

# **A G E N D A**

## **HICKORY CITY COUNCIL**

**December 15, 2020**



**7:00 p.m.**



**AGENDA**  
[www.hickorync.gov](http://www.hickorync.gov)

**If you have any questions about any item on this agenda or if you need more information about any item in addition to the information contained in the agenda package, please call the City Manager at 323-7412. For more information about the City of Hickory go to: [www.hickorync.gov](http://www.hickorync.gov).**

Hickory City Council  
76 North Center Street

December 15, 2020  
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Charles Kyker, Christ United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A. Regular Meeting of December 1, 2020. **(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.
  - A. Budget Revision Number 10. **(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. Approval of Community Appearance Grant in the Amount of \$7,500 to Jacomine Investments, LLC for Non-Residential Property Located at 205 Main Avenue NE. **(Exhibit VIII.A.)**

*The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by Jacomine Investments, LLC located at 205 Main Avenue NE in the amount of \$7,500. City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's current windows and garage doors. The property is located within the City's defined Urban Revitalization Area and is eligible for the consideration of a Community Appearance Grant. The applicant provided two estimates for the work listed above, the low estimate for the work totals \$29,077, which qualifies the request for a \$7,500 grant. The subject property's current tax value is assessed at \$225,200. The requested grant amounts to 3.3 percent of the property's tax value. The application was reviewed by the*

*Community Appearance Commission and the Commission voted to recommend approval of the grant application in the amount of \$7,500.*

- B. Call for a Public Hearing for Consideration of a Voluntary Non-Contiguous Annexation of Property Owned by Roy and Barbara Barnette, Containing Approximately 1.115 acres of Property Located at 4815 1<sup>st</sup> Street NW, Identified as PIN 3715-15-53-7912. **(Authorize Public Hearing for January 5, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**

- C. Budget Revision Number 11. **(Exhibit VIII.C.)**

1. *To recognize and appropriate \$166 received in donations to the Hickory Youth Council for their Christmas project.*
2. *To adjust the 2020 Community Development Block Grant budget per notification from HUD that, due to a miscalculation in their determination of the amount that each grantee receives, the City of Hickory's CDBG allotment for 2020 will be \$51 less than the original amount.*
3. *To transfer a total of \$177,210 from General Fund Balance and Water and Sewer Fund Balance (50/50 basis) into the Bruce Meisner Park Capital Project Ordinance (#620008) to cover the balance needed within the project for construction of the restroom and shelter area under contract with Moss-Marlow Building Company.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

1. Consideration of the Community Development Block Grant 2019 Annual Action Plan Amendment for CARES Act Funding – Presentation by Community Development Manager Karen Dickerson. **(Exhibit XI.A.1.)**

*In program year 2019, the City of Hickory received \$316,023 through the U.S. Department of Housing and Urban Development Community Development Block Grant Fund. Funds were used to develop stronger communities by providing decent housing, creating suitable living environments, and expanding economic opportunities, principally for people of low and moderate incomes. The Coronavirus Aid, Relief and Economic Securities Act (CARES Act) has made available \$2 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus. Per the US Department of Housing and Urban Development (HUD), grantees of the Community Development Block Grant may use funds for a range of eligible activities that plan for, prevent, and respond to the spread of infectious diseases such as the coronavirus. The City of Hickory has been informed that the jurisdiction will be receiving a second allocation of \$274,226 in Community Development Block Grant COVID-19 (CDBG-CV) funds to be used specifically to deal with the coronavirus (COVID-19) outbreak. The proposed budget line items are as follows: Public Service Activities to respond to COVID-19 \$246,803 and Program Administration \$27,423; Total CDBG-CV \$274,226. Staff recommends City Council's approval of the amended 2019 Annual Action Plan to include \$274,226 in CDBG-CV funding specifically for response to the coronavirus.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on November 23, December 10, and December 15, 2020.*

2. Consideration of a Voluntary Non-Contiguous Annexation of Property Owned by Reginald Sweat, Containing Approximately 1.199 acres of Property Located at

3597 Wandering Lane NE, Identified as PIN 3735-17-11-2352 – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

*Mr. Reginald Sweat has petitioned for the voluntary non-contiguous annexation of 1.199 acres of property located at 3597 Wandering Lane NE. The subject property is currently located within Catawba County's zoning jurisdiction, and zoned R-20 Residential. The annexation is being requested in order to connect to the City's sewer system. Under Catawba County's current zoning, the property may be developed for one- and two-family residential uses at an intensity of two dwelling units per acre, which could potentially yield two new single-family dwelling units, or four two-family dwelling units (duplexes). Should the property be annexed, and rezoned to R-2 Residential, the property could be developed for single-family residential, at a density of four dwelling units per acre, which theoretically could yield four single-family dwelling units. The property owner has indicated they intend to divide property into two lots and build two single-family residences. The current tax value of the property is \$21,800. If annexed with its present value, the property would immediately generate additional tax revenues of \$128.75. The future tax revenues generated by the development of the property is currently unknown. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary 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.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 4, 2020.*

3. Consideration of Rezoning Petition 20-05 for Reginald Sweat for Property Located at 3597 Wandering Lane NE, Containing 1.119 Acres – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.3.)**

*Reginald Sweat filed a petition to annex 1.119 acres of property located at 3597 Wandering Lane NE into the City of Hickory in order to gain access to City utilities. Upon annexation, the zoning of the property must change from Catawba County to City of Hickory. The request is to rezone the property from R-20 Residential to Medium Density Residential (R-2). The general area is classified as Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan. This classification is intended to provide an area of transition between higher density housing and the surrounding area by offering development at two to four units per acre. The R-2 zoning district's permissible density is four units per acre, which adheres to the recommendations for areas classified as Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on December 2, 2020 to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 4 and December 11, 2020.*

4. Consideration of Rezoning Petition 20-04 for YN & MJ Properties LLC for Property Located at 1058 South Center Street, Containing 3.72 Acres – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.4.)**

*YN & MJ Properties, LLC has petitioned for the rezoning of 3.72 acres of property located at 1058 South Center Street from Industrial (IND) to Neighborhood Center Commercial (NC). The subject property is currently zoned Industrial (IND), and was previously occupied by Carolina Millwork, which has vacated the property. The new owners are seeking a zoning district that is more*

conducive for establishing commercial and services type uses. The general area is predominately classified Neighborhood Mixed-Use by the Hickory by Choice 2030 Comprehensive Plan. This classification is intended to provide areas for neighborhood scaled commercial and service areas, which are walkable to area residents. The permissible intensity for non-residential use is governed by a floor area ratio of 0.85, and a residential density of thirty (30) units per acre. Should the subject property be redeveloped for solely non-residential purposes, the property could theoretically yield approximately 137,000 square feet of floor area, or seventy-five residential dwelling unit. The property could also be redeveloped for mixed use purposes. The Hickory Regional Planning Commission conducted a public hearing on December 2, 2020 to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 4 and December 11, 2020.

B. Departmental Reports

1. Appointments to Boards and Commissions

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large (Outside City but within HRP) (Council 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  
Other Minority (Council Appoints) VACANT  
Differently-Abled and is African-American or Other Minority (Council Appoints) VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)  
(Appointed by City Council)  
Brookford (Mayor Appoints with Recommendation from Brookford) VACANT

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large (Mayor Appoints) VACANT  
(Unexpired Term of Helen Devlin)

**PUBLIC ART COMMISSION**

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

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)  
Position 3 (Mayor Appoints) VACANT  
Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements) VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)  
Youth Council Applicant Review Committee Recommends the Following Appointments:

FTF  
HCAM  
HHS  
Homeschool

VACANT  
VACANT  
VACANT  
VACANT

- 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. 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**

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, December 1, 2020 at 7:00 p.m., with the following members present:

Tony Wood Charlotte C. Williams Danny Seaver	Hank Guess  Aldermen	David L. Williams David P. Zagaroli Jill Patton
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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, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present with the arrival of Alderman Williams at 7:02 p.m.
- II. Invocation by Reverend Sandi Hood, Peace United Church of Christ Carolina Caring
- III. Pledge of Allegiance
- IV. Election of Mayor Pro Tempore for Calendar Year 2021 Pursuant to NC General Statute §160A-70 and Section 2-54 of the Hickory City Code

Mayor Guess moved, seconded by Alderman Seaver approval of Alderwoman Patton as Mayor Pro Tempore for Calendar Year 2021. The motion carried unanimously.

City Clerk Debbie Miller administered the Oath of Office to Alderwoman Patton as Mayor Pro Tempore for Calendar Year 2021.

Mayor Guess thanked Alderman Zagaroli for his service as Mayor Pro Tempore for 2020.

- V. Appointment of City Attorney for Calendar Year 2021 Pursuant to the Hickory City Code, Section 4.151 of the Charter

Mayor Guess moved, seconded by Alderman Seaver appointment of Attorney John Crone as the City Attorney for Calendar Year 2021. The motion carried unanimously.

City Clerk Debbie Miller administered the Oath of Office to Attorney John Crone as City Attorney for Calendar Year 2021.

Mayor Guess asked City Attorney John Crone how many years he had served as the City Attorney.

City Attorney John Crone thought it had been 28 years, but he had quit counting.

Mayor Guess thanked City Attorney John Crone for his many years of service.

City Attorney John Crone appreciated the honor to continue to serve the City.

- VI. Special Presentations

- A. Hickory Elks Lodge Flag Presentation – Presented by: Hickory Lodge President and USMC Veteran Gary Gantt; Colonel Tim Herndon, USMC Retired; Major Charlie Self, USAF Retired; and Major Jay Tate, US Army Retired

Mayor Guess asked the Hickory Elks Lodge President and USMC Veteran Gary Gantt the podium for a flag presentation.

Hickory Elks Lodge President and USMC Veteran Gary Gantt introduced Major Jay Tate, US Army Retired; Major Charlie Self, USAF Retired; Master Sergeant Steve Cannon, active duty; and Master Sergeant Mickey Lail, USAF Retired. Each year the Hickory Elks Lodge has a Veterans Day ceremony and they present the Mayor with a new flag to flyover at Oakwood Cemetery at the Soldiers plot. This year due to COVID-19 and the weather that didn't happen. They were taking this opportunity and appreciated Council giving them their time to attend the meeting and do it. He invited Mayor Guess to join him at the podium. He advised about 16 years ago, the Hickory Elks Lodge took the soldiers plot at Oakwood Cemetery as one of their community betterments projects to refurbish it. Since then, they had given the City a flag. He was honored to present the City, from the Hickory Elks Lodge, a symbol of our great nation to flyover the Oakwood Cemetery soldiers plot for the next year. The current flag will be retired properly when this flag was installed. He thanked Mayor Guess.

Mayor Guess, on behalf of the entire City Council thanked the veterans that were present. He recognized the veterans present in the audience as well. He thanked the Hickory Elks Lodge for participating and for all they do for the community, not only for veterans' day, but for all they do in the community throughout the year. He would make sure that the flag was sent to the Cemetery Sexton to replace the old flag as soon as

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possible. He thanked the representatives for being present and for all they do not only for the country but for the community.

Mr. Gantt thanked Mayor Guess and City Council for the opportunity to do the presentation.

VII. Persons Requesting to Be Heard

VIII. Approval of Minutes

A. Regular Meeting of November 17, 2020

Alderman Seaver moved seconded by Alderwoman Patton that the Minutes of November 17, 2020 be approved. The motion carried unanimously.

IX. 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. Budget Revision Number 9. (First Reading Vote: Unanimous)

B. Consideration of Rezoning Petition 20-03 of 18.264 Acres of Property Located at the Northeast and Southeast Corner of Snow Creek Road and 25<sup>th</sup> Street Place NE and 25<sup>th</sup> Street NE. (First Reading Vote: Unanimous)

X. 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 XI.

Alderwoman Patton moved seconded by Alderwoman Williams approval of the Consent Agenda. The motion carried unanimously.

A. Called for a Public Hearing for Consideration of a Voluntary Non-Contiguous Annexation of Property Owned by Reginald Sweat, Containing Approximately 1.199 acres of Property Located at 3597 Wandering Lane NE, Identified as PIN 3735-17-11-2352. (Authorized Public Hearing for December 15, 2020, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 20-47  
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Reginald E. Sweat requesting annexation of an area described in a petition was received on November 12, 2020 by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

Property of Reginald E. Sweat containing 1.199 acres more or less, located at 3597 Wandering Lane NE, and identified as PIN 3735-17-11-2352.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 12<sup>th</sup> day of November 2020.

/s/Debbie D. Miller, City Clerk

RESOLUTION 20-48  
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,  
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on December 15, 2020 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of Reginald E. Sweat containing 1.199 acres more or less, located at 3597 Wandering Lane NE, and identified as PIN 3735-17-11-2352.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 20-49

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY REGINALD E. SWEAT AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Reginald E. Sweat is the owner of certain real property as described herein, which property is located on Wandering Lane NE between Brookridge Drive NE and Sulphur Springs Road NE containing 1.199 acres more or less, located at 3597 Wandering Lane NE, and identified as PIN 3735-17-11-2352; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 1<sup>st</sup> day of December 2020, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on December 15, 2020 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on a maps entitled Reginald Sweat, Voluntary Non-Contiguous Annexation Map 1 Current City Limits, subject property outlined in red; Reginald Sweat, Voluntary Non-Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; and Reginald Sweat Voluntary Non-Contiguous Annexation Map 3, 2018 Aerial Photo.

Section 4: Notice of said public hearing shall be published in *The Hickory Daily Record*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

- B. Approved the Amendments to the Community Development Block Grant Small Business Loan Program.

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In its 2020-2024 Consolidated Plan for Housing and Community Development, the City of Hickory identified increasing small business opportunities as a high priority need. This led to the creation of a new program in 2018 to provide small business loans to businesses looking for funding necessary to take their business to the next level and with the intent of creating jobs for low to moderate income persons. The Small Business Loan program offers loans of up to \$20,000 to business owners for business equipment. Applicants are required to submit a business plan and have a counseling session with a local business support organization and to create jobs for low to moderate income persons. The proposed amendments to the Small Business Loan Program will provide greater flexibility and open the program up to additional recipients. The substantive change is that the revised guidelines would permit loan recipients to use the loan proceeds for working capital provided they are able to provide existing business or personal collateral in the amount of the loan. The current guidelines only permit proceeds to be used for business equipment. This would permit businesses that do not have equipment needs to apply for funding if they need working capital to expand their business and create jobs. Businesses would be required to create or retain at least one job. At least 51 percent of the jobs created or retained must be for low- and moderate-income individuals. The Business Development Committee reviewed the proposed amendments at their November 4<sup>th</sup> meeting and recommend approval. Staff recommends approval of the amendments to the CDBG Small Business Loan Program.

- C. Approved the Naming of Two Spaces at the Expanded Ridgeview Branch Library for Former City Councilmembers Z. Ann Hoyle and Webster Lytle.

Ridgeview Branch Library is located at the corner of 1<sup>st</sup> Street SW and 7<sup>th</sup> Avenue SW next to Ridgeview Recreation Center and Taft Broome Park. The branch library is currently undergoing an expansion and renovation. Construction began in August 2020 and is expected to be complete in Summer 2021. As construction moves forward, naming opportunities are being considered within the building. Z. Ann Hoyle and Webster Lytle both represented Ward 4 as members of Hickory's City Council. It is appropriate to recognize their service through naming of new spaces at the expanded and renovated library branch. The following names are proposed: Z. Ann Hoyle Community Room. The 2,600 square foot addition includes a community meeting space to be used for library classes, community groups and special events. The gathering space will have a separate entrance and has space for up to 100 people. Webster Lytle Learning Commons. The main room of the renovated Branch Library will include popular reading materials for adults and teens, seating areas for reading and studying, public computer workstations and other technology equipment.

- D. Approved an Agreement with North Carolina Department of Transportation for Grant Funds for Trivium Corporate Center Roadway Access Infrastructure Development.

Staff requests Council's approval of an agreement with North Carolina Department of Transportation (NCDOT) for grant funds for Trivium Corporate Center roadway access infrastructure development. Trivium Business Park is the business park identified for bond proceeds for the bond referendum that was passed by the City of Hickory. This phase of the project generally consists of the extension of approximately 400 linear feet of Trivium Parkway and 1,150 linear feet of Trivium Court. The City and Catawba County Economic Development Corporation (EDC) submitted an application for North Carolina Department of Transportation funds and were approved for costs up to a maximum amount of \$1,316,435. The grant proceeds are to be used for roadway access infrastructure construction to continue Trivium Parkway and the construction of Trivium Court. Staff recommends Council's approval of an agreement with North Carolina Department of Transportation (NCDOT) for grant funds for Trivium Corporate Center roadway access infrastructure development.

- E. Accepted a Temporary Construction and Permanent Easement for the Property of MNH Properties, LLC for Installation of Utilities Infrastructure.

Staff requests acceptance of a temporary construction and permanent easement for the property of MNH Properties, LLC described as PIN: 3712-17-11-6309 for installation of utilities infrastructure. The easement is necessary for completion of the relocation of a sanitary sewer line to serve business property in the 1500 block of 7<sup>th</sup> Street SE, inside the City of Hickory. The existing infrastructure has failed due to a private storm drain failure. This failure has rendered the existing sewer line unusable and irreparable. The easement will allow the City of Hickory Public Utilities Department to contract the installation of a new sewer main to serve existing customers. Currently the system is being by-pass pumped around the failure. The cost for this easement will be \$2,500 paid to the property owner. Staff recommends acceptance of a temporary construction and permanent easement for the property of MNH Properties, LLC, described as PIN: 3712-17-11-6309 for installation of utilities infrastructure.

- F. Approved the Agreement for Engagement of Legal Counsel with the Firm of Young, Morphis, Bach & Taylor, LLP.

- G. Approved a Cemetery Deed Transfer from John R. Flowers Jr., and spouse Dana

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McKenzie Flowers and Sara Flowers Ferguson, and Spouse, Jeffrey Thomas Ferguson, heirs of Peggy F. Flowers to Yvonne Hepler and spouse Sidney Roy Hepler, Oakwood Cemetery, Section 38, Block G, Lot 3, Gravesite Numbers 004 and 008. (Prepared by Susannah L. Brown, Attorney at Law, Anthony & Brown)

H. Approved on First Reading Budget Revision Number 10.

ORDINANCE NO. 20-55  
BUDGET REVISION NUMBER 10

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, 2021 and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2020-21 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	5,601	-
Culture and Recreation	225	-
Economic & Community Development	35,000	-
TOTAL	40,826	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	5,826	-
Other Financing Sources	35,000	-
TOTAL	40,826	-

SECTION 2. To amend the Urgent Repair Fund within the FY 2020-21 Budget Ordinance the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic & Community Development	1,062	-
TOTAL	1,062	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	1,062	-
TOTAL	1,062	-

SECTION 3. To amend the Community Development Block Grant (CDBG) Fund within the FY 2020-21 Budget Ordinance the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic & Community Development	274,226	-
TOTAL	274,226	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenues	274,226	-
TOTAL	274,226	-

SECTION 4. To amend the Project Enzyme Roadway Infrastructure Capital Project Ordinance (#B1B003) the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,316,435	-
TOTAL	1,316,435	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenues	1,316,435	-
TOTAL	1,316,435	-

SECTION 5. 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.

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XI. Items Removed from Consent Agenda – None

XII. Informational Item

XIII. New Business:

A. Public Hearings

B. Departmental Reports:

1. Code Enforcement Update - Presented by Hickory Police Department Captain Bryan Adams and Code Enforcement Supervisor Kyle Brown

City Manager Warren Wood advised Council that annually staff does an annual update on Code Enforcement activities for the previous year. He advised that Hickory Police Department Captain Bryan Adams and Code Enforcement Supervisor Kyle Brown would present the annual update.

Hickory Police Department Captain Bryan Adams presented a PowerPoint presentation. He thanked Council for the opportunity to discuss the code enforcement unit. He advised the unit consisted of five employees currently, four officers and a supervisor. The officers were John Preston, Tim Oefelein, Jeff Roby and Montana Canter. He mentioned their names because they do over and above every single day. The Supervisor was Kyle Brown and he would be assisting in the presentation. He advised that Mr. Brown's background was as a general contractor. In the mid-2000's he and his father-in-law were building homes. Obviously that industry changed quite drastically in 2008 and 2009. In 2010, Mr. Brown decided to become a Code Enforcement Officer with the City of Hickory. He joined the City of Hickory then and served as a Code Enforcement Officer for two years. He got his feet wet doing that and decided he wanted to be a police officer. He went to school and became a police officer. For the last eight years, Mr. Brown had served as a police officer with the City of Hickory. In late 2018, early 2019, the Code Enforcement Supervisor position came open. With Mr. Brown's background in construction, code enforcement, and his experience as a community policing officer with community policing in the City of Hickory, they felt like he would be a great addition to lead the unit. Mr. Brown took over the unit in February of 2020 and had been supervisor ever since. He discussed community policing for a reason to talk about their Code Enforcement unit, because community policing in the City of Hickory was not just their police officers, it was a mindset at their department. It was every employee, and it was in-depth in their Code Enforcement Unit as well too. He thought that when people hear Code Enforcement they think about structural issues and tall grass and buildings that are not in good repair. And it does involve that, obviously, but he thought taking care of people and the community policing aspect of Code Enforcement sometimes went under noticed. He shared a brief example of a current case with a house that was brought to their attention. Very bad structural condition. John Preston went out to see the house, and he quickly determined that the house was going to have to come down. There was no way to save this house, there was no rehab option. There was a gentleman living there, and it was very unsafe for him to be there. Mr. Preston spoke with him and obviously this gentleman had a lot of medical conditions going on health wise. He started talking with him and he had nowhere to go. Nowhere to go at all. He didn't have the means to go anywhere. He came back and talked to Mr. Brown and it was clear that the gentleman needed help. They reached out to Community Navigator Casey McCall who presented at the last Council meeting. Mr. McCall obviously works with a lot of people who are already homeless, but Mr. Brown and Mr. Preston reached out to him on this case because they knew this house was going to have to come down because there was no options for this gentleman at this point. They started working with Mr. McCall and all their community partners that all three of them have in our community that they built relationships with. They had been working on that diligently since this case started, and as of this afternoon, Mr. Brown had given him an update and he thought that working with all three of them, with all their partners, that they found this gentleman a place to go. It was very exciting. That was the kind of things they do. They don't just deal with tall grass. He thought that it was important for Council to know that.

Captain Bryan Adams discussed a brief history about the Code Enforcement Unit. In 2008, code enforcement came to the Hickory Police department. The focus was for properties that were in disorder, properties that followed in the broken windows theory, and anything that dealt with quality of life issues in the community. The perimeters that they work under obviously were any kind of safety issues, property maintenance, junk and abandoned vehicles, minimum housing, dilapidated or abandoned residences, commercial structures, or health and sanitation issues. He referred to the PowerPoint and advised the authority that allowed them to do that were listed on the slide. They were the North Carolina General Statutes, Hickory City Code, Land Development Code, the

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Residential Code of North Carolina and the Building Code. He referred to the PowerPoint and advised they primarily do nuisance cases. He noted in 2018, 475 of 540 total cases and in 2019, 625 out of 670. It dominates what they do. He advised in nuisance cases are abandoned vehicles or the junk and debris in yards and primarily what that was, was overgrown vegetation and tall grass cases was what they deal with from the end of April until about mid-October, they were inundated with those types of cases. All five of them were. He turned the presentation over to Code Enforcement Supervisor Kyle Brown.

