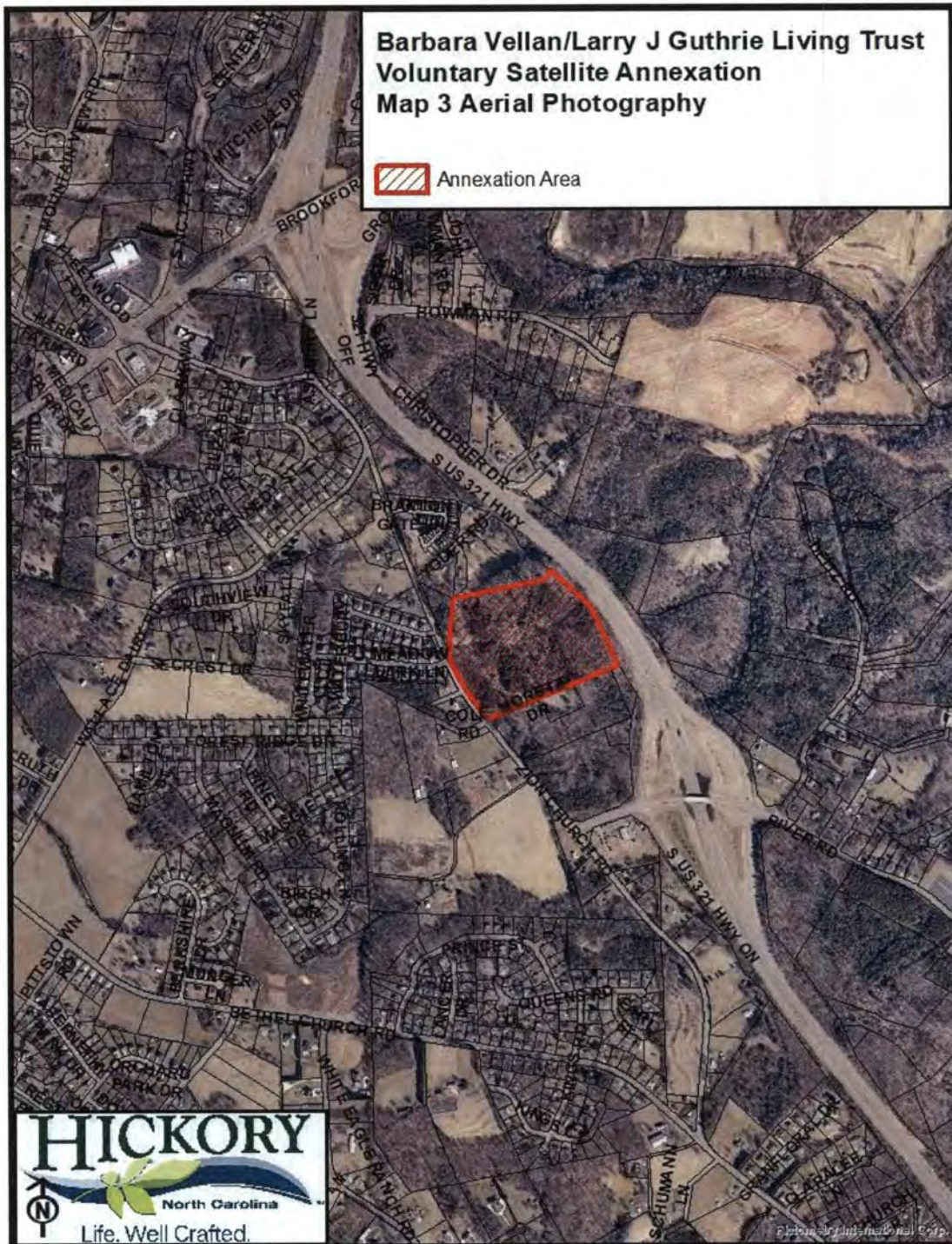
STAFF RECOMMENDATION: Upon evaluation staff has found the following:

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

Based upon the findings provided above, staff recommends City Council approval of the voluntary non-contiguous annexation petition.







CITY OF HICKORY APPLICATION FOR FUTURE VOLUNTARY ANNEXATION
--

DATE SUBMITTED: 08/02/2023**TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:**

I (We), the undersigned, do hereby respectfully make application and petition for future voluntary annexation into the municipal limits of the City of Hickory.

1. The property be future voluntarily annexed is located on 1448 Zion Church Road
Hickory, NC 28602 between US 321 and Zion Church Road
 and is shown in more detail on the attached survey.

PIN NO. (S) : 370118315906Physical (Street) Address: 1448 Zion Church Road, Hickory, NC 286052
Barbara Vellan Revocable Living Trust &

2. The property is owned by: (please print) Larry J. Guthrie Living Trust
 (Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:Name: Larry J. Guthrie Living TrustAddress: 2521 Berry Farm Court, Norman, OK 73072Phone Number: 405-823-4194

3. The petition is submitted by: Larry J. Guthrie Living Trust
 (If the Petition is submitted by someone other than the owner, the attached agent authorization must be signed, notarized and submitted from the owner(s) authorizing the agent to act on his behalf.)

Agent Information:Name: DR Horton, Inc.Address: 8025 Arrowridge Blvd, Charlotte, NC 28273Phone Number: 704-470-7073

4. If future annexation is approved by the Hickory City Council, the applicant agrees to enter into a legally binding annexation agreement that will authorize the City of Hickory to annex the property(s) once the City feels such an annexation is feasible.
5. If annexation is approved by the Hickory City Council, and if the property(s) is not currently zoned by the City of Hickory, the applicant would request that the property be placed into a _____ zoning district.

6. WATER AND SEWER AVAILABILITY AND CONNECTIONS

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

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

7. APPLICANT'S AFFIDAVIT

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

Barbara Vellan Revocable Living Trust &
Larry J. Guthrie Living Trust

Printed Name of Property Owner(s)

Kimberly K. Montgomery trustee of
Signature of Property Owner(s) the Larry J. Guthrie
Living Trust

2521 Berry Farm Court, Norman, OK 73072

Address of Property Owner(s)

405-823-4194

Telephone Number of Property Owner(s)

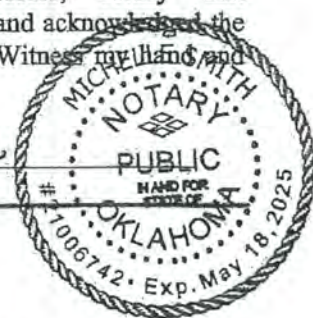
(Please choose the appropriate notary block)

Oklahoma
State of ~~North Carolina~~ - County of Cleveland

I, the undersigned Notary Public of the County and State aforesaid, certify that ~~Kimberly K. Montgomery, trustee of the Larry J. Guthrie Grantor Trust~~ personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 2nd day of August, 2023.

My Commission Expires: May 18th, 2025

Michelle Bruta
Notary Public



State of ~~North Carolina~~ - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged the he / she is the _____ of _____ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he / she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

CITY OF HICKORY
APPLICATION FOR FUTURE VOLUNTARY ANNEXATION

DATE SUBMITTED: 08/02/2023

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

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Physical (Street) Address: 1448 Zion Church Road, Hickory, NC 286052
Barbara Vellan Revocable Living Trust &

2. The property is owned by: (please print) Larry J. Guthrie Living Trust
(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Barbara Vellan Revocable Living Trust

Address: 100 Broadmeadow Cove, Roswell, GA 30075

Phone Number: 700-642-6880

3. The petition is submitted by: Barbara Vellan Revocable Living Trust
(If the Petition is submitted by someone other than the owner, the attached agent authorization must be signed, notarized and submitted from the owner(s) authorizing the agent to act on his behalf.)

Agent Information:

Name: DR Horton, Inc.

Address: 8025 Arrowridge Blvd, Charlotte, NC 28273

Phone Number: 704-470-7073

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

Barbara Vellan Revocable Living Trust &
Larry J. Guthrie Living Trust

Printed Name of Property Owner(s)

Barbara Vellan

Signature of Property Owner(s)

trustee of the
Barbara Vellan
Revocable Living Trust

100 Broadmeadow Cove, Roswell, GA 30075

Address of Property Owner(s)

700-642-6880

Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

GA
State of ~~North Carolina~~ County of Fulton

I, the undersigned Notary Public of the County and State aforesaid, certify that Barbara Vellan, trustee of the Barbara Vellan Revocable Living Trust personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 15TH day of AUGUST, 2023

My Commission Expires: FEB 02 2027

Murali Bijjala
Notary Public



State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged the he / she is the _____ of _____ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he / she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

FILED Catawba County
 on Sep 15, 2017 at 12:24:00 pm
 Excise Tax \$0.00 (AT)
 INST. # 15877
 DONNA HICKS SPENCER,
 Register of Deeds
 Ek 03417 Pg 1636-1638

Parcel # 0048139

NTC

DEED

[INTRAFAMILY TRANSFER. NO MONETARY CONSIDERATION. NO TITLE SEARCH. THIS TRANSFER IS BEING MADE TO EFFECT AN ESTATE PLAN.]

GRANTORS' NAME AND ADDRESS:

LARRY J. GUTHRIE, Trustee of the
 LARRY J. GUTHRIE LIVING TRUST dated September 15, 1999
 351 West Charter Oak Road
 Edmond, OK 73034
(As to a one-half (½) undivided interest)

GRANTEES' NAME AND ADDRESS:

LARRY J. GUTHRIE and/or KIMBERLY K. MONTGOMERY, Trustees, or their successors
 in trust under the LARRY J. GUTHRIE GRANTOR TRUST dated May 25, 2017
 and any amendments thereto
 351 West Charter Oak Road
 Edmond, OK 73034

✓ PREPARED BY & AFTER RECORDING RETURN TO:

Cheryl K. David
 528 College Road
 Greensboro, NC 27410

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

LARRY J. GUTHRIE
 351 West Charter Oak Road
 Edmond, OK 73034

DEED

KNOW ALL PERSONS BY THESE PRESENTS, that LARRY J. GUTHRIE, Trustee of the LARRY J. GUTHRIE LIVING TRUST dated September 15, 1999, of Edmond, Oklahoma, herein called the Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, convey and transfer unto LARRY J. GUTHRIE and/or KIMBERLY K. MONTGOMERY, Trustees, or their successors in trust under the LARRY J. GUTHRIE GRANTOR TRUST dated May 25, 2017 and any amendments thereto, herein called the Grantee, and unto Grantee's successors and assigns, all of that one-half (½) undivided interest in and to that certain real property, with the tenements, hereditaments, and appurtenances thereunto belonging or in any way appertaining, situated in Catawba County, North Carolina, described as follows, to wit:

BEGINNING at a new iron in set on the Southwesterly right-of-way of Highway 321 (Deed Book 1797, Page 103), the Easterly corner of the property, now or formerly, of Charles Fred Jenkins and Dora S. Jenkins (Deed Book 774, Page 643) and the Northerly most corner of the property herein described; thence by the Southwesterly right-of-way of said Highway 321, the following three calls: (1) South 49° 28' 46" East 482.42 feet to an existing right-of-way monument; (2) South 24° 00' 44" East 562.89 feet to an existing right-of-way monument; (3) South 31° 05' 57" East 38.32 feet to a new iron pin and the corner of the property, now or formerly, of NCDOT (Deed Book 1788, Page 1485); thence with the properties of said NCDOT, Clorette Sigmon Moretz (Deed Book 864, Page 334) and Terry Wayne Moretz (Deed Book 1241, Page 654) in part by each South 67° 48' 30" West 1310.57 feet passing existing iron pins at 75.63 feet; 451.97 feet;

1637

791.95 feet and 1272.88 feet to a point within the right-of-way of Zion Church Road and the corner of property, now or formerly, of Clyde E. Hilton (Deed Book 378, Page 299); thence with Clyde E. Hilton's property North 43° 01' 39" West 168.54 feet to a point within the right-of-way of Zion Church Road; thence continuing along Clyde E. Hilton's property North 25° 52' 22" West 175.60 feet to a point within the right-of-way of Zion Church Road and the corner of property, now or formerly, of Norman O. Hentschel and Linda Sue Hilton Hentschel (Deed Book 897, Page 379); thence with the property, now or formerly, of Norman O. Hentschel and Linda Sue Hentschel North 25° 52' 22" West 322.40 feet to a point within the right-of-way of Zion Church Road on the property line of Randolph A. Propst and Martha Ann Yoder Propst (Deed Book 1818, Page 296); thence with the property, now or formerly, of said Randolph A. Propst and Martha Ann Yoder Propst North 04° 17' 58" East 52.04 feet to an existing iron pin on the Easterly edge of Zion Church Road; thence continuing along property, now or formerly, of said Randolph A. Propst and Martha Ann Yoder Propst North 05° 42' 46" East 484.39 feet to an existing stone at the corner of the property of Roy E. Martin and Brenda J. Martin (Deed Book 793, Page 207); thence with said Roy E. Martin and Brenda J. Martin and Charles Fred Jenkins and Dora S. Jenkins (Deed Book 774, Page 643) in part of each North 78° 40' 55" East 867.40 feet to a new iron pin set at said Charles Fred Jenkins and Dora S. Jenkins corner passing an existing iron pin at 672.40 feet; thence with said Charles Fred Jenkins and Dora S. Jenkins property North 19° 00' 55" East 84.66 feet to the point of BEGINNING, containing 30.75 acres. more or less.

And being the same property interest acquired by Grantor by deed recorded in Book 3262, Page 1786, Catawba County Registry.

To Have and to Hold the same unto the Grantee and Grantee's successors and assigns forever, subject to Restrictive Covenants of Record, easements, rights of way of record, ad valorem taxes, and all liens and records of encumbrance.

In construing this deed, and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

The liability and obligations of the Grantor to Grantee and Grantee's successors and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under a standard policy of title insurance. The limitations contained herein expressly do not relieve the Grantor of any liability or obligations under this instrument but merely define the scope, nature, and amount of such liability or obligations.

[THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED UNDER STATE LAW.]

IN WITNESS WHEREOF, the Grantor has executed this instrument this 8 day of SEPTEMBER, 2017.

Grantor:

Larry J. Guthrie (SEAL)
LARRY J. GUTHRIE, Trustee

State of Oklahoma)
County of Oklahoma)

1638

I, Aaron Budd, a notary public of said county and state, hereby certify that LARRY J. GUTHRIE, Trustee of the LARRY J. GUTHRIE LIVING TRUST dated September 15, 1999, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal, this the 8th day of September, 2017.



Notary Public

My Commission Expires: 8/23/21



WEB

FILED Catawba County
on May 22, 2023 at 08:23:00 am

Excise Tax \$0.00 (KD)

INST. # 08798

DONNA HICKS SPENCER,
Register of Deeds

Ex 03810 Pg 1685-1687

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ -0- Tax Lot No. _____
Parcel Identifier No. 370118315906
Verified by _____ County on the _____ day of _____, 20____
by _____
This instrument was prepared by DEBORAH S. MOORE, ESQ.
✓ After recording return to: DEBORAH S. MOORE 175 MINE CREEK TRAIL, ZIRCONIA, NC 28790 (SASE)

Brief description for the Index: 30.75 Acres, Zion Church Road

"DEED PREPARATION ONLY - NO TITLE SEARCH"

THIS DEED made this 26th day of April, 2023, by and between:

GRANTOR

BARBARA VELLAN, AN UNMARRIED
WOMAN, a one-half (1/2) undivided
interest

ADDRESS: 100 BROADMEADOW COVE
ROSWELL, GA 30075

GRANTEE

BARBARA VELLAN
REVOCABLE LIVING TRUST,
Dated April 26, 2023, BARBARA VELLAN,
TRUSTEE

ADDRESS: 100 BROADMEADOW COVE
ROSWELL, GA 30075

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

This instrument was prepared by Deborah S. Moore, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple a **one-half (1/2) undivided interest** in that certain lot or parcel of land situated in Hickory Township, Catawba County, North Carolina, and more particularly described as follows:

SEE EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book ___, Page ___.

1686

The Property was acquired by Grantor by instrument recorded in Deed Book 3791, Page 0074.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

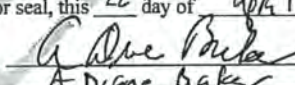
Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions and restrictions of record; any current year's ad valorem taxes, not yet due and payable; and utilities physically located on the property.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.


Barbara Vellan

SEAL-STAMP

U
S
E
I, A Diane Baker, a Notary Public of the State of Georgia
and County of DeKalb, certify that **BARBARA VELLAN**, Grantor,
B personally appeared before me this day and acknowledged the execution of the foregoing
L instrument for the purposes therein expressed.
A Witness my hand and official stamp or seal, this 26th day of April, 2023.
C
M
Y
I
N
K
My Commission Expires: 7/29/2023  Notary Public
A Diane Baker
(Printed Name of Notary Public)

Notary Public: Notary Seal must show and be at least 1/2" from edge of paper.

