

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, October 17, 2023 at 6:00 p.m., with the following members present:

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

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney Timothy Swanson, 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 except for Alderman Zagaroli.
- II. Invocation by Major David Repass, Co-Officer in Charge The Salvation Army of Greater Hickory and the High Country
- III. Pledge of Allegiance
- IV. Special Presentations

Mayor Guess advised that Alderman Zagaroli was absent due to a ladder accident. He had some cuts, bruises, and different things, but he was going to be okay. He recognized in attendance the Lenoir-Rhyne University community studies students of Doctor Stokes. They were required to be here tonight for their class. He appreciated them being present and hoped that they got a good report from Doctor Stokes when they returned. Also visiting was Boy Scout Troop 381 from Holy Trinity. He asked Assistant Troop Leader, Mr. Lyndon Helton to introduce the Troop.

Assistant Troop Leader Lyndon Helton introduced Scouts Matthew Helton and Aiden Ross.

Mayor Guess asked if the Scouts were present to earn their community service badge.

Assistant Troop Leader Lyndon Helton confirmed that was correct.

Mayor Guess thanked them and welcomed them to the Council meeting. He also recognized another special guest. He had spoken to Mr. Bob Post on his way in. Mr. Post and his wife were recently traveling through Hickory. They were retired and from New York City. They loved Hickory so much that in June, after they retired, they decided to make this their home. He decided come to a City Council meeting as of being a 4, 5, 6-month resident of the City of Hickory. He welcomed Mr. Post as well.

V. Persons Requesting to Be Heard

- A. Mr. Robert Connelly, 300 Excelsior Drive, Connelly Springs, NC. Mr. Connelly advised he resides in Rutherford College, in the Connelly Springs area. He explained why he was in Catawba County. Much of his work and living space had been right here in Hickory for years and years, including his family worked and lived here. Assuming that all of us brings him here, partly God's grace and mercy to him years ago and restoring him to the Lord, the Catholic Church, and his God, he came here as a concerned citizen with 5G. The technology that was seldom spoken of in terms of health, and environmental concerns. People knew very little about it, it seems in the general public, and it was not a conspiracy theory. It was not something that people were just imagining, and it was easy to relegate to the back of the junk heap of things that were going on. But in reality, the International Commission of Non-Ionized Radiation, which along with the World Health Organization was supposed to be controlling the amount of frequencies that were going forth in our environment for 5G. These were, not only by him but by other people, law firms, he was indirectly tied on a volunteer basis at the law firm out of Colorado, Todd Callender's law firm. He just won a huge lawsuit against the military due to recklessness in terms of mandating COVID vaccines. Also, Robert Kennedy. This was not a partisan thing whether you were Republican or Democrat. In this issue, he could care less. This was an existential threat to humanity. Robert Kennedy just won with a City Council like this, in Pittsfield, Massachusetts, a lawsuit where the people realized that the frequencies, the amount of radiation that was coming out was a real existential threat to the wealth and well-being of the community. No environmental studies, no public health studies have been made. That was admitted before Congress. The FCC had also said they had no intention of making any public or health environmental impact. Robert Kennedy children's health defense won a lawsuit, the first and only one of its kind in Pittsfield, Massachusetts. Hopefully Council will follow suit, a brave one or two souls on this Council that would step out and lead the way in this Nation. Why? America was behind on this issue, 600 municipalities in Italy had already asked that a moratorium be put on this, and these cell towers come down. The same thing in Belgium, and Switzerland across the world people were crying out about this issue. The kind of issues that people have with health or medical that were mimicked in the biological paradigm, but they were caused by EMF frequencies. Anybody ever in the Navy that understood radar knew that you could fry somebody's eyeballs with this. Never before had any tests been done on immersive type frequencies. This monstrous tower

out here looked to him like 5G or upgraded. He took an EMF meter before he came in here and it was through the roof. It was crickets chirping when it goes to anybody. Why? Because they were captured by huge economic interests, telecom industry controls Congress, World Health Organization, the two agencies. That was what he brought tonight. Look into this and see what could be done to make Hickory truly a better place in terms of the environmental health concerns that he was addressing here tonight. He thanked Council.

Mayor Guess thanked Mr. Connelly and asked if anyone else wished to be heard. No one else appeared.

