

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, October 18, 2022 at 7:00 p.m., with the following members present:

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

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Susan Smith, Exodus Missionary Outreach Church
- III. Pledge of Allegiance
- IV. Special Presentations

Mayor Guess recognized special guests from the Hickory 101 class. They had a little reception for them, and he wanted to recognize those folks that were currently in the Hickory 101 class. He mentioned that Communications and Marketing Manager Dana Kaminske heads that group up. He asked the Hickory 101 class to raise their hands so they could recognize them. He asked Ms. Kaminske how many were in this class.

Communications and Marketing Manager Dana Kaminske advised there were 23 signed up.

Mayor Guess commented it was not mandatory that they be present tonight, but there was probably about half of them present this evening. This was their third week of Hickory 101. He wanted to say especially welcome to them that were in that class.

- V. Persons Requesting to Be Heard
- VI. Approval of Minutes

- A. Special Meeting of October 4, 2022.

Alderman Patton moved, seconded by Alderman Williams that the Special Meeting Minutes of October 4, 2022 be approved. The motion carried unanimously.

- B. Regular Meeting of October 4, 2022.

Alderman Seaver moved, seconded by Alderman Patton that the Regular Meeting Minutes of October 4, 2022 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 Williams that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Budget Revision Number 7. **(First Reading Vote: Unanimous)**

- B. Rezoning Petition 22-08 for Property Located at 3820 Hickory Lincolnton Highway and Surrounding Properties from 321 ED(1) to City of Hickory Industrial (IND). **(First Reading Vote: Unanimous)**

- C. Rezoning Petition 22-09 for Property Located at 1459 and 2819 Robinwood Road, and Vacant Parcel Fronting Robinwood Road from Catawba County R-20 Residential to City of Hickory Industrial (IND). **(First Reading Vote: Unanimous)**

- D. Rezoning Petition 22-10 for Property Located at 669 21st Street Drive SE, 729 21st Street Drive SE, and an Adjacent Lot Fronting Tate Boulevard SE from Industrial (IND) to General Business (C-2). **(First Reading Vote: Unanimous)**

- E. Rezoning Petition 22-11 for Property Located at 1060 Southgate Corporate Park SW from Regional Commercial (C-3) to Industrial (IND). **(First Reading Vote: Unanimous)**

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

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

- A. Approved on First Reading to Implement a Speed Limit Reduction to 25 MPH along 4th Avenue Drive NW between 7th Street NW and 9th Street NW and along 8th Street NW between 4th Avenue Drive NW and 4th Avenue NW.

Staff requests Council's approval to implement a speed limit reduction to 25mph along 4th Avenue Drive NW between 7th Street NW and 9th Street NW and along 8th Street NW between 4th Avenue Drive NW and 4th Avenue NW. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 4th Avenue Drive NW and 8th Street NW with regards to the Neighborhood Traffic Calming Program and have found the property owners to be compliant with the guidelines. The petition does qualify for a speed limit reduction to 25mph. Nineteen properties were included in the petition and fifteen properties signed in favor of implementation. This represents at least 75% approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to implement a speed limit reduction to 25mph along 4th Avenue Drive NW between 7th Street NW and 9th Street NW and along 8th Street NW between 4th Avenue Drive NW and 4th Avenue NW.

ORDINANCE NO. 22-38
AN ORDINANCE OF THE HICKORY CITY COUNCIL
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

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

Amend the Traffic Ordinance by reducing the speed limit along 4th Avenue Drive NW between 7th Street NW and 9th Street NW and along 8th Street NW between 4th Avenue Drive NW and 4th Avenue NW to 25 mph.

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

This Ordinance shall become effective immediately upon adoption.

- B. Accepted the 2022 Justice Assistance Grant in the Amount of \$16,903.

Hickory Police Department requests approval to accept the 2022 Justice Assistance Grant. City of Hickory has received notification of acceptance to receive \$16,903 under the 2022 Justice Assistance Grant (JAG) 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 for annual licensing fee for two Grayshift forensic devices in collaboration with Catawba County Sheriff's Office. The JAG legislation requires counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on a required Memorandum of Understanding (MOU). Hickory Police Department recommends acceptance of the JAG grant and partner with Catawba County Sheriff's Office for the 2022 Justice Assistance Grant in the amount of \$16,903. Hickory Police and Catawba County Sheriff's Office will share the remaining expense of the annual licensing fee to use two Grayshift forensic devices for the FY2023-2024.

