

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, September 19, 2017 at 7:00 p.m., with the following members present:

Brad Lail	Jeff M. Cline	Hank Guess
	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Andrea Surratt, Assistant City Manager Rodney Miller, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Executive Assistant to the City Manager Deisy Zavala Vazquez and City Clerk Debbie D. Miller

I. Mayor Cline called the meeting to order. All Council members were present except for Alderman Tarlton. Alderman Seaver arrived at approximately 7:02 p.m.

II. Invocation by Pastor Antonio Logan, Friendship Missionary Baptist Church

III. Pledge of Allegiance

Alderman Seaver arrived at approximately 7:02 p.m.

Mayor Cline recognized Boy Scouts in attendance from Corinth Reformed Church.

IV. Special Presentations

V. Persons Requesting to Be Heard

A. Mr. Cliff Moone, 2925 8th Street Court NE, addressed Council on two subjects. He advised that this past Sunday was Constitution Day. He did not think that a City Council Proclamation was necessary every year. The educator in him always wants us to acknowledge another anniversary of the signing of the constitution on September 17, 1787. This is important for many reasons, but for him the most important one was that while political leaders come and go, and while the tide of political philosophies rises and falls, with just 4,440 words the constitution remains even as changes are sometimes made to it. The great enduring foundation upon which this Republic stands. And whether when elected by the people you are sworn in as a City Councilmember, a County Commissioner, a State Legislator, a member of Congress, or as the President of the United States, a portion of your oath is to uphold and defend this constitution, established and maintained by "we the people". He thought that was always worthy of recognition and serious reflection.

Mr. Moone referenced the front page article (September 19, 2017) concerning the Highway 321 project, and the petition for "meaningful public input" which Meredith and J.D. Ross initiated. He expected Council had been following this closely and they would be aware that the Caldwell County Commissioners had committed to passing a Resolution calling for a public meeting with the Department of Transportation (DOT). He knew from his discussions with John Marshall at the Western Piedmont Council of Governments, Senator Wells, Representative Adams, several members of the City Council, and with City Manager Warren Wood, which he appreciated very much, that much discussion and thought had gone on among our leaders on this matter. Yet the public remains uncertain about the impact of the proposed plan and had little opportunity to provide substantive input into what would ultimately have a significant impact on economic development for all of Hickory and beyond. He requested that Hickory's City Council give serious consideration to passing a similar Resolution to that of the Caldwell County Commissioners asking for the opportunity for more public discussion and understanding of the 321 proposal.

Mayor Cline asked if anyone else wished to speak. No one else appeared.

VI. Approval of Minutes

A. Special Meeting of August 31, 2017

Alderman Seaver moved, seconded by Alderwoman Patton that the Special Meeting Minutes of August 31, 2017 be approved. The motion carried unanimously.

B. Regular Meeting of September 5, 2017

Alderwoman Patton moved, seconded by Alderman Zagaroli that the Minutes of September 5, 2017 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 Alderman Seaver that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Approval of the Landscape Incentive Grant to Hickory Museum of Art for Property Located at 243 3rd Avenue NE in the Amount of \$2,500. (First Reading Vote: Unanimous)
 - B. Approval of the Community Development Block Grant Agreement with Exodus Outreach Foundation, Inc. in the Amount of \$6,600 for Funding through the City's Community Development Block Grant Program. (First Reading Vote: Unanimous)
 - C. Approval of the Community Development Block Grant Agreement with AIDS Leadership Foothills-Area Alliance, Inc. in the Amount of \$9,900 for Funding through the City's Community Development Block Grant Program. (First Reading Vote: Unanimous)
 - D. Approval of the Community Development Block Grant Agreement with Greater Hickory Cooperative Christian Ministry in the Amount of \$11,900 for Funding through the City's Community Development Block Grant Program. (First Reading Vote: Unanimous)
 - E. Approval of the Community Development Block Grant Agreement with Habitat for Humanity of the Catawba Valley in the Amount of \$35,000 for Funding through the City's Community Development Block Grant Program. (First Reading Vote: Unanimous)
 - F. Approval of the Community Development Block Grant Agreement with Hickory Soup Kitchen, Inc. in the Amount of \$6,600 for Funding through the City's Community Development Block Grant Program. (First Reading Vote: Unanimous)
 - G. Approval of the Community Development Block Grant Agreement with Safe Harbor Rescue Mission in the Amount of \$6,600 for Funding through the City's Community Development Block Grant Program. (First Reading Vote: Unanimous)
 - H. Approval of a Microenterprise Grant Agreement with A+ Auto Diagnostics in the Amount of \$4,000. (First Reading Vote: Unanimous)
 - I. Approval of the Contract with Wilkie Construction Co. SE, LLC in the Amount of \$285,302. (First Reading Vote: Unanimous)
 - J. Approve the Purchase of the Pre-Engineered Picnic Shelter Structure from Porter Corporation through a National Joint Powers Alliance (NJPA) Cooperative Purchasing Agreement. (First Reading Vote: Unanimous)
 - K. Approval of the Contract with Neill Grading and Construction Co. Inc. in the Amount of \$592,896. (First Reading Vote: Unanimous)
 - L. Budget Revision Number 4. (First Reading Vote: Unanimous)
 - M. Budget Revision Number 5. (First Reading Vote: Unanimous)
 - N. Budget Revision Number 6. (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 Lail moved, seconded by Alderman Zagaroli approval of the Consent Agenda. The motion carried unanimously.

