A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, August 4, 2020 at 7:00 p.m., with the following members present:

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

A quorum was present.

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

I. Mayor Guess called the meeting to order. All Council members were present except for Alderwoman Williams.

II. Invocation by Dr. Chris Simmons, Chaplain at Frye Regional Medical Center and Behavioral Healthcare at Frye South

III. Pledge of Allegiance

IV. Special Presentations

V. Persons Requesting to Be Heard

A. Ms. Holly Southerland, 103 Shamrock Circle Drive, Hudson, NC 28638.

Ms. Holly Southerland advised she was a T-ball coach for Hickory Parks and Recreation. Over the past six years, she had been blessed to coach, grow with the program, and meet a lot of amazing people. Her son was going into his senior year. He aspires to attend Duke with a degree in sports medicine. That was inspired by playing recreational baseball. He was submitting college applications recently and was asked, "tell us about someone you see as a strong public figure and how did they influence your life"? He chose parks and recreation employee Lou Ann Thomas. Recreational sports goes so much deeper than just a game. It was shaping minds, giving their kids positive structure to learn and grow. She understood the impact COVID has had on our State, and she understood trying to cut corners where needed, but what she struggled with was how they were not offering athletics to our youth and allowing the members of our community to make a choice in if their child participates. Our children's lives were in disarray due to school closures and shutdowns. Why wouldn't they offer them the one thing that could provide structure and consistency? Childhood obesity, suicide and domestic violence hold a higher percentage rate of death in children than COVID, but they were putting a hold on a safe haven for those children for a virus that has a zero percent death rate in children under the age of 17. Yet Hickory Parks and Recreation are offering workout Wednesdays, half-day baseball camps, and hold travel ball tournaments but would not allow the youth to gather in small groups to hold practice. A practice that gives that abused child an advocate. The obese child an opportunity to get active and a child who feels alone a mentor and friend. How can we provide our fields for travel ball tournaments, but it isn't safe to provide athletics for our community? Isn't travel ball bringing in people from other areas who run the risk of spreading sickness? Yet local residents cannot gather to do the same. It seems entry fees play a bigger part and take precedent over what is best for local sports. Why are they letting go of employees despite the fact that our towns are returning to play and offering signups for fall sports? Could other arrangements not have been made to defer the layoff? Many of these employees have devoted years to building this recreational program to what it is today, yet we turn our backs on them when our State is facing hardship and uncertainty. She reached out to City Manager Warren Wood with her concerns, and his response was, we are going to see what happens after students have been back in school a few weeks and then decide on an abbreviated fall sports season. If intentions were to hold athletics in the fall, abbreviated or not, why layoff these employees for them to have to reapply and potentially berehired in a few short weeks. Why wouldn't the recreation staff be preparing action plans to return to athletics like teachers are for students to return to school. Denis Walsley once said there are two primary choices in life to accept conditions, as they exist or to accept the responsibility to change them. Council has the opportunity to change the outcome for the Hickory Parks and Recreation staff as well as the youth athletics and bring a positive outcome for everyone. She thanked City Council for allowing her to share her thoughts.

City Manager Warren Wood asked Ms. Southerland to state her address for the record.

Ms. Southerland advised 103 Shamrock Circle Drive, Hudson, North Carolina.