- C. Approved Change Directive Number 1 with Fuller & Co. Construction, LLC in the Amount of \$93,247.01 for the Murray Basin Sewer Project.

Staff requests Council's approval of change directive number 1 with Fuller & Co. Construction, LLC, for the Murray Basin Sewer Project (SRF CS370389-22) in the amount of \$93,247.01. The Murray Basin is one of the older sections of the City of Hickory collection system and serves a densely developed portion of the City of Hickory's southeast quadrant from Springs Road to Tate Boulevard. Currently, wastewater discharge is being treated at the Conover North Facility and this project will convey flows to the City of Hickory Henry Fork Facility. Council approved the original contract with Fuller & Co. Construction, LLC on May 18, 2021, in the amount of \$5,624,051.11. Clean Water State Revolving Funds have been approved for the funding of this project at a low interest loan of 1.04% for 20-years. This change directive is for the installation of additional sewer line, manholes, and a change to infrastructure to improve existing

gravity sewer in the area of this project. The change directive also reflects a 130-day time extension for both supply chain delays and additional work. Staff recommends Council’s approval of change directive number 1 with Fuller & Co. Construction, LLC, for the Murray Basin Sewer Project (SRF CS370389-22) in the amount of \$93,247.01.

- D. Approved a Cemetery Deed from the City of Hickory to Raymond L. Bumgarner, Southside Cemetery, Section 5, Lot O, Space 13 and 14, (Prepared by Arnita M. Dula, Deputy City Attorney).
- E. Approved on First Reading Budget Revision Number 8

**ORDINANCE NO. 22-39
BUDGET REVISION NUMBER 8**

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2023, and for the duration of the Project Ordinance noted herein.

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

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	1,496,094	-
Culture & Recreation	15,320	-
Public Safety	175	-
TOTAL	1,511,589	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,501,414	-
Miscellaneous	10,175	-
TOTAL	1,511,589	-

SECTION 2. To amend the Water/Sewer Fund within the FY 2022-23 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	408,248	-
TOTAL	408,248	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	408,248	-
TOTAL	408,248	-

SECTION 3. To amend the Historic Ridgeview Walk (#B1L001) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	-	199,927
TOTAL	-	199,927

To provide funding for the above, the Historic Ridgeview Walk (#B1L001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	-	199,927
TOTAL	-	199,927

SECTION 4. To amend the Riverwalk NCDOT EB-5939 (#B1R002) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	199,927	-
TOTAL	199,927	-

To provide funding for the above, the Riverwalk NCDOT EB-5939 (#B1R002) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	199,927	-
TOTAL	199,927	-

SECTION 5. To amend the Murray Basin (#803301) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water & Sewer Capital Projects	93,248	-
TOTAL	93,248	-

To provide funding for the above, the Murray Basin (#803301) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	93,248	-
TOTAL	93,248	-

SECTION 6. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved the Preliminary Assessment Roll No. 21-01, for Curb and Gutter Constructed along a Portion of 621 and 623 8th Street Drive NW – Presentation by Public Works Director Steve Miller.

The City Clerk received petition number 21-01 from the owners of property along 621 and 623 8th Street Drive NW to install curb and gutter along a portion of their street in accordance with Section 29-2 of the Hickory Code of Ordinances. The petition was a single-party petition. City Council adopted a Resolution Directing that Street Improvement Project Be Undertaken. Construction of the curb and gutter was completed on July 12, 2022. Preliminary assessment roll number 21-01 has been prepared based on the curb and gutter constructed along a portion of 621 and 623 8th Street Drive NW. The City Clerk, as shown on the Certification, has mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff recommends approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 7, 2022.

City Manager Warren Wood asked the City’s Public Works Director Steve Miller to the podium to present Council with preliminary assessment roll number 21-01 for curb and gutter constructed along a portion of 621 and 623 8th Street Drive NW.