Code Enforcement Supervisor Kyle Brown thanked Council for the opportunity to discuss code enforcement. As Captain Adams had stated nuisance and minimum housing were the two major categories that they deal with on a daily basis. Most of which were the nuisance violations. These violations were listed in Section 20-2 of the Hickory City Code of Ordinance. As Captain Adams mentioned, they include tall grass, junk and debris, trash, stagnant water, junk motor vehicles, and whatever was detrimental to the property of others in a roundabout way. In terms of their enforcement, they usually send the violation letter out, which was mailed to the owner. This letter has a set hearing date that allows the owner a minimum of 10 days to comply with taking care of whatever violations were on the property that has been cited. If there was no compliance from the owner at that time a hearing was held before the Chief of Police. After the hearing, the Chief's determination letter would be mailed out to the owner. Then the owner would need to comply within 14 days of receipt of the Chief's determination letter. Once again, any noncompliance can result in citations or City abatement. The time period normally was 24 days, to be approximate, however, in reality, it may get pushed out to about 30 days. This depended on when the violation letter went out, and when it corresponded to the next hearing date. In theory, they try for 24 days, but it could extend out for 30 days. That was something that could occur. With nuisance, they have what was known as a chronic violator. The Code of Ordinance defines a chronic violator of someone who owns property within the City and has received at least three nuisance violation letters within that previous calendar year. Once a property owner was placed on the chronic violator list, they are mailed a certified letter letting them know of their status in Hickory. This letter informs them that if they're found in violation at any time further, the City could take action to abate the violation without any further notice. These are the same folks that they deal with, i.e. slumlords, that they constantly have issues going on with. They put them on short notice that it was not going to be tolerated and any further violations they would act.

Code Enforcement Supervisor Kyle Brown discussed the three most common nuisance issues that code enforcement deals with. As Captain Adams stated overgrown vegetation, tall grass, junk and debris, and junk motor vehicles. In 2018, they had 222 cases that they were involved with, and then a slight increase in 2019, with 242 cases. As Captain Adams stated most of these were between May 1<sup>st</sup> and September 30<sup>th</sup>. On average, each of their officers would conduct approximately 50 to 60 tall grass cases during this time period. There were a few exceptions to the code when it comes to tall grass, one of those being the size of the lot. If a lot was an acre or larger in size, then it does not fall within this grass code. Nor does a lot that was considered to be a wooded lot. However, if it was a lot larger than an acre, they look to the adjacent property to see if there was a building or structure within 50 feet of the property line. If there was, then there was an exception that the property owner must maintain 20 feet inside of this property line and keep that cut, whereas the middle he could get away with it due to the size, but he had to maintain a depth of 20 feet from his property line. The second case they deal with quite often was junk and debris. He referred to the PowerPoint and shown a house that you could clearly see junk and debris streaming throughout the front yard, and around the property itself, and on the front porch. After code enforcement contacted the property owner, they started a nuisance case and then, of course, they had a resolution and the junk was abated from the property. The third most common case they deal with on a daily basis was junk vehicles. In 2018, they had 48 cases of junk vehicles and a slight increase in 2019, at 67 cases. As far as the Hickory City Code of Ordinance, the definition of a junk motor vehicle was one that does not display a current license plate. After it meets that first criteria there were three other criteria's in which it can meet. It had to meet at least two. The first being doesn't have a license plate. The second could be it was partially dismantled or wrecked, cannot be self-propelled or moved in the way it was intended. Or three was more than five years old and appears to be worth less than \$500. If it meets two of those five criteria, first being does not have a license plate, then they can classify it as a junk motor vehicle. The code allows for one junk motor vehicle to be on a property, one and only one. The stipulation with that being, the junk motor vehicle has to be placed in the backyard of the property, and it had to have an approved car cover on it. Of course, that car cover must be a real car cover. It can't be a blue tarp and had to be maintained in good repair and not allowed to deteriorate.

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Code Enforcement Supervisor Kyle Brown discussed homeless camps. This was another nuisance issue that code enforcement becomes involved with when they pop up. Homeless camps have junk, trash and debris that are frequently located around these camps and that contributes to an unsanitary condition that often accompanies them. Over the past few years, code enforcement had been directly involved in the abatement of these camps within the City, working in a collaborative effort with the Patrol division, the City's Solid Waste Department and the properties owners. They had successful campaigns throughout the City to get these camps cleaned up. Besides the nuisance, the second major category they deal with was minimum housing. Typically, minimum housing violations are less frequent, of course, than the nuisance violations, however, they require more documentation and were far more time consuming from the beginning of the case to the end. These minimum housing violations address more serious life health and safety issues involving structures within the City. These violations were listed throughout Section 15 of the Hickory Code of Ordinance and included structural condition, basic equipment and facilities, ventilation, safe and sanitary maintenance, and insect and rodent control. He referred to the PowerPoint and showed a house located on 2<sup>nd</sup> Avenue SE at 3<sup>rd</sup> Street it was a four-plex. Code Enforcement became involved with this property with a new property owner and they had been working with him diligently to get this place rehabbed. It had been a collaborative effort between code enforcement, Catawba County Building Inspection Department and the property owner. He was doing the right things and they were following behind him. He was pulling all the correct permits to get this house up and running in a safe and sanitary way. Having everybody do the right thing it had been a good process. He discussed the minimum housing procedures. The violation was very similar to the nuisance. They would send out a letter which was mailed to the owner. This goes out daily as well as certified mail addressing the violations of the structure. There was a hearing with the Code Enforcement Officer who was handling the case. This hearing would be held at least 10 days, no more than 30, from receipt of the letter by the owner. After the hearing, the Code Enforcement Officer's determination letter was mailed to the owner. This was done by first class mail as well as certified mail. That way they know for sure that he or she gets a copy of it. The owner at that time was ordered to comply within 60 days of receipt of the letter. This abatement period may be extended at the discretion of the Code Enforcement Officer if the homeowner, or the property owner, was doing the right thing and taking the proper steps to go in the right direction. There again, any noncompliance may result in citations or City abatement at any point in time. There were two conditions that the Code Enforcement Officer may classify the structure in question. The first was deteriorated. He referred to the PowerPoint and displayed an example of a deteriorated structure. It seemed to be structurally sound however, there were some issues with paint and some vegetation around the foundation itself. If they decide that it was deteriorated by the Code of Ordinance, this means that the cost to rehabilitate the structure and bring it back within compliance with minimum housing standards was less than 50 percent of the value of the house. At that point in time you kind of see what you have with the house, and how much it was going to take to bring it back within minimum housing standards and if it was less than 50 percent than it was considered to be deteriorated and it can be rehabbed. The second was dilapidated. This means that the cost to rehabilitate the structure and bring it back within compliance to minimum housing standards was greater than 50 percent of the value of the house. At that point in time, pretty much demolitions the only way to go because it was too far gone. It was kind of like a totaled vehicle. This was basically a totaled house. He referred to the PowerPoint and displayed two examples of a dilapidated structure. In 2018, there were nine demolitions that were performed with code enforcement, seven of those were abated by the owner and two were abated by the City. This figure in 2019, was slightly lower with six, however, they were all paid for and abated by the owner. He showed another photo of two examples of structures that were prime candidates for demolition, the first being a dilapidated structure that he had just discussed and the second was a structure fire. In the unfortunate event of a structure fire, code enforcement will perform an inspection of the property and assess the overall damage. At that time, a minimum housing case will begin, and a determination would be made regarding the future of the structure. He advised this one was a total loss. At that point in time they would start a case and do what they need to do through the owner and the insurance company about having it removed from the property. He displayed a photo of before and after of the fire damaged structure.

Code Enforcement Supervisor Kyle Brown discussed rehabilitation. There are many properties that code enforcement becomes involved with that requires some sort of property rehabilitation. As Captain Adams said, their officers were dedicated to the improvement of the properties within the City and its citizens quality of life. He referred to the PowerPoint and showed a photo of a great example of a highly visible property that was vastly improved. He pointed out on the before slide there was a chain link fence surrounding this property that was deteriorating and it was covered with vegetation. After code enforcement began

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a case on the property and began working with the property owner, as well as Hickory's zoning, there was a collaborative effort. He advised the property was on 2<sup>nd</sup> Avenue SW and highly visible. After all the parties involved got together and everybody did the right thing that deteriorated fence and vegetation was removed and a solid wooden fence was placed around the property. He was sure that was the delight of the neighbors.

Code Enforcement Supervisor Kyle Brown discussed the Kania Law Firm. In December 2018, the City began a successful partnership with Kania Law Firm, which was located out of Asheville, North Carolina. Kania Law Firm was tasked with initiating and completing judicial foreclosures on behalf of the City. Frequently with these minimum housing cases code enforcement deals with properties that have been abandoned or neglected by their owners, or there are some sort of legal issues going on with them. For instance, in one case the bank was not wanting to take the property from the owner and leaving it in the owner's name. The owner had walked away from it. The bank wasn't wanting to sign-off on it to take accountability for it, it just kind of left it in limbo. Since forming the partnership with Kania Law Firm they had been able to go after properties that are in those circumstances and finally get some accountability and turn them around. Once a property was a dead end, they were finally able to find some resolution for a lot of those. He referred to three cases in particular that were about to go to sale on the courthouse steps with the help of Kania. Currently there are 22 properties that were being processed by the Kania Law firm that they have going on right now. It had been a win/win for everybody. He asked for any questions.

Mayor Guess asked Council if they had any questions.

Alderman Patton asked how many property owners were on the chronic list.

Code Enforcement Supervisor Kyle Brown advised that he could not give her a definitive answer, but he could get back to her on that for sure.

Alderman Patton thought in the past it had always been most of them were wanting to do the right thing once they were informed but the chronic ones just don't.

Code Enforcement Supervisor Kyle Brown commented it's troublesome, it was yearly. It was usually the same ones. They have a running tab, so to speak with the ones they deal with.

Alderman Patton commented they did great work.

Code Enforcement Supervisor Kyle Brown thanked Alderman Patton.

Alderman Wood asked approximately what percentage of their calls were for commercial properties.

Code Enforcement Supervisor Kyle Brown replied that he couldn't give him an exact figure. He guessed 10 percent maybe as far as commercial properties. They deal majority with residential stuff. But there again, they do have some commercial stuff that pops up that they deal with.

Alderman Seaver commented when they get to the level of where the City has to abate the property, how successful are they in getting reimbursed for covering that. Does the City take ownership of the property until it's paid?

Code Enforcement Supervisor Kyle Brown advised they put their paperwork together and at that time when they complete their case, they send that over to legal, and then they proceed.

Alderman Seaver responded they put a lien against the property.

Code Enforcement Supervisor Kyle Brown confirmed that was correct. If and when the property was sold, then of course the money would come back to Hickory. They try to be mindful of that for sure.

Alderman Wood asked if a property owner has a sidewalk running in front of their property and it was popular to put a shrub row right against that, are they responsible for keeping that shrub or any vegetation out of the sidewalk out of that path for pedestrians.

Code Enforcement Supervisor Kyle Brown advised there was a zoning issue when it comes to line of sight and how close someone can plant shrubbery as far off the right-of-way, so to speak. Usually as a rule from the middle of the road, 20 feet off as City right-of-way. He noted that each road was different, but that was something that the Zoning Department would know as far as what roads

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have 20 or 25 feet. As a general rule, if it was under powerlines along the side of the road it was there in the right-of-way. They can't plant trees or bushes because it was a line of sight issue. They had addressed that before in the past, and fortunately the folks had been very compliant and understanding, to the fact that they couldn't plant a shrub bush two feet off the road.

Alderwoman Williams asked if code enforcement was only involved with property issues in terms of housing or dilapidation or, were they involved with complaints of noise, barking dogs.

Code Enforcement Supervisor Kyle Brown advised that noise was in the Hickory City Code of Ordinance. However, that was normally dealt with from patrol because a lot of times the noise violations, the noise issues come after hours with code enforcement. It was usually in the middle of the night, late at night somebody is playing music too loud or a barking dog. At that point in time, that was when someone would need to contact the nonemergency number at the police department. They would dispatch a patrol officer to go out and address it. They have addressed it during the daytime hours before.

Mayor Guess commented on behalf of the entire City Council they were greatly appreciative of all the work that code enforcement does. Obviously, over the last 12 years, they had seen some tremendous successes, and he knew that they had assistance from other departments as well as other entities throughout the municipality. They greatly appreciated all the work that was done. He asked Captain Adams and Mr. Brown to pass that along to the rest of the officers and let them know that.

Code Enforcement Supervisor Kyle Brown thanked Mayor Guess and Council.

City Manager Warren Wood commented people see the police department or they think about patrol. And they do so much more than that.

Mayor Guess referred to the Community Navigator that they had heard about.

City Manager Warren Wood commented that the Police Department had been very innovative through the years. The City of Hickory was one of the first to have a Community Navigator. The City was one of the first to put Code Enforcement under the Police Department. Just to give it a little more.

Alderman Seaver liked how they were talking about working with the citizens to improve it.

City Manager Warren Wood commented all the things that you don't typically think of with the Police Department. Charles Mackey helps people with criminal records get jobs. They have a Victim Services Coordinator. Through the years they've had a real culture of innovation, starting with Chief Lucas. He thought that actually Chief Adkins was Chief when they moved code enforcement to the police department. Now, with Chief Whisnant. The City was very fortunate to have those services.

Mayor Guess commented that Council uses them quite frequently.

2. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large (Outside City but within HRP) (Council 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  
Other Minority (Council Appoints) VACANT  
Differently-Abled and is African-American or Other Minority (Council Appoints) VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)  
(Appointed by City Council)  
Brookford (Mayor Appoints with Recommendation from Brookford) VACANT

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large (Mayor Appoints) VACANT  
(Unexpired Term of Helen Devlin)

PUBLIC ART COMMISSION

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

VACANT

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)  
Position 3 (Mayor Appoints)

VACANT

Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements)

VACANT

YOUTH COUNCIL

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

Youth Council Applicant Review Committee Recommends the Following  
Appointments:

FTF	VACANT
HCAM	VACANT
HHS	VACANT
Homeschool	VACANT

WESTERN PIEDMONT COUNCIL OF GOVERNMENTS POLICY BOARD  
DELEGATE

Nominate Delegate and Alternate

Alderwoman Patton is current Delegate  
Alderman Williams is current Alternate

Mayor Guess moved seconded by Alderman Zagaroli approval of the  
reappointment of Alderwoman Patton as delegate and Alderman Williams as  
alternate for the Western Piedmont Council of Governments Policy Board. The  
motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Alderwoman Patton commented in light of the COVID cases she hoped everyone would continue  
to follow the W's and insist that other people do the same thing and slow their travel and do what  
they could to help the community.

Alderman Williams commented speaking on what Alderwoman Patton just said, we all need to  
definitely do the three W's. He thanked Mayor Guess for his article and speaking out to inform  
the public and just try to keep what they're issuing and what they're trying to stress to everyone.  
Putting that out and making light of it. He wanted to thank him for what he and his wife did.

Mayor Guess thanked Alderman Williams. He advised it was on behalf of the entire Council, not  
just him. He commented there would also be something coming out very soon in conjunction with  
Catawba County. They were partnering with Catawba County to help inform people as well. That  
would be out hopefully sometime this week. He gave a shout out to the City's Communications  
group here. He hoped everybody had an opportunity, and if they hadn't it was on the City's  
website, to see the virtual Christmas tree lighting and lighting of all the decorations down on  
Union Square and Santa Claus was there. None of that would have happened without the help of  
the communications folks. They greatly appreciated Dana Kaminske and her crew and them  
taking care of that. He encouraged everyone to visit the City's website, not only for that, but  
everything else that was on the City's website that gets updated daily. It was extremely  
important.

City Manager Warren Wood agreed they did a great job with that, but also the Public Service  
Public Works Department put all that up as well as the Police Department helped pull all of that  
off, so it was a joint effort.

Alderwoman Williams was actually going to mention that because she thought it was great in  
terms of how that was done, and the lights. This weekend she was there with some friends and  
family and the comments she received just about the Christmas decorations, especially in the  
evening with the lights. They said it rivaled bigger cities, actually, in terms of what they had been  
able to do.

Mayor Guess had a lot of positive comments on the decorations and how downtown looks.  
Everybody seems to be well pleased with it.

City Manager Warren Wood commented that Steve Miller has a knack for those sorts of things.

City Council commended Mr. Miller.

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XVI. There being no further business, the meeting adjourned at 7:43 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

2

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Community Appearance Commission**  
**Contact Person: Cal Overby, Planning Department**  
**Date: December 3, 2020**  
**Re: Community Appearance Grant –Jacomine Investments, LLC**

**REQUEST**

The Community Appearance Commission recommends City Council approval of a Community Appearance Grant for non-residential property owned by Jacomine Investments, LLC located at 205 Main Avenue NE in the amount of \$7,500.00.

**BACKGROUND**

City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500.00.

**ANALYSIS**

The grant proposal involves the replacement of the building's current windows and garage doors. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant.

The applicant has provided two (2) estimates for the work listed above, the low estimate for the work totals \$29,077.00, which qualifies the request for a \$7,500.00 grant.

The subject property's current tax value is assessed at \$225,200.00. The requested grant amounts to 3.3% of the property's tax value.

**RECOMMENDATION**

The application was reviewed by the Community Appearance Commission. The Commission reviewed the application remotely, due to the on-going COVID-19 situation. After consideration the Commission voted to recommend approval the grant application in the amount of \$7,500.00.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

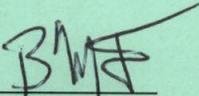
Yes

No

**LIST THE EXPENDITURE CODE: 010-5016-558-30-03**

**Reviewed by:**

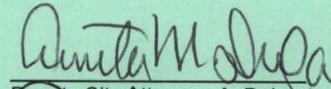
Brian Frazier



12/03/20

Initiating Department Head

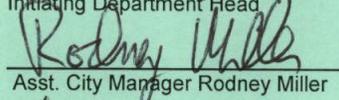
Date



12-8-20

Deputy City Attorney, A. Dula

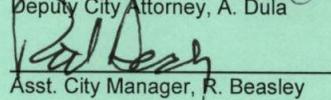
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12/8/20

Asst. City Manager Rodney Miller

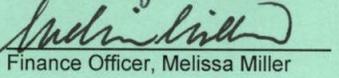
Date



12/8/20

Asst. City Manager, R. Beasley

Date



12/9/20

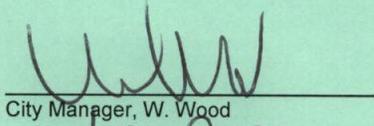
Finance Officer, Melissa Miller

Date

Date

\_\_\_\_\_  
Date

Recommended for approval and placement on \_\_\_\_\_ Council agenda (as  
Consent, Public Hearing, Informational, Department Report, etc).



City Manager, W. Wood

12-9-20  
Date



Life. Well Crafted.

Office of Business Development

**MEMORANDUM**

To: Hickory City Council

From: Cal Overby, Community Appearance Commission Liaison

Re: Jacomine Investments, LLC

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Jacomine Investments, LLC has submitted an application for an Appearance Grant. The proposal involves improvements to a commercial building located at 205 Main Avenue NE.

The grant proposal involves the replacement of the building's current windows and garage doors. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant.

The applicant has provided two (2) estimates for the work listed above, the low estimate for the work totals \$29,077.00, which qualifies the request for a \$7,500.00 grant.

The subject property's current tax value is assessed at \$225,200.00. The requested grant amounts to 3.3% of the property's tax value.

The Community Appearance Commission has recommended approval of the grant request via virtual vote.

PREPARED BY: Legal Department, City of Hickory  
PO Box 398, Hickory, NC 28603

**STATE OF NORTH CAROLINA**

**APPEARANCE  
GRANT AGREEMENT**

**COUNTY OF CATAWBA**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the **CITY OF HICKORY**, a municipal corporation of Catawba County, North Carolina, hereinafter referred to as the CITY, and having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, and **JACOMINE INVESTMENTS, LLC**, referred to as the RECIPIENT, and having a mailing address of PO Box 1417, Hildebran, NC 28637.

WITNESSETH

THAT WHEREAS, the City is dedicated to the visual and functional improvements of properties within one mile of the City Center area, as defined by the City Center Plan, dated October 20, 1998; and

WHEREAS, the City is willing to award grants for physical improvements for the purpose of assisting in the visual enhancement of certain existing properties provided the Recipient agrees to certain conditions.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained the parties agree as follows:

1. The Recipient agrees to utilize the grant funds to fulfill that project described in the Downtown Appearance Improvement Incentive Grant Application attached hereto as Exhibit "A" and to utilize said funds solely for physical improvements. Said application is made a part of this Agreement and incorporated herein by reference as if more fully set forth.
2. The Recipient agrees to improve those premises described in Exhibit "A" in accordance with the intent of the City Center Plan to enhance the aesthetic integrity of the premises in accordance with the specifications established in attached "Exhibit A".
3. The Recipient agrees to maintain the design integrity of the proposed improvements, creating, retaining and/or modifying those elements, which enhance the premises.
4. The Recipient agrees to abide by and conform all construction, rehabilitation, renovation, demolition, and landscaping undertaken pursuant to this agreement to all applicable laws of the United States, the State of North Carolina, and those applicable provisions of the ordinances of the City of Hickory directly or indirectly related to the subject matter of this agreement.
5. The amount of this grant is Seven Thousand Five Hundred Dollars and 00/100 (\$7,500.00), payable upon completion of said project, and submission of documentation

confirming payment of all contractors and/or subcontractors, provided said project is completed within 120 days from the date of this agreement being signed in accordance with those provisions specified in the Downtown Appearance Improvement Incentive Grant Application.

- 6. The Recipient agrees that in the event the actual project costs are less than the estimated costs, the City grant will be reduced to solely the amount of the actual project costs that would be eligible for participation in this program.
- 7. Technical assistance provided by the City will be advisory only. The City will not be a party in negotiations between the Recipient and any contractor employed by the Recipient nor will the City provide legal advice or services to any party. The Recipient agrees to hold the City harmless for any defects in workmanship or from any liability, damages, or other costs relative to this project.
- 8. This Agreement may be terminated and the City may withhold grant monies upon the Recipient's breach of or failure to perform any of the terms of this agreement. The City shall give the Recipient notice in writing of any potential breach of this Agreement, after which the applicant shall have ten (10) calendar days in which to cure said breach. In the event of a failure to cure a breach of this Agreement, the City of Hickory may pursue any remedy available, either in equity or at law.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed upon the day and year first written above.

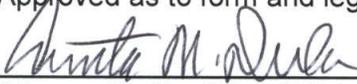
**CITY OF HICKORY**  
A North Carolina Municipal Corporation

By: \_\_\_\_\_  
Hank Guess, Mayor

ATTEST: (SEAL)

\_\_\_\_\_  
Debbie D. Miller, City Clerk

Approved as to form and legality on behalf of the City of Hickory only:

  
\_\_\_\_\_  
Anita M. Decker, Attorney for the City of Hickory

This document has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

  
\_\_\_\_\_  
Melissa Miller, Finance Officer

Jeffery S. Jacomine  
JEFFERY S. JACOMINE

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, \_\_\_\_\_ a Notary Public of said county and state, certify that **Debbie D. Miller** personally came before me this day and acknowledged that she is City Clerk of the City of Hickory, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Hickory, the foregoing instrument was signed in its name and by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

(Seal)

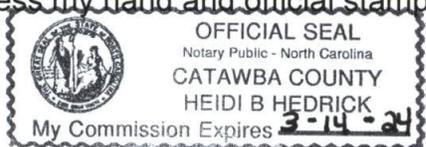
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, Heidi B. Hedrick, a Notary Public of the County and State aforesaid certify that **Jeffery S. Jacomine**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this 25<sup>th</sup> day of November, 2020.



(Seal)

Heidi B. Hedrick  
Notary Public

My Commission Expires: March 14, 2024

Appearance Grant  
Application Form

(main Address)  
205 main Ave NE

Project Location Address: 18,20 & 22 2<sup>ND</sup> ST NE, HICKORY

Applicant's Name: JACOMINE INVESTMENTS LLC

Applicant's Mailing Address: PO Box 1417  
HILDEBRAN, NC 28637

Telephone: Day: 828-322-3056 Mobile: 828-244-0814

E-mail address: JEFFS@DRILLINGEQUIP.COM

Project Description: REPLACING GARAGE DOORS (12' x 12'),  
WALK-IN DOORS (36") & WINDOWS

Total Estimated Project Cost \$ 38,416  
Grant Request Amount \$ 7,500

**Required Attachments**

- Property Deed or Lease
- Color photographs of the existing site or project area
- A plan (drawing) of the site showing the exact location of proposed improvements
- A detailed list of the materials to be used
- A detailed project narrative that fully explains how the application meets the grant guidelines; and
- Two cost estimates/bids.** Cost estimates must be from two different companies or individuals who are capable of performing the proposed work as outlined.

