

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, January 17, 2023 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, Deputy City Attorney Arnita Dula, 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 David Roberts, Morning Star First Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of a Proclamation in Recognition of Lenoir-Rhyne University's Triathlon Team for winning the NCAA DII National Championship. (Lenoir-Rhyne University's First Women's Team in their History to Win a National Championship).

Mayor Guess asked the Lenoir-Rhyne University Triathlon Team and Coaches to the podium. He discussed some history of the team. This team was only three years old. A relatively new team. He mentioned it was only the second time in the history to have a NCAA Championship won. He thought the first time was in 1960 and was the Lenoir-Rhyne football team.

Historian and Athletic Director Kim Pate, in the audience, advised NAIA was the football championship, so this was the very first NCAA Women's National Championship for Lenoir-Rhyne.

Mayor Guess thanked her for the correction. He commented this was very special and he wanted to commemorate this special occasion with a Proclamation. He read the Proclamation. A standing ovation was given to the team. He recognized the Historian and Athletic Director Kim Pate, certainly a part of this Lenoir-Rhyne team as well. He thanked her for all she does for Lenoir-Rhyne.

Ms. Pate thanked Mayor Guess for all the City's support of Lenoir-Rhyne and how they champion their student athletes.

Mayor Guess replied on behalf of Council and Staff they support Lenoir-Rhyne 1,000%. They knew that and they appreciated all that they do for the City. He congratulated them. A standing ovation was given, and photos were taken.

- B. Special Recognition of Hickory Firefighters – Presented by Fire Chief Matthew Hutchinson

Mayor Guess asked Fire Chief Matthew Hutchinson to the podium.

Fire Chief Matthew Hutchinson presented a PowerPoint presentation. He advised this presentation was long overdue, due to Covid and the investigation that was entailed in this fire they had. It was almost two years to the day, the 13th of January, 2021. He advised they do internal citations this was not something that they typically do. They just started doing this probably two-years before he was promoted to his position. In doing so if they get a citation, and it was vetted by their peers, they get a ribbon that goes up on their awards plaque and then goes up in the fire station.

Fire Chief Hutchinson referred to the PowerPoint and pointed out the former Z-Loop building, Public Works, Highland Avenue, and the building site where the fire was located. It was a cold January morning. He advised he would be showing a video. The video would show a lot of different sides of what happened that night. He described the scene. He pointed out the area where the fire started. It was wind driven, a lot of wind and blowing from west to east. He noted where their apparatus was located on the scene. They had other apparatus along Highland Avenue setting up defensive attack. He prefaced that by saying they worked with Code Enforcement at Hickory Police Department and Fire and Life Safety, and all their people do a lot of preplanning. They identify structures that were in disrepair, and dilapidated. This structure was one. The roof had started to cave, and it was secured. Everything was boarded up. There should not have been anyone in the structure. There was no power. There was the possibility of a person in the building. As things progressed, they did a 360-degree walk around, whether it was done by the Battalion Chief on duty, one of which was present, Chief Barger, the other one, Nick Reed was not present. Chief Nick Reed went down the road. He advised there was someone screaming in the building. At that point they realized they had a major situation. He pointed out where the fire was located and where it was

moving to. Rescue 1 was a part of RIT, which was a rapid intervention. The intent of rapid intervention was for firefighters to enter the structure and get the person out. That changed in the scope of things due to life safety. They came around with equipment, which he pointed out the location on the PowerPoint. There were two others on the rescue that had already been doing a 360 with the Battalion Chief. He referred to the PowerPoint and pointed out where they met up, and where engine one was located at the scene. He noted there were windows that were boarded up, secured, but all they could see was a hand coming out of one of the windows and screaming. As they came over Captain Arrington and Firefighter at the time, Gavin Keller, who was now Captain, attempted to go in that window trying to breach it to get in. The female was going in and around. He advised there was a whole wall here, separated, there was no way out. She was in that building and not going to be able to come out because there was no way out. All of the doors were on fire. They attempted to go in. They got inside and dropped down to the ground to find her. By the time they got in and were making the turn, the other crew cut a door out and they got her out. She was taken quickly to EMS with her dog and some of her belongings. She subsequently was released by EMS after they did their fire investigation. He commented this is what they do, and he was really proud of what they do. This was tough, intense, it was heat of the moment. No pun intended. That was a lot of fire. He would play the video and then have the people that were present come to the podium for their presentation. He reiterated that it was almost two years to the day. He played the video and described the scene. You could see the fire over their head coming from the other building coming across. He commented unfortunately, Battalion Chief Nick Reed was not present, he was out of town. He asked Captain Robert Arrington to the podium. He asked Captain Gavin Keller to the podium he was firefighter at the time of the fire. He asked Captain Jeff Hoyle, Fire Apparatus Operator Chris Paulsen, and at the time it was Firefighter now promoted, Fire Apparatus Operator Mervin Rueda, Russell Kruse was out of town and Graysin Peglow-Treece was at home with her new baby boy. He asked Mayor Guess to the podium He thanked the Fire Department Staff.

