

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, May 16, 2023 at 7:00 p.m., with the following members present:

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

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, 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 Bob Thompson, Corinth Reformed Church

III. Pledge of Allegiance

IV. Special Presentations

A. Presentation of a Proclamation for National Police Week – May 15 - 20, 2023.

Mayor Guess asked Hickory Police Department Staff, sworn and nonsworn, to the podium. Mayor Guess was relatively certain that probably everyone was aware that this was National Police Week. They always like to take advantage of every opportunity that they have to thank the men and women who serve at the Hickory Police Department. Obviously, this was just a small representation of those that were working today and those that work 24 hours a day, seven days a week, 365 days a year, but they were happy that they were able to be here. He imagined that some of them were on duty and some of them were persuaded to be here. Probably the newer ones were persuaded to be here. He wanted to take this opportunity to recognize all of the men and women in law enforcement particularly this week. He read and presented the Proclamation for National Police Week to Chief Reed Baer and staff in attendance. Photos were taken.

Council members thanked the Police Department staff.

B. Presentation of a Proclamation for National American Public Works Week – May 21 - 27, 2023.

Mayor Guess commented equally as important was the public services personnel. He asked anyone who was present from the public services department to the podium. Obviously, the public services personnel do not get to wear the fancy uniforms, but the City could not operate without all of their coworkers and the public services coworkers performed their duties also 24/7, 365. Many of those folks do not get to go home at five o'clock and if they do get to go home at five o'clock, they oftentimes get called out for different tragedies and emergencies, whatever throughout the night and the evening. The City of Hickory was so grateful and fortunate to have the dedicated public services personnel that they have, and they wanted to take this opportunity also to recognize them and to thank them for the job that they do each and every day. He read and presented the Proclamation for National American Public Works Week to Public Works Director Steve Miller.

Public Works Director Steve Miller mentioned staff had had a great run in the backhoe competition for the State APWA for the last couple of years. Bobby Hatley went to the National for a couple of years in a row. They pulled Travis Killian out of the dugout. They did not think it was fair to send Bobby again. He announced that Travis Killian, Crew Leader in the Street Department won the State Rodeo for backhoe operators this year. The APWA of North Carolina would sponsor him to travel to San Diego to compete in the National Championships again. That was three years in a row that they had folks going to the National Backhoe Rodeo. That was the kind of operators they had. He thanked Travis and a round of applause was given. Photos were taken.

C. Presentation of a Proclamation for National Tennis Month.

Mayor Guess was not sure how the police and the public services folks get a week and the people that play tennis get a month. He did not know how that worked. He mentioned he knew there were a lot of Hickory High School folks in attendance. He graduated from Hickory High in 1977. He commented that two of the Hickory High School tennis players, Griffin Lovern and Graham Powers won the 3A State doubles title on Saturday at the Burlington Tennis Center. He thought it was appropriate to mention that as they were getting ready to proclaim the whole month as National Tennis Month.

City Manager Warren Wood inquired if one of the tennis players were present.

A Hickory High Student in attendance advised it was his brother.

Mayor Guess asked him to tell his brother congratulations and they wanted to recognize him as well. He asked the President of the Greater Hickory Tennis Association Hani Nassar to the podium. Mayor Guess read and presented the Proclamation for National Tennis Month to Mr. Nassar. Photos were taken.

Mr. Hani Nassar thanked City Council and he very much appreciated the personal relationship he had with them, as well as their support of the Greater Hickory Tennis Association and the Greater Hickory International Council which he personally represented. He advised that he was a board member of the North Carolina Tennis Association. He had an obligation to present some data that showed the importance of tennis in the community. He read some statistics to help them understand. There were over 23.6 million Americans who played tennis in 2022, as the proclamation said, 33% over 2019. North Carolina led the ninth Southern states except for Florida in League tennis players in 2022. There were more tennis players in North Carolina than any of the adjoining nine Southern states. The catchment report was a report that showed who the customers were and where they were coming from, it had 6.6% of the unifour plus which included part of Statesville, all the way to Taylorsville, Lenoir, and some were close to Cornelius and Lincolnton. That was about 500,000 individuals and 38,000 of them played tennis, and 27.1%, 156,000 people owned a tennis racket. The Mayo Clinic issued a summary of life expectancy called the heart study where 8,600 Danish people were tracked over 25 years. The results indicated that tennis added 9.7 years as compared to badminton. It added 6.2 years soccer, 4.7 years cycling, 3.7 years swimming, 3.4 years jogging, 3.2 years in health club activities. One of the reasons was that social support as experienced in tennis provides additional stress mitigation. He mentioned that pickleball was increasing in popularity and had over 4.8 million players nationwide in 2022. He noted that 2.1% of the unifour plus residents, over 12,000 played in 2022. Had pickleball been a part of the heart study he predicted that it would have already had similar results as tennis. He advised that Mark Seaman, Director of Parks Recreation and Sports Tourism, the GHTA, the Greater Hickory Tennis Association, and Ben Bishop, the USA Pickleball Ambassador for Catawba County had been working seamlessly to provide separate real estate for both sports. As of June 2021, they had in the City, 13 dedicated public courts for pickleball, and 12 dedicated tennis courts. This was currently adequate for the City of Hickory because there were three major Country Clubs that also offer pickleball and tennis as well. They would like to build more tennis courts and public pickleball courts via a public/private partnership which they were working on. Finally, their vision for tennis, and this was important, was to bring a professional level tournament, called the ITF Future or ATP Challenger to Hickory in the next 5 to 10 years. He had been working with some ATP leaders to do that which would require additionally better lighting and spectator seating. This would bring millions of dollars in economic development to the Hickory area. He asked Mr. Mark Seaman to the podium. He recognized him as being one of his better friends with tennis because they had to work together to make this happen. If you know, or understand pickleball and tennis controversy, they were an example of North Carolina, and he was the Chair of the Advocacy Committee for North Carolina Tennis because of their relationship with Hickory Parks and Recreation. He thanked him for the relationship they had with him, and he hoped that they would continue to work together for the future.

Parks Recreation and Sports Tourism Director Mark Seaman recognized Josh Rice and Cory Brown because the partnership would not be complete without everything, they do to help take care of the courts, keep them up, clean them, the lights, all those kind of good things.

Mr. Hani Nassar asked his board members to the podium. Photos were taken.

Mayor Guess thanked Mr. Nassar.

D. Hickory High School AP Government & Politics Class Presentation.

Mayor Guess asked Ms. Amelia Cross, Hickory High School Social Studies Teacher, to the podium to introduce her students and tell them about what they were going to be hearing this evening.

Ms. Amelia Cross, Hickory High School Social Studies Teacher, thanked Council for having them. The students were going to do some presentations for Council as a part of their college board curriculum. A civic engagement project was required in addition to the curriculum that they were tested on. They had already taken their test. She requested a round of applause for completing that. The AP curriculum does not go into a lot of detail, if any, really about local government. They were focused mainly on the Federal and State level of government. She thought it would be valuable for the students to look at local government as it was the closest level of government to them. They chose a topic that they would like to research. This had been in part of a year-long project. They started it back in September and did it in bits and pieces as they went throughout the year culminating with the final proposal that they would present to Council tonight. In addition to that, she apologized that one group did not have a packet of their papers

because she left them lying on her desk. She advised they had copies of that for Council so they could follow along as they did their presentations. She thanked Council for their time and for their attention.

Mr. Turner Wood introduced in attendance with him Mr. Henry Pitts. While living in Hickory, they had both noticed a problem in the Hickory metro area. They knew homelessness was a problem throughout the world, not just in Hickory. While they do have many outreach programs in the Hickory area that could drastically be improved, they need to focus on programs that not only get folks off the streets but help them with substance abuse, mental health issues, and sustaining jobs. Homeless outreach programs could provide many advantages such as finding jobs and sustaining them, helping them battle addictions, and help them cope with mental disabilities. As students of Hickory High School, they felt like they played a major part in the community and should have a say in how the local government was run. They thought homelessness was one of the more major problems in the area because of all the different factors that feed into it such as substance abuse, mental disabilities, and inability to sustain jobs.

Mr. Henry Pitts advised homelessness was a very difficult issue to deal with as there were many components to factor into it with programs like Community Navigator, Exodus, and the Salvation Army. It becomes easier to deal with the issues that cause homelessness. These issues include the inability to get or maintain a job, substance abuse, and mental disabilities. The State of Utah have seen a 91% drop in homelessness since importing these programs across the State. The City of Columbus, Ohio has seen a 70% drop between 2005 and 2015 with implementing these programs as well. Programs that only fund the homeless with checks and money only drive the issue even further as many of the homeless people have substance abuse issues. When they get their money, they unfortunately tend to waste it on alcohol or drugs only making their situation worse. With Exodus and Community Navigator programs, they were forced to overcome those issues. They learn how to work and operate a normal life again. They cannot hand people a way out. They have to work for it or else they would end up back on the streets where they started from, a lack of discipline. There was only so much people on the streets could do for themselves but the biggest thing was to take action and seek out help from organizations and outreach programs who could provide the proper avenues for their needs. Currently, there is only one full-time employee in the community navigation program. He discussed how to fund the program: hire more officers so that more people can have assistance getting off the streets; make more housing available, for example, Denton, Texas spent \$1.1 million, it sounds like a lot, but their population was 100,000 more than Hickory's and that reduced their population by half. They could expand and explore programs to help them with substance abuse and mental illness through programs like Exodus and help people find jobs and maintain them. The benefits and impacts of this for the community were they would see benefits from these programs by having less homeless traffic making parts of the City much safer. Homeless people often leave their stuff scattered throughout the City which could include drugs. Without the homeless on the street the City would be much cleaner. With less people on the streets there would be more people working, which was boosting the economy. Homeless people leave lots of trash around the City, which includes lots of plastic, which is one of the worst things for the environment. Without the homeless, there would be significantly less trash around the City. In conclusion, funding the Community Navigator Program and partnering with Exodus and the Salvation Army could cleanup the streets, make the City safer, and boost the economy through programs, helping them battle substance abuse and mental illness.

