

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, July 16, 2024 at 6:00 p.m., with the following members present:

Tony Wood	Hank Guess	
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, Assistant City Manager Yaidee Fox, City Attorney Timothy Swanson, and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present except for Alderman Freeman who was on vacation.
- II. Invocation by Reverend David Roberts, Morning Star First Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Recognition of Retiring Finance Officer Melissa Miller

Mayor Guess thanked and congratulated Finance Officer Melissa Miller. He joked that she started working here when she was twelve years old. That was 30 years ago, and she was wiping tears from her eyes as they spoke. He told her how much they appreciated her and her 30 years of tremendous service here to the City of Hickory, staff, Council, and to the community. He knew that she started out in customer service, as a customer service rep in Collections. Since then, she worked her way up the ladder to where she was currently today. He did not have to tell the group that was present, especially those that were on staff, and the Council, how much her knowledge and her strong work ethic had allowed them to excel. She had built a great team to carry on the City's legacy of financial accuracy and superior customer service. He wanted to thank her for that. He would give her the opportunity to introduce her friends and family that were present and an opportunity to say a few words.

City Manager Warren Wood advised they had worked together for 30 years, and she started about the same time he did. She said her first job with the City was working the Collections drive up out back, and she said her grandfather actually put the roof on that building. There was a connection there. It had been a pleasure working with her. He had asked her to step up a number of years ago, and she did. She had done an outstanding job. They were thrilled that she was able to enjoy herself in retirement now. He thanked her for all she had done for the City. Thank you.

Alderwoman Patton appreciated all the professionalism that she had brought to the job, she felt like every time they have an audit, it was okay. She had taken care of it. It was a real sense of ease, of knowing how good she was and what she had done for the City, and they all appreciated it.

City Manager Warren Wood commented that she did such a good job that the City's auditor came to work here. She knew she was not walking into a train wreck or anything.

Mayor Guess commented don't mess this up, Kari.

Alderwoman Williams added, how many consecutive years in a row had the City won the award too? 28-years.

Mayor Guess commented it better be 29.

Alderwoman Williams thanked Melissa.

Mayor Guess asked Melissa for comments. There had been a reception before this Council meeting and invited her friends and family. He thought some of them were probably still present. He asked her to introduce those folks, and if there was anything she wanted to say, they would allow her that opportunity as well.

Finance Officer Melissa Miller noted that she thought everybody left. She introduced her mother, Jane Ward. She was at the City mainly because of her. Her mother told her to get a government job with benefits. So, that was what she did. She had another opportunity, but she did not want to drive to Greensboro, so she landed here 29 plus years ago, and she has loved it ever since.

Mayor Guess was glad that she landed here and that her mother was a smart lady.

Melissa Miller acknowledged some of the finance employees present. She was so glad that she had met so many people and had so many friends, she considered them family.

It was an honor and she appreciated Council, and the City Manager's office for always having their back. She was grateful to have been the Finance Officer for the past 12-years.

Mayor Guess commented they were grateful for her.

A standing ovation was given, and photos were taken with her mother.

B. Presentation of a Proclamation for Parks and Recreation Month

Mayor Guess asked staff from Parks, Recreation and Sports Tourism, and Parks and Public Properties to the podium. He advised they were some of the representatives of coworkers from Parks, Recreation, and Sports Tourism, and Parks and Public Properties. He advised this was not all of them. He asked how many total staff?

Parks Recreation and Sports Tourism Director Mark Seaman advised they had 19 full time staff.

Parks and Public Properties Manager advised 45 staff.

Mayor Guess commented pretty significant. The City has 26 parks and that encompasses a little over 500 acres. That did not count the medians, the new walks that were added, and all the landscaping, that kind of stuff that they maintain, take care of, and schedule for events, and things like that. This group present, and those that were not able to be present, had quite the task, and they make the City look very good and presentable, and all of the City's parks were in good shape. People always come to him, and he knew he could speak for the rest of the Council and brag about how nice and how well kept their parks were. He commented those present were responsible for the crews and the people that get the work done behind the scenes. He wanted to take this opportunity to be able to recognize the Parks and Recreation coworkers. This was Parks and Recreation Month. He read the Proclamation and presented it to Parks Recreation and Sports Tourism Director Mark Seaman. Photos were taken.