Mayor Guess commented on behalf of the Council and their citizens, they wanted to thank them, not to just these guys, but to their entire staff. They knew that they were on call 24/7 365. Without their service they would be in tremendous dire straits. They greatly appreciated, not just their service on this particular incident, but their continued service and their daily service. He knew that was their job and that they choose to do that, but with the training and equipment that they were able to provide them, and with the service they were able to provide there was not any doubt in his mind that their citizens have one of the best fire departments in this State. That was something that they all were proud of, and they were proud of each individual. He thanked them for their service. A standing ovation was given, and photos were taken.

C. Recognition of Ward 4, Alderman Williams

Mayor Guess thought that most everyone present knew that during their first Council meeting of 2023, Alderman David Williams, Ward 4 Representative, he had represented Ward 4 for five-years, made a public announcement that he would no longer be qualified to serve as the Ward 4 Council person because he and his family would be moving. In light of that, they wanted to thank him and recognize him for his service on the City Council and they wanted to do that by making a presentation to him. He noted that tonight was not necessarily his last night serving on the Council. They were doing this presentation this evening, but until the time that he actually moves his residence, which was expected to be somewhere around the first of February, any business that was conducted in this Council, he would still be part of that business until such time as he had actually moved. Until he does that or decides otherwise, he would be a part of Council and a member of any decisions that were made until such time. Mayor Guess asked the entire Council, City Manager and City Attorney to come to the front. They had a couple of presentations that they would like to make to Alderman Williams. He was certain that some Council members would also like to make some personal comments.

Mayor Guess commented traditionally when someone retired, Alderman Williams was not retiring, he was too young to retire. Traditionally, they give a rocking chair to those members of the Council who were retiring, but they did not think that would be appropriate in this case. Mayor Guess presented Alderman Williams with a framed collage that showed Councils that Alderman Williams served with. There had been some changes in the Council during his time of service. Two of the pictures depicted the entire Council that Alderman Williams served with, and another photo depicted when he was sworn in for the first time by then Mayor Jeff Cline. There was a plaque with his time of service, stating his Ward and name. He advised that Mayor Pro Tempore Alderwoman Williams had a City seal to present him and also, they had his nameplate, his plaque for him to take with him. They wanted to present him with those Mementos and also let him know how much they appreciated him, not only as a Council person but as a friend and as a servant to the citizens of the City of Hickory. He asked for a round of applause. A standing ovation was given. Mayor Guess commented that Alderman Williams' wife and son were present but had to leave. He commented when Alderman Williams was first

elected as Council, he could not recall if it was prior to the meeting or if it was right after that first meeting, Alderman Williams and his wife and son were praying by his chair over that position that he was about to take here on the Hickory City Council. He knew at that moment without any doubt that they had the right person. That just goes to show them what kind of person that he and his family was. He thanked Alderman Williams again.