Mary and Emma presented next. Mary advised they were a part of Ms. Cross' AP government class. They discussed potholes. While many problems and inconveniences in a community could be traced to roads low in quality, potholes were among the most detrimental to citizens. Drivers in the United States spend billions of dollars each year repairing car damage. The American Automobile Association claims in 2021 that a total of \$26.5 billion were spent on pothole damages to cars, with an average cost being almost \$600. Fluctuating temperatures, where moisture builds up in the pavement could cause potholes. Between the freezing and thawing of the water and the large number of cars driving over the pavement, potholes were formed. Because of the impact that potholes could have on everyday citizens it was important to assess the dangers of potholes in Hickory to determine the best course of action for the community moving forward. The most common damage that driving over a pothole could cause to one's car was a flat tire. However, potholes could also cause damage to a car's suspension system, wheel alignment, and bumpers. Plus driving over a pothole was not always the direct cause of the complication. The fear of car damage causes people to drive less cautiously by swerving around potholes and other road damage. These preventative actions endanger other drivers and pedestrians on the roads. In the case that someone does hit a pothole and it causes substantial damage to their car there were certain steps that they should take as outlined by North Carolina law. First, the damage to the car must be assessed and documented. The person then must determine whether the road with the pothole was maintained by the State or the town so they could send a claim to the appropriate level of government. The person must be able to prove that the city or

State knew about the pothole and had enough time to fix it before the incident occurred. If there was any hope for the government covering the damage to one's car this was not easy to prove. Many people do not have extensive knowledge on the ownership of the roads, and additionally the process could take time. While costly, it could often be more convenient to the driver if they expedite the process by paying for the damages on their own.

Emma advised practically everyone uses the roads throughout Hickory every day, so it would be beneficial to all if some of the minor problems were fixed to ensure the safety of all citizens. One way to make the roads of Hickory safer was to improve road construction in order to prevent potholes from even forming in the first place, implementing compaction techniques during the construction of new roads and during the repair of damaged roads would increase the capacity of roads to bear heavy loads. This would help reduce the number of potholes that form. If there were less potholes acting as obstacles to drivers the roads would be safer for citizens. However, because of the high cost and lengthy construction process of compacting techniques a more realistic solution to the problem would be to amend the appeal process for government coverage of damage costs to better accommodate citizens and to continue to advertise the ways that potholes could be reported. Many concerns surrounding pothole damage stem from people being unable or unwilling to pay to repair their car after the government did not fix the road. Amending the way that people could appeal their cases would make dealing with the repair expenses more reasonable for everyday citizens. It was not possible for State or local governments to cover all of these costs. But even just adjusting the amount of proof one has to show in order to prove that the pothole was preventable could be beneficial. Other criteria such as the person's income and previous accidents or roadside incidences could instead be factored into whether the government was able to pay for a portion of the damages caused by a pothole. In addition, more could be done to advertise reporting potholes so that the local government was alerted and able to take the appropriate measures to repair the roads before an incident even occurs. This would include more signs and posters around Hickory, explaining how to report potholes to the local or State governments. This would allow potholes and other road damage to be repaired quickly because the State and local governments would know about them soon after the damages were formed.

Mary advised overall there may be no clear way to completely eliminate potholes in Hickory, but the local government could attempt to alter the way that it responds to citizens' concerns so the damage that potholes cause do not become more of an inconvenience.

Danielle and Isaac presented. Danielle advised as a part of their AP government class, they conducted a study into the problems in the City of Hickory and thought of possible solutions to these problems. In their opinion the City of Hickory had proved to be a lovely and inviting city to new citizens looking for a more affordable place to live. However, the average age of Hickory was high because the people looking to move were the people near retiring and looking for an affordable place to live or because there were more activities that appealed to an older generation. The advantages of appealing to a younger population was a wider variety of working-class citizens. More people willing to stay in Hickory after graduation from high school and or college and higher population rates of families as they settle in and have children. One of the biggest problems regarding Hickory was that they appeal to a much older age group to live here, leaving very little to keep youth wanting to come back. It is a well-known fact that many of the youth who make up Hickory do not return after graduating from high schools and or going off to college out of State. This could give Hickory an aging population which severely limits the health and future for the City. They proposed to Council ideas on retaining the youth and future for the City of Hickory. But first, they acknowledged the past attempts that had already been made by the City.

Isaac advised some past attempts included the investment of \$3.53 million to renovate downtown Hickory, information from the Charlotte Business Journal, which was a good starting point. However, it does not fully resolve the issue simply by visiting downtown Hickory. They saw that there were still rundown or unoccupied buildings which due to high or rising housing and building costs would also increase the price needed to finish renovations further. Other examples of attempts that were made to rejuvenate Hickory could be the Historic Ridgeview Walk, the OLLE Art Walk, the Aviation Walk and the Lenoir-Rhyne streetscape enhancements. They had also found that Mayor Hank Guess himself had said "the investment that the City has placed into developing the quality of life of Hickory has been doing what it has meant to do, create economic development, spur private investment in the City and more and more people are finding Hickory as a place to visit, live, and work." He also read a quote taken directly from the released fiscal year 2022-2023 recommended budget, which states "the age demographics displayed in the charts below in our region is not favorable to expanding or even sustaining our local economy over the next 10 years and beyond. Unless we continue improving Hickory's quality of life so that we can attract new residents." This quote described a graph that gave them information on the median age of Hickory and 14 other surrounding cities.

Hickory was ranked second highest in median age which was an average of 43.3 years. Based on all of this data provided, they believed it was fair to assume that the goal of the Council had been to not only increase the population of Hickory and the likelihood of people to stay but to focus on the younger working-class citizens that could help keep a flourishing economy. But all of this being said, they saw an overall decrease in population from 2010 to 2020 in Hickory from the national census data that showed a 221-person loss. This data was gathered from the national census within the fiscal year 2022-2023 recommended budget document. He read recommendations for new attempts. With the information collected in their past attempts category, they could gather that Hickory was in big need for some changes to help turn the decrease of population into an increase. One way they recommended to reach this goal was to acknowledge the year-by-year data on spending within the category of culture and recreation. Since 2018, the spending in this category had gone from \$6.6 million to \$4.4 million in the present day. This finishes out to be about a 33.5% decrease in spending within this category. They believed a good step in increasing the population and increasing the appeal to visit Hickory would be to allocate more money to this budget. This could help speed up or even start the process of building a more activity-based city which would increase the appeal to younger families, especially those planning and or already having children. Another budget they would like to look at was the economic and community development section. They see a positive trend in this budget as the budget increased roughly 16% over the past five years. They still believed a total spending of \$4.1 million was too low as it makes up only 3.3% of the total \$126,206,168 that was used in the 2022-2023 fiscal year budget. One way increasing this budget could help was to add more programs to provide loans for small businesses which could encourage more businesses to sprout in the area which would also increase job availability and help create an ever increasing and flourishing economy in Hickory. They believed that by requesting general obligation bonds to help create these programs, the City could see a dramatic increase in business population and the working class. This was also achievable due to Hickory's AA+ bond rating which helps keep bond payments lower and interest on those bonds lower as well. They also believed a slight property tax increase could be put in temporarily to help pay off these bonds.

Danielle summarized their proposal. They believed that Hickory was in heavy need of help regarding not only retaining and gaining citizens but also influencing the stay of the young working class who help us achieve the goal of an efficient economy and a more desirable place to live. They believed this could be accomplished by increasing the budget of the culture and recreation and economic and community development sections of the overall budget. This money could come from general obligation bonds and help support the addition of new recreational activities and help create programs to support small businesses in our area.

Ms. Sierra Baker, also a student in the AP government class, discussed workplace conditions and issues. She discussed the links that conditions in the workplace that have affected employees in the workplace environment, it was necessary in order to take steps to change them. In the workplace many obstacles were faced including security, harassment, discrimination, and the less extreme problems such as office politics and gossip. All have an effect on the employees and to shape the way that work was done and how it is done along with these negative workplace conditions there were some positive ones. In order to make changes the negative must be focused on until the good can overpower the bad. As mentioned, discrimination was one disruptor that could be present in the workplace. In an article found that was entitled 65 Examples of Workplace Issues, the problems of discrimination, harassment, and hostility were discussed. Of them it was asserted that they inhibit productivity and mess up organization. When employees were discriminated against, they felt like they were in a hostile environment, and this could deter the amount of work completed or prevent them from doing their job. Most jobs require cohesiveness and tranquility, which if not provided, could ruin the workplace. Harassment also isolates employees and ensures distrust among the workers. A policy that could fix this would need to be on the local level so that officials were close to the community and understood the people that live among them in their community. Policies such as no gossip policies that include no tolerance, both work to ensure employees are comfortable and able to do their job at the best of their ability without restrictions. One example was the North Carolina Equal Employment Practices Act which protects against workplace discrimination in North Carolina. Another workplace condition that sets employees back was high taxes and unnecessary regulations. Citizens who apply for a job and were hired are often given certain rights that should not in any way be taken away. State laws should protect employee security, but local laws must pass legislation as well that was specific to their area given that businesses regulations vary from building to building so long as the rights of the employees are upheld. In North Carolina, the Occupational Safety and Health Act was enacted, and its purpose was to ensure worker safety. However, people still experience trouble. That was what young and old people alike would like to stop. Hygiene factors were also very important, and many people could see the signs in restaurant's bathrooms explaining how employees must wash their hands. These were necessary factors that ensured a fully functioning and efficient workplace. It was important that employees be

provided hygienic and motivational work areas and it was not easy to adequately work if the workplace was dirty or the air was bad, that was unfair to employees. She added a recent renovation at Hickory High was to fix an asbestos issue and other buildings in Hickory were also experiencing problems with that. That was a hazard to employees and everyone else in the buildings. State governments were in charge of this because if workplaces cannot keep their cleanliness up to the State standards than a higher punishment should exist, or a change should come from the State. Also included in workplace conditions that needs a closer look was the provision of leave to employees. To help ensure this to the employee's policies such as emergency bereavement/death in the family and maternity exist. These benefit employees and produce healthy and happy workers. However, more could be given to further these benefits and that would keep up with changing times. Just as many amendments were needed in the constitution also amendments were needed to the current system. Improvements could begin with mental health policies that would assist those who were struggling and allow for workplaces that were safe places for all people. She commented that "I see something, say something policy" should also be enacted in some businesses so that employees feel physically safe, gender wise and sexuality wise. In conclusion, there were some policies in place to fix the problems people face in the workplace. These issues still persist, and something has to be done to prevent them. Local governments need to be reached and this could be achieved through lobbying on the local level for change. Students armed with the concept of external efficacy ensure that such change would come about. When faced with the problems head on and explicitly stated, the government cannot and should not ignore them. More oversight was necessary so that enforcement could be enacted. If the government breaks its promise to protect the citizens and ensure safety and health regulations are in order, it becomes unjust and therefore unconstitutional and unworthy of being followed. With all of this, she saw herself simply modifying current policies and many policies were in place to take care of the present issues. They just need to be enforced.