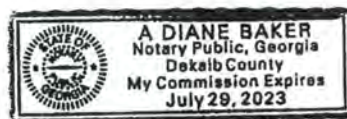


EXHIBIT A

BEGINNING at a new iron set on the Southwesterly right-of-way of Highway 321 (Deed Book 1797, Page 103), the Easterly corner of the property, now or formerly, of Charles Fred Jenkins and Dora S. Jenkins (Deed Book 774, Page 643) and the Northerly most corner of the property herein described; thence by the Southwesterly right-of-way of said Highway 321, the following three calls: (1) South $49^{\circ}28'46''$ East 482.42 feet to an existing right-of-way monument; (2) South $24^{\circ}00'44''$ East 562.89 feet to an existing right-of-way monument; (3) South $31^{\circ}05'57''$ East 38.32 feet to a new iron pin and the corner of the property, now or formerly, of NCDOT (Deed Book 1788, Page 1485); thence with the properties of said NCDOT, Clorette Sigmon Moretz (Deed Book 864, Page 334) and Terry Wayne Moretz (Deed Book 1241, Page 654) in part by each South $67^{\circ}48'30''$ West 1310.57 feet passing existing iron pins at 75.63 feet; 451.97 feet; 791.95 feet and 1272.88 feet to a point within the right-of-way of Zion Church Road and the corner of property, now or formerly, of Clyde E. Hilton (Deed Book 378, Page 299); thence with Clyde E. Hilton's property North $43^{\circ}01'39''$ West 168.54 feet to a point within the right-of-way of Zion Church Road; thence continuing along Clyde E. Hilton's property North $25^{\circ}52'22''$ West 175.60 feet to a point within the right-of-way of Zion Church Road and the corner of property, now or formerly, of Norman O. Hentschel and Linda Sue Hilton Hentschel (Deed Book 897, Page 379); thence with the property, now or formerly, of Norman O. Hentschel and Linda Sue Hentschel North $25^{\circ}52'22''$ West 322.40 feet to a point within the right-of-way of Zion Church Road on the property line of Randolph A. Propst and Martha Ann Yoder Propst (Deed Book 1818, Page 296); thence with the property, now or formerly, of said Rudolph A. Propst and Martha Ann Yoder Propst North $04^{\circ}17'58''$ East 52.04 feet to an iron pin on the Easterly edge of Zion Church Road; thence continuing along property, now or formerly, of said Randolph A. Propst and Martha Ann Yoder Propst North $05^{\circ}42'46''$ East 484.39 feet to an existing stone at the corner of the property of Roy E. Martin and Brenda J. Martin (Deed Book 793, Page 207); thence with said Roy E. Martin and Brenda J. Martin and Charles Fred Jenkins and Dora S. Jenkins (Deed Book 774, Page 643) in part of each North $78^{\circ}40'55''$ East 867.40 feet to a new iron pin set at said Charles Fred Jenkins and Dora S. Jenkins corner passing an existing iron pin at 672.40 feet; thence with said Charles Fred Jenkins and Dora S. Jenkins property North $19^{\circ}00'55''$ East 84.66 feet to the point of BEGINNING, containing 30.75 acres, more or less.

BEING the same property interest acquired by Grantor by deed recorded in Book 3791, Page 0074, Catawba County Registry.

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

ANNEXATION ORDINANCE NO. 490

VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)

**Barbara Vellan Revocable Living Trust, Dated
April 26, 2023, Barbara Vellan, Trustee and Larry
J. Guthrie and/or Kimberly K. Montgomery,
Trustees or their successors in trust under the
Larry J. Guthrie Grantor Trust**

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 19th day of September 2023; and

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described non-contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of September 2023:

**Satellite Annexation
by the City of Hickory
known as the
Barbara Vellan and Larry J. Guthrie
and/or Kimberly K. Montgomery, Trustees
or their successors in trust under the
Larry J. Guthrie Grantor Trust property**

That certain parcel or tract of land lying and being 3.4 miles south southwest of the center of the City of Hickory. Bounded on the west by the right-of-way of Zion Church Rd. (S.R. 1008) and the lands of Kathryn Dawn Propst and Sara Ann Propst Icard as described in Deed Book 3720 at Page 1008; on the north by the lands of Paula Jean Garrett as described in Deed Book 3517 at Page 366, Roy

Edward Martin Jr. as described in Deed Book 1596 at Page 198, James Dozier and Jessica Dozier as described in Deed Book 3413 at Page 1574; on the east by the right-of-way of Highway 321; on the south by the lands of Village Properties LLP as described in Deed Book 2378 at Page 1875 and Deed Book 2411 at Page 1254 and more particularly described as follows, to wit.

Beginning at a stone, the easternmost corner of the lands of Kathryn Dawn Propst and Sara Ann Propst Icard as described in Deed Book 3720 at Page 1008, said stone having N.C. grid coordinates (NAD 83) of N 712,357.03, E 1,302,861.59 and being located South 61 degrees 43 minutes 25 seconds East 382.82 feet from a point in the intersection of Zion Church Rd. and Yoder Rd. and running thence, as new City of Hickory city limits and with the south line of the Roy Edward Martin Jr. lands as described in Deed Book 1596 at Page 198, North 78 degrees 15 minutes 38 seconds East, passing a $\frac{3}{4}$ " rebar at 214.82 feet, a total distance of 672.29 feet to a square iron, the southwest corner of the James Dozier and Jessica Dozier lands as described in Deed Book 3413 at Page 1574; thence, with the south line of Dozier, North 78 degrees 13 minutes 59 seconds East 195.29 feet to a $\frac{1}{2}$ " iron rod; thence North 18 degrees 36 minutes 58 seconds East 84.57 feet to a $\frac{1}{2}$ " iron rod in the west right-of-way of Highway 321; thence, with the west right-of-way of Highway 321, South 49 degrees 53 minutes 55 seconds East 482.23 feet to a $\frac{5}{8}$ " rebar; thence South 24 degrees 26 minutes 29 seconds East 562.95 feet to a monument; thence South 31 degrees 35 minutes 36 seconds East 38.08 feet $\frac{1}{2}$ " iron rod; thence leaving the west right-of-way of Highway 321 and with the north line of the Village Properties LLP lands as described in Deed Book 2378 at Page 1875 and Deed Book 2411 at Page 1254 the following calls: South 67 degrees 19 minutes 33 seconds West 75.65 feet to a $\frac{3}{4}$ " iron pipe; thence South 67 degrees 21 minutes 24 seconds West 376032 feet to a $\frac{1}{2}$ " iron pipe; thence South 67 degrees 21 minutes 06 seconds West 339.99 feet to a $\frac{1}{2}$ " rebar, said rebar having N.C. grid coordinates of N 711,453.26, E 1,303,628.84; thence South 67 degrees 31 minutes 03 seconds West, passing a $\frac{3}{4}$ " iron pipe on the east right-of-way line of Zion Church Rd. (S.R. 1008) at 481.05 feet, a total distance of 518.62 feet to a point within the right-of-way of Zion Church Rd. (S.R. 1008); thence North 43 degrees 33 minutes 12 seconds West 167.41 feet to a point; thence North 32 degrees 58 minutes 51 seconds West 187.05 feet to a point; thence North 30 degrees 26 minutes 05 seconds West 52.60 feet to a point; thence North 27 degrees 41 minutes 21 seconds West 77.03 feet to a point; thence North 24 degrees 19 minutes 40 seconds West 103.32 feet to a point; thence with a convex curve to the left, said curve having a radius of 37.31 feet, a length of 37.01 feet and a chord bearing and distance of North 54 degrees 13 minutes 28 seconds West 35.51 feet to a point in the existing City of Hickory city limits as shown in Plat Book 54 at Page 40; thence, as the existing city limits, North 21 degrees 49 minutes 51 seconds West 50.05 feet to a point; thence, leaving the existing city limits as new City of Hickory city limits, North 03 degrees 40 minutes 16 seconds East 52.02 feet to a $\frac{1}{2}$ " rebar on the east right-of-way of Zion Church Rd. (S.R. 1008); thence North 05 degrees 17 minutes 04 seconds East 484.46 feet to the beginning containing 30.984 acres more or less.

This description drawn from a plat by Tracy Thane Bishop PLS L-4765, for Colliers Engineering and Design, entitled "Satellite Annexation by the City of Hickory known as the Barbara Vellan and Larry J. Guthrie and/or Kimberly K. Montgomery, Trustees or their successors in trust under the Larry J. Guthrie Grantor Trust Property" dated July 5, 2023.

Section 2. Upon and after the 30th day of September 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly-annexed territory described herein shall become part of Ward No. 4 of the City of Hickory.

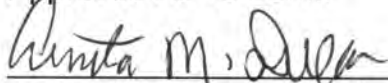
Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified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

ADOPTED THIS 19TH DAY OF SEPTEMBER 2023.

Hank Guess, Mayor

Warren Wood, City Manager

Approved As To Form:



Arnita M. Dula, Deputy City Attorney

CERTIFICATION OF ANNEXATION ORDINANCE

NORTH CAROLINA
CATAWBA COUNTY
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the Annexation Ordinance of Barbara Vellan Revocable Living Trust, Dated April 26, 2023, Barbara Vellan, Trustee and Larry J. Guthrie and/or Kimberly K. Montgomery, Trustees or their successors in trust under the Larry J. Guthrie Grantor Trust was adopted at a regular meeting of the Hickory City Council held on September 19, 2023, and that said Ordinance is in full force and effective on September 30, 2023.

City Clerk

NORTH CAROLINA
CATAWBA COUNTY

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

Witness my hand and notarial seal, this _____ day of _____, 2023.

Notary Public

My Commission Expires: _____

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Wilson Elliott, Planner

Date: September 7, 2023

Re: Consideration of Rezoning Petition 23-04

REQUEST

Conduct a public hearing to consider Rezoning Petition 23-04.

BACKGROUND

The City of Hickory has submitted a petition requesting the consideration of rezoning property located at 1448 Zion Church Road, Hickory, NC from Industrial (IND) to R-2 Residential.

ANALYSIS

The subject property is currently zoned Industrial (IND) by the city of Hickory, and totals 30.36 acres in total size. The current IND zoning district is primarily devoted to manufacturing, processing and assembly, warehousing, distribution and servicing enterprises, and office activities.

The subject property is currently unoccupied land. The owners' intention is to develop the land into a single-family residential conservation subdivision. The City of Hickory Land Development Code allows for conservation subdivision in Medium Density Residential (R-2) zoning districts.

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on July 26, 2023, to consider the petition. During the public hearing, two (2) people spoke in favor of the rezoning, with no one speaking in opposition of the rezoning.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT

As of September 7, 2023, staff has two (2) inquiries from citizens regarding this petition. After staff conversation, both citizens were satisfied and did not oppose the rezoning.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

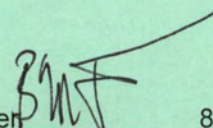
Yes

☐

No

☒**LIST THE EXPENDITURE CODE:**

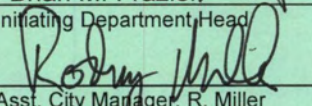
Reviewed by:


 Brian M. Frazier
 Initiating Department Head

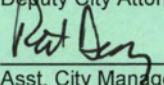
 8/3/2023
 Date


 Anita M. Dula
 Deputy City Attorney, A. Dula

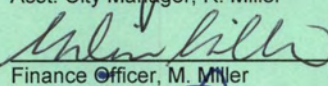
 9-12-23
 Date


 Rodney Miller
 Asst. City Manager, R. Miller

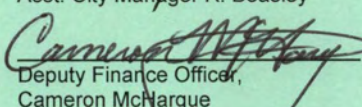
 9/11/23
 Date


 R. Beasley
 Asst. City Manager R. Beasley

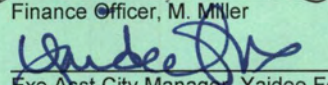
 9/11/23
 Date


 M. Miller
 Finance Officer, M. Miller

 9/13/23
 Date

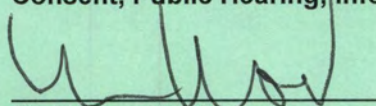

 Cameron McHargue
 Deputy Finance Officer,
 Cameron McHargue

 9-12-23
 Date


 Yaidee Fox
 Exe Asst City Manager, Yaidee Fox

 9/13/23
 Date

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


 W. Wood
 City Manager, W. Wood

 9-14-23
 Date

REZONING ANALYSIS

PETITION: 23-04

APPLICANT: City of Hickory

OWNERS: Barbra Vellen, Larry J. Guthrie Grantor Trust

PROPERTY LOCATION: 1448 Zion Church Road, Hickory, NC 28602.

PIN: 3701-18-31-5906

WARD: This property is located in Ward 4 (Councilman Freeman).

ACREAGE: 30.36 acres

REQUESTED ACTION: Rezone the property from Industrial (IND) to Medium Density Residential (R-2).

BACKGROUND: The property is currently zoned Industrial (IND), and was zoned such in 1999 as part of a perspective industrial park that never came to fruition. The applicant is requesting the zoning map amendment in the expectation of constructing a single-family residential development utilizing a conservation subdivision design.

DEVELOPMENT POTENTIAL: The subject property is currently zoned Industrial, and totals 30.36 acres in total size. The current Industrial zoning permits a variety of office and industrial uses with no specified development density.

The subject property is currently sitting as unoccupied land. The owners' intention is to develop the land into a single-family residential conservation subdivision. The City of Hickory Land Development Code allows for conservation subdivision in Medium Density Residential (R-2) zoning districts.

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

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

The general area is classified Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).

The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: "This land use category is intended to provide an area of transition between higher density housing in Hickory and the surrounding rural areas by offering development at two to four units per acre. This development pattern also provides a measure of diversity of housing options for city residents. Although the gross density in these areas is proposed to be less than medium density residential, conservation subdivision design principles can provide opportunities for a combination of small and

large lot development that helps preserve open spaces and environmentally sensitive lands." (HBC 2030, Pg. 3.9)

The R-2 zoning district is listed as an implementing zoning district for the Low-Density Residential land use classification. The planned future use of the property is a single-family residential conservation subdivision. The Hickory by Choice 2030 Comprehensive Plan clearly states conservation subdivisions are appropriate for the area. Conservation subdivisions are designed to preserve open spaces, flood plains, wetlands, and minimize storm water runoff in watershed protection areas, which is compatible with the language found with the Hickory by Choice 2030 Comprehensive Plan.

Additionally, the rezoning places the property into a zoning district much more harmonious with the surrounding area. The rezoning of the property to R-2 is what is referred to as downzoning as the permissible intensity is being decreased.

Given these factors, the rezoning of the property to R-2 conservation subdivision should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future low-density residential development, which is what the Medium Density Residential (R-2) district provides.

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

All improvements that are to take place on the property will be required to follow all applicable development regulations.

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

The subject property has access to a state-maintained roadway (Zion Church Rd / SR 1008), and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The property is current undeveloped / wooded. All other properties in the general vicinity are residentially used or vacant. This development pattern will continue under the R-2 Residential district, as residential uses are the primary permissible uses within the district. The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services

are in place to service the area. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

The subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.

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

- **North:** The properties are zoned R-20 Residential (Catawba County) and are either occupied by single-family residences or vacant.
- **South:** The properties are zoned 321-ED(MX) (Catawba County) and are unoccupied land.
- **East:** The properties across U.S. Hwy 321 are zoned R-20 Residential (Catawba County), These properties are unoccupied land.
- **West:** The properties are zoned R-2 Medium Residential (Hickory) and are occupied by single-family residences (Waterford Hills development).

3. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists of single-family residences running adjacent to the west of the property down Zion Church Rd. The rezoning of the property to R-2 Residential would continue this development pattern and will be similar to existing City zoning already in place, within the larger area.

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

The requested Medium Density Residential (R-2) zoning is much less intense than the current Industrial (IND) zoning. The rezoning of the property to R-2 will actually reduce the possibility of detrimental impacts to the surrounding areas.

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

Public resources to provide critical public services are in place to service the area. These include public utilities transportation infrastructure, as well as police and fire protection.

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued residential development. The current use of

the property is unoccupied land, which are usually suitable for conservation subdivisions within R-2 zoning districts.

