

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 4, 2018 at 7:00 p.m., with the following members present:

Brad Lail	Hank Guess	David L. Williams
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Rick Beasley, 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 Guess called the meeting to order. All Councilmembers were present.
- II. Invocation by Alderman Williams
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Recognition of Hickory Parks and Recreation Department's Little League Team for Winning the First-Ever State Title in that Division.

Little League State Tar Heel Champions: Blake Evans, Noah Surbaugh, Kyler Milligan, Brycen Gaither (not present), Brady Stober (not present), Jamarion Lackey, Deke Young, Matthew Lefevers, Hollis Morhpis, Jack McGhinnis, Dean Hall, John Holbrook, Coach Roger Young (not present), Coach Wes Harris and Coach Mike Lefevers.

Mayor Guess advised the City hosted 44 teams for the State Championship. The games were played in Hickory. Hickory had four teams which participated; a Coach Pitched team, a Midget team, a Little League team, and a Junior League Team. The young men present represented the Little League Team, and they were the State Champions. He congratulated the other three Hickory teams. The Junior League Team was the runner-up for the State Championship as well. He read the Proclamation and asked the Little League State Tar Heel Champions and the Coaches to the podium. He presented the Proclamation to Coach Lefevers. He presented miniature City of Hickory key lapel pins to the Coaches and to each team member. He recognized the Parks and Recreation Staff. There was a lot of work to be done over that weekend and preparation in getting everything ready. The City's Parks and Recreation Staff did a wonderful job as well. He thanked them. He mentioned it was the first time ever that Hickory had State Champions.

Coach Mike Lefevers thanked City Council for the recognition. He commented these kids deserved a lot of credit and he appreciated the opportunity. It also gave them a chance to see what City Council meetings are all about. He recognized Coach Roger Young who couldn't be present. He advised they had two parents, Rich and Kristin Stober, who did a team shirt for them. It had a Tar Heel logo on the front and State Champions and all the players listed on the back. He had presented t-shirts to each Councilmember.

Mayor Guess welcomed the team to stay for the remainder of the meeting. He knew they were dying to get home and get their homework done.

City Council congratulated the team.

- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of August 21, 2018

Alderman Zagaroli moved, seconded by Alderwoman Patton that the Minutes of August 21, 2018 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.

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

 - A. Budget Revision Number Two. (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 Alderwoman Patton approval of the Consent Agenda. The motion carried unanimously.

- A. Approved the Special Events Activities Application for the NC League of Municipalities – Host City Party, Dana Kaminske, City of Hickory’s Communication and Marketing Director, September 19th at 9:00 a.m. through September 21st at 5:00 p.m., City of Hickory Parking Lot on Main Avenue NW/Union Square.
- B. Approved the Special Events Activities Application for the Children’s Advocacy & Protection Center’s Vigil, Connie Engart, Community Education & Outreach Coordinator, Children’s Advocacy & Protection Center, October 23, 2018 (Rain Date October 30, 2018), 10:30 a.m. to 1:30 p.m., at the Sails on the Square.
- C. Approved the Special Events Activities Application for the 2018 Walk to End Alzheimer’s, Molly Goode, Development Specialist, Alzheimer’s Association, Western Carolina Chapter, October 27, 2018, 7:00 a.m. to 1:00 p.m., at L.P. Frans Stadium, 2500 Clement Boulevard, Hickory.
- D. Approved the Cemetery Deed Transfer from Elizabeth M. Reynolds and husband Jon Roger Reynolds to Francis William McComb, Oakwood Cemetery, Section 39, Plot G, Lot No. 1, Grave Space Number 5. (Prepared by Elizabeth M. Reynolds)
- E. Approved the Cemetery Deed Transfer from Jeffrey Bryan Peirce, Trustee of the Judith Bryant Peirce Revocable Trust date March 25, 2013 to Albertus William Huffman III and wife, Elizabeth Madaris Huffman, Oakwood Cemetery, Section 57, Plot N, Lot Nos. 21 and 22. (Prepared by Casey W. Pope, Patrick, Harper & Dixon, LLP)
- F. Approved the Cemetery Deed Conveyance from the City of Hickory to Marcus Hill, Southside Cemetery, Plot H, Lot No. 18 and 19, Section 2. (Prepared by Deputy City Attorney Arnita Dula)
- G. Approved the Cemetery Deed Transfer from Anne Goodson and husband Mark Goodson; John W. Crone, III and wife, Beth M. Crone; and Kathy Pinkus and husband, Geoff Pinkus to John W. Crone, III and wife, Beth M. Crone, Oakwood Cemetery, Section 26, Plot A, Lots 2, 3, 4, 7, and 8. (Prepared by Kevin C. McIntosh, Esquire)
- H. Approved the Resolution for the Local Water Supply Plan for the City of Hickory.

Staff requests Council’s approval of a Resolution for the local water supply plan for the City of Hickory (PWS: 01-18-010). North Carolina General Statute 143-355 (1) requires all public water systems to have a local water supply plan that is intended to give a report of the water system’s current demands and a projection for future demands. This analysis is required to be performed and reported annually by public water suppliers with major updates every five years that require the passage of a Resolution approving the document by the governing board. The City of Hickory’s Public Utilities Department has performed the analysis and evaluation of the water use patterns and the available treatment capacities for the entire City of Hickory distribution and collection systems. This plan is intended to reflect the current use patterns of the available water supply and then project forward 50 years to determine if system demands will surpass available capacity at any point in that period. This is one component of the North Carolina Water Supply Master Plan for the entire State. This evaluation is required to be performed, updated and reported annually to NCDENR with major updates required every five years. The City of Hickory’s local water supply plan does not reflect an exceedance of available supply over this planning period. The City of Hickory’s local water supply plan has been reviewed by NCDENR and has been found to be in compliance with NCGS 143-355 (1). Staff recommends Council’s approval of the Resolution approving the local water supply plan for the City of Hickory (PWS: 01-18-010).