Alderman Williams commented he had told Cliff Moone he was not going to get emotional. He was not expecting this. He thanked everyone. It had been an honor to serve on Council, to serve such a great City. He thanked the citizens for putting their trust in him to take this position. He thanked his family for supporting him. It had been a wonderful time that he had on Council working with City staff. He appreciated all of them. Working with City Council, everybody was just so welcoming. They make you feel comfortable and were just so easy to work with. They all got along so great. That was the part that he was going to miss. He was going to miss those meetings where he could really tell jokes. He was not going to take a lot of time. It had just been wonderful. It had been a blessing. He thanked God for this opportunity. He thanked the citizens for this opportunity, and he thanked everyone for believing in him, and working with him, and making this a special time that he had spent on Council. He was so grateful and humbled by this. He would not just disappear. He would still be involved. He thanked everyone. A standing ovation was given, and photos were taken.

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of January 3, 2023.

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of January 3, 2023 be approved. The motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

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

A. Approval to Implement a Speed Limit Reduction to 25-MPH along 8th Avenue NW between 4th Street Drive NW and North Center Street and along 8th Avenue NE between North Center Street and 2nd Street NE (NC Highway 127). (First Reading Vote: Unanimous)

B. Budget Revision Number 13. (First Reading Vote: Unanimous)

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

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

A. Approved the Skybox Lease Agreement with Pepsi-Cola Bottling Company of Hickory NC.

Staff requests Council's approval of the contract between Pepsi-Cola Bottling Company of Hickory, and the City for the use of a suite at L.P. Frans Stadium. As part of their original contribution to the L.P. Frans Stadium project Pepsi-Cola Bottling Company of Hickory has access to a suite at the stadium. The contract for use of the suite is currently up for renewal. The new agreement is for a term of ten-years with a total lease amount of \$15,000.

Legal notification was advertised in a newspaper having general circulation in the Hickory area on December 16, 2022 in accordance with North Carolina General Statute 160A-272 of Council's intent to authorize the lease.

B. Approved a Resolution Adopting the Amended Caldwell County Animal Care Enforcement Ordinance.

Staff requests Council's consideration of a Resolution adopting the amended Caldwell County Animal Care Enforcement Ordinance. In late 2022, the Caldwell County Board of Commissioners approved amending the Caldwell County Animal Care Enforcement Ordinance. Section 90.5 §90.05 ENFORCEMENT IN MUNICIPALITIES; RESTRICTED states that Caldwell County Animal Care Enforcement officers have no authority to enforce the ordinance within the boundaries of any municipality unless the municipality's

governing body adopts a resolution stating Caldwell County is authorized to enforce the ordinance within the municipality and repeals any inconsistent ordinance. There are a few properties within the City of Hickory's limits that also lie in Caldwell County. In order for Caldwell County to enforce its animal care ordinance on these properties, Council must adopt a resolution authorizing Caldwell to enforce the ordinance. Because the affected owners know their properties are within the City of Hickory limits, it's likely they will contact the Hickory Police Department first of any animal control issues they experience. Adopting the resolution will not limit the City's authority to enforce its animal ordinance on these properties. Staff recommends Council approve the Resolution Adopting the Amended Caldwell County Animal Care Enforcement Ordinance.

Resolution 23-04

Adopting the Amended Caldwell County Animal Care Enforcement Ordinances

WHEREAS, the Caldwell County Animal Care Enforcement Division updated its ordinances to comply with new regulations set in place by the State of North Carolina; and

WHEREAS, the Animal Care Enforcement Ordinance states that each municipality within Caldwell County must grant the Caldwell County Animal Care Enforcement Division power to enforce the provisions of its ordinance within the limits of the municipality; and

WHEREAS, any ordinance that is inconsistent with the amended Animal Care Enforcement Ordinance shall be repealed; and

NOW, THEREFORE, LET IT BE RESOLVED THAT, the City of Hickory adopts the Caldwell County Animal Care Enforcement Ordinance as amended on October 10, 2022; and

BE IT FUTHER RESOLVED THAT, the City of Hickory grants permission for the Caldwell County Animal Care Enforcement Division to operate and enforce the provisions of the amended Animal Care Enforcement Ordinance within the limits of the City of Hickory.

- C. Approved Applying for the 2023 Urgent Repair Program (URP23) through the North Carolina Housing Finance Agency (NCHFA).