Ms. Lydia Dean presented her proposal which was for small animals within the city limits, Residents within city limits were limited to one small animal per 2,000 square feet of land. As stated in all remaining zoning districts where dwelling units were permitted, small domestic animals were allowed to be kept as household pets. An aggregate total of five small animals per dwelling unit was permitted which was applicable to chickens and other poultry. Laying hens have a variety of benefits. They provide eggs and are an alternative to inhumane practices in commercial production. Studies have shown that backyard eggs were more nutrient rich because they can peck for their own food out of the ground. Farmers markets with ethically sourced eggs tend to be about \$2 more expensive per dozen. This also reduces food waste as one can feed scraps to chickens and chickens eat insects in the yard and fertilize. Victory Gardens became popular during World War II in an effort to assist with the war effort. Since this time, many Americans have continued to keep small backyard gardens and animals. The cost had also become increasingly high. As in the past year, the cost of eggs has risen by 70%. On average Americans consume 279 eggs per year, which for a family of four would amount to 1,116 per year. Depending on the breed of chickens, chickens will lay between 200 to 300 a year. And although this may be adequate for a family of four, many families have households with more people and five chickens was not substantial. Hens also only lay for 3 to 4 years and will lay their first egg at 18 weeks. With these restrictions in mind, chickens cannot be replaced and begin producing an adequate amount of time even for a small four-member family. The current policy allows for up to five small animals within the city limit. Their proposal was to double the number to 10 for small animals listed excluding the cats and dogs. This would be a beneficial policy to enact immediately because homeowners within the city would be able to make more decisions about their backyard. The restriction of five small animals per dwelling was applicable to residents who have an acre of land while there was an allowance for one small animal for 2,000 square feet, but an acre was 43,560 square feet and only five small animals were permitted. This issue was important to her because she grew up on a small egg farm and had recently relocated to Hickory. Currently, her family has seven full-time people and the production of five chickens was insufficient. As a vegetarian eggs were a very important source of protein. Regarding issues of sanitation, well maintained flocks of chickens could be kept up whether the flock was 10 or five. Poultry were generally low maintenance birds and those who were equipped to handle five chickens were unlikely to struggle with an increase in the flock because the general care remains nearly identical. On issues of noise ordinances, chickens, with the exception of roosters, were quieter than the traffic and other noise pollution of the city and an increase in laying hens to 10 would not create a problem.

Mr. John Holbrook introduced Mr. George Neal and Mr. Clint Powers. Their proposal was to combat homelessness. The City of Hickory, like many other small towns and big cities across the country, has a homelessness problem. According to the local newspaper, the Hickory Daily Record, the homeless population had risen to 318 documented individuals in 2019 as compared to only 267 in 2017, marking a 50 person increase in only two years. With numerous indications of homelessness throughout Hickory it becomes necessary to take additional steps to mitigate this issue. There were

several accepted strategies to alleviate homelessness, one being Community Navigator, which was already established in Hickory. The second one being providing affordable housing to all vulnerable persons. The third one being enacting a Power Law solution to homelessness. And the final one, criminalizing behaviors associated with homelessness. As members of the AP government and politics class at Hickory High School, they believed that they had a voice regarding the approach of the local government as such an established issue. Finding the provision of affordable housing to all vulnerable persons to be unfeasible and the criminalization of behaviors associated with homelessness to be counterproductive. They believed that implementing a Power Law solution in addition to the presence of a Community Navigator would best alleviate the problem of homelessness in Hickory.

Mr. George Neal advised homelessness, like the kind displayed in Hickory, could pose a serious threat to stability in society as displayed by a multitude of cities such as New York or Los Angeles. There were many problems for the community that come with homelessness, with one of the main ones being economic strain. The homeless make on average very little money and are commonly unable to find food, shelter, or healthcare. This responsibility then falls upon the people of the city who must spend money if they wish to save the individual. A famous example of this was the story of a homeless man living in Reno, Nevada who over the course of 10 years cost the State over \$1 million through his jail time, hospital time, and general aid. With these facts in mind, it seems that getting the homeless off the streets should be a top priority. The question, however, was not if we should get the homeless off the streets, but how. The Hickory Police Department has already taken some steps in this direction. The department erected four new anti-panhandling signs in places with high homeless activity to deter passersby from donating money to the beggars. Casey McCall, a longtime Hickory resident and current Community Navigator for the department has had consistent interactions with the homeless in his time in Hickory. He was the voice of the new policy stating facts such as 90% of the money given to panhandlers was used to aid their addiction, whether it was alcohol or drug abuse to support the action. McCall hopes that the signs would encourage people to give their money to charities instead who he believes could make a much more positive impact with the money, possibly even getting some of the homeless into consistent shelter.

Mr. Clint Powers advised in the article, Million Dollar Murray, Malcolm Gladwell, a renowned author, argues for a slightly different approach. Proposing a Power Law solution Gladwell argues that providing financial aid only to the chronically homeless was an efficient and effective way to mitigate the issue while saving municipalities money. In this way Gladwell supports the solution to homelessness that provides material and financial aid to individuals struggling with homelessness while also placing the ability to recover from such a condition in the hands of the homeless individuals. When individuals with the greatest need receive housing first, they were given a safe and stable environment in which they could dedicate the time and energy towards combating mental health struggles and addiction, as well as generating an income. The implementation of a Power Law solution, however, has been met with pushback from conservatives and liberals alike. In a general sense Conservatives overwhelmingly believed that helping the most vulnerable give special treatment to an undeserving group. While liberals overwhelmingly believed that helping only the most vulnerable was inequitable. Understanding the public opinion around this policy would better help city officials know whether or not to implement a similar strategy in Hickory in the future. With the implementation of this solution, there were several expected beneficial impacts. Primarily, they would expect to see a reduction in the homeless population itself and focusing efforts on providing assistance to the most vulnerable, the Power Law solution and use of a Community Navigator in conjunction with one another would decrease the number of homeless individuals in Hickory. While this strategy does not completely eliminate homelessness from our community, it effectively combats the issue. Secondly, they see benefits within the community itself. The community should see the benefits of a Power Law solution as a result of the aggregate of individual involvement in the program and the knowledge that the collective effort was making a positive impact on society as a whole. Third, they would expect to see benefits within the city's economy. As aforementioned, homelessness places undue economic strain on the municipality itself. In adopting a Power Law solution and working to actively reduce the number of homeless individuals the overall economy would be benefited. When less money is being spent on a stagnant homeless population the local government has the opportunity to pursue a wider variety of economic ventures. Finally, they would see an improvement in the general health of the community as a whole. Substance abuse, be it drug or alcohol addiction, drives the issue of homelessness. A decrease in the homeless population would potentially correlate to lessen instances of substance abuse, helping to improve the health of the community as a whole. While this list was by no means comprehensive and not all these categories would be relevant to any sort of legislative proposal regarding the implementation of a Power Law solution Hickory would no doubt find over time its own approach to assess the various benefits and impacts of solutions regarding combating homelessness.

Ms. Amelia Cross commented that these were just a few of their great students at Hickory High School. They appreciated Council's time and giving them the chance to have this excellent opportunity to see their civic action and how they could be a part of that at the local, maybe even State or Federal level one day. She thanked Council.

City Council members thanked Ms. Cross and the students.

Mayor Guess commented he could assure them that each and every one of their presentations that they heard from the public prior to this, he was sure each council member had heard those same topics discussed many times. He thanked them for bringing them to their attention once again and they were welcome to a Council meeting any time they had an opportunity. He thanked them again.

V. Persons Requesting to Be Heard

- A. Mr. Nick Reese, 2828 Childers Nursery Circle, Connelly Springs, NC 28612, to discuss Vehicles on City Walk.

Mr. Nick Reese was not present to be heard.

VI. Approval of Minutes

- A. Regular Meeting of May 2, 2023

Alderwoman Patton moved, seconded by Alderwoman Williams, that the Regular Meeting Minutes of May 2, 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. Budget Revision Number 21. (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. Called for a Public Hearing for Consideration of the City Manager's FY2023-2024 Recommended Budget. (Authorized Public Hearing for June 6, 2023, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

- B. Approved Applying for the 2023 Bulletproof Vest Grant.