**Certification by Owner**

I have completed the enclosed application and attached the items requested above. I have been adequately informed of the requirements of this grant (including eligible and ineligible activities) and the process for review of my application.

I understand that the grant money will only apply for approved work that is completed in accordance with the information I have provided in this grant application. Additional work that may be done on site but that is not described in this application will not be reimbursed.

Owners Signature: Jeff Jacomine Date: 10-21-2020  
(Owners signature must be notarized)

**NORTH CAROLINA**  
**CATAWBA COUNTY**  
CALDWELL

I, KATRINA M. KIRKPATRICK, a Notary Public for said County and State, do hereby certify that JEFF JACOMINE personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the 21 day of Oct, 2020.



Katrina M. Kirkpatrick  
Notary Public

My Commission Expires: May 24, 2025



# LIMITED LIABILITY COMPANY ANNUAL R

Exhibit VIII.A.  
 SOSID: 0571800  
 Date Filed: 4/29/2020 11:59:00 PM  
 Elaine F. Marshall  
 North Carolina Secretary of State  
 CA2020 120 01201

NAME OF LIMITED LIABILITY COMPANY: Jacomine Investments, LLC

SECRETARY OF STATE ID NUMBER: 0571800 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2020



Filing Office Use Only

Changes

### SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Jeffrey S. Jacomine

2. SIGNATURE OF THE NEW REGISTERED AGENT: \_\_\_\_\_

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

2515 US Highway 70 SW

PO Box 1417

Hickory, NC 28602 Catawba

Hildebran, NC 28637 Burke

### SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Rental Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 322-3056

3. PRINCIPAL OFFICE EMAIL

Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS



2515 US Highway 70 SW

PO Box 1417

Hickory, NC 28602 Catawba

Hildebran, NC 28637 Burke

6. Select one of the following if applicable. (Optional see instructions)

The company is a veteran-owned small business

The company is a service-disabled veteran-owned small business

### SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Jeffery S Jacomine

NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: Manager

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

2515 US Highway 70 SW

Hickory, NC 28602 Catawba

### SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Jeffery S. Jacomine  
SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Jeffery S Jacomine

Manager

Print or Type Name of Company Official

Print or Type Title of Company Official

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF \$200

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

FILED ELECTRONICALLY  
CATAWBA COUNTY NC  
DONNA HICKS SPENCER

FILED Sep 06, 2019  
AT 12:20:00 PM  
BOOK 03525  
START PAGE 0827  
END PAGE 0830  
INSTRUMENT # 15494  
EXCISE TAX \$450.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$450.00

Parcel ID No.: 3702 - 07 - 69 - 9698/LRK(REID): 0002360 Verified by \_\_\_\_\_ County  
on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ By: \_\_\_\_\_

Mai/Box to: **John W. Crone, III, Young, Morphis, Bach & Taylor, LLP, Post Office Drawer 2428, Hickory**

This instrument was prepared by: **John W. Crone, III, Young, Morphis, Bach & Taylor, LLP, Hickory, NC**

Brief description for the Index: 205 Main Avenue, N.E., Hickory

THIS DEED, made this the 4<sup>th</sup> day of September, 2019, by and between

**GRANTORS: George D. Harris and wife, Tysaliek R. Harris**  
Whose mailing address is **Post Office Box 621795, Charlotte, North Carolina 28262**

**And Troy H. Harris and wife, Brooke J. Harris**  
Whose mailing address is **Post Office Box 621795, Charlotte, North Carolina 28262**  
(herein referred to as **Grantors**)

and

**GRANTEE: Jacomine Investments, LLC, a North Carolina Limited Liability Company**  
Whose mailing address is **Post Office Box 1417, Hildebran, North Carolina 28637**  
(herein referred to as **Grantee**).

WITNESSETH:

That the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in City of **Hickory, Hickory Township, Catawba County, North Carolina** and being more particularly described as follows:

**See attached Exhibit "A" for legal description.**

*Tysaliek R. Harris and Brooke J. Harris join in the execution of this instrument to convey any and all marital interest they have in the subject property.*

3525-0828

All or a portion of the property herein conveyed \_\_\_ does X does not include the primary residence of a Grantor.

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 1246, Page 636, Catawba County Registry.

A map of the property is recorded in Plat Book, Page, Catawba County Registry.

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor is seized of the premises in fee and has the right to convey same in fee simple, that title is marketable and is free and clear of encumbrances other than as set forth herein, and that Grantor will forever warrant and defend the title against the lawful claims of all persons or entities whomsoever.

This conveyance is made subject to the following Exceptions and Reservations:

- 1. This conveyance is made subject to restrictive covenants of record, and to any and all easements and rights-of-way on location on the above-described property heretofore granted or existing in favor of any individuals, corporations, public or private associations of individuals, public utilities, and governmental agents, commissions or departments for the purpose of constructing, erecting, laying, building or maintaining any streets, roads, highways, signs, service alleys, power lines or poles, gas lines, water lines, lines for pipes or sewer lines and any and all other similar or related public or private utility service facilities or otherwise.
- 2. Ad valorem taxes for assessed against the subject property for the current year and subsequent years;
- 3. Easements, restrictions and rights of way of record affecting the property.

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

BY: \* George D Harris (SEAL)  
George D. Harris

BY: \* Tysaliek R Harris (SEAL)  
Tysaliek R. Harris

BY: \* Troy H Harris (SEAL)  
Troy H. Harris

BY: \* Brooke J Harris (SEAL)  
Brooke J. Harris

3525-0829

State of North Carolina

(Official/Notarial Seal)

County of Cabarrus

I certify that the following person(s) personally appeared before me this day, and acknowledged to me that they signed the foregoing document in the capacity indicated:

George D. Harris and wife, Tysaliek R. Harris

Date: SEPT 4, 2019

Tyra L Ezell

Signature of Notary Public

My Commission Expires: MAY 16, 2021

Tyra L. Ezell

Typed/Printed Name of Notary



State of North Carolina

(Official/Notarial Seal)

County of Cabarrus

I certify that the following person(s) personally appeared before me this day, and acknowledged to me that they signed the foregoing document in the capacity indicated:

Troy H. Harris and wife, Brooke J. Harris

Date: SEPT 4, 2019

Tyra L Ezell

Signature of Notary Public

My Commission Expires: MAY 16, 2021

Tyra L. Ezell

Typed/Printed Name of Notary



3525-0830

**Exhibit "A" Legal Description**

Bounded on the west by 10th Street and on the south by 10th Avenue and being located in the City of Hickory, North Carolina, and being further described as follows:

**BEGINNING** at a stake in the property lines, which stake is in the northeast corner of the intersection of 10th Street and 10th Avenue in the City of Hickory, and running thence with the property line of 10th Avenue, North 71 degrees 25 minutes East 180.5 feet to a stake on the northern side of 10th Avenue; thence North 02 degrees 22 minutes East 160.6 feet to a stake; thence North 88 degrees 14 minutes West 166.3 feet to a stake in the eastern margin of 10th Street; thence with the margin of said street, South 03 degrees 07 minutes West 223.5 feet to the point of **BEGINNING**, and being a portion of the lands described in Book 60 at Page 301 and Book 66 at Page 558, Catawba County Registry, to which reference is hereby made. (10th Street is now known as 2nd Street, N.E. and 10th Avenue is now known as Main Avenue, N.E.)

This property is subject to the easements and rights of way of the Southern Railway Company and/or Carolina North Western Railroad Company.

For partial chain of title, see those deeds recorded in Book 1246 at Page 636 and Book 410 at Page 572 in the Office of the Register of Deeds for Catawba County, North Carolina and see the Estate of George B. Harris in File Number 16 E 1091 in the Office of the Clerk of Court for Catawba County, North Carolina.

This property is known as 205 Main Avenue, N.E., Hickory, North Carolina 28601 and shown as Parcel Identification Number (PIN): 3702 - 07 - 69 - 9698 and LRK(REID): 0002360 in the Office of the Catawba County Tax Assessor.





**DIVERSIFIED GLASS**  
1005 Jamestown Road  
Morganton, NC 28655  
Phone (828) 584-1560 Fax (828) 584-1596  
NC Toll-free (800) 521-4660

# PROPOSAL AND ACCEPTANCE

TO Jeff Jacumin

**JOB NAME:** Window and Door replacement  
**JOB LOCATION:** 18, 20 and 22 Second St. NE  
Hickory, NC 28601  
**DATE OF PLANS:** 10/8/20

We hereby submit specifications and estimates for:

The price below includes materials, sales tax and labor to furnish and install the following:

- Six (6) Kawneer 451T fixed storefront windows and six (6) Kawneer 190 Storefront doors and frames. Doors and frames to have dark bronze anodized finish. Glazing to be 1" clear low-e insulated glass tempered as per code.
- Caulking of all the above included.
- Demolition of existing windows by others, removal of existing doors and frames included.

**We Propose** hereby to furnish material and labor - complete in accordance with above specifications, for the sum of: Eighteen thousand nine hundred no/100's dollars ( \$18,900.00 ).

Note: This proposal may be withdrawn by us if not accepted within 60 days.

Submitted by \_\_\_\_\_  
Brian Russ  
Project Manager

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outline above.

Date of Acceptance \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

**Jeff Jacomine**

---

**From:** Daniel Fowler <glassworksofhickory@gmail.com>  
**Sent:** Tuesday, July 21, 2020 1:42 PM  
**To:** jeffj@drillingequip.com  
**Subject:** Quote

The quote is for the 2 doors you just called about near your home We will install  
2 Bronze Aluminum Storefront Doors

500 wide stile

Mid rail

Rim panic hardware

No electrical operation

No pivots

Continuous geared hinges

Surface mount closer

Keyed to what you need

1 in Tempered insulated unit

Clear

Door sweeps

2 Door frames no transom

Take out 2 steel doors and frames

All caulking and flashing needed

Installation quote

On 2 door 2 frames

\$6,000.00 \* 3 = 12,000

Thank you

Anita

Glass Works of Hickory Inc.  
881 Highland Ave NE



GARAGE DOOR SPECIALISTS -- ALL ABOUT DOORS  
 111 Benview Lane  
 Morganton, N.C. 28655  
 828-584-2297  
[www.garagedoorspecialists.com](http://www.garagedoorspecialists.com)

Exhibit VIII.A.



To: GARAGE DOOR SPECIALISTS -- ALL ABOUT DOORS\_28381  
 111 Benview Lane  
 Morganton, NC, 28655  
 828-584-2297  
 dustygeorges@gmail.com

**Project:**  
 GARAGE DOOR SPECIALISTS -- ALL ABOUT DOORS\_36778  
 111 Benview Lane  
 Morganton, NC 28655  
 828-584-2297

Attn: GARAGE DOOR SPECIALISTS -- ALL ABOUT DOORS\_28381

**Quoted by:** Dusty Georges  
**Email:** dustygeorges@gmail.com  
**Creation Date:** 08/06/2020  
**Quote#:** 103164  
**Quote Name:** Base Quote 103164

**Proposal**

Door Line	Description	Quantity	Unit Price	Total
1.1	<b>Energy Series - 3200</b> Size:12' 2" x 12' 0" WindCode:W0 Jamb type:Steel Design:Stucco Embossed with Micro Groove Construction:2", R-Value 9.1, 24 Ga Steel Color:Standard White Glazing Option:Solid Glass Type:Not applicable with solid top section. Spring:Torsion Track Size:2" Reverse Angle Mount Type:Reverse Angle Track Radius:15 Track Type:Standard Lock:Inside Slide Lock Lock Options: No Lock Hole (Std on no lock and inside slide lock optional on #3C) Door Seal:No Stop Molding	6	\$2300.00	\$13800.00
1.2	<b>T 50 1 L5- 1/2 HP, 1 Phase, 115/230 Voltage Industrial-Duty Trolley Operator 12' Rail</b>	6	\$1400.00	\$8400.00
<b>Total Amount:</b>				<b>\$22200.00</b>

**Terms & Conditions:**

ALL POWER AND CONTROL WIRING BY OTHERS UNLESS OTHERWISE SPECIFIED

GARAGE DOOR SPECIALISTS AND ALL ABOUT DOORS IS NOT RESPONSIBLE FOR UNLEVEL FLOORS OR SLOPED CONCRETE.

This proposal may be withdrawn by us if not accepted within 30 days. All materials are guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and beyond the original estimate. All agreements are contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. All control wiring and opening preparation to be done by others unless otherwise noted.

**Proposal Acceptance:**

**Attachments:**



Brochure  
3200/1...



Liftmaster T

Adam Door Company  
 Hickory, NC  
 (828) 328-4008



Jeff Jacomine  
 Jeffj@drillingequip.com  
 (828) 244-0814  
 22 Main Ave NE  
 Hickory, NC  
 28601

**QUOTE**

Quote # 0002763

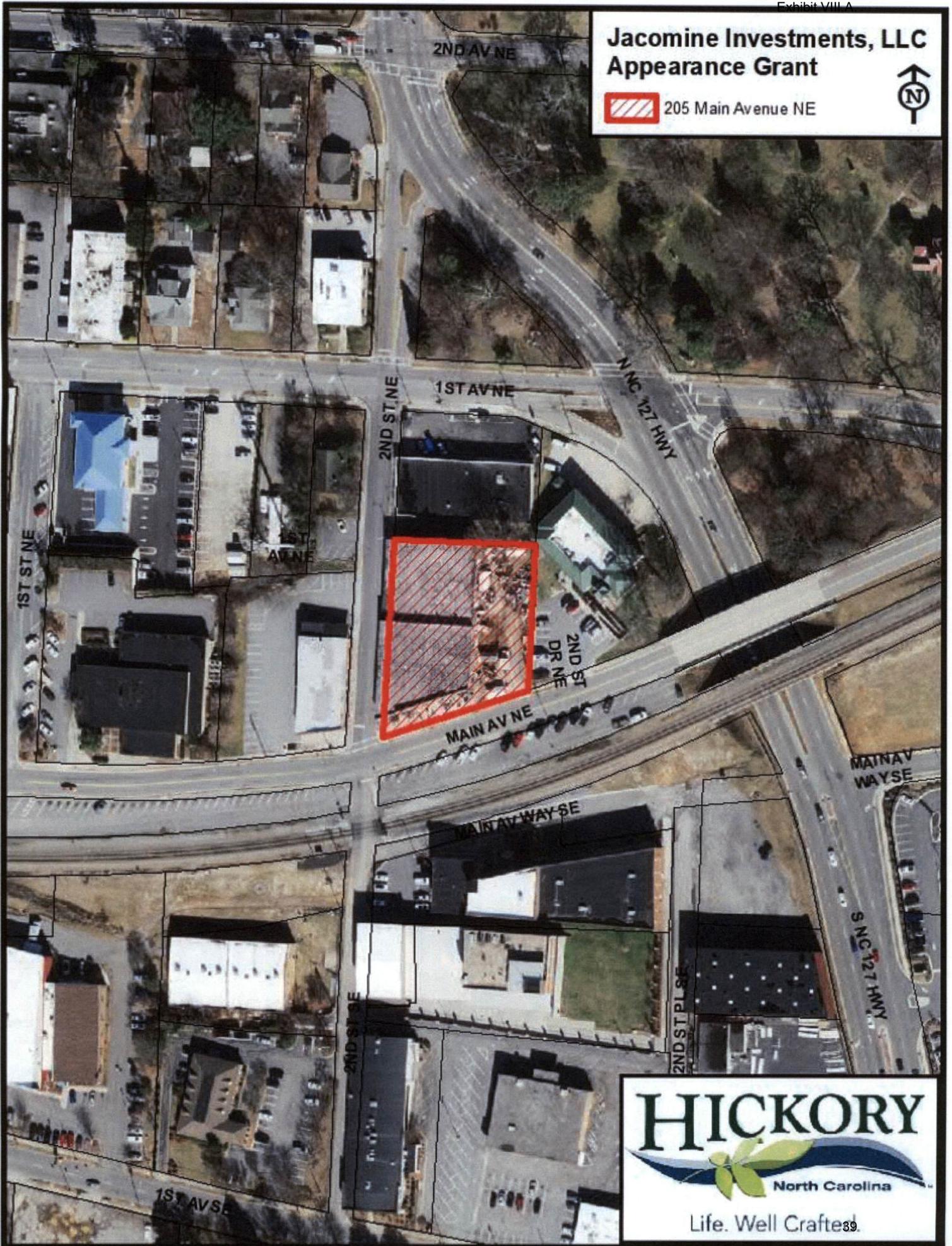
Quote Date 10/08/2020

Item	Description	Unit Price	Quantity	Amount
Product	Model 3285, C.H.I. Commercial Steel-Insulated, Choice of Standard Colors, One Row Solid Glass, 2" Reverse Angle Track, Standard Lift Torsion Spring, All-Weather Seals, 12'2"x12'	1780.00	6.00	10,680.00
Product	Liftmaster 1/2HP Belt Opener with Wall Control Switch Unit	1200.00	6.00	7,200.00
Service	Take Down Existing Doors	40.00	6.00	240.00
Service	Haul off Existing Doors	20.00	6.00	120.00
<b>NOTES:</b> Installation is included in these prices. Electrical wiring not included in service. 4-5 weeks for delivery.				
Terms of Payment: TBD				
Thank you.				
<b>Subtotal</b>				18,240.00
+ Sales Tax (7.00%)				1,276.80
<b>Total</b>				19,516.80
<b>Amount Paid</b>				0.00
<b>Quote</b>				<b>\$19,516.80</b>



# Jacomine Investments, LLC Appearance Grant

 205 Main Avenue NE



# HICKORY



North Carolina

Life. Well Crafted.<sup>SM</sup>

4

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Brian Frazier, Planning Director

**Date:** December 3, 2020

**Re:** Voluntary Non-Contiguous Annexation of Property Owned by Roy and Barbara Barnette.

**REQUEST**

Call for public hearing, to be held on January 5, 2021, for the consideration of the voluntary non-contiguous annexation of 1.115 acres (which includes street right-of-way) of property located at 4815 1<sup>st</sup> Street NW. This property is identified as PIN 3715-15-53-7912.

**BACKGROUND**

The Barnette's have petitioned for the voluntary non-contiguous annexation of 1.115 acres of property located 4815 1<sup>st</sup> Street NW. The subject property is currently located within Hickory's extraterritorial jurisdictional area (ETJ), and zoned Medium Density Residential (R-2). The annexation is being requested in order to connect to the City's sewer system.

**ANALYSIS**

Under the current zoning the property can be developed for single-family residential at a density of four (4) dwelling units per acre. This density is reduced by being located within the Lake Hickory Watershed, where residential density is restricted to two (2) dwelling units per acre. The subject property is currently occupied by one (1) single-family dwelling, and is proposed to remain this way for the foreseeable future.

The current tax value of the property is \$247,600. If annexed with its present value, the property would immediately generate additional tax revenues of \$1,454.65.

Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available.

**RECOMMENDATION**

Staff finds the petition to be in conformity with applicable statutes, and recommends approval of the petition.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier 12/3/2020  
Initiating Department Head Date

Rodney Miller 12/8/20  
Asst. City Manager R. Miller Date

M. Miller 12/9/20  
Finance Officer, M. Miller Date

\_\_\_\_\_  
Date

A. Dula 12-8-20  
Deputy City Attorney, A. Dula Date

R. Beasley 12/8/20  
Asst. City Manager, R. Beasley Date

\_\_\_\_\_  
Deputy Finance Officer, S. Guy Date

Recommended for approval and placement on \_\_\_\_\_ Council agenda (as  
Consent, Public Hearing, Informational, Department Report, etc).

W. Wood  
City Manager, Warren Wood

12-9-20  
Date

**RESOLUTION NO. 20-\_\_\_\_**  
**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED**  
**UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED**

WHEREAS, a petition from Roy and Barbara Barnette requesting annexation of an area described in a petition was received on December 2, 2020 by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**CERTIFICATE OF SUFFICIENCY**

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

Property of Roy and Barbara Barnette containing 1.115 acres more or less, located at 4815 1<sup>st</sup> Street NW, and identified as PIN 3715-15-53-7912

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 3<sup>rd</sup> day of December 2020.



Debbie D. Miller  
Debbie D. Miller, City Clerk

**CITY OF HICKORY  
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 11-30-2020

**TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:**

I (We), the undersigned, do hereby respectfully make application and petition for voluntary annexation into the municipal limits of the City of Hickory, and have provided an annexation plat meeting the requirements of the City of Hickory

1. The property be voluntarily annexed is located on 1<sup>st</sup> Street NW  
 between \_\_\_\_\_ and \_\_\_\_\_  
 and is shown in more detail on the attached survey.

PIN NO. (S) : 4815 1<sup>st</sup> Street NW

Physical (Street) Address: 3715-15-53-7912

2. The property is owned by: (please print) Roy and Barbara Bernette  
 (Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Roy and Barbara Bernette

Address: 4815 1<sup>st</sup> ST NW

Phone Number: ~~803~~ 803-240-5234

3. The petition is submitted by: Roy & Barbara Bernette  
 (If the Petition is submitted by someone other than the owner, the attached agent authorization must be signed, notarized and submitted from the owner(s) authorizing the agent to act on his behalf.)

Agent Information:

Name: SAA

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

4. If annexation is approved by the Hickory City Council, and if the property(s) is not currently zoned by the City of Hickory, the applicant would request that the property be placed into a R-2 zoning district.

RECEIVED

BY: N. Miller  
 DATE: 12-2-2020

5. WATER AND SEWER AVAILABILTY AND CONNECTIONS

We, the undersigned property owner(s), herby understand and agree we shall be responsible for all costs associated with providing for extensions and/or connections to the City of Hickory public utility system (water and sewer). This includes all design, permitting, construction, legal and applicable City of Hickory Tap Fees. Furthermore, we shall be responsible for obtaining any and all necessary easements and encroachment agreements needed to provide for such extensions or connections and provide those to the City of Hickory as appropriate.

The undersigned owner further acknowledges, they shall be responsible for any future utility extensions required to serve the property due to subdivision of the property.

6. APPLICANT'S AFFIDAVIT

We, the undersigned property owners(s), hereby certify that the information contained herein and submitted in support of this application is true and correct and the property owner's list and associated envelopes were obtained using the most recent Tax Office property information and are true, correct and complete.

Roy & Barbara Barnette  
Printed Name of Property Owner(s)

[Signature]  
Signature of Property Owner(s)

4315 1st St NW  
Address of Property Owner(s)

803-240-5234  
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Barbara Barnette personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 25 day of November, 2020.

My Commission Expires: May 27 2023

Amanda Brown  
Notary Public



State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Roy Barnette personally came before me this day an acknowledged the he/she is the N/A of N/A corporation or limited liability corporation / general partnership / limited partnership (strike through the inapplicable); and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 25 day of November, 2020.

My Commission Expires: May 27 2023

Amanda Brown  
Notary Public



3117-0741

FILED Catawba County  
on Mar 12, 2012 at 12:05:00 pm

Excise Tax \$0.00 (TP)

INST. # 04246

DONNA HICKS SPENCER,  
Register of Deeds

Ex 03117 Pg 0741-0742

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: -0-

Parcel Identifier No. \_\_\_\_\_ Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 2012.  
By: \_\_\_\_\_

✓ Mail/Box to: Beverly D. Teague, Attorney at Law, 7625 NC Highway 127, Hickory, NC 28601  
This instrument was prepared by: Beverly D. Teague, Attorney at Law, 7625 NC Highway 127, Hickory, NC 28601  
Brief description for the Index: Former Hollar Hosiery Mill, Inc. Property

THIS DEED made this 20 day of February, 2012, by and between

GRANTOR  
Roy H. Barnette and wife,  
Barbara L. Barnette

GRANTEE  
Roy H. Barnette and wife,  
Barbara L. Barnette  
4815 1<sup>st</sup> Street NW  
Hickory, NC 28601

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Hickory, Hickory Township, Catawba County, North Carolina and more particularly described as follows:

**Beginning** at a point in the center line of the Hickory-Taylorsville Highway, the Southwest corner of Lot No. 14 in Block "B" as shown on a plat hereinafter referred to and runs thence from said beginning point with the Southwest line of Lot No 14, North 30.5° West 405.1 feet to a point, Lois B. Adams Northeast corner; thence, with her northern line South 46° 34' West 162.91 feet to a stake in the Northeastern line of Lot No 12 in Block "B"; thence, with the Northeastern line of Lot No 12 South 39° 27' East 382.5 feet to a point in the center line of the Hickory-Taylorsville Highway; thence, with the center line of said Highway North 55° 33' East 100 feet to the beginning and being the Southeastern portion of Lot No 13 in Block "B" of the Hollar Hosiery Mill, Inc. Property as shown on a plat thereof duly recorded in the Catawba County Registry in Plat Book 3 at Page 106.