Staff requests Council's approval to apply for the 2023 Urgent Repair Program (URP23) through the North Carolina Housing Finance Agency (NCHFA). The Urgent Repair Program provides funding in the form of a forgivable loan to low and extremely low-income homeowners with special needs at a maximum of \$12,000 per dwelling unit. The City has applied for these funds numerous times in recent years. During the 2021-2022 fiscal year ten homeowners received home repairs through the program. Staff plans to apply for \$70,000 of funding through the program. This funding will assist at least six eligible homeowners with repairs. The City of Hickory will provide \$5,000 in matching funds. This is available from program income that was received through the former Rental Rehabilitation Program. The Urgent Repair Program funds will be used to supplement the City's Community Development Block Grant Housing Rehabilitation Loan Program, which generally works on larger projects with families that have slightly higher income. Staff will prepare an application that incorporates program requirements, applicant eligibility standards, and program capabilities. Upon approval by City Council, the application will be submitted with the required \$75 application fee to the NCHFA. Staff recommends City Council's authorization for staff to apply for the 2023 Urgent Repair Program through the North Carolina Housing Finance Agency.

- D. Approved a "Resolution of the City Council of the City of Hickory, North Carolina, Authorizing the Negotiation of an Installment Financing Contract and Providing for Certain Other Related Matters Thereto" for Improvements to the Hickory Metro Convention Center.

RESOLUTION NO. 23-05

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the City of Hickory, North Carolina (the "City") is a municipal corporation validly existing as such under and by virtue of the constitution, statutes, and laws of the State of North Carolina (the "State");

WHEREAS, the City has the power, pursuant to Section 160A-20 of the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a

security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, in cooperation with the Hickory-Conover Tourism Development Authority (the "TDA"), the City has previously financed improvements to the Hickory Metro Convention Center (the "Convention Center") and the City has determined in further cooperation with the TDA to provide further expansion, renovations and improvements to the Convention Center (the "Convention Center Project");

WHEREAS, the City Council hereby determines that it is in the best interest of the City to enter into (1) an installment financing contract (the "Contract") with a financial institution to be determined (the "Bank") in order to (a) pay the costs of the Convention Center Project and (b) if necessary or desirable related to the financing of the Convention Center Project, to refinance an installment financing contract previously entered into on October 22, 2014 between the City and Branch Banking and Trust Company, the successor to which is Truist Bank, as amended and modified, the proceeds of which were used to acquire and construct a new one story parking deck including alterations to the building entrance and traffic pattern improvements into the Convention Center (the "2014 Projects" and collectively with the Convention Center Project, the "Projects") and (2) a deed of trust, security agreement and fixture filing (the "Deed of Trust") related to the City's interest in the real property on which the Projects are and will be located (collectively, the "Mortgaged Property");

WHEREAS, the City staff has retained (1) Parker Poe Adams & Bernstein LLP, as special counsel ("Special Counsel") and (2) FHN Financial Municipal Advisors, as financial advisor (collectively, the "Financing Team"), in connection with the proposed installment financing;

WHEREAS, the City Council hereby determines that the Projects are essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Projects do and will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust is necessary and expedient for the City by virtue of the findings presented herein;

WHEREAS, the City Council hereby determines that the cost of refinancing and financing the Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of refinancing and financing the Projects pursuant to the Contract and the Deed of Trust is expected to exceed the cost of refinancing and financing the Projects pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of refinancing and financing the Projects pursuant to the Contract and Deed of Trust and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the Projects; and (3) insufficient revenues are produced by the Projects so as to permit a revenue bond financing;

WHEREAS, the City Council hereby determines that the estimated cost of refinancing and financing the Projects pursuant to the Contract and the Deed of Trust allows the City to refinance and finance the Projects at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the City and reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the City does not anticipate a future property tax increase to pay installment payments falling due under the Contract; however, any increase in taxes that may be necessary will not be excessive;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have

determined that the City has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget Ordinance;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the Local Government Commission of North Carolina (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, a public hearing on the Contract, after publication of a notice with respect to such public hearing, must be held and approval of the LGC with respect to entering the Contract must be received; and