B. Mr. Josh Partin, 2928 25th Street NE, Hickory.

Mr. Josh Partin displayed a poster on the podium. He submitted a packet to the Clerk for distribution to City Council members, Mr. Partin introduced himself and advised his address was 2928 25th Street NE, Hickory. He lived in Alderwoman Patton's Ward. He advised Council he had made a packet for all of them. In this packet were the guidelines
from the North Carolina Department of Health and Human Services (DHHS) in regards to interim guidance for administrators and participants of youth, college and amateur sports programs. He had also put in the packet a copy of the General Statute, from our State legislation, Article 18, Section 160A about parks and recreation, just as a reminder for Council. He discussed some points of interest that he wanted to highlight. Saint Stephen’s Optimists was returning to baseball, softball, T-ball and football. The North Carolina High School Athletic Association has moved to phase two as of yesterday for football practice, which means that they can now throw a football back and forth. Alexander County Parks and Recreation was doing baseball, softball, and T-ball. He had outlined the DHHS’ programs. He had personally been doing Top Gun, Carolina Travel Sports tournaments this summer as an umpire, and the Big South Youth Football Program. They would be doing football, and the Northwestern Middle School conference would be playing football. He had just found out this afternoon that Mountain View Recreation was doing baseball as well. He commented he came to Council with a heavy heart, but one filled with passion and hurt for our friends at Hickory Parks and Recreation. He understood that we were in the midst of a pandemic and in order for effective leadership to take place, hard decisions had to be made. However, in this instance, he respectfully disagreed with the leadership decisions that had been made. These decisions not only affected the employees that were terminated or laid off permanently, but affected a vast population of Hickory that calls these employees friends and family. As he was addressing Council, he wanted them to focus on the picture he had displayed on the podium. He advised the photo was of Lou Ann Thomas. He was sure that all of them knew this. He advised this was a perfect example of what you have in an employee like this. An employee like Gary Long and an employee like Sherry Morgan, that dedicated so much time, energy, love, and sacrifice into the parks and rec program that they have here in Hickory. There was no greater picture, in his opinion, to sum up why they were here today, than the fact that City Manager Warren Wood and Parks, Recreation and Sports Tourism Director Mark Seaman made. He felt that these employees were let go for no good reason other than a pandemic. A pandemic that caused the President of the United States, as well as Governors, to enact acts and programs to aid our economy so people would not have to lose their jobs. His hope was that there was a way that they could come to a compromise and they could get these employees back that they know and that they love. These employees had dedicated their lives to kids of all walks of life so that they could have a sports program. With that said, he had some questions he wanted Council to consider, and the Clerk had them for Council. With all of the organizations making a call to do some sort of fall sport, mainly baseball, why couldn’t they follow the North Carolina Department of Health and Human Services recommendations to move to save social distancing sports? Why couldn’t they wait until the end of August to remove people from their jobs when most of the State was not going to make a decision on returning to play until the end of July or the beginning of August? Why couldn’t they reinstate, at minimum, the three Program Directors who were permanently laid off in order to have ball programs like baseball available? These questions sit at the heart and soul of what they were asking. What they were asking today was at minimum reinstate the Program Directors and let them have fall baseball and try and return our rec staff, coaches, parents and most importantly our kids to some sort of normalcy. He discussed how this could be done. Let them check each player’s temperature before the games. Let them check the temperature before the games between the players. Let them provide sports masks for players. He guaranteed there was a bunch of people that would pay for kids to have a mask while they are in the dugout or even while they are playing baseball. He was one of them. Provide baseballs to coaches instead of umbrellas to minimize the touching of the balls. Sanitize each dugout and rec equipment that they provide after each game. Create socially distant fan areas at each facility and limit the number of fans per child to reduce the number of fans per child at games. Putting some of these common sense programs into place would help them have a safe and successful fall baseball season. It would provide their kids an outlet in which they can play, as well as keeping the staff that they love. He employed Mayor Guess, Council members and especially City Manager Warren Wood to overturn the decision and reinstate the Program Director staff. There had to be a better way than what had already been decided. He left Council with this one last thought, Peter Drucker, the father of management, said “management is doing things right, leadership is doing the right things”. The right thing to do here was to reinstate the staff. He advised they had over 250 signatures from, not only City residents, but also people that have come through our parks and rec program that now live other places that have signed this petition to reinstate the staff to get us back to some sort of normalcy. He implored Council and thanked them for their time; let them reinstate staff.