Any future development that occurs of the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

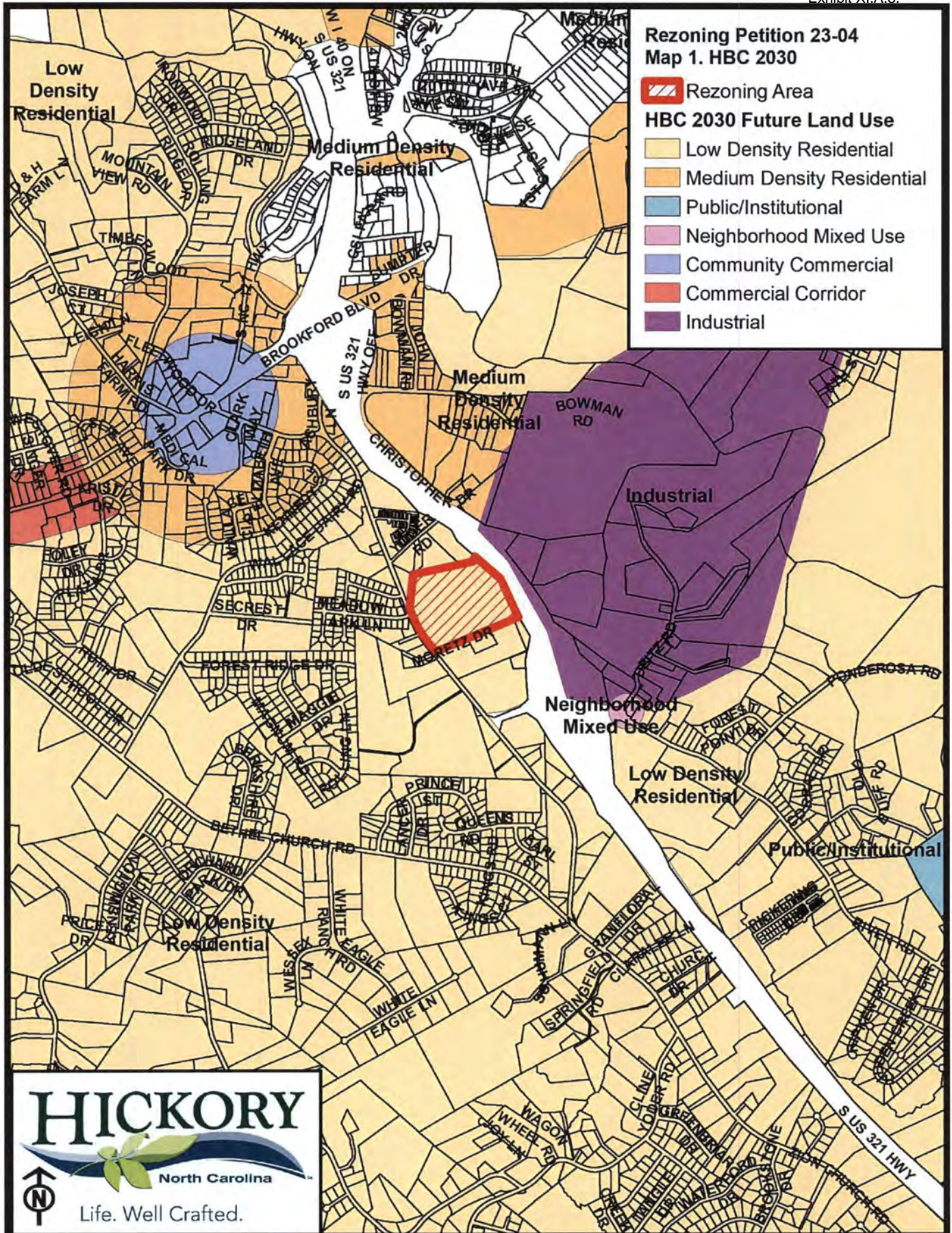
RECOMMENDED ACTION:

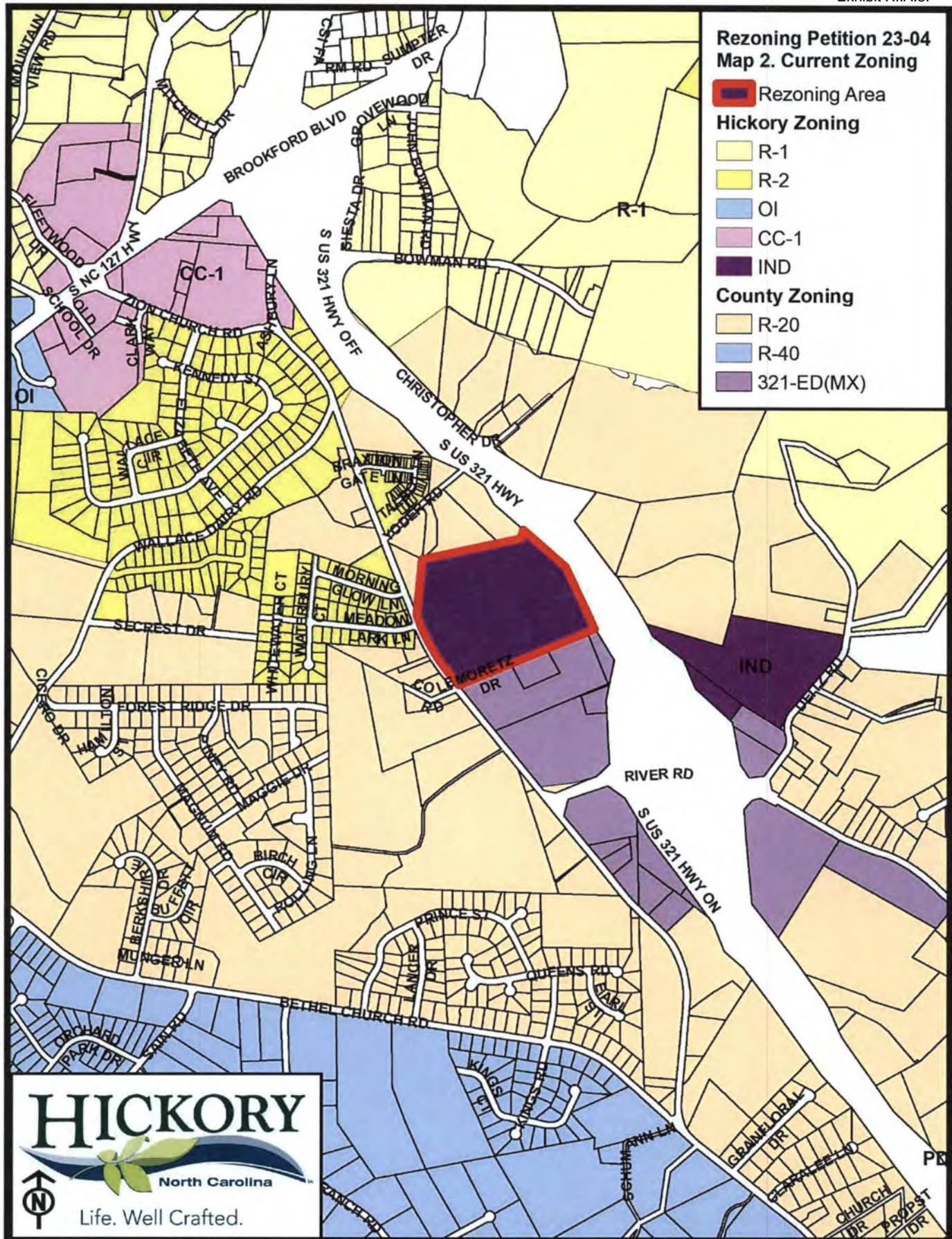
The Hickory Regional Planning Commission conducted a public hearing on July 26, 2023, to consider the petition. During the public hearing, two (2) people spoke in favor of the rezoning, with no one speaking in opposition of the rezoning petition.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT:

As of September 7, 2023, staff has two (2) inquiries from citizens regarding this petition. After staff conversation, both citizens were satisfied and did not oppose the rezoning.










**HICKORY REGIONAL PLANNING COMMISSION
ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On July 26, 2023 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Rezoning Petition 23-04. Upon consideration, the Hickory Regional Planning Commission found:

1. The area in question is designated as Low Density Residential by the Comprehensive Plan. Areas classified as Low Density Residential are intended to provide an area of transition between higher density housing in Hickory and the surrounding rural areas by offering development at two to four units per acre. Rezoning of the referenced property to Medium Density Residential (R-2) would be consistent with the Comprehensive Plan.
2. The area in question is designated as Low Density Residential. The strategies and recommendations associated with Low Density Residential demonstrates the rezoning of the property to R-2 is in keeping with the intent of the Comprehensive Plan to facilitate orderly growth and development within the city's planning jurisdiction.
3. All improvements that are to take place on the property will be required to follow all applicable development regulations.
4. The property has ingress and egress access via Zion Church Road/ SR 1008, which is state maintained. The land-use pattern in the area, which includes the subject property, represents an efficient use of public services, and the wise use of public funding.
5. The current land use pattern of the larger area consists mainly of commercial uses. The rezoning of the property, as discussed, maintains this current pattern.
6. Public resources to provide critical public services are or will be in place to service the property, if developed. These include public utilities and transportation infrastructure.
7. Any future development occurring on the subject properties shall adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.
8. The requested Medium Density Residential (R-2) zoning is not similar to the current Industrial district in terms of permissible uses. The existing development pattern is logical and anticipated by the City's comprehensive planning process. To the maximum extent practical, necessary precautions will be taken to mitigate detrimental impacts in the area.

9. Public resources to provide critical public services are or will be in place to service the property. These include public utilities, transportation infrastructure, as well as police and fire protection.
10. The subject property will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory Regional Planning Commission has found Rezoning Petition 23-04 to be consistent with the findings and recommendations of plans outlining development in the area and recommends Hickory City Council approval of the petition



Bill McBrayer, Chairman

7/26/23
Date

ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 30.36 ACRES OF PROPERTY LOCATED AT 1448 ZION CHURCH ROAD, FROM INDUSTRIAL (IND) TO R-2 RESIDENTIAL.

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

WHEREAS, the property owner has been petitioned to rezone +/- 30.36 acres of property located at 1448 Zion Church Road, more particularly described on **Exhibit A** attached hereto, to allow R-2 Residential districts; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on July 26, 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 rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety and general welfare; and

WHEREAS, the City Council has found Petition 23-04 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

- The subject property is located at 1448 Zion Church Road, and identified as PIN 3701-18-31-5906.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent and inconsistent with the Hickory by Choice 2030 Comprehensive Plan.

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

Ordinance NO. _____
 Hickory City Council
 Page 1 of 5

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

1. The area in question is designated as Low Density Residential by the Comprehensive Plan. Areas classified as Low Density Residential are intended to provide an area of transition between higher density housing in Hickory and the surrounding rural areas by offering development at two to four units per acre. Rezoning of the referenced property to Medium Density Residential (R-2) would be consistent with the Comprehensive Plan.

Given these factors, the rezoning of the property to R-2 Medium Density Residential should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future low density residential development, which is what the Medium Density Residential (R-2) district provides.

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

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

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

The subject property has access to a state-maintained roadway (Zion Church Rd / SR 1008), and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The property is current undeveloped / wooded. All other properties in the general vicinity are residentially used or vacant. This development pattern will continue under the R-2 Residential

Ordinance NO. _____
Hickory City Council
Page 2 of 5

district, as residential uses are the primary permissible uses within the district. The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place to service the area. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

The subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.

- The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists of single-family residences running adjacent to the west of the property down Zion Church Rd. The rezoning of the property to R-2 Residential would continue this development pattern and will be similar to existing City zoning already in place, within the larger area.

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

The requested Medium Density Residential (R-2) zoning is much less intense than the current Industrial (IND) zoning. The rezoning of the property to R-2 will actually reduce the possibility of detrimental impacts to the surrounding areas.

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

Public resources to provide critical public services are in place to service the area. These include public utilities transportation infrastructure, as well as police and fire protection.

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued residential development. The current use of the property is unoccupied land, which are usually suitable for conservation subdivisions within R-2 zoning districts.

Ordinance NO. _____
Hickory City Council
Page 3 of 5

Any future development that occurs of the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory City Council has found Rezoning Petition 23-04 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the ____ day of _____, 2023.

(SEAL)

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

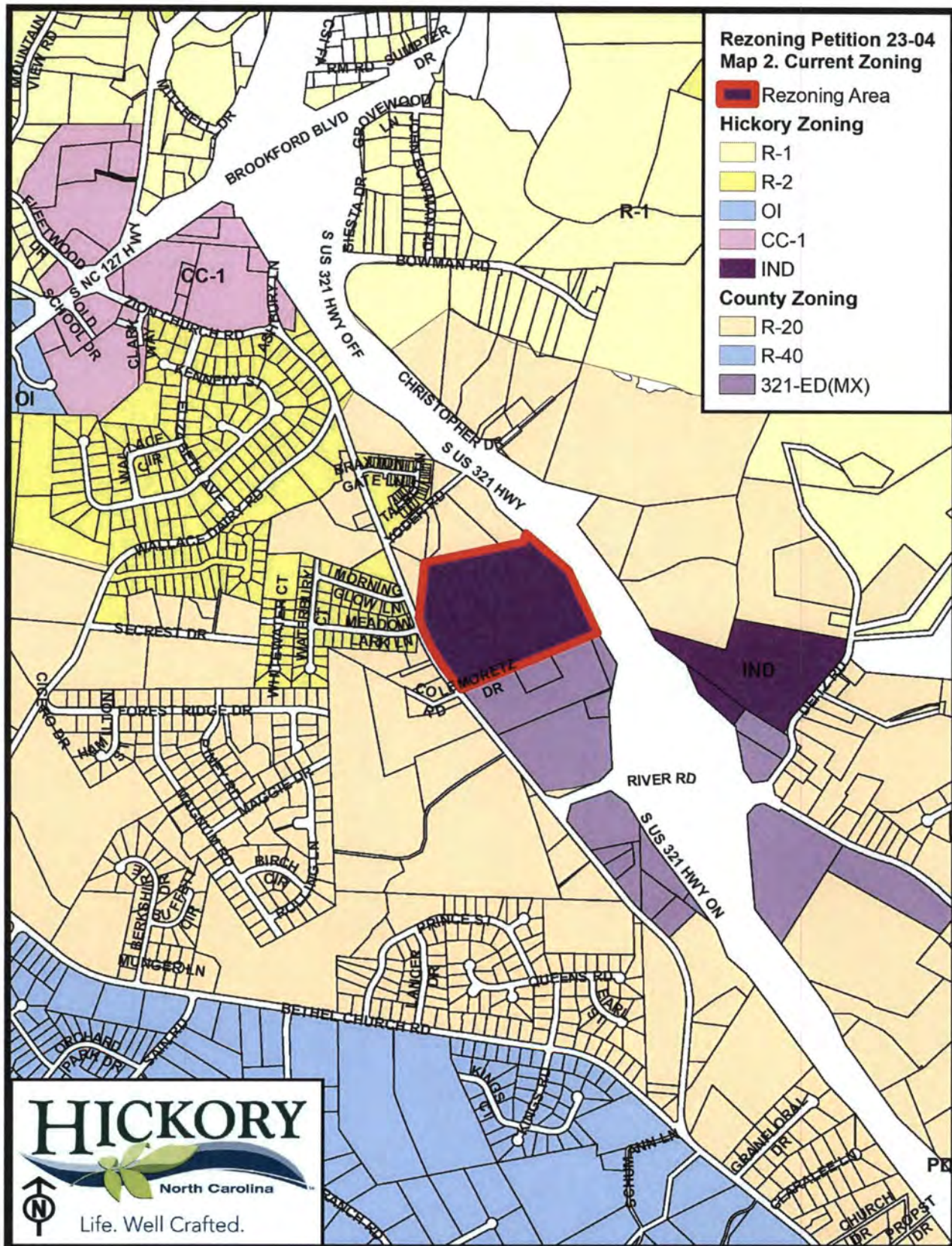
By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this 12th day of September, 2023.

Amata M. Duff
Attorney for the City of Hickory

Ordinance NO. _____
Hickory City Council
Page 4 of 5



COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development, Planning Division

Contact Person: Mike Kirby, Senior Planner

Date: September 7th, 2023

Re: Voluntary non-contiguous annexation of property owned by Legacy Home Builders, LLC

REQUEST

Consideration of the voluntary non-contiguous annexation of 1.85 acres property located on 34th St PI NE. This property is identified as PIN 3724-19-70-3169.

BACKGROUND

The property is currently located within the Catawba County Planning Jurisdiction and the City of Hickory ETJ and zoned R-20 Residential (Catawba) and Neighborhood Commercial (Hickory). The applicant has requested that the property be rezoned to NC (Neighborhood Commercial). The applicants intend to propose to build two-family residential units.