- A. Approved on First Reading Acceptance of a Temporary Construction and Permanent Easement for the Property of Edward Alan Lail and Sharon Turner Lail, being PIN 3724-19-60-6513, for Installation of Utilities Infrastructure.

Staff requests acceptance of a temporary construction and permanent easement for the property of Edward Alan Lail and Sharon Turner Lail described as PIN 3724-19-60-6513 for installation of utilities infrastructure. The easements are necessary for completion of the Random Woods sewer project. This project is completely funded through a grant to the City as a State Revolving Fund by NCDEQ-IFS in 2015 in the amount of \$2.946 million dollars. The easements are necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easement was negotiated for a free sewer connection at the time of construction, plus recording fees in exchange for the easement. Staff recommends acceptance of the temporary construction and permanent easement for the property of Edward Alan Lail and Sharon Turner Lail described as PIN 3724-19-60-6513 for installation of utilities infrastructure.

- B. Approved on First Reading Acceptance of a Temporary Construction and Permanent Easement for the Property of Faith Adams Washman, Edward Alan Lail and Sharon Turner Lail, PIN 3724-19-60-2348, for Installation of Utilities Infrastructure.

Staff requests acceptance of a temporary construction and permanent easement for the property of Faith Adams Washman, Edward Alan Lail and Sharon Turner Lail described as PIN 3724-19-60-2348 for installation of utilities infrastructure. The easements are necessary for completion of the Random Woods Sewer Project. This project is completely funded through a grant to the City as a State Revolving Fund by NCDEQ-IFS in 2015 in the amount of \$2.946 million dollars. The easements are necessary for the construction of the infrastructure required to serve this area and will not increase the cost of this construction project. The easement was negotiated for a free sewer connection at the time of construction, plus recording fees in exchange for the easement. Staff recommends acceptance of the temporary construction and permanent easement for the property of Faith Adams Washman, Edward Alan Lail and Sharon Turner Lail described as PIN 3724-19-60-2348 for installation of utilities infrastructure.

- C. Approved on First Reading a Memorandum of Agreement with Hickory Public Schools to Establish a Shared Access Initiative that will Streamline Student Access to Public Library Resources.

The library has a history of collaborating with Hickory Public Schools to provide access to educational materials and programs. However, we recognize that many Hickory Public School students have limited access to the public library outside of school hours, because of limited transportation, parents' work schedules, or other factors. A more strategic approach will allow both agencies to better serve students. The shared access initiative uses a model already in place at libraries statewide and across the country to expand students' access to library resources. This project will create a public library account for each student enrolled in Hickory Public Schools. The student account will provide access to online materials, use of public library computers and checkout of up to five books or audiobooks. Families who do not wish for their children to participate will be able to opt out of the program. Creation of the shared access initiative is a cost-effective way for the Library and Hickory Public Schools to expand student access to the library's collection of books, computers and research databases. There is no additional cost to the library to create student accounts or to provide access to existing resources. We expect the program to create positive relationships with students and families as well as contribute to improved literacy and academic achievement. Staff recommends Council's approval of the Memorandum of Agreement with Hickory Public Schools to establish a shared access initiative.

- D. Approved on First Reading a Supplemental Agreement for Reimbursement with the North Carolina Department of Transportation (NCDOT) in the Amount of \$78,980.