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

- Section 1. Authorization to Negotiate the Contract and the Deed of Trust. The Mayor, the City Manager, the Deputy City Manager and the Finance Officer, with advice from the City's financial advisor, City Attorney and Special Counsel, are hereby authorized and directed to negotiate on behalf of the City (1) the refinancing and financing of the Projects for a principal amount of not to exceed \$15,365,000 under the Contract to be entered into with the Bank in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina, as amended, and (2) the provision of a security interest under the Deed of Trust in the City's interest in the Mortgaged Property, together with all improvements and fixtures located thereon, as may be required by the Bank providing the funds to the City under the Contract to secure the City's obligations thereunder.
- Section 2. Application to LGC. The Deputy City Manager and the Finance Officer, individually or collectively, with advice from the City's financial advisor, City Attorney and Special Counsel, are hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.
- Section 3. Approval of the Financing Team. The Financing Team is hereby approved in connection with the refinancing and financing of the Projects. City staff is hereby authorized to retain other persons or organizations as may be necessary and appropriate to carry out the intention of this Resolution.
- Section 4. Public Hearing. A public hearing shall be conducted by the City Council on February 7, 2023 (the "Public Hearing") concerning the approval of the execution and delivery of the Contract for the refinancing and financing of the Projects. The City Clerk is hereby directed to cause a notice of the Public Hearing to be published at least once in a qualified newspaper of general circulation within the City no fewer than 10 days prior to the Public Hearing.
- Section 5. Ratification. All actions of the City and its officials, whether previously or hereafter taken in effectuating the proposed financing as described herein, are hereby ratified, authorized, and approved.
- Section 6. Repealer. All motions, orders, resolutions, and parts thereof in conflict herewith are hereby repealed.
- Section 7. Effective Date. This Resolution is effective on the date of its adoption.

E. Approved on First Reading Budget Revision Number 14

ORDINANCE NO. 23-03
BUDGET REVISION NUMBER 14

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
Cultural and Recreation	50	-
TOTAL	50	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	50	-
TOTAL	50	-

SECTION 2. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved the Voluntary Contiguous Annexation of Property Owned by East Coast Builders, Inc. located at 2069 25th Street Drive NE, which includes part of the Right of Way of 25th Street Drive NE, PIN 3723-10-27-6343 – Presented by Planning Manager Cal Overby.

Consideration of the petition for the voluntary contiguous annexation of 0.433 of property located at the 2069 25th Street Drive NE, which includes part of the right-of-way of 25th Street Drive NE. This property is identified as PIN 372310276343. This request has been made to allow for the property to connect to the City's utility system. The property is unincorporated and within the City's extra territorial jurisdiction (ETJ). The property is currently zoned R-2 Residential. A single-family home is currently being constructed on the property, which represents the maximum development that is permitted. Surrounding properties are zoned R-2 Residential and Commercial Center (CC-1). These properties are occupied by residences and businesses. The current tax value of the property is \$14,300. A building permit for construction of the referenced residence has been issued, and the permit's listed value is \$143,435. Combined the land and permit value is \$157,735, which would generate \$989 in new tax revenue. This value may increase once a property assessment is conducted by the Catawba County Tax Department. Upon analysis, staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on January 6, 2023.

City Manager Warren Wood asked Planning Manager Cal Overby to the podium to present Council with the voluntary contiguous annexation of property owned by East Coast Builders, Inc. located at 2069 25th Street Drive NE, which included part of the right of way of 25th Street Drive NE.

Planning Manager Cal Overby presented a PowerPoint presentation. He commented as City Manager Warren Wood indicated this was a voluntary contiguous annexation of some property owned by East Coast Builders. He advised the property joined the current City boundary on its eastern boundary there. He reiterated the address of the property, 2069 25th Street Drive NE and in total, the property was approximately 4/10 of an acre, and included a portion of street right of way. As far as the tax parcel or zoning parcel was concerned, they were looking at about a third of an acre of property. The property would be located in Ward 1, which would be Alderman Wood's Ward, should the property be annexed. Currently, the property was being developed as the site of one single-family detached residence and that was currently under construction, and that would be the future use of the property also moving forward. The reason for annexation, which was the reason for a lot of annexations that Council sees, was the desire to connect to City sewer and obtain City services. That was the purpose of this annexation. With a third of an acre the lot was too small obviously to have onsite wastewater so that necessitated the connection of sewer. He referred to the PowerPoint and pointed out the location of property in question. He pointed out Springs Road headed out of Hickory, and McDonald Parkway. He pointed out the current City boundaries, and the City's extra

