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 18, 2020 at 7:00 p.m., with the following members present:

Hank Guess
Tony Wood
Charlotte Williams
Danny Seaver
David L. Williams
Aldermen
David P. Zagaroli
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, III, Deputy City Attorney Arnita Dula, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

I. Mayor Guess called the meeting to order. All Council members were present.

II. Invocation by Reverend Antonio Logan, Friendship Missionary Baptist Church

III. Pledge of Allegiance

IV. Special Presentations

V. Persons Requesting to Be Heard

A. Ms. Ida Clough, 1215 10th Street Boulevard NW, Hickory addressed City Council regarding a recommendation from the Hickory Branch of the National Association for the Advancement of Colored People (NAACP). The recommendation was in response to the recent Proclamation opposing racism, discrimination and police brutality. The Hickory Branch NAACP has a diverse membership living across the City of Hickory who had joined together to support their mission, which was to ensure the political, educational, social and economic equality of rights of all persons, and to eliminate racial hatred and racial discrimination. Dedicated to racial equality, Hickory NAACP supported and appreciated the sentiment expressed in Mayor Hank Guess’ Proclamation opposing racism, discrimination, and police brutality. They also recognized, that as a three-time All-America City awardee, the City of Hickory was committed to economic engagement, inclusiveness, and equality in our community. However, there was much to be done to realize their shared vision of an inclusive and equitable Hickory. Across the Country, the historical legacy of systemic inequality and institutional racism had led to disproportionately negative outcomes for people of color in education, healthcare, housing and employment. The current pandemic had also highlighted and exacerbated racial inequalities and higher death rates among black and brown Americans and other minorities. The root causes of these disproportionate impacts include the structural conditions such as housing discrimination, unequal access to healthcare, and the lack of equal opportunities in employment and economic advancement. To achieve racial equality and inclusiveness in our City, it was imperative that they address these underlying systemic and structural inequalities. Therefore, Hickory NAACP requested that City Council pass a Resolution affirming the principles laid out in the Proclamation that also establishes, by January 5, 2021, a new commission on racial equality, empowered to make short, medium and long-term recommendations to address systemic and structural inequalities in a plan of action. The commission could include representation from the Community Relations Council and other organizations that represent the perspectives of minority residents in this community. The plan of action would utilize a data driven approach to identify opportunities for action, set measurable goals and assess impact in the community. This should include the collection and review of data disaggregated by race, such as the City’s unemployment and poverty rates, access to housing and healthcare, academic opportunity gap for students, and work towards diversity within government among others. The task of the proposed commission would be to issue a report in a timely manner for consideration by the City and participating community groups for incorporating into their respective, short, medium and long-term priorities and plans. The report and resulting budgetary and programmatic priorities should include, but not be limited to, increasing minority homeownership and general access to affordable housing, increasing minority business ownership and career opportunities, developing strategies to grow equity and generational wealth. Closing the gaps in healthcare, education, employment and pay, neighborhood safety and fairness within criminal justice. Finally, the Resolution called on the City Manager to give, at a minimum, a biannual progress report to City Council and the community. Hickory NAACP firmly believed that without a concrete plan of action on how City leadership will accomplish the work of breaking down racial barriers and mistrust, the well-intended Proclamation was purely a paper exercise that will not meaningfully address gaps and racial equality and equity in our City. There are ways in which City Council can accomplish the critical work of creating a more inclusive and equitable City that benefits all our residents. Hickory Branch NAACP requested the opportunity to further discuss these important matters with Council. She thanked Council.

B. Ms. Felicia Setzer, 528 7th Street SE, Hickory addressed City Council. She advised Black Women Unified Now, a movement started to empower black women as a proactive course to address action to uplift our community as they address systematic racism. Racism does not occur in a vacuum. It occurs in a system. Their goal was to educate on the following: the educational system, healthcare advocacy, economic empowerment and
political awareness and activism as a strategic way of uplift for our community. They support the heartfelt sentiments shown in Mayor Guess’ Proclamation opposing racism, discrimination, police brutality, but expresses the direction the City’s leadership vows toward more diversity and equality. As a movement representing over 1,000 women, mainly located in the City of Hickory, they want to ensure the City Council body as a whole understands the ramification of this moment and were all unanimously on board with ideology and the genuine intent of the Proclamation. She asked that in the spirit of solidarity, the board adopted this Proclamation with the following suggestions: upon review, they suggested as a means to ensure the sustainability of the Proclamations intent a City Task Force be commissioned to include representatives from the Council, various City departments and the minority community. This Task Force would be used to develop smart, specific, measurable, achievable, relevant and timely Citywide measures to address the diversity and racial equity needed by January 2021. Finally, as an All-American City, Hickory has an obligation to its citizenship to ensure all are included, valued and consulted on matters that involve the forming of a plan to represent a more perfect union and establish justice, ensure domestic tranquility, provide for the common defense, and promote the general welfare of all. As they look at true affordable housing, educational and economic disparities, and healthcare equality, they look to City Council for guidance. As they know a Citywide, election process elected each Council member. Black Women Unified Now felt these actions should be a collective effort with all Council members joining in to support this Proclamation. She thanked Council for their time and told them to have a great evening.

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

VI. Approval of Minutes

A. Regular Meeting of August 4, 2020

Alderwoman Williams moved, seconded by Alderwoman Patton that the Minutes of August 4, 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.

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

A. Approval of 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. (First Reading Vote: Unanimous)

B. Budget Revision No. 2. (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.

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

A. Approved a Resolution to Declare Surplus 11,762 Discarded Library Items to be Given to the Friends of the Library to be Sold at the Friends “Corner Book Store” at Patrick Beaver Memorial Library and/or Special Book Sales.

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

Notice was advertised in a newspaper having general circulation in the Hickory area on July 31, 2020.
RESOLUTION NO. 20-24

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

WHEREAS, the Hickory Public Library declares a list of 11,762 discarded library materials which are out of date, in poor condition, or no longer needed to meet the collection development goals of the library; and

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

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

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

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

SECTION 2. This Resolution shall become effective upon adoption.

B. Approved a Cemetery Deed Transfer from Evan Wesley Eakers, Single, being the only Heir of Wesley E. Eakers, Catawba County Estate File 20E303; and Murray Eakers White, single; Laurie Pearson, single; and Amanda Gove and husband Rick Gover; to Murray Eakers White, a Single Person, situated in Oakwood Cemetery, Section 14, Block C, Lot Nos. 001, 002, 003 and 004. (Prepared by Daniel G. Christian, Attorney at Law).

C. Approved an Agreement with AIDS Leadership Foothills-Area Alliance, Inc. for FY2020-2021 Funding through the City’s Community Development Block Grant Program in the Amount of $10,000.