Staff requests Council's acceptance and approval of a Supplemental Agreement for reimbursement with the North Carolina Department of Transportation (NCDOT) for the City of Hickory to upgrade an existing rock box culvert and replace it with a 42" RCP pipe and upgrade the surrounding infrastructure at SR 1306 (2nd Avenue NW) in the amount of actual construction cost, approximately \$78,980. The City of Hickory currently participates in an annual Municipal Agreement of \$140,000 for routine maintenance. North Carolina Department of Transportation agrees to reimburse the City of Hickory an additional estimated \$78,980 of project funds for the additional work included as part of the project. Upon final completion of the project, reimbursement will be based upon actual items of work and bid prices. This replacement is a component of the Central Business District Infrastructure Replacement Project with this reimbursement coming in as a revenue to the project. Staff recommends Council's acceptance and approval of the Supplemental Agreement for reimbursement with the North Carolina Department of Transportation.

- E. Called for a Public Hearing for Consideration of a "No Wake Zone" at the Lake Hickory Marina Located on Limbaugh Lane NW. (Authorize Public Hearing for October 3, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).
- F. Approved the Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs.

The following requests were considered by the Citizens' Advisory Committee at their regular meeting on September 7, 2017.

The following applicants are being recommended for approval for assistance under the City of Hickory's 2017 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency related repairs not to exceed \$8,000.

- Cynthia Deptola, 41 30th Avenue NW, Hickory, not to exceed \$8,000
- Donna & John Vaughn, 918 8th Street NE, Hickory (Condition of verification of disability and approval by the NC Housing Finance Agency), not to exceed \$8,000
- Mildred Williams, 29 7th Avenue SE, Hickory, not to exceed \$4,191

The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

- G. Approved on First Reading the Purchase of Eight 2018 Ford Interceptor Utility Vehicles from Asheville Ford on the NC Sheriffs' Association Contract in the Amount of \$225,023.12.

Hickory Police Department requests approval to purchase eight (8) specialized police package emergency vehicles. Hickory Police Department has funds budgeted in the 2017-2018 CIP for replacement of police vehicles. Hickory Police Department staff and the City of Hickory Fleet Manager have researched and reviewed independent comparison studies comparing available police package vehicles. The 2018 Ford Police Interceptor Utility all-wheel drive best fits the needs of the department based on a number of considerations. The Police Interceptor Utility has been the top choice of the Police Department for the past two budget years. Asheville Ford in Asheville, NC currently has the NC Sheriff's Association Contract for the 2018 Ford Police Interceptor Utility all-wheel drive with a base price of \$26,797.89. Added options that are needed include the following: Driver's Side Spot Lamp (Whelen or compatible) - \$420.00, Front Headlamp/Police Interceptor Housing - \$125.00, Dome Lamp-Red-White in Cargo Area - \$50.00, Rear Door Handles Inoperable - \$35.00, Remote Keyless Entry (Two Remotes/Four Sets of Keys) - \$340.00, SYNC Basic (Voice Activated Communications System) - \$295.00, Police Silence Mode - \$20.00, Daytime Running Lamps - \$45.00. Total price with added options - \$28,127.89. Hickory Police Department recommends the purchase of eight all-wheel drive 2018 Ford Police Interceptor Utility vehicles from Asheville Ford on the NC Sheriff's Association Contract at a cost of \$28,066.79 per vehicle and a total cost of \$225,023.12. Funds are budgeted in the FY 2017/2018 CIP.

- H. Approved a Special Events Activities Application for a Fall Harvest Celebration, Bill Sherrill, Facilities Manager, First Baptist Church, October 22, 2017, 12:30 p.m. to 8:00 p.m.; a Portion of the Event will be on the City-Owned Property off of 1st Avenue NW.

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

**ORDINANCE NO. 17-28
BUDGET REVISION NO. 7**

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2018 and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2017-18 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture and Recreation	5,180	-
Public Safety	297,736	-
TOTAL	302,916	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	5,180	-
Restricted Intergovernmental Revenues	297,736	-
TOTAL	302,916	-

SECTION 2. To amend the Central Business District Capital Project Ordinance (#803302), the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water and Sewer Capital Projects	78,980	-
TOTAL	78,980	-

To provide funding for the above Capital Project, the revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenues	78,980	-
TOTAL	78,980	-

SECTION 3. To amend the Urgent Repair Program Fund, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic and Community Development	55,000	-
TOTAL	55,000	-

To provide funding for the above, the Urgent Repair Program Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenues	50,000	-
TOTAL	50,000	-

SECTION 4. 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.

- J. Approved on First Reading the First Amendment to the Non-Exclusive Lease with Hickory Baseball, Inc.

