

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, April 5, 2016 at 7:00 p.m., with the following members present:

Brad Lail	Rudy Wright	Hank Guess
Vernon Tarlton	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: City Manager Mick Berry, Assistant City Manager Rodney Miller, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Governmental Affairs Manager Yaidee Fox, and City Clerk Debbie D. Miller

- I. Mayor Wright called the meeting to order. All Council members were present.
- II. Invocation by Rev. Mark Andrews, Pastor, St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations

- A. Proclamation for National Public Safety Telecommunications Week.

City Manager Mick Berry asked Hickory Police Department's Lieutenant Vidal Sipe and the Telecommunicators to the podium.

Alderman Guess advised that Lieutenant Vidal Sipe would be Captain Sipe at the end of the week.

Council congratulated Lieutenant Sipe.

Mayor Wright commented that when you call with an emergency, these are the folks that make sure that the right people get there in the shortest amount of time, and they are also responsible for interrupting the emergency to give the officers clues about potential dangers to the officers. It is a very important job, and one that takes a lot of patience. There is a little stress involved at all times and sometimes a lot of stress. He read and presented a Proclamation for National Public Safety Telecommunications Week to Lieutenant Vidal Sipe and the Telecommunicators in attendance.

Lieutenant Sipe recognized the Police Department's Telecommunicators: Supervisors Shelley Davis and Nicole Sain, Samatha Smith, Mickey Lafone, Holly Page, Erin Gross, Jeanne Davis, Jena Halcomb, Kay Weaver, Rebecca Ward, Regina Lee, Tammy Curtis, Vickie Mosteller (retiree), Summer Andrews, Bruce Teague, Camille Dockery, Kathy Ferrell, and Ladashia Dula. He told a story about a recent event that the Telecommunicators had went through in which they stayed over for about an hour or hour and a half just to make sure that rotation of officers involved in the pursuit got out safely. Some of them had been put in for awards. They are proud of the job that they do not only for the community and the citizens, but also for their fellow workers. He thanked them for the job that they do at the Police Department.

Mayor Wright confirmed there was 17 Telecommunicators.

Lieutenant Sipe advised 17 full-time and one part-time for a total of 18.

Mayor Wright commented that it is very important that it is manned 24/7. The thanked them and commended them on a good job.

- B. Proclamation for Fair Housing Month.

Mayor Wright read and presented a Proclamation for Fair Housing Month to Mike Kelly Jr.

- C. Presentation of a Proclamation for Volunteer Week in Catawba County to Cheryl Abee, Director, Volunteer Center/Information & Referral Catawba County United Way.

Mayor Wright read and presented a Proclamation for Volunteer Week in Catawba County to Cheryl Abee, Director, Volunteer Center/Information & Referral Catawba County United Way. He commented that Ms. Abee was a representative who represents all of the volunteers and all of the volunteer organizations as a devoted member of the United Way center.

Ms. Abee advised this is a national recognition effort for next week for United Way worldwide. They try to matchup volunteers throughout Catawba County with opportunities that their non-profits need. Not just agencies supported by United Way, but any non-profits that need volunteers in the County. She commented that there were volunteers in the room that were recognized and from the City that have volunteered for them on their behalf. She thanked Council for acknowledging this.

Mayor Wright advised that Council had been provided with a handout for the Parade of Homes for 2016.

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of March 15, 2016

Alderman Tarlton moved, seconded by Alderman Zagaroli that the Minutes of March 15, 2016 be approved. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Tarlton seconded by Alderman Zagaroli and the motion carried unanimously.

B. Special Meeting of March 21, 2016

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of the Special Meeting of March 21, 2016 be approved. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderwoman Patton and the motion carried unanimously.

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

Alderman Seaver moved, seconded by Alderman Guess that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderman Guess and the motion carried unanimously.

A. Approval of a Community Appearance Grant for Non-Residential Property Owned by Rahe Bryce, LLC Located at 200 2nd Street NW in the Amount of \$3,897.50. (First Reading Vote: Unanimous)

B. Contract Addition with Freese Nichols in the Amount of \$27,000. (First Reading Vote: Unanimous)

C. Budget Ordinance Amendment Number 19. (First Reading Vote: Unanimous)

D. Budget Ordinance Amendment Number 20. (First Reading Vote: Unanimous)

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

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

Mayor Wright announced that the motion was made by Alderman Guess seconded by Alderwoman Patton and the motion carried unanimously.

A. Approved a Proclamation for Arbor Day, April 23, 2016.

A. Approved a Proclamation for Lineman Appreciation Day, April 18, 2016.

C. Approved a Proclamation for Child Abuse Prevention Month.

D. Approved Special Events Activities Application Downtown Hickory Shuck & Peel Party, Connie Kincaid, HDDA Executive Director, November 12, 2016, 6:00 a.m. to 11:00 p.m., Union Square.

E. Approved Special Events Activities Application A Hickory Holiday, Connie Kincaid, HDDA Executive Director, December 15, 2016, 3:00 p.m. to 8:00 p.m., Union Square.