Hickory Police Department requests permission to apply for a grant to assist in funding the purchase of bulletproof vests for police officers. The City of Hickory will receive up to 50% reimbursement for each vest purchased. Since 1999, the Bulletproof Vest Grant program has provided an opportunity for law enforcement agencies to apply for a grant to receive up to 50% funding on the purchase of ballistic vests. In order to be eligible, the agency must have a policy in effect making it mandatory for uniformed officers to wear the vests while on duty. Hickory Police Department has the mandatory wear policy in effect and has been a recipient of this grant for numerous years. Monies are placed in the police department budget uniform line item annually to purchase vests for police officers. Life expectancy of each vest is approximately five years. The Police Department recommends approval to submit the grant application to receive up to 50% funding to purchase bulletproof vests for police officers.

- C. Approved a Resolution Authorizing the Assignment of the Lease Agreement between the City of Hickory and Hickory Baseball, Inc. to DBH Hickory, LLC Pursuant to the Provisions of NCGS 160A-272.

On February 18, 2008, the City of Hickory entered into a Non-Exclusive Lease with Hickory Baseball, Inc. to lease the property at 2500 Clement Boulevard NW for periodic but not exclusive use for a term of 15-years. On October 3, 2017, the City entered into a First Amendment to the Non-Exclusive Lease with Hickory Baseball, Inc., amending the Lease to, among other things, extend the term thereof for five years to and until December 31, 2027. Hickory Baseball, Inc. has requested the City of Hickory consent to the assignment of the Lease from Hickory Baseball, Inc. to DBH Hickory, LLC, the purchaser of substantially all of the assets of Hickory Baseball, Inc. Staff requests



approval of a Resolution authorizing the assignment of the Lease Agreement between the City of Hickory and Hickory Baseball, Inc. to DBH Hickory, LLC.

The public notice was advertised in a newspaper having general circulation in the Hickory area on April 8, 2023.

RESOLUTION NO. 23-25

A RESOLUTION OF THE CITY OF HICKORY AUTHORIZING ASSIGNMENT OF THE LEASE AGREEMENT BETWEEN THE CITY OF HICKORY AND HICKORY BASEBALL, INC. TO DBH HICKORY, LLC PURSUANT TO THE PROVISIONS OF N.C.G.S. § 160A-272

WHEREAS, the City of Hickory is the owner of a multi-purpose stadium, situated on certain realty owned by the City of Hickory located at 2500 Clement Boulevard N.W. commonly known as L.P. Frans Stadium at Winkler Park (the "Property"); and

WHEREAS, on February 18, 2008, the City of Hickory entered into a Non-Exclusive Lease with Hickory Baseball, Inc. (the "Lease") whereby it agreed to lease the Property to Hickory Baseball, Inc. for periodic but not exclusive use for a term of fifteen (15) years; and

WHEREAS, on October 3, 2017, the City of Hickory entered into a First Amendment to Non-Exclusive Lease with Hickory Baseball, Inc. amending the Lease to, among other things, extend the term thereof for five (5) years to and until December 31, 2027; and

WHEREAS, the Lease, as amended, terminates December 31, 2027; and

WHEREAS, Hickory Baseball, Inc. has requested the City of Hickory's consent to an assignment of the Lease from Hickory Baseball, Inc. to DBH Hickory, LLC, the purchaser of substantially all of the assets of Hickory Baseball, Inc.; and

WHEREAS, Section 18 of the Lease, as amended, provides that the City of Hickory's prior written consent is required for the assignment of the Lease and that said consent shall not be unreasonably withheld and timely given; and

WHEREAS, Section 18 of the Lease, as amended, further provides that in the event of an assignment of the Lease, Hickory Baseball, Inc. shall remain liable to the City of Hickory for payment of all rent provided for in the Lease and for the faithful performance of all of the covenants and conditions of the Lease by the assignee to the same extent as if the Lease had not been assigned; and

WHEREAS, City Council has determined that the Property will not be needed by the City of Hickory for the term of the Lease, as amended; and

WHEREAS, the City Clerk published the required 30 days' public notice on April 8, 2023, said notice including a description of the Property, the annual lease payments, and City Council's intent to authorize the Lease assignment at its next regular meeting in accordance with N.C.G.S. § 160A-272(a1); and

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

1. Assignment of the Lease by Hickory Baseball, Inc. to DBH Hickory, LLC and, by virtue of said assignment, lease of the Property by the City of Hickory to DBH Hickory, LLC is hereby authorized.
  2. Assignment of the Lease by Hickory Baseball, Inc. to DBH Hickory, LLC shall provide that, following assignment, Hickory Baseball, Inc. shall remain liable to the City of Hickory for payment of all rent provided for in the Lease and for the faithful performance of all of the covenants and conditions of the Lease by the assignee to the same extent as if the Lease had not been assigned.
  3. City Council authorizes the City Manager to execute all documents related to assignment of the Lease to DBH Hickory, LLC, subject to a pre-audit certificate thereon by the City of Hickory Chief Financial Officer, if applicable, and approval as to form and legality by the City Attorney.
- D. Approved the Agreement with Olde Hickory Brewery for the Selling of Malt Beverages During the 2023 Sails Original Music Series Event.

Staff requests approval of the vendor agreement with Olde Hickory Brewery (OHB) for the selling of malt beverages during the Sails Original Music Series events on Friday evenings in May, the first three in June, and Fridays in September 2023. The events are being held on Union Square within the Social District beginning at 7:00 p.m. and ending

at 9:00 p.m. OHB will begin serving alcohol between 6:00 p.m. and 9:00 p.m. OHB will serve malt beverages within the social district, as marked by signs, and in accordance with the social district rules. On Friday, September 15, OHB will serve malt beverages at the Samuel Davis Field at the Sails Original Music Series event that is held in that location. There is a designated area for the sales of malt beverages in accordance with NCGS 18B-1114.5. OHB, LLC has an ALE Malt Beverage Special Event Permit that allows them to provide craft beverages to audiences at events, as well as a Certificate of Insurance is provided to the City, along with a Memorandum of Agreement signed by both parties. Staff recommends approval of the agreement with Olde Hickory Brewery for the selling of malt beverages during the 2023 Sails Original Music Series event.

- E. Approved the Citizens' Advisory Committee's Recommendation for Assistance through the City of Hickory's Housing Programs.

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on May 4, 2023:

- Janice Abernethy, 745 7<sup>th</sup> Avenue Court SE, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$20,000.00 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.

Funds are budgeted for this item through the City of Hickory's former Housing Rehabilitation Program income received in FY 2022 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 requests for assistance through the City of Hickory's housing assistance programs.

- F. Approved on First Reading Amending the Traffic Ordinance by Reducing the Speed Limit along 13<sup>th</sup> Avenue Drive SE from Lenoir-Rhyne Boulevard SE to end, 17<sup>th</sup> Street Drive SE from 13<sup>th</sup> Avenue Drive SE to US Highway 70 SE, and 19<sup>th</sup> Street Drive SE from 13<sup>th</sup> Avenue Drive SE to US Highway 70 SE from 35mph to 25mph.

Staff requests Council's approval of amending the traffic ordinance by reducing the speed limit along 13<sup>th</sup> Avenue Drive SE from Lenoir-Rhyne Boulevard SE to end, 17<sup>th</sup> Street Drive SE from 13<sup>th</sup> Avenue Drive SE to US Highway 70 SE, and 19<sup>th</sup> Street Drive SE from 13<sup>th</sup> Avenue Drive SE to US Highway 70 SE from 35mph to 25mph. In an effort to reduce speeding along 13<sup>th</sup> Avenue Drive SE, 17<sup>th</sup> Street Drive SE, and 19<sup>th</sup> Street Drive SE, the Traffic Division and Public Works are requesting the speed limit ordinance be amended to post a speed limit of 25 mph near the Convention Center. The Traffic Division has evaluated speeds along 13<sup>th</sup> Avenue Drive SE, 17<sup>th</sup> Street Drive SE, and 19<sup>th</sup> Street Drive SE and determined that 25mph is appropriate. Currently the 85<sup>th</sup> percentile speeds exceed the citywide speed limit of 35mph which is currently in effect along the stated roadways. As vehicle and pedestrian traffic grow in this area due to the expansion of the Convention Center, this is a necessary step to enhance roadway safety. The required sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval of amending the Traffic Ordinance by reducing the speed limit along 13<sup>th</sup> Avenue Drive SE from Lenoir-Rhyne Boulevard SE to end, 17<sup>th</sup> Street Drive SE from 13<sup>th</sup> Avenue Drive SE to US Highway 70 SE, and 19<sup>th</sup> Street Drive SE from 13<sup>th</sup> Avenue Drive SE to US Highway 70 SE from 35mph to 25mph.

ORDINANCE NO. 23-11

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 13<sup>th</sup> Ave Dr SE from Lenoir Rhyne Blvd SE to the end, 17<sup>th</sup> St Dr SE from 13<sup>th</sup> Ave Dr SE to US Hwy 70 SE, and 13<sup>th</sup> St Dr SE from 13<sup>th</sup> Ave Dr SE to US Hwy 70 SE 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.

- G. Approved on First Reading Budget Revision Number 22.