Approval of an agreement between the City of Hickory and AIDS Leadership Foothills- Area Alliance, Inc. for FY 2020-2021 funding through the City’s Community Development Block Grant (CDBG) Program. In February 2020, the City of Hickory Community Development Division requested applications from local nonprofit organizations for funding under the CDBG Program. The Citizen’s Advisory Committee reviewed and recommended funding for these applications as part of the Consolidated and Annual Action Plan. The Consolidated and Annual Action Plan was approved following a public hearing on May 5, 2020. The CDBG funding agreement describes the requirements for the City and AIDS Leadership Foothills- Area Alliance to ensure that all applicable Federal regulations are met. Funds will be used to provide support for a Medical Case Manager position, which will assist persons living with HIV and AIDS to ensure that they remain in medical care and receive other services, as they are available. AIDS Leadership Foothills- Area Alliance has requested and been approved for funding in the amount of $10,000.00 through the City of Hickory’s CDBG Program. Approval of the Agreement will allow them to continue to provide much needed medical case management services to persons living with HIV and AIDS. Staff recommends approval of the CDBG funding agreement between the City of Hickory and AIDS Leadership Foothills- Area Alliance, Inc. in the amount of $10,000.

D. Approved an Agreement with Exodus Outreach Foundation, Inc. for FY2020-2021 Funding through the City’s Community Development Block Grant Program in the Amount of $7,000.

Approval of an agreement between the City of Hickory and Exodus Outreach Foundation, Inc. for FY 2020-2021 funding through the City’s Community Development Block Grant (CDBG) Program. In February 2020, the City of Hickory Community Development Division requested applications from local nonprofit organizations for funding under the CDBG Program. The Citizen’s Advisory Committee reviewed and recommended funding for these applications as part of the City’s Consolidated and Annual Action Plan. The Consolidated and Annual Action Plan was approved following a public hearing on May 5, 2020. The CDBG funding agreement describes the requirements for the City and Exodus Outreach Foundation to ensure that all applicable Federal regulations are met. Funds will be used to provide support to provide transportation and employment services at Exodus Homes, which provides support to homeless and previously incarcerated persons with substance abuse issues. Exodus Outreach Foundation has requested and been approved for funding in the amount of $7,000 through the City of Hickory’s CDBG Program. Approval of the Agreement will allow them to continue to provide services to homeless and previously incarcerated individuals with substance abuse issues. Staff
E. Approved an Agreement with Family Care Center for FY 2020-2021 Funding through the City's Community Block Grant Program in the Amount of $7,000.

Approval of an agreement between the City of Hickory and Family Care Center for FY 2020-2021 funding through the City's Community Development Block Grant (CDBG) Program. In February 2020, the City of Hickory Community Development Division requested applications from local nonprofit organizations for funding under the CDBG Program. The Citizen's Advisory Committee reviewed and recommended funding for these applications as part of the City's Consolidated and Annual Action Plan. The Consolidated and Annual Action Plan was approved following a public hearing on May 5, 2020. The CDBG funding agreement describes the requirements for the City and Family Care Center to ensure that all applicable Federal regulations are met. Funds will be used to provide social work staff to their operation of "A Hand Up for the Homeless". The objective of the program is transitional housing and support services as families work to bring themselves out of homelessness. This program also provides transportation, help finding employment and/or further education as the families work to end generational poverty. Family Care Center has requested and been approved for funding in the amount of $7,000 through the City of Hickory's CDBG Program. Approval of the Agreement will allow them to continue to provide housing and financial counseling for low to moderate-income individuals. Staff recommends approval of the CDBG funding agreement between the City of Hickory and Family Care Center.

F. Approved an Agreement with Family Guidance Center for FY 2020-2021 Funding through the City's Community Block Grant Program in the Amount of $10,000.

Approval of an agreement between the City of Hickory and Family Guidance Center for FY 2020-2021 funding through the City's Community Development Block Grant (CDBG) Program. In February 2020, the City of Hickory Community Development Division requested applications from local nonprofit organizations for funding under the CDBG Program. The Citizen's Advisory Committee reviewed and recommended funding for these applications as part of the City's Consolidated and Annual Action Plan. The Consolidated and Annual Action Plan was approved following a public hearing on May 5, 2020. The CDBG funding agreement describes the requirements for the City and Family Guidance Center to ensure that all applicable Federal regulations are met. Funds will be used to provide counseling staff to their operation. The objective of the program is to produce mortgage ready, well-qualified homebuyers to establish homeownership in the community. This program also provides financial and housing counseling programs to assist low to moderate-income individuals with foreclosure avoidance. Family Guidance Center has requested and been approved for funding in the amount of $10,000 through the City of Hickory's CDBG Program. Approval of the Agreement will allow them to continue to provide housing and financial counseling for low to moderate-income individuals. Staff recommends approval of the CDBG funding agreement between the City of Hickory and Family Guidance Center.

G. Approved an Agreement with Hickory Soup Kitchen Inc. for FY 2020-2021 Funding through the City's Community Block Grant Program in the Amount of $10,000.

Approval of an agreement between the City of Hickory and Hickory Soup Kitchen, Inc. for FY 2020-2021 funding through the City's Community Development Block Grant Program. In February 2020, the City of Hickory Community Development Division requested applications from local nonprofit organizations for funding under the Community Development Block Grant (CDBG) Program. The Citizen's Advisory Committee reviewed and recommended funding for these applications as part of the City's Consolidated and Annual Action Plan. The Consolidated and Annual Action Plan was approved following a public hearing on May 5, 2020. The CDBG funding agreement describes the requirements for the City and the Hickory Soup Kitchen to ensure that all applicable Federal regulations are met. Funds will be used to provide support to staff at the Soup Kitchen to ensure that they are able to provide hot meals and food pantry services to those in need. The Hickory Soup Kitchen has requested and been approved for funding in the amount of $10,000 through the City of Hickory's Community Development Block Grant Program. Approval of the Agreement will allow them to continue to provide housing and financial counseling for low to moderate-income community. Staff recommends approval of the attached CDBG funding agreement between the City of Hickory and Hickory Soup Kitchen, Inc.

H. Approved an Agreement with Habitat for Humanity of the Catawba Valley, Inc. for FY 2020-2021 Funding through the City's Community Block Grant Program in the Amount of $20,000.

Since 2014, the City of Hickory has provided Community Development Block Grants (CDBG) funds to Habitat for Humanity of Catawba Valley to help implement their Habitat Repairs Program. In February 2020, the City of Hickory Department of Planning and Development Services requested applications from local nonprofit organizations for

August 18, 2020
August 18, 2020

funding under the CDBG Program. The Citizen’s Advisory Committee reviewed and recommended funding for these applications as part of the City’s Consolidated and Annual Action Plan. The Consolidated and Annual Action Plan was approved following a public hearing on May 5, 2020. The CDBG funding agreement describes the requirements for the City and Habitat for Humanity of the Catawba Valley to ensure that all applicable Federal regulations are met. Funds will be used for rehabilitation of owner occupied single-family residences with households earning less than eighty percent of the area median income. Habitat for Humanity of the Catawba Valley has been approved for funding in the amount of $20,000 through the City of Hickory’s CDBG Program. The funding is part of the Housing Rehabilitation allocation of the City’s CDBG Consolidated and Annual Action Plan. Approval of the Agreement will allow them to continue to provide much needed housing rehabilitation services to benefit low to moderate-income households during the 2020-2021 program year. Staff recommends approval of the CDBG funding agreement in the amount of $20,000 between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc.