territorial areas. He displayed a map and pointed out the current zoning. He pointed out R-2 residential, which was single-family attached and detached dwellings with some ancillary uses such as schools and things of that nature. He pointed out the commercial corridor and a commercial center area. He displayed an aerial ortho photograph which was a couple of years old. He pointed out the former location of Fresh Air Galaxy, now a gym and some other small uses on the end, the Dollar Store location, and White Tire, the new facility was constructed just a couple of years ago. He pointed out the location of Walgreens and the now vacant mobile home park, and Hickory Day School. As with any annexation, staff circulated the request to various departments to make sure that 1) they had adequate services that could be provided to this parcel; 2) to make sure those services do not fall below standards; and 3) to make sure this was a logical move for the City moving forward. Upon the analysis City staff found that it was good to annex the property and all the services were in place. They were able to provide anything to this property provided to any other citizens of Hickory. Staff recommended approval of the annexation. He asked for any questions.

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.

Alderwoman Patton moved, seconded by Alderman Seaver approval of the voluntary annexation of East Coast Builders, Inc. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 485
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)
East Coast Builders, Inc.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO
GENERAL STATUTES 160A-58.1, AS AMENDED (CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 7:00 p.m. on the 17th day of January 2023; and

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

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31st day of January 2023:

Contiguous Annexation
by the City of Hickory
known as East Coast Builders Inc.

That certain parcel or tract of land lying and being about 3.58 miles northeast of the center of the City of Hickory. Bounded on the north by the lands of Frances Kay Hamilton as described in Deed Book 2163 at Page 1322; on the east side by the right-of-way Of 25th Street Drive NE; on the south by the lands of Alvaro S. Hernandez as described in Deed Book 2655 at Page 605; on the west by the existing City of Hickory city limits as shown in Plat Book 36 at Page 25 and the lands of Springs Corners, LLC as described in Deed Book 1916 at Page 1196 and more particularly described as follows to wit.

Beginning at ½” rebar, said rebar being located on the west side of 25th Street Drive NE and South 18 degrees 56 minutes 51 seconds West 231.00 feet from a fire hydrant on the west side of 25th Street Drive NE and running thence, as new City of Hickory city limits the following calls: South 86 degrees 08 minutes 44 seconds East 30.00 feet to a point in 25th Street Drive NE; thence, with 25th Street Drive NE South 04 degrees 44 minutes 54 seconds West 100.26 feet to a point in 25th Street Drive NE; thence, North 85 degrees 39 minutes 00 seconds 30.00 feet to a 1 ½” pipe on the west side of 25th Street Drive NE, the northeast corner of Alvaro S. Hernandez as described in Deed Book 2655 at Page 605; thence, continuing the same bearing and with the north line of Hernandez, 152.68 feet to a 1 ½” pipe in the existing City of Hickory city limits as shown in Plat Book 36 at Page 25 and in the east line of Springs Corners, LLC as described in Deed Book 1916 at Page 1196 and the northwest corner of Alvarez; thence, with the existing City of Hickory city limits and the east line Spring Corners, LLC North 03 degrees 29 minutes 17 seconds West 99.48 feet to 1 ½” pipe in the existing City of Hickory city limits and in the east line of Springs Corners, LLC and the southwest corner of Francis Kay Hamilton as described in Deed Book 2163 at Page 1322; thence, as new City of Hickory city limits and with the south line of Hamilton, South 86 degrees 08 minutes 44 seconds East 166.95 feet to the point of beginning. Containing 0.43 acres more or less.

This description was drawn from a plat by Derek R. Bunton, PLS-4808 entitled “Contiguous Annexation by the City of Hickory known as East Coast Builders Inc.” dated November 30, 2022.

Section 2. Upon and after the 31st day of January 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly annexed territory described herein shall become part of Ward No. 1 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

ADOPTED THIS 17TH DAY OF JANUARY, 2023.