ORDINANCE NO. 23-12  
BUDGET REVISION NUMBER 22

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
Public Safety	3,265	18,501
Culture & Recreation	5,162	-
General Government	6,760,373	-
TOTAL	6,768,800	18,501

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	1,414,218	-
Sales and Services	5,162	-
Other Financing Sources	5,330.919	-
TOTAL	6,750,299	-

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
Debt Service	-	600,000
Other Financing Uses	730,919	-
TOTAL	730,919	600,000

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	130,919	-
TOTAL	130,919	-

SECTION 3. To amend the ARC Grant – 9<sup>th</sup> Av Dr NW (#546016) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	600,000	-
TOTAL	600,000	-

To provide funding for the above, the ARC Grant – 9<sup>th</sup> Av Dr NW (#546016) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	600,000	-
TOTAL	600,000	-

SECTION 4. To amend the Historic Ridgeview Walk (#B1L001) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	-	3,500
TOTAL	-	3,500

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	-	3,500
TOTAL	-	3,500

SECTION 5. To amend the Book Walk South (#B1L002) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	-	36,066

TOTAL	-	36,066
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To provide funding for the above, the Book Walk South (#B1L002) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	-	36,066
TOTAL	-	36,066

SECTION 6. To amend the US 70 – 4<sup>th</sup> St Dr SW (#546019) Capital Project, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Project	39,566	-
TOTAL	39,566	-

To provide funding for the above, the US 70 -4<sup>th</sup> St Dr SW (#546019) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	39,566	-
TOTAL	39,566	-

SECTION 7. 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	5,200,000	5,200,000
TOTAL	5,200,000	5,200,000

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	5,200,000	-
Other Financing Sources	-	5,130,420
Investment Earnings	-	69,580
TOTAL	5,200,000	5,200,000

SECTION 8. To amend the Aviation Walk (#B1N001) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	3,882,845	3,882,845
TOTAL	3,882,845	3,882,845

To provide funding for the above, the Aviation Walk (#B1N001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	3,813,265	3,882,845
Investment Earnings	69,580	-
TOTAL	3,882,845	3,882,845

SECTION 9. 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 Discovery Christian Fellowship Church, Inc. Located at 2201 Startown Road, PIN 3721-13-22-2922, Containing 17.728-Acres – Presented by Planning Director Brian Frazier.

Consideration of the voluntary contiguous annexation of 17.728 acres property located at the 2201 Startown Road. This property is identified as PIN 3721-13-

22-2922. The property is currently located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes, but also permits churches and other religious institutions. The annexation has been requested to allow for the property to connect to the City's utility system. If annexed, the property owners have requested the property be zoned R-2 Residential. Upon reviewing the Hickory by Choice 2030 Comprehensive Plan, staff would recommend R-4 Residential, as it would be consistent with the comprehensive plan. Either district will accommodate the current and future use of the property. Properties zoned R-4 Residential can be utilized for residential purposes at a density of twelve units per acres for detached single-family residences and twenty units per acre for multi-family residences. The R-4 district also permits churches and similar religious institutions, which is the current use of the property. Surrounding properties are zoned R-20 Residential and Industrial Conditional (IND-CZ) and are occupied by detached single-family residences, and part of the Trivium Corporate Center. The current tax value of the property is \$3,160,300. There would be no tax revenue generated by the annexation, as the property is tax exempt. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 5, 2023.

City Manager Warren Wood asked the City's Planning Director Brian Frazier to the podium to present Council with a request for voluntary contiguous annexation of property owned by Discovery Christian Fellowship Church, Inc., located at 2201 Startown Road.

Planning Director Brian Frazier gave a PowerPoint presentation. He discussed the Discovery Church proposed annexation located at 2201 Startown Road, just under 18 acres, ward three. The current development was a church. The future development would continue to be the church. Annexation was being sought to gain access to public utilities, in this case, sanitary sewer. He referred to the PowerPoint and displayed a map, he pointed out Hickory City limits, and the ETJ, (extra territorial jurisdiction), the area located in Catawba County, and the subject property which would be annexed into the city limits. He displayed the current zoning map and pointed out the County R-20 area where the subject property lies, and then just to the south IND-CZ for Trivium. He displayed the aerial ortho photography of the site in question. In terms of staff findings and recommendations the voluntary annexation petition complied with all applicable statutes. Public services were available in sufficient quantities and the annexation of the property would not cause available public services to fall below acceptable levels. Based upon these findings, staff respectfully recommended approval of the requested annexation. He asked for 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.

Alderman Seaver moved, seconded by Alderwoman Patton approval of the voluntary contiguous annexation of the Discovery Christian Fellowship Church, Inc. property. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 488

VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)  
Discovery Christian Fellowship Church, 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 16<sup>th</sup> day of May 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 31<sup>st</sup> day of May 2023:

Contiguous Annexation  
by  
The City of Hickory  
of the  
Discovery Christian Fellowship Church, Inc. Property

That certain parcel or tract of land lying and being about 4.5 miles southeast of the center of the City of Hickory. Bounded on the northwest by the lands of David L. Ritchie as described in Deed Book 1309 at Page 288; on the northeast by the 60' right-of-way of Startown Road; on the southeast by the lands of Jerry C. Lael as described in Deed Book 2954 at Page 58 and Deed Book 3454 at Page 424, the lands of Trivium Corporate Center, Inc. as described in Deed Book 3523 at Page 1780, the lands of Valleyview TCC LLC as described in Deed Book 3773 at Page 488 and the existing City of Hickory city limits as shown in Plat Book 78 at Page 71; on the southwest by the lands of Trivium Corporate Center, Inc. as described in Deed Book 3750 at Page 516, the existing City of Hickory city limits as shown in Plat Book 85 at Page 116 and more particularly described as follows, to wit. Beginning on a 1" rod on the southwest right-of-way line of Startown Road, said rod being located South 22 degrees 18 minutes 32 seconds East 211.77 feet from a fire hydrant and running thence, as new City of Hickory city limits, the following calls: North 48 degrees 10 minutes 00 seconds East 30.32 feet to a point in Startown Road; thence, with Startown Road, South 40 degrees 02 minutes 12 seconds East 86.77 feet to a point; thence South 41 degrees 23 minutes 21 seconds East 83.97 feet to a point; thence South 42 degrees 00 minutes 51 minutes East 100.00 feet to a point; thence South 41 degrees 44 minutes 36 seconds East 100.00 feet to a point; thence South 41 degrees 56 minutes 12 seconds East 100.00 feet to a point; thence South 40 degrees 47 minutes 57 seconds East 123.50 feet to a point; thence South 37 degrees 43 minutes 46 seconds West 30.07 feet to a point on the southwest right-of-way of Startown Road; thence, continuing the same bearing and with the northwest line of Jerry C. Lael as described in Deed Book 2954 at Page 58, 478.75 feet to a 1 ¼" angle iron in a tree, the northernmost corner of the Lael lands as described in Deed Book 3454 at Page 424; thence, with the northwest line of Lael, South 37 degrees 44 minutes 46 seconds West 612.35 feet to point in the existing City of Hickory city limits as shown in Plat Book 78 at Page 133; thence, continuing the same bearing and with existing City of Hickory city limits, a distance of 174.66 feet to a ½" rebar, a corner of the existing City of Hickory city

limits as shown in Plat Book 85 at Page 116; thence, with the existing City of Hickory city limits, North 69 degrees 46 minutes 41 seconds West 715.20 feet to a ½" rebar in the southeast line of David L. Ritchie as described in Deed Book 1309 at Page 288; thence, with the southeast lines of Ritchie and as new City of Hickory city limits the following calls: North 48 degrees 28 minutes 37 seconds East 833.27 feet to a 1 ¾" pipe; thence North 41 degrees 46 minutes 02 seconds 169.81 feet to a 1 ¾" pipe; thence North 48 degrees 10 minutes 00 seconds to the beginning. Containing 17.728 acres more or less.

This description was drawn from a plat by Derek R. Bunton, PLS L-4808, titled "Contiguous Annexation by the City of Hickory known as Discovery Christian Fellowship Church, Inc." dated January 25, 2023.

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

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

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

2. Approved on First Reading Rezoning Petition Number 23-01 for Property Owned by Discovery Christian Fellowship Church, Inc., Located at 2201 Startown Road – Presented by Planning Director Brian Frazier.

Consideration of Rezoning Petition 23-01. The City of Hickory has submitted a petition requesting the consideration of rezoning property located at 2201 Startown Road Newton, NC from Catawba County R-20 Residential to R-4 Residential. The subject property is currently zoned R-20 Residential by Catawba County, and totals 17.72 acres in total size. The current R-20 zoning district is primarily residential and permits one and two-family residential uses at a density of two dwelling units per acre. The subject property is currently occupied by the Discovery Christian Fellowship Church. The owners' intention is to continue utilizing the property as a church. The City of Hickory Land Use Development Code allows for religious institutions in all zoning districts. The Hickory Regional Planning Commission conducted a public hearing on April 26, 2023, to consider the petition. During the public hearing, no one spoke in favor or in opposition of the rezoning petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 5, and May 12, 2023.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with rezoning petition number 23-01 for property owned by Discovery Christian Fellowship Church, Inc., located at 2201 Startown Road.

Planning Director Brian Frazier gave a PowerPoint presentation. He mentioned in this case, the applicant was the City of Hickory. The consideration of the rezoning as City Manager Warren Wood mentioned would be at 2201 Startown Road and the proposed rezoning would go from Catawba County R-20 to high density residential City of Hickory R-4. The property was currently occupied by the Discovery Christian Fellowship Church and intends to remain as such. He referred to the PowerPoint and displayed the aerial photography of the site, he pointed out Startown Road. The Hickory by Choice 2030 plan identified the area as high density residential and that would be consistent with the R-4 designation. The high density residential was characterized by small building lots, short setbacks, pedestrian friendly roads near mixed use and commercial areas. The plan also indicates that the office uses were appropriate along thoroughfares and transitional areas which it would qualify for. The R-4 district permits a variety of residential uses, single-family up to four units an acre, multi-family up to 20 units

an acre. And the current use of the church was permissible under the existing Land Development Code (LDC). He referred to the PowerPoint and pointed out the subject property, the area which was zoned City R-2, the area located in the County, and industrial CZ area. He pointed out the site which called for R-4 within Hickory by Choice. He displayed the future land use map and noted the high-density area, the site sat squarely in the high-density residential area along with some of the corridor commercial along Startown Road. Staff respectfully recommended that the development of the property be shown here to regulations provided in the LDC and any other applicable standards. The Planning Commission conducted a hearing last month on the 26<sup>th</sup> to consider such petition. During the hearing no one spoke in favor or in opposition. And upon the close of the hearing, the Planning Commission acknowledged the petitions consistency with the Hickory by Choice 23 Comprehensive Plan. Based on the findings, the Planning Commission voted unanimously 8 to 0 to recommend approval of such petition. Staff concurred with the recommendation of the Planning Commission. He asked for questions.