VI. Approval of Minutes

A. Regular Meeting of October 3, 2023

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

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

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

A. Budget Revision Number 6. (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 Alderwoman Williams approval of the Consent Agenda. The motion carried unanimously.

A. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Emil and Olimpia Belos, Located at the Northeast Corner of Cloninger Mill Road and 13th Street Circle NE, Hickory, PIN 3714-08-97-0980, Containing Approximately .396. (Authorized Public Hearing for November 7, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-56

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Emil Belos and wife Olimpia Belos requesting annexation of an area described in a petition was received on October 5, 2023, by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

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

THAT the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

Property of Emil Belos and wife, Olimpia Belos, containing .396-acres more or less, located at the northeast corner of Cloninger Mill Road and 13th Street Circle NE, and identified as PIN 3714-08-97-0980.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 5th day of October, 2023.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 23-57

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

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

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 7, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of Emil Belos and wife, Olimpia Belos, containing .396-acres more or less, located at the northeast corner of Cloninger Mill Road and 13th Street Circle NE, and identified as PIN 3714-08-97-0980.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 23-58

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY EMIL BELOS AND WIFE, OLIMPIA BELOS AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Emil Belos and wife, Olimpia Belos are the owners of certain real property as described herein, which property is located at the northeast corner of Cloninger Mill Road and 13th Street Circle NE, and identified as PIN 3714-08-97-0980, containing .396-acres more or less; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 17th day of October, 2023, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

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

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 7, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on map entitled Emil & Olimpia Belos, Voluntary Contiguous Annexation Map 1 City Boundary, subject property outlined in red; Emil & Olimpia Belos, Voluntary Contiguous Annexation Map 2, Zoning, subject property outlined in red; Emil & Olimpia Belos, Map 3, Aerial Photography, subject property outlined in red.

Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

B. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Huffman Project Group, LLC, Located at Catawba Valley Boulevard SE, Hickory, PIN 3711-05-18-8157, Containing Approximately 29.277-Acres. (Authorized Public Hearing for November 7, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-59

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Huffman Project Group, LLC requesting annexation of an area described in a petition was received on October 5, 2023, by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

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

THAT the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

Property of Huffman Project Group, LLC, containing 29.277-acres more or less, located on Catawba Valley Boulevard SE, and identified as PIN 3711-05-18-8157.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 5th day of October, 2023.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 23-60

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

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

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

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

- Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 7, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 2: The area proposed for annexation is described as follows:

Property of Huffman Project Group, LLC, containing 29.277-acres more or less, located on Catawba Valley Boulevard SE, and identified as PIN 3711-05-18-8157.
- Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 23-61

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY HUFFMAN PROJECT GROUP, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Huffman Project Group, LLC are the owners of certain real property as described herein, which property is located on Catawba Valley Boulevard SE, and identified as PIN 3711-05-18-8157, containing 29.277-acres more or less; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 17th day of October, 2023, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 7, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on map entitled Huffman Project Group, LLC, Voluntary Contiguous Annexation Map 1 Current City Boundary, subject property outlined in red; Huffman Project Group, LLC, Voluntary Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Huffman Project Group, LLC, Map 3, Aerial Photography, subject property outlined in red.
- Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.
- C. Approved the Vacant Building Revitalization Performance Agreement for Hickory Industrial Properties, LLC, in the Amount of \$20,000 for Renovation Assistance for the Vacant Building Located at 731 Main Avenue SW.

Staff requests approval of the Vacant Building Revitalization Performance Agreement for Hickory Industrial Properties, LLC. Hickory Industrial Properties, LLC has applied for a Vacant Building Revitalization Grant in the amount of \$20,000 to assist in the renovation of the vacant building at 731 Main Avenue SW. The applicant plans to renovate the facility for high tech manufacturing. The applicant plans to invest at least \$180,000 in real property improvements to rehabilitate the building. This makes the project eligible for a \$20,000 grant. The applicant plans to replace the HVAC equipment, roof, resurface the parking lot, and make interior improvements. No payments will be required on the loan provided that the building remains occupied for at least three years. The Business Development Committee reviewed the application and recommended approval. Staff recommends City Council approve the Vacant Building Performance Agreement with Hickory Industrial Properties, LLC in the amount of \$20,000.

- D. Approved on First Reading Budget Revision Number 7.