3117-0742

0742

The above described property is subject to an easement and right-of-way for roadway purposes for a width of ten feet extending from the Northeast corner of said property to the Southeast corner and along the Northeast boundary of said land.

This property is also subject to a right of way to State Highway and Public Works Commission for street and highway purposes. This conveyance is subject to all easements, restrictions, and encumbrances of record. The attorney preparing this deed has neither conducted a closing nor a title search on this property.

For back title reference see Book 973, Page 548, Book 2653, Page 790, and Plat Book 46, Page 62 of the Catawba County Registry.

The purpose of this deed is to convey the title to this property from one spouse to the entireties.

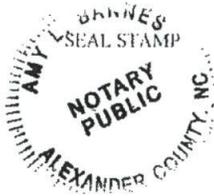
TO HAVE AND TO HOLD the aforesaid lot of parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

*Roy H. Barnette* (SEAL)  
Roy H. Barnette

*Barbara L. Barnette* (SEAL)  
Barbara L. Barnette



State of North Carolina - County of Alexander  
I, the undersigned Notary Public of the County and State aforesaid, certify that **Roy H. Barnette** personal appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 20 day of February, 2012.

My Commission Expires: July 02, 2016 *Amy L. Barnes*  
Notary Public



State of North Carolina - County of Alexander  
I, the undersigned Notary Public of the County and State aforesaid, certify that **Barbara L. Barnette** personal appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 20 day of February, 2012.

My Commission Expires: July 02, 2016 *Amy L. Barnes*  
Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ is/are certified to be correct.  
This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: \_\_\_\_\_ Register of Deeds for Catawba County  
Deputy/Assistant - Register of Deeds

BOOK 2653 PAGE 790

North Carolina, Catawba County

The following certificate of...

MARTIN E STEELE

Notary Public, is certified to be correct. Presented for registration and recorded

April 05, 2005 01:40:40 pm

Book 02653 Page 0790

Donna Hicks Spencer

Register of Deeds, Catawba County, North Carolina

By:

*Phyllis Sykes*  
Deputy/Assistant Register of Deeds

Catawba County 04-05-2005  
NORTH CAROLINA  
Real Estate  
Excise Tax \$390.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 390.00

009196

Parcel Identifier No. 3715-15-53-7912 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Mail/Box to: Martin E. Steele, Law Offices of Martin E. Steele, PLLC, 2050 Catawba Valley Blvd. SE, Second Floor.

This instrument was prepared by: Law Offices of Martin E. Steele, PLLC, 2050 Catawba Valley Blvd. SE, Second Floor,

Brief description for the Index: LT PT 13, BLK B, MYRTLE ELIZABETH CLARK & GEORGE P. CLARK PROPERTY

THIS DEED made this 1st day of April, 20 05, by and between

GRANTOR

Myrtle Elizabeth Clark, widow  
116 39th Ave Place NW  
Hickory, NC 28602

GRANTEE

Roy H. Barnette  
4815 1st Street NW  
Hickory, NC 28601

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Hickory, Hickory Township, Catawba County, North Carolina and more particularly described as follows:  
See Attached

The property hereinabove described was acquired by Grantor by instrument recorded in Book 973 page 548.

A map showing the above described property is recorded in Plat Book 46 page 62.

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association - 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

ATTACHMENT

BOOK 2653 PAGE 791

Beginning at a point in the center line of the Hickory-Taylorsville Highway, the Southwest corner of Lot No. 14 in Block "B" as shown on a plat hereinafter referred to and runs thence from said beginning point with the Southwest line of Lot No 14 North 30.5° West 405.1 feet to a point, Lois B. Adams Northeast corner thence with her northern line South 46° 34' West 162.91 feet to a stake in the Northeastern line of Lot No 12 in Block "B"; thence with the Northeastern line of Lot No. 12 South 39° 27' East 382.5 feet to a point in the center line of the Hickory-Taylorsville-Highway; thence with the center line of said Highway North 55° 33' East 100 feet to the beginning and being the Southeastern portion of Lot No. 13 in Block "B" of the Hollar Hosiery Mill, Inc. Property as shown on a plat thereof duly recorded in the Catawba County Registry in Plat Book 3 at Page 106.

The above described property is subject to an easement and right-of-way for roadway purposes for a width of ten feet extending from the Northeast corner of said property to the Southeast corner and along the Northeast boundary of said land.

This property is also subject to a right of way to State Highway and Public Works Commission for street and highway purposes.

WEB

500018  
4815 1st. Street NW, Hickory, NC 28601

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: All street and utility easements and rights of way of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

\_\_\_\_\_  
(Entity Name)

*Myrtle Elizabeth Clark* (SEAL)  
Myrtle Elizabeth Clark

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

State of North Carolina - County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Myrtle Elizabeth Clark personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 1st day of April 2005.

My Commission Expires: December 22, 2007

*Martin E. Steele*  
Notary Public Martin E. Steele

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he is the \_\_\_\_\_ of \_\_\_\_\_ a North Carolina or \_\_\_\_\_ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_

Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Register of Deeds for \_\_\_\_\_ County

By: \_\_\_\_\_ Deputy/Assistant - Register of Deeds

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association - 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

**VOLUNTARY NON-CONTIGUOUS ANNEXATION ANALYSIS**

**APPLICANT:** Roy and Barbara Barnette

**PROPERTY LOCATION (See Map 1):** 4815 1<sup>st</sup> Street NW

**PIN NUMBER:** 3715-15-53-7912

**WARD:** If annexed, the subject property will be located in Ward 2 (Councilwoman Williams).

**REQUESTED ACTION:** The request is for voluntary non-contiguous annexation.

**ACREAGE:** 1.115 acres (This includes street rights-of-way).

**DEVELOPMENT POTENTIAL:** The subject property is currently within Hickory’s extraterritorial jurisdictional area (ETJ), and zoned Medium Density Residential (R-2). This is a single-family residential district, where development density is permitted at a rate of four (4) dwelling units per acre. This density is reduced by being located within the Lake Hickory Watershed, where residential density is restricted to two (2) dwelling units per acre. The subject property is currently occupied by one (1) single-family dwelling, and is proposed to remain this way for the foreseeable future.

**TAX VALUE:** The current tax value of the property is \$247,600. If annexed with its present value, the property would generate additional tax revenues of \$1,454.65.

**POPULATION INCREASES:** The subject property is currently occupied by on (1) single-family residence. Current estimates for Hickory indicate single-family residences contain 2.46 occupants, however, the residence is currently occupied by two (2) individuals.

**SCHOOL DISTRICTS:** The property is located within the jurisdictional area of the Hickory City Public School System, and located in the following school districts:

School Type	School District	Student Multiplier Per Dwelling	Number of Potential Dwelling Units	Potential Additional Students
Elementary	Jenkins	0.40	1	0.40
Middle	Northview	0.19	1	0.19
High	Hickory	0.21	1	0.21

*\*Note: The student multipliers above reflect numbers for single-family dwellings only.*

**SURROUNDING LAND USE AND ZONING (See Maps 2 & 3):**

- **North:** The properties are zoned R-2 Residential, and occupied by single-family residences;
- **South:** The properties are zoned R-2, and occupied by single-family residences, or are vacant;
- **East:** The property is zoned R-2, and is vacant; and

- **West:** The properties are zoned R-2 Residential, and are occupied by single-family residences.

**UTILITY SERVICE:** Water and sewer are available to serve the property. Any extensions will be the responsibility of the property owner.

**ACCESS:** Access to the subject property is from 1<sup>st</sup> Street NW, which is a state maintained street (SR 1351).

**DISTANCE FROM CITY LIMITS (See Map 1):** The proposed annexation area is located approximately 0.3 of a mile from Hickory's proper municipal boundary. Note: The property is contiguous to an existing non-contiguous area, but the annexation would still be considered a non-contiguous annexation.

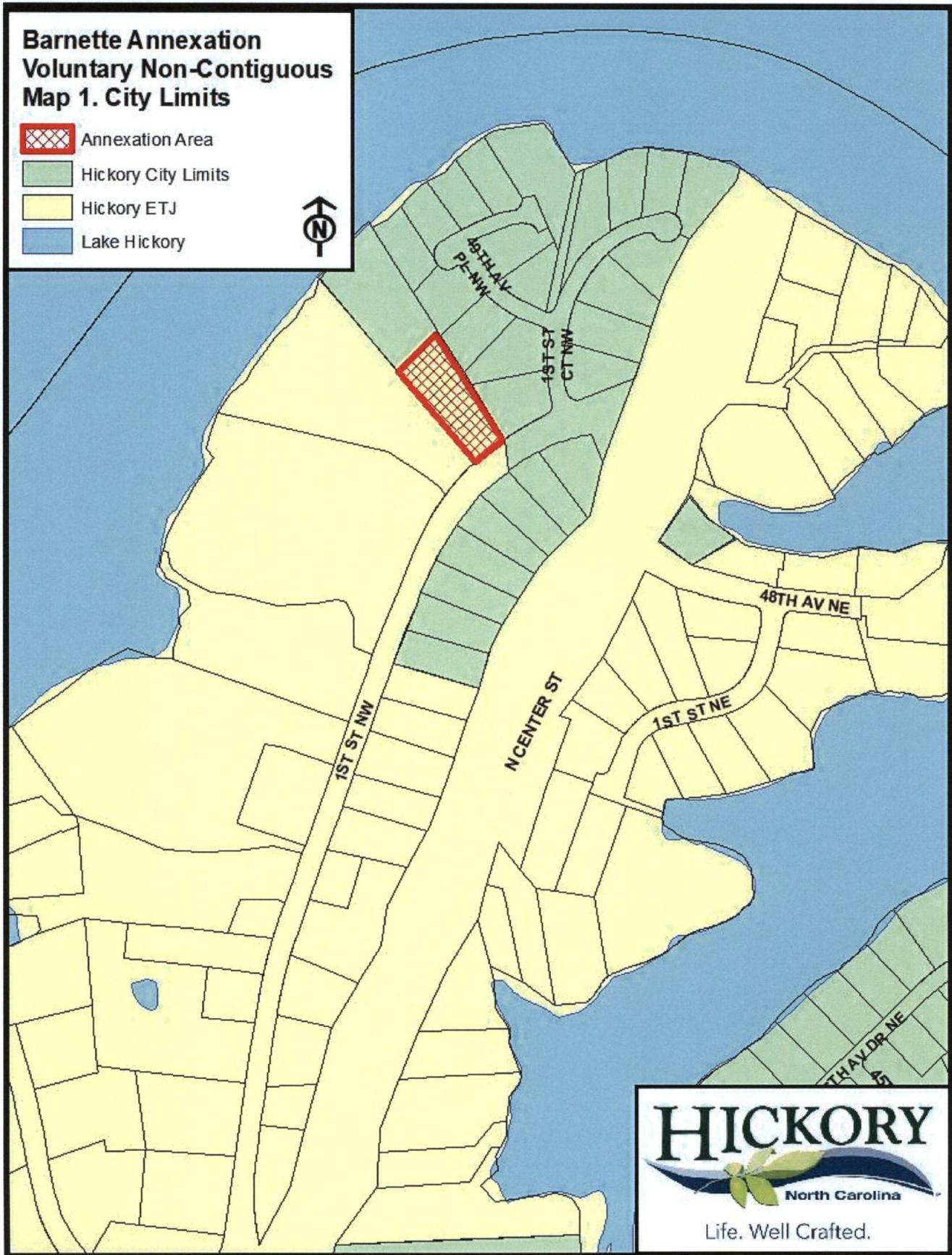
**STAFF COMMENTS:**

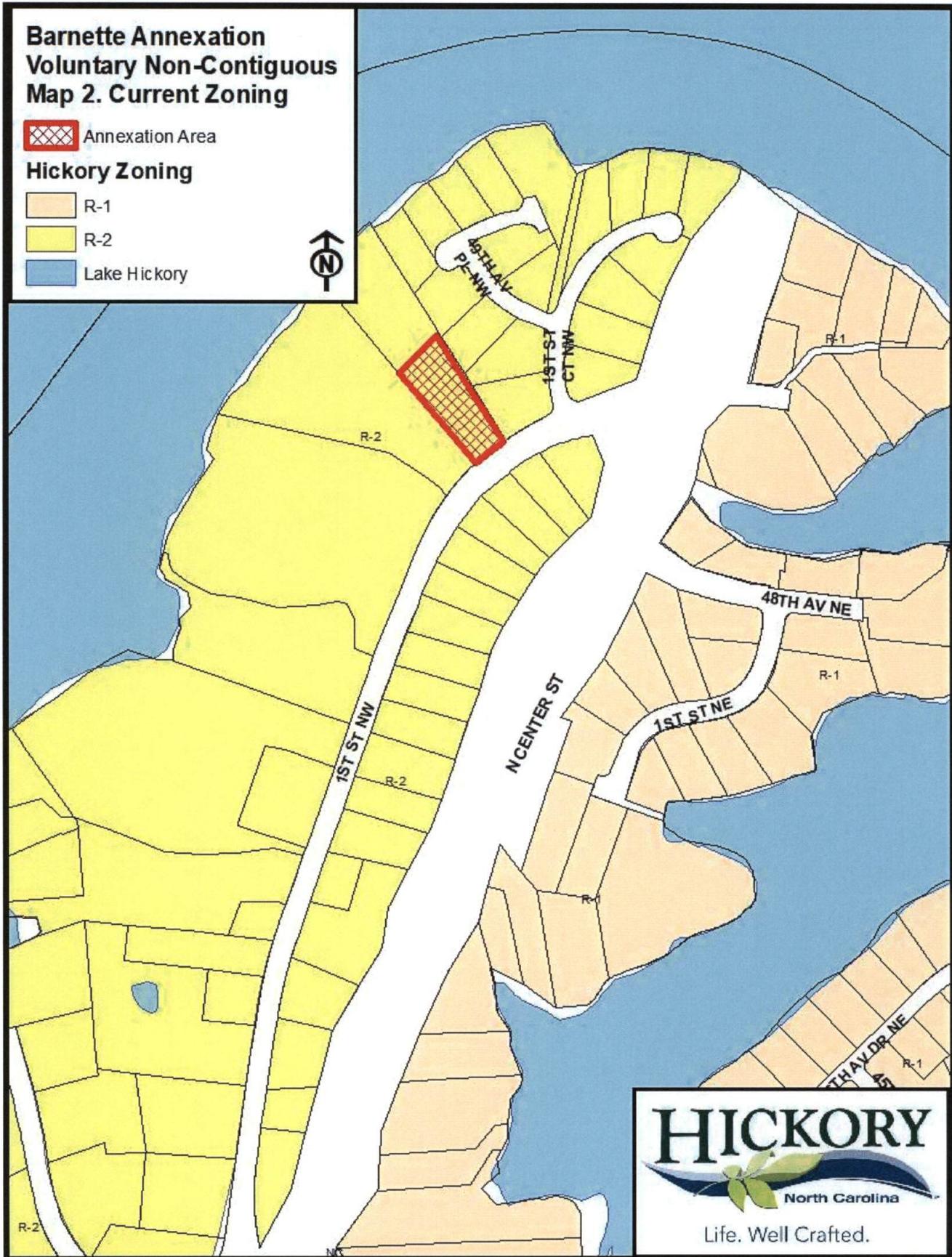
- Fire: Annexation of this property would not adversely affect the operations of the fire department at this time. The property is currently in HFD Station 6's response area and will remain in such with no changes.
- Police Department: Annexation would not adversely affect the police department. The properties, upon annexation, would be in Adam PACT.
- Engineering: No objections.
- Planning: No objections.
- Public Services: Sanitation can provide services to this area.
- Public Utilities: Water and sewer are available to serve the property. Any extensions will be the responsibility of the property owner.
- Legal: No objections.
- City Manager's Office: No objections.

**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

1. The voluntary non-contiguous annexation petition complies with all applicable statutes regarding the voluntary annexation of non-contiguous properties;
2. Adequate public services are available in sufficient quantities to properly serve the subject properties; and
3. The annexation of the properties will not cause available public services to fall below acceptable levels.

Based upon the findings provided above, staff recommends City Council approve the voluntary non-contiguous annexation petition.







**RESOLUTION 20-\_\_\_\_**  
**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,**  
**PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on January 5, 2021 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

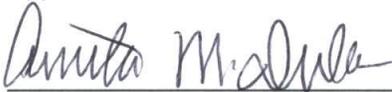
Property of Roy and Barbara Barnette containing 1.115 acres more or less, located at 4815 1<sup>st</sup> Street NW, and identified as PIN 3715-15-53-7912.

Section 3: Notice of said public hearing shall be published in *The Hickory Daily Record*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

\_\_\_\_\_  
Hank Guess  
Mayor

\_\_\_\_\_  
Warren Wood, City Manager

Approved As To Form:



\_\_\_\_\_  
Deputy City Attorney for the City of Hickory

**RESOLUTION NO. 20-\_\_\_****A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY ROY AND BARBARA BARNETTE AND CALLING FOR A PUBLIC HEARING ON THE SAME**

WHEREAS, Roy and Barbara Barnette are the owners of certain real property as described herein, which property is located at 4815 1<sup>st</sup> Street NW and containing 1.115 acres more or less, identified as PIN 3715-15-53-7912; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 15<sup>th</sup> day of December 2020, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on January 5, 2021 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on a maps entitled Barnette Annexation, Voluntary Non-Contiguous Annexation Map 1 City Limits, subject property outlined in red; Barnette Annexation, Voluntary Non-Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; and Barnette Annexation, Voluntary Non-Contiguous Annexation Map 3, 2018 Aerial Photo.
- Section 4: Notice of said public hearing shall be published in *The Hickory Daily Record*, a newspaper having general circulation in the City of

Hickory, at least ten (10) days prior to the date of said public hearing.

Done this 15<sup>th</sup> day of December 2020.

(SEAL)

**THE CITY OF HICKORY, A**  
North Carolina Municipal Corporation

**Attest:**

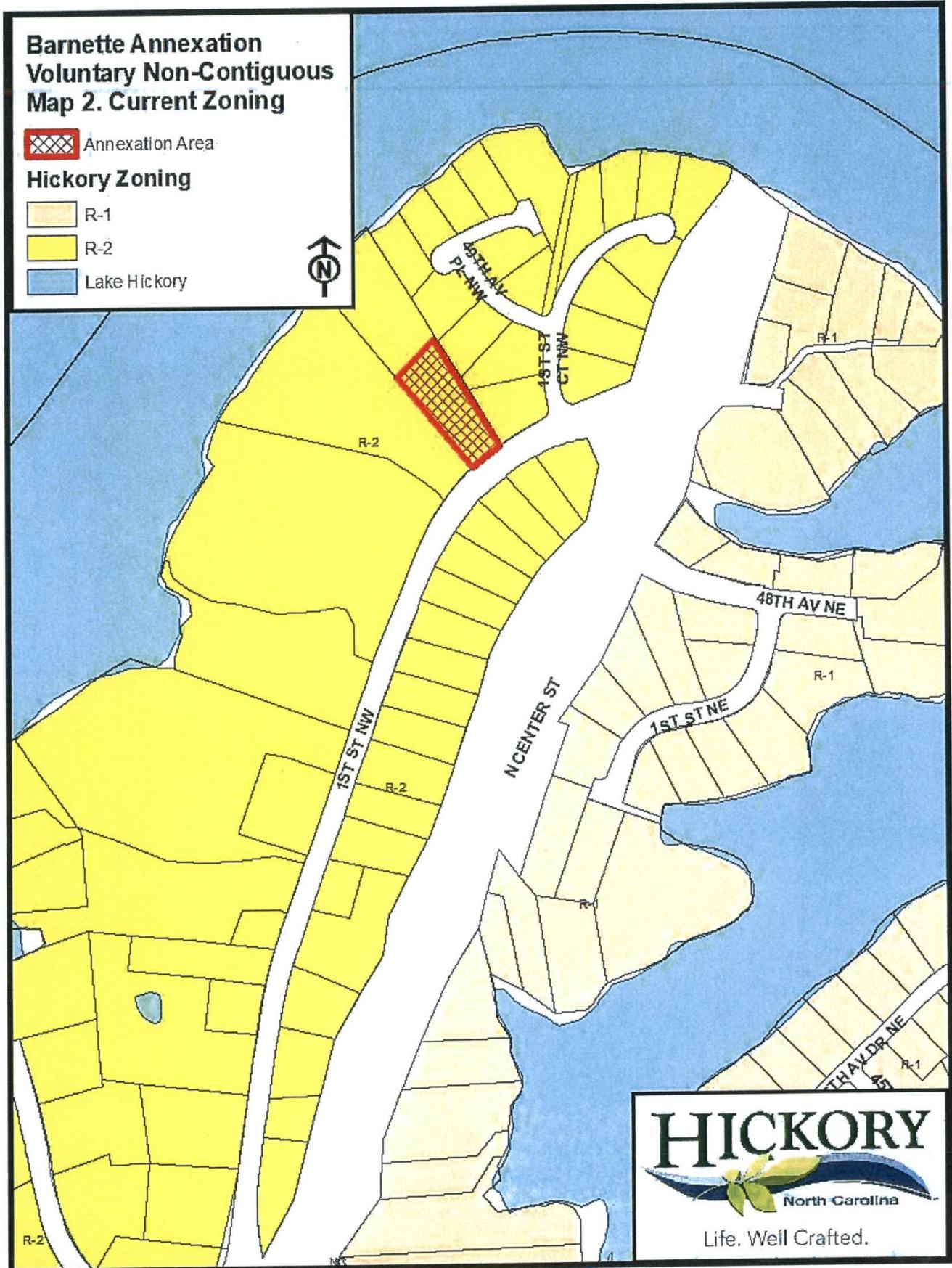
By: \_\_\_\_\_  
Hank Guess, Mayor

\_\_\_\_\_  
Debbie D. Miller, City Clerk

Approved as to form on behalf of the City of Hickory:

\_\_\_\_\_  
Arnita Dula, Deputy City Attorney





**Barnette Annexation  
Voluntary Non-Contiguous  
Map 3. 2018 Aerial Photo**

 Annexation Area



**BUDGET REVISION # 11**

**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, 2021 and for the duration of the Project Ordinance noted herein.

**SECTION 1.** To amend the General Fund within the FY 2020-21 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic & Community Development	166	
Other Financing Uses	88,605	
<b>TOTAL</b>	<b>88,771</b>	<b>-</b>

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	166	
Other Financing Sources	88,605	
<b>TOTAL</b>	<b>88,771</b>	<b>-</b>

**SECTION 2.** To amend the Water and Sewer Fund within the FY 2020-21 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	88,605	
<b>TOTAL</b>	<b>88,605</b>	<b>-</b>

To provide funding for the above, the Water and Sewer revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	88,605	
<b>TOTAL</b>	<b>88,605</b>	<b>-</b>

**SECTION 3.** To amend the Community Development Block Grant (CDBG) Fund within the FY 2020-21 Budget Ordinance, the expenditures shall be changed as follows: :

FUNCTIONAL AREA	INCREASE	DECREASE
Contingency		51
<b>TOTAL</b>	<b>-</b>	<b>51</b>

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenues		51
<b>TOTAL</b>	<b>-</b>	<b>51</b>

**SECTION 4.** To amend the *Bruce Meisner Park Capital Project Ordinance* (#620008), the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	177,210	
<b>TOTAL</b>	<b>177,210</b>	<b>-</b>

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	177,210	
<b>TOTAL</b>	<b>177,210</b>	<b>-</b>

**SECTION 5.** 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.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Karen Dickerson, Community Development Manager
Contact Person: Karen Dickerson, Community Development Manager
Date: November 19, 2020
Re: Conduct Public Hearing to Consider Community Development Block Grant 2019 Annual Action Plan Amendment for CARES Act Funding Second Allocation

REQUEST

Conduct public hearing to consider the Community Development Block Grant 2019 Annual Action Plan Amendment for CARES Act Funding

BACKGROUND

In program year 2019, the City of Hickory received \$316,023 through the U.S. Department of Housing and Urban Development Community Development Block Grant Fund. Funds were used to develop stronger communities by providing decent housing, creating suitable living environments, and expanding economic opportunities, principally for people of low and moderate incomes.