Mayor Guess asked for any questions. 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 Freeman approval of rezoning petition 23-01 for Discovery Christian Fellowship Church. The motion carried unanimously.

ORDINANCE NO. 23-13

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 17.72 ACRES OF PROPERTY LOCATED AT 2201 STARTOWN ROAD, FROM CATAWBA COUNTY R-20 RESIDENTIAL TO R-4 RESIDENTIAL.

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the property owner has been petitioned to rezone +/- 17.72 acres of property located at 2201 Startown Road, more particularly described on Exhibit A attached hereto, to allow R-4 Residential districts; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on April 26, 2023, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the City Council has found Petition 23-01 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

- The subject property is located at 2201 Startown Road and identified as PIN 3721-13-22-2922.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent and inconsistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:



1. The area in question is designated as High Density Residential by the Comprehensive Plan. Areas classified as High Density Residential are intended to accommodate multi-family residential development, as well as small lot single-family development. Rezoning of the referenced properties to High Density Residential (R-4) would be consistent with the Comprehensive Plan.

Given the current circumstances, rezoning the properties in the manner discussed is consistent with the Comprehensive Plan, but is a reasonable and justifiable approach to transition the properties from county to city zoning jurisdiction.

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area in question is designated as High Density Residential. The strategies and recommendations associated with the High-Density Residential classification demonstrates the rezoning of the properties to R-4 Residential is in keeping with the intent of the Comprehensive Plan to facilitate orderly growth and development within the city's planning jurisdiction.

- Preserve and protect land, air, water and environmental resources and property values.

All improvements that are to take place on the properties will be required to follow all applicable development regulations.

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures.

The subject properties have ingress and egress access via Startown Road, which is publicly maintained. The land-use pattern in the area, which includes the subject properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists mainly of residential and institutional uses. The rezoning of the property as discussed maintains most of the current pattern, but also provides an area for development of a potential employment center.

Public resources to provide critical public services are or will be in place to service the properties, if developed. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood, and other dangers.

Any future development occurring on the subject property shall adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.

- The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists mainly of residential and institutional uses. The rezoning of the property as discussed maintains most of the current pattern, but also provides an area for development of a potential employment center.

- The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

The requested R-4 Residential district is similar to the current R-20 Residential district in terms of permissible uses and intensities. The proposed development pattern will take place in a logical manner as anticipated by the City's comprehensive planning process. To the maximum extent practical, necessary precautions will be taken to mitigate detrimental impacts in the area.

- The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.

Public resources to provide critical public services are or will be in place to service the properties. These include public utilities, transportation infrastructure, as well as police and fire protection.

- The proposed amendment (zoning map) will protect the public health, safety, and general welfare.

Any future development that occurs on the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory City Council has found Rezoning Petition 23-01 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

3. Approved System Development Fee Update Compliant with the Requirements of S.L. 2017-138 – Presented by Daryll Parker, Willdan Financial Services.

Staff requests Council's review and adoption of System Development Fees compliant with the requirements of SL 2017-138 from the prescribed methodology completed by Willdan Financial Services. In 2017, Session Law 2017-138 was passed which required that any fees collected for services furnished, or to be furnished, have a comprehensive study performed by a licensed financial professional or professional engineer to establish the formula and matrix by which System Development Fees will be calculated. A public comment period of 45-days was provided for comments for this study from March 3, 2023 through April 17, 2023. A public hearing by Council is required to adopt the supporting analysis and any modifications or revisions recommended. This analysis must be updated at least every 5 years. City of Hickory Public Utilities last completed a similar study in 2018 and an update is required by statute. In accordance with the requirements of SL 2017-138, the Public Utilities Division has completed the mandated System Development Fee study to allow for continued collection of fees related to one-time charges for connection to the system related to capacity. Willdan Financial Services worked with staff to determine the appropriate method of analysis and has reviewed all information related to assets and debts that can be considered for determining System Development Fees. Staff working with Willdan Financial Services chose the combined method for analysis to realize both the maturity of the City's system and the planned facilities required to perpetuate or expand service. Funds collected by this fee must now be justified through a formula established by the financial professional, must be collected as a one-time charge to new connections, must be accounted for separately to ensure use for the prescribed expenses, and must be used for reinvestment into the existing system assets. Staff recommends Council's review and adoption of the System Development Fees compliant with the requirements of SL 2017-138 from the prescribed methodology completed by Willdan Financial Services.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 5, 2023.

City Manager Warren Wood advised the State of North Carolina required the City to update their system development fees at least once every five years. Tonight, Council has consideration of system development fees update to comply with the requirements of SL 2017-138. He asked Public Utilities Director Shawn Pennell to introduce the presenter.

Public Utilities Director Shawn Pennell introduced Mr. Daryll Parker, with Willdan Financial Services and also Ms. Shannon Moore with Withers Ravenel, another partner in this study. He acknowledged Assistant Director Andrew Foy for his work on this. He spearheaded this project.

Mr. Daryll Parker, Willdan Financial Services discussed the system development fees study. He asked Ms. Shannon Moore to introduce herself.

Ms. Shannon Moore introduced herself. She advised she was the Director of Finance Services with WithersRavenel.

Mr. Parker advised they partnered with Withers on this project. It had gone well. He commended the City staff for their help. He commented on the earlier presentation of the Hickory High School Students and commended them for their great job. Their teacher taught them well. He presented a PowerPoint presentation. What happened back in 2017, the State implemented a House Bill and legislation that framed the system development fees. In other parts of the country that might be called capacity fees, or impact fees, they were specific to utility facilities. It gave clear authority for public entities to charge these fees. There were certain procedures that they had to adhere to when they were implementing those. It applied to all public utilities similar to city owned facilities. He defined; these fees were different than your user rates in that they only apply to new development. They do not impact your existing customers in any negative way. Those dollars have to be used for the capital facilities associated with the utility system. They were restricted, but they were definitely earmarked for those improvements. It was going to be those improvements that were necessitated. He gave a quote out of the statute "necessitated by and attributable to such new development". They cannot use that money for operations. Typically, they were not going to use it for renewal and replacement of existing facilities. It was going to be those new facilities and additional capacity.

Mr. Parker gave a general description. It was a one-time fee. It was going to be applied just for those new customers when they were coming online or when they were developing property. He separated water and wastewater. The cost of building sewer facilities was a lot different than the cost of building water facilities. They keep those separate and calculate them separate and they were charged separately. It was to recover those costs associated with capacity. It was kind of a way for helping growth pay for itself. It helps existing customers, protects existing customers, because it mitigates the potential for them paying for facilities that really don't benefit them and mitigates the potential for their user rates or monthly user rates going up higher to pay for those facilities as well.

Mr. Parker advised there were three different methods, and these were based on standards that were developed by American Water Works Association and other organizations that provided a guideline for these types of fees. There was a buy-in method which was to recover the cost of facilities that they had already built. For example, they City had a water treatment plant, water towers, wastewater treatment facilities, those currently have some capacity available for new growth. You want those new customers to pay for their proportionate share of those existing facilities. Then the incremental or marginal cost method. That was where they were looking into the future saying, ok, we have got to build some additional facilities to facilitate growth. They were looking at the City's capital improvement program, CIP. They were trying to say for each new customer that comes on, what's the cost of those future projects? Then there was a combined method and that was the method they used in this study. It was a weighted average of the two as the calculation turns out. He advised there were some required adoption procedures based on the State legislation. The fees must be prepared by a financial professional. That was them. Must employ general accepted accounting, engineering, and planning principles. The American Water Works Association methodology that he mentioned followed that guideline. That helps them meet that rule. When they were looking at the CIP, the incremental cost, they have to have at least a five-year CIP but no more than 20. They were looking at within a 5-to-10-year planning period. Once they have finished this study and developed a report and everybody staff wise says, yes this is what we want to go with. It has to be posted for 45 days on the City's website to allow for public review and comment. They were past that 45-day period and there were no comments, which was typical. People that would even be interested in that were typically existing customers. They realize it does not really impact me. There had to be a public hearing, which they were doing right now. If there were any modifications, as a result of this public hearing or public comment, they would have to make those adjustments. The fees must be adopted by resolution or ordinance. That document was already being developed. It must be updated every five years. They City has fees in place now that were adopted five years ago. They were to the end of that five-year period. The facilities that they were looking to recover for the water system, and he addressed some of these already, water supply facilities, treatment facilities, storage facilities, any of the major transmission and pumping facilities. They say major because they were not looking to recover the localized transmission lines, the lines in subdivisions, they were talking about the backbone of their system that provides benefits system wide. The same thing on the sewer. They were looking at the wastewater treatment and disposal facilities, major collection lines and the lift stations force mains, the big things that could provide service throughout the system.

Mr. Parker mentioned the three different methods, they were doing the combined method. They start looking at the existing assets, the buy-in portion, and then the incremental cost method, being the capital improvements. Those dollars were separated out. They combined those and came up with a total recoverable facility cost. They say recoverable because not every existing asset was considered recoverable and not every future capital project was recoverable. They worked with Drew and Shawn and discussed what of these were expansion related. For example, things that were more localized as he mentioned, they backed those out. That was why they call it recoverable because not everything was recoverable. They also back out a credit for the existing facilities, they back out a debt service credit. This was the methodology that was standard for the industry. He explained the debt service credit. The City had taken on debt, issued bonds or whatever, to pay for some of the facilities that were there now. That debt service was paid as part of the City's budgeting process and paid from the user rates; the rates regular customers pay. What they did not want was somebody paying a system development fee and then coming online and then paying the debt service if that debt service was not already backed out of that fee. It may not be a perfect science, but it acknowledges that they were making their best effort to not double recover. Based on the legislation, there was also a 25% credit to the CIP part of it to the capital program. They back those out and then come up with what they call net recoverable facility costs. They were looking at about \$250 million there.