ORDINANCE NO. 23-30

BUDGET REVISION NUMBER 7

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, 2024, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture & Recreation	3,694	-
Public Safety	2,831	-
TOTAL	6,525	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	6,525	-
TOTAL	6,525	-

SECTION 2. To amend the Solid Waste Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	13,784	-
TOTAL	13,784	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	13,784	-
TOTAL	13,784	-

SECTION 3. 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. Continued until November 7, 2023 - Consideration the Voluntary Non-Contiguous Annexation of Property Owned by Boureau and Creech Properties, LLC, Located at 3940 River Road, Hickory, PIN 3710-09-17-5434, Containing Approximately 49.21-Acres – Presentation by Planning Director Brian Frazier.

Consideration of the voluntary non-contiguous annexation of 49.21 acres property located at 3940 River Road. This property is identified as PIN 3710-09-17-5434. The property is currently vacant and located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes, at a maximum density of two dwelling units per acre. The property owner desires to connect the development to City sewer service, which requires annexation. If annexed, the property owners have requested the property be zoned Planned Development, with their further intentions being the construction of a 178-lot single-family residential subdivision. This would equate to a density of 3.7 dwelling units per acre. Surrounding properties are zoned R-20 Residential and R-1 Residential and are occupied by detached single-family residences, and a wastewater treatment plant. The current tax value of the property is \$330,300. If annexed, the vacant property would generate \$1,502.86 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-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 October 7, 2023.

Mayor Guess advised it had been brought to his attention that the first two items listed as public hearings on the agenda, that the applicant would like to continue those.

City Manager Warren Wood asked if the representative for the applicant could come and for the record request that and what date so we can get that on the record. Dan Shabeldeen was the representative for the applicant. He asked if he could just confirm that request for those two public hearings.

Mr. Dan Shabeldeen, Shabeldeen Engineering, 3145 Tate Boulevard, Hickory requested that these public hearings be continued to the next date, certain of November 7th, which would be the next City Council meeting.

Mayor Guess confirmed that was for both public hearings.

City Manager Warren Wood questioned if the request was for each one.

Mr. Dan Shabeldeen confirmed that was correct.

City Manager Warren Wood advised the annexation and the rezoning.

Mr. Dan Shabeldeen confirmed that was correct.

Mayor Guess declared the public hearing open for the consideration of the voluntary annexation for the property above described. Mayor Guess moved, as requested, the public hearing be continued until November 7, 2023. Alderwoman Patton seconded the motion. The motion carried unanimously.

Mayor Guess advised the public hearing would be continued until November 7, 2023.

2. Continued until November 7, 2023 - Consideration of Rezoning Petition Number 23-06 for Property Located at 3940 River Road from R-20 Residential to Planned Development (PD) as Requested by Boureanu and Creech Properties, LLC – Presentation by Planning Director Brian Frazier.

Boureanu and Creech Properties, LLC has submitted a petition requesting the consideration of rezoning property located at 3940 River Road from R-20 Residential to Planned Development (PD). The property is vacant and zoned R-20 Residential by Catawba County. Upon completion of the annexation request the owners requested the property be rezoned to Planned Development. The R-20 Residential district permits residential uses (single and two family) at a maximum density of two dwelling units per acre, which could potentially produce up to 98 new dwelling units. The requested Planned Development would consist of up to 178 single-family detached dwellings, which calculates to be 3.7 units per acre. The Hickory Regional Planning Commission conducted a public hearing on September 27, 2023, to consider the petition. During the public hearing the project engineer spoke in favor of the petition, while no one spoke in opposition. 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 October 7, and October 14, 2023.

Mayor Guess declared the public hearing open. Mayor Guess moved to continue the public hearing until November 7, 2023. Alderman Seaver seconded the motion.

Alderman Freeman asked if there was a reason why that it was going to be continued.

City Manager Warren Wood advised he had spoken to Mr. Shabeldeen earlier and he wanted to respond to some of the concerns that were stated regarding the project. Some time to get some information together.

Mayor Guess asked if there were any other questions or discussion. The motion carried unanimously.

Mayor Guess advised that public hearing was also continued until November 7, 2023.

3. Approved Closing an Unused Alley Located Off of 3rd Avenue SE, Petitioned by Jojida, LLC – Presentation by Public Works Director Steve Miller.