The Coronavirus Aid, Relief and Economic Securities Act (CARES Act) has made available \$2 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus. Per the US Department of Housing and Urban Development (HUD), grantees of the Community Development Block Grant may use funds for a range of eligible activities that plan for, prevent, and respond to the spread of infectious diseases such as the coronavirus. The City of Hickory has been informed that the jurisdiction will be receiving a second allocation of \$274,226 in Community Development Block Grant COVID-19 (CDBG-CV) funds to be used specifically to deal with the coronavirus (COVID-19) outbreak.

The second 2019 Annual Action Plan Amendment will be submitted to the U.S. Department of Housing and Urban Development upon approval by the Hickory Council. The plan will serve as the City's strategy for administering 2019 amended CDBG-CV federal funds to plan for, prevent, and respond to the coronavirus and COVID-19. The proposed budget line items are as follows:

Table with 2 columns: Description and Amount. Rows include Public Service Activities to respond to COVID-19 (\$246,803), Program Administration (27,423), and Total CDBG-CV (\$274,226).

ANALYSIS

City Staff has drafted a budget to use this money to respond to the effects of the coronavirus through our partnerships with other city departments, local service agencies, and local non-profits that serve the citizens that are most in need. These activities may include but are not limited to workforce development, youth services and emergency assistance payments. These Activities may include some public facility improvements related to carrying out expanded or improved public services. This public hearing was advertised on November 23, 2020, December 1 and December 15, 2020.

RECOMMENDATION

Staff recommends that City Council approve the amended 2019 Annual Action Plan to include \$274,226 in CDBG-CV funding specifically for response to the coronavirus.



# City of Hickory

## 2019

### Community Development

### Block Grant Program

### 2<sup>ND</sup> ANNUAL ACTION PLAN

### AMENDMENT



Life. Well Crafted.

Annual Action Plan  
2019  
2<sup>ND</sup> Amendment  
December 15, 2020

Amended on May 19, 2020 to add CDBG CARES Act Funds in the amount of \$194,604 to the FY 2019 Annual Action Plan.

## Executive Summary

### AP-05 Executive Summary - 91.200(c), 91.220(b)

#### 1. Introduction

The U.S. Department of Housing and Urban Development (HUD) defines the City of Hickory as an entitlement community due to status as a principal city within the Hickory-Lenoir-Morganton Metropolitan Statistical Area. As an entitlement community, the City of Hickory receives an annual allocation of Community Development Block Grant (CDBG) funding. The City is required to submit a five-year Consolidated Plan identifying community needs and funding priorities in order to receive annual funding. The Consolidated Plan was most recently adopted in May 2015. Each subsequent year, it is required to submit an Annual Action Plan to HUD. The City of Hickory values the importance of strategic planning to ensure good stewardship of public funds. This year the City anticipates receiving \$316,023 as its annual allocation. The City also anticipates receiving approximately \$115,000 in program income from repayments of loans made with CDBG funds. This Annual Action Plan covers program year 2019 which runs from July 1, 2019 to June 30, 2020. While the funded amount of the 2019 program year is higher than the funding received in most recent years, it remains extremely important that the City identify and prioritize the most critical needs to be addressed with CDBG funds.

#### 2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The one year Annual Action Plan provides funding to support the following projects. Specific details can be found in the projects section of this plan.

1. **Housing Rehabilitation/Purchase (\$90,000)** - Provide funds to purchase and rehabilitate existing housing units.

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2. **Park Improvements (\$90,000)** – Provide funds to make improvements to City park facilities in low and moderate income neighborhoods.
3. **Public Infrastructure and Facility Improvements (\$95,000)** - Provide funds to construct curbs, gutters and sidewalks. In addition, funds may be used for street resurfacing, installing street lights, planting street trees or building or rehabilitating facilities for public use in low to moderate income areas.
4. **Small Business Assistance Program (\$45,000)** – Provide assistance for small business owners through a micro-enterprise grant to low/mod income business owners or small business loan program to incentivize business owners to create jobs for low/mod income individuals
5. **ALFA (\$10,000)** - Provide funds to support a case manager position.
6. **Augustine Literacy Project (\$6,000)** - Provide funds to support a tutor position for low to moderate income youth.
7. **Exodus Homes (\$6,000)** - Provide funds to support an employment and transportation coordinator.
8. **Family Care Center (\$6,000)** - Provide funds to support a social worker position for homeless families in transitional housing.
9. **Family Guidance Center (\$10,000)** – Provide funds to support counseling to potential homebuyers.
10. **Hickory Soup Kitchen (\$6,000)** - Provide funds to support operating costs.
11. **Program Administration and Planning (\$60,200)** - Provide funding to administer the CDBG program.
12. **Fair Housing Activities (\$1,000)** - Provide support to raise awareness of fair housing rights and affirmatively further fair housing.
13. **Contingency (\$5,823)** - Provide funding for cost overruns related to CDBG projects.

### 3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City's past Community Development programs have focused on similar projects and funding categories. The City is maintaining many of these programs and is also adjusting its funding priorities to match new priority needs identified by the public, such as additional funding for small business assistance and a program focused on youth. Estimated costs are also associated with each goal to ensure that goals are realistic and achievable. While the funded amount of the 2019 program year is higher than the funding received in most recent years, it remains extremely important that the City identify and prioritize the most critical needs to be addressed with CDBG funds.

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#### **4. Summary of Citizen Participation Process and consultation process**

Summary from citizen participation section of plan.

The City of Hickory undertook an extensive citizen participation and consultation process in the development of this plan. Two public hearings were held on January 24, 2019 at City Hall and on January 29, 2019 at the Ridgeview Library. These meetings were advertised in the Hickory Daily Record, as well as on the City of Hickory website. In addition, Community Development staff had numerous meetings and phone interviews with nonprofit organizations in the community. Staff also provides program updates at monthly Continuum of Care meetings, which are attended by nearly all organizations in the community that work with homeless and low income individuals and families. The comments provided during the public meetings and consultation sessions inform the goals and strategies contained in the plan. The citizen participation process will continue throughout the implementation of the 2015-2019 Consolidated Plan and this Action Plan.

#### **5. Summary of public comments**

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

The issues discussed at the public meetings and discussions with local nonprofit organizations included increased opportunities for housing rehabilitation, services for the homeless and programs focused on education for low to moderate income youth. Organizations that met with City staff during the consultation process also identified affordable owner occupied and rental housing and more comprehensive services to the homeless as high priority needs. The Office of Business Development identified a need for increased funding for small business assistance as a priority need.

#### **6. Summary of comments or views not accepted and the reasons for not accepting them**

There were no comments or views not accepted.

#### **7. Summary**

Significant efforts were made to obtain public input through public meetings, meetings with nonprofit organizations, and individual conversations. The public input process was used to identify priority needs to be addressed with CDBG funds. All of the objectives and goals contained in the plan address a specific priority identified by the public. The City of Hickory will continue to obtain public input annually to

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ensure the plan is up to date and activities undertaken with grant funds address current community needs.

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**PR-05 Lead & Responsible Agencies - 91.200(b)**

**1. Agency/entity responsible for preparing/administering the Consolidated Plan**

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	Hickory	Office of Business Development

Table 1 – Responsible Agencies

**Narrative**

The City of Hickory's Office of Business Development, Business Services Division, manages the City's Community Development Block Grant allocation.

**Consolidated Plan Public Contact Information**

Comments can be submitted to the Office of Business Development between 8:30AM and 5:00PM at Hickory City Hall (Julian G. Whitener Municipal Building). Written comments can be submitted to:

Karen Dickerson  
 Community Development Manager  
 City of Hickory  
 PO Box 398  
 Hickory, NC 28603

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## **AP-10 Consultation - 91.100, 91.200(b), 91.215(l)**

### **1. Introduction**

During the 2015-2019 Consolidated Plan Development Process, City of Hickory Staff spoke with numerous housing and human service agencies to determine the greatest needs in the community. The City has continued to consult with these organizations on an ongoing basis to ensure that their needs are addressed to the greatest extent feasible.

**Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).**

The Community Development Division of the Office of Business Development is responsible for administering the CDBG program and developing the Consolidated Plan and subsequent Annual Action Plans. Community Development staff consulted with numerous public service agencies and the Hickory Public Housing Authority during development of the Consolidated Plan. Consultation took place at both public meetings and through individual meetings and phone conversations. This Annual Action Planning Process continued that effort.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

The Catawba County Housing Visions Continuum of Care meets monthly at the Catawba County United Way offices. The City's Community Development Manager serves on the committee, which includes representatives from organizations that serve the homeless in Catawba County. This group makes decisions on the allocation of Emergency Solutions Grant funding and also provides a forum for member organizations to discuss their needs. In the past, the City has funded homeless serving activities at the Safe Harbor Rescue Mission, Exodus Homes, and the Hickory Soup Kitchen and Greater Hickory Cooperative Christian Ministries using CDBG funds.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

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The Catawba County Housing Visions Continuum of Care participates in the North Carolina Balance of State Continuum of Care, which applies for ESG funds (Emergency Solutions Grants) for non-entitlement communities throughout the state. The Salvation Army Shelter of Hope and the Family Care Center have each received funding in recent years. Both of these organizations are located within Hickory. These applications are made through the Continuum of Care, which makes recommendations on which organizations to support annually. City staff serves on this committee.

**2. Agencies, groups, organizations and others who participated in the process and consultations**

Table 2 – Agencies, groups, organizations who participated

1	<p><b>Agency/Group/Organization Type</b></p>	<p>HABITAT FOR HUMANITY OF CATAWBA VALLEY 1</p>
	<p><b>What section of the Plan was addressed by Consultation?</b></p>	<p>Housing Services - Housing</p>
	<p><b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b></p>	<p>Housing Need Assessment</p>
	<p><b>Agency/Group/Organization</b></p>	<p>Community Development Staff met with the executive director to discuss the organization's needs and housing needs in the community in general. Staff talks with organization staff regularly to determine ways to improve partnership and coordination between the organizations. Habitat has indicated a need for additional affordable rental housing in the community. The City and Habitat are exploring ways that their partnership could increase affordable rental housing options and home ownership. The City and Habitat are continuing to partner to provide enhanced housing rehabilitation services for owner occupied properties in the city.</p>
2	<p><b>Agency/Group/Organization Type</b></p>	<p>Hickory Soup Kitchen</p>
	<p><b>What section of the Plan was addressed by Consultation?</b></p>	<p>Services-homeless</p>
	<p><b>Agency/Group/Organization Type</b></p>	<p>Homeless Needs - Chronically homeless                  Homeless Needs - Families with children                  Homelessness Needs - Veterans                  Homelessness Needs - Unaccompanied youth                  Homelessness Strategy</p>

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<p><b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b></p>	<p>Community Development Staff have regular phone and in person meetings with Hickory Soup Kitchen staff to determine the organization's needs and other needs and service gaps related to the City's homeless population. The Hickory Soup Kitchen has developed a job training and transportation program to help those that are jobless move back into the workforce. This consultation should lead to better coordination with homeless service providers about facility and service needs.</p>
<p>3</p>	<p>Western Piedmont Council of Governments</p>
<p><b>Agency/Group/Organization Type</b></p>	<p>Housing PHA Services - Housing Regional organization Planning organization</p>
<p><b>What section of the Plan was addressed by Consultation?</b></p>	<p>Housing Need Assessment Public Housing Needs</p>
<p><b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b></p>	<p>Community Development staff consulted with staff for the Western Piedmont Workforce Development Board to determine gaps in workforce skills and development programs within the area. Staff hopes to increase communication so that when workforce development issues arise, both organizations will be able to discuss solutions collaboratively. The WPCOG also administers HOME funds for the area's consortium. Community Development and WPCOG staff speak regularly to coordinate program activities.</p>

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4	<p><b>Agency/Group/Organization</b></p>	<p>Safe Harbor Rescue Mission</p>
	<p><b>Agency/Group/Organization Type</b></p>	<p>Housing Services - Housing</p>
	<p><b>What section of the Plan was addressed by Consultation?</b></p>	<p>Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children</p>
	<p><b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b></p>	<p>Community Development Staff met with the staff of Safe Harbor Rescue Mission to discuss the organization's needs of providing supportive housing for women and children who are homeless or at risk of homelessness. Their program goals are to instill a culture change to assist in ending the cycle of poverty and addiction. The organization currently provides a day shelter and transitional housing for its residents. Staff talks with organization staff regularly to determine ways to improve partnership and coordination between the organizations as well as assisting with collaboration between organizations within our area.</p>
5	<p><b>Agency/Group/Organization</b></p>	<p>Exodus Homes</p>
	<p><b>Agency/Group/Organization Type</b></p>	<p>Services-homeless</p>
	<p><b>What section of the Plan was addressed by Consultation?</b></p>	<p>Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homelessness Needs - Veterans</p>

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<p><b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b></p>	<p>Community Development Staff met with the executive director to discuss the organization's needs related to providing supportive housing to homeless, recovering people returning to the city from treatment centers, hospitals, jails, and prison. The organization currently works with residents to obtain housing and has plans to expand its services to include a new work location and thrift store. Staff talks with organization staff regularly to determine ways to improve partnership and coordination between the organizations.</p>
<p><b>6 Agency/Group/Organization</b></p>	<p>Family Guidance Center</p>
<p><b>Agency/Group/Organization Type</b></p>	<p>Housing Services - Housing</p>
<p><b>What section of the Plan was addressed by Consultation?</b></p>	<p>Housing Need Assessment</p>
<p><b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b></p>	<p>Community Development staff consulted with the staff of the Family Guidance Center to discuss the organization's needs and its ability to serve potential home buyers/homeowners with financial, credit and housing counseling. Community development staff hopes to increase collaboration with this organization to assist with housing, credit and financial counseling.</p>
<p><b>7 Agency/Group/Organization</b></p>	<p>Partners Behavioral Health</p>
<p><b>Agency/Group/Organization Type</b></p>	<p>Housing Services - Housing Services-Health</p>

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<p><b>What section of the Plan was addressed by Consultation?</b></p>	<p>Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy Non-Homeless Special Needs</p>
<p><b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b></p>	<p>The City of Hickory is consulting with Partners Behavioral Health Services and the for profit organization called StrongLead to explore options in developing transitional and permanent housing for workforce and for those with specific behavioral needs or other disabilities.</p>

**Identify any Agency Types not consulted and provide rationale for not consulting**

The City also conducted an extensive outreach process in 2015 during its Consolidated Plan development process. It is not anticipated that the needs have changed significantly since the Consolidated Plan was adopted.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Salvation Army	The Continuum of Care oversees application for ESG and Continuum of Care funds. The City of Hickory works with the Continuum of Care by providing funds to many public service agencies that work with the homeless.

**Table 3 - Other local / regional / federal planning efforts**

**Narrative**

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Community Development staff meet regularly with the staff from local housing and human service agencies to ensure an understanding of needs within the community. Community Development staff also attend the monthly Continuum of Care meetings to learn what is happening among the local agencies that provide support services to the homeless and those in need.

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**AP-12 Participation - 91.401, 91.105, 91.200(c)**

**1. Summary of citizen participation process/Efforts made to broaden citizen participation  
Summarize citizen participation process and how it impacted goal-setting**

During the Consolidated Planning process, the City of Hickory encouraged citizen participation, especially among residents of low to moderate income communities. Comments were solicited from citizens, nonprofit organizations, and government agencies during neighborhood meetings, public hearings, and other commission meetings. Three public hearings were conducted to obtain input on the plan. Additional discussions were held individually with nonprofit organizations. These were discussed in the previous section. The current year's Annual Action Plan process also included three public hearings.

**Citizen Participation Outreach**

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Newspaper Ad	Non-targeted/broad community	The newspaper ad described the CDBG program and let the public know about the upcoming public meetings. Staff did not receive any specific comments regarding the newspaper ad describing the CDBG program and the upcoming neighborhood meetings.	No comments were received that could be traced directly to the newspaper ad.	N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
2	Public Meeting	Non-targeted/broad community	Two citizens of the community were in attendance at the meeting held at City Hall. Two citizens from non-profits were present and discussed their needs for funding for a homeless shelter and a youth education program.	See attached document for comments.	All comments were accepted.	
3	Public Meeting	Minorities Non-targeted/broad community	No citizens were in attendance at this meeting at the Ridgeview Library.	See attached document for comments.	N/A	
4	Public Hearing	Non-targeted/broad community	No respondents spoke for or against the plan.		N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
5	Newspaper Ad	Non-targeted/broad community	Newspaper Ad to announce Public Hearing for the update of the Citizen Participation Plan. No comments received.	No comments received	N/A	
6	Public Hearing	Non-targeted/broad community	Public hearing to approve updates to Citizen Participation Plan to include 5 day comment/public notice period.	No comments received.	N/A	
8	Public Hearing	Non-targeted/broad community	Public hearing to approve amendment to the 2019 Annual Action Plan to allocate \$194,604 in CDBG- CV funds. No comments received.	No Comments Received.	N/A	

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

#### Introduction

The City of Hickory intends to apply to the US Department of Housing and Urban Development for CDBG funds for each of the five years covered by this plan.

#### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1			Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	316,023	115,000	0	431,023	This is the final year of our Con Plan (2015 to 2020) and we expect to receive an allocation of \$316,023 and approximately \$115,000 in program income from past CDBG loans.
Other	public - federal	Other	194,604	0	0	194,604	CDBG-CV funds to be used to prevent, prepare for and respond to the Coronavirus.
Other	public - federal	Other	274,226	0	0	274,226	CDBG-CV funds to be used to prevent, prepare for and respond to the Coronavirus.

Table 5 - Expected Resources – Priority Table

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**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

The City of Hickory continuously works to identify matching funds that will help leverage additional resources to spur redevelopment in its economically distressed neighborhoods. The City plans to supplement its housing rehabilitation efforts by continuing to apply for Urgent Repair funding from the North Carolina Housing Finance Agency. These funds are disbursed as forgivable loans to pay for urgently needed home repairs for low income homeowners with special needs. For URP-2019 they City received an allocation of \$75,000 which is an additional \$25,000 over the \$50,000 received in 2018.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City of Hickory owns lots located within residential neighborhoods in the SE and SW sections of the City. The City has established partnerships to investigate potential uses for these properties. It is likely that these lots may be used for the development of affordable rental and owner occupied housing for low to moderate income households.

**Discussion**

The anticipated resources discussed in this section will be used to address the goals outlined within this strategic plan. While the amount of funding anticipated will not be enough to address all of the City's housing and community development needs, the City plans to work continuously to identify additional resources in order to stretch these dollars further.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Preserve the City's Housing Stock	2015	2019	Affordable Housing	CDBG ELIGIBLE AREA City-Wide	Preservation of the City's Housing Stock	CDBG: \$90,000	Homeowner Housing Rehabilitated: 6 Household Housing Unit
2	Public Infrastructure Improvements	2015	2019	Non-Housing Community Development	CDBG ELIGIBLE AREA	Public Infrastructure Improvements	CDBG: \$95,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2100 Persons Assisted
3	Downpayment Assistance	2015	2019	Affordable Housing	CDBG ELIGIBLE AREA City-Wide	Increased Homeownership	CDBG: \$10,000	Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted
4	Provide Services to Persons Living with HIV/AIDS	2015	2019	Non-Homeless Special Needs	CDBG ELIGIBLE AREA City-Wide	Services for Persons with HIV/AIDS	CDBG: \$10,000	Public service activities other than Low/Moderate Income Housing Benefit: 160 Persons Assisted
5	Park Improvements	2015	2015	Non-Housing Community Development	CDBG ELIGIBLE AREA	Park Improvements	CDBG: \$90,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2085 Persons Assisted

Exhibit XI.A.1.

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Homeless Services and Prevention	2015	2019	Homeless	CDBG ELIGIBLE AREA City-Wide	Homelessness Services	CDBG: \$18,000	Public service activities other than Low/Moderate Income Housing Benefit: 300 Persons Assisted
7	Youth Services	2015	2019	Non-Housing Community Development	CDBG ELIGIBLE AREA City-Wide	Youth Services	CDBG: \$6,000	Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted
8	Increase Entrepreneurship Opportunities	2015	2019	Non-Housing Community Development	CDBG ELIGIBLE AREA City-Wide	Microenterprise Assistance	CDBG: \$45,000	Businesses assisted: 5 Businesses Assisted
9	Increase Fair Housing Outreach and Awareness	2015	2019	Affordable Housing	CDBG ELIGIBLE AREA City-Wide	Fair Housing Outreach and Education	CDBG: \$1,000	Public service activities other than Low/Moderate Income Housing Benefit: 175 Persons Assisted

Table 6 – Goals Summary

**Goal Descriptions**

<b>1</b>	<b>Goal Name</b>	Preserve the City's Housing Stock
	<b>Goal Description</b>	The proposed funding in the Annual Action Plan seeks to increase affordable housing opportunities for at least 6 households. The city wishes to acquire and rehabilitate existing homes for rental or owner occupied housing. This will also include the provision of loans to low income homeowners to fund necessary repairs.

<b>2</b>	<b>Goal Name</b>	Public Infrastructure Improvements
	<b>Goal Description</b>	It is anticipated that at least 2100 persons living in low to moderate income neighborhoods will benefit from improvements to public infrastructure through funding provided by this Annual Action Plan.
<b>3</b>	<b>Goal Name</b>	Downpayment Assistance
	<b>Goal Description</b>	The City will provide funding to a local non-profit to assist the organization in serving potential homebuyers/homeowners with financial, credit and housing counseling. This organization also serves to connect potential homeowners to down payment assistance and foreclosure avoidance resources.
<b>4</b>	<b>Goal Name</b>	Provide Services to Persons Living with HIV/AIDS
	<b>Goal Description</b>	This annual action plan will provide funding to ALFA in order to provide support for a case manager position that will assist persons living with HIV and AIDS to ensure that they receive necessary health care and other needed services.
<b>5</b>	<b>Goal Name</b>	Park Improvements
	<b>Goal Description</b>	The City plans improvements to parks located in low to moderate income census tracts during the 2019-2020 program year. The improvements will likely be improvements to picnic areas and play equipment. It is anticipated that 2100 persons living in low to moderate income neighborhoods will benefit from these improvements.
<b>6</b>	<b>Goal Name</b>	Homeless Services and Prevention
	<b>Goal Description</b>	This plan will provide funding to Exodus Homes for a Transportation and Employment Coordinator, to the Hickory Soup Kitchen for operating expenses, and to the Family Care Center for a Social Worker for their program that helps move economically distressed individuals and families living in poverty toward self-sufficiency and economic stability.
<b>7</b>	<b>Goal Name</b>	Youth Services
	<b>Goal Description</b>	The City plans to provide funding to support education initiatives for at-risk elementary school age students.

8	<b>Goal Name</b>	Increase Entrepreneurship Opportunities
	<b>Goal Description</b>	In conjunction with the City's Business Development Committee, the City has developed a program that will provide assistance to microenterprises and small businesses.
9	<b>Goal Name</b>	Increase Fair Housing Outreach and Awareness
	<b>Goal Description</b>	Conduct fair housing outreach and education activities for citizens and housing professionals.

## AP-35 Projects - 91.420, 91.220(d)

### Introduction

This section details the projects that will be undertaken with CDBG funding in the 2019-2020 program year.