I. Called for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of Property Owned by Wendell and Judith Cramer, Claude and Billie Shrum, David and Kevin Childers, and Alan and Donna Bolick, Containing Approximately 12.87 acres of Property Located at the Southwest Corner of Catawba Valley Boulevard and Startown Road, Identified as PINs 371112964398, 371112961340, 371112951884, 371112964151. (Authorize Public Hearing for September 1, 2020, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 20-25
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 Alan W. Bolick and Donna Kay Bolick, David Childers, Kevin Childers, Claude Ray Shrum and Billie S. Shrum, Wendell M. Cramer and Judith M. Cramer requesting annexation of an area described in a petition was received on August 5, 2020 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 Alan W. Bolick and Donna Kay Bolick, David Childers, Kevin Childers, Claude Ray Shrum and Billie S. Shrum, Wendell M. Cramer and Judith M. Cramer containing approximately 12.87 acres of property located at the southwest corner of Catawba Valley Boulevard and Startown Road, identified as PINs 3711-12-96-4398; 3711-12-96-1340; 3711-12-95-1884; and 3711-12-96-4151.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 6th day of August, 2020.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 20-26
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION, PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

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

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and
WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 1, 2020 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 Alan W. Bolick and Donna Kay Bolick, David Childers, Kevin Childers, Claude Ray Shrum and Billie S. Shrum, Wendell M. Cramer and Judith M. Cramer containing approximately 12.87 acres of property located at the southwest corner of Catawba Valley Boulevard and Starstown Road, identified as PINs 3711-12-96-4398; 3711-12-96-1340; and 3711-12-95-1884; and 3711-12-96-4151.

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. 20-27

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY ALAN W. BOLICK AND DONNA KAY BOLICK, DAVID CHILDERS AND KEVIN CHILDERS, CLAUDE RAY SHRUM AND BILLIE S. SHRUM, WENDELL M. CRAMER AND JUDITH M. CRAMER AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Alan W. Bolick and Donna Kay Bolick, David Childers, Kevin Childers, Claude Ray Shrum and Billie S. Shrum, Wendell M. Cramer and Judith M. Cramer are the owners of certain real property as described herein, which property is located at the southwest corner of Catawba Valley Boulevard and Starstown Road, identified as PINs 3711-12-96-4398; 3711-12-96-1340; 3711-12-95-1884; and 3711-12-96-4151 containing approximately 12.87 acres more or less; and

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 18th day of August, 2020, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

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

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on September 1, 2020 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on map entitled Cramer, Shrum, Childers, Bolick, Voluntary Contiguous Annexation Map 1 City Limits, subject property outlined in black; Cramer, Shrum, Childers, Bolick, Voluntary Contiguous Annexation Map 2, Zoning subject property outlined in black; Cramer, Shrum, Childers, Bolick, Voluntary Contiguous Annexation Map 3, Aerial Photography, subject property outlined in black.

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.

J. Approved a Community Appearance Grant for Non-Residential Property Owned by Hickory Bulldawg Properties, LLC Located at 31 3rd Street SW in the Amount of $7,500.
City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City’s designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is $7,500. The grant proposal involves renovating the building with new stucco and masonry. The applicant also intended to renovate the interior of the building. The property is located within the City’s defined Urban Revitalization Area, and is eligible for the consideration of a Community Appearance Grant.

K. Approved a Community Appearance Grant for Non-Residential Property Owned by Cube, LLC Located at 225 2nd Avenue SW in the Amount of $7,500.

City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City’s designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is $7,500. The grant proposal involves renovating the building with new stucco and masonry. The applicant also intended to renovate the interior of the building. The property is located within the City’s defined Urban Revitalization Area, and is eligible for the consideration of a Community Appearance Grant.

L. Approved a Community Appearance Grant for Non-Residential Property Owned by ADEMNC, LLC Located at 509 11th Street NW in the Amount of $3,950.

City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City’s designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is $7,500. The grant proposal involves replacing eight windows, and restoring the boarded storefront with new doors and windows. The applicant has provided two estimates for the work listed above, which total $24,335 and $24,070.16. If Council moves to approve the proposed grant at the lower of the two estimates, the request would qualify for a $7,500 grant. The subject property’s current tax value is assessed at $108,400. The requested grant amounts to 3.6 percent of the property’s tax value. The application was reviewed by the Community Appearance Commission and scored the application at 22 points out of a possible 36 points, which placed the application into the high category of scoring. Given the Commission’s score of the application, staff recommends funding of the grant application in the amount of $7,500.

M. Approved the Citizens’ Advisory Committee Recommendations for Assistance through the City of Hickory’s Housing Programs.

The following requests were considered by the Citizens’ Advisory Committee at their regular meeting on August 6, 2020.

- Altheria Rowe, 710 8th Avenue Court SE, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens’ Advisory Committee recommended approval of a Housing Rehabilitation Loan. The Citizens’ Advisory Committee
The following applicants are being recommended for approval for assistance under the City of Hickory's former Housing Rehabilitation Program income received in FY 2019 and/or program income received through the City of Hickory's Community Development Block Grant Program.

- Patricia Gilvaja, 321 2nd Avenue SE, Hickory-up to $4,933
- Janette Hill, 434 3rd Street SE, Hickory-up to $10,000
- Marjorie Linebarger, 725 7th Avenue Court SE, Hickory-up to $10,000
- Marguerite Pitts, 1443 9th Avenue SE, Hickory-up to $10,000

The Citizens’ Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs. Funds are budgeted for these items through the City of Hickory's former Housing Rehabilitation Program income received in FY 2019 and/or program income received through the City of Hickory’s Community Development Block Grant Program. The Citizens’ Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

N. Approved the Special Events Activities Application for Community Cake Cutting, Karen Barton, Special Events Chair, Marine Corps League – Catawba Valley Detachment, November 10, 2020 from 11:30 a.m. to 12:30 p.m., Downtown on the Square.

O. Approved the Construction Administration Agreement with Civil & Environmental Consultants, Inc., in the Amount of $65,800 for Trivium Parkway and Trivium Court.

The City of Hickory identified an area in southeast Hickory that is large enough and conducive to development of a business park. The City of Hickory, Catawba County and Economic Development Corporation have worked on development of this area as a business park for several years and the City and County have agreed to split the cost of development. Trivium Business Park is the business park identified for bond proceeds from the bond referendum that was passed by the citizens of the City of Hickory. This phase of the project generally consists of the construction of Trivium Parkway and Trivium Court. The scope of services for Civil & Environmental Consultants, Inc., includes the progress meetings, full-time site observations and inspections, recommendations to the owner, direction to the contractor, final inspections and NCDOT coordination for the project. Staff recommends Council’s approval of a Construction Administration Agreement with Civil & Environmental Consultants, Inc., in the amount of $65,800.

P. Approved a Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Right-of-Ways for Construction of Multi-use Path System.

Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-way for the construction of the 10-foot wide multi-use greenway trail and streetscape loop improvement project between the Hickory Regional Airport and a complete streetscape loop in downtown Hickory. The City has determined it is necessary to acquire these easements on certain properties in the project area by condemnation. The proposed resolution authorizes staff and legal counsel to institute the condemnation proceedings on these properties.