C. Ms. Sydney Harris, 216 3rd Street NE, Hickory – Layoff of City Employees.

Ms. Sydney Harris, 216 3rd Street NE, Hickory addressed City Council as a concerned parent, resident and volunteer coach. She also sponsors teams in multiple sports. The decision that was made to permanently layoff the entire parks and rec department had been unsettling to say the least, especially with the push for sports tourism happening simultaneously although plans for the later were not being openly disclosed to the community. City Manager Warren Wood had assured her that the layoff of these dedicated employees had absolutely nothing to do with the plans for sports tourism and those recreational sports would continue. However, a previous member of the Parks and Rec Commission wrote on Facebook that those laid off did not have the expertise required
to carry out the plan and that residents should step aside and wait for the plan to be rolled out, guaranteeing that they would love it. She also stated that programs were being revamped and she could not think of a better time to do so. No matter the plans for sports tourism, it was simply not enough to offer recreational sports. It was the people behind these sports programs that make them what they are. Out of the six permanently laid off they were more concerned about the athletic staff who serviced this community for their children. The Program Directors that were let go had longevity, were dedicated and had grown the recreational sports program from its infancy. Even more importantly, they had created an atmosphere where every player felt valued. This had not been her experience in any other city recreational program. Each one of these Program Directors had formed relationships with businesses and families in this community, so much so that they remember players from years ago. Previous players want to come back and be a part of this program in some facet. Previous players want their children involved in Hickory recreational sports programs not just, because it is an option, but because the ones who have dedicated all of these years to the program have worked tirelessly to form those bonds. Only the children would suffer from the actions of City Manager Warren Wood. In these uncertain times, their children do not need more uncertainty. They need to know that when sports are finally available that they will be returning to the faces that they know and love. They had over 200 families that agreed through their support of the petition. Council had the power to overturn City Manager Warren Wood’s decision. She asked Council to please do the right thing for their children and reinstate the Program Directors of the Hickory parks and rec program. She thanked Council.

Mayor Guess asked if anyone else wished to address City Council. No one else appeared.

VI. Approval of Minutes

A. Regular Meeting of July 21, 2020

Alderman Williams moved, seconded by Alderwoman Patton that the Minutes of July 21, 2020 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 Patton moved, seconded by Alderman Seaver that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Budget Revision No. 1. (First Reading Vote: Unanimous)

B. Consideration of Rezoning Petition 20-01 for Property Located at 913 9th Avenue NE, Containing .58 Acres. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Alderman Patton moved, seconded by Alderman Seaver approval of the Consent Agenda. The motion carried unanimously.

A. Approved the Renewal Contract with the City of Conover for the Sale of Drinking Water.

Staff requests Council’s approval of a renewal contract for sell of drinking water between the City of Conover and the City of Hickory. The City of Conover and the City of Hickory has shared a long-term contract to serve the citizens of the greater Catawba County area for the past 54 years. The previous contract renewal was signed in 1986 in preparation of the Hickory Water Treatment Facility expansion. At that time, the City of Conover purchased three million gallons of capacity into the facility. This contract is the renewal of the City of Hickory’s longstanding relationship that was set to expire in June 2020. The new agreement will extend this relationship until June 2040. The City of Conover currently purchases 1.66 million gallons of water per day from the system. All terms related to rates and fees remain unchanged from the previous agreement. Staff recommends Council’s approval of this renewal contract for sell of drinking water between the City of Conover and the City of Hickory.

B. Approved a Special Events Activities Application for Anniversary for Pastor David Roberts, Steve Davenport, Trustee for Morning Star Baptist Church, September 13, 2020, (rain date September 27, 2020), Sails on Union Square, 8:00 a.m. to 1:30 p.m.