Staff introduced themselves: Mandel Linebarger, Recreation Programmer at Ridgeview Recreation Center; Jamarcus Antone, Recreation Programmer at Ridgeview Recreation Center; Charla Davis, Local Coordinator Senior Games; Jeff Taylor, Sports Tourism Coordinator with Parks and Recreation Department; Kyle Mishler, Recreation and Events Coordinator; and Joshua Rice, Parks and Public Properties Manager.

Parks Recreation and Sports Tourism Director Mark Seaman did not think a lot of people realized all the stuff that they do. They do all the programming and conduct a lot of the events, but those guys do all the behind the scenes, the mowing and all that kind of stuff. Parks and Public Properties staff maintained all of the buildings and properties, the classic parks, City Walk, pavilion, etc. Parks Recreation and Sports Tourism got a lot of the praise for the events they put on, but obviously without the staff with the Parks and Public Properties it would be kind of a mess if it was not mowed. He appreciated the unsung heroes and appreciated all of their folks and everything they do. He thanked the Mayor and Council.

V. Persons Requesting to Be Heard

- A. Mr. Bob Post, 1006 12th Avenue NW, Hickory, advised he had come before Council in November to commend them on their vision and execution of the Hickory Trail construction. He suggested at that time, safe access to the Hickory Trail for neighboring residents would be the key to successfully getting folks out to fully utilize that trail. Since moving to Hickory one year ago, their car had been totaled. They were hit from behind while at a stoplight on Route 127. Since they moved here, there had been 26 vehicle accidents, on the less than one mile stretch, of 12th Avenue NW, that runs in front of their house. That was one accident every two weeks on average. As he runs and bikes around Hickory, it was clear that the combination of roads lacking safe pedestrian passage, combined with vehicles traveling too fast was not safe. He commended Council on beginning the creation of a comprehensive safety action plan. The City had already completed a plan in 2020 addressing bicycle and pedestrian safety. He struggled to find any of the identified priority projects for sidewalks and bike paths identified in that plan. Important safety infrastructure that had been started. He had inquired about some of these projects and the response he received was the cost was quite high. And if the cost was high for safe pedestrian infrastructure, his suggestion was to focus on cost effective ways to slow down traffic in the City of Hickory. He had four ideas to present. First and foremost, let everyone know that Hickory was putting the highest priority on the safety of their residents by making 25-mph the City of Hickory's speed limit, with exceptions as needed. If the two-lane one-way 2nd Avenue and 3rd Avenue Streets were 25-mph why would any turn off those streets put him on a 35-mph side street? In fact, why does any residential street in Hickory need a speed limit over 25-mph? Let's save the time and money associated with petitions and approval and instead make all streets safer. Next, increase the penalty for exceeding speed limits within the City boundaries. Word would spread that Hickory was not a place

to speed, and money could be made available for traffic calming projects. If they were going to ask their police to increase speed limit enforcement, then help them by putting teeth into the penalty for exceeding speed limits. Three, add more visible lane markings and wording on their streets. Words like slow down, a multi-use path on 12th Avenue NW may be too expensive, but narrowing the vehicle lanes with road markings could slow traffic and provide a separate lane for bikes and pedestrians. And last, install traffic calming techniques proactively, instead of waiting for petitions from residents. Speed limit feedback signs to remind drivers how fast they were driving were effective. He saw them put up temporarily. Let's install them permanently on key roads. Install flashing warning signs on roads with limited visibility so drivers are aware they need to slow down and pay extra attention. He was hopeful that the safe streets study was going to result in money for projects to make Hickory safer, but let's implement some low-cost initiatives now to slow down traffic in Hickory. He thanked Council.