#	Project Name
1	Housing Rehabilitation and Purchase
2	Park Improvements
3	Public Infrastructure and Facility Improvements
4	Small Business Assistance Programs
5	Grants to Non Profit Public Service Agencies
6	Youth Services
7	Program Administration and Fair Housing Activities
8	Contingency
9	CV – Public Service Activities
10	CV- Administration of CDBG-CV program

Table 7 – Project Information

### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Demolition of dilapidated structures is not funded this year because there are funds remaining in a previous year's budget that can be allocated for demolition projects in 2019-2020.

**AP-38 Project Summary**  
**Project Summary Information**

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1	<b>Project Name</b>	Housing Rehabilitation and Purchase
	<b>Target Area</b>	City-Wide
	<b>Goals Supported</b>	Preserve the City's Housing Stock
	<b>Needs Addressed</b>	Preservation of the City's Housing Stock
	<b>Funding</b>	CDBG: \$90,000
	<b>Description</b>	
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	It is estimated that 6 low and moderate income homeowners will benefit from the proposed activities.
	<b>Location Description</b>	These funds will be available city-wide to eligible homeowners and projects.
	<b>Planned Activities</b>	These funds will be used for the purchase and rehabilitation of housing to income eligible owner or rental households. Funding may also be used to provide loans for the rehabilitation of housing occupied by low and moderate income homeowners.
2	<b>Project Name</b>	Park Improvements
	<b>Target Area</b>	CDBG ELIGIBLE AREA
	<b>Goals Supported</b>	Park Improvements
	<b>Needs Addressed</b>	Park Improvements
	<b>Funding</b>	CDBG: \$90,000
	<b>Description</b>	
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The park improvements in this project will benefit approximately 2100 residents.
	<b>Location Description</b>	Parks located in CDBG eligible areas.
	<b>Planned Activities</b>	This project will include improvements to parks located in low to moderate income neighborhoods. Projects will likely include the acquisition and installation of new play equipment and new picnic shelter.

3	<b>Project Name</b>	Public Infrastructure and Facility Improvements
	<b>Target Area</b>	CDBG ELIGIBLE AREA
	<b>Goals Supported</b>	Public Infrastructure Improvements
	<b>Needs Addressed</b>	Public Infrastructure Improvements
	<b>Funding</b>	CDBG: \$95,000
	<b>Description</b>	This project involves improvements to public infrastructure and facilities in low and moderate income neighborhoods.
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	It is estimated that all families living within the neighborhood will benefit from the public infrastructure and facility improvements.
	<b>Location Description</b>	These activities will take place in low and moderate income neighborhoods within the City.
	<b>Planned Activities</b>	This project will include public infrastructure and facility improvements in low and moderate income neighborhoods. Improvements may include resurfacing of existing streets, installation of sidewalks, street trees, or other necessary public infrastructure or facilities.
4	<b>Project Name</b>	Small Business Assistance Programs
	<b>Target Area</b>	City-Wide
	<b>Goals Supported</b>	Increase Entrepreneurship Opportunities
	<b>Needs Addressed</b>	Microenterprise Assistance
	<b>Funding</b>	CDBG: \$45,000
	<b>Description</b>	This project will provide continued funding to micro-enterprise businesses through the city's micro-enterprise grant program. The project also provides funding in the form of a forgivable loans to small businesses.
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	It is estimated that 7 families could benefit from these microenterprise grants and small business forgivable loans.
	<b>Location Description</b>	This funding will be available city wide to qualified business owners.

	<b>Planned Activities</b>	The city will provide grants to low/mod income business owners. Funds can be used to purchase business equipment, inventory, marketing or other similar expense. In 2018, the City created a small business loan program that provides funds to businesses that create jobs for low/moderate income persons. Funds can be used to purchase business equipment.
5	<b>Project Name</b>	Grants to Non Profit Public Service Agencies
	<b>Target Area</b>	CDBG ELIGIBLE AREA City-Wide
	<b>Goals Supported</b>	Downpayment Assistance Provide Services to Persons Living with HIV/AIDS Homeless Services and Prevention
	<b>Needs Addressed</b>	Increased Homeownership Homelessness Services Services for Persons with HIV/AIDS
	<b>Funding</b>	CDBG: \$38,000
	<b>Description</b>	This project will involve the provision of funding to nonprofit public service agencies that serve low and moderate individuals.
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	It is anticipated that at least 530 individuals will benefit from the public services grant program.
	<b>Location Description</b>	These activities will take place throughout the City at six local nonprofit agencies.

	<b>Planned Activities</b>	<p>This project will involve the provision of grants to the following agencies:</p> <ol style="list-style-type: none"> <li>1. ALFA - \$10,000 to provide support for a case management position for persons with HIV/AIDS.</li> <li>2. Hickory Soup Kitchen - \$6,000 to provide support for the operation of the Hickory Soup Kitchen.</li> <li>3. Exodus Homes - \$6,000 to provide employment and transportation services for homeless persons with substance abuse issues.</li> <li>4. Family Care Center - \$6,000 to provide support for a social worker for their transitional housing program.</li> <li>5. Family Guidance Center - \$10,000 to assist the organization in serving potential home buyers and home owners with financial, credit and housing counseling that will increase homeownership investment and foreclosure avoidance in the community.</li> </ol>
6	<b>Project Name</b>	Youth Services
	<b>Target Area</b>	CDBG ELIGIBLE AREA City-Wide
	<b>Goals Supported</b>	Youth Services
	<b>Needs Addressed</b>	Youth Services
	<b>Funding</b>	CDBG: \$6,000
	<b>Description</b>	
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	It is estimated that this project will assist at least 50 children.
	<b>Location Description</b>	This project assists a literacy program for low to moderate income elementary school children throughout the City.
	<b>Planned Activities</b>	The City will provide funding to support to educational literacy tutors that assist low to moderate at-risk elementary school age students in reading.
7	<b>Project Name</b>	Program Administration and Fair Housing Activities
	<b>Target Area</b>	CDBG ELIGIBLE AREA City-Wide

	<b>Goals Supported</b>	<p>Preserve the City's Housing Stock</p> <p>Public Infrastructure Improvements</p> <p>Downpayment Assistance</p> <p>Provide Services to Persons Living with HIV/AIDS</p> <p>Park Improvements</p> <p>Homeless Services and Prevention</p> <p>Youth Services</p> <p>Increase Entrepreneurship Opportunities</p> <p>Increase Fair Housing Outreach and Awareness</p>
	<b>Needs Addressed</b>	<p>Preservation of the City's Housing Stock</p> <p>Public Infrastructure Improvements</p> <p>Park Improvements</p> <p>Increased Homeownership</p> <p>Homelessness Services</p> <p>Services for Persons with HIV/AIDS</p> <p>Youth Services</p> <p>Microenterprise Assistance</p> <p>Fair Housing Outreach and Education</p>
	<b>Funding</b>	CDBG: \$61,200
	<b>Description</b>	Provide funding to support administration of the CDBG program along with funding for Fair Housing outreach activities.
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	These general administrative activities should benefit all of the citizens of Hickory.
	<b>Location Description</b>	These activities will take place city wide wherever CDBG funds are allocated.
	<b>Planned Activities</b>	This project will include funding for the administration of the CDBG program along with funding for fair housing outreach activities and additional community planning funds as necessary.
8	<b>Project Name</b>	Contingency
	<b>Target Area</b>	CDBG ELIGIBLE AREA City-Wide

	<b>Goals Supported</b>	Preserve the City's Housing Stock Public Infrastructure Improvements Downpayment Assistance Provide Services to Persons Living with HIV/AIDS Park Improvements Homeless Services and Prevention Youth Services Increase Entrepreneurship Opportunities Increase Fair Housing Outreach and Awareness
	<b>Needs Addressed</b>	Preservation of the City's Housing Stock Public Infrastructure Improvements Park Improvements Increased Homeownership Homelessness Services Services for Persons with HIV/AIDS Youth Services Microenterprise Assistance Fair Housing Outreach and Education
	<b>Funding</b>	CDBG: \$5,823
	<b>Description</b>	This project will be used to set up a small contingency fund to assist with cost overruns on other projects described in this Annual Action Plan.
	<b>Target Date</b>	6/30/2020
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	These funds will be used for cost overruns on other eligible community development projects.
	<b>Location Description</b>	These funds will be used to supplement the budgets of the projects described earlier in this Annual Action Plan.
	<b>Planned Activities</b>	These funds will be used to fund cost overruns in the other projects described in this annual action plan.
9	<b>Project Name</b>	CV – Public Service Activities
	<b>Target Area</b>	
	<b>Goals Supported</b>	Homeless Services and Prevention/Increase Entrepreneurship Opportunities/Youth Services/Public Infrastructure Improvements/

	<b>Needs Addressed</b>	Preservation of the City's Housing Stock Homelessness Services Youth Services
	<b>Funding</b>	CDBG-CV: \$155,684 +\$246,803 = \$402,487
	<b>Description</b>	Public service activities to prevent, prepare for, or respond to the Coronavirus. These Activities may include some facility improvements related to carrying out expanded or improved public services.
	<b>Target Date</b>	6/30/2023
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	It is estimated that approximately as many as 1000 individuals could benefit from these proposed activities of emergency assistance and other public service activities including but not limited to workforce development and virtual learning.
	<b>Location Description</b>	Activity will be within the city limits of Hickory.
	<b>Planned Activities</b>	Public service activities to prevent, prepare for, or respond to the Coronavirus. These activities may include but are not limited to workforce development, youth services and emergency assistance payments. These Activities may include some public facility improvements related to carrying out expanded or improved public services.
10	<b>Project Name</b>	CV- Administration of CDBG-CV program
	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	
	<b>Funding</b>	CDBG-CV: \$38,920 +\$27,423 =\$66,343
	<b>Description</b>	Funds to administer the additional CDBG-CV funds the city of Hickory will be receiving.
	<b>Target Date</b>	6/30/2023
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	
	<b>Location Description</b>	
	<b>Planned Activities</b>	Administration of CDBG-CV program.

**AP-50 Geographic Distribution - 91.420, 91.220(f)**

**Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

The City of Hickory's CDBG funds for owner occupied housing rehabilitation will be allocated city-wide to income eligible homeowners. The majority of funds will be allocated for area benefit activities, which include areas where a majority of the households are low and moderate income.

**Geographic Distribution**

Target Area	Percentage of Funds
CDBG ELIGIBLE AREA	70
City-Wide	30

**Table 8 - Geographic Distribution**

**Rationale for the priorities for allocating investments geographically**

Area benefit activities are required to take place in areas where a majority of the households have incomes below 80 percent of the area median income. The City targets its public infrastructure activities to low and moderate income areas. Specific projects are chosen based on community input and existing city plans.

**Discussion**

The City of Hickory does not have a specific target area for CDBG funds. Allocating housing rehabilitation funding city wide is one of the City's methods for affirmatively furthering fair housing. Public infrastructure improvements are generally targeted towards low and moderate income neighborhoods in order to ensure that these activities meet a HUD national objective.

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## **AP-75 Barriers to affordable housing -91.420, 91.220(j)**

### **Introduction**

In recent years, the City has greatly reduced many of the barriers to multi-family and affordable housing development. The City's current Land Development Code now permits multi-family housing in all commercial districts by right and increased the allowable density of residential units in medium and high density residential zoning districts. This significantly reduces the regulatory burden for potential affordable housing developers by increasing the amount of land on which they can build affordable housing. The City has further increased the allowable density in its central business district so as to assist affordable housing developers looking to build in the downtown area.

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

The City's Land Development Code has greatly reduced many of the barriers to affordable housing development. Multi-family housing development is now permitted by right in all four quadrants of the city. There do not appear to be additional structural barriers to the construction of affordable housing. The slowdown in the housing market in general and the tightening of the credit market in the past few years have probably had the largest effect on affordable housing construction.

### **Discussion**

One of the largest barriers to affordable housing development is the fact that demand for affordable housing tax credits continues to vastly outstrip supply. The fierce competition for these tax credits makes it difficult for more than one project in the county to be funded each year. For this reason, the City plans to work with local nonprofit housing providers to determine other methods for increasing the supply of affordable housing.

## **AP-85 Other Actions - 91.420, 91.220(k)**

### **Introduction**

This sections identifies additional actions that the City will take as part of its annual action plan.

### **Actions planned to address obstacles to meeting underserved needs**

The City plans to continue working with local organizations that serve the homeless population to determine ways that services to homeless individuals and families can be improved. The city plans to work with these agencies to improve transportation coordination for the homeless. Additional actions will include working with agencies to provide more extensive day shelter programs that will assist homeless individuals to find transitional housing and employment opportunities.

### **Actions planned to foster and maintain affordable housing**

The City plans to continue working with Habitat for Humanity to identify locations where the two organizations can partner in the development of new affordable housing units. The City plans to target existing rental units in need of significant rehabilitation as a way to stabilize existing neighborhoods and increase the supply of affordable housing.

### **Actions planned to reduce lead-based paint hazards**

The City will use portions of available CDBG funds to remedy lead-based paint hazards through its housing rehabilitation program. Homes will be rehabilitated in accordance with HUD's Lead Safe Housing Rule. The level of rehabilitation will determine the specific lead hazard reduction activities in accordance with program requirements.

### **Actions planned to reduce the number of poverty-level families**

The City will continue to participate with local agencies, faith-based or church groups, and nonprofit organizations that provide shelter and transitional housing opportunities that benefit homeless and transient families and individuals. Funding is provided in this annual action plan to organizations that provide health and case management services, transitional housing, educational programming, and food support for poverty level families. The City will continue to investigate additional partnerships to provide additional services aimed at decreasing the number of poverty-level families.

### **Actions planned to develop institutional structure**

The City will continue to work with local nonprofit organizations to provide technical assistance to local nonprofits to ensure that they are aware of federal requirements and to increase their organizational capacity. In addition to annual monitoring, Community Development staff plans to work with agencies

to determine priority needs in the community and develop partnerships to address those needs.

**Actions planned to enhance coordination between public and private housing and social service agencies**

The City plans to continue working with the Catawba County Housing Visions Continuum of Care to foster effective communication amongst agencies. City staff will continue to attend monthly Continuum of Care Meetings to provide updates on the City's Community Development activities and provide opportunities to discuss new initiatives.

**Discussion**

CDBG funds will not be sufficient to address all of the needs identified in the Consolidated Plan. However, it is the City's hope that through increased coordination and partnerships, it will be able to stretch these dollars as far as possible to have the greatest impact on the community possible.

## Program Specific Requirements

### AP-90 Program Specific Requirements - 91.420, 91.220(l)(1,2,4)

#### Introduction

This section details program income that has been received but not yet reprogrammed. It also details the estimated percentage of CDBG funds that will be used to benefit low to moderate income individuals. It is anticipated that all funds will be used to benefit low to moderate income individuals.

#### Community Development Block Grant Program (CDBG)

##### Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>0</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

**Discussion**

All the program income that has been received to date has been reprogrammed as part of this Annual Action Plan.

## Attachments

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## Citizen Participation Comments

### **CDBGCV Amended Citizen Participation Plan Narrative**

On May 14, 2020 and on May 19, 2020, the City of Hickory advertised for a public hearing to amend its Citizen Participation Plan. This notice was also displayed in public buildings as dictated by the plan and a copy of the updated Citizen Participation plan was available in the Office of Business Development. This amendment was created according to HUD guidelines and based upon an approved waiver to amend the citizen participation process. This amendment states the following:

*In emergency situations such as the global COVID-19 pandemic, an expedited procedure may be enacted if approval is given by US Housing and Urban Development. In May 2020, this expedited procedure must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the consolidated plan, annual action plan, plan amendments and amended citizen participation plan. Public hearings during emergency situations will not be required to substantially amend Consolidated Plans and/or Annual Action Plans, provided an exception is given by HUD. In May, 2020 this exception has been given and the expedited procedure will not include public hearings.*

During the public hearing at the regularly scheduled May 19, 2020 City Council meeting this amendment to the current Citizen Participation Plan was approved. There were no comments from the public either during the five day public comment period nor at the public hearing.

### **Substantial Amendment to 2019 Annual Action Plan for CARES Act Funding Narrative**

On May 28, 2020 and on June 2, 2020, the City of Hickory advertised for a public hearing to amend its 2019 Annual Action Plan to include \$194,604 in CDBG-CV (COVID-19 specific funding). The notice was also placed in public buildings and a copy of the amendment was available in the Office of Business Development. This amendment was created according to HUD guidelines and based upon an entitlement allocation to the City of Hickory. There were no comments from the public during the five day public comment period.

During the public hearing at the regularly scheduled June 2, 2020 City Council meeting this amendment to the current 2019 Annual Action Plan was approved. No comments were made either for or against the substantial amendment to the 2019 Annual Action Plan to incorporate the allocation of \$194,604 in CDBG-CV funds.

## Appendix 3 – Citizen Participation Plan



Life. Well Crafted.

**Citizen Participation Plan**

**City of Hickory, North Carolina.**

### **Participation**

The City of Hickory provides for and encourages citizen participation in the development and implementation of the Consolidated Plan and any subsequent amendments, Action Plans and performance reports. Particular emphasis is placed on participation by persons of low and moderate income who are residents of low and moderate income neighborhoods and/or slum and blighted areas, and residents of public housing.

### **Access to Information**

The City of Hickory provides citizens with reasonable and timely access to local information and records related to the City's proposed and actual use of funds. This is done through public meetings of the City, which are advertised in a local newspaper of general circulation. Meetings are held within the City limits in or near areas identified as slum and blighted and areas of predominantly low and moderate income persons. All meetings of the City are accessible to persons with disabilities.

### **Anti-displacement**

In order to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974, the City of Hickory intends to minimize any displacement resulting from any HUD activities. However, should any displacement occur as a result of a HUD activity, the City intends to follow the regulations for displacement and relocation as described in 24 CFR 570.606. Should any real property acquisition result because of a HUD assisted activity, the guidelines of 49 CFR part 24 subpart b will be followed.

### **Publishing the Plan**

A summary of the plan was published in the Hickory Daily Record in April 2020. Copies of the full Consolidated Plan were made available for public inspection at libraries, government offices and public housing authority offices within the City. Copies of the Plan were made upon request in accordance with City policies regarding making copies. The City considered any and all comments or views in writing or

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orally received at the public hearing in preparing the Consolidated Plan, and such comments will be attached to the final plan to be submitted to HUD.

#### **Public Hearings**

The City of Hickory provides for a minimum of two public hearings per year to obtain citizen's views and to respond to proposals and questions at all stages of the Consolidated Plan, including its development, substantial amendments, Annual Action Plans and Annual Performance Reports. Public hearings are advertised twice in a newspaper of general circulation ten days prior to the hearings and the day of the public hearings. The City of Hickory will provide a translator for non-English speaking residents in the case of public hearings when the City is notified that a non-English speaking resident will be in attendance. An interpreter will be provided for hearing-impaired residents as needed. Such requests must be made to the City Clerk's office no later than 48 hours prior to the public hearing. *In emergency situations such as the global COVID-19 pandemic, an expedited procedure may be enacted if approval is given by US Housing and Urban Development. In May 2020, this expedited procedure must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the consolidated plan, annual action plan, plan amendments and amended citizen participation plan. Public hearings during emergency situations will not be required to substantially amend Consolidated Plans and/or Annual Action Plans, provided an exception is given by HUD. In May, 2020 this exception has been given and the expedited procedure will not include public hearings.*

#### **Notice of Hearings**

A public notice of the plan was published in a newspaper of general circulation in January 2020 for hearings held January 23, 2020 and January 29, 2020. A third public hearing was held in May 2020. Copies of the full Consolidated Plan were available for public inspection at libraries, government offices and public housing authority offices within the City. Copies of the entire plan are available upon request in accordance with City policies regarding making copies. The City considered all comments or views in writing or orally received at public hearings in preparing the Consolidated Plan, and such comments are attached to the final plan to be submitted to HUD. *In emergency situations such as the global COVID-19 pandemic, an expedited procedure may be enacted if approval is given by US Housing and Urban Development. In May 2020, this expedited procedure must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the consolidated plan, annual action plan, plan amendments and amended citizen participation plan. Public hearings during emergency situations will not be required to substantially amend Consolidated Plans and/or Annual Action Plans, provided an exception is given by HUD. In May, 2020 this exception has been given and the expedited procedure will not include public hearings.*

#### **Access to Meetings**

The City of Hickory held three meetings in identified low- and moderate-income neighborhoods and City Hall during the development of the Plan. All public meetings and hearings were advertised ten days prior to their date and the dates of the meetings. These notices are published in the Hickory Daily Record. All locations of public meetings are handicapped accessible. *In emergency situations such as the global COVID-19 pandemic, an expedited procedure may be enacted if approval is given by US Housing and Urban Development. In May 2020, this expedited procedure must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the consolidated*

*plan, annual action plan, plan amendments and amended citizen participation plan. Public hearings during emergency situations will not be required to substantially amend Consolidated Plans and/or Annual Action Plans, provided an exception is given by HUD. In May, 2020 this exception has been given and the expedited procedure will not include public hearings.*

#### **Comments**

There will be a 30-day comment period prior to the submission of the Consolidated Plan and subsequent Action Plans beginning April 5, 2020. Comments will be considered and incorporated in the final approved Plan submitted to HUD. The availability of the Plan will be advertised in the Hickory Daily Record detailing where the Plan can be reviewed. The Plan will be available at the City Planning and Development Department of the Julian G. Whitener Municipal Building, 76 N. Center Street, Hickory. *In emergency situations such as the global COVID-19 pandemic, an expedited procedure may be enacted if approval is given by US Housing and Urban Development. In May 2020, this expedited procedure must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the consolidated plan, annual action plan, plan amendments and amended citizen participation plan. Public hearings during emergency situations will not be required to substantially amend Consolidated Plans and/or Annual Action Plans, provided an exception is given by HUD. In May, 2020 this exception has been given and the expedited procedure will not include public hearings.*

#### **Amendments to the Consolidated Plan**

A public hearing will be conducted whenever amendments are proposed which add, delete or substantially change the adopted Consolidated Plan and subsequent Action Plans. Proposed amendments to the plans will be advertised in a newspaper of general circulation for two consecutive weeks at least 10 days prior to the public hearing, stating the time, date and place. A period of 30 days will be provided to receive public comments. A change to the Consolidated Plan is considered substantial whenever a budget line item is changed 25% or more, if an objective is deleted or added to the Plan, or if an activity within an annual Action Plan is added or deleted. *In emergency situations such as the global COVID-19 pandemic, an expedited procedure may be enacted if approval is given by US Housing and Urban Development. In May 2020, this expedited procedure must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the consolidated plan, annual action plan, plan amendments and amended citizen participation plan. Public hearings during emergency situations will not be required to substantially amend Consolidated Plans and/or Annual Action Plans, provided an exception is given by HUD. In May, 2020 this exception has been given and the expedited procedure will not include public hearings.*

#### **Performance Reports**

The City of Hickory will perform a Consolidated Annual Performance and Evaluation Report (CAPER) to report the use of CDBG funds. Further, an independent audit will be performed annually to examine the use of CDBG funds. Such reports will be available for public inspection and review. A notice will be published stating where and when the CAPER will be available to the public for inspection. The CAPER will be made available for public inspection for at least 15 days prior to its submission to HUD. Further, a public hearing will be held to receive citizen comments, input and questions regarding the CAPER prior to its submission. All comments, written or oral, received at the public hearing will be considered and a summary of those comments will be attached to the CAPER.

**Availability to the Public**

The City of Hickory will make available to the public the Consolidated Plan, substantial amendments and the CAPER will be made readily available to the public both upon request at the City Office of Business Development and on the City's website. Copies will be provided according to the City's policies of making copies for the public. Translated copies into specific languages will be provided upon request to non-English speaking city residents. Access to Records -- The City will make available to anyone during normal business hours access to information and records relating to the Consolidated Plan and use of funds for programs in previous years.

**Technical Assistance**

The Hickory Community Development Office provides technical assistance to groups providing services to low and moderate income persons. Those groups must meet the U.S. Department of Housing and Urban Development (HUD) national objectives and providing programs and activities consistent with this Consolidated Plan. Further, participation by residents of public and assisted housing is expressly encouraged. Notices of upcoming meetings and public hearings are mailed to and posted at public housing sites and posted in areas known to be predominantly low and moderate income.