F. Approved on First Reading a Contract to West Carolina Freightliner, LLC in the Amount of \$118,089 for the Purchase of a 2017 Freightliner Tandem Axle Road Tractor with Glider Kit.

Staff requests approval of the contract with West Carolina Freightliner, LLC in the amount of \$118,089 for the purchase of a 2017 Freightliner Tandem Axle Road Tractor with Glider

Kit. The Solid Waste Department uses tandem axle road tractors to pull trailer loads of garbage from the transfer station daily to the Catawba County Landfill. This equipment is an essential function of the Solid Waste Division as a whole and must be operational for the transfer station facility to properly operate as a central, cost saving measure for all solid waste trucks to unload collected garbage from around the City. The approved capital budget for purchase of this tandem axle road tractor was \$110,000. A required wet kit to run the hydraulics of the compaction trailers is \$8,089. The cost for the wet kit will be covered from unused money from another under budget line item. Staff recommends approval of the contract with West Carolina Freightliner, LLC in the amount of \$118,089. In accordance with North Carolina General Statute 143-129(e)(6), the department requests Council to approve this purchase under the sole source provision as an exception instead of a public bid process.

- G. Approved the Request from Hickory Police Department to Award Police Badge and Service Weapon to Retiring MPO Mike Beach.

By authority of NC General Statute §20-187.2, City Council may award the service weapon (Glock Model 19-Serial #UVZ991) and police badge to retiring MPO Mike Beach upon his retirement from Hickory Police Department on May 1, 2016 after completing 30 years of qualifying service with Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory.

- H. Accepted the North Carolina Department of Transportation – Division of Aviation Grant 36244.33.13.1 in the Amount of \$90,000 for Approach Land Acquisition and Obstruction Removal.

On November 5, 2013 City Council approved the Hickory Regional Airport's Transportation Improvement Program Submittal for FY2015-2021 to the North Carolina Department of Transportation (NCDOT). It included specific future capital project improvements for the airport. Land acquisition and obstruction removal was part of that submittal indicating acquisition of additional land as needed and obstructions removed to allow for a safe glide path for a 600 foot extension of Runway 6. By a letter dated February 22, 2016, the NCDOT has allocated State funds via grant 36244.33.13.1 with the State share of \$90,000 and the local share of \$10,000 for land acquisition and obstruction removal. Staff recommends City Council's acceptance of grant 36244.33.13.1 in the amount of \$90,000 from the North Carolina Department of Transportation.

- I. Approved the Appointment of Sandy Jones to City of Hickory Tax Collector for an Additional Two-Year Term.

Staff requests approval to reappoint Sandy Jones, current Grants and Projects Coordinator in the Finance Department, as City of Hickory Tax Collector for an additional two-year term. In order to comply with Chapter 105 of the North Carolina General Statutes, the City should appoint a designated Tax Collector for the municipality to cover the additional tax duties at the City level. The City of Hickory is currently responsible for printing, mailing, collecting, answering taxpayer inquiries, advertisement, and enforcing collections procedures for the City of Hickory within Burke and Caldwell counties. The City appointment will have no impact on the current Catawba County Tax Collector designation for all other City of Hickory taxes. Staff recommends reappointing Sandy Jones as City of Hickory Tax Collector for an additional two year term.

- J. Approved on First Reading Approval of Auditing Contract with Martin Starnes & Associates.

The North Carolina Local Government Commission does not require formal bid requirements for auditing services due to the professional relationship formed between auditors and clients over an extended work history. The Secretary of the Local Government Commission approves all local government contracts for audit or audit-related work. Martin Starnes & Associates offers a competitive rate for their services and is widely known for their professional staff and service through the local government community. The City of Hickory has utilized the services of Martin Starnes & Associates for the past several years with excellent results. Martin Starnes & Associates was also contracted to produce the City's Comprehensive Annual Financial Report at a substantial cost savings from previous years. Staff recommends approval to accept the auditing contract with Martin Starnes & Associates for fiscal years ending June 30, 2016 – 2018. Total fees for Audit, Financial Preparation, and AFIR for 2016 - \$56,000; 2017 - \$57,675, and 2018 - \$57,675.

- K. Approved on First Reading Community Relations Council's Recommendation for Funding of Seven Grants totaling \$7,300.

As part of the Community Relations Council work plan and annual budget process, the Community Relations Council (CRC) receives funds to disperse during the fiscal year through the CRC's grant process. Non-profit agencies working with diverse populations in

Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC's goals and mission and how the program will serve to improve human relations in the Hickory area. For the spring 2016 grant cycle, the CRC received twelve grant applications for projects totaling \$15,250, and is recommending approval of seven of the grants totaling \$7,300. The seven grants include: Women's Resource Center - \$750; Safe Harbor Rescue Mission - \$750; Council on Adolescents of Catawba County, Inc. - \$1,300; Hickory Community Theatre - \$1,500; Catawba Valley Quilters Guild - \$800; Lenoir-Rhyne University Office of Multicultural Affairs - \$1,000; and Hickory Public Schools - \$1,200. Community Relations Council recommends Council's approval for funding of the seven grants listed totaling \$7,300.