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

VI. Approval of Minutes

A. Regular Meeting of June 18, 2024.

Alderwoman Patton moved, seconded by Alderman Zagaroli that the Minutes of June 18, 2024 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 23. (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.

City Attorney Timothy Swanson requested Item "E" be removed from the Consent Agenda.

Mayor Guess moved, seconded by Alderman Seaver approval of the Consent Agenda with the Exception of Item "E". The motion carried unanimously.

A. Approved on First Reading a Speed Limit Reduction to 25mph along 20th Avenue NW between North Center Street (NC127) and 2nd Street NW, and along 20th Avenue Drive NW from 20th Avenue NW to the End of the Street.

Staff request Council's approval to implement a speed limit reduction to 25mph along 20th Avenue NW between North Center Street (NC 127) and 2nd Street NW, and along 20th Avenue Drive NW from 20th Avenue NW to the end of the street. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to apply to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with a certain percentage of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 20th Avenue NW with regards to the Neighborhood Traffic Calming Program and have found the property owners to comply with the guidelines. The petition does qualify for a speed limit reduction to 25mph. Forty-five (45) properties were included in the petition and twenty-seven (27) properties signed in favor of implementation. This represents at least 60% approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to the speed limit reduction to 25mph along 20th Avenue NW between North Center Street (NC 127) and 2nd Street NW, and along 20th Avenue Drive NW from 20th Avenue NW to the end of the street.

ORDINANCE NO. 24-26

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 20th Avenue NW between North Center Street (NC 127) and 2nd Street NW, and along 20th Avenue Drive NW from 20th Avenue NW to the end of the street to 25 mph.

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

This Ordinance shall become effective immediately upon adoption.

- B. Approved a Resolution Authorizing an Upset Bid Process for Property Located at 1560 4th Avenue SE, Hickory, NC for a Non-Exclusive Parking Lot Lease Agreement with One Kingdom Alliance International dba iChurch.

The City is the owner of the property located at 1560 4th Avenue SE, Hickory. One Kingdom Alliance International d/b/a iChurch requests to enter into a Non-Exclusive Lease of the parking lot for an initial term of 10-years with successive options to renew of five-years each. North Carolina General Statute Section 160A-272 permits North Carolina municipalities to lease real property for terms of more than 10-years by following the upset bid procedure set for in North Carolina General Statute Section 160A-269 for the sale of real property. Staff requests Council's approval of a Resolution authorizing an upset bid process for the property located at 1560 4th Avenue SE, Hickory, with respect to the proposed lease agreement with One Kingdom Alliance International d/b/a iChurch. If no qualifying upset bid is received Council directs the Mayor or City Manager to execute the Non-Exclusive Parking Lot Agreement with One Kingdom Alliance International d/b/a iChurch.

RESOLUTION NO. 24-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HICKORY AUTHORIZING AN UPSET BID PROCESS WITH RESPECT TO PROPOSED LEASE PURSUANT TO PROVISIONS OF N.C.G.S. 160A-272

WHEREAS, North Carolina General Statute Section 160A-272 permits North Carolina municipalities to lease real property for terms of more than ten (10) years by following the upset bid procedure set forth in North Carolina General Statute Section 160A-269 for the sale of real property; and

WHEREAS, the City of Hickory is the owner of that certain tract or parcel of real property ("Property") situated in Hickory Township, Catawba County, North Carolina, commonly known as 1560 4th Avenue SE, Hickory, NC 28602, which Property is more particularly described in Deed Book 2507, Page 1481, Catawba County Registry; and

WHEREAS, the City of Hickory has received a written offer from One Kingdom Alliance International d/b/a iChurch to entered into a non-exclusive lease of the Parking Lot for an initial term of ten (10) years with successive options to renew of five (5) years each, which Lease shall commence on August 1, 2024 at a rental rate of \$1.00, pursuant to that certain Non-Exclusive Parking Lot Lease Agreement attached hereto as Exhibit 1 and incorporated herein by this reference; and