RESOLUTION NO. 18-28
RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN
City of Hickory PWS 01-18-010

WHEREAS, North Carolina General Statute 143-355 (1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Hickory, has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Local Water Supply Plan has been deemed to be in accordance with the provisions of North Carolina General Statute 143-355 (1) through review by NC DENR-DWQ Planning Staff and that it will provide guidance for

the future management of water supply for the City of Hickory, as well as useful information to the Department of Environment and Natural Resources, Division of Water Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory that the Local Water Supply Plan entitled, 2017 Local Water Supply Plan, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

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

- I. Approved the Resolution for the Local Water Supply Plan for the Town of Catawba.

Staff requests Council's approval of a Resolution approving the local water supply plan for the Town of Catawba (PWS: 01-18-040). North Carolina General Statute 143-355 (1) requires all public water systems to have a local water supply plan that is intended to give a report of the water system's current demands and a projection for future demands. This analysis is required to be performed and reported annually by public water suppliers with major updates every five years that require the passage of a Resolution approving the document by the governing board. The City of Hickory's Public Utilities Department developed the Town of Catawba's local water supply plan due to the City of Hickory owning, operating, and maintaining this public water system. Hickory City Council is the governing board responsible for providing these services due to this relationship. The City of Hickory owns and operates the Town of Catawba's public water system, and therefore must approve the local water supply plan for this public water system as well. Hickory City Council has full authority to establish operational rules, regulations, and plans for the Town of Catawba public water system (PWS: 01-18-040) per the purchase contract from 2003. The Town of Catawba's local water supply plan has been reviewed by NCDENR and has been found to be in compliance with NCGS 143-355 (1). Staff recommends Council's approval of a Resolution approving the local water supply plan for the Town of Catawba (PWS: 01-18-040).

RESOLUTION NO. 18-29
RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN
Town of Catawba PWS 01-18-040

WHEREAS, North Carolina General Statute 143-355 (1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Catawba, has been developed by City of Hickory Public Utilities Department and is approved by City of Hickory City Council as owners of the Town of Catawba PWS 01-18-040; and

WHEREAS, the City Council finds that the Local Water Supply Plan has been deemed to be in accordance with the provisions of North Carolina General Statute 143-355 (1) through review by NC DENR-DWQ Planning Staff and that it will provide guidance for the future management of water supply for Town of Catawba, as well as useful information to the Department of Environment and Natural Resources, Division of Water Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory that the Local Water Supply Plan entitled, 2017 Local Water Supply Plan, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

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

- J. Approved the Issuance of a Pyrotechnic Display Permit to Lenoir-Rhyne University.

Associate Athletic Director, Aaron Bessey of Lenoir-Rhyne University has submitted a request to obtain permission to have a public fireworks display on September 15, 2018. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one million dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure

compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics displays.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved the FY 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER) – Presentation by Community Development Manager Karen Dickerson.

The U.S. Department of Housing and Urban Development requires the City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient, to report on CDBG monies spent within the previous fiscal year. The CAPER evaluates the effectiveness of the use of resources in addressing identified goals and objectives cited in the Annual Action Plan which is prepared before the fiscal year begins. CDBG resources were used for the following activities: Housing Rehabilitation \$28,575; Housing Rehab Administration \$2,409; Habitat for Humanity \$13,557.66; Exodus Homes \$6,600; ALFA \$9,900; Hickory Soup Kitchen \$6,600; Safe Harbor \$6,600; Cooperative Christian Ministry \$11,900; Microenterprise Assistance \$6,250; Public Infrastructure Improvements \$97,705.39; Cliff Teague Park Improvements \$59,793; West Hickory Park Improvements \$88,798.91; Down-Payment Assistance \$27,500; Fair Housing \$702.38; and Program Administration \$53,478.72; Total \$420,370.06. The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, is preparing the Consolidated Annual Performance and Evaluation Report (CAPER), for submission to HUD. The CAPER outlines the City's CDBG expenditures from July 1, 2017 thru June 30, 2018. Staff recommends Council's consideration of the FY 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER).

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 21st, August 25th and September 4th.

City Manager Warren Wood asked the City's Community Development Manager Karen Dickerson to the podium to present the FY 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER).

Community Development Manager Karen Dickerson presented City Council with a PowerPoint presentation. She presented the Consolidated Annual Performance and Evaluation Report (CAPER). Entitlement monies for the Community Development Block Grant (CDBG) are received from Housing and Urban Development (HUD) and they require an annual report. This report shows how the City spent the money for the previous year. For Council's consideration was the CAPER for the period of July 1, 2017 to June 30, 2018. Some of the projects which they did in 2017/2018 were listed on the PowerPoint slide. She discussed public infrastructure improvements. They spent just over \$97,000 to resurface neighborhood streets near "C" Avenue. They also did renovations to the West Hickory Park, just over \$88,000. They completed a new picnic shelter and a new restroom building there. They did a renovations to Cliff Teague Park, with a sum of just over \$59,000. They resurfaced the parking lot, improved the trails, completed a handicap accessible walkway to the playground and they purchased new picnic tables, trash receptacles, etc. They did Microenterprise Assistance Grants for low to moderate income individuals. They had \$6,250 in total grants, \$4,000 was provided to assist an auto repair business. A second business received \$2,250 in 2017. It was a woodworking business that was also counted in the 2016 CAPER, but the second installment of their fund was granted in the year 2017. She advised "C" Avenue SE and 12th Street SE were two of the resurfacings. She referred to the PowerPoint and showed a photo pointing out Cliff Teague Park, the streets "C" Avenue and 12th Street SE to where it terminates. They also did "B" Avenue SE and 14th Street SE. She pointed out the streets on a PowerPoint slide. She showed photographs of the picnic shelter and the bathroom facilities which were improvements to West Hickory Park. She showed photos of Cliff Teague Park improvements as well, which included new sidewalks, new parking lot, etc. She advised some of the money was spent on administration and housing activities. They spent \$42,132 investing in the City's housing stock assisting low to moderate income homeowners. They had rehabs completed on two homes in 2017 through the City of Hickory's Housing Rehabilitation Program for a total of \$28,575. Habitat completed rehabilitation on