Staff requests Council consider the First Amendment to the Non-Exclusive Lease with Hickory Baseball, Inc. The City of Hickory and Hickory Baseball, Inc. entered an initial lease agreement for L.P. Frans Stadium September 3, 1992. That agreement expired September 30, 2007. On February 18, 2008, the City of Hickory and Hickory Baseball, Inc. entered a second lease agreement for Hickory Baseball’s use of L.P. Frans Stadium. The term of the Agreement began January 1, 2008; it is scheduled to terminate December 31, 2022. The City and Hickory Baseball desire to make certain amendments to the Lease. Specifically, the parties wish to extend the term of the Lease for an additional five (5) years beginning January 1, 2023 and ending December 31, 2027. Additionally, a new section, “Compliance with Baseball Rules” is being added to the Agreement. This section stipulates the Lease is expressly subject to, and must conform with, all Baseball Rules. The term “Baseball Rules” means and includes (1) the constitution, bylaws, and other rules and regulations of the League of which the Team is a Member (i.e. Southern Atlantic League), (2) the articles of incorporation, bylaws, and other rules and regulations of The National Association of Professional Baseball Leagues, Inc. (i.e. Minor League Baseball) (“NAPBL”), of which Hickory Baseball is a member, and (3) the Professional Baseball Agreement (which incorporates by reference the Major League Rules), which is an agreement between the NAPBL and Major League Baseball on behalf of its clubs. This section should have been included in the original 1992 and 2008 lease agreements. Staff recommends Council’s approval of the First Amendment to the Non-Exclusive Lease with Hickory Baseball, Inc.

- IX. Items Removed from Consent Agenda – None

- X. Informational Item

- A. Alderman Seaver’s Travel to Sister City, Altenberg, Germany, August 9 through August 20, 2017; Lodging - \$1,165.47; Meals - \$330; Airfare - \$1,489.96; Parking, Fuel and Subway - \$198.45.

Mayor Cline asked City Manager Warren Wood to discuss the informational item.

City Manager Warren Wood explained Alderman Seaver’s Travel to Sister City, Altenberg, Germany, August 9th through August 20th which denoted his expenses. He advised that Alderman Seaver may have a PowerPoint presentation, at some point, which documented his trip that he would share.

Alderman Seaver advised when he gets a chance to go through over 2,000 photographs he would schedule a long presentation.

- XI. New Business:

- A. Public Hearings

- 1. Approved on First Reading Rezoning Petition 17-03 for Approximately 23.418 Acres of Property Located at 3061 Short Road, 1995 Startown Road, 2007 Startown Road, and an Unaddressed Parcel South of Startown Road – Presentation by Planning Director Brian Frazier.

J. Clayton Neill, agent for Johnny and Susan Munday, Kathy Burris, and Ray Burris Heirs, has petitioned for the rezoning of approximately 23.418 acres of property located at 3061 Short Road, 1995 Startown Road, 2007 Startown Road, and an unaddressed parcel south of Startown Road. The request is to rezone properties from Planned Development, Office and Institutional (OI), and R1 Residential to Planned Development (PD). The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as Regional Commercial. Characteristics of the Regional Commercial classification include retail, office, services, and multi-family residential, all of which are include within the proposed development. Given these characteristics, as well as the analysis outlined within the staff report, staff has found the petition to be consistent with the recommendations of the Hickory by

Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on August 23, 2017 to consider the petition. During the public hearing the applicants and one neighbor spoke in favor of the petition, while five neighbors spoke in opposition of the petition. Those speaking in opposition of the petition voiced concerns over traffic and storm water runoff. Upon closing the public hearing, the Hickory Regional Planning Commission voted 6-1 to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition with conditions. Staff concurs with this recommendation.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 8, and September 15, 2017.

City Manager Warren Wood advised City Council for their consideration was Rezoning Petition 17-03 for approximately 23.418 acres of property located at 3061 Short Road, 1995 Startown Road, 2007 Startown Road, and an unaddressed parcel south of Startown Road. He asked Planning Director Brian Frazier to the podium to present the item to Council.