C. Approved Extension Number Two of the Annual Pavement Resurfacing Contract with J.T. Russell and Sons, Inc. for Asphalt Resurfacing in the Amount Not to Exceed $850,000 Based Unit Prices.
Staff requests Council’s approval to exercise extension number 2 of the annual pavement-resurfacing contract with J.T. Russell and Sons, Inc. for asphalt resurfacing in the amount not to exceed $850,000 based unit prices. Public Services Department - Transportation Division staff annually prepares formal bid documents for estimated quantities of resurfacing that are planned to ensure continuous maintenance and improvement of roadways. The City budget includes a value of work to be completed and roadways are determined by a condition model up to the budgeted amount. All work will be paid on an in-place unit price basis as the resurfacing budget allows. Public Services Department - Transportation Division Staff prepared a detailed scope of work in FY 18-19 including a complete set of specifications and an invitation to bid package (Bid No. 19-007). The contract included a provision to allow for the extension of the agreement in one-year increments at the request of either party and acceptance of the other party. J.T. Russell & Sons, Inc. has requested to extend the FY 18-19 agreement for another year to cover the FY 20-21 resurfacing schedule. Unit prices remain the same with a provision for adjustment of the liquid asphalt prices if adopted by the North Carolina Department of Transportation (NCDOT). Staff recommends Council’s approval to exercise extension number 2 of the annual pavement-resurfacing contract with J.T. Russell and Sons, Inc. for asphalt resurfacing in the amount not to exceed $850,000 based unit prices.

D. Approved Extension Number Two to the Contract with J.T. Russell and Sons, Inc. for Asphalt Resurfacing in the Amount of $110 Per Ton for S9.5A Asphalt Surface and $21.50 Per Square Yard for Asphalt Milling (100-1,000 sq. yds.) Using Federal Community Development Block Grant Funds.

Staff requests Council’s approval of extension number two to the contract with J.T. Russell and Sons, Inc. for asphalt resurfacing in the amount of $110 per ton for S9.5A asphalt surface, and $21.50 per square yard for asphalt milling (100-1,000 sq. yds.) using Federal Community Development Block Grant (CDBG) funds. Public Services Department - Transportation Division staff annually prepares formal bid documents for estimated quantities of resurfacing that are planned to ensure continuous maintenance and improvement of roadways. The City’s budget includes a value of work to be completed and roadways are determined by a condition model up to the budgeted amount. All work will be paid on an in-place unit price basis as the resurfacing budget allows. Federal funds are allocated from Community Development Block Grant (CDBG) money and must be performed in eligible areas as determined by CDBG focused staff. Public Services Department - Transportation Division staff prepared a detailed scope of work in FY 18-19 including a complete set of specifications and an invitation to bid package (Bid Number 19-006). The contract included a provision to allow for the extension of the agreement in one-year increments at the request of either party and acceptance of the other party. J.T. Russell & Sons, Inc. has requested to extend the FY18-19 agreement for another year to cover the FY 20-21 resurfacing schedule. Unit prices remain the same with a provision for adjustment of the liquid asphalt prices if adopted by North Carolina Department of Transportation (NCDOT). Staff recommends Council’s approval of extension number two for a contract with J.T. Russell and Sons, Inc. for asphalt resurfacing in the amount of $110 per ton for S9.5A asphalt surface, and $21.50 per square yard for asphalt milling (100-1,000 sq. yds.) using Federal funds.

E. Approved on First Reading Amending the Traffic Ordinance by Modifying the Speed Limit Along NC Highway 127 between South Center Street (SR 2959) and 2nd Avenue SE (SR 2231) from 35 MPH to 45 MPH.

Staff requests Council’s approval to amend the Traffic Ordinance by modifying the speed limit along NC Highway 127 between South Center Street (SR 2959) and 2nd Avenue SE (SR 2231) from 35 MPH to 45 MPH. In an effort to make the speed limit consistent along NC Highway 127, North Carolina Department of Transportation (NCDOT) is requesting the speed limit ordinance be amended to post a speed limit of 45 MPH within the City limits. NCDOT is updating their records to reflect changes already made in the field such as road name(s) changing, City limits expanding, etc. Many of the existing ordinances are no longer valid and new ones are needed to cover the roadways. NCDOT has evaluated speeds along NC Highway 127 in the areas affected by this request and has determined that 45 MPH is the appropriate speed limit. Public Services Traffic Division has worked with NCDOT regarding the new ordinances and agree to the speed limit of 45 MPH. Reimbursement per the Municipal Maintenance Agreement will apply from NCDOT for the sign installation. Staff recommends Council’s approval to amend the Traffic Ordinance by modifying the speed limit along NC Highway 127 between South Center St (SR 2959) and 2nd Avenue SE (SR 2231) from 35 MPH to 45 MPH.