WHEREAS, the terms and conditions of the offer are set out in the attached Amendment to Lease Agreement, to be entered into between the City of Hickory and One Kingdom Alliance International d/b/a iChurch if the offer is accepted by the City of Hickory; and

WHEREAS, One Kingdom Alliance International d/b/a iChurch is required by law to submit a 5% bid deposit with the City Clerk; and

WHEREAS, the City of Hickory wishes to authorize the lease of the Property through the upset bid procedure.

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

1. The City Council hereby declares the Property surplus to the needs of the City of Hickory and authorizes its lease through the upset bid procedure set out in North Carolina General Statute Section 160A-269.
2. Upon receipt of the required 5% bid deposit, the City Clerk shall cause notice of the proposed lease to be published in the Hickory Daily Record as required by law. The notice shall describe the Property and the amount of the offer and shall state the terms of the offer and how it may be upset.
3. Any person wishing to upset the offer of One Kingdom Alliance International d/b/a iChurch must submit a sealed bid with their offer to the office of the City Clerk within ten (10) days after the notice is published. At the conclusion of the ten (10)

day period, the City Clerk shall open the bids, if any, and the highest such bid shall become the new offer. If more than one (1) bid is received, the highest such bid received shall become the new offer.

4. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a ten (10) day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
 5. A qualifying higher bid is one that raises the existing offer by an amount of not less than 10% of the first \$1,000 of that offer, and 5% of the remainder of that offer.
 6. A qualifying higher bid must be accompanied by a deposit in the amount of 5% of the bid, which deposit must be made in cash, certified check, or cashier's check. The City of Hickory will return the deposit on any bid not accepted and will return the deposit on any offer subject to upset if a qualifying higher bid is received.
 7. If a qualifying higher bid is received, the terms of approval of the high bid shall be as follows: (a) the City Council intends to act on the final high offer, which it will do by accepting or rejecting the higher offer within thirty (30) days after the end of the final upset bid period and (b) the high bidder must agree to be bound by all of the terms and conditions of the Non-Exclusive Parking Lot Lease Agreement.
 8. The City of Hickory reserves the right to (a) withdraw the Property from upset bid procedure at any time before the final high bid is accepted and (b) reject at any time all bids.
 9. If no qualifying upset bid is received after the initial public notice, the offer set forth above from One Kingdom Alliance International d/b/a iChurch, with such non-substantial changes as are approved by the City Manager, is hereby accepted upon execution of the Non-Exclusive Parking Lot Lease Agreement by the Mayor or City Manager without further action of City Council.
 10. If no qualifying upset bid is received after the initial public notice, the Mayor or the City Manager is authorized to execute the Non-Exclusive Parking Lot Lease Agreement and any other instruments necessary to lease the Property to One Kingdom Alliance International d/b/a iChurch. The offer to lease is not accepted until the Non-Exclusive Parking Lot Lease Agreement is executed as herein-above provided.
- C. Approved a Resolution Authorizing an Upset Bid Process for the Advertisement of an Offer to Purchase City-Owned Property, Being Tract 1, Plat Book 17, at Page 54, Catawba County Registry, (Lot 1, 17th Avenue Place NW).

The City is the owner of Tract 1, Plat Book 17, at Page 54, Catawba County Registry, (Lot 1, 17th Avenue Place NW). The City has received an offer to purchase said property in the amount of \$75,000. North Carolina General Statute Section 160A-269 allows the City to receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. Staff requests Council's approval of a Resolution authorizing an upset bid process for Tract 1, Plat Book 54, Catawba County Registry. If no qualifying upset bid is received, Council directs the City Manager to execute the offer to purchase and contract and all documents related to the sale.

RESOLUTION NO. 24-44

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO PURCHASE CERTAIN PROPERTY

WHEREAS, City Council of the City of Hickory desires to dispose of certain surplus properties of the City of Hickory.