- L. Approved on First Reading Budget Ordinance Amendment Number 21.

ORDINANCE NO. 16-14
BUDGET ORDINANCE AMENDMENT NO. 21

BE IT ORDAINED by the Governing Board of the City of Hickory, that pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2016.

SECTION 1. To Amend the General Fund, the expenditures are to be changed as follows.

FUNCTIONAL AREA	INCREASE	DECREASE
Culture & Recreation	12,400	-
Public Safety	-	102
Other Financing Uses	102	-
Economic & Community Development	6,955	-
TOTAL	19,457	102

SECTION 2. To Amend the General Fund revenues for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	6,655	-
Miscellaneous Revenue	12,700	-
TOTAL	19,355	-

SECTION 3. Copies of the budget ordinance amendment 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 Grant Project Ordinance Amendment Number 6.

ORDINANCE NO. 16-15
GRANT PROJECT ORDINANCE AMENDMENT NO. 6

BE IT ORDAINED by the Governing Board of the City of Hickory that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, that the following amendment be made to the grant project ordinance for the duration of the project.

SECTION 1. To amend the Grant Project Fund expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	102	-
TOTAL	102	-

To provide the additional revenue for the above, the revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	102	-
TOTAL	102	-

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

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:
 - A. Public Hearings

1. Approved on First Reading Consideration of Rezoning Petition 16-01 for Approximately .48 Acres of Property Located at 225 S NC Highway 127. The Petition is to rezone the Property from High Density Residential (R-4) to Office & Institutional (OI).

Dr. Grace Auten has petitioned for the rezoning of approximately .48 acres of property located at 225 South NC Highway 127. The petition is to rezone the properties from high density residential (R-4) to office and Institutional (OI). The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as high density residential. The rezoning of the subject properties to office and institutional (OI) is consistent with the goals and policies contained within the Hickory by Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on February 24, 2016 and voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the Commission's findings and recommendations.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 25, and April 1, 2016.

City Manager Mick Berry asked the City's Planner Ross Zelenske to the podium to present Council with Rezoning Petition 16-01.

Planner Ross Zelenske presented Council with a PowerPoint presentation. He advised Council that he was a new planner and had been with the City for approximately 10 months. He discussed rezoning petition 16-01. The applicant was Dr. Grace Auten. The consideration was to rezone .48 acres of property located at 225 NC Highway 127 South from High Density Residential (R-4) to Office & Institutional (OI). The property is currently a vacant lot that is planned for potential expansion of the neighboring medical center to the north of the property. He showed on a map the location of the property. He pointed out the intersection of 2nd Avenue and 127, the Rudisill Family Practice, Christ Lutheran Church, and the Kenworth neighborhood. The Hickory by Choice plan identifies this area as High Density Residential, which is consistent with R-4 and OI zoning designations. High Density Residential is characterized as small build lots, short building setbacks, pedestrian friendly roads near mixed use and commercial areas. The Hickory by Choice 2030 plan indicates that office uses are appropriate along major thoroughfares and transitional areas. Office & Institutional Districts permits offices, clinics, personal service businesses, which are businesses geared towards personal needs such as a laundry, grooming, or a hair salon. Office & Institutional also permits public institutions and includes residential uses, at a rate of single-family four units per acre, multi-family at 30 units per acre. He showed the Hickory by Choice future land use map. He pointed out on the map the High Density Residential area; to the north the revitalization area, currently Transportation Insight; the Central Business District, and Sally Fox Park. He showed the current zoning for the area which was R4 High Density Residential. To the north of it was Office and Institutional (OI). He advised that this property would be rezoned to OI. He pointed out to the far north the general business area and C1 which was central business. He noted that this property is in a zoning overlay district, Kenworth neighborhood preservation overlay. This overlay deals with infield development and making sure that it is compatible with some of the older neighborhoods such as Kenworth. This overlay would remain with this proposal. The Hickory Regional Planning Commission considered the petition in February. The agent spoke in favor of the petition while no one spoke in opposition. Upon consideration the Planning Commission found it to be consistent with the Hickory by Choice plan and voted unanimously (7-0) to recommend approval to City Council. Staff concurred with this finding.

Mayor Wright commended Mr. Zelenske on his presentation. 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. He asked if there was anyone present to speak in favor of the proposal.

Mr. Marty Mull, 1624 Terra Cotta Drive, Hickory, NC, representing Dr. Grace Auten in the purchase of the property, advised that Dr. Auten could not be present and asked him to be her spokesperson. He spoke in support of the rezoning request. This lot is immediately south of an office building that Dr. Auten helped to manage for several years which is owned by her husband and his associates. The office building tenants included a medical practice and tax service office, both which are very active and growing. Years ago a home on this lot fell under severe disrepair and eventually was removed. It has remained empty and the lot has been for sale without a buyer under its current residential zoning. Dr. Auten feels that this lot would be most suitable as an area for expansion for the office building and for parking. She feels that development of this lot under current landscaping and

building codes would enhance its appearance of the office building as well as a busy corridor to Hickory. He commented that they appreciated the time and effort put forth by the members of the Planning Commission and City Council and he hoped that they would consider this request. Dr. Auten was hopeful that the zoning request would be approved.