ANALYSIS

The annexation is being requested so the proposed development of two-family residential units can be started and completed. In order for the proposed development to occur as proposed, the property would need to be served by city services, including sanitary sewer. City policy is to require properties be annexed in order to connect to the City's sanitary sewer system.

The annexation of the property and subsequent development of the property represents a significant private investment in the city's housing inventory, and an increase in the city's overall population.

Surrounding properties are zoned Catawba County R-20 Residential, Neighborhood Center Commercial, and Medium Density Residential (R-2).

The current tax value of the property is \$31,500. Tax revenue generated by annexation of the property would be \$143.35. Upon completion of the development previously outlined, tax values and revenues would increase significantly.

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

RECOMMENDATION

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

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

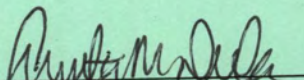
☒**LIST THE EXPENDITURE CODE:****Reviewed by:**

Brian Frazier

Initiating Department Head

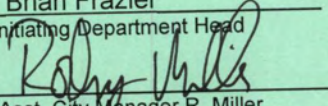
9/7/2023

Date


 Deputy City Attorney, A. Dula

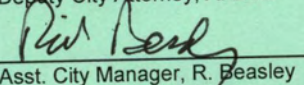
9-12-23

Date


 Asst. City Manager R. Miller

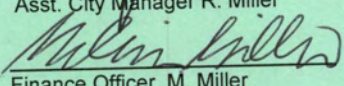
9/11/23

Date


 Asst. City Manager, R. Beasley

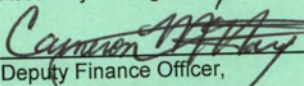
9/11/23

Date


 Finance Officer, M. Miller

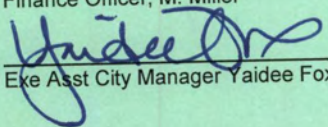
9/13/23

Date


 Deputy Finance Officer,
 Cameron McHargue

9-12-23

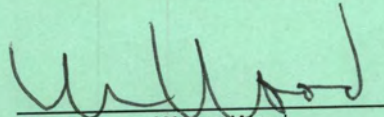
Date


 Eke Asst City Manager Yaidee Fox

9/13/23

Date

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


 City Manager, Warren Wood


 9-14-23
 Date

VOLUNTARY NON-CONTIGUOUS ANNEXATION ANALYSIS

APPLICANT: Legacy Home Builders, LLC

AGENT: Vitaliy Gladyshev, President of Legacy Home Builders, LLC

PROPERTY LOCATION (See Map 1): 34th St PI NE

PIN NUMBER: 3724-19-70-3169

WARD: If annexed, the subject property will be located in Ward 3 (Councilman Seaver).

REQUESTED ACTION: The request is for a voluntary non-contiguous annexation.

ACREAGE: 1.85 acres

DEVELOPMENT POTENTIAL: The property is currently located within the City of Hickory ETJ and Catawba County Planning Jurisdiction and is zoned R-20 Residential (Catawba) and NC (Neighborhood Commercial). The applicant has requested that the property be rezoned to NC (Neighborhood Commercial). The applicants intend to subdivide the property for 9 duplexes.

TAX VALUE: The current tax value of the property is \$31,500. Tax revenue generated by annexation of the property would be \$143.35. Upon completion of the development previously outlined, tax values and revenues would increase significantly.

POPULATION INCREASES: The property is currently vacant. The owners / developers intend to construct 4, and as such increases in population resulting from the annexation are likely to occur. The current U.S. Census Bureau residential household size estimate for renter occupied dwellings in the city is 2.23 occupants. Given this estimate, a population increase of approximately 40 persons could occur.

SCHOOL DISTRICTS: The property is located within the jurisdictional area of the Catawba County Public School System, and located in the schools listed below. It should be noted the multipliers are several years old and are currently being update.

School Type	School District	Student Multiplier Per Dwelling	Number of Potential or Existing Dwelling Units	Potential Additional Students
Elementary	Snow Creek	0.21	18	4
Middle	Arndt	0.09	18	2
High	St Stephens	0.13	18	2

**Note: The student multipliers above reflect estimates and are for owner occupied dwellings only.*

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

- North, West, South: The properties are zoned Neighborhood Commercial (NC). The properties are primarily occupied by detached single family residences or are vacant properties.
- East: The properties are zoned R-20 Residential (Catawba) The properties are primarily occupied by detached single family residences.

UTILITY SERVICE: The City of Hickory has adequate water and sewer capacities to serve the proposed annexation area. The owner / developer will be responsible for the installation of any water and sewer extensions needed to serve the proposed development.

ACCESS: Access to the subject property is from 34th St PI NE which is a state-maintained highway.

DISTANCE FROM CITY LIMITS (See Map 1): The proposed annexation area is located approximately 4360 feet east of the proper city boundary.

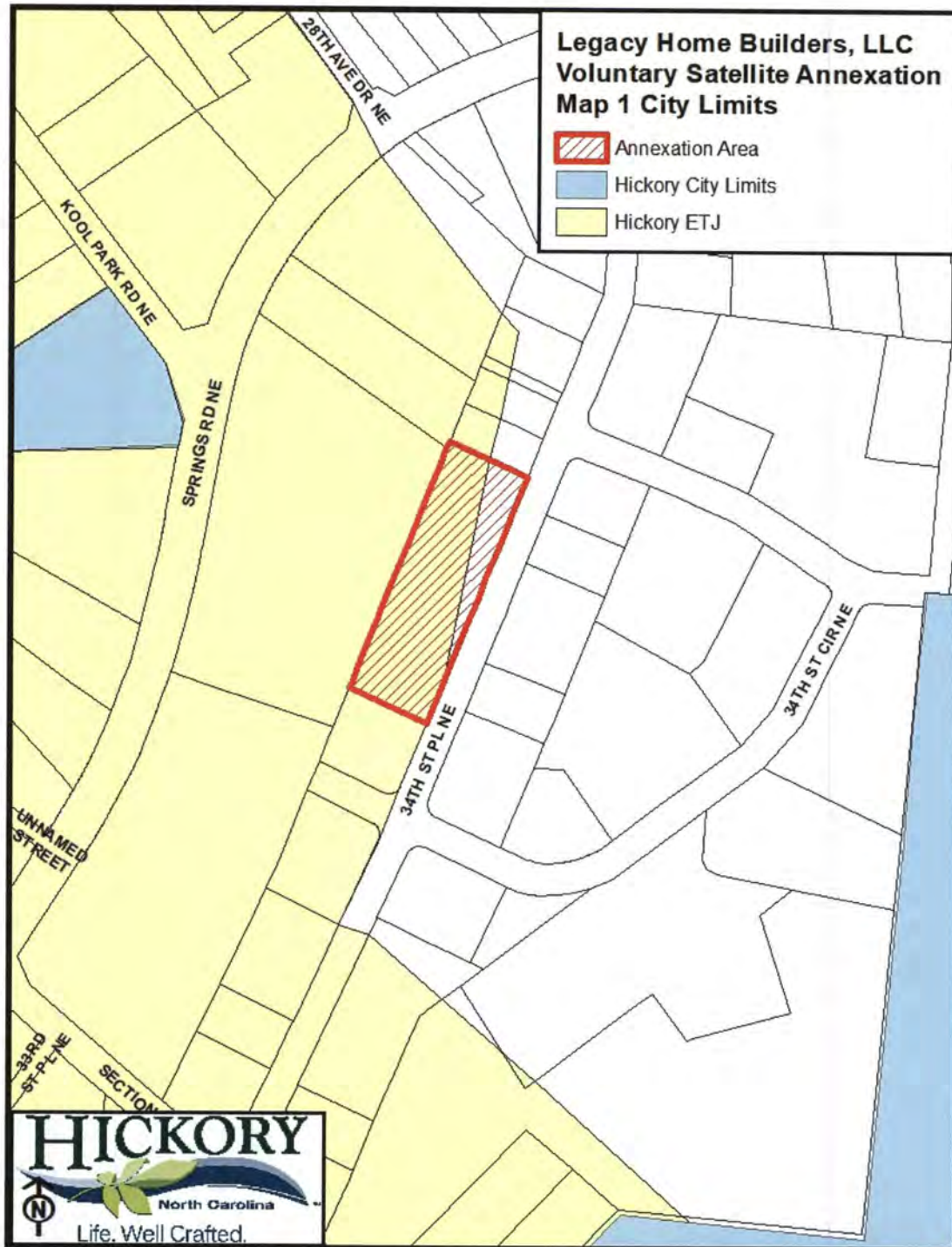
STAFF COMMENTS:

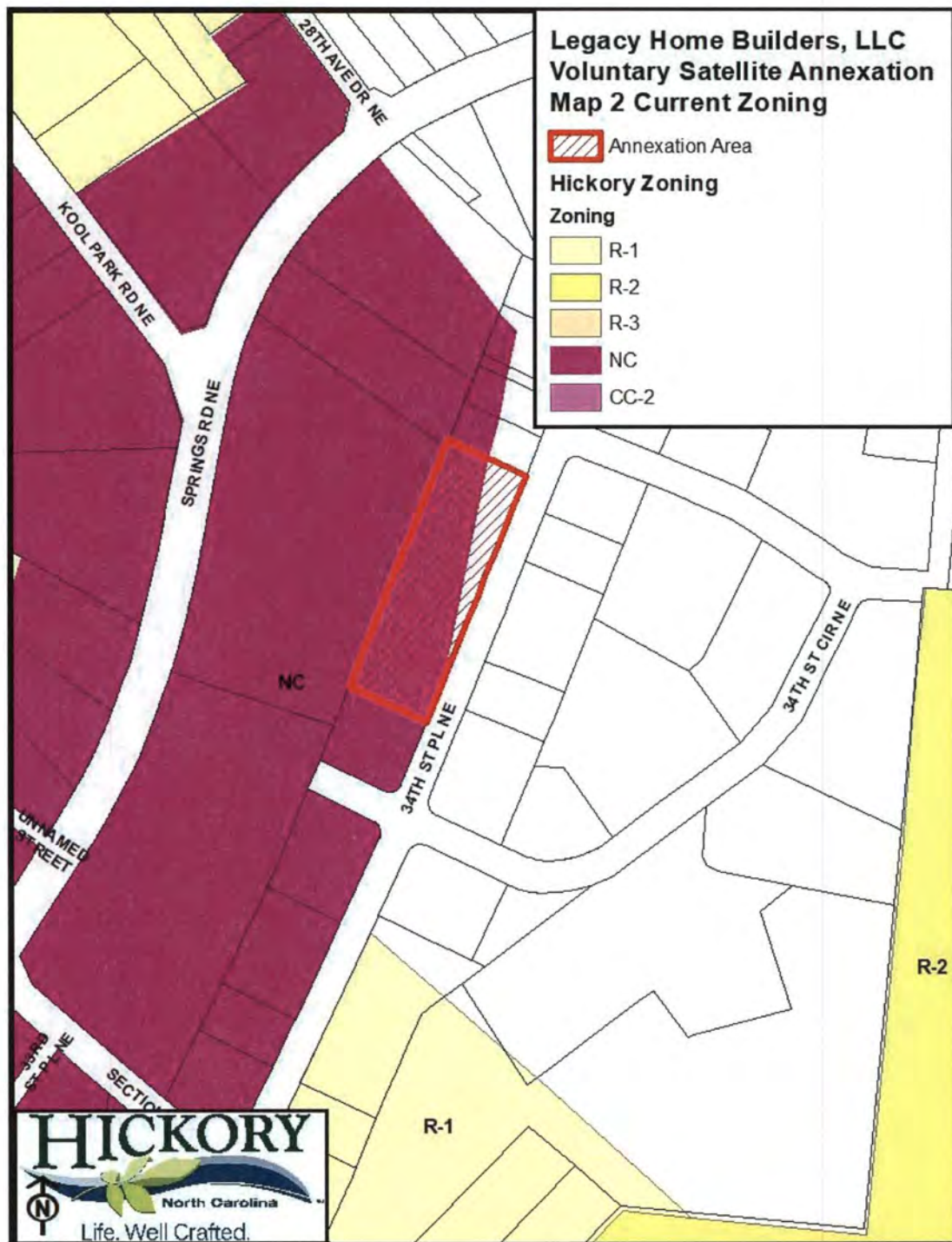
- Fire: Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently in HFD Station 2's response area and will remain in such with no changes.
- Police Department: Annexation would not adversely affect the police department. The property, upon annexation, would be in Baker PACT.
- Transportation
- Engineering: No objections
- Planning: No objections.
- Public Services: No objections.
- Public Utilities: There is an 8" sewer main and 8" water main on 34th St PI NE available to serve the property. The sewer line does not front the entire property, so we need to make sure that they do not subdivide the lot in a way that prevents all lots from being served. The developer would be responsible for any sewer extensions needed to serve the property if subdivided.
- Legal: No objections.
- City Manager's Office: No objections.

STAFF RECOMMENDATION: Upon evaluation staff has found the following:

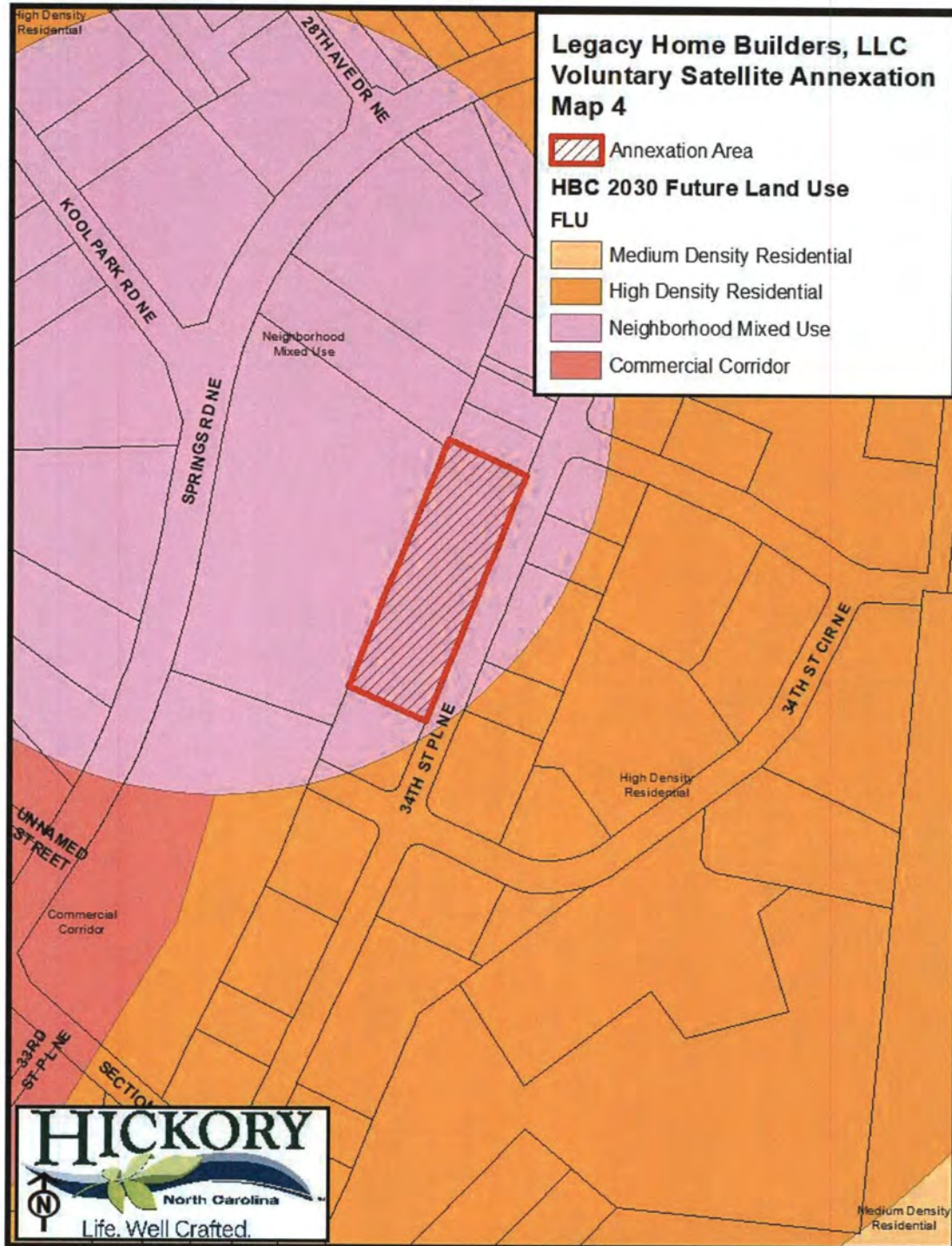
1. The voluntary non-contiguous annexation petition complies with all applicable statutes regarding the voluntary annexation of satellite properties.
2. Adequate public services are available in sufficient quantities to properly serve the property, subject to the comments provided above.
3. The annexation of the property will not cause available public services to fall below acceptable levels.