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

1. The following described property is hereby declared to be surplus to the needs of the City of Hickory:

Approximately .6943-acres more or less, being Tract 1, Plat Book 17, at Page 54, Catawba County Registry, Identified as PIN 3703-06-48-7190, Catawba County GIS.
2. City Council has received an offer to purchase and contract for the sum of \$75,000 for Tract 1, Plat Book 17, at Page 54, Catawba County Registry. The person making the offer deposited the sum equal to five percent (5%) of his or her offer, with Amber R. Mueggenburg, PLLC.

3. City Council proposes to accept the offer unless a qualifying upset bid shall be made.
4. The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
5. Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash, cashier's check, or wire funds. At the conclusion of the ten (10) days, the City Clerk shall open the bids, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6. If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.
7. Upon approval of the final upset bid, total payment for the property must be received by the City of Hickory within 30 days of the bid award.
8. City Council authorizes the City Manager to execute all documents related to the sale if no upset bids are received after due advertisement.

- D. Approved the Purchase of a Heil DuraPack Half Pack Front-End Loading Refuse Body, and a 2025 Mack Terrapro Cab Chassis in the Amount of \$364,994.66 from Carolina Environmental Systems, Inc. under the NCSA Contract #24-08-0421.

Staff requests the approval of the purchase of a Heil DuraPack Half Pack 40 cubic yard heavy duty front-end loading refuse body complete with all standard specifications and NCSA base body specification package in the amount of \$183,994.66, and a 2025 Mack Terrapro cab chassis complete as per the specifications, to include a five year 250,000 mile engine, engine aftertreatment system warranty, and a five year unlimited mile transmission warranty in the amount of \$181,000, under the NCSA Contract #24-08-0421, from Carolina Environmental Systems, Inc. The Commercial Solid Waste Division capital equipment improvement plan includes the replacement of a front load refuse truck in FY24-25. These trucks are used to collect commercial solid waste dumpsters and account for nearly 50 percent of the waste collected. Staff recommends Council's approval of the purchase of the front-end loading refuse body and the 2025 Mack Terrapro cab chassis from Carolina Environmental Systems, Inc. in the total amount of \$364,994.66 under the NCSA Contract #24-08-0421.

- E. Removed from Consent Agenda to be Considered at a Future Council Meeting an Ordinance Amending the Parking Enforcement Provisions of the City of Hickory Code of Ordinances.

Staff requests approval of amending the parking enforcement provisions of the City of Hickory Code of Ordinances for the following: Section 11-47. - Fire Lanes - Section 11-47(d) shall be amended and Section 11-47(e) shall be added; Section 18-121. – Violations shall be amended; Section 18-122. - Enforcement, generally; payment to satisfy violation shall be amended; Section 18-212. - Handicapped parking privileges, Section 18-212 (e) shall be deleted; Section 18-213. - Special parking places restricted to handicapped – shall be amended; Section 18-214. - Privileges extended to non-handicapped operator(s) shall be amended; and Section 18-215. - Penalty for violation – shall be amended. The changes are intended to ensure more effective enforcement and compliance with parking regulations. Staff recommend approval of the amendments to the parking enforcement provisions of the City of Hickory Code of Ordinances.

- F. Approved the First Amendment to the Economic Development Agreement with Corning Optical Communications.

Staff requests Council's approval of the first amendment to the economic development agreement with Corning Optical Communications. The City and Corning Optical Communications previously entered into an Economic Development Agreement dated September 28, 2021. The following shall be amended as described in the First Amendment to the Economic Development Agreement (EDA): Section 1- Company, paragraphs 1, 3, and 4, shall be amended, which modifies Corning's responsibility to create a minimum of 200 new jobs and capital improvements to their property; Section II – City, paragraph 6(a), (b), (c), and (d) shall be amended, which reflects the City of Hickory's requirements for payment of economic development incentives for real and personal improvements and for job creation; Section II – City, Exhibit "A" of the EDA shall be amended. Except where a covenant or provision is explicitly amended, all covenants and provisions in the Economic Development Agreement shall remain in full force and effect Staff recommends approval

of the First Amendment to the Economic Development Agreement with Corning Optical Communications.