RESOLUTION NO. 20-28 ON FILE IN THE CITY CLERK’S OFFICE WHICH IS HEREBY INCORPORATED BY REFERENCE AND MADE A PART OF THE MINUTES

Q. Approved on First Reading Budget Revision Number 3.

ORDINANCE NO. 20-31
BUDGET REVISION NUMBER 3

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:

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<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture and Recreation</td>
<td>3,165</td>
<td></td>
</tr>
<tr>
<td>Public Safety</td>
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<td></td>
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<td>General Government</td>
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<tr>
<td>Other Financing Uses</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>1,060,069</td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous Revenues</td>
<td>1,065</td>
<td></td>
</tr>
<tr>
<td>Sales and Services</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Other Financing Sources</td>
<td>1,058,004</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,060,069</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2. To amend the Solid Waste 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>Environmental Protection</td>
<td>1,895</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,895</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>INCREASE</th>
<th>DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous Revenues</td>
<td>1,895</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,895</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 3. To amend the Project Enzyme Roadway Infrastructure Capital Project Ordinance (B1B003), 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>General Capital Projects</td>
<td>953,620</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>953,620</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>Restricted Intergovernmental Revenues</td>
<td>476,810</td>
<td></td>
</tr>
<tr>
<td>Other Financing Sources</td>
<td>476,810</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>953,620</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. Denied Approval of Closing a Portion of 8th Street Place SE as Petitioned by Abel Cerda – Presentation by Assistant Public Services Director Steve Miller.

The City Clerk received a petition from Attorney Larry W. Johnson, on behalf of Abel Cerda, owner of the properties abutting a portion of 8th Street Place SE. The petition requests the City to close said portion of 8th Street Place SE right-of-way, as per NCGS § 160A-299. This portion of 8th Street Place SE is bounded on the northwest and southeast sides by those tracts owned by the Petitioner Abel Cerda. The property is bounded at the dead end or northeast side by a tract owned by CNC Properties. The signature on the petition represents the owner of six of the seven tracts of property abutting this portion of the right-of-way. A memo was sent to various departments for their input on the street closing and the Fire Department’s response was unfavorable due to inaccessibility to the back parcel. The Planning Department also expressed that parcel “D” on the map must be accessible. The Public Utilities Department has advised there are existing water and sewer lines that are in this right of way and a 30’ easement must be maintained over them to ensure access for maintenance and repair.
Staff does not recommend closing the portion of 8th Street Place SE as petitioned by Abel Cerda.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 24, July 31, August 7 and August 14, 2020.

City Manager Warren Wood asked the City's Assistant Public Services Director Steve Miller to the podium to present Council with a petition requesting the closing of a portion of 8th Street Place SE as petitioned by Abel Cerda.

Public Services Director Steve Miller presented a PowerPoint presentation. He discussed the petition to close a portion of 8th Street Place SE. He advised it was located on Lenoir Rhyne Boulevard. He referred to a map on the PowerPoint and pointed out the Fast and Fresh, Allied Supplies owned by CNC Properties and the Salvation Army Store. He noted the property owned by Mr. Abel Cerda. Mr. Cerda had petitioned to close the unopened right of way. He commented it was not currently a street; it was an unopened right of way, or right of access into those properties. City staff provided two favorable responses, but the Fire Department's response was unfavorable due to the inaccessibility of parcel "D" which was the building located at the very back of the property. The Planning Department also expressed concern that parcel "D" was not accessible. The Public Utilities Department advised that a 30-foot easement for the existing water and sewer line that were in the right of way must be maintained to ensure access for maintenance and repair. Even if it was closed that must remain intact unless the properties were combined and services were provided off Lenoir Rhyne Boulevard. Staff requested an unfavorable response to the Resolution and Order to Close a Portion of 8th Street Place SE, between Lenoir Rhyne Boulevard and the dead end.

Alderman Patton questioned section "D" on the map.

Mr. Miller pointed out section "D" on the PowerPoint map. He showed the area where the Fire Department would need to access parcel "D". Even though Mr. Cerda owned all of these portions now, unless it was combined into one piece, the right of way would have to remain for fire to access it. Even if the right of way was closed and it was sold, you could still sell off the tracts and close that one property off, land lock it.

Alderman Patton asked if there was a reason why section "D" was not included in this.

Mr. Miller advised it was included. It was separate. The pieces were in there, but the way the plat was laid out it would need to show the parcel would become one portion.

Alderman Wood asked if the water and sewer infrastructure was servicing anything other than those properties.

Mr. Miller replied no sir, it goes back to parcel "D". The water and sewer comes out through the current right of way. If it was all combined into one piece, and maybe redeveloped at some point, you could access that off the front and not have the easement in there. Even if they close the right of way, there needs to remain a 30-foot easement for water and sewer utilities until such time that they became one parcel.

Alderman Zagaroli asked if the right of way was deeded to the City of Hickory.

Mr. Miller commented it was an unopened right of way; it was for access into the separate parcels. Even though it has a street name, it was not technically a right of way that had been deeded to the City of Hickory.

Alderman Zagaroli asked who owned the property.

Mr. Miller advised all the parcels that abut it are the legal owners. It was a right of way access into the back parcel and those other parcels. You could not land lock a parcel in there, if you purchased the back parcel and someone closed it off, or built across it. You would not want them to not have access to the back property.

Alderman Patton asked if there was a reason that it was not being all combined into one parcel.

Mr. Miller did not know.

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.

PROONENTS

Mr. Larry Johnson, P.O. Box 2222, Hickory, referred to the PowerPoint. He referred to the application, which was in Council’s packet. He advised they had combined the tracks. The only ones that were not combined were two little houses, which he identified on the PowerPoint map. The plan was to combine those in with it later. They were not currently combined because the curb cuts, which he identified on the PowerPoint map. Those were hard to get from the Department of Transportation (DOT) anymore. If they gave up the curb cut by getting rid of the plot, they were going to say there was only one tract of land, so you do not need another curb cut, but if this was redeveloped as commercial, which is what the plan was, then they do. Therefore, by not combining those yet, they get to keep those driveways. The plan and the application was all of the property, which he identified on the map, would be combined into one track and then as soon as they have a redevelopment plan, the other two would be combined as well. The utilities that are there only serve that building. That building was scheduled to be torn down eventually. He advised that was what the plan was. At that point, they would be able to access utilities off Lenoir Rhyne Boulevard. There was no need for the road to go back there. Back at the real property line, he pointed out the location on the PowerPoint map, there was about a 20-foot drop, it was a cliff. Nothing could go beyond that point anyhow if they wanted to, not to mention the fence and the barriers that are up there by that property owner. This roadway serves no purpose, but it does keep them from putting a tract on Lenoir Rhyne Boulevard back into useful commercial purposes in Hickory. He had no doubt that those were originally drawn as residential plots just because they have two houses there already and the others were barely marginal lots that you could build on. You could but boy that would be tough. He thought that maybe all but one conformed to what was required now as far as area wise. He advised his requests was the Council close it, including the utility easement. If Council wanted to put a stipulation in that said that the utility easement stays there until the properties redeveloped, he had no problem with that. If they were insistent that they have an easement, they would like to move the easement to the 30-foot along the property line, which he pointed out on the PowerPoint. Because that way, the building setbacks can overlap the easement and they do not lose as much out of the lot. The whole tract was still not very big; it was just over an acre he believed. It was still not a great big lot, but it was buildable, and it was large enough that it could become a commercial building. He asked Council for any questions.

Aldermanwoman Patton questioned Mr. Johnson if “D” was included.

Mr. Johnson replied yes it is.