Based upon the findings provided above, staff recommends City Council approval of the voluntary non-contiguous annexation petition.









CITY OF HICKORY
APPLICATION FOR VOLUNTARY ANNEXATION

DATE SUBMITTED: 08/16/2023

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

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

1. The property be voluntarily annexed is located on 34th Street Place NE
between Section House Road and 34 Street Circle NE
and is shown in more detail on the attached survey.

PIN NO. (S) : 3724-19-70-3169

Physical (Street) Address: 34th Street Place NE

2. The property is owned by: (please print) legacy Home Builders, LLC
 (Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Legacy Home Builders, LLC

Address: 207 S Academy Street Lincolnton, NC 28092

Phone Number: 704-727-2575

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

Agent Information:

Name: Vitaliy Gladyshev Member/Organizer

Address: 207 S Academy Street Lincolnton, NC 28092

Phone Number: 704-727-2575

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

5. WATER AND SEWER AVAILABILITY AND CONNECTIONS

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

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

6. APPLICANT'S AFFIDAVIT

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

Legacy Homes LLC
Printed Name of Property Owner(s)

207 S Academy Street Lincolnton, NC 28092

Address of Property Owner(s)

[Signature]
Signature of Property Owner(s)

413 - 237-7840

Telephone Number of Property Owner(s)

Member/Organizer

(Please choose the appropriate notary block)

State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Vitaliy Gladyshev personally came before me this day and acknowledged the he / she is the Member/Organizer of Legacy Homes LLC corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he / she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 11th day of August, 2023.

My Commission Expires: 10-31-2026

[Signature]
Notary Public



3825-1516

FILED ELECTRONICALLY
 CATAWBA COUNTY NC
 DONNA HICKS SPENCER

FILED Aug 14, 2023
 AT 12:00:00 PM
 BOOK 03825
 START PAGE 1516
 END PAGE 1521
 INSTRUMENT # 14310
 EXCISE TAX \$300.00

GENERAL WARRANTY DEED

REVENUE: \$300.00

Tax Parcel ID No. 3724-19-70-3169 Verified by _____ County on the _____ day of _____, 20____
 By: _____

Mail/Box to: Thomas N. Hannah, Attorney at Law, P.O. Drawer 1989, Hickory, NC 28603

This instrument was prepared by: Thomas N. Hannah, Attorney at Law, P.O. Drawer 1989, Hickory, NC 28603

Brief description for the Index: LRK Reid 50584

THIS DEED, made this the 18th day of July, 2023, by and between

GRANTOR: Wayne Howard Propst, Trustee of the Wayne H. Propst Living Trust dated March 10, 2011 as amended and restated October 29, 2021

Whose mailing address is: P.O. Box 2007, Hickory, NC 28603 and

Maria P. Sigmon and husband, Dale Edward Sigmon

Whose mailing address is: P.O. Box 6111, Hickory, NC 28603 and

Cloyd H. Propst, Jr. and wife, Pamela Propst

Whose mailing address is: 4205 6th Street NW, Hickory NC 28601 and

Leigh Ann P. Blodgett and husband, Harley H. Blodgett

Whose mailing address is: 9554 Huntington Court, Matthews, NC 28105 and

Catherine Elaine Propst and spouse, Janet McGoldrick

Whose mailing address is: 112 Elgin Pl., Greensboro, NC 27810 and

Amber Elise Cruz and husband, Nicolas Cruz Benitez

Whose mailing address is: 90 Alyssum Dr., Four Oaks, NC 27524

(herein referred to collectively as Grantor) and

GRANTEE: Legacy Home Builders, LLC, a North Carolina Limited Liability Company

whose mailing address is: 207 S. Academy Street, Lincolnton, NC 28092-2714

(herein referred to collectively as Grantee)

[Include mailing address for each Grantor and Grantee; marital status of each individual Grantor and Grantee; and type of entity, e.g., corporation, limited liability company, for each non-individual Grantor and Grantee.]

WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in _____ County of Catawba, State of North Carolina, more particularly described as follows:

Submitted electronically by "Brady & Kosofsky, PA"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Catawba County Register of Deeds.

3825-1517

BEING Lots Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 in Block "B" of the Bolick Heights Subdivision, according to the Plat of the same made by Sam Rowe, Jr., RS on the 9th day of September 1957, which Plat is recorded in Book of Plats 9 on Page 53 Catawba County Registry, reference to which is made for a more definite description thereof. For partial chain of title see Deed recorded in Book 242 at page 400, Catawba County Registry.

The conveyance of the above-described lots is subject to the following reservations and restrictions:

1. No houses shall be erected on these lots that contains less than 1000 square feet of heated floor space, exclusive of porches, breezeways or garages.
2. No houses shall be built with concrete or cinder blocks showing.
3. No building of any nature or kind shall be erected upon the premises within less than 40 feet of the front property lines or within 10 feet of either of the side property lines.

Amber Elise Cruz is the sole heir of Judy P. Stevens see Estate File No. 21 E 1323.

Title Reference: See Book 524 Page 129, Book 3710 Page 916, Book 3771 Page 1513, and Estate Files 93 E 118; 01 E 541 and 19 E 900. Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 3771, Page 1513 and being reflected on plat(s) recorded in Map/Plat Book 9 Page 53

All or a portion of the property herein conveyed [] includes or [X] does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor is seized of the premises in fee and has the right to convey same in fee simple, that title is marketable and is free and clear of encumbrances other than as set forth herein, and that Grantor will forever warrant and defend the title against the lawful claims of all persons or entities whomsoever.

This conveyance is made subject to the following Exceptions and Reservations:

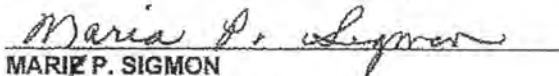
This conveyance is made subject to restrictive covenants and encumbrances of record, and to any and all easements and rights of way on location on the above described property heretofore granted or existing in favor of any individuals, corporations, public or private associations of individuals, public utilities and governmental agents, commissions or departments for the purpose of constructing, erecting, laying, building or maintaining any streets, roads, highways, signs, service alleys, power lines or poles, gas lines, water lines, lines for pipes or sewer lines and any and all other similar or related public or private utility service facilities or otherwise.

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.


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

 (SEAL)

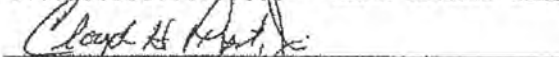
WAYNE HOWARD PROPST, Trustee of the Wayne H.
Propst Living Trust dated March 10, 2011 &
amended/restate October 29, 2021

 (SEAL)

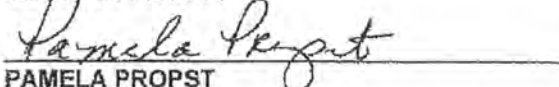
MARIE P. SIGMON

 (SEAL)

DALE EDWARD SIGMON

 (SEAL)

CLOYD H. PROPST

 (SEAL)

PAMELA PROPST

Additional signatures & acknowledgements appear on
the following pages

3825-1518

STATE OF North Carolina COUNTY OF Catawba

I, Ella Roberts, [print/type name of Notary], a Notary Public in and for the aforesaid County and State, certify that the following person (s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document:

Wayne H. Propst, Trustee of the Wayne H. Propst Living Trust dated 3/10/11 and amended/restated 10/29/21 GRANTOR(S).

Date: July 18, 2023

Ella Roberts
Signature of Notary Public

My Commission expires: June 19, 2027

(Official/Notarial Seal)



STATE OF North Carolina COUNTY OF Catawba

I, Ella Roberts, [print/type name of Notary], a Notary Public in and for the aforesaid County and State, certify that the following person (s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document: **Maria P. Sigmon and husband, ~~Edward Dale Sigmon~~ GRANTOR(S).**

Date: July 18, 2023

Ella Roberts
Signature of Notary Public

My Commission expires: June 19, 2027

STATE OF North Carolina COUNTY OF Catawba

I, Ella Roberts, [print/type name of Notary], a Notary Public in and for the aforesaid County and State, certify that the following person (s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document: **Cloyd H. Propst, Jr. and wife, Pamela Propst, GRANTOR(S).**

Date: June 6, 2023

Ella Roberts
Signature of Notary Public

My Commission expires: June 19, 2027

(Official/Notarial Seal)



3825-1519

Catherine Elaine Propst (SEAL)
 Catherine Elaine Propst
 Individually and as heir of Cloyd Hugh Propst, Sr.

Janet Marie McGoldrick (SEAL)
 Janet Marie McGoldrick
 Individually and as heir of Cloyd Hugh Propst, Sr.

STATE OF NC
 COUNTY OF Cecil

I, Julie A McCray, a Notary Public for said County and State aforesaid, do hereby certify that Catherine Elaine Propst, Individually and as heir of Cloyd Hugh Propst, Sr. personally appeared before me this day, and being by me duly sworn, says that they executed the foregoing and annexed instrument. Witness my hand and notarial seal this 13 day of June, 2023.

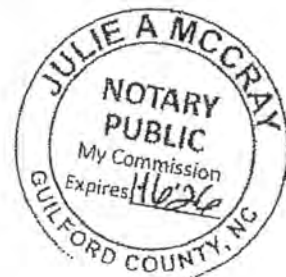
Julie A McCray
 Notary Public
 My commission expires: Jan. 16, 2026



STATE OF NC
 COUNTY OF Cecil


I, Julie A McCray, a Notary Public for said County and State aforesaid, do hereby certify that Janet Marie McGoldrick, Individually and as heir of Cloyd Hugh Propst, Sr. personally appeared before me this day, and being by me duly sworn, says that they executed the foregoing and annexed instrument. Witness my hand and notarial seal this 13 day of June, 2023.

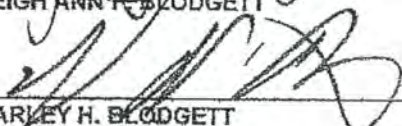
Julie A McCray
 Notary Public
 My commission expires: Jan. 16, 2026



3825-1520

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

 (SEAL)
LEIGH ANN P. BLODGETT


 (SEAL)
HARLEY H. BLODGETT

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, KORIN S DIXON, [print/type name of Notary], a Notary Public in and for the aforesaid County and State, certify that the following person (s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document: Leigh Ann P. Blodgett and husband Harley H. Blodgett, GRANTOR(S).

Date: 06-12-2023


Signature of Notary Public

My Commission expires: JAN 21, 2024

(Official/Notarial Seal)

KORIN S DIXON
NOTARY PUBLIC
Mecklenburg County, North Carolina
My Commission Expires January 21, 2024

3825-1521

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

Amber Elise Cruz (SEAL)
AMBER ELISE CRUZ

Nicolas Cruz Benitez (SEAL)
NICOLAS CRUZ BENITEZ

STATE OF NORTH CAROLINA

COUNTY OF JOHNSTON

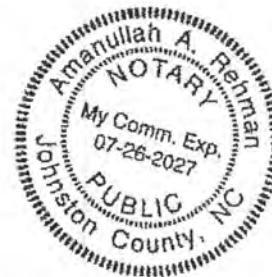
I, AMANULLAH A. REHMAN, [print/type name of Notary], a Notary Public in and for the aforesaid County and State, certify that the following person (s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document: Amber Elise Cruz and husband, Nicolas Cruz Benitez, GRANTOR(S).

Date: 06/06/2023

Amanullah A. Rehman
Signature of Notary Public

My Commission expires: 07/26/2027

(Official/Notarial Seal)



**Satellite Annexation
by the
City of Hickory
of the property known as
Legacy Home Builders LLC**

That certain parcel or tract of land lying and being about 4.62 miles northeast of the center of the City of Hickory. Bounded on the north by the lands of C. Toney 2021E-1145, J. Laws as described in Deed Book 1944 at Page 931; on the east by the 60' right-of-way of 34th Street Place NE; on the south by the lands of J. Barger as described in Deed Book 2543 at Page 96; on the east by the lands of Corey Properties RLLP as described in Deed Book 2751 at Page 412 and more particularly described as follows to wit.

Beginning at a bolt in the north line of the lands of J. Barger as described in Deed Book 2543 at Page 96 said bolt being located North 21 degrees 14 minutes 33 seconds West 150.13 feet from a 2" rod and having N.C. grid coordinates (NAD 83/2011) of North 739,921.618, East 1,327,342.289 and running thence, as new City of Hickory city limits lines and with the north line of Barger, North 64 degrees 04 minutes 56 seconds West 162.76 feet to a 3/8" rod by a 1" rod in the east line of the lands of Corey Properties RLLP as described in Deed Book 2751 at Page 412; thence, with the east of the lands of Corey properties RLLP, North 21 degrees 25 minutes 35 seconds East 482.20 feet to a rebar, the southernmost corner of the lands of C. Toney 2021E-1145; thence, with the east line of Toney, North 20 degrees 51 minutes 15 seconds East 18.52 feet to 1 1/4" pipe, the southwest corner of the lands of J. Laws as described in Deed Book 1944 at Page 931; thence, with the south line of Laws, South 64 degrees 12 minutes 44 seconds East 164.11 feet to a 1 1/4" pipe within the 60' right-of-way of 34th Street Place NE, said pipe having N.C. grid coordinates (NAD 83/2011) of North 740,387.54, East 1,327,526.407; thence, continuing the same bearing, a distance of 25.71 feet to a point in 34th Street Place NE; thence, with 34th Street Place NE, South 21 degrees 48 minutes 55 seconds West 500.88 feet to a point in 34th Street Place NE; thence North 64 degrees 04 minutes 56 seconds West 23.49 feet to the point of beginning. Containing 2.153 acres more or less.

This description is drawn from a plat by Jacob W. Helton, PLS L-5105, titled "A Satellite Annexation by the City of Hickory known as the Legacy Home Builders LLC Property" and dated August 18, 2023.

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

ANNEXATION ORDINANCE NO. 491

VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)

Legacy Home Builders, LLC

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 19th day of September 2023; and

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described non-contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of September 2023:

**Satellite Annexation
by the
City of Hickory
of the property known as
Legacy Home Builders LLC**

That certain parcel or tract of land lying and being about 4.62 miles northeast of the center of the City of Hickory. Bounded on the north by the lands of C. Toney 2021E-1145, J. Laws as described in Deed Book 1944 at Page 931; on the east by the 60' right-of-way of 34th Street Place NE; on the south by the lands of J. Barger as described in Deed Book 2543 at Page 96; on the east by the lands of Corey Properties RLLP as described in Deed Book 2751 at Page 412 and more particularly described as follows to wit.

Beginning at a bolt in the north line of the lands of J. Barger as described in Deed Book 2543 at Page 96 said bolt being located North 21 degrees 14 minutes 33 seconds West 150.13 feet from a 2" rod and having N.C. grid coordinates (NAD

83/2011) of North 739,921.618, East 1,327,342.289 and running thence, as new City of Hickory city limits lines and with the north line of Barger, North 64 degrees 04 minutes 56 seconds West 162.76 feet to a 3/8" rod by a 1" rod in the east line of the lands of Corey Properties RLLP as described in Deed Book 2751 at Page 412; thence, with the east of the lands of Corey properties RLLP, North 21 degrees 25 minutes 35 seconds East 482.20 feet to a rebar, the southernmost corner of the lands of C. Toney 2021E-1145; thence, with the east line of Toney, North 20 degrees 51 minutes 15 seconds East 18.52 feet to 1 1/4" pipe, the southwest corner of the lands of J. Laws as described in Deed Book 1944 at Page 931; thence, with the south line of Laws, South 64 degrees 12 minutes 44 seconds East 164.11 feet to a 1 1/4" pipe within the 60' right-of-way of 34th Street Place NE, said pipe having N.C. grid coordinates (NAD 83/2011) of North 740,387.54, East 1,327,526.407; thence, continuing the same bearing, a distance of 25.71 feet to a point in 34th Street Place NE; thence, with 34th Street Place NE, South 21 degrees 48 minutes 55 seconds West 500.88 feet to a point in 34th Street Place NE; thence North 64 degrees 04 minutes 56 seconds West 23.49 feet to the point of beginning. Containing 2.153 acres more or less.

This description is drawn from a plat by Jacob W. Helton, PLS L-5105, titled "A Satellite Annexation by the City of Hickory known as the Legacy Home Builders LLC Property" and dated August 18, 2023.