- G. Approved Applying for the Airport Terminals Program funded by the Bipartisan Infrastructure Law in the Amount of \$2 Million Dollars in Grant Funding.

Staff requests the Council's approval to apply for the Airport Terminals Program funded by the Bipartisan Infrastructure Law. Five billion dollars has been allocated over five years to provide competitive grants for airport terminal development projects that address the aging infrastructure of the nation's airports. These grants will fund safe, sustainable, and accessible airport terminals. City staff wish to apply for this grant funding for renovations and improvements at the Hickory Regional Airport Phil C. Yount Terminal. Currently, the terminal is not used for its original intended purpose of commercial passenger service. Crosswinds Restaurant, Sky View Aviation Flight Instruction, the Hickory Hop, and the Hickory Aviation Museum are current tenants inside the terminal. The proposed renovations would include but are not limited to Americans with Disabilities Act (ADA) accessibility improvements, improved energy-efficient lighting, and renovations to the current Airport Museum for office or workspace for future economic development purposes. The City wishes to improve the current terminal with the understanding that there may be future opportunities to reinstitute passenger service at the Hickory Regional Airport. City Staff are currently working with the airport's engineering firm, Talbert, Bright, and Ellington, to determine the scope and cost of these improvements. The application for this grant is due on July 31, 2024. This is a project that has been deemed necessary to the overall benefit of Hickory Regional Airport, the future growth and expansion of private, charter, freight, and possible future commercial services. There will be 5% local matching funds for the City to consider. Staff recommends that the Council approve the City's application for the Bipartisan Infrastructure Law—Airport Terminals Program, in the amount of \$2 million dollars of grant funding, which includes 5% in local matching funds.

- H. Approved an Addendum to the Contract with City of Claremont for Sale of Wastewater Services to Change the Metering Location for the McLin Outfall.

Staff requests Council's approval of an addendum to the January 14, 2019, City of Hickory Contract with City of Claremont for Sale of Wastewater Services to change the metering location for the McLin Outfall. The City of Claremont approached the City of Hickory in 2009 with desires to employ the services of the City of Hickory Public Utilities Department to operate, maintain and manage two wastewater treatment Facilities, five collection system lift stations, provide operator in responsible charge credentials for distribution and collections systems, and provide ancillary operations testing, flushing, engineering etc. Claremont now seeks to employ the treatment services of the Hickory-Catawba Wastewater Treatment Facility (WWTF) to provide modern, cost-effective treatment services to the City of Claremont for the long term. This contract amendment changes the metering location from the original "Point A", along McLin Creek, to "Point B" near the Hickory-Catawba WWTF. There are provisions in the amendment to deduct amount charged for wastewater flowing from current or future Catawba County customers also connected to the new outfall. Staff recommends Council's approval of an addendum to the January 14, 2019, City of Hickory Contract with City of Claremont for Sale of Wastewater Services to change the metering location for the McLin Outfall.

- I. Approved Change Order 3 with Fuller & Co. Construction, LLC for a Contract Deduction in the Amount of \$273,788.45 for the Murray Basin Sewer Project.

Staff requests Council's approval of change order number 3 with Fuller & Co. Construction, LLC for a contract deduction in the amount of \$273,788.45 for the Murray Basin Sewer Project (SRF CS370389-22). The Murray Basin Project includes the addition of multiple pumping stations, force main and the upgrade of existing gravity sanitary sewer lines. Flows from the existing system relayed back to existing City of Hickory WWTF will result in a net savings of approximately \$400,000 annually. Additionally, the additional flows of the Murray Basin into the Henry Fork WWTF will be welcome addition as the facility currently is running at approximately 27% capacity. Council approved the original contract with Fuller & Co. Construction, LLC on May 18, 2021 in the amount of \$5,624,051.10. These changes account for as-built quantities and will serve as the final change order to zero out the remaining line items not being constructed/billed as part of this project. Staff recommends Council's approval of change order number 3 with Fuller & Co. Construction, LLC, for a contract deduction in the amount of \$273,788.45 for the Murray Basin Sewer Project (SRF CS370389-22).

