



Life. Well Crafted.

**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

October 17, 2023
6:00 p.m.

- I. Call to Order
- II. Invocation by Major David Repass, Co-Officer in Charge The Salvation Army of Greater Hickory and the High Country
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Mr. Robert Connelly, 300 Excelsior Drive, Connelly Springs, NC discussed 5G Towers and health concerns.
- VI. Approval of Minutes
 - A** A. Regular Meeting of October 3, 2023. **(Exhibit VI.A.)**
- 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.
 - A2** A. Budget Revision Number 6. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
 - A/PH** A. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Emil and Olimpia Belos, Located at the Northeast Corner of Cloninger Mill Road and 13th Street Circle SE, Hickory, PIN 3714-08-97-0980, Containing Approximately .396. (Authorize Public Hearing for November 7, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). **(Exhibit VIII.A.)**
 - A/PH** B. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Huffman Project Group, LLC, Located at Catawba Valley Boulevard SE, Hickory, PIN 3711-05-18-8157, Containing Approximately 29.277-Acres. (Authorize Public Hearing for November 7, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). **(Exhibit VIII.B.)**
 - A** C. Approval of the Vacant Building Revitalization Performance Agreement for Hickory Industrial Properties, LLC, in the Amount of \$20,000 for Renovation Assistance for the Vacant Building Located at 731 Main Avenue SW. **(Exhibit VIII.C.)**

Staff requests approval of the Vacant Building Revitalization Performance Agreement for Hickory Industrial Properties, LLC. Hickory Industrial Properties, LLC has applied for a

October 17, 2023

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

A1 D. Budget Revision Number 7. (Exhibit VIII.D.)

1. *To appropriate a total of \$3,694 in donations for the Hickory Public Library.*
2. *To appropriate \$2,831 from the General Fund towards the Police Department for BLET tuition reimbursement from former police officers.*
3. *To appropriate \$13,874 from an insurance claim reimbursement for a damaged truck within the Solid Waste Fund.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

- D** 1. Consideration of the Voluntary Non-Contiguous Annexation of Property Owned by Boureanu and Creech Properties, LLC, Located at 3940 River Road, Hickory, PIN 3710-09-17-5434, Containing Approximately 49.21-Acres – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

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

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

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

Boureau and Creech Properties, LLC has submitted a petition requesting the consideration of rezoning property located at 3940 River Road from R-20 Residential to Planned Development (PD). The property is vacant and zoned R-20 Residential by Catawba County. Upon completion of the annexation request the owners requested the property be rezoned to Planned Development. The R-20 Residential district permits residential uses (single and two family) at a maximum density of two dwelling units per acre, which could potentially produce up to 98 new dwelling units. The requested Planned Development would consist of up to 178 single-family detached dwellings, which calculates to be 3.7 units per acre. The Hickory Regional Planning Commission conducted a public hearing on September 27, 2023, to consider the petition. During the public hearing the project engineer spoke in favor of the petition, while no one spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

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

- A** 3. Consideration of Closing an Unused Alley Located Off of 3rd Avenue SE, Petitioned by Jojida, LLC – Presentation by Public Works Director Steve Miller. **(Exhibit XI.A.3.)**

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

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

B. Departmental Reports

- A** 1. Presentation of the Library's New Strategic Plan – Presented by Library Director Sarah Greene and Library Advisory Board Chair Lanie Wood. **(Exhibit XI.B.1.)**

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

- NA** 2. Appointments to Boards and Commissions

BUSINESS DEVELOPMENT COMMITTEE

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

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COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints)
At-Large (Outside City but within HRP) (Council Appoints)

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COMMUNITY RELATIONS COUNCIL

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

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HICKORY REGIONAL PLANNING COMMISSION

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

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HISTORIC PRESERVATION COMMISSION

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

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LIBRARY ADVISORY BOARD

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

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PUBLIC ART COMMISSION

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

VACANT

RECYCLING ADVISORY BOARD

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

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- 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
- 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)
 - 1. *Approval of Closed Session Minutes of September 5, 2023 - NCGS §143-318.11(a)(1)*
 - 2. *Discussion of Pending Litigation - NCGS §143-318.11(a)(3)*
- A Approved the Release and Settlement Agreement in City of Hickory vs Neill Grading and Construction Company Inc., et. al. Catawba County File Number 22-CVS-804.
- XV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**