The City Clerk received a petition from Jojida, LLC owner of the properties abutting an unused alley located off of 3rd Avenue SE. The petition requests the City to close the unused alley per NCGS § 160A-299. The unused alley is bound on the north, east and west by the property owned by the Petitioner Jojida, LLC and bound on the south by 3rd Avenue SE. The signature on the petition represent all the owner(s) of the property abutting this portion of the right-of-way. The petition fee of \$830 has been paid. A memo was sent to various departments for their input on the street closing. Public Utilities advised sewer lines are inside this street, and easements for water and sewer would be needed, or abandoned, if they will not be used by the property. Staff recommends Council consider closing the unused alley located off of 3rd Avenue SE, as petitioned by Jojida, LLC.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on September 23, September 30, October 7, and October 14, 2023.

City Manager Warren Wood asked Public Works Director Steve Miller to the podium to present Council with a request from Jojida, LLC to close an unused alley located off of 3rd Avenue SE.

Public Works Director Steve Miller gave a PowerPoint presentation. He discussed the consideration for a street closure petition of an unused alley off of 3rd Avenue SE. It was a single party petition, Jojida, LLC bordered the properties surrounding the alley on the east, west, and north. He advised it was for Council's consideration to approve a Resolution and Order closing this portion of an unopened street adjoining 3rd Avenue SE. He referred to the PowerPoint and pointed out the area in question. To his knowledge, as long as he had been here, it had never been an actual street, it had always been an unopened right of way. He reiterated the Jojida, LLC owned everything surrounding all of this area here. He pointed out Lenoir-Rhyne Boulevard, a service station, and a laundry mat. He advised that 3rd Avenue cutover to Tate Boulevard. Staff requested Council's approval of a Resolution and Order closing this portion of an unopened street adjoining 3rd Avenue SE. He asked for questions.

Mayor Guess asked Council for questions for Mr. Miller.

Alderman Wood asked Mr. Miller if Council recently closed another alleyway in that vicinity like across the street from that.

Public Works Director Steve Miller did not recall one. There were a lot of streets in there that were closed a long time ago, but not recently that he remembered. He advised that Abel Cerda closed a street off of Lenoir-Rhyne Boulevard, but that was separate. That was not a piece of property that adjoins this one.

Alderman Wood was wondering if they were related.

Public Works Director Steve Miller commented a very similar circumstance.

Alderman Wood commented in close proximity to one another. He thanked Mr. Miller.

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

Alderwoman Patton moved, seconded by Alderwoman Williams approval to close the unused alley located off of 3rd Avenue SE. The motion carried unanimously.

RESOLUTION NO. 23-62

RESOLUTION AND ORDER

WHEREAS, Jojida, LLC owns properties adjoining the following described area, in the City of Hickory, County of Catawba, which is further described as follows:

An unused alley located off of 3rd Avenue SE

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

Being located in Hickory Township, Catawba County, North Carolina and more particularly described as:

BEGINNING at the northwestern corner of Lot 14, Plat Book 6 at Page 36, Catawba County Registry, in the southern line of Whitener, AND RUNNING THENCE FROM Beginning Corner South 68° 50' West 20.32 feet with the northern terminus of the alley to the northeastern corner of Lot 2; thence with the western line of the alley, first with the eastern line of Lot 2 South 11° 17' East 99.44 feet to the southeast corner of Lot 2, northeast corner of Lot 1; continuing with the western line of the alley and the eastern line of Lot 1 South 11° 17' East 136.64 feet to a corner, southeast corner of Lot 1 in the northern line of Yount Street; thence with the northern line of Yount Street and the southern terminus of the alley North 77° 42' East 20 feet to the southwest corner of Lot 3; thence with the eastern line of the alley and the western line of Lot 3 North 11° 17' West 139.33 feet to the northwest corner of Lot 3 and southwest corner of Lot 11; thence continuing with the eastern line of the alley and along the western line of Lots 11, 12, 13, and 14 North 11° 17' West 100 feet to the POINT OF BEGINNING.

The above description is taken from Plat Book 6 at Page 36, Catawba County Registry, "Property of Mrs. P.M. Smith, Yount Street."

WHEREAS, following the filing of said petition with the City Council, a notice of public hearing upon the question of closing and abandoning said area for public roadway purposes was advertised in The Hickory Daily Record in the issues of September 23, September 30, October 7, and October 14, 2023.