six houses, they fund Habitat, for a total of \$13,557.66 in assistance. She advised \$2,409 was used to fund a Housing Rehabilitation Loan Program Administrative Technician and Rehabilitation Specialist to assist in that. When somebody calls them and says they need rehab, they need someone to look at that and to inspect that house to determine what exactly needs to be done to rehabilitate that house for that particular person. They also spent \$702.38 to promote fair housing practices. We are really strongly behind this in this area, and HUD wants us to be, and we want to make sure that we do those practices. She advised in Program Administration they utilized \$53,478.72 for the administration of planning during the 2017/2018 program year.

Ms. Dickerson advised they also give money to public service activities, which are non-profits. Council had approved some funding for those for FY18/19. They gave \$6,600 to Exodus Homes; \$9,900 to ALFA; \$6,600 to Hickory Soup Kitchen; \$6,600 to Safe Harbor; and \$11,900 to Cooperative Christian Ministries. In 2018/2019 they are doing additional improvements to Cliff Teague Park. They are improving some bridge rails. There is a wooden bridge at that park and the railings are old and deteriorating. They are improving those. There is also a sidewalk which doesn't terminate at the parking lot or the street. It ends in the middle of the grass. They are improving the sidewalk and they are going to resurface the tennis court. She thought it was the only tennis court on that side of town. They hope by resurfacing that it will hopefully get some use. They will do additional street resurfacings along 17th Street SW between 2nd Avenue SW and US 70. The bid closed today and they will be moving forward on that. They intend to develop a small business loan program to assist in increasing entrepreneurial activities for the City. They already have the Microenterprise Grant but they are working to establish a small business loan program. It would be a little bit different. It would still be funded by CDBG. The requirement would be, 51 percent of the jobs that you create must go to low to moderate income individuals. They had also allocated funding to demolish or rehabilitate substandard structures in low to moderate income neighborhoods. They are working now on a plan, looking at different locations, what they can really do with that money and figuring out how to spend it. She asked Council for any questions.

Mayor Guess asked Council for any questions. 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. No one appeared. Mayor Guess asked for persons in favor of the proposal to speak. No one appeared. Mayor Guess declared the public hearing closed and asked for a motion or discussion.

Alderman Lail moved, seconded by Alderwoman Williams approval of the Consolidated Annual Performance Evaluation Report (CAPER) for FY 17-18. The motion carried unanimously.

2. Approved on First Reading Rezoning Petition 18-01 for approximately .70 Acres of Property Located at 3355 Springs Road NE, Owned by Starnes Industries, Inc. – Presentation by Planning Director Brian Frazier.

Starnes Industries Inc., property owner, has petitioned for the rezoning of .70 acres of property located at 3355 Springs Road NE. The property is currently split zoned R-1 (Low Density Residential), NC (Neighborhood Commercial), and CC-2 (Commercial Corridor). The request is to rezone a portion of the property from R-1 and NC to CC-2. The rear portion of the lot will remain zoned R-1. The property is currently vacant. A single family residence that occupied the property was demolished on August 20, 2018. The applicant has indicated the rezoning is needed to facilitate a future business expansion of the neighboring Springs Road Rent-Alls business. The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as Commercial Corridor and High Density Residential. Hickory by Choice 2030 lists the CC-2 zoning district as being an implementing zone for the Commercial Corridor future land use classification. In evaluating the proposal with the goals outlined within the Hickory by Choice 2030 Plan, staff feels the request is consistent with the comprehensive plan. The Hickory Regional Planning Commission conducted a public hearing on August 22, 2018 to consider the petition and voted unanimously 8-0 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 recommendation of the Hickory Regional Planning Commission

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 24th, and August 31st.

City Manager Warren Wood asked the City's Planning Director Brian Frazier to the podium to present Rezoning Petition 18-01 for approximately .70 acres of property located at 3355 Springs Road NE, owned by Starnes Industries, Inc.

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed rezoning petition 18-01, Starnes Industries, Inc. located on Springs Road. He advised the current property zoning was neighborhood commercial, commercial corridor and low density residential. The request was to rezone the majority of the property to CC2, commercial corridor. He showed the future land use map pointing out the Springs Road corridor, the commercial corridor, the future land use of the neighborhood, mixed used neighborhood, and the parcel in question. He showed a map pointing out Springs Road, Section House Road, the parcel in question, Food Lion, Springs Crossing Shopping Center, and Random Woods Subdivision. He advised the Hickory by Choice 2030 Comprehensive Plan indicated that the area was being classified as commercial corridor and high density residential. The commercial corridor was characterized as commercial development along major roads, and in this case Springs Road NE. The proposed zoning district was the implementing zoning district of the commercial corridor future land use classification which was previously adopted by Council. He showed the current zoning map and pointed out Springs Road, Section House, the residential area, the NC, and the CC2, and the subject parcel. He showed a map pointing out Springs Road and the existing Rent All business which was currently zoned CC2. He showed a house on the map which had been recently demolished and was also under the ownership of Starnes. That would be rezoned from neighborhood commercial to CC2. He showed a piece of the property which would be rezoned from R1 to CC2. They were looking at fixing zoning from years ago to even it up and cleanup zoning. He showed a parcel which was currently R1 and it would remain R1. They did not want to rezone this and have it sticking into the residential neighborhood. He showed the layout of the parcel and advised there was three separate sections to it and this would be a fourth. The neighboring properties were zoned NC, CC2 and R1. The proposed commercial corridor zoning district is a district which is intended for commercial development, a wide-range of commercial uses are permitted there. Industrial uses are not permitted there currently. The owner and his attorney had indicated to staff that the rezoning was necessary to accommodate a future business expansion of the adjacent Springs Road Rent Alls business. The current zoning limits that possibility and there was a chance, because they didn't have any room to expand, they would have to leave the City and go into the County or Conover, or somewhere else. We are looking to keep them here. He discussed the findings. The subject property was classified as commercial corridor high density residential by Hickory by Choice 2030. The CC2 zoning district was listed as the implementing district for the commercial corridor classification, therefore should be considered to be consistent with the plan's recommendation for Hickory by Choice. The Hickory Regional Planning Commission held their hearing on August 22 to consider the matter. The applicant's attorney spoke in favor of the petition, no one spoke against it at that hearing. The hearing ended with a vote of 8 to 0 with one recusal. One of the gentleman on the commission does business with this firm, no financial interest, but they took the conservative approach and recused themselves. They affirmed the petition's consistency with Hickory by Choice 2030 and recommended City Council's approval of the petition. Staff concurred with the recommendation of the Hickory Regional Planning Commission and respectfully recommended City Council's approval. He asked Council for any questions.