Aldermanwoman Patton asked if section “D” was included in these two-pieces.

Mr. Johnson advised there was an “A”, “B”, “C” and “D”. He noted the building and advised it was a warehouse type block building. It was okay for storage, but it certainly was not the highest best use that they could put this property to. It had been there for decades, probably 60 years old or more and it was in need of renovation, tearing down, or something. He encouraged Council to consider closing this, which would allow redevelopment of a major lot on Lenoir Rhyne Boulevard.

Aldermanwoman Williams asked if it was included in his proposal, if his explanation was in the original proposal.

Mr. Johnson replied, yes, ma’am. He advised there was a plat included that showed the lots tied together, because he had to go back to the Surveyor. Originally, they had drawn it to keep a portion of it open and close only the back part. He had them change it and they had no objection to deeding these where they all become one. Again, the plan was to include the two houses eventually, but they just did not want to do that yet.

Aldermanwoman Patton asked when the building on “D” was going to be demolished.

Mr. Johnson commented when they find a nice developer to buy this property. Nobody will even look at it right now until they get it put together and get rid of that big strip out of the middle of it, because if the easement stays there, if the roadway stays there, you cannot build a building across it because it has utilities under it. Nobody was going to build a building that there concrete floor may have to be ripped up if they have to put a new waterline in. It served no purpose
because they could access water, sewer, and electricity, all of those off Lenoir Rhyme Boulevard, right along the curb line.

Alderwoman Wood addressed Mr. Johnson and commented that it seemed like a timing issue to him, to keep access if there was an emergency or fire. If the fire truck had to get in there to the building, as it exists, it seemed like remove the building first, then take away the easement and that way there was not a public safety issue. He asked if that was fair.

Mr. Johnson responded, no. He explained that at first that sounds like it was reasonable, but here’s the thing, number one they can’t market it, so he was not going to tear the building down unless they know that they have one tract of land. Otherwise, it was more useful to leave it the way it was. The second thing was, they had no objection to doing deeds and tying property together as one track once that was done, and you have access to it from Lenoir Rhyme Boulevard, across the same tracks. If you have access here, you have legal access all the way back. He pointed out the location on the PowerPoint. It would not be a problem for the fire trucks to get in there.

Alderwoman Patton asked Mr. Johnson if he was leaving the two front properties, as is at this time, but if he went ahead and combined them all at once, that would take away...

Mr. Johnson interjected he was afraid of losing driveways. That was the big concern.

Alderwoman Patton confirmed that he had two.

Mr. Johnson advised two and then the street they were asking to be closed would be a third one. If these were taken down, then it becomes possible to do a circle drive or a parking area or something like that here. He noted the area on the map. He does not want to do that until they know that the road was going to leave so they could redevelop the property. He commented he understood. It was the old thing about we had ham we could have ham and eggs, if we had eggs. It was like what do they do first. If Council wanted to put conditions on the approval, they did not have a problem with that. They were certainly willing to do that.

Alderwoman Williams commented it was her understanding that as it was presented it would not be under the City’s code, the fire code.

City Manager Warren Wood commented that he was going to have Planning Director Brian Frazier address Council after the public hearing was closed. He thought there was a discrepancy in the application.

Mayor Guess asked Council if they had any further questions for Mr. Johnson. He asked if anyone else wished to speak in favor. No one else appeared. He closed the public hearing.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium. He thought that there was a discrepancy of what was or was not included in the application. The application goes to the Planning Department so Mr. Frazier could speak on that.

City Attorney John Crone suggested that Mayor Guess reopen the public hearing so this could be part of the public hearing.

Mayor Guess declared the public hearing reopened to allow Planning Director Brian Frazier to address Council.

Planning Director Brian Frazier was in agreement with what Assistant Public Services Directors Steve Miller and Shawn Pennell, and Fire Chief Hutchinson and his staff had said. He thought there was a problem in communication between the applicant, Attorney, City staff and the Surveyor. He referred to the PowerPoint and pointed out his understanding of the location of the lots. They had talked to the Surveyor and had seen several different iterations of this road closure plat. About the fourth try, it was fine. It addressed their concerns, and it met code. Somehow, when it was submitted, possibly, there was a mistake made and the survey was incorrect. He referred to the PowerPoint and noted the division of the parcels that were acceptable with the Planning Department. He pointed out the part of the property that would be one parcel that Mr. Johnson and his client was looking at marketing. He pointed out the building that would be torn down eventually. He could not honestly speak to the easement that was a utility issue for Mr. Miller and Mr. Pennell. He advised they were looking for the back part of the access of the right of way to be closed and the front portion of the right of way to remain; he pointed the areas out on the PowerPoint. On
one iteration of the survey that Mr. Miller's office and he spoke of that was done. They were all set. Somehow, when they submitted it, it appeared that it was submitted in error, it was still showing this as four different parcels. He pointed out on the PowerPoint the area of the property, which should all be one parcel, the area that would be closed permanently, and the area that would be kept open for access to the side parcel that Mr. Johnson talked about possibly a different circular driveway or something that would have access here. He pointed out the areas of access and where it would stop and leave access to the large parcel in the rear. If that was done, he didn't think that staff would have any objections because it would answer, he believed the Fire Department's comment for a fire life safety access, and it would allow accessibility under Planning, his department's concerns, and meet the Land Development Code and the manual of practice. The utility easement, again he could not speak to. He referred to the PowerPoint and pointed out the area where Mr. Johnson had said the utilities could possibly be moved to. He noted if it was moved to the property line then you are looking at a buffer and you are involving another property owner there. He asked Council for any questions. He was trying to clear the confusion.

Alderman Patton commented it was just the wrong survey has been submitted in their packet.

Mr. Frazier advised that was what appeared to be his understanding. He referred to the PowerPoint and noted the area, if it was one parcel, it would be fine. He pointed out the area, if it was permanently closed and the other portion to remain open to allow possible interior access, then it would be fine. He thought it was just a surveying error. He was not in any disagreement with what the applicant or his legal counsel had said. He thought that it needed to be re-revised.

Alderman Patton commented and resubmitted.

City Manager Warren Wood advised the petition description was for the whole road.

Mr. Johnson advised the plat did change in there because the Surveyor had drawn it wrong to begin with. They had that track open just as Mr. Frazier said. He advised they went back and had him redo it and said this is the one they wanted. He advised he handed a copy of it to City Attorney John Crone.

Mayor Guess asked about the correct plat.

Mr. Johnson was not sure what was in Council's packet.

City Manager Warren Wood advised there were discrepancies in the application. The petition description calls for the whole road to be closed.

Mayor Guess asked Mr. Johnson if he had any further comments.

Mr. Johnson responded no.

Assistant Public Services Director Steve Miller explained if the property owner wants the water and sewer lines moved to any place on the property besides where they are at currently, that would be at the expense of the property owner, which was a rather large expense for them to undertake. If they kept it like Mr. Frazier said, they could keep that right there with a 30-foot easement and then at such time that the partial does develop into one portion and it could come off of Lenoir Rhyne Boulevard and that would save the developer a lot of money not having to rerun the water and sewer lines. It was actually a cost savings to the property owner to leave that 30-foot easement in there just for utilities to serve these two structures and the other structure, until such time they decided to remove the structures into one parcel. Then they could come off Lenoir Rhyne Boulevard and not need a utility easement.