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

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

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

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

B. Departmental Reports

1. Accepted the Library's New Strategic Plan – Presented by Library Director Sarah Greene and Library Advisory Board Chair Lanie Wood.

A current long-range plan is required to qualify for State funding for library services. The Library Advisory Board worked with Library staff and consultants from the State Library of North Carolina to conduct a community survey in spring 2023. Results of the survey and community data were used to develop a new strategic plan to guide library services for the next 3 years. The previous strategic plan was developed and approved in 2019 and covered the years 2019-2022. To meet the current and future needs of City residents, we need to regularly review our library's services, collections, and programs. Based on the community's input, the staff and Advisory Board have worked to develop a comprehensive plan that clearly communicates the library's mission and provides guidance for developing and enhancing library services. Staff recommends acceptance of the 2024-2027 Hickory Public Library Strategic Plan.

City Manager Warren Wood advised the departmental report was the presentation of the Library's new Strategic Plan, and it would be presented by Library Director Sarah Greene and Library Advisory Board Chair Lanie Wood.

Library Director Sarah Greene gave a PowerPoint presentation. She presented the 2024 – 2027 Strategic Plan for Hickory Public Library. The library completes a long range plan every 3 to 5 years as required for their State funding. It also helps them to be intentional as they plan library services. She acknowledged members of the Library Advisory Board who were in attendance, Board Chair, Lanie Wood, and also, Cozette Sinclair. They, along with other members of the Board, worked hard to help them put the plan together, getting responses to community surveys, conducting interviews, reviewing some demographic data that they looked at. She was really grateful for their help.

Library Director Sarah Greene advised the library's mission was to promote a high quality of life by providing empowering opportunities and excellent service. They do this through employing the values of learning, creativity, and connection for everyone in all of their services and programs. These statements were included in their 2019 Strategic Plan, and they have remained consistent. They would see those same statements included here. In reviewing the data along with assessing their current services, they identified four areas that they want to focus on in the next few years. Those were access, partnerships, awareness, and impact. They were broad areas and covered the full range of library services. There would be some overlap, but they would go into specifics and give some examples, and some of their primary goals in each area.

Library Director Sarah Greene discussed access, which was about providing library services, how, when and where people need them. It was about locations and hours but also looking at convenience, ease of, and equitable policy. Making sure they eliminate any unnecessary barriers to impact to access and that they were providing a diverse selection of resources and programs that reflect the community. Some of the goals in this area were off-site access lockers. They may see these at retail stores, pickup lockers that people could get to their purchases after store hours or with minimal time in the store. They thought there was some opportunity there to make library use more convenient. Sunday afternoon hours have been requested in the past three of their Strategic Plan processes. That was still on the list. It was a frequent question that they got. During the pandemic they started offering some programs outdoors. They had yoga classes, art classes, and a variety of things and they had really good response. They would like to continue that and create some outdoor classroom space to enhance those programs. During the pandemic they saw about a 25% increase in patrons use of digital materials, eBooks, audiobooks, streaming video, those formats that people have gotten much more comfortable using the expectation was higher for what they have available. They want to continue to build those collections.

Library Director Sarah Greene advised the next area that they focused on was partnerships. They work with a lot of community organizations, and it helped them reach more people, broadened their impact, and provided more innovative programs, along with connecting people with community resources that they may not know about but could benefit from. Some of the goals in this area were to support K-12 students. They have a program that they had been using for a few years with Hickory Public Schools that they call their Launch Pad for Learning Program. That established public library accounts for students in grades K-12. They also work with them on a number of programs and also work with some of the private schools in the area, and a number of the County schools outside of Hickory. They were happy to help provide resources where they could to K-12 students. They thought there were opportunities to work with the business community and provide sponsorship opportunities to enhance some of their program offerings. They also worked on many projects with Lenoir-Rhyne University (LRU), Catawba Valley Community College (CVCC), and they were excited to find ways to work with Appalachian State University (ASU) as they had moved to Hickory, and they thought that was an important area to continue to focus on collaboration. They also would like to start an annual literary festival. This was the new project that was still in the idea phase, but they were looking at 2025 for the first event. It would be a really good opportunity to both promote literacy and form some of those connections.

Library Director Sarah Greene discussed awareness. People knew that the library had books on the shelf, but they do not always know the full range of services that they offer. They want to make sure that people understand what the library has available and the value of those services. To do that they want to expand their social media presence, reach out to new residents and businesses.