B. Departmental Reports:

1. Discussion of Ward 4 Replacement

Mayor Guess commented as everyone was already aware, Ward 4 Representative Alderman David Williams would be vacating that seat at some time in the near future. He had spoken with and had conversations among the Council members.

Mayor Guess moved, seconded by Alderwoman Patton, to open the process for replacement for the Ward 4 vacancy. They would allow interested applicants to submit a letter of interest along with their qualifications. Letters of interest would be submitted to the City Attorney Mr. John Crone to his office by Friday, January 27, 2023, at 5:00 p.m. The City Attorney would distribute the letters of interest to the Hickory City Council. The City Council in its entirety would review and decide the next steps in the interview process once the applications were in hand. They would direct the City Manager and staff to publicize the application process through various outlets that they typically use. The motion carried unanimously.

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 HRP) (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

(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

HICKORY REGIONAL PLANNING COMMISSION

(Term Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed City Council)
Burke County Representative (Mayor Appoints with Recommendation from Burke County) Robert Weaver Resigned 9-26-2022 VACANT

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Licensed Architect (Council Appoints) VACANT

Alderwoman Patton nominated Ernie Sills as Licensed Architect on the Historic Preservation Commission.

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Mayor Appoints) (Mark Thomas Resigned 11-3-2022) VACANT

Mayor Guess nominated Jennie Dulin as an At-Large Representative on the Library Advisory Board.

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
Ward 5 (Zagaroli Appoints) Megan Carfagno Resigned 1-4-2023 VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 6 (Patton Appoints) VACANT

UNIVERSITY CITY COMMISSION

(Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council)
At-Large Not Including ETJ (Council Appoints) VACANT

Alderman Wood nominated Eric Wood as an At-Large Representative on the University City Commission.

Mayor Guess reminded the audience they have vacancies from time to time and those were all advertised on the City's website, or they could speak to Council individually if they had any questions about how to serve on those boards or any other questions about the boards.

Alderman Seaver moved, seconded by Alderman Wood approval of the above nominations. 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 recognized the newly elected President of the NAACP who was present, Ms. Ida Clough and first Vice President Sam Hunt was present as well. Ms. Clough was elected as the President at the beginning of the year. She was no stranger to the community and had served in many capacities in the past and they welcomed her to her new position. He thanked her for serving.

City Manager Warren Wood commented that he had enjoyed working with Alderman Williams immensely. He was a great boss, and even better friend. It had been a pleasure getting to know him and all he had brought to the table with the conversations. He appreciated him.

Alderman Williams thanked City Manager Warren Wood. He always said that if he left, he was going to leave anyway. It had been such a great honor working with him and he really appreciated everything that he helped him with and the knowledge that he provided him with. He does such a great job as their City Manager. He could not tell him how much he appreciated him during his time. He thanked City Manager Warren Wood and City Attorney John Crone as well.

City Attorney John Crone commented he really enjoyed being the lawyer for this group and having Alderman Williams there. People do not know what goes on behind the scenes, but he was an absolute class act. He was always prepared. He always cared and was a zealous advocate for his constituents and every time he sees a feather flag, he thinks of him. He thanked Alderman Williams for his service.

Alderman Williams thanked City Attorney John Crone. He commented it had been such a joy. He could not get that out of his mind, how much he had appreciated working with this Council. It had been so great. The confidence that they had shown in him. The citizens to put their trust in him and the support, and so many people here, Ms. Ida Clough, Mr. Sam Hunt, everybody. So many people supported him during his time, and he appreciated it and there were so many people that played such a major role during his time on Council. He could not even mention and thank them all because there were so many people. From the beginning when he first thought about it, Mr. Cliff Moone, and Mr. Doug Auer were there for him, so many people. His time on Council had been nothing but wonderful and he appreciated everybody here. He was at a loss of words.

Alderwoman Patton commented she had thoroughly enjoyed it. She mentioned Alderman Williams also served on the Western Piedmont Council of Governments with her, and they had made trips together to various cities and his sense of humor and his knowledge of the community was just outstanding. She was going to miss that a lot. She thanked Alderman Williams.