Planning Director Brian Frazier presented City Council with a PowerPoint presentation. He explained rezoning petition 17-03. The request was for consideration of the rezoning of a little over 23 acres of property; Short Road, Startown Road, and an unaddressed parcel just south of Startown Road from Planned Development (PD), Office Institutional (OI), and R1 Residential to a Planned Development. Even though there are multiple zonings on the property which make up this application in the end it would go to a Planned Development (PD). The requested PD would consist of 318 residential multifamily units, encompassing approximately 365,500 square feet, and 40,500 square feet of mixed use area which would be right up against Startown Road. The first floor would be office and retail and the second/third floors residential. This proposed development would be made up of twelve, three-story apartment buildings, a clubhouse, a pool, and two three-story mixed use buildings. The proposed floor area of the PD is 0.40. The petitioners requested the ability to increase the floor area ratio to 0.60 which is entirely okay within the Land Development Code and with the PD. Mr. Frazier referenced a map on the PowerPoint and pointed out the subject parcel area, Catawba Valley Boulevard, Highway 70 to the north, Startown Road, Robinwood Road, project Park 1764, Catawba Valley Community College, and the area which was Office and Institutional. The Hickory by Choice 2030 Plan, which Council recently readopted, identifies the general area as regional commercial, which would be consistent with a rezoning to the type of planned development being proposed. The characteristics of the regional commercial classification would include retail, commercial, office, professional service, multifamily residential, all which are included within the proposed development. The Hickory by Choice 2030 Plan list six specific goals for land uses and their corresponding zoning. The first goal was supporting the land uses that are complementary to surrounding uses. They believe this project would contribute to that transition including the Catawba Valley Boulevard retail and commercial areas, the future roadway improvements to Startown Road, Sweetwater Road, and the expansions to the CVCC campus and a future Park 1764 which is located less than one mile to the south from this proposed rezoning. The second goal was promoting pedestrian oriented neighborhoods. This is within a short distance of entertainment and shopping areas along Catawba Valley Boulevard. Close to Highway 70. It is also convenient to the campus of CVCC, there will be future pedestrian connections and the future Park 1764 employment center just to the south. Goal 3 - They believe this development proposal shows approximately 20 percent of the total land area as being set aside for open space. Goal 4 - there are no industrial uses within this rezoning, that would be just a mile south, Park 1764. Mr. Frazier showed a map of the aerial overlay. He pointed out Catawba Valley Boulevard, Highway 70 and I40 to the north, Startown Road heading towards the south, the project area, Short Road, and a small medical center. He showed another map view pointing out the project area, CVCC, all the individual parcels which would be incorporated, if Council concurred with the rezoning for the planned development. He pointed out Startown to the south, Robinwood, the future Park 1764, which is currently in the Catawba County zoning jurisdiction. Mr. Frazier displayed a map related to the upcoming transportation improvements to the area. The Startown Road widening, a DOT project, is estimated to take place between fiscal year 2024 and 2027. The discussed the Sweetwater Road extension and pointed out on the map Lowe's, Walmart, Sweetwater Road. He advised the extension would run across Highway 70, between the east and main campus of CVCC down to Startown. This construction is proposed for fiscal year 2018, which that one is coming up quick. He showed CVCC's existing drive that would go into the soccer field which is now the Manufacturing Solutions Center, containing 80,000 square feet. That existing drive would be eliminated in 2018. This would propose a new main drive to CVCC's campus right through Catawba

Valley Boulevard, across the intersection of Startown. There is already signalization here. This had been discussed for quite some time as part of the future Catawba Valley Boulevard. This would connect to the campus. There are many transportation improvements that would help along this project within the next few years. He showed the architects rendering of the proposed project. He noted the entrance off of Startown Road. There would be a small access point off of Short Road but the main access point would not be at this intersection as that was proposed a year or two ago when they were talking about 80 low-mod income family units. He showed the 12 buildings which would be the multifamily units, a roundabout to get in which featured a design element, a split median, a little boulevard, and the two buildings which would be the three-story mixed use buildings. He showed the architectural rendition of the exterior elevations of the three-story residential buildings, the three-story multiuse building with second and third floor residential, first floor commercial, profession service, or office use. The Hickory Regional Planning Commission conducted a public hearing on August 23, 2017 to consider the petition. During the public hearing the applicants, (who were present at the Council meeting) and one neighbor spoke in favor of the rezoning petition. Five neighbors spoke in opposition to such. Those speaking in opposition to the petition were concerned about storm water runoff and traffic in the immediate vicinity. He advised the Planning Commission also received letters of support from Garrett Hinshaw at CVCC and Scott Millar of the Catawba County EDC. The Hickory Regional Planning Commission voted 6 to 1 to affirm the petitions consistency with the Hickory by Choice 2030 Comprehensive Plan and recommended approval of the petition to City Council for the rezoning with the following conditions: 1) development of the properties shall be guided by the Planned Development Master Plan and other applicable standards that may relate to the development of the properties. 2) The owner/developer shall be required to provide for any infrastructure improvements necessary to serve the proposed development. 3) The owner/developer shall be permitted to develop the property to a maximum floor area ratio of 0.60. He asked Council for any questions.

Alderwoman Patton asked what the objection was to the one.

Mr. Frazier advised the objection of the one Planning Commission member was basically the issue of traffic. He was concerned that there was not a traffic study, a Transportation Impact Analysis (TIA), done prior to the project going before the Planning Commission, even though by law and procedural matters, it is not required. The State Department of Transportation (DOT), during the pre-application conference several months ago, requested that a TIA be performed. That would have to be done before any work was started on the property, any construction.