Alderman Zagaroli asked if Council was of the feeling that they could close off the second section. That could be closed off, but the other part has to be opened up.

Mr. Miller thought that would work in the sense that allows access to the structures.

Alderman Zagaroli asked if he wanted it all closed.

Mr. Johnson commented the appearance was somewhat disproportionate. It was a very small track. If you take half of it out and leave the road open, it was not a buildable tracked. It was not commercially viable because it was not big enough. He referred to the PowerPoint and pointed out two houses, the water
August 18, 2020

and sewer comes in off Lenoir Rhyne Boulevard already. The only thing being fed by the water and sewer lines was the building in the back, which he pointed out on the PowerPoint. If it was all demolished and a new building was built, it will come right here, so they did not have to pay for all that. You just leave it in the ground and ignore it. He noted the areas where they would break it and put a new water tap in. If one of the other two would not work, and then you could feed a new building. It does not accomplish anything to close half of the street. It makes the back part bigger, but as far as realistically making the lot more marketable, it does not do it.

Mayor Guess asked if there was anyone else who wished to speak in favor. He closed the public hearing. He asked for discussion or a motion from Council. He commented that it appeared to him that the application process called for the closing of the entire road rather than a portion. That was actually the issue.

Alderman Williams commented at this point with “D” still being intact they could not under current code, safety code or fire code, or whatever close the full road. She commented that Mr. Johnson was talking about eventually when the building was demolished they would not need the access, but as it stands they are not allowed to do that under code.

Alderman Patton commented he could have it all as one piece of property, but you have the building there and it is not a done deal to get it redeveloped, but that would be the best thing, but then he has curb cut issues, but under the current circumstance it would not fit with what fire, public utilities and planning would like.

Mayor Guess asked for additional comments. Under the current application, he moved to deny closing the portion of 8th Street Place SE. Alderman Patton seconded the motion. The motion carried unanimously.

2. Approved on First Reading Consideration of Two Ordinances Amending the Hickory City Code of Ordinances – Presentation by Deputy City Attorney Arnita Dula.

In 2018, the Legal Department contracted with Municode Corporation, which has provided print and digital code codification services for the City for several years, to do a total review and revision of the Hickory Code of Ordinances. The purpose of the mass review and revision was to ensure the Code conformed to current statutes and to resolve conflicting provisions. The ordinance to approve the revisions Municode made must be approved for the updated Code to go into effect.

Current Sections 29-138, 29-139 and 29-140 of Chapter 29 govern the special event application process. The current code includes language from an older application and review process that are no longer used in practice. The proposed amendments will conform the code’s language to the actual special event application review process that staff currently uses. Additionally, currently City Council grants final approval or denial of special events on City-owned properties while staff gives final approval or denial of special events on private properties. The proposed amendments will grant authority to the City Manager to give final approval or denial of all special event applications. Staff recommends Council approve the proposed amendments to the Hickory Code of Ordinances.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 7, 2020.

City Manager Warren Wood asked Deputy City Attorney Arnita Dula to the podium to present Council with two ordinances amending the Hickory City Code of Ordinances.

Deputy City Attorney Arnita Dula presented a PowerPoint presentation on amendments to the Hickory Code of Ordinances. She advised Council in 2018 the City did a contract with Municode, the entity or corporation that actually publishes several municipalities’ codes throughout the Country. The City did a contract for them to do a thorough review and update of the code, because one had not been done in 25 years. That was not to say that the City had not made amendments to the code over those 25 years, but as far as doing an overall review of the code, one had not been done and she thought it was necessary to do that. She thanked City Clerk Debbie Miller, and her Paralegal Crystal Mundy, who was also the Deputy City Clerk, and staff who reviewed various chapters and made revisions to submit to Municode. The purpose was to ensure compliance with current statutes, practices and procedures. She advised that some stuff did not exactly comply. Staff would only discover those conflicts and other issues by happenstance or when something would arise and they would look at it. Another purpose was to resolve conflicts between chapters and
Ms. Dula advised that during the midst of this process, they did some actual changes that were needed before the entire code could be revised. Subsequently they found another section and a need to amend something now, even though she was requesting that Council approve the overall amendment. This proposed amendment, if adopted, would be a supplement and would be included in the update, on the Web. It would be published electronically and at the appropriate time, the City Clerk will submit the supplement. This particular amendment dealt with Chapter 29, streets and sidewalks and, more specifically, the use of Union Square common and adjoining streets. Section 29-138 discussed the use for special events and grants City Council the authority to permit or not permit the use of Union Square and the adjacent or adjoining streets. It also outlined the special event application process requirements and its 14 subsections. The existing subsections were actually from a prior application, as far as she could determine. Section 29-139 discussed the area on Union Square, certain adjoining streets, and other suitable City properties that you may or may not grant permission for a non-profit to use for a special event. The final Section 29-140 discussed special events on private property. There are events that organizations, companies submit special event applications. However, the current or the existing ordinance, only related to special events where alcohol, mainly malt beverages and wine were going to be sold or served in areas that have parking lots or other areas accessible to the public. That was the only thing that it covered. It also gave staff the authority to grant permits to the organizations to hold such events. There was a little bit of discrepancy here and that the other provisions grants authority to City Council, whereas staff could approve these. She referred to the PowerPoint and discussed the proposed changes. The proposed revisions would revise the articles heading to the use of Union Square common, adjoining streets and other public places, because the provisions talks about these things. Section 29-138 the proposed amendment reduces the subsections to four instead of 14. The applicants mainly use the current application at the time of their application or time of applying. It followed the current review process, and it proposed to give the City Manager the authority to grant final approval or disapproval of applications. Section 29-139, the proposed revision would grant the authority again to the City Manager to approve or disapprove use of Union Square, certain adjoining streets and other suitable City properties. The final proposed amendment to Section 29-140 revised the entire section to conform to the current, special event application, which reviews requires more public safety areas than just the sale or serving of alcohol. For example, there are many things related to the City’s fire code. Are you going to put up tents? Are you going to have cooking on site? Are you going to have other areas such as mechanical rides, bouncy houses? Are you going to have vendors? Do you want streets to be closed? The current application, of course, asked about a lot more and there were a lot more requirements. The existing provision was very outdated, and it was very limited to just the sale or serving of alcohol.

Ms. Dula advised it would grant the City Manager the authority to either approve or disapprove applications rather than staff. She requested approval of the overall update to the code and then part two, the second ordinance requested approval of amendments to Sections 29-138 through 29-140. She asked City Council for any questions.

Mayor Guess commented that it appeared by allowing the City Manager to do this instead of it having to come to City Council that it would allow for a much quicker process.

Ms. Dula replied that was part of the process, of course the City wants to be user friendly and friendly to businesses and organizations or nonprofits. Hopefully, by granting authority to the City Manager Mr. Wood, it would perhaps allow the City to expedite the process.

Aldermanwoman Patton commented that it seemed to streamline everything.
City Manager Warren Wood commented that it was a policy. If Council wanted to retain control over approving it was fine too. Sometimes they run into the timing and somebody misses a deadline.

Mayor Guess expressed concerns if someone wanted to challenge the City Manager’s decision, that Council would be available to hear that challenge.