Section 2. Upon and after the 30th day of September 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

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

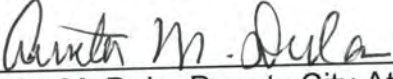
Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified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

ADOPTED THIS 19TH DAY OF SEPTEMBER 2023.

Hank Guess, Mayor

Warren Wood, City Manager

Approved As To Form:



Arnita M. Dula, Deputy City Attorney

CERTIFICATION OF ANNEXATION ORDINANCE

NORTH CAROLINA
CATAWBA COUNTY
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the Annexation Ordinance of Legacy Home Builders LLC was adopted at a regular meeting of the Hickory City Council held on September 19, 2023, and that said Ordinance is in full force and effective on September 30, 2023.

City Clerk

NORTH CAROLINA
CATAWBA COUNTY

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

Witness my hand and notarial seal, this _____ day of _____, 2023.

Notary Public

My Commission Expires: _____

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Mike Kirby, Senior Planner

Date: September 7, 2023

Re: Consideration of Rezoning Petition 23-05

REQUEST

Conduct a public hearing to consider Rezoning Petition 23-05.

BACKGROUND

The City of Hickory has submitted a petition requesting the consideration of rezoning property located at 34 Street PI NE, Hickory, NC from Catawba County R-20 to Neighborhood Commercial (NC).

ANALYSIS

The subject property is currently split zoned R-20 Residential by Catawba County and Neighborhood Commercial (NC) by the City of Hickory, and totals 1.85 acres in size. The R-20 zoning district is primarily residential and permits one and two-family residential uses at a density of two (2) dwelling units per acre. Neighborhood Commercial zoning districts are intended to provide businesses, as well as residential uses.

The subject property is currently vacant. The owners' intention is to utilize the property for residential development. The City of Hickory Land Use Development Code allows for residential development in NC.

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on August 23, 2023, to consider the petition. During the public hearing, one (1) person spoke in favor of the rezoning, with no one speaking in opposition of the rezoning.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT

As of September 7, 2023, staff has three (3) inquiries from citizens regarding this petition. After staff conversation, citizens were satisfied and did not oppose the rezoning.

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

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

Brian M. Frazier

Initiating Department/Head

9/7/2023

Date

Deputy City Attorney, A. Dula

Date

Asst. City Manager, R. Miller

9/11/23

Date

Asst. City Manager R. Beasley

Date

Finance Officer, M. Miller

9/13/23

Date

Deputy Finance Officer,

Date

Exe Asst City Manager Yaidee Fox

Date

Date

Cameron McHargue

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

City Manager, W. Wood

Date

REZONING ANALYSIS

PETITION: 23-05

APPLICANT: City of Hickory

OWNERS: Legacy Home Builders, LLC

PROPERTY LOCATION: 34th St PI NE

PIN: 3724-19-70-3169

WARD: This property is located in Ward 3 (Councilman Seaver).

ACREAGE: 1.85 acres

REQUESTED ACTION: Rezone the property from Catawba County R-20 to NC Neighborhood Commercial.

BACKGROUND: The property is currently utilizing a split zoning designation with R-20 by Catawba County and Neighborhood Commercial (NC) by the City of Hickory. The part of the property zoned NC Neighborhood Center Commercial is located in the Hickory City ETJ. The property in its entirety, is in the process of being annexed. If the property is annexed, the property owners have requested the property be zoned Neighborhood Commercial (NC).

DEVELOPMENT POTENTIAL: The subject property is currently split zoned R-20 Residential by Catawba County and Neighborhood Commercial (NC) by the City of Hickory, and totals 1.85 acres in size. The R-20 zoning district is primarily residential and permits one and two-family residential uses at a density of two (2) dwelling units per acre. Neighborhood Commercial zoning districts are intended to provide businesses, as well as residential uses.

The subject property is currently vacant. The owners' intention is to utilize the property for residential development. The City of Hickory Land Use Development Code allows for residential development in NC.

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

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

The general area is classified Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 3 for detail).

The Hickory by Choice 2030 Comprehensive Plan states the following about Neighborhood Mixed Use areas: "these districts are intended to serve local residents, they are located in a spatial pattern that provides most city residents the opportunity to travel a mile or less to work, shopping, small parks, or open space" (HBC 2030, Pg. 25). The Hickory by Choice 2030 Comprehensive Plan goes on to state; "A typical neighborhood mixed use district would have a mix of residential, retail and office space. The key

elements for these districts include neighborhood scale commercial establishments such as grocery stores, pharmacies, banks, small- scale office buildings, civic or institutional functions, residences, schools, and small parks.” (HBC 2030, Pg. 25)

The NC zoning district is listed as the implementing zoning district for the Neighborhood Mixed Use classification and the density discussed within the quoted section of the Hickory by Choice 2030 Comprehensive Plan clearly states densities up to thirty (30) units per acre are appropriate for the area. The NC district permits density up to, but not more than, thirty (30) units per acre, which is compatible with the language found with the Hickory by Choice 2030 Comprehensive Plan.

Given these factors, the rezoning of the property to Neighborhood Commercial (NC) should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan, however would be compatible the current zoning in the area.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being a future mixed-use area with residential, retail, and office.

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

All improvements that are to take place on the property will be required to follow all applicable development regulations.

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

The subject property has access to a state-maintained roadway (34th St PI NE / SR 1638), as well as water and sewer infrastructure. During the annexation evaluation process, staff verified all other public services were available, and would not be diminished. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of single-family dwellings. This development pattern will continue, somewhat, under the Neighborhood Commercial (NC), as single-family, two-family, and multifamily residences are permitted under this zoning classification. The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place to service the area. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

The subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.

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

- **North:** The properties are zoned Neighborhood Commercial (NC) and are either occupied by single-family residences or vacant.
- **South:** The properties are zoned Neighborhood Commercial (NC) and are occupied by single family residences.
- **East:** The properties are zoned R-20 Residential (Catawba County). These properties are occupied by single-family residences.
- **West:** The properties are zoned Neighborhood Commercial (NC) and are either occupied by single-family residences or vacant.

3. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists of single-family residences. The rezoning of the property to Neighborhood Commercial (NC) and would continue this development pattern and will be similar to existing City zoning already in place, within larger area.

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

The requested Neighborhood Commercial zoning is consistent to the existing zoning. The permissible uses of NC zoning will aid in enhancing the existing zoning in minimizing future impacts on the neighborhood.

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

Public resources to provide critical public services are in place to service the area. These include public utilities transportation infrastructure, as well as police and fire protection.

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated residential development.

Any future development that occurs of the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

RECOMMENDED ACTION:

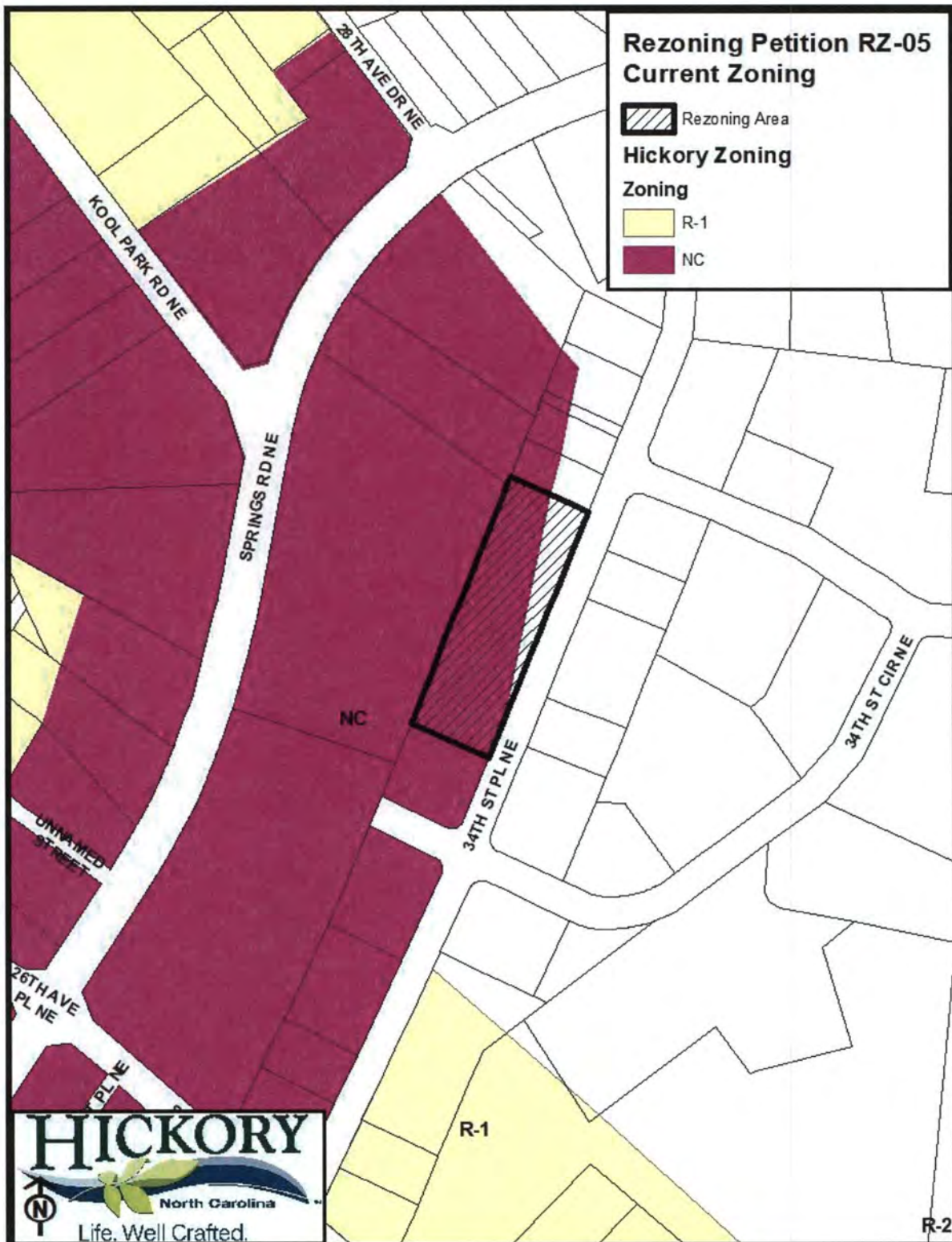
The Hickory Regional Planning Commission conducted a public hearing on August 23, 2023, to consider the petition. During the public hearing, one (1) person spoke in favor of the rezoning, with no one speaking in opposition of the rezoning petition.

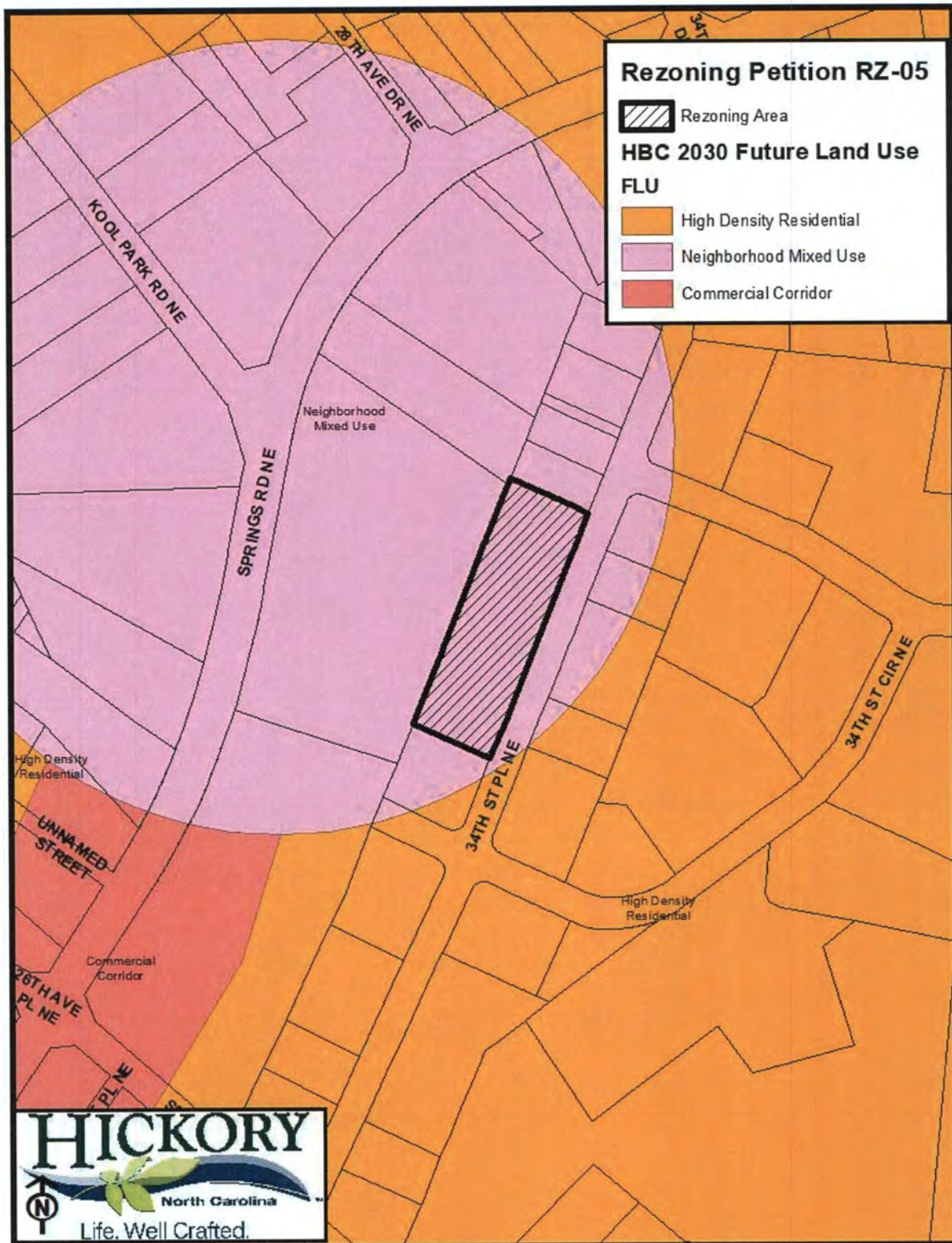
Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT:

As of Sept 7, 2023, staff has received 3 inquiries regarding this petition. After staff conversation, citizens were satisfied and did not oppose the rezoning.









**HICKORY REGIONAL PLANNING COMMISSION
ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On August 23, 2023 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Rezoning Petition 23-05. Upon consideration, the Hickory Regional Planning Commission found:

1. The area in question is designated as Neighborhood Mixed Use by the Comprehensive Plan. Areas classified as neighborhood Mixed Use are intended to have a mix use of residential, commercial, and office space. Rezoning of the referenced property to Neighborhood Commercial (NC) would be consistent with the Comprehensive Plan.
2. The area in question is designated as Neighborhood Mixed Use. The strategies and recommendations associated with neighborhood Mixed Use demonstrates the rezoning of the property to Neighborhood Commercial (NC) is in keeping with the intent of the Comprehensive Plan to facilitate orderly growth and development within the city's planning jurisdiction.
3. All improvements that are to take place on the property will be required to follow all applicable development regulations.
4. The property has ingress and egress access via 34th St PI NE, which is state maintained. The land-use pattern in the area, which includes the subject property, represents an efficient use of public services, and the wise use of public funding.
5. The current land use pattern of the larger area consists mainly of residential and commercial uses. The rezoning of the property, as discussed, maintains this current pattern, sort of, but the prevailing NC district uses are non-residential.
6. Public resources to provide critical public services are or will be in place to service the property, if developed. These include public utilities and transportation infrastructure.
7. Any future development occurring on the subject properties shall adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.
8. The requested Neighborhood Commercial (NC) district is similar to the current Neighborhood Commercial and Catawba County R-20 district in terms of permissible uses. The existing development pattern is logical and anticipated by the City's comprehensive planning process. To the maximum extent practical, necessary precautions will be taken to mitigate detrimental impacts in the area.

9. Public resources to provide critical public services are or will be in place to service the property. These include public utilities, transportation infrastructure, as well as police and fire protection.
10. The subject property will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory Regional Planning Commission has found Rezoning Petition 23-05 to be consistent with the findings and recommendations of plans outlining development in the area and recommends Hickory City Council approval of the petition



Bill McBrayer, Chairman

8/23/23
Date

ORDINANCE NO. _____**AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 1.85 ACRES OF PROPERTY LOCATED AT 34th Street PI NE, FROM CATAWBA COUNTY R-20 TO NEIGHBORHOOD COMMERCIAL (NC).**

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

WHEREAS, the property owner has been petitioned to rezone +/- 1.85 acres of property located at 34th Street PI NE, more particularly described on **Exhibit A** attached hereto, to allow Neighborhood Commercial (NC) districts; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on August 23, 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 rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety and general welfare; and

WHEREAS, the City Council has found Petition 23-05 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

- The subject property is located at 34th Street PI NE, and identified as PIN 3724-19-70-3169.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent and inconsistent with the Hickory by Choice 2030 Comprehensive Plan.