**Complaints**

The City will be responsible for receiving and responding in writing to written complaints and grievances related to the Consolidated Plan activities. All complaints will be reviewed by the Citizens Advisory Committee at their next regularly scheduled monthly meeting. City staff will respond to written complaints and grievances in writing within 15 days of their receipt, where practical, based on the Citizens Advisory Committee's finding if the complaint(s) is (are) justified.

#### Appendix 4 – Fair Housing Plan Activities

The City of Hickory is committed to affirmatively further fair housing, increasing awareness of Fair Housing laws. There are three components of Fair Housing planning. The first was the development of an Analysis of Impediments to Fair Housing Choice, which the City completed in 2013. Now the City is committed to addressing the issues identified in that analysis and will continue to implement its plan to affirmatively further Fair Housing opportunities. Since education and awareness of Fair Housing laws were identified as the primary impediment to fair housing choice, education and awareness efforts are at the core of the Fair Housing activities for FY 2014 as identified in the Fair Housing Plan activities listed below.

The City of Hickory Community Development Department has determined a list of actions that will assist in affirmatively furthering fair housing in its jurisdiction. The City will take an active role through the following activities as it strives to meet its Consolidated Plan and Annual Action Plan goals:

- The City of Hickory will continue to explore options to create affordable housing on current city owned vacant properties.
- The City of Hickory will continue to serve on the Catawba Valley Board of Realtors Equal Opportunity in Housing Committee. This committee works to ensure equal housing opportunity in the region.
- The City of Hickory will continue to serve on a regional bank's Community Reinvestment Act advisory committee. This committee works to inform communities within the region of possible opportunities to create affordable housing.
- City staff will partner with the City's Community Relations Council on an annual basis to discuss fair housing issues and plan additional events to promote fair housing the community. This council is tasked with furthering good human relations in the community.
- City staff will also discuss fair housing issues with the Hickory International Council and the Citizen's Advisory Committee on at least an annual basis. The Hickory International Council promotes positive relations among different nationalities residing within the city. The Citizen's Advisory Committee provides input to city council on various issues related to housing and community development.
- The City of Hickory staff will provide information to various neighborhood associations or groups about local housing programs offered throughout the area. Staff will make available printed materials designed to inform citizens of their fair housing rights as outlined in state and federal fair housing laws. Information will be translated into Spanish for our Hispanic population.
- City of Hickory will observe April as "Fair Housing Month." The Hickory City Council will adopt a fair housing resolution each April to recognize and support fair housing. The City of Hickory will sponsor public service announcements regarding fair housing and promote "Fair Housing Month" in local newspapers and/or radio.
- The City of Hickory will work with the Catawba Valley Hispanic Ministry, better known as "Centro Latino." Centro Latino is a non-profit organization offering a wide variety of programs including: health, social and educational services, community building, and advocacy for the Latino community of the region. Written material will be provided in Spanish and English.
- Fair Housing brochures and other material supplied by HUD and the North Carolina Human Relations Commission will be made available at the City of Hickory Municipal Building for citizens. The City of Hickory will order supplies of fair housing materials in English and Spanish.

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- The City of Hickory will participate semi-annually in community meetings in predominately African-American neighborhoods in order to present information about various local housing programs and to make available printed materials designed to inform citizens of their fair housing rights as outlined in state and federal fair housing laws.
- The City of Hickory will use its utility bills and utility bill inserts to inform citizens of their rights to fair housing. These will include articles in the city's utility bill newsletter on a semi-annual basis.
- The City of Hickory will use its social media channels to promote fair housing and information about all local housing programs offered throughout the area.
- The City of Hickory will supply informational posters, brochures and/or flyers to historically African-American churches and community centers to inform citizens about their fair housing rights.
- The City of Hickory will continue to promote down-payment assistance for first-time low to moderate income homebuyers through the Western Piedmont Council of Governments. Staff will make a concerted effort to ensure that this program is affirmatively marketed to minority populations, especially African Americans and Hispanics.
- The City of Hickory will look to partner with local radio station to air public service announcements related to Fair Housing.
- The City of Hickory will make public improvements related to low income housing tax credit projects that will be developing affordable housing for low to moderate income families, older adults and disabled persons. Examples of this include sidewalks and landscaping in city rights of way directly adjacent to properties being developed as affordable housing.
- The City of Hickory will continue to partner with Habitat for Humanity to assist in the provision of housing to low to moderate income families. Recent partnership efforts have included the development of an eleven-lot single family subdivision to provide affordable housing units in the city's Green Park neighborhood and a 20-lot single family development of mixed income (affordable and market rate homes) in the Falling Creek area of the City. The city also provides grant funding to support the Habitat Repairs Program that assists with rehabilitation of existing housing units.
- The city will continue to provide grants and loans to low- and moderate-income homebuyers in order to assist in the rehabilitation of owner-occupied housing units.

Grantee SF-424's and Certification(s)

GMB Form No. 4320-0004  
Expiration Date: 12/31/2022

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate checkbox: <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: 05/21/2008	4. Applicant ID#, if applicable: E-20-02-27-0012	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>	
State Use Only:		
6. Date Received by State: <input type="text"/>	7. State Assistor ID #: <input type="text"/>	
8. APPLICANT INFORMATION:		
a. Legal Name: <input type="text" value="City of Quincy"/>		
* 9. Employer/Agency Identification Number (EIN/TIN): 06-6001244	* 10. Organization FONS: E11824840000	
d. Address:		
* Street 1: 26 North Center Street	<input type="text"/>	
Street 2: <input type="text"/>	<input type="text"/>	
* City: Quincy	<input type="text"/>	
County/Parish: <input type="text"/>	<input type="text"/>	
* State: MA	MA: North Eastern	
Province: <input type="text"/>	<input type="text"/>	
* Country: USA	USA: UNITED STATES	
* Zip/Postal Code: 01901	<input type="text"/>	
e. Organizational Unit:		
Department Name: Office of Business Development	Division Name: Community Development	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mrs.	* First Name: Diane	* Last Name: Diane
Middle Name: <input type="text"/>	<input type="text"/>	
* Last Name: Diane	<input type="text"/>	
Suffix: <input type="text"/>	<input type="text"/>	
Title: Community Development Manager	<input type="text"/>	
Organizational Affiliation: <input type="text"/>		
* Telephone Number: 10201 322-9224	* Fax Number: 10201 322-9572	
* email: diane@quincy-ma.gov		

<b>Application for Federal Assistance SF-424</b>		
<b>* 9. Type of Applicant 1: Select Applicant Type:</b>		
<input type="checkbox"/> City or Township Government <input type="checkbox"/> Other (Specify): _____ <input type="checkbox"/> Other (Specify): _____		
<b>* 10. Name of Federal Agency:</b>		
Department of Housing and Urban Development		
<b>11. Catalog of Federal Domestic Assistance Number:</b>		
14-018		
<b>CFDA Title:</b>		
Community Development Block Grant for Entitlement Communities-CV		
<b>* 12. Funding Opportunity Number:</b>		
[Redacted]		
<b>Title:</b>		
[Redacted]		
<b>13. Competition Identification Number:</b>		
[Redacted]		
<b>Title:</b>		
[Redacted]		
<b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b>		
[Redacted] <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>		
<b>* 15. Descriptive Title of Applicant's Project:</b>		
This project will include all Community Development initiatives under the CDBG Act funding described in the City of Newark's 2019 Annual Action Plan.		
Attach supporting documents as specified in agency instructions.		
<input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>		

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant:  \* b. Program/Project:

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**

\* a. Start Date:  <sup>2020</sup> \* b. End Date:  <sup>2027</sup>

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="510,000.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text" value="115,000.00"/>
* g. TOTAL	<input type="text" value="625,000.00"/>

\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

a. This application was made available to the State under the Executive Order 12372 Process for review on .

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

Yes  No

If "Yes", provide explanation and attach

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:  \* Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4945-0049  
Expiration Date: 09/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

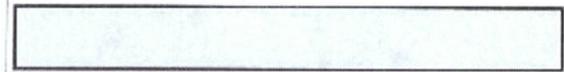
1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited by: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1655-1656) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-613), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

Previous Edition Usable

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Standard Form 424-J (Rev. 7-97)  
Prescribed by GSA Circular A-102

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7325) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 178(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 105 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (Identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§466a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 108(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
	Mayor 
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Hickory	

SP-4247 (Rev. 7-97) Beck

**CITY OF HICKORY 2020-2021 CDBG PROGRAM CERTIFICATIONS**

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** --The jurisdiction will affirmatively further fair housing.

**Uniform Relocation Act and Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

**Anti-Lobbying** --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-L.L.L., "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction** --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

  
Signature of Authorized Official

6-2-2020  
Date



Mayor \_\_\_\_\_  
Title

### Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

**Citizen Participation** – It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

**Community Development Plan** – Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 510.

**Following a Plan** – It is following a current consolidated plan that has been approved by HUD.

**Use of Funds** – It has complied with the following criteria:

**1. Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

**2. Overall Benefit.** The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) \_\_\_\_\_ 2020 \_\_\_\_\_ [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

**3. Specific Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

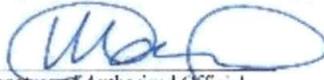
**Excessive Force** -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

**Compliance with Anti-discrimination laws** -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

**Lead-Based Paint** -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

**Compliance with Laws** -- It will comply with applicable laws.

  
\_\_\_\_\_  
Signature of Authorized Official

6-2-2020  
Date



\_\_\_\_\_  
Mayor  
Title

**APPENDIX TO CERTIFICATIONS**

**INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:**

**Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

<b>Application for Federal Assistance SF-424</b>		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input style="width: 100%;" type="text"/> * Other (Specify): <input style="width: 100%;" type="text"/>
* 3. Date Received: <input style="width: 100%;" type="text" value="12/01/2020"/>	4. Applicant Identifier: <input style="width: 100%;" type="text" value="B-20-MW-37-0013"/>	
5a. Federal Entity Identifier: <input style="width: 100%;" type="text"/>	5b. Federal Award Identifier: <input style="width: 100%;" type="text"/>	
<b>State Use Only:</b>		
6. Date Received by State: <input style="width: 100%;" type="text"/>	7. State Application Identifier: <input style="width: 100%;" type="text"/>	
<b>8. APPLICANT INFORMATION:</b>		
* a. Legal Name: <input style="width: 100%;" type="text" value="City of Hickory"/>		
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input style="width: 100%;" type="text" value="56-6001244"/>	* c. Organizational DUNS: <input style="width: 100%;" type="text" value="0710624830000"/>	
<b>d. Address:</b>		
* Street1: <input style="width: 100%;" type="text" value="76 North Center Street"/> Street2: <input style="width: 100%;" type="text"/> * City: <input style="width: 100%;" type="text" value="Hickory"/> County/Parish: <input style="width: 100%;" type="text"/> * State: <input style="width: 100%;" type="text" value="NC: North Carolina"/> Province: <input style="width: 100%;" type="text"/> * Country: <input style="width: 100%;" type="text" value="USA: UNITED STATES"/> * Zip / Postal Code: <input style="width: 100%;" type="text" value="28601-6213"/>		
<b>e. Organizational Unit:</b>		
Department Name: <input style="width: 100%;" type="text" value="Office of Business Development"/>	Division Name: <input style="width: 100%;" type="text" value="Community Development"/>	
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix: <input style="width: 100%;" type="text" value="Mrs."/>	* First Name: <input style="width: 100%;" type="text" value="Karen"/>	
Middle Name: <input style="width: 100%;" type="text"/>		
* Last Name: <input style="width: 100%;" type="text" value="Dickerson"/>		
Suffix: <input style="width: 100%;" type="text"/>		
Title: <input style="width: 100%;" type="text" value="Community Development Manager"/>		
Organizational Affiliation: <input style="width: 100%;" type="text"/>		
* Telephone Number: <input style="width: 100%;" type="text" value="(828) 323-7414"/>	Fax Number: <input style="width: 100%;" type="text" value="(828) 323-7476"/>	
* Email: <input style="width: 100%;" type="text" value="kdickerson@hickorync.gov"/>		

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

Department of Housing and Urban Development

**11. Catalog of Federal Domestic Assistance Number:**

14-218

CFDA Title:

Community Development Block Grant for Entitlement Communities-CV

**\* 12. Funding Opportunity Number:**

\* Title:

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

This project will include all Community Development activities under the CARES Act funding described in the City of Hickory's 2019 Annual Action Plan

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

<b>Application for Federal Assistance SF-424</b>	
<b>16. Congressional Districts Of:</b>	
* a. Applicant: <input type="text" value="NC 10"/>	* b. Program/Project: <input type="text" value="NC 10"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
<b>17. Proposed Project:</b>	
* a. Start Date: <input type="text" value="07/01/2020"/>	* b. End Date: <input type="text" value="06/22/2027"/>
<b>18. Estimated Funding (\$):</b>	
* a. Federal	<input type="text" value="274,226.00"/>
* b. Applicant	<input style="background-color: yellow;" type="text"/>
* c. State	<input style="background-color: yellow;" type="text"/>
* d. Local	<input style="background-color: yellow;" type="text"/>
* e. Other	<input style="background-color: yellow;" type="text"/>
* f. Program Income	<input style="background-color: yellow;" type="text"/>
* g. TOTAL	<input type="text" value="274,226.00"/>
<b>* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b>	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/> .	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.	
<b>* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
<b>21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)</b>	
<input checked="" type="checkbox"/> ** I AGREE	
<small>** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.</small>	
<b>Authorized Representative:</b>	
Prefix: <input type="text" value="Mr."/>	* First Name: <input type="text" value="Hank"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Guess"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="Mayor"/>	
* Telephone Number: <input type="text" value="(828) 323-7412"/>	Fax Number: <input type="text" value="(828) 323-7550"/>
* Email: <input type="text" value="hguess@hickorync.gov"/>	
* Signature of Authorized Representative: <input style="background-color: yellow;" type="text"/>	* Date Signed: <input style="background-color: yellow;" type="text"/>

## ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009  
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

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As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Mayor
APPLICANT ORGANIZATION City of Hickory	DATE SUBMITTED 

**CITY OF HICKORY 2020-2021 CDBG PROGRAM CERTIFICATIONS**

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** --The jurisdiction will affirmatively further fair housing.

**Uniform Relocation Act and Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

**Anti-Lobbying** --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction** --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor  
Title

## Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

**Citizen Participation** -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

**Community Development Plan** -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

**Following a Plan** -- It is following a current consolidated plan that has been approved by HUD.

**Use of Funds** -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2020 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

**Excessive Force** -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

**Compliance with Anti-discrimination laws** -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

**Lead-Based Paint** -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

**Compliance with Laws** -- It will comply with applicable laws.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor  
Title

## APPENDIX TO CERTIFICATIONS

### INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

#### **Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Brian Frazier, Planning Director

**Date:** December 15, 2020

**Re:** Voluntary Non-Contiguous Annexation of Property Owned by Reginald Sweat.

**REQUEST**

Consideration of the voluntary non-contiguous annexation of 1.199 acres of property located at the 3597 Wandering Lane NE. This property is identified as PIN 3735-17-11-2352.

**BACKGROUND**

Mr. Reginald Sweat has petitioned for the voluntary non-contiguous annexation of 1.199 acres of property located at 3597 Wandering Lane NE. The subject property is currently located within Catawba County's zoning jurisdiction, and zoned R-20 Residential. The annexation is being requested in order to connect to the City's sewer system.

**ANALYSIS**

The subject property is currently zoned R-20 Residential by Catawba County. Under Catawba County's current zoning, the property may be developed for one and two family residential uses at an intensity of two (2) dwelling units per acre, which could potentially yield two (2) new single-family dwelling units, or four (4) two-family dwelling units (duplexes).

Should the property be annexed, and rezoned to R-2 Residential, the property could be developed for single-family residential, at a density of four (4) dwelling units per acre, which theoretically could yield four (4) single-family dwelling units. The property owner has indicated they intend to divide property into two (2) lots, and build two (2) single-family residences.

The current tax value of the property is \$21,800. If annexed with its present value, the property would immediately generate additional tax revenues of \$128.75. The future tax revenues generated by the development of the property is currently unknown.

Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available.

**RECOMMENDATION**

Staff finds the petition to be in conformity with applicable statutes, and recommends approval of the petition.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier

Initiating Department Head

12/03/2020

Date

Annita M. Dula

Deputy City Attorney, A. Dula

12-8-20

Date

Rodney Miller

Asst. City Manager R. Miller

12/8/20

Date

Paul Beasley

Asst. City Manager, R. Beasley

12/8/20

Date

Martin Miller

Finance Officer, M. Miller

12/9/20

Date

Deputy Finance Officer, S. Guy

Date

\_\_\_\_\_

Date

Recommended for approval and placement on \_\_\_\_\_ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).

WW  
City Manager, Warren Wood

12-9-20  
Date

**CITY OF HICKORY**  
**APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 11-11-2020

**TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:**

I (We), the undersigned, do hereby respectfully make application and petition for voluntary annexation into the municipal limits of the City of Hickory, and have provided an annexation plat meeting the requirements of the City of Hickory

1. The property be voluntarily annexed is located on Wandering Lane NE  
Sulphur Springs Rd NE between Brookridge Dr NE and \_\_\_\_\_  
 and is shown in more detail on the attached survey.

PIN NO. (S): 3735-17-11-2352

Physical (Street) Address: \_\_\_\_\_

2. The property is owned by: (please print) \_\_\_\_\_  
 (Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Reginald E. Sweat

Address: 3995 Elizabeth Street, Hickory, NC 28601

Phone Number: 828-256-7402

3. The petition is submitted by: Reginald Sweat  
 (If the Petition is submitted by someone other than the owner, the attached agent authorization must be signed, notarized and submitted from the owner(s) authorizing the agent to act on his behalf.)

Agent Information:

Name: Reginald E. Sweat

Address: 3995 Elizabeth Street, Hickory, NC 28601

Phone Number: 828-256-7402

4. If annexation is approved by the Hickory City Council, and if the property(s) is not currently zoned by the City of Hickory, the applicant would request that the property be placed into a R-2 zoning district.

5. WATER AND SEWER AVAILABILTY AND CONNECTIONS

We, the undersigned property owner(s), herby understand and agree we shall be responsible for all costs associated with providing for extensions and/or connections to the City of Hickory public utility system (water and sewer). This includes all design, permitting, construction, legal and applicable City of Hickory Tap Fees. Furthermore, we shall be responsible for obtaining any and all necessary easements and encroachment agreements needed to provide for such extensions or connections and provide those to the City of Hickory as appropriate.

The undersigned owner further acknowledges, they shall be responsible for any future utility extensions required to serve the property due to subdivision of the property.

6. APPLICANT'S AFFIDAVIT

We, the undersigned property owners(s), hereby certify that the information contained herein and submitted in support of this application is true and correct and the property owner's list and associated envelopes were obtained using the most recent Tax Office property information and are true, correct and complete.

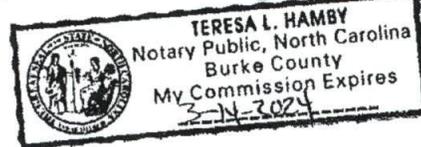
Reginald E. Sweat  
Printed Name of Property Owner(s)

Reginald E. Sweat  
Signature of Property Owner(s)

3995 Elizabeth St, Hickory  
Address of Property Owner(s)

828-256-7402  
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)



State of North Carolina – County of Burke

I, the undersigned Notary Public of the County and State aforesaid, certify that Reginald E. Sweat personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 10 day of November, 2020.

My Commission Expires: 3-14-2024

Teresa L. Hamby  
Notary Public

State of North Carolina – County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day an acknowledged the he / she is the \_\_\_\_\_ of \_\_\_\_\_ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

CATAWBA COUNTY  
0 6 6 5 7 6

STATE OF NORTH CAROLINA  
FEB 21 '92



Real Estate Excise Tax  
40.00

REVENUE \$40.00

Excise Tax 40.00

BOOK 1762 PAGE 471

RUTH MACKIE

'92 FEB 21 PM 4 21  
Filed February 21, 1992 at 4:21 P.M. and  
REGISTER OF DEEDS  
CATAWBA CO., N.C.  
recorded in Book 1762 at Page 471.

*Ruth Mackie*

RUTH MACKIE - REGISTER OF DEEDS

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....  
Verified by ..... County on the ..... day of ..... 19 .....

by ..... **56258** .....

Mail after recording to .....

This instrument was prepared by **CURT J. VAUGHT, ATTORNEY, HICKORY, NC**

Brief description for the Index  
[Redacted]

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 19th day of February, 1992, by and between

GRANTOR	GRANTEE
ROBERT LEE TOWNSEND and wife, BARBARA ANN TOWNSEND	REGINALD E. SWEAT and wife, ELIZABETH J. SWEAT Route 11 Box 1461 Hickory, NC 28601

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ..... Township,

Catawba County, North Carolina and more particularly described as follows:  
**BEGINNING** at an existing iron, said iron being located in the northern line of the right of way of Catawba Springs Drive (State Rd. 1511), 60-foot right of way, and said iron being located in the eastern line of the Kenneth C. Killian property, as recorded in Deed Book 1248 at Page 647; and running with the property of Kenneth C. Killian, North 1° 06' 19" East 116.57 feet to an existing iron; thence South 87° 17' 31" East 296.57 feet to an existing iron; thence with the line of the property as shown on the plat recorded in Plat Book 15 at Page 112, Catawba Springs Phase 4, South 3° 53' 23" West 223.04 feet to a bolt; thence North 70° 25' 32" West 37.90 feet to an existing iron; thence South 35° 10' East 31.67 feet to an existing iron located in the northern line of the right of way of Catawba Springs Drive; thence with the northern line of the right of way of Catawba Springs Drive, North 63° 23' 39" West 297.38 feet to an existing iron.

This description is taken from a map entitled, "Property of Robert L. Townsend and Barbara A. Cline's Twsp, Catawba County, NC", dated January 27, 1992, with reference on said map to Tax Map 716-1-4, made by Clark Surveying, Hickory, NC.

NO REVENUE

BOOK 2295 PAGE 1551  
FILED  
RUTH MACKIE  
AUG 20 PM 3 27  
Filed August 20, 2001, at 3:27 P.M. and  
REGIS. CLERK  
CATAWHA CO., N.C.  
recorded in Book 2295 at Page 1551.  
*Ruth Mackie*  
Ruth Mackie, Register of Deeds rsm

Excise Tax

Recording Time, Book and Page

Tax Lot No. ....  
Parcel Identifier No. *By Ruth Beaver, Asst.*  
Verified by ..... County on the ..... day of ..... 20.....  
by ..... **025507**

Mail after recording to *Corne, Corne & Grant, P.A., PO Drawer 166, Newton, NC 28658-0166*

This instrument was prepared by Robert M. Grant, Jr., Esq., Corne, Corne & Grant, P.A., Newton, NC

Brief description for the Index



### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this .....5th..... day of .....March..... 2001....., by and between

GRANTOR

GRANTEE

REGINALD E. SWEAT and wife,  
ELIZABETH J. SWEAT

ELIZABETH J. SWEAT

3995 Elizabeth Street  
Hickory, NC 28601

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ..... Hickory/Cline..... Township, Catawba..... County, North Carolina, and more particularly described as follows:

See attached Schedule "A"

## SCHEDULE "A"

BOOK 2295 PAGE 1552

DESCRIPTION OF PROPERTY

**First Tract.** BEGINNING at an iron pin at the point of intersection of the eastern margin of the right of way of Spencer Drive with the southern margin of the right of way of Spencer Road and runs thence South 51° 20' East with the southern margin of the right of way of Spencer Road 85 feet to an iron pin; thence South 38° 38' West 140 feet to an iron pin; thence North 51° 23' West 96.0 feet to an iron pin in the eastern margin of the right of way of Spencer Drive; thence North 43° 07' East with the eastern margin of the right of way of Spencer Drive 140.5 feet to the BEGINNING.