Alderman Wood said thank you, because he did this for him, he removed the label as the low person on the totem pole in terms of time of service. He was doing that for him now. He would miss him, and he was saying that jokingly, he would miss him and had enjoyed the time, but he wished him the best of luck in his future endeavors.

Alderman Williams appreciated that.

Alderwoman Williams extended her best wishes and hoped the best for his family and his new endeavors. She had enjoyed it. She thought she was the latest member after Alderman Williams and Alderman Wood was after her. She had enjoyed working with him.

Alderman Williams thanked Alderwoman Williams. He commented he cut her son's hair way back then. They had a connection way back then.

Alderwoman Williams commented her son had the same name as well, David Williams. They had laughed over some sent text to the wrong David.

Alderman Williams commented Alderwoman Williams had tried to tag her son on Facebook and tagged him instead. She had done that also.

Alderman Zagaroli commented they had a good run with him and referred to his haircut. Because he was leaving, he was still going to come to his company. Hopefully he would keep his hair.

Alderman Williams hoped he did not end up like him. He commented it had been great.

Alderman Zagaroli thanked him for being a friend and a Council member.

Alderman Williams thanked Alderman Zagaroli.

Alderman Seaver thanked Alderman Williams for everything he had done while he had been there, and it had been very enlightening for them. He thought fresh air was always good. He knew his hair was old, but he knew where they would be at least twice a month. Come back any time, he thought they could find a seat for him. If not, they would bring a special one in for him.

Alderman Williams thanked Alderman Seaver. He commented that Alderman Seaver's wife knew his wife when she was a kid, and she had always had a close relationship with his wife and

his wife was so special. He commented that Alderman Seaver was such a good person. It had been great serving with him, and he greatly appreciated him.

Alderman Seaver thanked Alderman Williams.

Mayor Guess thanked Alderman Williams once again. He thanked God for sending him to them. They certainly knew that they would be seeing him. He was moving, but he was not moving away. He commented if they were in the market for a used vehicle, or a haircut go see Alderman Williams. They knew they would be seeing him. He did not have to tell him about his tremendous service to the community. That was even before he was on Council. There was a lot that could be said and all of it was good. They were going to miss him.

City Manager Warren Wood introduced two new employees of the Planning Department, Mike Kirby, Senior Planner, he came to Hickory from City of Kings Mountain, North Carolina; and Wilson Elliott, Planner, coming to Hickory from the City of Newton.

Mayor Guess welcomed Mr. Kirby and Mr. Elliott. He would not ask how many more vacant positions the City had. He commented if anyone was interested in that, go to the City's website.

Alderwoman Patton commented the bridge looks fantastic.

Mayor Guess agreed with her.

Alderwoman Patton thanked everyone for all the work that staff did to do that at midnight hours. That was phenomenal.

City Manager Warren Wood advised that Public Works Director Steve Miller and his crew were out there. He went out for about an hour at midnight and Steve Miller was out there till the end. He thanked Mr. Miller and his staff for all they did relating to that.

Alderman Seaver had heard a lot of compliments already on it.

Mayor Guess commented progress on the Aviation Walk and the Riverwalk was just tremendous. They were really looking forward to that connectivity and to be able to use those. He thought that was real exciting.

A citizen from the audience wished to comment.

Mayor Guess asked her to the podium. He moved to allow her to speak, seconded by Alderwoman Patton. The motion carried unanimously.

Ms. Margaret Pope, Ward 4, thanked Alderman Williams for his years of service. He had represented Ward 4 well, he had always been available for them to call, go to his shop, knock on his door, and talk to him about any concerns. They would miss him. She thanked him for his time.

Alderman Williams thanked Ms. Pope, he greatly appreciated that.

Mayor Guess commented he was not leaving town he was just moving a little bit away.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3)(6) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

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

1. Approval of Closed Session Minutes of December 6, 2022 - NCGS §143-318.11(a)(1)
2. Discussion of Pending Litigation - NC General Statutes 143-318.11(a)(3)
3. Discussion of a Personnel Matter - NC General Statutes 143-318.11(a)(6)

Council convened to closed session at approximately 7:46 p.m.

Council reconvened to open session at approximately 8:12 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 8:12 p.m.

Mayor

City Clerk