ORDINANCE NO. 20-29
Ordinance to Repeal the Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1007250
Division: 12
County: Catawba
Municipality: Hickory
Type: Municipal Speed Zones
Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

F. Approved Applying for the 2020 Justice Assistance Grant in the Amount of $15,962.

Hickory Police Department requests approval to apply for the 2020 Justice Assistance Grant. The City of Hickory has received notification of approval to receive $15,962 under the 2020 Justice Assistance Grant Program. The JAG Program is a formula-based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. There is no match required. Hickory Police Department will use the grant funds to purchase three eBikes and Naloxone. Naloxone will be supplied to each police officer for when he or she arrives first on the scene. Police officers administer the lifesaving drug Naloxone to the person(s), which will undo the effects of an opiate/heroin overdose. The eBikes will be used to give the police department better and quicker response time. eBikes will be used to patrol neighborhoods, special events, gatherings, City Walk, and Riverwalk. Hickory Police Department recommends Council’s approval to apply for the 2020 Justice Assistance Grant in the amount of $15,962. Hickory Police will purchase three eBikes and Naloxone.

G. Approved Change Order Number 9 with Moss-Marlow Building Co. Inc. in the Amount of $46,132 for the Hangar Replacement Project at the Hickory Regional Airport.

Staff requests City Council’s approval of change order number 9 with Moss-Marlow Building Co., Inc. in the amount of $46,132 for heavy-duty asphalt demo and the asphalt patch back to added areas of the hangar replacement project. Change order number 9 is for added heavy-duty asphalt demo and patching to the perimeter of hangar N1 to include asphalting of the fire line ditch. Moss-Marlow indicates these revisions will increase the contract time by five working days. The change order itemizes the various costs associated with the additional asphalt demo and patching. General fund balance will fund this additional work. Staff recommends City Council’s approval of change order number 9 with Moss-Marlow Building Co. Inc. in the amount of $46,132 for asphalt demo and patching related to the hangar replacement project.

H. Approved Addendum Number One to the Grant Agreement with the United States Department of Transportation and Federal Highway Administration for the 2018 BUILD Transportation Discretionary Grant Award of the "Hickory Reconnected Through Transportation Infrastructure Investment" Application.

Staff requests Council’s approval of addendum number one to the grant agreement with the United States Department of Transportation (USDOT) and Federal Highway Administration (FHWA) for the 2018 BUILD Transportation Discretionary Grant Award of the "Hickory Reconnected Through Transportation Infrastructure Investment" Application. The Hickory Reconnected Through Transportation Infrastructure Investment Project that the City of Hickory submitted application for is an approximately 1.7-mile bicycle and pedestrian trail and a bridge over US 321, a 0.9 mile complete streetscape loop in downtown Hickory. This project will be an extension of the City of Hickory bond referendum projects to activate various parts of the City through multi-modal path interconnection. The grant agreement has been drafted by City Staff, NCDOT Staff and USDOT-FHWA Staff to compile an acceptable agreement for all parties that addresses the concerns for each entity. This grant agreement states what the goals of the project are, establishes a calendar of dates for milestones that must be met to keep the project funding in-place and establishes the benchmark and reporting requirements for project tracking. This project is being funded to the City from the Federal Government and the City has determined that it is beneficial to include NCDOT as the funding partner to assist with meeting the requirements of the Federal grant. The City will work directly with NCDOT after the grant agreement is in-place to ensure that tracking and reimbursement requirements are achieved. The total grant agreement is for $17,092,608 from USDOT-FHWA with the City committing to spending at least $4,673,152 for a minimum project value of $21,765,760. The purpose of addendum number one to the FHWA FY 2018 BUILD grant number six, is to obligate the remaining FY 2018 BUILD funds, and recognize and accept modifications to the schedule, budget, and performance measurement dates for the "Hickory Reconnected Through Transportation Infrastructure Investment Project". This addendum will constitute a formal amendment to the grant agreement, which was executed by the U.S. Department of Transportation, the Federal Highway Administration and the City of Hickory. Staff recommends Council’s approval of addendum one to the grant agreement with USDOT and FHWA for the 2018 BUILD Transportation...
ORDINANCE NO. 20-30
BUDGET REVISION NUMBER 2