Mayor Guess asked if Council had any questions. 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. No one appeared. Mayor Guess asked for persons in favor of the proposal to speak. No one appeared. Mayor Guess declared the public hearing closed and asked for a motion or discussion.

Alderman Patton moved, seconded by Alderman Zagaroli approval of Rezoning Petition 18-01. The motion carried unanimously.

ORDINANCE NO. 18-25

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE APPROXIMATELY 0.69 ACRES OF PROPERTY LOCATED AT 3355 SPRINGS ROAD NE FROM LOW DENSITY RESIDENTIAL (R-1) AND NEIGHBORHOOD COMMERCIAL (NC) TO COMMERCIAL CORRIDOR (CC-2).

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 petitioned to rezone approximately 0.70 acres of property located at 3355 Springs Road NE, more particularly described on **Exhibit A** attached hereto, to allow a Commercial Corridor (CC-2) district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on August 22, 2018 and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 18-01 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 PROPERTIES LOCATED AT 117 29TH AVENUE NE, AND DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject properties are located at 3355 Springs Road NE, and further identified as PIN 3723-07-69-2472.
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 Commercial Corridor and High Density Residential. The Commercial Corridor future land use classification is characterized as commercial development along major roads, including Springs Road. Development is mainly designed around automobile traffic, but should also be pedestrian friendly. The High Density Residential future land use classification is characterized as an area with small building 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. These areas may also contain office uses along thoroughfares and adjacent to commercial areas to act as a transition between commercial and residential land uses, provided, such office uses are located immediately adjacent to existing office uses and districts. Hickory by Choice 2030 goes on to list the CC-2 district as being an implementing zone for the Commercial Corridor future land use classification;
2. The Commercial Corridor classification is intended to provide commercial development opportunities that are automobile focused, but provide adequate pedestrian accommodations;
3. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations;
4. The subject property is located along Spring Road NE, which is largely comprised of commercial uses;
5. Public infrastructure currently in place in the area is sufficient to handle the type of development possible on the subject property;
6. Any future development that takes place on the subject property will be regulated by current and future development standards duly adopted by the City of Hickory and the State of North Carolina; and
7. Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to

ensure surrounding residents, and property owners are properly protect as prescribed by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 18-01 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.

3. Approved on First Reading Rezoning Petition 18-03 for Approximately 113 Acres of Property Located at 2355 and 2369 Startown Road, being the First Phase of the Trivium Corporate Center – Presentation by Planning Manager Cal Overby.

On August 7, 2018, Hickory City Council approved a voluntary non-contiguous annexation of approximately 113 acres of property, which consists of the first phase of the Trivium Corporate Center. The property currently retains Catawba County's Planned Development – Industrial Park – Conditional Zoning designation. The requested action is to assign the recently annexed property a City zoning designation, which is recommended to be Industrial – Conditional District (IND-CZ). The owners of the property have consented to the use of the conditional zoning process, so that the properties can be developed with a greater degree of certainty. The property was previously approved by Catawba County as an industrial park, which was formerly known as Park 1764. At that time the property was approved to be utilized, conditionally, for the location of what was termed as "Class 'A' Business Park". The uses of which included office, light-manufacturing, research and development facilities. The requested action is to assign a City zoning designation similar to what was approved by Catawba County. The proposed Hickory Industrial – Conditional District (IND-CZ) is almost identical to what was approved by Catawba County, so there is no major difference between what is now permitted, and what will be permitted. The Hickory Regional Planning Commission conducted a public hearing on August 22, 2018 to consider the petition. During the public hearing, two citizens spoke in opposition to the petition, citing concerns over increased truck traffic and noise. Upon closing the public hearing, the Hickory Regional Planning Commission voted 9-0 in favor to affirm the petition's consistency with Catawba County's current plans pertaining to the area, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission and recommends City Council's approval of Rezoning Petition 18-03.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 24th, and August 31st.

City Manager Warren Wood asked the City's Planning Manager Cal Overby to the podium to present Rezoning Petition 18-03 for approximately 113 acres of property located at 2355 and 2369 Startown Road, being the First Phase of the Trivium Corporate Center.