Alderman Lail asked Mr. Frazier to refresh his memory of the City's process and the code. As a PD, if approved, a site plan would be developed and it would go back to the Planning Commission for the Planning Commission to determine, as a quasi-judicial body, that it is consistent with what is required in the City's planned development.

Mr. Frazier responded yes sir, that would give not just consistency with the Hickory by Choice plan, but it would provide assurance not only to the developer to what the City is requiring, but it would give assurance to the neighboring property owners in all directions as to what would be required. Instead of just saying we are rezoning this to commercial, they don't know what they are going to get. With this planned development it will be extremely specific in terms of the number of buildings, the number of units, and the commercial ratio to residential.

Alderman Lail interjected orientation of the buildings, everything, the design of the storm water system, the whole deal.

Alderman Zagaroli commented it is certainly something that we need, more living space for people as we grow the City. We need places for them to go to live.

Mr. Frazier stated with this, this will push the limit that has been discussed, what has been planned, what has been approved, what has been applied for, for over a 1,000 planned units of multifamily.

Mayor Cline asked if there were any further questions for Council. There were none. 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.

Opponents

Mr. Jerry Whitener, 3157 Missy Street, Hickory, advised he lives right off of Short Road. The land that they are talking about rezoning abuts his family farm which they had for 100 years or a little over. His biggest concern was traffic and water runoff. Every time they get a storm, a major storm comes in, he has approximately an acre of his land down on the farm that floods out where there is a natural branch that gets over flooded from Startown Road, Robinwood Road, Short Road, and water comes down the hill through there and floods out an acre. He has two water gaps to keep his horses from going anywhere. He hadn't lost anything fortunately. His biggest concern was the wrecks between Highway 70 and Robinwood Road. He commented that section through there is like a dragstrip between 5:00 p.m. and 5:30 p.m. in the afternoon. We are coming up on shopping spree time for Thanksgiving. It is going to be a nightmare getting in and out there. Unless you can control that traffic you are going to have a bunch of people getting hurt. It is hard getting out. At certain times, even at 5:30 a.m. in the morning he might sit there 15 minutes, and in the afternoon he might sit there for 30 minutes trying to make that left-hand turn. Especially when school gets ready to let out and they think that they have the right of way. When you come up and you are the first one there, you let one go because of traffic, another one pops up and thinks that he has the right of way when you are there first. There had been several occasions when he had to avoid one coming out. He had to go to the turning lane to keep from getting hit. That was a major concern of his. He could deal with flood like he has always dealt with it. When it rains he keeps his horses on the upper end. He would like to be able to maintain his farm but since Council is going to bring the City limits right next to him, what is going to happen? Are they going to move him on into the City in the future? He didn't want to be in the City. He knew he was part of the City out in the country, but the regulations that the City would have on him as a farm, it would make it hard.

Mr. George Whitener, 3165 Missy Street, Hickory, agreed with his son, Jerry Whitener (previous speaker). He asked why it had to change like they wanted to do. He advised the trailer park had dope addicts down there. The apartments behind Valley Hills Mall has the same problem. It seems to him that all of these young people can't get along without dope. What they want to do out there in front of them it is not going to be any better. It is going to be right in his front door and he doesn't like it. He grew up there. Where the trailer park is was fields and where the houses on the other side are was woods through there. Things were a whole lot better than they are right now, even though things are easier, life was a whole lot better. He advised he is 76 and knew that some people knew what he was talking about of where they grew up.

Mayor Cline asked if anyone else wished to speak. No one else appeared. He advised there were two people signed up to speak in favor of the proposal, Mr. Scott Mitchell and Mr. Ed Neill.

Proponents

Mr. Scott Mitchell, 1776 2nd Street NW, Hickory, referenced the information that Council had received in their agenda packet and the letters. He advised his name was on the right hand corner of the material in fine print. He was for the project. It is a unique opportunity and it could be a game changer for Catawba County. It came at the request from CVCC. They have a pressing need for housing, student athletes and something that this offers is a more urban project that is geared to the younger demographics. It is perfect for the students. It is within walking distance of the campus and it is within reasonable commute to the industrial park which is getting ready to be developed. He appreciated the neighbor's concerns. The requested rezoning to a planned unit development gives much more transparency as Alderman Lail pointed out. There is going to be public input, City staff reports, and they will have to comply with DOT traffic standards and the storm water runoff calculations. Right now there is no storm water detention so all the water from that whole area is coming down that little gully. They would be required to put in detention ponds and water quality systems that would better that entire situation. Startown is a DOT street. He commented as you can see there are three ongoing traffic improvements going to be made. In their opinion they need the rezoning first to establish the density, the quality of the development and the number of occupants to begin the traffic study. It is a perfect time because they have not designed anything yet, so they can use those numbers to probably influence and maybe even speedup those highway projects. It would be a complimentary thing instead of a reactionary thing. They feel good about the timing of it. He referenced a letter where CVCC was asking for it. They have a pressing need for 60,000 square feet of new building space. This project would offer 40,000 plus some student housing in an urban setting. That was another reason they requested some flexibility because CVCC may come back and want to put more of their projects on that site. He couldn't see anything detrimental about the project, the fact that you are moving it from an O and I zoning to a Planned Unit