Mayor Wright asked if anyone else wanted to speak for the proposal. No one else appeared. He closed the public hearing.

Alderman Guess moved, seconded by Alderwoman Patton approval of rezoning petition 16-01 for property located at 225 S NC Highway 127. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Guess seconded by Alderwoman Patton and the motion carried unanimously.

ORDINANCE NO. 16-16

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE HICKORY OFFICIAL ZONING ATLAS TO REZONE APPROXIMATELY 0.48 ACRES OF PROPERTY LOCATED AT 225 SOUTH NORTH CAROLINA HIGHWAY 127 FROM HIGH DENSITY RESIDENTIAL (R-4) TO OFFICE AND INSTITUTIONAL (OI).

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

WHEREAS, the City has been petitioned to rezone approximately 0.48 acres of property located at 225 S NC Highway 127, more particularly described on Exhibit A attached hereto, to allow an Office & Institutional District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 24, 2016 and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 16-01 to be in conformance with the City's Land Development Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE REZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject property is located at 225 S NC Highway 127, and further identified as PIN(s) 3702-07-78-4384.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

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

SECTION 3. Consistency Statement

Upon considering the matter, the Hickory City Council found:

1. The Hickory by Choice 2030 Comprehensive Plan classifies the area as High Density Residential. The High Density Residential future land use classification is characterized as an area with small build lots, short building setbacks, and pedestrian friendly roads near mixed use and commercial areas. The classification includes small lot single-family residential, all forms of multi-family residential, open space, and institutional uses. (HBC 2030, Pages 3.6 and 3.8). Hickory by Choice 2030 goes on to list the OI district as being an implementing zone for this specific future land use classification (HBC 2030, Page 3.6).

2. The subject property is shown by Hickory by Choice 2030 to be within an area that is intended to provide for high density residential land uses that serve as areas offering a range of housing forms, while being in close proximity to neighborhood-scale shopping and office employment centers. The future use of the property as the location of an office and institutional use implements the HBC 2030 plan.

Based upon these findings, the Hickory City Council has found Rezoning Petition 16-01 to be consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

2. Approved on First Reading Consideration of Rezoning Petition 16-02 for Approximately 2.44 Acres of Property Located at 826 21st Street Drive SE, 828 21st Street Drive SE, 857 23rd Street Court SE, 863 23rd Street Court SE, 903 23rd Street Court SE and a Portion of 830 21st Street Drive SE.

US Conec, LTD has petitioned for the rezoning of approximately 2.44 acres of property located at 826 21st Street Drive SE, 828 21st Street Drive SE, 857 23rd Street Court SE, 863 23rd Street Court SE, 903 23rd Street Court SE and a Portion of 830 21st Street Drive SE. The petition is to Rezone the Properties from High Density Residential – 4 (R-4) to Industrial (IND). The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as industrial. The rezoning of the subject property to industrial is consistent with the goals and policies contained within the Hickory by Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on February 24, 2016 to consider the petition and voted 7-0 unanimously to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan and recommended City Council approve the petition. Staff concurs with the Commission's findings and recommendations.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 25, and April 1, 2016.

City Manager Mick Berry asked the City's Planning Manager Cal Overby to the podium to present Council with Rezoning Petition 16-02.

Planning Manager Cal Overby presented Council with a PowerPoint presentation. He discussed rezoning petition 16-02. The petition was submitted by US Conec, LTD with the agent being Mr. Russ Granger, VP of Operations. The request was to zone approximately 2.44 acres of property located at 21st Street Drive SE on Sweetwater Road and 23rd Street Court SE, which is off of Sweetwater Road from R-4 Residential to Industrial. The intention of the rezoning request was to provide additional properties for US Conec to do a future expansion to be occupied as an industrial facility on Sweetwater Road. He pointed out on the PowerPoint presentation a map which was the Hickory by Choice 2030 future land use plan. He pointed out McDonald Parkway toward I40, and Sweetwater Road before you cross over I40. He showed the subject property and noted that it was classified as industrial by the future land use map. He discussed the petition's consistency with the Hickory by Choice 2030 plan. The entire area was considered future industrial expansion area for the City of Hickory's manufacturing, assembly, warehousing, and distribution base. He advised that Staff found it to be consistent with the Hickory by Choice 2030 future land use plan. He pointed out on an aerial photo the property in which US Conec was in the process of occupying for the manufacturing process. He pointed out the subject property and advised that they are part of an older residential subdivision that is immediately adjacent to the properties. He advised that in total there were six properties. They would potentially be rezoned from Residential to Industrial. The area was predominately industrial with a pocket of a residual subdivision. He pointed out the residences in this area and also a church. At the February meeting the Hickory Regional Planning Commission considered this item and recommended unanimously that Council approve. Staff concurred with the Planning Commission's recommendation.