Planning Manager Cal Overby presented a PowerPoint presentation. He advised the request was to rezone property owned by Trivium Corporate Center, which was to be the initial phase of Trivium Corporate Park. The applicant was the City of Hickory and Trivium Corporate Center. This was the City's initial zoning action with the property upon annexation. The City technically had to be a party to it as well as the Trivium Corporate Center. The property was currently zoned planned development industrial park conditional district by Catawba County. The City was trying to mirror what was already put in place by Catawba County. The property contained approximately 113 acres. The City was looking at rezoning it to industrial conditional district, which is basically similar to what Catawba County already has in place. He showed a map on the PowerPoint and pointed out the subject property, Startown Road and Robinwood Road, to the north was Catawba Valley Community College. He displayed another map which was showing existing County zoning, and Hickory zoning. Hickory's zoning was a mixture of commercial and office zoning. He noted the planned development area and everything else surrounding it was residential and was all zoned by Catawba County at the time being. He advised the property was officially annexed by the City of Hickory upon petition of the property owners on August 7th. The property was to be developed as an industrial park that was approved by Catawba County a number of months back. The City was following through on part of the plans to go along with it here. The zoning was to be industrial conditional district. The industrial conditional district meant there was no outright use by right, we dictate. It is an agreement with the property owners of how the property would be developed into the future. He discussed the development conditions. They consulted with Catawba County staff and saw what they did and tried to mirror it. He mentioned there were a couple of differences in the City's and Catawba County's. He felt there was a few things that Catawba County may have missed and they had added

those in as part of the City's process. Regarding the landscaping and berm along Startown Road, what was added on the City's behalf was they wanted to make sure it was adequately screened on other property lines also. That wasn't exclusively stated in their ordinance, but they wanted to make sure it was. From talking with their staff that was implied but it wasn't explicit, so he wanted to make sure that was clearly understood moving forward. Fully landscaped parking lots was carried over. A trail system established was carried over from the initial approval to what was being considered tonight. That was to be developed, it wasn't in stone yet, but it will be developed as the park goes into place there. He discussed prohibited uses; which would be distribution facilities, heavy trucking, and heavy manufacturing in the district there. Basically you would be looking at light manufacturing, business, office, research and development type uses would be going into this development park. He mentioned they would organize a property owners association to take care of long term maintenance of the open areas that would exist within the park. Currently, as dictated by the North Carolina Department of Transportation (DOT), Startown Road as well as Robinwood Road are both DOT roadways, so they would have precedent over what would be necessary as far as traffic improvements for the entrances to the park. He advised some of these were carried over from Catawba County but some of these were added by staff. Buildings would be setback 300 feet from Startown Road, 100 feet from Robinwood. Those were carried over from Catawba County's approval. City staff added what was missing from there which was there was no mention of a setback from any other property lines, just external through the park. It was missing from their approval. What was recommended was a 50 foot setback on that area. Most of the time in industrial parks like this, as he showed in the initial map, it was abutting residential areas, you would have to have a 30 foot screen anyhow in most places, it was not that much of an additional setback there. The maximum build height would be 70 foot. Screening of rooftop HVAC equipment. The prohibition of metal buildings. You could have a metal building but you would have to put a veneer on it. That had been a common practice in the building industry for many years. You can have a metal building but it is not going to look like one. That was a common construction practice. Exterior lighting, designed to minimize adverse impacts on surrounding properties, meaning you are not creating glare into someone's bedroom window, or you are not having a light that is inappropriately positioned so that it obstructs someone's peace and quiet on all of the residential properties. You really don't want to have that there. Monument type sign design throughout the park, so that is a consistent thing there. One thing that was on the County's approval which Council did not see on his presentation, was there was a reference of the preservation of silos that were existing on the site at that point in time. When those were evaluated, those were not at a state where they could be preserved. They were structurally deficient. If you developed the property around those it would have been a hazard. Those were actually taken down as part of the process, so that wasn't added into the City's documentation. He thought that was discussed with the previous property owners as well as the Trivium Board as it happened there. That was one thing that they wouldn't see that was carried over from the original County approval. He discussed the findings. This area was not actually included within the City's Hickory by Choice 2030. The City basically reviewed what Catawba County did as far as their plans and they reviewed it based upon the plans that they had in place at the time which was Startown small area plan and some other strategic plans and they found it to be consistent with their plans filing for recommendations. The City carried that over to their recommendation to basically carry on what they had already approved there. On August 27th the Hickory Regional Planning Commission considered the item. There were a couple of speakers about the project. There was some concerns about some buffering and screening, traffic, noise, and things that you hear when you are considering an industrial park. Questions were answered. He didn't feel that anyone left the meeting with a question unanswered. Upon closing the hearing the Planning Commission voted 9 to 0 to recommend approval of the rezoning petition. He asked Council if they had any questions regarding this action.

Alderman Seaver asked if there was going to be an entrance off of Robinwood Road.

Mr. Overby replied there very well may be. Currently the entrance is being constructed on Startown Road. There is a potential, some of it is influx and play at this time, but there is a potential for an entrance to come out on Robinwood. There was an initial discussion about the construction of a bridge to cross a creek in the area. That may turn out to be costly and that may not be an action. You may actually have somewhat of a fragmented industrial area. That was a very real possibility there.

Mayor Guess asked if Council had any other questions. He declared the public hearing open and asked if there was anyone present to speak in opposition to the

proposal. No one appeared. Mayor Guess asked for persons in favor of the proposal to speak. No one appeared. Mayor Guess declared the public hearing closed and asked for a motion or discussion.

Alderman Lail moved, seconded by Alderwoman Williams approval of Rezoning Petition 18-03. The motion carried unanimously.

ORDINANCE NO. 18-26

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE HICKORY OFFICIAL ZONING ATLAS TO REZONE APPROXIMATELY 113.383 ACRES OF PROPERTY LOCATED AT 2355 AND 2369 STARTOWN RD FROM CATAWBA COUNTY PLANNED DEVELOPMENT-INDUSTRIALPARK-CONDITIONAL DISTRICT (PD-IP-CD) TO INDUSTRIAL – CONDITIONAL DISTRICT (IND-CZ)

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 113.383 acres of property located at 2355 and 2369 Startown Road more particularly described on Exhibit A attached hereto, to allow an Industrial – Conditional District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on August 22, 2018 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 18-03 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 2355 and 2369 Startown Road, and further identified as PIN Numbers 3721-17-11-9870, 3721-17-22-0111, 3721-14-32-0573, 3721-17-32-4083, 3721-18-32-4209, 3721-14-32-0573 and 3721-17-31-6604.
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 neither consistent nor inconsistent with the Hickory by Choice 2030 Comprehensive Plan, as the plan does not encompass the area in which the properties are located. However, Catawba County had previously assigned a similar zoning to the subject properties, and found their actions were consistent with the requisite plans for the area.