Mr. Parker explained how they calculate the fee. They have the net recoverable, and they separate those between treatment and transmission. The reason they did that was because treatment facilities have a more defined, let's say a permitted capacity, whereas transmission facilities, it was a totally different capacity calculation. They divide treatment costs by treatment capacity and come up with the cost per gallon of treatment capacity. They do the same thing on the transmission side which for sewer, this would be collection. Divide the cost by the capacity and come up with the cost per gallon of transmission capacity. He advised they were showing this just once, but it was being done once for water and once again for wastewater. He referred to the PowerPoint and advised what the numbers looked like, separated between water and wastewater. They had the treatment facilities capacities and the transmission. When you do the math, it comes up with their costs per gallon. Most all new connections were going to be paying that total cost per gallon of capacity. Not every customer was going to be a water and sewer, that was part of the reason why they back it out, some might be water only. They have SDF system development fee per ERU, equivalent residential unit. Meaning your typical residential household. Cost per gallon of capacity multiplied by a level of service per equivalent residential unit. He explained that meant level of service for water was 400 gallons per day. That was right out of the North Carolina Administrative Code for planning purposes for water systems.

Alderman Seaver asked if that was per person.

Mr. Parker commented it was per residential connection. The State does not call it an ERU but they have got a line item for residential, and it was 400 gallons per day. They take the cost per gallon of capacity, the water portion, multiply it times the 400, and come up with the SDF per ERU for water, and do the same thing for wastewater. Wastewater was a different level of service. The State had a minimum of 120 gallons per day per bedroom, minimum, two bedrooms unless the city and the utility gets approval for a different number. Hickory had; their planning number approved by the State was 60 gallons per day per bedroom. They were assuming three bedrooms here on average, 60 times three being the 180. That was where that level of service came in. Do the same math. He referred to the PowerPoint and showed what the fees looked like after doing that math. He noted the existing fees for water and wastewater. The new calculated fee, it had been five years, you have more assets than you did five years ago for the buy-in method. He mentioned capital costs now from what capital costs were five years ago, especially per gallon of capacity type thing, costs have gone up a lot. The City's CIP was driving a lot of this higher calculated result. They call it calculated as opposed to proposed because it was the number that they could support and back the City up on if there was ever a legal challenge. They could do any number in between those two if they want. He would not suggest that they adopt fees higher than that because it would be difficult for them to back the City. These fees have become very litigious. They do not want to put the City in any position where they might get sued and lose. Nobody wants that. The way the City currently structured their fees, they were right on track with that and thought that was the way to go. The City calculated by meter size. As a different size, meter connection comes online depending on the size of that meter, they have a fee for that connection size. He referred to the PowerPoint and pointed on the column that said meter factor. He mentioned earlier, American Water

Work Association, those meter factors come right out of the AWWA manuals. They take that first fee, \$16.95 for water and the \$11.80 for wastewater. For the next connection size based on American Water Works Association standards, they have got a capacity impact to your system 2.5 times higher. They pay 2.5 times that fee and the same thing for the five and eight and so forth. Very industry standard norm for this type of fee. Very easy to legally defend if somebody asks why is my four-inch meter so much? That's because you need that much more capacity. He asked for questions.

Alderman Zagaroli asked if this was new construction.

Mr. Parker commented that it only applied to new construction.

Alderman Zagaroli commented you do not go back and get anything from old construction.

Mr. Parker commented it would be difficult.

Alderman Wood commented if they annex a property for the purposes of connecting to public utilities, these fees do not apply to that existing structure.

Mr. Parker advised if they were already connected to your system, like they might already be an outside city customer and they were just annexing them in, then definitely not. If they were currently on well, and septic and you annex them once they connect, they would pay the fee.

Alderman Wood wanted to clarify two other things. One was the new development. Mr. Parker spoke about ERU, equivalent residential unit. He asked if that applied to commercial as well.

Mr. Parker advised that was why they do the different meter sizes. Not all commercial customers were more than a 5/8 inch. If you were a real estate office or something, you were going to have a standard meter. But if you were a restaurant, you might have a two inch, a four inch or something.

City Manager Warren Wood advised the three inch those were multifamily and the 4, 6, and 8 were big industrial typically.

Alderman Wood commented they just started their biggest investment project in the City's history, he believed with the composting facility. Does that fall within the CIP horizon for this calculation?

Mr. Parker commented that the composting facility would be part of the City's public works and solid waste. No, this would be the water and sewer only.

City Manager Warren Wood mentioned when the new facility comes on.

Public Utilities Director Shawn Pennell advised it was not in here yet.

City Manager Warren Wood commented that the existing was, the new one would probably be the next time they do it.

Public Utilities Director Shawn Pennell advised that it would be on the next one.

Alderman Wood commented that it did not fall within the five-year CIP horizon. It does not matter whether the money that was spent, it was what they were going to spend in the CIP Horizon. From what he understood.

Mr. Parker commented it was a combination of both.

City Manager Warren Wood noted they could update this.

Public Utilities Director Shawn Pennell advised they could update this next year.

Mr. Parker advised they could not do it more than five years out. It just has to be within five years. The CIP was what they were planning, but it was still kind of a fluid document. It could change, it could change next month. If they were looking at it a year from now and then found out that costs were double what they planned for or even the other direction. He doubted they were going to go the other direction.

City Manager Warren Wood mentioned that would be amending the wastewater side because of the compost associated with it.

Mr. Parker advised they could make that adjustment again and update the fees based on their new reality.

Mayor Guess asked for any other questions. 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.

City Manager Warren Wood advised there was a resolution associated with this. The motion would be to approve the resolution to adopt the fees as presented.

Alderman Seaver moved, seconded by Alderwoman Williams approval of the Resolution adopting the system development fees. The motion carried unanimously.

#### RESOLUTION NO. 23-26

#### RESOLUTION FOR APPROVING WATER AND WASTEWATER SYSTEM DEVELOPMENT FEES

WHEREAS, North Carolina General Statute 162A Article 8 authorizes that a unit of local government may adopt a system development fee for water or sewer service; and

WHEREAS, as required by the statute and in the interests of sound local planning, a supporting analysis of this system development fee has been prepared by a financial professional; and

WHEREAS, the City Council finds that the Water and Wastewater System Development Fee Study has been completed in accordance with the provisions of North Carolina General Statute 162A-205 and that it will provide guidance for the future management and planning of system capacity for the City of Hickory;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory that the Water and Wastewater System Development Fee Study, is hereby approved and the recommendations of the study be adopted and implemented in the FY 2023-2024 City of Hickory Fee Schedule and Budget; and

BE IT FURTHER RESOLVED that the City Council intends that these fees shall be revised to reflect changes in relevant data and projections at least once every five years, in accordance with the statute and sound planning practice.

#### B. Departmental Reports:

1. Approved an Amendment to the Resolution of the Hickory City Council Creating the University City Commission – Presented by University City Commission Chair Constance Snyder.

In 2013, City Council created the University City Commission by Resolution for the purpose of broadening the relationship between the City of Hickory and Lenoir-Rhyne University. Council desires to expand the University City Commission membership to include other resident institutions of higher education located within the community to include Appalachian State University and Catawba Valley Community College.

City Manager Warren Wood asked University City Commission Chair Constance Snyder to the podium to present Council with an Amendment to the Resolution of the Hickory City Council creating the University City Commission.

University City Commission Chair Constance Snyder presented a PowerPoint presentation. She advised she had served on the University City Commission for the last four years and currently served as the Chair. The University City Commission had been around for approximately nine years, a little over nine years, almost 10. When it was originally put in place by Council, the purpose of that was to broaden the relationship between Lenoir-Rhyne University and the City in an effort for them to engage the students and hopefully retain those students. She referred to the earlier presentation, as Danielle and Isaac mentioned in their presentation, that hit right on the button, that they want to keep folks in the City and get them engaged and connected to the community. As the City was growing and evolving, the University City Commission believed that they should as well. In February, they unanimously approved a new purpose or a revised purpose, board structure, and work plan for the Commission that they wanted to submit to Council this evening. The proposal to Council was they

would like to expand the University City Commission membership so that they could include the other resident institutions of higher learning. Not only including Lenoir-Rhyne University (LRU), but also including Catawba Valley Community College (CVCC) and Appalachian State University (ASU). The proposed new purpose of this board would be to foster the relationship between the City of Hickory and the local institutions of higher education as well as promote the collaboration to assist the student integrations into our community through social engagement, volunteer service, and career development opportunities. The proposed composition changes that they would make to the board would be to add two positions in total. It would remake how the membership was comprised. The City currently has four appointments, they recommended three by the City of Hickory and then each institution would have two staff appointments and one student appointment. Lenoir-Rhyne, Catawba Valley Community College and Appalachian State would each have two staff appointments and one student liaison on the commission. They would retain the Chamber of Commerce, Executive Director and then the DDA Director as an ex officio non-voting member. They would increase by two total, but just change the make-up of the board composition so that they would have 13 total voting members. She advised that was their proposal and respectfully requested that Council consider this amendment to the resolution. She asked for questions. The work plan was submitted as part of the budget.

Alderwoman Patton thanked Ms. Snyder for working to have the commission evolve.

Mayor Guess asked if there were any questions for Ms. Snyder.

Mayor Guess moved, seconded by Alderman Zagaroli approval of the amendment to the Resolution for the University City Commission. The motion carried unanimously.