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2021 and for the duration of the Project Ordinances noted herein.

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

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture and Recreation</td>
<td>1,500</td>
<td></td>
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<tr>
<td>Other Financing Uses</td>
<td>103,459</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>104,959</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
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<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restricted Intergovernmental Revenues</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>Other Financing Sources</td>
<td>103,459</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>104,959</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>57,327</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Financing Sources</td>
<td>57,327</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>57,327</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 3. To amend the Airport Hangar Replacement Capital Project Ordinance (650030), the expenditures shall be changed as follows:

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
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</thead>
<tbody>
<tr>
<td>General Capital Projects</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>46,132</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Financing Sources</td>
<td>46,132</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>46,132</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 4. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved the Voluntary Contiguous Annexation of Property Owned by SV Hickory LLC, Located at 279 Performance Drive SE, Containing Approximately 4.62 acres, PIN 3722-10-27-9937 – Presentation by Planning Director Brian Frazier.

SV Hickory, LLC has petitioned for the voluntary contiguous annexation of 4.62 acres of property located at 279 Performance Drive SE. The subject property is currently zoned Industrial (IND), and is located within Hickory’s extra-territorial jurisdictional area (ETJ). The subject property has been permitted to be developed for the location of a 13,592 ft2 office building that is to be occupied by
the North Carolina State Bureau of Investigation (SBI). Office buildings are permissible uses within the existing zoning district. The subject property is currently located within the City's extra-territorial jurisdictional area (ETJ), and zoned Industrial (IND). As noted above, permits have been issued for the construction of an office building. The current tax value of the property is $265,200. If annexed with its present value, the property would immediately generate additional tax revenues of $1,558.05. The future tax revenues generated by the permitted building are unknown at this time; however, the building permit issued for the facility has a value of $1,102,854.88. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff recommends Council's approval of the voluntary contiguous annexation of property owned by SV Hickory LLC, located at 279 Performance Drive SE.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 23, 2020.

City Manager Warren Wood asked the City's Planning Director Brian Frazier to the podium to present Council with a voluntary contiguous annexation of property owned by SV Hickory LLC, located at 279 Performance Drive SE, containing approximately 4.62 acres.

Planning Director Brian Frazier presented a PowerPoint presentation. He advised Council as City Manager Warren Wood indicated this was a voluntary contiguous annexation in the McDonald Crossing Business Park. The applicant was Hunt Shuford, the Manager of such. The acreage was a little bit over 4.5 acres, located in Ward 3, Alderman Seaver's ward. It was currently a vacant piece of property. The State Bureau of Investigation (SBI) was looking at constructing close to a 14,000 square foot office building there. The annexation was being requested in order to connect public utilities to the property. He referred to the PowerPoint and displayed a boundary map. He pointed out the area on the map, which was within the City of Hickory limits and the extra territorial jurisdiction (ETJ). He pointed out the subject property in the red cross hatch. He displayed a current zoning map of the City. He noted this property was zoned industrial inside of the Business Park. He pointed out Highland Avenue. He displayed an aerial ortho of the property. He noted the contiguous annexation location and the area of the future SBI property. He pointed out Klingspor, Snyder Paper, Roll-Tech, Fiber-Line and the VA Clinic. The staff findings and recommendations were as follows: the voluntary annexation petition complied with all applicable annexation Statutes of the State of North Carolina. Adequate public services were available in sufficient quantities, and the annexation of the property would not cause available public services to fall below any acceptable levels. Based upon these findings, staff respectfully recommended approval of the requested annexation. He asked Council for any questions.