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 area under consideration was not covered by the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan. However, Catawba County had previously assigned a similar zoning designation to the subject properties, and found their actions were consistent with the requisite plans for the area. As part of Catawba County's consideration for assigning a district similar to what is proposed it was found:

The area is covered by Catawba County's Startown Small Area Plan. The plan's Guiding Principles and Recommendations were evaluated and were found to be consistent with the zoning instated at the time. The evaluation revealed:

- Land Use –

- SAP Principle – “Target industrial growth within the study area to specific, appropriate sites.” (page 16) The Park 1764 is appropriate due to its scale and close proximity to:
 - .7 mile from the Hickory City Limits and Catawba Valley Community College;
 - 1.5 miles from Catawba Valley Mall and a regional shopping center;
 - 1.6 miles from Highway 70 Business;
 - 2 miles from Interstate 40; and
 - .18 miles from the area earmarked for a Neighborhood Commercial Node to the south. The node is just north of the intersection of Settlemyre Bridge Road at the proposed intersection of Startown Road and future Southern Corridor. Note: See attached map titled Startown/Robinwood Roads - Future Land Uses and Transportation Map.
 - SAP Principle – “Preserve open space, pastures and scenic views.” (page 17) The conceptual plan as part of the PD-IP-CD rezoning provides for 116 acres (66%) of the land area to contain parking, sidewalks, trails, landscaping, open space, and other undisturbed vegetative areas (such as the tributary of Muddy Creek).
 - SAP Principle – “Protect natural resources.” (page 17) The Park 1764 conceptual plan proposes to leave intact the tributary of Muddy Creek and its surrounding native vegetation.
 - SAP Principle – “Develop options for passive recreational uses.” (page 17) The Park 1764 conceptual plan includes extensive natural surface trails and outdoor areas.
 - SAP Recommendation – “A high-density mixed-use Village, as shown in brown on Map 5 is proposed in the northern portion of the SAP west of Startown Road. Multi-family homes should be permitted in the village area, which may include a mixture of apartments, patio homes, cluster developments, and zero lot line developments.” (page 18) The majority of the Park 1764 property (100 acres out of 174 acres) was identified in the high-density mixed use village with an emphasis on residential uses as depicted on Map 5 of the SAP. Also see attached map titled Startown/Robinwood Roads - Future Land Uses and Transportation Map. This future high-density land use change was earmarked for this area due to its close proximity to the Hickory City Limits.
 - SAP Recommendation – “The land currently zoned for industrial uses is adequate.” (page 21) The Startown SAP highlighted a considerable amount of land appropriate for future industrial development along the 321 Corridor (SAP Map 5). A considerable amount of land area (983 acres) was identified for industrial development along the 321 Corridor, originally incorporated into the 321 Corridor Plan of 1996. The Startown SAP adopted in 2005 did not fully take into account the availability of infrastructure (water, sewer, natural gas, service roads), natural constraints (topography, watershed, floodplain), the fact out of the 983 acres mentioned above, only 237 acres (tracts of land) exist without structures. Additionally it did not take into account whether or not property owners would be willing to sell their land for industrial use. Based upon these factors, it makes sense to consider additional opportunities.
 - SAP Recommendation – “Industrial zoned property which is developed or redeveloped should strive to preserve the rural viewshed by adhering to the design standards for commercial development.” (page 21) The Park 1764 Class A standards will meet and/or exceed the Unified Development Ordinance (UDO) requirements. The required minimum front setback along Startown Road is 30 feet; however, the Park 1764 PD-IP-CD Development Conditions propose a minimum 300 foot setback from Startown Road. The required minimum front setback along Robinwood Road is 30 feet; however, the Park 1764 PD-IP-CD Development Conditions propose a 100 foot minimum setback along Robinwood Road. These additional front setbacks ensure protection of viewsheds in a north south direction along both Startown Road and Robinwood Road. The topography of the site slopes away from both roads, to a lower elevation along the tributary of Muddy Creek, helping to protect the east and west viewsheds across the property.
 - SAP Recommendation – “Abundant landscaping should be provided to screen parking, loading, storage and maintenance areas.” (page 21) The Park 1764 conceptual plan and PD-IP-CD Development Conditions exceed landscaping requirements of the UDO.
- Economic development –

- SAP Principle – “Create more aesthetically pleasing commercial, industrial, and mixed-use developments.” (page 42) Park 1764 addresses this principle by allowing only Class A buildings.
- SAP Principle – “Industrial areas should be directed to areas with appropriate infrastructure.” (page 42) Park 1764 is proposed at a location where public water and sewer infrastructure exist. It is also bordered to the east by a major thoroughfare and west by a minor thoroughfare.

SECTION 4. Conditions of Approval.

1. Landscaping / Berms / Recreation

- a. A berm and decorative fencing shall be constructed and installed along the eastern park boundary adjacent to Startown Road from the southern portion of the property, extending north, and stopping near Valley View Drive. No berm shall be constructed between the development and the adjacent residential property to the northwest as requested by the adjacent property owners. No berm shall be constructed between the district and the adjacent residential properties to the northeast as requested by the adjacent property owners.
- b. A mixture of deciduous and evergreen trees will be planted along Startown Road and Robinwood Road.
- c. A walking trail shall be created within the park, not adjacent to neighboring properties.
- d. A permanent easement shall be established for the trail and conservation easements will be established along the stream.
- e. All parking areas shall be landscaped as required by Hickory's Land Development Code.
- f. All exterior buffering around the perimeter of the district shall comply with Hickory's Land Development Code.

2. Prohibited Uses

- a. Distribution facilities, heavy trucking, and heavy manufacturing uses shall be prohibited in the district.