Development compliments the property. You can move things to where they need to be so it is more urban on Startown and more residential on the backside next to the neighbors, which O and I does not offer. They could densify the entire site if they wanted to. They feel it is only good points and requested Council vote for the rezoning. He advised he would be happy to answer any questions.

Mayor Cline advised Council would do that later when they were considering it. He thanked Mr. Mitchell and asked Mr. Ed Neill to the podium.

Mr. Ed Neill, 3415 Airport Road, Maiden, advised he was representing the principals that had the property under contract and to answer any questions that Council may care to ask and maybe respond or offer some rebuttals.

Mayor Cline advised that concluded the first phase of the opponents and proponents. He asked if anyone wished to speak for rebuttal to the proponents.

Rebuttal

Mr. Matthew Maudling, 1081 17th Avenue NW, was concerned that they will be building apartments that young students won't be able to afford. CVCC is in favor of this project, but they want benefit if the students won't be able to afford to live there. He thought they needed to take some time to consider that.

Mayor Cline asked if anyone else wish to speak for this phase in opposition for the proposal. No one else appeared. He asked if anyone wished to speak again for surrebuttal. No one appeared. He declared the public hearing closed and turned it over to Council for a motion and discussion.

Alderman Lail mentioned that previously Council had rezoned this property with the understanding that there was going to be some apartments and some office uses there. He knew that current State law is very restrictive as to what cities can do in terms of annexing folks, and bringing them into the city. Without question, it just about has to be voluntary now a days. The property owners have to ask to be into the city and get city services. This occurred to him to be a good location, good use of the property. The fact that it is a planned development and Council can address some of the issues that the more intense development would cause, whether it is traffic, storm water, whatever the issues are, it could be noise or light, or whatever, all of that has the opportunity to be addressed within that planned development context. He would be supportive.

Alderman Lail moved, seconded by Alderwoman Patton approval of the Rezoning Petition 17-03. The motion carried unanimously.

ORDINANCE NO. 17-29

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE HICKORY OFFICIAL ZONING ATLAS TO REZONE APPROXIMATELY 23.418 ACRES OF PROPERTY LOCATED AT 3061 SHORT ROAD, 1995 STARTOWN RD, 2007 STARTOWN RD, AND AN UNADDRESSED PARCEL SOUTH OF STARTOWN RD FROM PLANNED DEVELOPMENT (PD), OFFICE AND INSTITUTIONAL (OI), AND R-1 RESIDENTIAL TO PLANNED DEVELOPMENT (PD).

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 23.418 acres located at 3061 Short Road, 1995 Startown Road, 2007 Startown Road, and an unaddressed parcel south of Startown Road, more particularly described on Exhibit A attached hereto, to allow a Planned Development District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on August 23, 2017 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 17-03 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 properties are located at the 3061 Short Road, 1995 Startown Road, 2007 Startown Road, and an unaddressed parcel south of Startown Road, and further identified as PINs 3711-12-95-4256, 3711-12-95-9875, 3711-12-95-9560, and 3721-09-05-3707.
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:

The vicinity in which the subject properties are located is classified as Regional Commercial by the Hickory by Choice 2030 Comprehensive Plan. This classification consists of areas along and adjacent to the I-40 / U.S. 70 corridor, that provide shopping and destination amenities for Hickory's residents and visitors.

Within the Goals and Policies section of Chapter 3 of the comprehensive plan a number of goals and policies are provided that address development. A brief explanation of the goals, and how the development proposal fits in with the goals is provided below.

Goal 1 discusses the expectation new development will "fit in". The subject properties are located within an area that is transitioning from a historically rural environment to a more urban environment. When Catawba Valley Boulevard was completed in the 1990s the development pattern in the area changed dramatically. Its completion brought about a number of commercial and residential developments to northwest. Catawba Valley Community College (CVCC), and its recent growth has also played into the urbanization of the area. CVCC is currently expanding and adding new buildings to its campus. Yet another project of significance to mention is the future Park 1764, which is to be located less than a mile to the southeast on Startown Road. This business park is a joint venture between the City of Hickory, Catawba County, and the Catawba County Economic Development Corporation.