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

SECTION 3. Statement of Consistency and Reasonableness

Ordinance NO. _____

Hickory City Council

Page 1 of 5

Upon considering the matter, the Hickory City Council found:

1. The area in question is designated as Neighborhood Mixed-Use by the Comprehensive Plan. Areas classified as Neighborhood Commercial are intended to serve local residents, they are located in a spatial pattern that provides most city residents the opportunity to travel a mile or less to work, shopping, small parks, or open space. Rezoning of the referenced property to neighborhood Commercial (NC) would be consistent with the Comprehensive Plan.

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

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future Neighborhood Mixed-Use development, which is what the Neighborhood Commercial (NC) district provides.

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

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

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

The subject property has access to a state-maintained roadway (34th Street Pl NE / SR 1638), and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of single-family dwellings. This development pattern will continue, somewhat, under the Neighborhood Commercial (NC), as single-family, two-family, and multifamily residences are permitted under this zoning classification. The future use of the property is best suited to further the existing development

Ordinance NO. _____

Hickory City Council

Page 2 of 5

pattern of the area. Public resources to provide critical public services are in place to service the area. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

The subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.

- The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists of single-family residences. The rezoning of the property to Neighborhood Commercial (NC) would continue this development pattern and will be similar to existing City zoning already in place, within the larger area.

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

The requested Neighborhood Commercial zoning is consistent to the existing zoning. The permissible uses of NC zoning will aid in enhancing the existing zoning in minimizing future impacts on the neighborhood

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

Public resources to provide critical public services are in place to service the area. These include public utilities transportation infrastructure, as well as police and fire protection.

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated residential development

Based upon these findings, the Hickory City Council has found Rezoning Petition 23-05 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

Ordinance NO. _____
Hickory City Council
Page 3 of 5

SECTION 4. This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the ____ day of _____, 2023.

(SEAL)

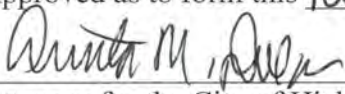
THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

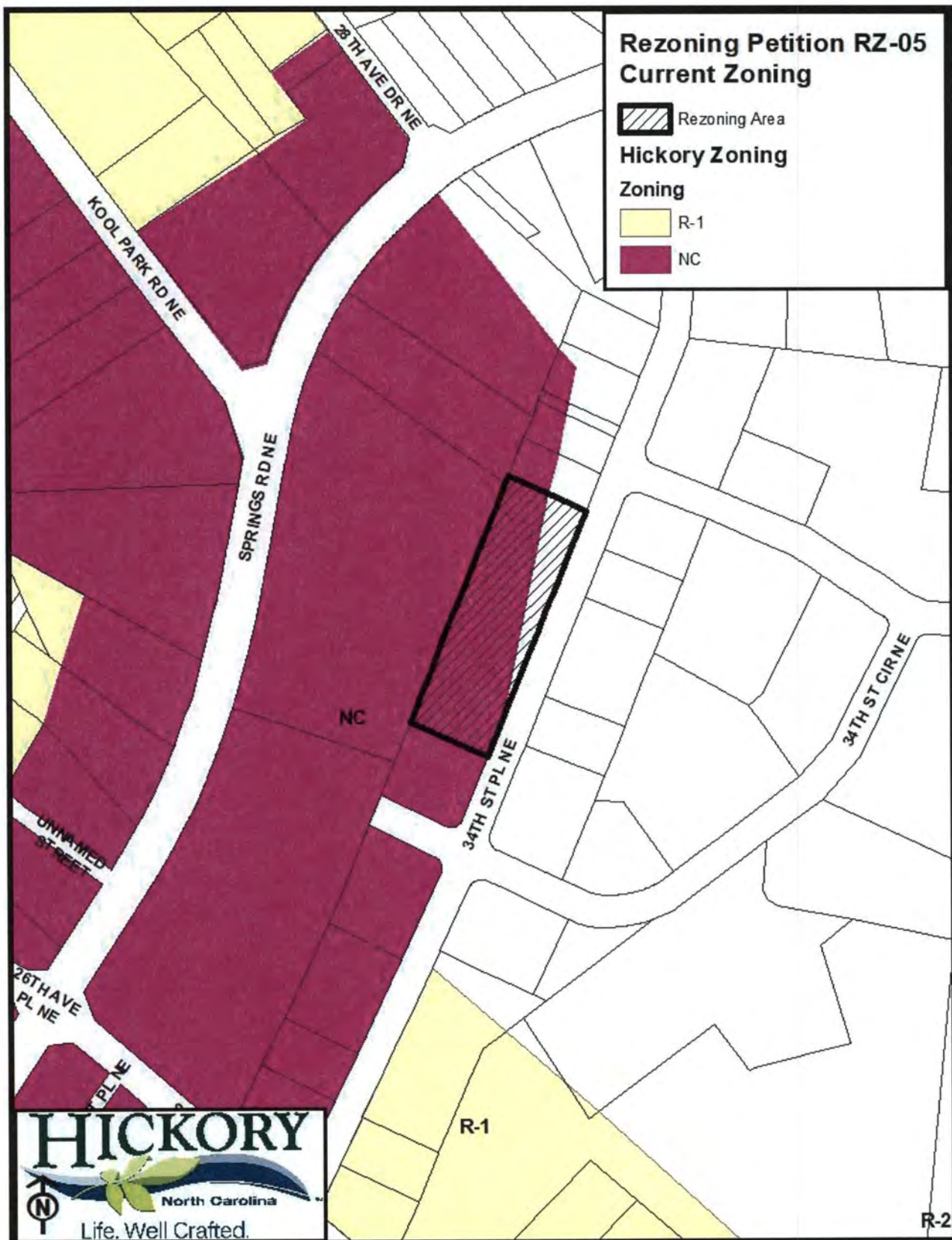
By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this 12th day of September, 2023.


Attorney for the City of Hickory

Ordinance NO. _____
Hickory City Council
Page 4 of 5



COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Anna Beth Walker, Community Development Specialist

Contact Person: Anna Beth Walker, Community Development Specialist

Date: September 6, 2023

Re: Public Hearing to consider FY 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER)

REQUEST

Conduct a public hearing to consider the FY 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) for submission as required by the U.S. Department of Housing and Urban Development.

BACKGROUND

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

Housing Rehabilitation	\$ 175,653.23
Housing Rehab Admin	17,352.47
Habitat for Humanity	22,500.00
ALFA	10,000.00
Exodus Homes	10,000.00
Family Care Center	6,000.00
Greater Hickory Cooperative Christian Ministry	10,000.00
Hickory Soup Kitchen	9,000.00
Microenterprise Assistance	5,000.00
Small Business Loan	20,000.00
Public Infrastructure Improvements	93,141.40
Fair Housing	1,785.00
Program Administration	<u>60,234.63</u>
TOTAL	\$440,666.73

ANALYSIS

The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, is preparing the CAPER, for submission to HUD. The CAPER outlines the City's CDBG expenditures from July 1, 2022 thru June 30, 2023. Notice of the availability of this document for public review was published in the Hickory Daily Record on September 2, 2023, September 7, 2023, and September 16, 2023.

RECOMMENDATION

Staff recommends that City Council conduct a public hearing on September 19, 2023 to consider the FY 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER).

BUDGET ANALYSIS:**Budgetary Action**

Is a Budget Amendment required?

Yes

☐

No

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

Dave Leonetti

Initiating Department Head

9/6/2023

Date

Amanda M. Dula

Deputy City Attorney, A. Dula

9-12-23

Date

Rodney Miller

Asst. City Manager Rodney Miller

9/11/23

Date

R. Beasley

Asst. City Manager, R. Beasley

9/11/23

Date

Melissa Miller

Finance Officer, Melissa Miller

9/13/23

Date

Cameron McHargue

Deputy Finance Officer,
Cameron McHargue

9-12-23

Date

Valdeee Fox

Exe Asst City Manager Valdeee Fox

9/13/23

Date

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

W. Wood

City Manager, W. Wood

9-14-23

Date

CR-05 - Goals and Outcomes

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

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

The City of Hickory's program year 2022-2023 highlights include:

1. Preservation of the City's Housing Stock: \$175,653.23 provided repairs to six low and moderate income homeowners to assist with repairs to their homes through the City of Hickory's Housing Rehabilitation Loan Program. The City also supported the reconstruction of one home with a \$22,500 loan from the City.
2. Administration of Housing Rehabilitation Program: \$17,352.47 funded staff costs related to the implementation of the City's Housing Rehabilitation Loan Program.
3. Public Services Initiative: \$10,000 provided to Exodus Homes to fund employment and transportation coordination services for homeless, formerly incarcerated individuals, and those coming from treatment programs. Exodus Homes provides employment assistance and transportation for all residents. 57 residents were supported through this funding.
4. Public Services Initiative: \$10,000 allocated to AIDS Leadership Foothills Area Alliance (ALFA) to provide case management services to people living with HIV/AIDS. ALFA also offers HIV prevention education programs to the community at large. They have 57 city residents in care through their program.
5. Public Services Initiative: \$9,000 provided to the Hickory Soup Kitchen, which provided salary support for main kitchen staff and enabled the organization to serve approximately 350 meals per day to 210 residents of Hickory needing a hot meal.
6. Public Services Initiative: \$6,000 provided to Family Care Center to provide salary support to operate a counseling program for homeless families during their time in transitional housing. 73 individuals were supported through this funding.
7. Public Services Initiative: \$10,000 to Greater Hickory Cooperative Christian Ministries to provide support for a housing coordinator program/Neighborhood Engagement Team (NET) Case Manager to identify, access, track and place homeless neighbors into permanent housing through Coordinated Entry Program. 231 individuals were supported through this funding.
8. Increase Entrepreneurship Opportunities: 4 grants totaling \$25,000 were provided to assist small businesses owned by low/moderate income individuals or providing jobs to low/moderate income individuals. The recipient businesses included a hair salon, martial arts studio, yarn company, and a screen printing business. Two grants began in 2021 and were completed in 2022.

CAPER

1

9. Public Infrastructure Improvements: Civitan Park benefited from \$93,141.40 in Improvements, which included new play equipment, picnic shelter and tables, sidewalk, and trash receptacles. This project is still in process and will be completed in 2023.
10. Promote Fair Housing: \$1,785.00 purchased newspaper ads and social media advertising to inform residents of fair housing rights.
11. Program Administration: \$60,234.63 for program administration and planning.

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

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

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Demolish Dilapidated Structures	Non-Housing Community Development	CDBG: \$	Buildings Demolished	Buildings	4	0	0.00%	1	0	0.00%
Homeless Services and Prevention	Homeless	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0				
Homeless Services and Prevention	Homeless	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1500	1441	96.07%	400	571	142.75%

CAPER

2

Increase Entrepreneurship Opportunities	Non-Housing Community Development	CDBG: \$	Jobs created/retained	Jobs	5	2	40.00%			
Increase Entrepreneurship Opportunities	Non-Housing Community Development	CDBG: \$	Businesses assisted	Businesses Assisted	10	7	70.00%	1	2	200.00%
Increase Fair Housing Outreach and Awareness	Affordable Housing	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0				
Increase Fair Housing Outreach and Awareness	Affordable Housing	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	250	221	88.40%	150	120	80.00%
Preserve the City's Housing Stock	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	20	6	30.00%	6	6	100.00%
Provide Services to Persons Living with HIV/AIDS	Non-Homeless Special Needs	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	750	193	25.73%	50	57	114.00%

CAPER

3

Public Infrastructure and Facility Improvements	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	5500	11875	215.91%	4000	4170	104.25%
Support Homeownership	Affordable Housing	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	250	221	88.40%			
Youth Services	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	150	18	12.00%			

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

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City of Hickory was able to address significant portions of its goals. Projects helped protect the City's housing stock by providing housing rehabilitation assistance to six households during the program year as well as supporting the reconstruction of one home by Habitat for Humanity. Significant numbers of citizens benefited from public facility improvements. The City made improvements to Civitan Park. These improvements included new play equipment, picnic shelter and tables, sidewalk, and trash receptacles. This park is located in Census Tract 104.02 Block Group 1 and is adjacent to Census Tract 104.01 Block Group 1. These improvements will be a benefit to 4,170 individuals overall

CAPER

4

and 2,475 low/mod individuals.

In the 2022 program year, the City of Hickory continued its small business assistance programs which provide funding to businesses to create jobs and purchase equipment necessary to take their business to the next level. In 2022, the City awarded one microenterprise grants. The City has awarded three small business loans and twelve microenterprise grants since beginning the programs.

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

CAPER

5

CR-10 - Racial and Ethnic composition of families assisted

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

91.520(a)

	CDBG
White	295
Black or African American	312
Asian	5
American Indian or American Native	5
Native Hawaiian or Other Pacific Islander	0
Total	617
Hispanic	12
Not Hispanic	623

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

Narrative

This table indicates the racial and ethnic breakdown of families assisted through CDBG public service funds in PY 2022. This does not include the racial and ethnic breakdown of area benefit activities that benefit all residents of a census tract or block group. Please note that there are 17 multi-racial individuals that do not appear in the table above due to lack of category listing within the required software.

CR-15 - Resources and Investments 91.520(a)**Identify the resources made available**

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	675,573	440,667

Table 3 - Resources Made Available**Narrative**

The \$675,573.13 funding available includes \$2349,292.72 in unexpended funds at the beginning of the program year. The City received \$332,292.72 in its annual allocation from the US Department of Housing and Urban Development. The City also received \$113,174.65 in program income during the fiscal year.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
CDBG ELIGIBLE AREA	70	87	Low Mod Census Tracts
City-Wide	30	13	Eligibility Area

Table 4 – Identify the geographic distribution and location of investments**Narrative**

The majority of funds expended during program year 2022 were spent in low and moderate income census tracts. The City began to make improvements to Civitan Park by installing new play equipment as well as new picnic tables, benches, and trash receptacles. This project was started in PY 2022 but was not fully completed and is scheduled to be completed in PY 2023. This project will ultimately benefit 2,475 low/mod individuals and 4,170 overall in a low/mod census tract. Two of the five public services agencies are located in low to moderate income census tracts. All six of the homeowners assisted through the City of Hickory Housing Rehabilitation Program are located in low and moderate income census tracts. The percentages shown above are based on the estimated percentage of non-program administration expenses spent in low and moderate income census tracts.

Leveraging

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

The City also receives funds from the North Carolina Housing Finance Agency for their Urgent Repair Program to assist homeowners with their needs. This funding, allows the City to assist more individuals in the community. In PY 2022, the City of Hickory assisted seven (7) homeowners with repairs through the Urgent Repair Program.

CR-20 - Affordable Housing 91.520(b)

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

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	6	6
Number of Special-Needs households to be provided affordable housing units	0	0
Total	6	6

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	6	6
Number of households supported through Acquisition of Existing Units	0	0
Total	6	6

Table 6 – Number of Households Supported

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

Hickory is a participating jurisdiction in the Unifour HOME Consortium to help meet the affordable housing needs of its citizens. The HOME Consortium provides down payment assistance to eligible households and provides additional funding to support affordable housing. Households continue to be served through the City's Housing Rehabilitation Loan program. The City's program assisted six low and moderate income households with home repairs.

After many years with little to no new home construction, the last 6 Fiscal years (2018-2023) have been strong in new housing starts with a total of 2,166 which includes both single and multi-family. Also, in the last year or so, 779 units have been completed with an additional 750 in some stage of construction, 2,074 in the site work phase, and an additional 464 at some level of plan review.

The goal will be to continue promoting development on City owned land for affordable housing. In addition, the City Planning Department is working to add items to the City Land Use Development Code to assist with the promotion of affordable housing. Updates would include the availability of affordable housing density bonuses; the reduction in lot widths; a provision that would allow for the division of long narrow lots to accommodate additional housing units; and to permit most types of housing in commercial and office zoning districts.

Discuss how these outcomes will impact future annual action plans.

The City plans to continue its efforts to support homeownership for LMI qualified homebuyers on city owned property, as well as plans to support the reconstruction of homes through Habitat for Humanity with CDBG and general fund allocations.