Ms. Dula advised there was no appeals process in there. She did not include an appeals process. The proposed amendment would grant final authority to the City Manager to approve or disapprove.

Alderman Patton asked if they could recall any time that Council had not approved.

City Manager Warren Wood could not.

Alderman Patton could not either.

Ms. Dula commented it was rare, because staff works with organizations and nonprofits and if there are issues in the application staff really, really works with those nonprofits. Even for events on private property with the companies, staff works with the applicant(s) to correct those issues. By the time it comes to Council or the proposed change, if it would come to Mr. Wood by that time, everything should be worked out so it could be approved.

Alderman Patton commented all the safety and fire concerns are all worked out.

Ms. Dula advised it was emailed to every department head, and also there were members of the County, because public health has to get involved for food issues. The mechanical rides included an inspection process that had to be done by the State. For example, the fair, that would be setup in the parking lot at the mall, or if someone wanted to do a petting zoo. There were certain processes that had to be followed, and applicants are actually walked through that. If it was someone who was brand new, and they do not know, staff was very, very good at answering questions and helping the applicant to get through the process.

Alderman Wood asked if they had to fill out an application for every event. Could they do it per season if they knew they were going to have multiple events over the course of months?

Ms. Dula advised it was typically an application for each event, because of the circumstances and the requirements may change. For example, one event an applicant may want streets closed, but they are doing another event they do not want streets closed. There was no blanket application. However, she advised that most nonprofits who submit applications annually were so accustomed to the process that the update was very quick, but they submit a new one each year. For example nonprofits that do some of the races, the 5Ks, like the Turkey Trot and some of the others. Those applicants were well versed. It required a new application for each event, because what they were proposing to do may change and one blanket application would not address those needs.

Mayor Guess asked if there were any further questions.

City Attorney John Crone recommended that City Council open a public hearing on each of the ordinances proposed.

Mayor Guess 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.

Mayor Guess referred to the amendment regarding the special event application. He commented from time to time people have a last minute thing that comes up that they would like to use Union Square for and it was difficult to convene Council to be able to make that happen, and it was sometimes necessary to be able to do that. He thought by allowing the City Manager to have that authority that would certainly enhance the process that they have. He commented it would be a rare circumstance but he would like to see added to this an appeal process. If someone did have a discrepancy and did not agree for whatever reason that it could be heard by City Council if necessary to be able to review.

Alderman Patton moved approval of the proposed municipal code changes as stated.
Mayor Guess asked with the appeals process in place.
Alderman Patton responded no.

Mayor Guess replied without the appeal process.
Alderman Patton commented no appeal process. If had already gone through all the department heads with their approval and the streamline process, she thought they would be making the right recommendation to City Manager Wood.

Alderman Seaver seconded the motion.
Alderman Williams commented according to Deputy City Attorney Dula they had a situation because the City staff works through any issues relating to noncompliance. She did not know if it was really necessary.

Mayor Guess did not know if it was necessary, he did not see any harm in having an appeal process there. They may never need it, or there may be a rare occasion where that might be useful.

City Attorney John Crone thought that issue would be more appropriate for the second public hearing, which has to do with the amendment to the ordinance. This one right now was revisions to the municipal code. He commented they were intertwined. He advised there was a motion and a second.

Mayor Guess asked for any further discussion. He took the vote. Ayes: Alderman Wood, Alderwoman Williams, Alderman Seaver, Alderman Zagaroli, Alderwoman Patton, and Mayor Guess. Nay: Alderman Williams. The motion passed 6 to 1.

ORDINANCE NO. 20-32
AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF HICKORY, NORTH CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:


Section 2. All ordinances of a general and permanent nature enacted on or before February 18, 2020, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be subject to the penalty in section 1-9 of the Hickory Code of Ordinances adopted herein.

Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, administrative adjudication, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the city to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after February 18, 2020 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.
Section 7. This ordinance shall become effective September 1, 2020.

City Attorney John Crone advised the second public hearing would be the amendment to the section.

Mayor Guess 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.

Mayor Guess moved to allow an appeal process to the ordinance. He did not know that it would ever be necessary, but he could not see the reason for not having it if they needed it. He reiterated the motion was with the appeal process. Alderman Seaver seconded the motion. Ayes: Alderman Wood, Alderman Seaver, Alderman Zagaroli, and Mayor Guess. Nay: Alderwoman Williams, Alderman Williams, and Alderwoman Patton. The motion passed 4 to 3.

Alderman Patton asked for a rollcall on the vote.

Alderwoman Williams, Alderwoman Patton, and Alderman Williams confirmed they voted no.

Alderman Wood, Alderman Seaver, Alderman Zagaroli, and Mayor Guess confirmed they were in favor.

Mayor Guess commented 4-3 it passes with the appeal.

ORDINANCE NO. 20-33
AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING SECTIONS 29-138 USE FOR SPECIAL EVENTS, 29-139 AREA FOR HOLDING SPECIAL EVENTS, AND 29-140 EVENTS ON PRIVATE PROPERTY OF CHAPTER 29 STREETS AND SIDEWALKS OF THE HICKORY CODE OF ORDINANCES

WHEREAS, current ordinances set forth the review and approval process for applicants requesting to hold event and activities on Union Square and other public properties as well as certain events and activities on private properties; and

WHEREAS, as part of the process, City Council must give final approvals or denials of applicants’ requests; and

WHEREAS, Council desires to make the process more efficient by delegating the authority to give approvals or denials to the city manager; and

WHEREAS, Council desires to provide an appeals process to applicants whose requests are denied by the city manager.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, THAT SECTIONS 29-138 and 29-140 OF CHAPTER 29 OF THE HICKORY CITY CODE BE AMENDED AS FOLLOWS:

Section 1: Amended.

a. ARTICLE V. – USE OF UNION SQUARE COMMON AND ADJOINING STREETS

The article’s title is amended as follows:

ARTICLE V. – USE OF UNION SQUARE COMMON, ADJOINING STREETS, AND OTHER PUBLIC PROPERTIES

b. Section 29-138. - Use for special events.

The introductory paragraph is deleted in its entirety and replaced by the following paragraph:

The city manager, upon proper application, may, but is not required to, allow the use of the common, adjoining streets, and other public properties for special events which reasonably have the effect of increasing the proper use of the Hickory downtown area and other public properties, providing that the applicant for such special event shall be a nonprofit organization, organized and existing for the purpose of either some charitable or public benefit or else for the promotion of business in the downtown area of Hickory or on other public properties.
c. Subsections (1) through (14) are deleted in their entirety and replaced as follows:

(1) Applicants shall complete the designated application for special events, including road races, on public property.

(2) The application must be submitted to the Planning and Development Permit Center not later than 90 days prior to the time that the applicant desires to first take possession of the area to make preparations for the special event.

(3) Designated staff shall initially review the application and any supporting documents, and shall, within a reasonable time, notify the applicant of any matters not meeting general approval or other information required; at such time as staff is of the opinion that all needed information has been provided, staff shall present their recommendation as to approval or rejection to the city manager or his/her designee; the city manager or his/her designee reserves the right to reject any and all applicants and, in the alternative, reserves the right to grant approval of any special event with such limitations as it deems proper. Matters to be considered shall include the public health, welfare and safety of all of the residents of the city, the inconvenience to the traveling public and to residents and businesses in the city, the benefits to be gained by the holding of the special event, including the social and moral benefits as well as those of business and financial gain and any other applicable advantages and disadvantages; each proposed special event shall be considered on its own merits, and action taken regarding one shall not constitute a precedent as to another. The city manager’s or his/her designee’s decision shall be final except as provided in 29-138(4).