Public Works Director Steve Miller presented a PowerPoint presentation. He discussed a preliminary assessment roll for a curb and gutter petition number 21-01, being the east side of the 600 block of 8th Street Drive. He advised the curb and gutter petition was a one-party petition representing 100% of the property owners. The property was at the corner of 8th Street Drive and 6th Avenue Drive NW. Because they were a corner property, they could petition by themselves for curb and gutter. They actually connected to an existing piece as well. The property was located behind Holy Trinity Church. He referred to the PowerPoint and pointed out the location of the home. He noted the photo was an older GIS photo. The property owners had added on a pretty substantial addition to the house. He pointed out the area where the curb and gutter connected. He advised he would be doing two presentations because there were two separate petitions. The first one was along the front of the house. He pointed out the existing house and advised they could not see the addition to the home, but it was a very nice addition to the house. He referred to the PowerPoint and pointed out the driveway apron that went into the garage area. The property owners were very pleased with the outcome of the curb and gutter. Staff requested Council’s approval of the preliminary assessment roll for installation of curb and gutter along a portion of the east side of the 600 block of 8th Street Drive NW in the amount of \$7,673.34.

Mayor Guess asked for any 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. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderman Seaver moved, seconded by Alderwoman Williams approval of the Resolution for the assessments for curb and gutter petition number 21-01. The motion carried unanimously.

RESOLUTION NO. 22-61
RESOLUTION CONFIRMING AND LEVYING ASSESSMENT
STREET IMPROVEMENTS ON A
PORTION OF 621 AND 623 8TH STREET DRIVE NW, HICKORY
NO. 21-01

WHEREAS, the City Council of the City of Hickory has on this day held a public hearing, after due notice as required by law, on the Assessment Roll for the street improvements on a portion of 621 and 623 8th Street Drive NW, Hickory; and

WHEREAS, the City Council has heard all those persons present who requested to be heard and has found the Assessment Roll to be proper and correct.

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

1. The Assessment Roll for the improvement of a portion of 621 and 623 8th Street Drive NW, Hickory are hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Hickory, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll.
3. The City Clerk is hereby directed to deliver to the Collector of Revenue the said Assessment Roll.
4. Assessments may be paid without interest at any time before expiration of 30 days from the date this notice is published.
5. The Collector of Revenue is hereby charged with the collection of the said assessments that are not paid within this time, in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.
6. The City Clerk is hereby further directed to publish once on the 8th day of November 2022.

ADOPTED THIS 18th day of October, 2022.

2. Approved the Preliminary Assessment Roll No. 22-02, for Curb and Gutter Constructed along a Portion of 623 8th Street Drive NW – Presentation by Public Works Director Steve Miller.

The City Clerk received petition number 22-02 from the owners of property along 623 8th Street Drive NW to install curb and gutter along a portion of their street in accordance with Section 29-2 of the Hickory Code of Ordinances. The petition was a single-party petition. City Council adopted a Resolution Directing that Street Improvement Project Be Undertaken. Construction of the curb and gutter was completed on July 12, 2022. Preliminary assessment roll number 22-02 has been prepared based on the curb and gutter constructed along a portion of 623 8th Street Drive NW. The City Clerk, as shown on the Certification, has mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff recommends approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 7, 2022.

City Manager Warren Wood asked the City's Public Works Director Steve Miller to the podium to present Council with preliminary assessment roll number 22-02 for curb and gutter constructed along a portion of 623 8th Street Drive NW.

Public Works Director Steve Miller presented a PowerPoint presentation. He discussed a preliminary assessment for the same property. The property owners did a different curb and gutter petition because at first, they were just going to do the front, and they saw what it was going to look like, and they decided to do a second petition to finish off the property. He advised this would be a preliminary assessment roll for curb and gutter petition number 22-02, the south side of the 600 block of 8th Street Drive NW. It was a one-party petition just connecting to the petition that the property owners had done earlier in the summer. The property was at the corner 8th Street Drive and 6th Avenue Drive NW. He referred to the PowerPoint and showed the location of the curb and gutter along the side street. He showed a photo of where it connected back, and he pointed out a portion of the garage addition in this photo. The project consisted of 181 feet of curb and gutter. The cost of the construction to the owner was \$4,861.66. Staff requested Council's approval of a preliminary assessment roll for installation of curb and gutter along the portion of the south side of the 600 block of 8th Street Drive NW in the amount of \$4,861.66. This would be added to the amount that he previously stated for the other petition.