As the City grows, there are more opportunities to expand its services, but also new people who need to know what the library offers. They participate in community events with information tables and through some of their outreach services, but there were certainly more opportunities there to participate. They want to publish an annual report of library usage and service enhancements. They collect a lot of data, they report that to the State, but they have not been publishing that to promote to their library patrons. They think people would be interested to know.

Library Director Sarah Greene discussed the fourth area, impact. Looking at what were the things that they could do to make the most meaningful difference in the residents' lives. They knew that when they worked in the community and talked to their patrons, they could identify areas where the library could be most beneficial. They have a number of early literacy programs and services and great staff in their children's department. They talked a lot with community members about the impact of the pandemic on learning, especially access to childcare and early education opportunities. They would like to see more children and families participate in those early literacy services. They thought they could make an impact by providing services at more sites across the City so that people who may not make it into the library buildings, but who could still benefit would then have access. They use a number of methods to measure that impact and evaluate the quality of library services. They have a set of standards, the North Carolina Public Library Standards, that they use to evaluate library services. They conduct annual patron satisfaction surveys so people could tell them how they were doing, what they were doing well, what they like, what they do not like. They have more informal ways also that people can share their thoughts directly with staff. They have comment cards and suggestion boxes and then they do some brief program surveys. All of those ways help them continue to gather information in between these large planning efforts. She was thankful to the community members who answered their questions, and staff and board members and, City staff who helped with the process. It was a team effort, but it was worthwhile. She was excited about some of the work they would be doing in the next few years. She asked for questions.

Alderwoman Patton commented in the reporting piece, were they able to report or capture the amount of digital online reading that was being pulled from the library.

Library Director Sarah Greene replied yes, they could get reports from each of those products for eBooks and audio books and see what people were reading and how many items it got checked out.

Alderwoman Patton asked if they had a way that if someone was requesting something from the library and it was not there that they saw total, like how many hits, because she had put a whole list in the other day and got half of what she wanted. She went to the library, and they were so kind and helpful of how to request those books.

Library Director Sarah Greene advised they do, and they could get reports depending on which product it was, which digital platform, some were easier to see than others.

Mayor Guess asked for any other questions. He commented on behalf of the Council that they appreciated all the work that Ms. Greene and the staff do at the library. They certainly wanted to thank their volunteers and those that serve on the Library Advisory Board. They knew they put a lot of work into this, and they were going to see a lot of good results from it. They appreciated everyone and their participation and input for the future of the citizens. He thanked Ms. Greene.

City Manager Warren Wood advised Council need a motion and a second to vote to accept.

Alderman Seaver moved, seconded by Alderwoman Williams to accept the Strategic Plan. The motion carried unanimously.

Mayor Guess added that Hickory was one of the few cities that ran a library. Most of the counties were responsible for that. Not only do we have a library, but we have two libraries that we operate here in the City of Hickory, and that was very unusual.

City Manager Warren Wood commented there were about 550 cities and towns around the State, and he believed there were eight of those that operate their own library system. He commented that Sarah Greene and her staff do an

outstanding job. He thought they had the best Library Director in the State. She does a really good job.

City Council agreed.

Alderwoman Patton commented that all the interaction that she had at the library had been phenomenal.

2. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

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)
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT

HICKORY REGIONAL PLANNING COMMISSION

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

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Historic Properties Owner VACANT

LIBRARY ADVISORY BOARD

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

PUBLIC ART COMMISSION

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

RECYCLING ADVISORY BOARD

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

Mayor Guess commented that if anyone was interested in serving on any of these vacancies, they would certainly like to hear from them. They could contact Council and they would certainly point them in the right direction if they were interested, not only in these, but in the future for those that might be coming vacant in the future.

C. Presentation of Petitions and Requests

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

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

Alderman Freeman mentioned that October 18, 2023, at 10:30 a.m. they would be breaking ground. The groundbreaking ceremony would be the Historical Ridgeview Walk at the Taft Broome Park.