Goal 2 indicates neighborhoods should be designed to provide pedestrian access to daily services. The development proposal provides for internal amenities (retail/service areas) that work towards achieving this goal. In addition, the proposed development is within a short distance of larger shopping areas along Catawba Valley Boulevard and U.S. 70. While walking to these areas may not be ideal, their close proximity would reduce cross-town commutes for goods and services. An additional consideration would be the availability of housing for faculty and staff of Catawba Valley Community College, which is directly across Startown Road from the subject properties.

Goal 3 references the need to provide balance between development and open spaces. The development proposal shows 20%, or approximately 4.7 acres, of the development's total area as being set aside as open space. Much of this open space is located in the center of the project site, and could be utilized by residents as areas for passive recreation, as well as a habitat area for plants and animals.

Goal 4 discusses the locations of industrial uses. Being the development is absent of industrial uses, this goal would not pertain to the development proposal.

Goal 5 is very similar to Goal 2, but goes further in outlining the need to promote mixed use areas that provide convenient access to amenities and employment areas. As previously outlined the location of the subject properties provide access to amenities (retail and services), as well as close proximity to employment areas.

Goal 6 relates to citizen participation in planning. With the project falling under the Planned Development process, which requires notices and hearing; the public will be afforded the opportunity to provide input regarding the proposal.

Based upon these findings, the Hickory City Council has found Rezoning Petition 17-03 to be consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. Planned Development Conditions of Approval.

1. The development of the properties shall be guided by the provided Planned Development Master Plan, as shown in Exhibits B and C, and any other applicable standards that may relate to the development of the properties;
2. The owner/developer shall be required to provide for any infrastructure improvements necessary to serve the proposed development; and
3. The owner/developer shall be permitted to develop the property to a maximum floor area ratio of 0.60.

SECTION 5. This Ordinance shall become effective upon adoption.

B. Departmental Reports:

1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Small Cities Project Area (Council Appoints) VACANT
 (Lydia Doll Resigned 9-6-2017)

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 2 (Tarlton Appoints) VACANT
 Ward 4 (Guess Appoints) VACANT
 Ward 6 (Patton Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

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

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
 (Appointed by City Council)
 Burke County (Mayor Appoints) VACANT
 Catawba County (Mayor Appoints) VACANT

HISTORIC PRESERVATION COMMISSION

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

INTERNATIONAL COUNCIL

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

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 At-Large (2) (Mayor Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 3 (Seaver Appoints) VACANT
 Ward 4 (Guess Appoints) VACANT

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
 Position 1 Grover Lineberger
 (Eligible for Reappointment)
 Position 9 VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 4 (Guess Appoints) VACANT

UNIVERSITY CITY COMMISSION

(Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council)
At-Large (not including ETJ) (Council Appoints)

VACANT

YOUTH COUNCIL

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

- At-Large Representative
- Challenger High School Representative
- Homeschool Representative
- St. Stephens High School Representative
- St. Stephens High School Representative

- VACANT
- VACANT
- VACANT
- VACANT
- VACANT

The Youth Council Applicant Review Committee Makes the Following Recommendation for Appointment to the Youth Council:

Hanna Worthington, St. Stephens High School Representative

Mayor Cline asked if there were any appointments or nominations for appointments. Mayor Cline nominated Hanna Worthington, to the Youth Council as a St. Stephens High School Representative. Mayor Cline moved seconded by Alderwoman Patton approval of the nomination. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

Mayor Cline asked if there were any matters not on the agenda to bring to Council by Council. There were none.

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

Mayor Cline asked if there were any general comments by members of Council, City Manager, or Attorney Crone of a non-business nature. There were none.

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

Mayor Cline advised there was a closed session to do two things, approval of the closed session minutes and discussion of potential litigation. He asked for a motion to go into closed session.

Alderwoman Patton moved seconded by Alderman Seaver to go into closed session. The motion carried unanimously.

At approximately 7:33 p.m. Council convened into closed session.

1. Approval of Closed Session Minutes of May 2, 2017, June 20, 2017 and August 1, 2017 - NCGS §143-318.11(a)(1)
2. Discussion of Potential Litigation - NCGS §143-318.11(a)(3)

At approximately 8:22 p.m. Council reconvened to open session. No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 8:22 p.m.

Mayor

City Clerk