Alderman Seaver asked if the area behind the property had already been rezoned.

Mr. Overby advised that it would remain residential.

Alderman Seaver confirmed that it would remain residential.

Mr. Overby responded yes sir.

Mayor Wright interjected High Density Residential.

Mr. Overby replied yes, and there are existing residences there at this point in time. He pointed out the existing residences on the map.

Alderman Seaver questioned another area on the map.

Mr. Overby advised it was a church. He commented that church had talked about expanding their facility at one point in time but it didn't get very far past them trying to do the planning of it.

Mayor Wright declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal.

Mr. William Trivette, advised that he lived at 822 21st Street Drive SE, off of Sweetwater Road. He commented that he was speaking for the five other people that live on that street who were in disagreement with that petition. He stated that US Conec had promised them that they would close all drives from 23rd Street Court on the left hand side and enter in some other way to the land, and put up a tree boundary. They wanted to know when it would take place, or how long they would have to wait for this. He advised that there was a business there, which John Precup put up and he did not go through the proper steps. They had to go to go into court later on to try and get it opened up. Mr. Trivette's understanding was that he opened it up as his own private garage and then put the name of Car Surgeon on it. They wanted to know where they stood with this. He commented that a lot of this had been fished to the circle, with no straight answers to the people who live there. He advised that he lived in the first house on Sweetwater Road, and he plans to stay there until he dies, or comes to a big sale one.

Alderman Guess asked if his primary concern was adding the trees. He asked if that was his only concern.

Mr. Trivette responded no sir. His primary concern was the trees and the closing of the other roads where they promised in a petition that Judge Kincaid looked at. They promised that they would shut all drives to that land, nothing to be open on the left hand side of 23rd Street Court. Right now there are driveways open to that shop, to the houses and no efforts to be made to close anything there.

Mr. Tarlton asked Mr. Overby to display the satellite map. He asked Mr. Trivette where he lived at on the map.

Mr. Trivette showed Council where he lived. He advised the location of the street that they had promised them that they would have no interest whatsoever in on that side of the street. They are making no efforts to close that entrance.

Alderwoman Patton asked if they promised him in a legal document.

Mr. Trivette presented his documentation to Alderwoman Patton.

Mayor Wright confirmed that Mr. Trivette was not protesting the rezoning as long as they would do what they told him they would do.

Mr. Trivette stated that he was protesting that if they were going to rezone then he would like for them to meet their agreement to close off the entrance to the property.

Mr. Tarlton responded that they would only enter from Sweetwater Road then.

Mr. Trivette replied yes sir.

Mayor Wright requested City Attorney John Crone look at the documentation presented by Mr. Trivette. Mayor Wright commented that they were looking for legality of it, but Council would expect them to carry through on their understanding.

Alderman Guess asked if anyone was present from the company.

City Attorney John Crone examined the documentation and asked Mr. Trivette if he was a party to the litigation.

Mr. Trivette stated that he was. He advised that he hired an attorney to represent the group of other residents that live in the neighborhood there. They were against the whole lifting of the restrictions of the property.

Mr. Crone commented that they agreed to that as part of the settlement agreement. He advised that it says that US Conec agrees to install vegetative screening at or near the boundary lines between lots 8 and 9. He asked for that area to be shown to Council on the map.

Mr. Overby advised that he did not know the exact lot numbers. He had not seen or heard of the agreement.

Mr. Crone commented at or near the edge of 23rd Street Court SE.

Mr. Trivette advised that lots 8 and 9 would be near the end. He identified lots 2 and 4, and John Precup's as 6 and 8, and Thao as 8 and 9.

Mr. Crone commented that they had agreed to install vegetative screening at or near the edge of 23rd Street Court SE. He asked if he was okay with that.

Mr. Trivette replied yes sir.

Mr. Crone continued, this vegetation when fully mature shall be at least 8 feet tall. He asked Mr. Trivette if he was okay with that.

Mr. Trivette confirmed that he was.

Mr. Crone continued, they agreed that there would be no vehicular traffic access from 23rd Street Court SE to any lots 4 through 8 or the property US Conec already owns. He asked Mr. Trivette if he agreed with that.

Mr. Trivette agreed with that, but they had made no effort whatsoever to close any of those drives.

Alderman Tarlton interjected or plant the hedge.

Mr. Trivette responded right.

Mr. Crone continued, it says with respect to the concern about building near the owners of lot 9, the Woody defendants, US Conec on behalf of itself agrees and commits to them there shall be no buildings built on lot 8, no buildings on lot 7. He asked if they executed a release for the restrictive covenants.

Mr. Trivette commented that Precup did. He executed for release on the covenants. They went before Judge Kincaid and he overheard it and they settled with them.

Mr. Crone asked Mr. Trivette if he was represented by Counsel when he entered into the agreement.