Mayor Guess commented that obviously everyone was invited to that. He advised if he was correct that was about a 1.2-mile extension of the trail, the City Walk and there would be others to follow that. The groundbreaking for that one was certainly something that they were looking forward to and had been looking forward to for quite some time. He mentioned this past week they had a delegation from the City's Sister City from Altenburger Land in Germany. He thought there were about a dozen of folks that were here. They planted a time capsule at the Western Piedmont Council of Governments. They were also planting one in Altenburger Land. For the next 20 years that will be underground. In 20 years, he would be 84 years old, and they were going to dig that up in 20 years and see how things have changed over the past 20 years. To

commemorate that their friends from their Sister City presented the City with a plaque, (which he displayed). He would make sure that City management got that, and they could properly display that with some other things that they had been presented with over the years. He wanted to make sure that they recognized that 30th Anniversary with their Sister City. Also, recently they had some Community Relations Council's Human Relations Awards that were given out. Those were given out to organizations, individuals, and businesses that go above and beyond promoting human relations in the City of Hickory. The two recipients of that this year, one was the Foothills Veterans Helping Veterans organization and the other was to a well-known individual Mr. Tracy Ray, who was the President of the Ridgeview Men of Action. They were the two most recent recipients of the Human Relations Award. He wanted to recognize them publicly and thank them for all that they do in the community.

Alderman Seaver mentioned there was another groundbreaking for the Aviation Museum next Thursday, October 26, 2023. He assumed it was going to be there at the grounds where it had been broken already.

Alderman Wood gave a blanket thank you to everybody that was involved with Oktoberfest. He had talked to several people who it gave them an opportunity to come to Hickory and they do not visit on a regular basis. Just rave reviews about Hickory, what was going on downtown and everything. All the effort that it takes to put that on, thanks to everybody.

Mayor Guess commented he was glad he mentioned that because he was sure they all had an opportunity to visit there and there were literally thousands of people, but he was always amazed at how quickly the City's crews made it look like nothing ever happened. He asked Public Works Director Steve Miller to relay that to everyone that had a part in that. It was almost immediately when that events over they get to work and within 24 hours or so downtown looks just like it was supposed to, it was clean, and it was all picked up and he appreciated that so much. Make sure they know that.

Alderman Williams reminded everybody that municipal elections, early voting started Thursday October 19th and goes through the November 4th. Election day was November 7th.

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

Mayor Guess moved, seconded by Alderman Patton, that Council go into closed session to approve the minutes of September 5, 2023, and also to discuss pending litigation under NCGS 143-318.11(a)(3) in City of Hickory vs Neill Grading and Construction Company, Inc.; Dane Construction, Inc.; Western Wood Structures, Inc.; Paul C. Gilham, P.E.; WSP USA Environment & Infrastructure, Inc. f/k/a Wood Environment & Infrastructure, Inc., f/k/a Amec Foster Wheeler Environment and Infrastructure, Inc., Catawba County File Number 22-CVS-804. The motion carried unanimously.

1. Approval of Closed Session Minutes of September 5, 2023 - NCGS §143-318.11(a)(1)
2. Discussion of Pending Litigation - NCGS §143-318.11(a)(3)

Council convened to closed session at approximately 6:35 p.m.

Council reconvened to open session at approximately 6:57 p.m.

Mayor Guess advised the City of Hickory reached a settlement in City of Hickory vs. Neill Grading and Construction Company, Inc., et al., Catawba County File Number 22-CVS-804. The settlement was subject to City Council's approval. The general terms of the settlement were as follows:

1. The Defendants will pay the City of Hickory \$1,325,000 on or before close of business on October 31, 2023.
2. The City of Hickory will file a Voluntary Dismissal with Prejudice with the Court dismissing the lawsuit.
3. The City of Hickory will execute a release and discharge the defendants from claims arising out of the design and construction of the arches spanning the Rudy Wright Bridge and the damage to the Rudy Wright Bridge and any other damage as a result of the collapse of the arches. The release will not affect any claim that any party may have arising from any latent defects in the construction of the Rudy Wright Bridge or any repairs to the Rudy Wright Bridge after the collapse of the arches that were not and could not have been discovered through reasonable diligence at the time of settlement. The release will not apply to portions of the project that extend past either side of the Rudy Wright Bridge.
4. The defendants will execute certain cross releases among themselves and dismiss crossclaims pending amongst themselves.

October 17, 2023

Mayor Guess moved seconded by Alderwoman Patton to approve the Release and Settlement Agreement. The motion carried unanimously.

XV. There being no further business, the meeting adjourned at 7:00 p.m.

Mayor

City Clerk