- J. Approved a Contract with the North Carolina Department of Commerce for the Downtown Streetscape Improvement Grant in the Amount of \$850,000.

Staff requests approval of a Rural Downtown Economic Development Agreement with the North Carolina Department of Commerce for the improvement of downtown streetscapes. The North Carolina Department of Commerce has recently advertised a program to provide grant funding for economic development. Since Hickory is located within a tier 2 county, as

defined by the NC Department of Commerce, the City was eligible to apply for up to \$850,000 in funding for improvements to the downtown area. The program provides funding for streetscape improvements and other downtown development projects. Staff applied for funding to upgrade the streetscapes on Government Avenue from 1st Street SW and 3rd Street SW and 1st Avenue NW between North Center Street and 2nd Street NW. These upgrades will include bulb-outs, improved outdoor spaces, and lighting to match the existing streetscapes in the downtown area. The grant requires a 5 percent match from the City of Hickory. The NC Department of Commerce announced the approval of the \$850,000 grant in June 2024. Staff have begun full design work on the improvements, and the project should be competitively bid later this year. All work must be completed by December 31, 2026. Staff recommends approval of the Rural Downtown Economic Development Grant Agreement with the NC Department of Commerce.

- K. Approved a Resolution Authorizing the Execution of Kroger Opioid Settlement and Approving the Second Supplementary Agreement for Additional Funds.

Staff requests Council's approval of a Resolution authorizing the execution of the Kroger Opioid Settlement and approving the second supplementary agreement for additional funds. The City of Hickory joined thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct. A settlement was reached in litigation against the Kroger Co. as well as its subsidiaries, affiliates, officers, and directors named in the Kroger Settlement. Representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a second supplemental agreement for additional funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements. By joining the settlements and approving the SAAF-2, the State and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible. It is advantageous to the City of Hickory and its residents to sign onto the settlements and SAAF-2 and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the State and this municipality to help abate the harm. The SAAF-2 directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis. Staff recommends Council's approval of the Resolution authorizing the execution of the Kroger Opioid Settlement and approving the second supplementary agreement for additional funds.

RESOLUTION NO. 24-45

RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF HICKORY AUTHORIZING EXECUTION OF KROGER OPIOID SETTLEMENT AND APPROVING THE SECOND SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS

WHEREAS, the opioid overdose epidemic has taken the lives of more than 37,000 North Carolinians since 2000; and

WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, a settlement has been reached in litigation against the Kroger Co. ("Kroger") as well as its subsidiaries, affiliates, officers, and directors named in the Kroger Settlement; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Second Supplemental Agreement for Additional Funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements; and

WHEREAS, by joining the settlements and approving the SAAF-2, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including THE City of Hickory and its residents, to sign onto the settlements and SAAF-2 and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the state and this municipality to help abate the harm; and

WHEREAS, the SAAF-2 directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis.

NOW, THEREFORE BE IT RESOLVED, that the City Council for the City of Hickory hereby authorizes the City Manager to execute all documents necessary to enter into opioid settlement agreements with Kroger, to execute the SAAF-2, and to provide such documents to Rubris, the Implementation Administrator.

- L. Approved on First Reading Budget Revision Number 20EC.