Mayor Guess clarified that cost covered the materials and the labor.

Public Works Director Steve Miller explained the way that that was set-up years ago was a shared cost. The City gets the look of the curb and gutter that they want throughout the City. The property owner pays the amount as set out in the fee schedule. It was kind of a shared cost. The City provides the labor, the homeowners were paying for the materials and some of the drainage and things like that. They could not go out and get that exact price if they hired a contractor, it would be a little bit more.

Mayor Guess commented it was a win/win for the property owner, the residents, and the City.

Public Works Director Steve Miller responded that was correct. The City would have the exact same look of curb and gutter throughout the City. It was put in by the City of Hickory, so it was to the City's standards and looks the way they like it to look, and functions as to the storm drainage and whatnot of what they want it to look like.

Mayor Guess thought that was the case, he wanted to make it clear, especially for those folks that may be new and considering having this done on their property. He thanked Mr. Miller. He asked for any other questions from Council. He explained the same rules for conducting the public hearing applied. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal.

PROPONENT

Mr. David Crosby, 924 6th Avenue Drive NW, advised he lives in that neighborhood, and they had done a great job. He was very much in favor of this. It was well done, and it looked great. The man had done a beautiful job to their home. He reiterated it was well done.

Mayor Guess asked if anyone else wished to speak. No one else appeared. He closed the public hearing and asked for a motion or discussion.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of the Resolution for the assessments for curb and gutter petition number 22-02. The motion carried unanimously.

RESOLUTION NO. 22-62
RESOLUTION CONFIRMING AND LEVYING ASSESSMENT
STREET IMPROVEMENTS ON A
PORTION OF 623 8TH STREET DRIVE NW, HICKORY
NO. 22-02

WHEREAS, the City Council of the City of Hickory has on this day held a public hearing, after due notice as required by law, on the Assessment Roll for the street improvements on a portion of 623 8th Street Drive NW, Hickory; and

WHEREAS, the City Council has heard all those persons present who requested to be heard and has found the Assessment Roll to be proper and correct.

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

1. The Assessment Roll for the improvement of a portion of 623 8th Street Drive NW, Hickory is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Hickory, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll.
3. The City Clerk is hereby directed to deliver to the Collector of Revenue the said Assessment Roll.
4. Assessments may be paid without interest at any time before expiration of 30 days from the date this notice is published.
5. The Collector of Revenue is hereby charged with the collection of the said assessments that are not paid within this time, in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.
6. The City Clerk is hereby further directed to publish once on the 8th day of November, 2022.

ADOPTED THIS 18th day of October, 2022.

3. Approved on First Reading Closing an Unopened Thoroughfare off of 5th Street NE as Petitioned by G&M Rentals LLC - Presentation by Public Works Director Steve Miller.

Staff request Council's consideration of closing an unopened thoroughfare off of 5th Street NE as petitioned by G&M Rentals LLC. The City Clerk received a petition from G&M Rentals, LLC owner of the properties abutting an unopened thoroughfare off of 5th Street NE. The petition requests the City to close said portion of unopened thoroughfare right-of-way, as per NCGS § 160A-299. This unopened thoroughfare is bounded on the north, south, and west sides by those tracts owned by the Petitioner G&M Rentals LLC. A corner of the property owned by Hickory Portfolio I – DAG LLC touches the unopened thoroughfare on the northwest side. The signatures on the petition represents the owners of three of the four tracts of property abutting this portion of the right-of-way. The petition fee of \$800 has been paid. A memo was sent to various departments for their input on the street closing, The closing would not affect any of the departments. Staff recommends Council's approval of closing the unopened thoroughfare off of 5th Street NE, as petitioned by G&M Rentals LLC.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 23, 30, and October 7 and 14, 2022.

City Manager Warren Wood asked the City's Public Works Director Steve Miller to the podium to present Council with a petition to close an unopened thoroughfare off of 5th Street NE as petitioned by G&M Rentals LLC.