Mr. Trivette advised that was correct.

Mr. Crone continued, if the terms and conditions of the agreement are meet . . .

Mr. Trivette interjected then he had no problem with it.

Mr. Crone asked him if his lawyer had told him that the agreement was binding.

Mr. Trivette confirmed that he had, but there was no efforts being made to close anything. The garage is still operating on a full day to day basis from 6:00 in the morning to 5:30 or 6:00 at night.

Mr. Crone asked Mr. Trivette if he had talked to his lawyer about it.

Mr. Trivette responded no sir, no yet, he didn't know that he needed to.

Mr. Crone commented that if the terms and agreements of the settlement agreement, which is assumed had either been put into a court order or there had been a dismissal of the lawsuit as a result of this. If the terms and conditions of this agreement are met he asked if he had any reservations or objections about the rezoning.

Mr. Trivette responded no sir.

Mr. Crone asked Mr. Trivette if he realized that Council could not cause the settlement agreement necessarily to be abided by. That would be with the court system. He commented that it looked like he had gone through some good efforts

and was well represented, and got the outcome that they desired. If you settle something nobody is happy, but it is give and take.

Mr. Trivette commented that Mr. Precup served everybody with a civil summons, instead of coming like a neighbor and a man to ask everybody to gather up and ask them if they would consider lifting the restrictions. He threw them all a civil summons. That is where that came about.

Mr. Crone commented that he was glad that he got that resolved and it looked like he was well represented and everybody ended up resolving the issues among the respective property owners.

Mr. Trivette asked if he needed to contact his attorney with the closing of the street and driveways.

Mr. Crone commented that he did not see anything about closing the street, he thought that they had agreed not to use that particular street.

Mr. Trivette commented that was what he was talking about. They are using that street to get into the places on the left. The man said that they would have no access to the places from the left hand side of that street.

Mr. Crone commented that he thought that it would be prudent for Mr. Trivette to make an appointment with his lawyer and talk about his concerns about whether this particular settlement agreement and its terms are being faithfully abided by, by all parties.

Mayor Wright asked if he had expressed his concerns with US Conec.

Mr. Trivette responded not yet.

Mayor Wright commented that he might start with that, before he went to his lawyer.

Alderwoman Patton questioned the date of the legal document.

City Manager Mick Berry advised January 26, 2016.

Alderman Tarlton asked if there was a timeline on it.

Alderman Zagaroli asked if the City had any responsibility in closing off those access.

Mr. Crone replied, not unless or until a party would request that in a formal form. He was not sure that document required "closing of a street".

Alderman Lail commented that the City had, in the zoning ordinance, the ability to do a planned industrial development, which could address issues such as access and vegetation and all of that before Council, which is binding by the City. He asked Mr. Overby if that was correct, if the City had a planned industrial district.

Mr. Overby responded yes sir we do. He suggested that Council hear what Mr. Granger had to say.

Mr. Crone commented that it looked like the agreement was contingent on the later acceptance of the missing defendants Lu Guang Ru and Mu Lan Zhu. He asked if that had been . . .

Mr. Trivette interjected that had been taken care of.

Mr. Crone asked if they had agreed to it as well.

Mr. Trivette replied yes sir.

Mr. Crone and Mayor Wright thanked Mr. Trivette.

Mayor Wright stated that speaking in favor of this proposal was Mr. Russ Granger.

Mr. Russ Granger, 4501 Gilbert Road, Vale, NC, commented that it was an exciting time for US Conec and he appreciated Council's support for their strategic growth plan as Mr. Overby mentioned they are a year away from moving into the 80,000 square foot building. The additional property that they are in the process of acquiring allows them to add another 40,000 foot in the near future, hopefully within the five year timeframe. That is on top of the 40,000 square feet that they

already own down the street. A growth plan for telecommunications and US Conec here in Hickory. He appreciated Council's support in rezoning. He clarified they currently don't own the property. Getting it rezoned industrious was contingent on them owning the property. That was why they were going through this process. If Council was in favor of the rezoning then the purchase agreement would go through this Friday. At that point Mr. Precup would no longer run his garage. That was a condition of closing the property as the settlement agreement was read, and the deed restrictions were lifted by a Superior Court Judge. He advised that he could share the paperwork to close the whole settlement agreement. As the settlement agreement said when they sat down in mediation with the property owners, they will certainly put up a hedge row. They want to be good neighbors. They are not interested in causing more grief with people living next to them, they want to be good partners in this. They agreed not to extend their building close to one of the properties next to the small area that they already own that was a right of way. They also agreed not to use that intended right of way to drive in and out of their parking lot. There is no access and there is no planned access to that road with their company as part of the settlement agreement. He asked if Council had questions.

Alderman Tarlton commented that US Conec would be planting the hedge that Mr. Trivette was asking for.

Mr. Granger stated that was in the agreement, it has to be eight foot tall over time to keep them separated from the neighbors.

Alderman Guess commented that the only reason that this hasn't been done is because they do not now own the property.