Mayor Guess asked for any questions.

Alderwoman Patton asked what the timeframe was, if this passes, for them to build.

Mr. Frazier was not sure of the specific timeframe. He knew that it was somewhat of a rush and they want to get this going very soon. He honestly did not have a specific timeframe.

Alderwoman Patton questioned if they had submitted plans, or would it be after this.

Mr. Frazier advised staff had seen some preliminary.

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

Alderwoman Patton moved, seconded by Alderman Williams approval of the voluntary contiguous annexation of property located at 279 Performance Drive SE. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 458
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)
SV Hickory, LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO GENERAL STATUTES 160A-58.1, AS AMENDED (CONTIGUOUS)
WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 7:00 p.m. on the 4th day of August, 2020; and

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

a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.

b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.

c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.

d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31st day of August, 2020:

CONTIGUOUS ANNEXATION OF THE PROPERTY OF
SV HICKORY, LLC

That certain parcel or tract of land lying and being about 3.36 miles east southeast of the center of the City of Hickory. Bounded on the south and west by the existing City of Hickory city limits as shown in Plat Book 54 at Page 186, on the north by the existing City of Hickory city limits as shown in Plat Book 40 at Page 82, on the east by the existing City of Hickory city limits as shown in Plat Book 31 at Page 102 and more particularly described as follows, to wit:

Beginning at an 5/8” rebar located North 83 degrees 58 minutes 32 seconds East 120.58 feet from a fire hydrant on the south side of 3rd Avenue SE and being a corner of the existing City of Hickory city limits shown in Plat Book 54 at Page 186 and running thence, with said north-right-of-way and existing city limits, as a curve to the left having a delta angle of 4 degrees 09 minutes 20 seconds, a radius of 3462.80 feet and a chord bearing and distance of North 63 degrees 36 minutes 55 seconds East 79.49 feet to a 5/8” rebar, a corner of the existing City of Hickory city limits as shown in Plat Book 40 at Page 82; thence, with said existing city limits, North 23 degrees 59 minutes 47 seconds East 226.87 feet to a 5/8” rebar; thence as a curve to the left having a delta angle of 63 degrees 59 minutes 57 seconds, a radius of 75.00 feet and a chord bearing and distance of North 49 degrees 46 minutes 35 seconds East 79.49 feet to a 5/8” rebar, a corner of the existing City of Hickory city limits as shown in Plat Book 40 at Page 82; thence, with said existing city limits, South 72 degrees 02 minutes 55 seconds East 591.51 feet, passing a 7/8” pipe at 536.93 feet, to a point in the existing City of Hickory city limits.
as shown in Plat Book 31 at Page 102; thence, with said existing city limits, South 31 degrees 56 minutes 49 seconds West 373.14 feet to the point of beginning. Containing 4.620 acres more or less.

Section 2. Upon and after the 31st day of August, 2020, 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 4th Day of August, 2020.

B. Departmental Reports

1. Appointments to Boards and Commissions

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

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

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

LIBRARY ADVISORY BOARD
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) Elliott Neil Walker (Eligible for Reappointment)

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

PUBLIC ART COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
Ward 5 (Zagaroli Appoints) VACANT

PUBLIC HOUSING AUTHORITY
(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 3 (Mayor Appoints) VACANT

RECYCLING ADVISORY BOARD
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) Deborah Hollingsworth (Eligible for Reappointment)

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

FTF VACANT
Mayor Guess advised that Alderwoman Williams was not present; she was helping to take care of her new grandbaby. He congratulated Alderwoman Patton and her husband Rick Patton on their 41st Wedding Anniversary.