3. Property Maintenance

- a. Long term maintenance shall be accomplished through a Property Owners Association.

4. Transportation

- a. Turn lanes and road improvements shall be installed as required by North Carolina Department of Transportation.

5. Development Standards

- a. Building setbacks along Startown Road shall be a minimum of 300 feet. Building setbacks along Robinwood Road shall be a minimum of 100 feet. Building setback from all other property lines external to the district shall be fifty (50) feet. Building setbacks from all internal property lines shall be approved during of the site planning process.
- b. Maximum building height within the district shall be seventy (70) feet.
- c. All roof-top mounted mechanical equipment shall be screened from view of properties not located within the district.
- d. Metal facades shall not be permitted within the district. All buildings will be designed to exist in a complementary fashion to rural business park setting in as much as possible.
- e. Exterior lighting shall be designed to minimize adverse impact on properties not located within the district.
- f. Themed signage will be limited to monument style signs. Pole signs will not be used.

SECTION 5. This Ordinance shall become effective upon adoption.

City Manager Warren Wood commented Trivium Corporate Center was one of the City's bond projects. It was a partnership with Catawba County. It was already bearing fruit with the \$60 million dollar Corning announcement. A lot of that was done on a handshake. And to be able to do that in a community where there is a lot of trust between the City, and the County, and the EDC, and Corning, that doesn't happen in a lot of places. City Council took quick action to make that happen, because we haven't finished the entrance to the park and Corning made a \$60 million dollar announcement. That was big for the City and bearing fruit from the bond program.

4. Approved on First Reading Rezoning Petition 18-04 for Approximately .69 Acres of Property Located at 117 29th Avenue NE, Owned by Lohr Loveland Jr. – Presentation by Senior Planner Ross Zelenske.

Lohr Loveland Jr., property owner, has petitioned for the rezoning of .69 acres of property located at 117 29th Avenue NE. The request is to rezone the property from R-2 (Medium Density Residential – 2) to CC-1 (Community Center Commercial). The property is currently vacant. The applicant has indicated the rezoning is needed to operate a seasonal/temporary sales business. The Hickory by Choice 2030 Comprehensive Plan classifies the vicinity as Community Commercial and High Density Residential. Hickory by Choice 2030 lists the CC-1 zoning district as being an implementing zone for the Community Commercial future land use classification. In evaluating the proposal with the goals outlined within the Hickory by Choice 2030 Plan, staff feels the request is consistent with the comprehensive plan. The Hickory Regional Planning Commission conducted a public hearing on August 22, 2018 to consider the petition and voted unanimously 9-0 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 recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 24th, and August 31st.

City Manager Warren Wood asked the City's Senior Planner Ross Zelenske to the podium to present Rezoning Petition 18-04 for approximately .69 acres of property located at 117 29th Avenue NE, owned by Lohr Loveland Jr.

Planning Manager Ross Zelenske presented a PowerPoint presentation. He advised this was rezoning petition 18-04, and the owner was Lohr E. Loveland Jr. The property was located at 117 29th Avenue NE. It was currently zoned R2 which was medium density residential single family. The property was about .70 of an acre and the request was to rezone this property to CC1 which was community commercial center. He showed the future land use map on the PowerPoint presentation and pointed out the subject property. He advised it was just on the bubble of the community commercial mixed use area and on the outside of that was the high density residential designation and further out was the medium and low density residential areas. He pointed out the institutional areas, along 127 he pointed out Viewmont Fire Station 6, and North View Middle School. He showed the aerial photo and pointed out Belle Hollow Shopping Center, the subject property abutted it right behind it right off of 29th Avenue. He pointed out Publix as well. The Hickory by Choice Comprehensive Plan and future land use map indicated the area was being classified as community commercial and high density residential. Community commercial was characterized as an area that provides services and retail establishments that serve a larger market than neighborhood mixed use districts. The intent was to provide opportunities for larger scale retail developments that serve the northeast, northwest, and southern portions of the City and reduce the need for cross town travel. These areas also provide potential for multifamily developments in a mixed use or standalone setting. High density residential was classified as an area with small building lots, short building setbacks, pedestrian friendly roads, near mixed use and commercial areas. The classification included small lot single family residential, duplex, and multifamily, parks and open spaces as well as occasional office and institutional uses. The proposed CC1 zoning district is an implementing zoning district of the community commercial future land use classification. He showed the current zoning map and pointed out Belle Hollow and Publix, which were currently zoned CC1. He noted on the outside was R2 medium density residential and O&I office and institutional. He advised the neighboring properties were zoned CC1, R2 and O&I. The proposed CC1 zoning classification was a district that was intended to provide service in retail establishments that serve a larger market than a neighborhood mixed use district, which included specifically a wide range of commercial uses.

Single family residential was permitted through a special use permit. Duplexes and multifamily are permitted by right and the only two industrial uses were industrial service and manufacturing, both of which require a special use permit. The owner had indicated to staff that the rezoning was necessary to permit a seasonal holiday sales business with the eventual goal of a more permanent commercial type use. He discussed the findings. The subject property was classified as community commercial and high density residential by the Hickory by Choice Comprehensive Plan. The CC1 zoning district was listed as the implementing zoning district for the community commercial classification and as such should be considered consistent with the plan's recommendations. The Hickory Regional Planning Commission conducted a public hearing on August 22nd to consider the petition. During the public hearing the property owner and seasonal sales business operator spoke in favor, no one appeared to speak against the proposal. However, an adjacent neighbor contacted staff, as recently as today, to discuss his concerns with vehicular access to the property as well as parking. Since it is on 29th Avenue vehicular access was DOT's responsibility to obtain proper approval for driveways. Parking would be addressed by the Land Development Code. Upon closing the public hearing the Hickory Regional Planning Commission vote 9 to 0 in favor of the petition's consistency with Hickory by Choice Comprehensive Plan and recommended City Council approve the petition. Staff concurred with this recommendation. He asked Council for any questions.