Mr. Granger confirmed that was correct, they are just going through the process.

Alderman Zagaroli asked if their intention was if they owned the property they would go ahead with that.

Mr. Granger stated that it is part of the construction of the 80,000 square foot building before they could move in. Because of the nature of what they do, they are a precision measurement, down to the micron level, vibration means everything. The grading of the acquired property has to be all done in the next year and in that process all the hedge rows will go up and everything will be sealed off from the adjacent properties as promised in the agreement.

Alderman Patton commented and the garage disappears.

Mr. Granger advised that all of those structures will be coming down.

Mayor Wright asked Mr. Trivette if he wanted to offer any rebuttal.

Mr. Trivette commented that the only thing left was that US Conec told Mr. Precup that they would not buy his land unless all restrictions and they could get the rezoning of that property. Instead of Mr. Precup waiting until he gets everything settled after he is so quick to serve everybody with a civil summons, he goes to Mountain View and has a \$338,000 house built and now he is wanting to close it.

Mayor Wright asked Mr. Granger if there was anything pertinent that he would like to add as surrebuttal to that.

Mr. Granger did not want to add anything.

Mayor Wright closed the public hearing.

Alderman Lail commented that Council was going to rezone to a by-right use, which means whatever US Conec says they are going to do, Council could take it in good faith, but if another user comes they are only required to do what is stipulated in the City's zoning ordinance which would not specify driveways, and hedges. He commented that Council had learned that there was an actual court order which requires that. He asked if Council was satisfied that court order will stand and is in place.

Mr. Crone stated that it looks like US Conec moved to be an interested party in this based on the option to purchase. He asked Mr. Granger if that was correct.

Mr. Granger advised that was correct. They supported the Thao Ker and Precup lawsuit; that is what generated the settlement agreement. In order for them to acquire the property and get title insurance they had to get an agreement from the neighbors to release the restrictions.

Mr. Crone asked if they had already been done.

Mr. Granger confirmed it had been done.

Mr. Crone commented that it looked like US Conec was a party in the settlement agreement. He asked if that was correct,

Mr. Granger confirmed it was.

Mr. Crone commented that he assumed that dismissals had been taken with prejudice as to the issues raised in the pleadings. He asked if that was right.

Mr. Granger has Mr. Crone to explain.

Mr. Crone clarified the case is over.

Mr. Granger commented the case is over.

Mr. Crone commented it has been dismissed.

Mr. Granger replied yes.

Mr. Crone commented it is not on a court calendar.

Mr. Granger replied that is exactly right.

Mr. Crone commented you got a settlement agreement.

Mr. Granger replied that is exactly right.

Mr. Crone commented that the terms of the settlement agreement requires US Conec to do the things that Mr. Trivette said that he wanted done and are going to be done.

Mr. Granger replied absolutely.

Mr. Crone continued by whoever the predecessor interest, and they are a party to this and would be bound by this agreement.

Mr. Granger responded that is right.

Alderman Lail asked if US Conec was not the owner, if they sold the property, would they be bound by that agreement.

Mr. Crone commented that he was not sure that they would.

Alderman Tarlton commented that this didn't take the place of the deed restrictions or the covenants.

Mr. Crone commented that it looks like the deed restrictions have already been lifted the way he read the settlement agreement.

Alderman Tarlton asked if that document took the place.

Mr. Crone commented that there was obviously a dispute among the property owners as their ability to do what they were trying to do here. He advised that this was the next thing in line that they would need to do in order to complete their plan, but they couldn't do that less or until this issue was resolved among the parties.

Mr. Granger offered documentation from the Superior Court file.

Mr. Crone advised he did not need to review them.

Alderman Guess asked if Mr. Granger had any intentions to sell the property.

Mr. Granger responded no absolutely not. They need that for their growth and expansion.

Alderman Tarlton asked what US Conec was. What do they do?

Mr. Granger advised that US Conec was a precision molder for the telecommunications industry. They are half owned by Corning here in Hickory.

Alderman Tarlton asked if they made circuit boards.

Mr. Granger replied no, precision molded parts, connectors for fiber optic, high density connectors.

Alderman Tarlton commented that he was glad they chose Hickory.

Alderman Zagaroli asked how many more employees they would be hiring.

Mr. Granger advised right now they have 120 people full-time and another 20 temporary workers, they average about 10 additions a year. Slow steady growth, which is what they want.

Alderman Seaver moved, seconded by Alderman Guess approval of rezoning petition 16-02 for approximately 2.44 acres. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Seaver seconded by Alderman Guess and the motion carried unanimously.

Mayor Wright commented that he hoped that they ended up with two very happy and prosperous partners and neighbors.

ORDINANCE 16-17

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE HICKORY OFFICIAL ZONING ATLAS TO REZONE APPROXIMATELY 2.44 ACRES OF PROPERTY LOCATED AT 826 21st STREET DRIVE SE, 828 21st STREET DRIVE SE, 857 23rd STREET COURT SE, 863 23rd STREET COURT SE, 903 23rd STREET COURT SE, AND A PORTION OF 830 21st STREET DRIVE SE FROM HIGH DENSITY RESIDENTIAL (R-4) TO INDUSTRIAL (IND).