City Manager Warren Wood advised there had been a lot of conversation about parks and recreation. He had talked to a dozen different people in the last week or so. There was a lot of misinformation. Recreational youth athletics were not being permanently cut. They were suspended and had been suspended since March. It had been the case for a number of months now. He wanted to get on the other side of all the COVID issues so they can open that back up. They do not know when that will be. He knew that the professional sports, and the NCAA, everybody was trying to figure that out different and we are no different. City Council did not vote on this that was true. This was the Manager's decision. He explained the process. City Council hires a Manager and the City Attorney and then the Manager was responsible for carrying out all the personnel administration. That was one of his duties and he makes unpopular decisions on a regular basis, and this was one of them. It was unfortunate; they did not want to do this, but was what they had to do. He advised going back to March, they heard the phrase, “We have got to flatten the curve, flatten the curve”. Therefore, everything was shutdown, suspended, and the goal post kept being moved, so it was not flattening the curve anymore. There were a number of restrictions from the Governor's office that continue to ratchet down. In March, they kept these employees on, even though there was no real work to do, hoping that they were just flattening the curve and they would get on the other side of it in a couple of months. However, that did not happen. In the first part of May, they furloughed these folks. They gave them health insurance, and they were able to sign up for unemployment insurance. At that time, there was a $600 Federal COVID supplement which expired July 31st. They do not know when this was going to end. They are six months into this, and nobody can tell him when this was going to end, so they had to make a decision. He advised they did a layoff. They had never done a furlough and a layoff and he had been with the City since 1993, except for a couple of years. That was a first. They did not even have a policy for doing that, because they never had to consider that before. So they did a three month severance, both salary and health insurance. He reiterated they do not know how long this was going to last. His challenge was people tell him that he needs to guarantee the people that they would have their jobs back. He could not guarantee anybody anything. It would seem, though, if he had a multiyear track record with the City, that if he had a good track record, he would be head and shoulders above the competition. He would not say that, but they should have an advantage. However, he did not know when these positions would comeback. They may not come back all at once during this time. He knew that the City’s fiscal year ended June 30, so the last three or four months of that fiscal year, he knew that the City lost about a $1,000,000 due to COVID. There had been a financial impact and there would continue to be a financial impact. He advised the City had 54 currently vacant positions, so there are quite a number of positions that are currently vacant, that they were not filling trying to ride all of this out, plan for the worst, and hope for the best. He realized there was a petition with hundreds of signatures on it. He could not manage by petitions, or by what Facebook says. He knew these people and was here when they were all hired. He did not take any pleasure in any of that. He could not make decisions based on people he likes or does not like, or personalities. He was just making a business decision, as cold as that might sound. He wanted to get something out there to clear the air on some of this that had been apparently floating around social media.

Mayor Guess asked for any further comments from Council.

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)
August 4, 2020

City Manager Warren Wood requested Council add to the Closed Session discussion of potential economic development - NCGS §143-318.11(a)(4).

Mayor Guess moved, seconded by Alderman Williams, that Council go into closed session to consult with the attorneys to discuss the items below and the discussion of potential economic development. The motion carried unanimously.

1. Approval of Closed Session Minutes of June 2, 2020 - NCGS §143-318.11(a)(1)
2. Discussion of Potential Litigation - NCGS §143-318.11(a)(3)

From the audience Mr. Josh Partin asked Council if he could ask a question.

City Manager Warren Wood commented that he had already spoken to them. He would be glad to talk to them again.

Mr. Josh Partin commented he did not want to be disrespectful.

Mayor Guess advised Mr. Partin they would be glad to answer his questions, and could do so after the meeting.

Mr. Josh Partin asked if they could be in the meeting for this part.

Mayor Guess advised Mr. Partin that closed session had nothing to do with anything he had discussed.

Mr. Josh Partin was making sure that he understood. He asked if after the closed session, Council would come back in and they could address everyone.

Mayor Guess advised Mr. Partin that he could address anyone that would like to speak with him.

Mayor Guess and Councilmembers advised they were available to speak with Mr. Partin.

Council convened to closed session at approximately 7:30 p.m.

Council reconvened to open session at approximately 8:10 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 8:10 p.m.

_______________________________________
Mayor

_______________________________________
City Clerk