Mayor Guess asked for any questions from Council. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked for persons in favor of the proposal to speak. No one appeared. Mayor Guess declared the public hearing closed and asked for a motion or discussion.

Alderman Seaver moved, seconded by Alderman Zagaroli approval of Rezoning Petition 18-04.

Alderman Lail commented it maybe that Council would have to consider what 29th Avenue was going to look like. This was obviously moving down the street from 127. It was surrounded by office and institutional. It was a little bit of an outlier in his opinion to go community commercial. He didn't know so much so that it was maybe inconsistent with what our future land use plan was. He thought in general they would continue to see pressures along that roadway. As it stands now it doesn't look like it is geared. Our Land Use Plan doesn't allow or recommend that roadway turn into commercial/retail type development, it is more of an office and institutional type use and high density residential. He thought that would allow some office and institutional. He advised that was just commentary in looking at it. Normally you see that big community commercial. They said it three times, it is intended to be large scale to attract people from a large area and this is a very, very small lot. There is something that the property owner has in mind with it that does not fit within the O&I district.

Alderman Williams commented at this point this doesn't necessarily set the precedent that they are going to be looking at other properties, each one would have to come with a proposal.

Alderman Lail replied oh yeah, of course.

Mayor Guess asked for any other discussion. The motion carried unanimously.

ORDINANCE NO. 18-27

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE APPROXIMATELY 0.69 ACRES OF PROPERTY LOCATED AT 117 29TH AVENUE NE FROM MEDIUM DENSITY RESIDENTIAL – 2 (R-2) TO COMMUNITY CENTER COMMERCIAL (CC-1).

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 petitioned to rezone approximately 0.69 acres of property located at 117 29th Avenue NE, more particularly described on Exhibit A attached hereto, to allow a Community Center Commercial (CC-1) district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on August 22, 2018 and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 18-04 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 PROPERTIES LOCATED AT 117 29TH AVENUE NE, AND DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject properties are located at 117 29th Avenue NE, and further identified as PIN 3704-16-93-8652.
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 Community Commercial and High Density Residential. The Community Commercial classification is characterized as an area that provides services and retail establishments that serve a larger market than a neighborhood mixed use district. The High Density Residential future land use classification is characterized as an area with small building 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. These areas may also contain office uses along thoroughfares and adjacent to commercial areas to act as a transition between commercial and residential land uses, provided, such office uses are located immediately adjacent to existing office uses and districts. Hickory by Choice 2030 goes on to list the CC-1 district as being an implementing zone for the Community Commercial future land use classification;
2. The Community Commercial classification is intended to provide opportunities for large scale retail developments that serve the northeast, northwest, and southern portions of the city and reduce the need for cross town travel. These areas also provide potential for the provision of multi-family residential in a mixed use or stand-alone setting;
3. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations;
4. The subject property is located along 29th Avenue NE, which is comprised of single family residences, offices, and retail developments;
5. Public infrastructure currently in place in the area is sufficient to handle the type of development possible on the subject property;
6. Any future development that takes place on the subject property will be regulated by current and future development standards duly adopted by the City of Hickory and the State of North Carolina; and
7. Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property owners are properly protect as prescribed by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 18-04 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 APPEARANCE COMMISSION
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 2 (C. Williams Appoints) VACANT

COMMUNITY RELATIONS COUNCIL
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 African-American (Council Appoints) VACANT
 Caucasian (Council Appoints)(Katherine Newton Resigned 8-13-18) VACANT
 Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT

Note: Debbie Haynes was previously appointed as a Caucasian Representative on the Community Relations Council, but is not eligible due to not living in the City limits or the Extra Territorial Jurisdiction (ETJ).

HICKORY REGIONAL PLANNING COMMISSION
 (Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
 (Appointed by City Council)
 Burke County (Mayor Appoints with Recommendation from County) VACANT
 Caldwell County (Mayor Appoints with Recommendation from County) VACANT

INTERNATIONAL COUNCIL
 (Appointed by Mayor with the Concurrence of City Council)
 (3) Position VACANT

PARKS AND RECREATION COMMISSION
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 4 (D. Williams Appoints) VACANT
 At-Large Minority (1) (Council Appoints) VACANT

PUBLIC ART COMMISSION
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 1 (Lail Appoints) VACANT
 Ward 4 (D. Williams Appoints) VACANT

RECYCLING ADVISORY BOARD
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 4 (D. Williams Appoints) VACANT

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

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

VACANT	At-Large Representative
VACANT	At-Large Representative
VACANT	Fred T. Foard Representative

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Voting Delegate/Alternate for 2018 Annual Business Meeting September 21, 2018 (4:00 p.m. – 5:00 p.m.) Hickory, NC

Alderman Lail nominated Mayor Guess to serve as the delegate and Alderwoman Williams to serve as the alternate for the 2018 annual business meeting for the North Carolina League of Municipalities.

Alderman Lail moved, seconded by Alderwoman Patton approval of the above nomination. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Alderman Zagaroli hoped that everyone had seen the mural on the old Berndt building, "Welcome to Hickory". He thought that it was extremely well done. James Smith was the artist, he also did the Exodus mural. He was Susan Smith's son. He advised if nobody had seen it, please drive by the side of the old Berndt's building. It was very nice looking. "Welcome to Hickory".

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

City Manager Warren Wood requested Council go into closed session to discuss a personnel matter - (NCGS §143-318.11(a)(6)).

Mayor Guess moved, seconded by Alderman Seaver that Council go into closed session to discuss a personnel matter. The motion carried unanimously.

1. Discussion of Personnel Matter - NCGS §143-318.11(a)(6)

City Council convened to closed session at approximately 7:46 p.m.

City Council reconvened to open session at approximately 7:58 p.m.

XV. There being no further business, the meeting adjourned at 7:58 p.m.

Mayor

City Clerk