RESOLUTION NO. 23-27  
AMENDMENT OF THE RESOLUTION OF THE HICKORY CITY COUNCIL  
CREATING THE UNIVERSITY CITY COMMISSION

WHEREAS, in 2013, the Hickory City Council created the University City Commission by resolution for the purposes of broadening the relationship between the City of Hickory and Lenoir-Rhyne University; and

WHEREAS, Council desires to expand the Commission's membership and purposes to foster the relationship between the City of Hickory and other resident institutions of higher education located within the community, as well as promoting collaboration to assist student integration into the community through social engagement, volunteer service, and career development opportunities.

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

Section 1: Amended

Section 2 Membership; Appointment; Terms; Compensation is deleted in its entirety and replaced as follows:

2.1 Membership. The University City Commission shall be composed of thirteen (13) voting members and one (1) ex officio member.

2.2 Appointment. Members shall be appointed in accordance with the terms of this section.

a. voting members

i. The Hickory City Council shall appoint three (3) citizens of Hickory, not including ETJ residents, on an at large basis.

ii. The President of Lenoir-Rhyne University ("LRU"), or his/her designee, shall appoint two (2) faculty and/or staff persons and one (1) student.

iii. The President of Appalachian State University ("ASU"), or his/her designee, shall appoint two (2) faculty and/or staff persons and one (1) student.

iv. The President of Catawba Valley Community College ("CVCC"), or his/her designee, shall appoint two (2) faculty and/or staff persons and one (1) student.

v. The Catawba County Chamber of Commerce's Executive Director or his/her designee shall serve as a voting member.

b. nonvoting members

i. The Hickory Downtown Development Association's Director shall serve as ex-officio member.

2.3 Terms. Members appointed by City Council, or a higher education institution are eligible to serve two (2) year terms except that student members are eligible to only serve one-year terms. The initial terms of these members will be as follows:

a. Two City Council appointees shall serve initial terms of two (2) years with said initial terms to end concurrently with the fiscal year of the city. These appointees shall be eligible to serve one additional two (2) year term. The remaining appointee shall serve an initial term of one year with said term to end concurrently with the fiscal year of the city. This appointee shall be eligible to serve one additional two (2) year term.

b. One LRU faculty and/or staff appointee shall serve an initial term of two (2) years with the term ending concurrently with the fiscal year of the city. This appointee shall be eligible to serve one additional two (2) year term. One LRU faculty and/or staff appointee shall serve an initial term of one (1) year. This appointee shall be eligible to serve one additional two (2) year term. The student appointee shall serve a one-year term.

c. One ASU faculty and/or staff appointee shall serve an initial term of two (2) years with the term ending concurrently with the fiscal year of the city. This appointee shall be eligible to serve one additional two (2) year term. One ASU faculty and/or staff appointee shall serve an initial term of one (1) year. This appointee shall be eligible to serve one additional two (2) year term. The student appointee shall serve a one-year term.

d. One CVCC faculty and/or staff appointee shall serve an initial term of two (2) years with the term ending concurrently with the fiscal year of the city. This appointee shall be eligible to serve one additional two (2) year term. One CVCC faculty and/or staff appointee shall serve an initial term of one (1) year. This appointee shall be eligible to serve one additional two (2) year term. The student appointee shall serve a one-year term.

e. The Chamber of Commerce's Executive Director or his/her designee and the Hickory Downtown Development Association's Director are eligible to serve an unlimited number of two-year terms.

f. The terms of all current UCC members shall expire June 30, 2023. New members shall be appointed in accordance with this section.

2.4 Representation. It is the City Council's intent that the University City Commission shall be comprised of citizens and faculty or staff who have ties to LRU, ASU or CVCC, a passion for their respective institutions as well as a passion for Hickory, are active in Hickory business and/or cultural organizations and have the ability and relationships that will enable the Commission to accomplish specific objectives and outcomes.

2.5 Attendance. Any member of the University City Commission, without good and sufficient reason (illness or family emergency, not including business meeting or vacation) fail to attend three (3) consecutive meetings shall be considered to have abandoned and forfeited membership. The term of office of such absentee shall thereby terminate, and the City Council shall thereupon appoint a successor to fill out the unexpired term of such a person.

2.6 Vacancy. Any vacancy caused by the death, dismissal, resignation, removal of residency, or in the case of a student a withdrawal or graduation a student shall be filled by the respective appointing entity for the remainder of such member's term.

2.7 One vote per member. Each voting member of the commission shall be entitled to one vote on all matters brought before any regular or called meeting in which such member is present, and provided a quorum is present at that time, as specified in section 2-133.



2.8 Quorum. The quorum consists of seven (7) members of the University City Commission. A quorum shall be necessary for the transaction of any official business by the commission.

2.9 Compensation. The members appointed shall serve without compensation except that members may be reimbursed from funds appropriated to the University City Commission for necessary travel expenses while engaged in the work of the University City Commission.

2.10 Officers named. The officers of the commission shall be a chairperson and vice-chairperson.

2.11 Duties of Officers-Chairpersons. The chairperson shall preside at all meetings of the commission and is eligible to vote on all matters coming before the commission. The chairperson shall appoint all committees, shall be responsible for scheduling regular meetings, and shall have the sole responsibility for calling special meetings of the commission. He or she shall have the responsibility for preparing agendas and conducting all meetings in an orderly manner.

2.12 Same-Vice-chairperson. The vice-chairperson shall perform all duties and assume all responsibilities of the chairperson in his or her absence.

2.13 Expenditures. The University City Commission may receive contributions from private agencies, foundations, organizations, individuals and state or federal government, or any other source, in addition to any sums appropriated for its use by the City Council. It may accept and disburse these funds for any purpose within the scope of its authority and as herein specified.

Section 2: Effective Date.

This Amendment shall become effective immediately upon adoption.

2. Appointments to Boards and Commissions

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 Ward 1 (Wood Appoints) VACANT  
 At-Large (Outside City but within HRP) (Council Appoints) VACANT

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 African American (Council Appoints) VACANT  
 Other Minority (Council Appoints) VACANT  
 Other Minority (Council Appoints) VACANT  
 Other Minority (Council Appoints) VACANT  
 Differently Abled (Council Appoints) VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

(Term Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)  
 Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 Ward 3 (Seaver Appoints) (Nathan Ahlgrim Resigned 4-14-2023) VACANT

**RECYCLING ADVISORY BOARD**

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

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

City Manager Warren Wood requested action to add an item to consider rejection of the bids for the Historic Ridgeview Walk.

Mayor Guess moved seconded by Alderwoman Patton to consider a matter not on the agenda, rejection of the bids for the Historic Ridgeview Walk. The motion carried unanimously.

City Manager Warren Wood did not want to waste time to rebid this because they could save two weeks. Staff bid out the Historic Ridgeview Walk. They had one bid the first time, and they had one bid the second time. The bid that they received was over budget. Ordinarily what they would

do was negotiate with the lowest bidder and try to get the number down within budget, but this has Federal money in it and the Federal government prohibits it with this money negotiation. It was either a take it or not proposition. Since they opened the bids the second time, they have had some interest from other contractors. In order not to waste two weeks in doing that, to bringing it formally on the agenda, they decided to bring it tonight. He requested approval from City Council to reject all bids related to the Historic Ridgeview project and rebid the project.

Mayor Guess asked for any questions.

Alderman Freeman commented they certainly would want the Ridgeview community to know, going forward to know, that they do not really believe that there was going to be any setbacks or delays in this.

City Manager Warren Wood advised it would probably set them back a month, but they were going to have better numbers because when you just have one bid, it was not competitive. Getting it within budget or below budget was what they were shooting for. They would lose a month to six weeks, but they need to get it in budget. They would have negotiated, but they were prohibited from negotiating with the low bidder. It would still be ahead of the OLLE Art Walk.

Mayor Guess commented that the project was not in jeopardy.

Alderman Wood commented they effectively could not move forward with the current bid because it was so far over budget that they could not move forward.

City Manager Warren Wood did not want to give the impression that anything was in jeopardy. They plan on having multiple bids the next time around based on the contractors that they have talked to. That was going to help bring the number down by itself.

Mayor Guess asked for any other questions.

Mayor Guess moved seconded by Alderwoman Williams to reject all bids related to the Historic Ridgeview Walk (EB-5937, EB-5938, and HL-002) and rebid the project again. The motion carried unanimously.

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Mayor Guess recognized and thanked members of the Communications Department, Dana Kaminske, Sarah Killian, and Melissa Mooney. He advised the City of Hickory won three excellent awards, they won two first place awards in the graphic design and special event categories recently and a second-place award in the brochure category. These ladies were instrumental in helping to make all of that happen. They wanted to take this opportunity to say thank you to them for the excellent work they do and congratulate them on these awards that they won on behalf of the citizens and the City of Hickory. They appreciated that very much.

Mayor Guess thought this was probably breaking news, once again, US News and World Report had ranked Hickory and they continued to move up in the rankings. Two years ago, Hickory was 52<sup>nd</sup> in the rankings, last year they were 31<sup>st</sup> in the rankings, and this year they had moved up to 25<sup>th</sup> out of 150 municipalities rated as the best places to live. He wished that those Hickory High students were still here, some of them. Hickory was ahead of Rochester, New York and behind Tampa, Florida. Each year in the last three years they had moved up the ladder and were now considered to be 25<sup>th</sup> out of 150. They want to keep moving in that direction.

City Manager Warren Wood mentioned as required by law, they had submitted the recommended annual budget for FY 2023-2024. It was available online, and there would be one at each library. The City Clerk has it and it was in the City Manager's Office. On Council's Consent Agenda they called for a public hearing on that item at their next meeting. They would do a presentation at their next meeting on that and there would be a press release that goes out tomorrow containing all the ins and outs. He thanked Deputy City Manager Rodney Miller and his staff for putting it together. The budget ordinance was only a few pages long, this was background. Once the budget was adopted, they have a more robust final version that they would come out with the final adopted budget.

XIV. There being no further business, the meeting adjourned at 8:38 p.m.

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Mayor

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City Clerk