The City plans to continue funding its Housing Rehabilitation program in future action plans. The City will continue to work to increase the number of families served through housing rehabilitation. Its deferred loan program has begun to gain popularity, and the expectation is for it to continue to grow. Since it does not require the owner to make monthly payments, it is easier for homeowners to qualify. In recent years, fewer applicants have been able to meet loan criteria, which led to the creation of the program for households earning less than 50% of the area median income. In 2019, the City moved all rehab housing loans to a deferred program, doing away with a previous version that allowed for amortized loans for homeowners with household incomes between 50% and 80%. The City has implemented an advertising process to increase awareness of these programs to those that most need the assistance. The City has seen an increase in the number of rehab applications. For example, in PY 2019 the City completed two rehabilitations but in 2020 we completed five. For PY2022, they City has completed six rehabilitation projects with an additional three in some stage of the process.

The City will continue applying for funding from the North Carolina Housing Finance Agency Urgent Repair Program to fund urgently needed home repairs for households below 50% of State-wide Area Median Income. This program allows the City to help those homeowners most in need of urgent or emergency repairs. Our goal is to complete eight projects each year. In PY 2022, the City completed six URP projects and at least half of them have been for homeowners at or below 30% of state-wide area median income.

After many years with little to no new home construction, the last six fiscal years (2018-2023) have been strong in new housing starts with a total of 2,166 units which includes both single and multi-family. Also, in the last year or so, 779 units have been completed with an additional 750 in some stage of construction, 2,074 in the site work phase, and an additional 464 at some level of plan review.

The goal will be to continue promoting development on City owned land for affordable housing. In addition, the City Planning Department is working to add items to the City Land Use Development Code to assist with the promotion of affordable housing. Updates would include the availability of affordable housing density bonuses; the reduction in lot widths; a provision that would allow for the division of long narrow lots to accommodate additional housing units; and to permit most types of housing in commercial and office zoning districts.

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

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	546	0
Low-income	51	0
Moderate-income	37	0
Total	634	0

Table 7 – Number of Households Served

Narrative Information

Six (6) families were assisted with rehab funding during the 2022-2023 program year supported by CDBG funds. Fifty percent were low and extremely low income families (under 50% of AMI) and fifty percent were moderate (below 80% of AMI). In PY 2022, half (50%) were under the age of 65 and all (100%) were Black or African American. The City works to assist those with the greatest financial needs with the funding that is available. The number of families assisted in 2022 were comparable to the number assisted in 2021.

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

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

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

Community Development staff continues to serve on the Catawba County Continuum of Care. This organization brings together homeless serving agencies from across the county to determine funding options, raise awareness about important issues, and reduce duplication of services. The City funded the Hickory Soup Kitchen in the amount of \$9,000. This organization provides a hot meal and showers to homeless individuals five days per week. The City supported the Family Care Center with a grant of \$6,000 to provide support for a transitional housing program for homeless or potentially homeless families. The City also supported Exodus Homes with a \$10,000 grant. This organization provides a residential treatment program for homeless and previously incarcerated individuals with substance use issues.

Additionally, in the summer of 2019, the City hired a Community Navigator to work specifically with our homeless population. This position is responsible for case management and ensuring that homeless persons reach the proper agency in order to receive services. This coordinated effort by multiple agencies has helped to ensure that our community is reaching as many of our homeless neighbors as possible. In PY 2022, the Community Navigator received 63 referrals for assistance to the homeless. He has been able to assist approximately 36 individuals with services needed and has secured housing for 13 individuals to help them transition from homelessness to sheltered.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City continues to fund Exodus Homes, which provides transitional housing to homeless and previously incarcerated individuals with substance abuse issues. The organization was funded with an \$10,000 grant in 2022-2023. These funds were used to support the salary of the Employment Coordinator who directs the entire vocational training program and assists residents in determining a path to employment. Approximately 57 individuals received assistance during PY 2022. The City also supported the Family Care Center with a grant of \$6,000 to provide support for a transitional housing program for homeless or potentially homeless families. Approximately 73 individuals received assistance through the program during PY 2022.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections

programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City's grants to public service agencies assist low income individuals by providing free or low-cost services such as healthcare, food assistance and job training. These services can enable families to make their incomes go further and reduce the likelihood of homelessness. The Hickory Soup Kitchen provides meals and food assistance to individuals in need with the City's grant of \$9,000. In PY 2022, they assisted 210 individuals. ALFA, with a grant of \$10,000, provided case management services to persons living with HIV and AIDS to help them stay in care, which should reduce healthcare costs and help reduce the risk of becoming homeless. ALFA assisted 57 individuals who are residents in the City of Hickory. The Family Care Center assists families that are homeless or are in danger of becoming homeless with transitional housing and counseling to help provide a path towards self-sufficiency and greater economic opportunity. They were supported with a grant of \$6,000 in PY 2022 and assisted 73 individuals. The City also supported Exodus Homes with a \$10,000 grant. This organization provides a residential treatment program for 57 homeless and previously incarcerated individuals with substance use issues.

The City's Community Navigator works specifically with our homeless population including youth. This position is responsible for case management and ensuring that homeless persons reach the proper agency in order to receive services. This coordinated effort by multiple agencies has helped to ensure that our community is reaching as many of our homeless neighbors as possible. In PY 2022, the Community Navigator received 63 referrals for assistance to the homeless. He has been able to assist approximately 36 individuals with services needed and has secured housing for 13 individuals to help them transition from homelessness to sheltered.

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

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

Additionally, since 2019, the City has had a Community Navigator to work specifically with its homeless population. This position is responsible for case management and ensuring that homeless persons reach

the proper agency in order to receive services. This coordinated effort by multiple agencies has helped to ensure that our community is reaching as many of our homeless neighbors as possible. The Community Navigator received 63 referrals for assistance to the homeless. He has been able to assist approximately 36 individuals with services needed and has secured housing for 13 individuals to help them transition from homelessness to sheltered.

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

Actions taken to address the needs of public housing

Staff continues to work with Hickory Housing Authority staff on planning issues related to housing authority properties. The Housing Authority received funding to remodel most of their units through the RAD program in early 2020. This will improve the quality of the units as well as the longevity.

Also, the City is still in the process of constructing a multi-modal path for bikes and pedestrians called the Historic Ridgeview Walk. This path will be located in the Ridgeview Community, in close proximity to the majority of Hickory Public Housing Authority units. This will give community members easier and safer access to the downtown area, as well as necessary amenities such as a grocery store. The City is also exploring the idea of other paths and connectors on city owned property adjacent to public housing and the new affordable homes the city has constructed.

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

In PY 2020, the City constructed two affordable houses on city owned property. This process began in 2019, when the City of Hickory partnered with the Unifour HOME Consortium to construct two homes on city-owned lots. These houses were completed in October 2020 and were sold in the spring of 2021 to two homebuyers with household incomes at or below 80% of AMI (\$48,250 for a family of four in the Hickory-Lenoir-Morganton metropolitan statistical area for 2020). The homebuyers received additional down payment assistance through the NC Housing Finance Agency Community Partners Loan Pool and the Western Piedmont Council of Governments. One of these homes was sold to a Housing Choice Voucher recipient who received additional assistance through its homeownership program. In PY 2021, the City continued its efforts in developing affordable housing by partnering with JRN Development to construct six additional homes on former city owned property. The lots were sold and deeded to JRN, a company that has a vertically integrated and scalable construction model that allows them to construct more homes at one time. The six homes currently under construction are expected to be completed by mid-September with qualified homeowners closing by the end of the month. The homes will be sold to homebuyers with household incomes at or below 80% of AMI (\$53,900 for a family of four in the Hickory-Lenoir-Morganton metropolitan statistical area). The homebuyers will again have access to additional down payment assistance through the NC Housing Finance Agency Community Partners Loan Pool and the Western Piedmont Council of Governments. In addition to the City built homes, Habitat for Humanity is continuing their effort to construct/reconstruct affordable housing in several neighborhoods in the City of Hickory. The City is supporting their efforts to reconstruct two specific homes for low and moderate income families through CDBG funding as well as City of Hickory General Funds. These homes will be promoted to residents of the Housing Authority through the Section 8 homeownership program. Promotion of any newly constructed home to public housing should continue into the next few years as more are constructed.

Actions taken to provide assistance to troubled PHAs

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

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

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

City of Hickory staff continues to review its ordinances annually to ensure there are not unnecessary barriers to affordable housing. Recent actions taken to address affordable housing needs include rezoning of areas of Hickory to high-density residential (R-4). In order to reduce barriers to multi-family and affordable housing, City ordinances allow multi-family homes or duplexes to be permitted by right within all commercial zoning districts and within all but one residential zoning district. It is the hope of staff and City Council that this helps spur residential multi-family development in the area with the help of the Low-Income Housing Tax Credit (LIHTC) projects.

After many years with little to no new home construction, the last six fiscal years (2018-2023) have been strong in new housing starts with a total of 2,166 units which includes both single and multi-family. Also, in the last year or so, 779 units have been completed with an additional 750 in some stage of construction, 2,074 in the site work phase, and an additional 464 at some level of plan review.

The City will continue promoting development on City owned land for affordable housing. In addition, the City Planning Department is working to add items to the City Land Use Development Code to assist with the promotion of affordable housing. Updates would include the availability of affordable housing density bonuses; the reduction in lot widths; a provision that would allow for the division of long narrow lots to accommodate additional housing units; and to permit most types of housing in commercial and office zoning districts.

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

The City continues to use CDBG funding to provide public infrastructure and facility improvements in low and moderate income areas. Infrastructure projects this year consisted of beginning improvements to a neighborhood park in the City. These improvements to Civitan Park included new play equipment, trash receptacles, picnic tables, and a shelter. This park is also located in Census Tract 104.02 Block Group 1 and is adjacent to Census Tract 104.01 Block group 1. These improvements will be a benefit to 4,170 individuals overall and 2,475 low/mod individuals.

The City of Hickory has partnered with the NCHFA to create approximately 230 Low Income Housing Tax Credit (LIHTC) apartments in recent years, with another 72 units that are currently under construction. City Planning Staff are continuing to update the Hickory By Choice 2030 plan that will include efforts to support all housing development including affordable housing efforts. Additionally, the City has sold property to and partnered with JRN investments to build 10 new homes as part of the Hickory Affordable Housing Initiative.

Community Development staff continues to serve on the Catawba County Continuum of Care. This organization brings together homeless serving agencies from across the county to determine funding options, raise awareness about important issues, and reduce duplication of services. City Staff also worked with the Western Piedmont Workforce Development Board to establish a career counseling center called Ridgeview Works in an historically minority and low-income census tract. The process has been underway since early 2022. The hope is to give career counseling assistance to those who may not seek it outside of their neighborhood.

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

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

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

Numerous public service activities are funded each year with the aim of reducing poverty in the City of Hickory. \$9,000 was provided to the Hickory Soup Kitchen to provide meals and food assistance to very low-income families. The families that received assistance were able to stretch their income further to fund additional needs. ALFA received \$10,000 to assist its housing case management program, which provides housing assistance to persons with HIV and AIDS to ensure that they stay in treatment. Exodus Homes received \$10,000 to provide job and transportation coordination services for residents in its substance abuse treatment programs. The goal of the program is to assist residents in finding employment and move towards self-sufficiency. The Family Care Center received \$6,000 for its transitional housing program that assists families living that are homeless or are in danger of becoming homeless. This program also offers counseling and aimed at providing them a pathway to economic self-sufficiency.

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

Staff is always striving to review policies and procedures to ensure that programs are run according to appropriate federal guidelines. Improvements in the previous program year included gaining new knowledge of the environmental review process through the process of additional staff completing Environmental Reviews. In the program year 2020, staff attended an online course on managing subrecipients and put some of the learned practices in place in PY 2021. Staff also attended the North Carolina Community Development Association Conference. New staff attended the Basically CDBG online course and the WISER online course. Staff have worked to streamline the continual review of nonprofit subrecipients. This review includes regular updates on required documentation and regular meetings with nonprofit subrecipients to ensure that they are aware of federal requirements including

any procurement and lead based paint regulations and processes that may need to be followed. In addition, staff are currently working to streamline all processes and procedures relating to grant management for CDBG funding.

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

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

In 2019, the City hired a Community Navigator to work specifically with our homeless population. This position is responsible for case management and ensuring that homeless persons reach the proper agency in order to receive services. This coordinated effort by multiple agencies has helped to ensure that our community is reaching as many of our homeless neighbors as possible. In PY 2022, the Community Navigator received 63 referrals for assistance to the homeless. He has been able to assist approximately 36 individuals with services needed and has secured housing for 13 individuals to help them transition from homelessness to sheltered. The City of Hickory and Habitat for Humanity have also enhanced their partnership to provide reconstructed housing to qualified homebuyers within the City of Hickory. The City has provided additional assistance from CDBG funding to Habitat for Humanity for the reconstruction of a single-family home for an income qualified family as well as supporting the reconstruction of an additional single-family home for an income qualified family from City General Funds. In addition, Habitat for Humanity of Catawba Valley was awarded funding from the McKenzie Scott Foundation. These funds will hopefully assist them with streamlining the organization and allow them to build more homes during a shorter time frame than they were previously able.

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

City of Hickory Staff continues to advertise and educate citizens regarding their rights to fair housing. Advertisements informing residents of their fair housing rights ran in the Hickory Daily Record, and the Spanish newspaper Hola Noticias. This year's advertising included a Facebook, Instagram, and Twitter marketing campaign that increased the reach of the City's advertising efforts. Staff continues to serve on the Catawba Valley Association of Realtors Equal Housing Opportunity Committee. This committee provides education and outreach to local realtors regarding fair housing laws. City staff was also involved in the Hickory Branch of the NAACP Equity and Inclusion Task Force Housing Committee. This committee is working to achieve equity in the area of housing as well basic inventory and affordability. The Housing Committee hosted the second Foothills Community Housing Fair at the Ridgeview Recreation Center coinciding with the kick off of the Juneteenth Celebration. Community Development staff participated in planning and hosting this event.

CR-40 - Monitoring 91.220 and 91.230

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

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

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

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

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

CR-45 - CDBG 91.520(c)

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

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

support economic and entrepreneurial activities through the course of the next three years.

In 2019, the City made the decision to move all rehab housing loans to a deferred program, doing away with a previous version that allowed for amortized loans for homeowners with household incomes between 50% and 80% of area median income. City loans no longer require homeowners to make monthly payments. This makes it easier for homeowners to qualify while reducing the cost burden to households already in need. This has increased the use of the program by low and moderate income homeowners – from a total of two projects completed in 2019, a total of five completed in 2020, six projects completed by the City in 2021, and six projects completed by the City in 2022. In addition, the City has another four at some stage of the qualification, approval or rehabilitation process for the 2023 program year.

In PY 2021, the City hired a new Rehabilitation Specialist that was responsible for updating our Rehabilitation Standards and has assisted with major improvements to our work write ups we use for bids for our rehabilitation work.

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

No

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

CR-45 - CDBG 91.520(c)

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

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

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No

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

CR-58 – Section 3**Identify the number of individuals assisted and the types of assistance provided**

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours	0				
Total Section 3 Worker Hours	0				
Total Targeted Section 3 Worker Hours	0				

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers	0				
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.	0				
Direct, on-the job training (including apprenticeships).	0				
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.	0				
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).	0				
Outreach efforts to identify and secure bids from Section 3 business concerns.	1				
Technical assistance to help Section 3 business concerns understand and bid on contracts.	0				
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.	0				
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.	1				
Held one or more job fairs.	1				
Provided or connected residents with supportive services that can provide direct services or referrals.	1				
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.	1				
Assisted residents with finding child care.	1				
Assisted residents to apply for, or attend community college or a four year educational institution.	1				
Assisted residents to apply for, or attend vocational/technical training.	0				
Assisted residents to obtain financial literacy training and/or coaching.	1				
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.	1				
Provided or connected residents with training on computer use or online technologies.	0				
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.	0				
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.	1				

Other.					
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Table 9 – Qualitative Efforts - Number of Activities by Program

Narrative

There are no registered Section 3 businesses in the Hickory-Lenoir-Morganton MSA according to HUD's Section 3 Opportunity Portal. City Staff understand the importance of increasing employment for those living in Public Housing. City Staff have been working with the Western Piedmont Workforce Development Board NC Works to establish a career counseling center called Ridgeview Works in the historically minority and low-income census tract where the Hickory Public Housing Authority is located. This process has been underway since early 2022. The hope is to give career counseling assistance to those who may not seek it outside of their neighborhood and to increase awareness within Public Housing of the opportunities that exist for assistance with writing resumes, interview preparation, and finding job and scholarship opportunities that exist through NC Works. NC Works also provides assistance with work readiness including interview clothing, transportation and child care services so those that do not have access to these services can still have opportunities to find employment.

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.