(4) An applicant whose request is rejected may appeal the city manager’s decision to city council. The applicant shall submit a written request to the city manager within five (5) days of the date that the city manager’s decision is given to the applicant. Council shall review the record, including the special event application, staff’s recommendations, and the city manager's decision, and render a decision to grant or deny the applicant's appeal.

(5) Applications requesting the use of fireworks shall follow the same review process as other applications, except staff's recommendations for final approval or rejection shall be submitted to the city council whose decision shall be final.

d. Section 29-139. - Area for holding special events.

The concluding paragraph of the section is amended by deleting “city council” and replacing the language with “city manager or his/her designee.”

The city manager or his/her designee reserves the right to reject any application as to the use of any area described above for any special event, keeping in mind the particular event being applied for and the extent and suitability of the particular facilities; in the case of a special event being held at a city-owned facility for which a rental fee is usually charged, the normal rental fee shall be charged to the applicant unless, for reasons deemed sufficient, the city manager or his/her designee shall waive such rental.

e. Section 29-140. – Special events on private property.

Section 29-140 is deleted in its entirety and replaced by the following paragraph:

Organizations planning events that include, but are not limited to, selling or serving alcohol, cooking, selling or serving food, tents, vendors, rides, inflatables, road closures, fireworks, any city services, road closures, traffic changes, or medical stand-by services, shall submit an application. The submission, review, and approval procedures outlined in Section 29-138 shall be followed.

Section 2: Severability.

If any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.
August 18, 2020

Section 3: Repealed.

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

Section 4: Effective Date.

This Ordinance shall become effective immediately upon adoption.

B. Departmental Reports


City Manager Warren Wood commented that two meetings ago the Mayor introduced a Proclamation opposing racism, discrimination and police brutality. He had taken the wording contained in that Proclamation and converted it into a Resolution for all City Council to consider. For him it was a powerful tool that they could use internally with employees as they do employee orientation and that sort of thing. It talks about the culture of accountability within the Police Department. He believed they would find in some of these cities that was what was lacking and causing problems. Therefore, the City was fortunate there. That work went back to former Police Chief Lucas in the early 1980s, making some cultural changes within the Police Department. The Proclamation stated in 1994 the City transitioned to a community policing form of policing. He thought that it sent a really good message to the workforce and folks that were coming on board in the future. It also sent a good message to the community as well as the language about all people should be treated equally under the law. He submitted the Resolution to City Council for their consideration.

Mayor Guess asked for questions or comments.

Alderman Williams confirmed Council would all sign the Resolution.

City Manager Warren Wood advised this was the one that the full City Council would approve. He reiterated that it sent a good message to the workforce and to the community that this was what they were about and what they stand for.

Alderman Patton asked if they needed a motion for that.

City Manager Warren Wood responded yes, the Resolution needed approval. Alderman Patton moved, seconded by Alderman Seaver approval of the Resolution with it being signed by all of Council. Ayes: Alderman Wood, Alderwoman Williams, Alderman Seaver, Alderman Zagaroli, Alderwoman Patton, Mayor Guess. Nay: Alderman Williams. The motion passed 6 to 1.

Alderman Williams asked if the Resolution would be made available for Council members.

City Manager Warren Wood advised Council could come by the Clerk’s office and sign the Resolution.

RESOLUTION NO. 20-29
RESOLUTION OPPOSING RACISM, DISCRIMINATION, AND POLICE BRUTALITY

WHEREAS, the current climate and civil unrest across our nation has prompted City Leadership to reflect on their role in opposing racism, discrimination and police brutality; and

WHEREAS, City Leadership recognizes the importance of our black and minority residents, as both individuals and as a community, and understands that diversity strengthens our City by imparting various perspectives and enriching our local culture; and

WHEREAS, City Council is a non-partisan governmental body and is currently the most racially diverse that it has ever been; and

WHEREAS, the City of Hickory established The Community Relations Council in 1963 to promote positive relationships within our community through dialogue, education, programs, and resources; and

WHEREAS, the Hickory Police Department implemented city-wide community policing in 1994 and continually trains officers to work in partnership with our
community to provide a high degree of effective public safety while maintaining respect for cultural diversity and individual rights; and

WHEREAS, City Leadership supports the Hickory Police Department and their culture of accountability, which works to prevent police brutality, excessive use of force, and racial profiling; and

WHEREAS, City Leadership stands in solidarity with the black and minority communities, believing that all people are created equally and should be treated equally under the law, regardless of race, national origin, gender, religion, or sexual orientation; and

WHEREAS, City Leadership aspires to continue the work of fostering a welcoming environment for both residents and visitors, breaking down racial barriers and mistrust, and listening to understand the experiences of our black and minority communities.

NOW, THEREFORE, BE IT RESOLVED, Hickory City Council hereby reaffirms the City Leadership’s commitment to opposing racism, discrimination, and police brutality.

2. 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
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)
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

Alderman Williams nominated Timothy Shuford as Ward 4 Representative on the Parks and Recreation Commission.

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
Alderman Seaver moved, seconded by Alderwoman Williams approval of the above nomination. 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

Mayor Guess mentioned that Ms. Nancy Willingham and Ms. Carolyn Miller, both icons in the community had passed away. Ms. Miller had served on Hickory City Council. He asked everyone to remember those families. He mentioned recent torrential downfall of rain, 7 - 8 inches. He commented during that time he had received some praises for the Fire Department and the job they performed with the flooding. They had three rescues’ during that time. He had received some comments and some calls from citizens that were very appreciative of the response from the Fire Department in handling that. He asked Chief Hutchinson to let the firefighters know that the citizens appreciated their service.

Alderman Williams thanked the NAACP for coming out and asking City Council to put their money where their mouth was. He thanked Sister Setzer’s group for being present. He asked if the Racial Reconciliation group was present.

Alderman Williams commented that the City was somewhat restricted to streets, structures and infrastructure. They really need to look at those major issues that are causing a lot of this.

Alderwoman Williams commented there was a couple of those members present.

Alderman Williams thanked everyone for coming and for their presentation. He thought if Council could put as much concern into that as they did Mr. Johnson’s property and his easements and all of that, he thought that they could definitely come up with some things that could work out. He appreciated all of them coming forward and presenting some of the problems and issues that they had been facing. He would hope that they could come to some type of agreement and resolution to these problems. He thought they were not asking for much. He just could not tell them how much he appreciated what it was that they were doing. He was in favor of their resolution and what they wanted, and he appreciated them.

Alderman Williams commented they could come up with a Trivium Corporate Center where they work with the County and they do all the other things, they work with the DOT and they work with all these things. Why wouldn’t they be able to come up with the things that they were asking? They can make other things happen.

Alderman Williams commented that she was not saying that, they need to have the full community and countywide actually to participate. It needs to be a real task force, private and public.

Alderman Williams agreed.

XIV. There being no further business, the meeting adjourned at 8:09 p.m.