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

WHEREAS, the City has been petitioned to rezone approximately 2.44 acres of property located at 826 21st Street Drive SE, 828 21st Street Drive SE, 857 23rd Street Court SE, 863 23rd Street Court SE, 903 23rd Street Court SE, and a portion of 830 21st Street Drive SE, more particularly described on Exhibit A attached hereto, to allow an Industrial District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 24, 2016 and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 16-02 to be in conformance with the City's Land Development Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE REZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject property is located at 826 21st Street Drive SE, 828 21st Street Drive SE, 857 23rd Street Court SE, 863 23rd Street Court SE, 903 23rd Street Court SE, and a portion of 830 21st Street Drive SE, and further identified as PIN(s) 3722-13-04-3590, 3722-13-04-4475, 3722-13-04-3327, 3722-13-04-2269, 3722-13-04-1168, and a portion of 3722-13-04-6230.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

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

SECTION 3. Consistency Statement

Upon considering the matter, the Hickory City Council found:

1. The Hickory by Choice 2030 Comprehensive Plan classifies the area as Industrial. The Industrial future land use classification is explained to consist of industrial areas located along U.S. 321, Highland Avenue east of Springs Road, Tate Boulevard, and 21st Street Drive SE (Sweetwater Road). (HBC 2030, Page 3.11). Hickory by Choice 2030 goes on to list the IND district as being the implementing zone for this specific future land use classification (HBC 2030, Page 3.13).
2. The subject property is shown by Hickory by Choice 2030 to be within an area that is intended to provide for industrial land-sues that serve as employment centers for city residents, and residents from surrounding communities. The future use of the properties as the location of an industrial facility implements the HBC 2030 plan.

Based upon these findings, the Hickory City Council has found Rezoning Petition 16-02 to be consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

B. Departmental Reports:

1. Appointments to Boards and Commissions

COMMUNITY RELATIONS COUNCIL

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

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Burke County (Mayor to Nominate) VACANT Since 8-6-2008
Brookford (Mayor to Nominate) VACANT Since 6-2006

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)
(7) Positions VACANT

PARKS AND RECREATION COMMISSION

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

Alderman Guess nominated David Williams as the At-Large Minority Representative for Parks and Recreation Commission.

PUBLIC ART COMMISSION

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

RECYCLING ADVISORY BOARD

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

WESTERN PIEDMONT COUNCIL OF GOVERNMENT UNIFOUR AIR QUALITY COMMITTEE

Delegate to replace former Alderman Meisner

Mayor Wright asked if anyone had a nomination or a volunteer to replace former Alderman Meisner as the delegate on the COG Unifour Air Quality Committee.

Alderman Guess asked if he knew when they met, or how often they met.

City Manager Mick Berry commented it is not that frequent. We used to be under EPA restrictions and they met pretty regularly. He was not familiar with how frequently that they meet.

Mayor Wright asked if Council could get that information and carry it over to the next meeting.

Alderman Guess moved seconded by Mayor Wright approval of the above nomination. The motion carried unanimously.

Mayor Wright announced that the motion was made by Alderman Guess seconded by Mayor Wright and the motion carried unanimously.

2. 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

Alderwoman Patton commented "that it was consensus of Council in January to move the operations of the Hickory Housing Authority to the COG and we have had legal barriers to accomplish our goal. We agreed unanimously that it would be the best solution for the COG, a well-run seasoned organization to administer our housing. They have the breadth and depth of knowledge of the policies and procedures which have tripped up the current Housing Authority. We still have no clear path as to how to accomplish doing the right thing for the citizens of public housing in giving them the autonomy to decide where they will live. Not addressing the issue is unfair to our citizens. The Housing Authority's plan to rehab the current buildings does nothing to solve the concentration of housing in one section of town. More so, I do not want to see public assets taken over by a private LLC with no input from the City. I hope the members of Council have the resolve to continue to work towards doing the best for our citizens".

Mayor Wright commented that he had mentioned to Mr. Berry that it might be good to have this issue brought up at the next meeting. He commented that it was fine that Alderwoman Patton had brought it up, but he didn't feel that they were prepared to discuss it in detail at this time. He felt that it should come up at the next meeting. He shared with the public that some things had changed. There are indications, he believes from HUD, Council's concern all along was that the Hickory Housing Authority was on the outs with HUD, and Council had reason to believe that. They have been told by HUD that they cannot interpret any reports that they have given, or any verbal comments that they have made as indicating a rift or unhappiness with the Hickory Housing Authority. In his opinion that changes substantially where Council is because they could create a rift between Hickory Housing and HUD. He commented that Council could discuss that in great detail at their next meeting.

XIV. There being no further business, the meeting adjourned at 7:54 p.m.

Mayor

City Clerk