Public Works Director Steve Miller presented a PowerPoint presentation. He discussed a street closure petition for an unopened thoroughfare off of 5th Street NE. It was a single party petition. It was an unopened thoroughfare that was bounded on the north, south and west sides by the same property owner, The request was Council's approval of a Resolution and Order closing this portion of an open thoroughfare joining 5th Street NE. He referred to the PowerPoint and pointed out the old Hampton Heights Golf Course that was now under construction with D.R. Horton housing units. The old thoroughfare that was planned years ago, that never happened, went across that property. He pointed out the right of way for that property was never set aside. He pointed out the properties that the property owner owned, which included two apartment unit complexes, and the location of the unopened right of way. There were no utilities, or storm drains for the City of Hickory located there. Because the property was owned by the same person on all three sides it would become the property of the petitioner. That puts it back on the tax roll and it keeps the City from having to maintain it as a grassed lot. He advised it was approximately 80 feet in width, a rather large piece of right of way because at one time it was set aside for a future thoroughfare. Staff requested Council's approval of a Resolution and Order closing this portion of an open thoroughfare joining 5th Street NE.

Mayor Guess asked if there were any immediate plans for that particular area.

Public Works Director Steve Miller responded he did not know of any. He thought they had acquired or were going to acquire a landlocked piece of property and without being able to access it through that property, it was a useless piece of property. He imagined that they were going to do something with it such as rental units or single-family housing. He did not know which.

Mayor Guess asked if that would require rezoning.

Public Works Director Steve Miller did not think so in this area.

Alderman Seaver asked if they owned the landlocked piece now.

Public Works Director Steve Miller did not think they currently owned it, but he thought that was part of negotiations to acquire it, being able to gain access to it. It was one of the few landlocked pieces of property that he had seen. Usually that was why you have a paper street right of way to get into a piece of landlocked property. That was usually what it was there for.

Alderman Wood asked Mr. Miller for clarification. He inquired about the parcel that Mr. Miller had highlighted on the PowerPoint.

Public Works Director Steve Miller advised they did own the highlighted piece. He pointed out another parcel which he was not 100 percent sure that they owned it yet. He referred to the PowerPoint and pointed out the parcels which they currently owned. The right of way was on all sides except for the piece that the City had on 5th Street. He explained how the division normally worked for a street closing. They owned all three sides.

Mayor Guess asked for any other questions for Mr. Miller.

Public Works Director Steve Miller apologized if he did not explain that well. He was a little different than normal.

Mayor Guess thanked Mr. Miller. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of closing the unopened thoroughfare off of 5th Street NE. The motion carried unanimously.

RESOLUTION NO. 22-63
RESOLUTION AND ORDER

WHEREAS, G&M Rentals LLC and Hickory Portfolio I, DAG, LLC owns properties adjoining the following described area, in the City of Hickory, County of Catawba, which is further described as follows:

An opened thoroughfare off of 5th Street NE, Hickory

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

BEGINNING at a point in the western margin of 5th St. N.E., also being the northeastern corner of Gary Paul & Martha R. Kaylor (Kaylor's 1.55 acre tract); then with the western margin of 5th St. N.E. North 22° 46' 30" East 122.76 feet to a point in the eastern line of Gary Paul & Martha Kaylor (Kaylor 2.05 acre tract), then with Kaylor's 2.05 acre tract a curve to the left having a radius of 20.0 feet, a chord bearing of South 77° 50' 17" West, and a chord distance of 25.13 feet to a point in the southern line of Kaylor's 2.05 acre tract; thence with Kaylor's 2.05 acre tract southern line North 79° 23' 13" West 590.72 feet to a point in the southeastern corner of North Ridge Villas 1.25 acres, also being the northeastern corner of a Proposed Thoroughfare (0.6 acres within right-of-way) as labelled on survey; then with the eastern line of the Proposed Thoroughfare (0.6 acres within right-of-way) South 2° 00' West 80.91 feet to a point in the northwestern corner of Kaylor's 1.55 acre tract; then with the Kaylor's 1.55 acre tract northern line for two calls: (1) South 79° 23' 13" East 552.76 feet and (2) a curve to the right having a radius of 20.0 feet, a chord bearing of South 102° 09' 43" West and a chord distance of 31.12 feet, to a point in the eastern margin of the right-of-way of 5th Street N.E., also being POINT OF BEGINNING, and containing 1.09 acres,

more or less, according to a survey prepared by the City Engineer of the City of Hickory entitled "PROPOSED THOROUGHFARE through the property of Gary & Martha Kaylor and North Ridge Villas Off 5th St. N.E." dated January 15, 1987.