ORDINANCE NO. 24-16
BUDGET REVISION NUMBER 20EC

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
General Government	106,648	5,824
TOTAL	106,648	5,824

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	5,824	-
Restricted Intergovernmental	95,000	-
TOTAL	100,824	-

SECTION 2. To amend the State & Local Cybersecurity Grant (#450002) Grant Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	5,824	100,824
TOTAL	5,824	100,824

To provide funding for the above, the State & Local Cybersecurity Grant (#450002) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	-	95,000
TOTAL	-	95,000

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.

- M. Approved on First Reading Budget Revision Number 1.

ORDINANCE NO. 24-28
BUDGET REVISION NUMBER 1

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, 2025, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2024-25 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	-	600,000
Other Financing Uses	600,000	-
TOTAL	600,000	600,000

SECTION 2. To establish the Aviation Museum Connector (#70015) Grant Project, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	3,000,000	-
TOTAL	3,000,000	-

To provide funding for the above, the Aviation Museum Connector (#70015) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	600,000	-
Restricted Intergovernmental	2,400,000	-
TOTAL	3,000,000	-

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 – Item “E”

City Attorney Timothy Swanson advised Item “E” was the parking fine amendment in the ordinance, and they needed to tweak some language in that and should have it ready for the next meeting.

X. Informational Item

XI. New Business

A. Public Hearings

B. Departmental Reports:

1. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

CITIZENS ADVISORY

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

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) Lynn Sampson Eligible for Reappointment
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
Caucasian (Council Appoints) VACANT
Caucasian (Council Appoints) VACANT
Caucasian (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)
Ward 1 (Wood Appoints) Bill McBrayer Eligible for Reappointment
Ward 2 (Williams Appoints) (Philip Reed Resigned Effective 8-1-2024)
Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

Alderman Wood nominated Bill McBrayer for reappointment on the Hickory Regional Planning Commission.

HISTORIC PRESERVATION COMMISSION

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

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 2 (Williams Appoints) VACANT
 Ward 3 (Seaver Appoints) Pamela Kiefer Eligible for Reappointment

Alderwoman Williams advised the Ward 2 Representative for the Library Advisory Board had been filled by Suzanne Williams.

PARKS RECREATION AND SPORTS TOURISM

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 1 (Wood Appoints) Susan Bisulca Eligible for Reappointment

Alderman Wood nominated Susan Bisulca for reappointment as Ward 1 Representative on the Parks Recreation and Sports Tourism Board.

PUBLIC ART COMMISSION

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

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 4 (Freeman Appoints) VACANT
 Ward 5 (Zagaroli Appoints) VACANT
 Ward 6 (Patton Appoints) VACANT
 At-Large (Council Appoints) VACANT
 At-Large (Council Appoints) VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Hickory High School VACANT

Recommendation of Meah Wilkins as a Hickory High School Representative

Hickory High School VACANT
 Homeschool VACANT

Mayor Guess nominated Meah Wilkins as a Hickory High School Representative on the Youth Council.

Mayor Guess moved seconded by Alderwoman Patton approval of the above nominations. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Mayor Guess mentioned the movie nights had started downtown, weather permitting, on Saturdays, the next one a week from Saturday. The schedule should be online. It was 8:30 p.m. on Saturdays throughout July and August. He commented for those that did not hear it or see it, the City got the delivery of their Marine Harrier jet yesterday at the Hickory Aviation Museum. It was a big day. There were lots of folks there. It was a great event. If they did not see it or hear it, then they must have been out of town. They had an enjoyable time out there for that, and they were glad to have that addition to the new aviation museum that was under construction. The Aviation Walk would open at the end of this month on July 30th at 10:00 a.m. It was a public event, of course, and they could attend that if they would like. They have a lot going on, and they were welcome to attend those functions as well.

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

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

1. Approval of Closed Session Minutes of December 19, 2023 - NCGS §143-318.11(a)(1)
2. Discussion of Personnel Matter - NCGS §143-318.11(a)(6)

Council convened to closed session at approximately 6:23 p.m.

July 16, 2024

Council reconvened to open session at approximately 7:22 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 7:22 p.m.

Mayor

City Clerk