WHEREAS, following the filing of said petition with the City Council, a notice of public hearing upon the question of closing and abandoning said area for public roadway purposes was advertised in *The Hickory Daily Record* in the issues of September 23, and 30, 2022 and October 7, and 14, 2022.

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

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

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

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

B. Departmental Reports:

1. Appointments to Boards and Commissions

<u>COMMUNITY APPEARANCE COMMISSION</u> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) At-Large (Outside City but within HRP) (Council Appoints)	VACANT
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<u>COMMUNITY RELATIONS COUNCIL</u> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT

<u>HICKORY REGIONAL PLANNING COMMISSION</u> (Term Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council) Burke County Representative (Mayor Appoints with Recommendation from Burke County) Robert Weaver Resigned 9-26-2022	VACANT
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<u>HISTORIC PRESERVATION COMMISSION</u> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) Licensed Architect (Council Appoints)	VACANT
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<u>PUBLIC ART COMMISSION</u> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) Ward 4 (D. Williams Appoints)	VACANT
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<u>RECYCLING ADVISORY BOARD</u> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) Ward 6 (Patton Appoints)	VACANT
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<u>UNIVERSITY CITY COMMISSION</u> (Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council) At-Large Not Including ETJ (Council Appoints)	VACANT
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Mayor Guess commented for those in the Hickory 101 class, if they had not already heard the City has 14 Boards and Commissions. Those were listed in various places, online, etc. If they were interested in any of those and there was a vacancy, please do not hesitate to let them know. They would certainly give them any information they would need to know about those when they meet and what they were about.

B. 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

Alderman Seaver advised on March 24, 2023 the Western Piedmont Sister Cities Association would be 30-years old. They were going to try and have a presence at next year's Oktoberfest. This year just did not work out. They were going to hopefully have a group over here from Germany. They were going to do a beer swap. The owner of Altenburg Land Beer, producer over there, wants to bring some over and have some of our local producers take some over there. So, get your taste buds ready. Hopefully they would get that worked out this year for March 24, 2023. They would also ask the City's permission to bury a time capsule somewhere on the property to be opened in another 30-years or so. It would not take too much space.

Mayor Guess replied they could probably make that happen.

Alderman Seaver thought out in the yard would be a good spot. They would talk about that later, they have time.

Mayor Guess commented that Oktoberfest was a huge success. He heard a lot of good comments about it. He hoped that everyone got to enjoy some of that. The weather cooperated, they could not have had better weather and it was a huge crowd and everybody seemed to be enjoying themselves. Anybody that had a part in that he wanted to say thank you. If they did not get to go, they would do it again next year.

Alderman Seaver mentioned he and his wife were out there on Friday night and he had never seen that many at Oktoberfest on Friday night. It was shoulder to shoulder.

Mayor Guess remarked, well attended.

Alderman Seaver asked if they had any ideal of numbers.

Mayor Guess did not know. He thought the weather really had a lot to do with it. He mentioned the Christmas parade was November the 18th. The City does it's kind of early. They kick off the season here in Hickory with the Christmas parade. People always say why do you do it in November? They always have a huge crowd, and they kick it off and get things started. Look forward to that on November the 18th.

A citizen in the audience commented more shopping days.

Mayor Guess did not know how many shopping days it was, his wife could probably tell them.

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

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

1. Approval of Closed Session Minutes of October 4, 2022 - NCGS §143-318.11(a)(1)
2. Discussion of Pending Litigation – NCGS §143-318.11(a)(3)
3. Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)

Council convened to closed session at approximately 7:22 p.m.

Council reconvened to open session at approximately 8:47 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 8:47 p.m.

Mayor

City Clerk