BEING Lot 7 of Block "A" of an unrecorded plat of the Spencer Road Park prepared by Sam Rowe, Jr., dated October 17, 1964.

For reference to chain of title see deed recorded in Book 1000, Page 192, Catawba County Registry.

**Second Tract.** BEGINNING at an existing iron, said iron being located in the northern line of the right of way of Catawba Springs Drive (State Road 1511), 60-foot right of way, and said iron being located in the eastern line of the Kenneth C. Killian property, as recorded in Deed Book 1248 at Page 647; and running with the property of Kenneth C. Killian, North 1° 06' 19" East 116.57 feet to an existing iron; thence South 87° 17' 31" East 296.57 feet to an existing iron; thence with the line of the property as shown on the plat recorded in Plat Book 15 at Page 112, Catawba Springs, Phase 4, South 3° 53' 23" West 223.04 feet to a bolt; thence North 70° 25' 32" West 37.90 feet to an existing iron; thence South 35° 10' East 31.67 feet to an existing iron located in the northern line of the right of way of Catawba Springs Drive; thence with the northern line of the right of way of Catawba Springs Drive, North 63° 23' 39" West 297.38 feet to an existing iron.

This description is taken from a map entitled, "Property of Robert L. Townsend and Barbara A., Clines Township, Catawba County, NC," dated January 27, 1992, with reference on said map to Tax Map 716-1-4, made by Clark Surveying, Hickory, NC.

**Third Tract.** BEING Lot No. 8 of Block "C" in Colonial Heights according to a plat of the same dated June 26, 1965, prepared by Sam Rowe, Jr., and recorded in Plat Book 13, at Page 43, in the office of the Register of Deeds for Catawba County.

It is understood and agreed that this conveyance is made subject to all of those certain conditions, restrictions, and reservations set forth in a document recorded in the office of the Register of Deeds of Catawba County, North Carolina, in Book 835, Page 361. This property is subject to an easement five (5) feet in width running along the western margin of the property for the purpose of ingress and egress to install, repair and maintain water lines and utilities.

For partial chain of title, see Deed Book 925, at Page 219, Catawba County Registry.

The purpose of this deed is to dissolve an estates by entirety.

NEITHER THE INDIVIDUAL NOR LAW FIRM PREPARER OF THIS INSTRUMENT PERFORMED ANY TITLE EXAMINATION WORK, NOR CONDUCTED OR PARTICIPATED IN ANY CLOSING RELATED TO THE TRANSACTION INVOLVING THIS INSTRUMENT.

BOOK 2295 PAGE 1553

The property hereinabove described was acquired by Grantor by instrument recorded in .....  
A map showing the above described property is recorded in Plat Book ..... page .....  
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee  
in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same  
in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against  
the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.  
Title to the property hereinabove described is subject to the following exceptions:

Any and all restrictions, easements, rights of way and encumbrances of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed  
in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day  
and year first above written.

By: Reginald E. Sweat (SEAL)  
Reginald E. Sweat  
Elizabeth J. Sweat (SEAL)  
Elizabeth J. Sweat  
President

ATTEST: \_\_\_\_\_ (SEAL)  
Secretary (Corporate Seal) \_\_\_\_\_ (SEAL)



NORTH CAROLINA, \_\_\_\_\_ Catawba \_\_\_\_\_ County.  
I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_  
Reginald E. Sweat and wife, Elizabeth J. Sweat \_\_\_\_\_ Grantor,  
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand  
and official stamp or seal, this 16<sup>th</sup> day of August ~~March~~, 2001.  
My commission expires: 5/15/2005 \_\_\_\_\_  
Crystal D. Smith  
Notary Public

SEAL-STAMP NORTH CAROLINA, \_\_\_\_\_ County.  
I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_  
personally came before me this day and acknowledged that \_\_\_\_\_ he is \_\_\_\_\_ Secretary of  
\_\_\_\_\_ a North Carolina Corporation, and that by authority duly  
given and as the act of the corporation, the foregoing instrument was signed in its name by its  
President, sealed with its corporate seal and attested by \_\_\_\_\_ as its  
Secretary.  
Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My commission expires: \_\_\_\_\_  
Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ Crystal D. Smith, Notary Public of Catawba Co., NC

is/are  certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first  
page by \_\_\_\_\_ Ruth Mackie

By: Ruth Mackie Ruth Mackie REGISTER OF DEEDS FOR \_\_\_\_\_ CATAWBA \_\_\_\_\_ COUNTY  
Ruth Beavers \_\_\_\_\_  
Assistant - Register of Deeds

# Last Will and Testament

OF

ELIZABETH J. SWEAT

I, *ELIZABETH J. SWEAT*, a resident of Catawba County, North Carolina, do hereby revoke all wills and codicils heretofore made by me and do hereby declare this to be my Last Will and Testament:

## ITEM ONE

I direct that my just debts (including unpaid charitable pledges, whether or not the same are enforceable obligations of my estate), the expenses of my last illness, my funeral expenses or expenses of my cremation, if applicable (including the cost of a suitable monument at my grave and perpetual care of the cemetery lot in which I am interred, if applicable, whether or not such expenditures exceed the limitations otherwise imposed by law), and the costs of administration of my estate be paid out of the assets of my estate as soon as practicable after my death.

## ITEM TWO

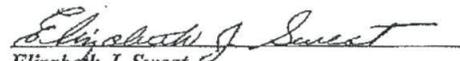
### SECTION 1: Probate estate to surviving Spouse; alternative trust in event of disclaimer.

I hereby devise any and all property that I own at the time of my death, both real and personal, and of every class, kind and description and wheresoever located to my spouse, *REGINALD E. SWEAT*, in fee simple, absolute, if he survives me; but, if my spouse disclaims or renounces the right to receive all or any part of my estate that would otherwise pass to such spouse under this Item, I give that portion to which such disclaimer pertains to the Trustee, hereinafter named, to be held and administered *IN TRUST* under the provisions of Item Four below.

If my spouse, *REGINALD E. SWEAT*, does not survive me, I direct that my Estate which otherwise would have passed under this Section 1 instead be held, administered and distributed as follows:

### SECTION 2: Specific bequest of pecuniary sum to Robert C. Lyalls, II and Reginald

Casey Sweat. As a specific bequest, I give each of my grandsons, *Robert C. Lyalls, II*, and

  
Elizabeth J. Sweat

PAGE TWO OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT

Reginald Casey Sweat, as survive me, the sum of Fifty Thousand Dollars (\$50,000.00) apiece. If either or both of said grandsons should fail to survive me, then and in that event I direct that the pecuniary sum otherwise devised to them should lapse and pass with my residuary estate.

PROVIDED THAT, if either of said grandsons be under the age of twenty-five (25) years at the time that this Item becomes effective, then and in that event, I direct that the amount so devised not be delivered to such beneficiary but rather be delivered to my Trustee, hereinafter named, to be held and administered in trust for such beneficiary under the provisions of Item Three below.

PROVIDED THAT, in the event that my net probate estate, exclusive of tangible personal property to be disposed of pursuant to Section 3 of this Item, is less than TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS at the time this Item becomes effective, then I direct that the above-described specific bequests for Robert C. Lyalls, II and Reginald Casey Sweat not be made, but rather that said sums pass as part of my residuary estate under Section 4 below.

SECTION 3. Gift of Tangible Personal Property. Subject to the preceding sections of this Item, I give all such tangible personal property that was not held by me solely for investment purposes, including, but not limited to, my automobiles, household furniture and furnishings, clothing, jewelry, collectibles and personal effects (i) to my children who survive me, to be divided among them by my Executor in shares of as nearly equal value as may be practicable, or (ii) to the survivor of my children if but one of them survives me. If neither my spouse nor my children survive me, I give all such tangible personal property to my descendants who survive me, per stirpes. The costs of safeguarding, insuring, packing, storing and delivering my tangible personal property to any beneficiary under this Paragraph shall be paid from my estate as expenses of administration. I may leave a writing which, although not a part of my will, expresses my desires concerning the disposition of my tangible personal property. I request, but do not require, that my wishes as set forth in any such writing be observed.

SECTION 4. Gift of Residuary Estate. In the event my net probate estate, exclusive of tangible personal property to be disposed of pursuant to Section 3 of this Item, is less than TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS at the time this Item becomes effective,

  
Elizabeth J. Sweat

*PAGE THREE OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT*

*then I direct that my residuary estate be apportioned in equal shares, so that one share each be apportioned to Robert C. Lyalls and Reginald Casey Sweat, as such of them then be living, and one share apportioned for each child of mine who is then living, and one share for the living issue, per stirpes, if any, of any child of mine who is then deceased; provided that if any beneficiary under this Section then be under Twenty-Five (25) years of age, then and in that event I direct that his or her share be held in Trust and administered for the benefit of said beneficiary pursuant to the terms and conditions of Item Four below.*

*Otherwise, my residuary estate, being the rest, residue and remainder of my property, of whatsoever kind and nature, be it real, personal or intangible property, and wheresoever located, not otherwise devised and bequeathed pursuant to the preceding Sections of this Item, but excluding any property over which I may have a power of appointment, I give to the Trustee, hereinafter named, to be held and administered IN TRUST under the provisions of Item Four below.*

**ITEM THREE**

**TRUST FOR ROBERT C. LYALLS, II, AND REGINALD CASEY SWEAT**

*SECTION 1: In the event that either of my grandsons, Robert C. Lyalls, II, or Reginald Casey Sweat, be under the age of twenty-five (25) years at the time that the specific bequests provided for in Item Two, Section 2 become effective, then and in that event, I direct that my Trustee hold and administer the specific bequest for such of my named grandsons as then be under twenty-five (25) years and dispose of the same under the provisions of this Item Three.*

*SECTION 2: Each share apportioned for a beneficiary who has reached twenty-five (25) years of age shall be distributed by my said Trustee to the said beneficiary free and discharged of trust.*

*SECTION 3: When each such named beneficiary attains the age of twenty-one (21) years, the Trustee shall distribute to such beneficiary the sum of Fifteen Thousand Dollars (\$15,000.00); when each such named beneficiary attains the age of twenty-three (23) years, the Trustee shall distribute to such beneficiary an additional sum of Fifteen Thousand Dollars (\$15,000); when each*

*Elizabeth J. Sweat*  
Elizabeth J. Sweat

**PAGE FOUR OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT**

such named beneficiary shall reach the age of twenty-five (25) years, all remaining Trust property constituting said beneficiary's share shall be delivered to such beneficiary free and discharged of trust.

*SECTION 4: My Trustee is hereby given the power to pay from the accumulated income or principal of any Trust under this Item such amount as the Trustee, in her sole discretion, deems necessary or desirable from time to time to adequately provide for the medical, hospital, surgical or other health care, education, support and maintenance in reasonable comfort of the beneficiary of such Trust, taking into consideration, to the extent my Trustee deems advisable, any other income or resources of such Trust Beneficiary known to my Trustee.*

*SECTION 5: In the event that either of the named Trust Beneficiaries under this Item Three should die prior to receiving a complete distribution of his or her share, then I direct that the undistributed balance of his or her share shall be added to my residuary estate and distributed pursuant to the provisions of Item Two, Section Four above.*

**ITEM FOUR**

*In the event that any portion of my estate passes under Section One or Section Four of Item Two into trust, either because my named spouse disclaims or renounces the right to receive all or any part of my residuary estate or because my named spouse fails to survive me, then and in that event, my Trustee shall hold the property so passing IN TRUST, to be administered and disposed of in accordance with the provisions contained in this Item Four.*

**PART A**

**TRUST FOR SPOUSE**

*If my spouse shall survive me, my Trustee shall pay whatever amount or amounts of the net income or principal, or both, of this Trust as it shall determine to my Husband in convenient installments, but no less frequently than quarterly, during his lifetime. In exercising this discretionary power, especially with respect to principal, my Trustee may, but need not, consider any other means of support available to my Husband and shall give primary consideration to his needs and desires.*

*Elizabeth J. Sweat*  
Elizabeth J. Sweat

*PAGE FIVE OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT*

*Upon my spouse's death, my Trustee shall distribute all Trust property in this Part A Trust to my then living issue, per stirpes; provided that, if any of such living issue are then under twenty-five (25) years of age, then such share shall not be distributed, but rather held and administered in trust under and pursuant to the provisions of Parts B and C of this Item.*

**PART B**

**FAMILY TRUST**

*SECTION 1: If my spouse shall predecease me, then and in that event, my Executor shall distribute that portion of my estate as governed by Section Four of Item Two to my Trustee who, in turn, shall apportion, in equal shares, all property then constituting the Trust, so that one share is apportioned for each child of mine who is then living and one share for the living issue, per stirpes, if any, of any child of mine who is then deceased.*

*SECTION 2: Each share apportioned for a beneficiary who has reached twenty-five (25) years of age shall be distributed by my said Trustee to the said beneficiary free and discharged of trust.*

*SECTION 3: Each share apportioned to a beneficiary who shall be under the age of twenty-five (25) years shall continue to be held by my Trustee, IN TRUST, to pay the net income derived therefrom to the beneficiary or guardian (legal or parental) thereof, in annual or more frequent installments, and also pay to the beneficiary (or guardian) all or such part of the principal thereof as my Trustee shall in her sole discretion determine; provided that, in exercising this discretionary power over principal, my Trustee shall consider other means of support available to the beneficiary and shall give primary consideration to supporting and educating the beneficiary.*

*When each such beneficiary attains the age of twenty-one (21) years, the Trustee shall distribute to such beneficiary from his or her share the sum of Fifteen Thousand Dollars (\$15,000.00); when each such beneficiary attains the age of twenty-three (23) years, the Trustee shall distribute to such beneficiary from his or her share an additional sum of Fifteen Thousand Dollars (\$15,000); when each such beneficiary shall reach the age of twenty-five (25) years, all remaining Trust property constituting said beneficiary's share shall be delivered to such beneficiary*

*Elizabeth J. Sweat*  
Elizabeth J. Sweat

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*free and discharged of trust.*

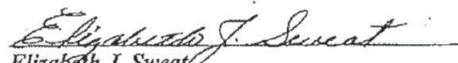
SECTION 4: *In the event that any of the Trust Beneficiaries under any Trust created by Part B should die prior to receiving a complete distribution of his or her share, then I direct that the undistributed balance of his or her share shall be distributed, per stirpes, to his or her then living issue; in default of such living issue, then I direct that such undistributed balance be distributed to my living issue, per stirpes, subject to the provisions of Section 3 above of this Item.*

PART C

GENERAL PROVISIONS

SECTION 1: *I hereby authorize and empower the Trustee, in her sole and absolute discretion, at any time and from time to time, to disburse from the principal of any Trust Share created under Part A or Part B of this Item Four such amounts as he may deem advisable to provide adequately and properly for the support, maintenance, education, and health of the current income beneficiary thereof, including, but not by way of limitation, expenses incurred by reason of illness, disability, and education. In determining the amounts of principal to be so disbursed, the Trustee shall take into consideration any other income (other than capital gains) or property which such income beneficiary may have from any other source. The Trustee's discretion shall be conclusive as to the advisability of any such disbursement.*

SECTION 2. *There is no absolute right of any Trust Beneficiary to any income or principal (hereinafter "interest") of his or her Trust Share until such time as the Trust Share is to be delivered to him or her, discharged of trust. If any Trust Beneficiary of any trust shall attempt to pledge, sign, sell, transfer, alienate or encumber his or her interest, or if any creditor or claimant shall attempt to subject such interest to the payment of any debt, liability, or obligation of such beneficiary, the Trustee shall withhold payment of any income or principal except those amounts as she, in her sole discretion, may determine to apply for the maintenance and comfort of one or more of the following persons, namely: (1) The Trust Beneficiary; (2) The spouse of such Trust Beneficiary; (3) the issue of such Trust Beneficiary; and (4) those who would be entitled to receive the undistributed balance of the Trust Share had the Trust Beneficiary died prior to final distribution*

  
Elizabeth J. Sweat

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*of the Trust Share, regardless of the equality of distribution. In no event shall the Trustee be required or compelled to pay any part of the income or principal to such Trust Beneficiary.*

*SECTION 3: During the minority or incapacity of any Trust Beneficiary, my Trustee may pay, transfer or assign income or principal of the Trust in accordance with this section in any one or more of the following ways:*

- (a) Directly to such Beneficiary in such amounts as the Trustee deems advisable as an allowance;*
- (b) To the Guardian of the person or of the estate of such Beneficiary;*
- (c) To a relative of such Beneficiary upon the agreement of such relative to expend such income or principal solely for the benefit of the Beneficiary;*
- (d) By expending such income or principal directly for the education, maintenance or support of such Beneficiary.*

*My Trustee shall have the power, in her own uncontrolled discretion, to determine whether a Beneficiary is incapacitated, and her determination shall be conclusive.*

*SECTION 4: In making distributions of net income to Beneficiaries, the Trustee may disburse the same in monthly or other convenient installments, based upon the Trustee's estimate of projected income for the Trust for that fiscal year, and shall annually adjust any difference between estimated and realized net income.*

*SECTION 5: Anything in this Will to the contrary notwithstanding, no trust (other than the trust of a vested interest) created herein shall continue beyond twenty-one (21) years after the death of the last to die of those beneficiaries who were living at the time of my death. Upon expiration of such period, all trusts shall terminate and the assets shall be distributed outright to such persons as are then entitled to the income therefrom and in the same proportion; but, if no person is then entitled to a specific portion of income, then to the then living income beneficiaries, per stirpes.*

**ITEM FIVE**

*All transfer, estate, inheritance, succession and other death taxes, together with any interest or penalty thereon, which shall become payable by reason of my death,*

*Elizabeth J. Sweat*  
Elizabeth J. Sweat

**PAGE EIGHT OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT**

(a) in respect of property owned by me and passing under this Will, or  
 (b) with respect to any other property included in my gross estate for the purposes of determining such taxes and whose value is allowed as a marital or charitable deduction in the Federal Estate Tax proceeding relating to my estate, shall be paid from my residuary estate. All such taxes with respect to any other property, except those taxes as to which payment is directed to be made from such property which shall be paid from such property, shall be paid by the Trustee or the persons in possession thereof or benefitted thereby, in proportion to the value of the property received or enjoyed by each bears to the value of all such property as finally determined in the respective tax proceeding relating to my estate.

**ITEM SIX**

I hereby nominate, constitute and appoint my daughters, **VICTORIA LOUISE HYNEMAN** and **BRENDA GAIL LYALLS**, as Co-Executors of this, my Last Will and Testament, and direct that they be permitted to serve in said capacity without giving bond or other security. In the event that either of said daughters shall be unable or unwilling to serve as Executor, then I direct that the other named daughter serve as Executor of this, my Last Will and Testament, and direct that she be permitted to serve in said capacity without giving bond or other security.

**ITEM SEVEN**

I hereby nominate, constitute and appoint my daughter, **VICTORIA LOUISE HYNEMAN**, as Trustee of all Trusts created in this, my Last Will and Testament. In the event Victoria Louise Hyneman shall be unable or unwilling to serve as Trustee, then I direct that **BRENDA GAIL LYALLS** shall be appointed as Trustee or Successor Trustee of all Trusts created herein.

I direct that my Trustee(s) shall not be required to qualify, to file any inventory, appraisal, account or report to any Court, or to give bond (unless in each case said Trustee(s) is otherwise required to do so, notwithstanding this provision), but shall furnish annually to each current income beneficiary reports and accounts for all receipts and disbursements during each accounting period.

**ITEM EIGHT**

I grant my Executor with respect to my estate and my Trustee with respect to any trust

  
 Elizabeth J. Sweat

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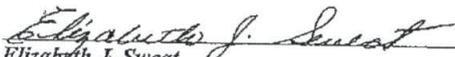
created under this will the authority and power to exercise, in her sole discretion and without court order, in respect of any property forming part of my estate or of any such trust or otherwise in its possession hereunder, all powers conferred by law upon Executors and Trustees, or expressed in this will, and I intend that the powers so granted be construed in the broadest possible manner. Subject to North Carolina General Statutes Section 32-26, I further confer upon my Executor and Trustee all the powers set forth in North Carolina General Statutes Section 32-27 which are hereby incorporated by reference as they exist at the time of my execution of this will. In addition, my Executor and Trustee shall also have the powers, authority and discretion hereinafter set forth:

(1) **PROPERTY DESCRIPTIONS:** To determine what property is covered by general descriptions contained in this will.

(2) **REAL PROPERTY:** To take possession, custody or control of any real property in my estate without court approval and without notification to any beneficiary of my estate or any trusts hereunder; and to sell, lease or mortgage any real property, by public or private sale, at such time and upon such terms and conditions as my Executor may deem best, all without the necessity of obtaining the approval or authorization of any court, whether title to such property is vested in my Executor. My Executor's determination that it is in the best interest of the administration of my estate to apply the resulting proceeds from any sale, lease or mortgage of such property to the payment of debts and other claims against my estate, and its determination that possession, custody or control of such property is not in the best interest of the administration of the estate, shall be binding and conclusive on all persons taking hereunder.

(3) **FACILITY OF PAYMENTS:** To apply for the benefit of or for the use of any beneficiary hereunder any property (whether principal or income) vesting in or payable to such beneficiary, without seeing to the application of the payments so made and for which the receipt of the payee shall constitute a full acquittance of the Fiduciary.

(4) **NON-PRO RATA DISTRIBUTIONS:** To make distributions under this will (without the consent of any beneficiary) in cash or in specific property, real or personal, or in undivided interests therein, or partly in cash and partly in such property, and to do so without

  
Elizabeth J. Sweat

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*regard to the income tax basis of specific property allocated to any beneficiary (including any trust) and without making pro rata divisions of specific assets.*

(5) *ELIMINATION OF SMALL TRUSTS: To terminate or not establish any trust created or to be created under this will (other than a qualified charitable remainder trust) whenever my Trustee determines it would be contrary to the best interests of the beneficiaries by reason of the small amount involved, legislation or unforeseen changes or circumstances to create or continue such a trust shall be distributed to the beneficiaries then entitled to the income of such trust. If the beneficiaries of such income depend upon the exercise of my Trustee's discretion, then my Executor or Trustee, as the case may be, shall distribute such property among those beneficiaries and in such proportions as my Trustee, in her sole discretion, shall determine, and its determination shall be binding and conclusive upon all interested persons.*

(6) *TRANSACTIONS BETWEEN RELATED ENTITIES: To sell assets of my estate or any trust created under this will to the beneficiaries thereof, to any member of my family or to itself as Executor or Trustee of any other trust or estate at the fair market value thereof; to purchase assets from any member of my family, from any other trust or estate or the beneficiaries thereof for my estate or any trust created under this will at the fair market value thereof; and to lend money to such other trusts or estates, the beneficiaries thereof or any member of my family at rates of interest and upon security determined by my Executor or Trustee to be adequate; provided I, my spouse, my parents or my descendants are the respective Grantors or beneficiaries of such other trusts or estates.*

(7) *DIRECT DISTRIBUTIONS TO TRUST BENEFICIARIES: To make distributions directly from my estate to the beneficiaries of trusts established under this will; provided that the Trustee of any such trust would be authorized or directed to make distributions to the beneficiaries.*

(8) *MERGER OF TRUSTS: To merge the assets of any trust created under this will with those of any other trust, by whomsoever created, maintained for the same beneficiaries upon substantially the same terms (even though the component trusts differ as to contingent*

*Elizabeth J. Sweat*  
Elizabeth J. Sweat

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beneficiaries, in which case, if the contingency occurs, the funds may be distributed in such shares as the Trustee, in her sole discretion, deems necessary to create a fair ratio between the various sets of remaindermen).

(9) *WITHHOLDING FOR TAXES:* To withhold distribution of an amount of property sufficient, in its judgment, to cover any liability that may be imposed on the Trustee for estate or other taxes until such liability is finally determined and paid.

Notwithstanding any other provision of this will to the contrary, no power or authority conferred by law or expressed or specifically incorporated in this will shall be exercised in such manner as would cause any devise for the benefit of my spouse, which would otherwise qualify for the federal estate tax marital deduction, to fail to qualify for such deduction.

ITEM NINE

SECTION 1: As used in this will, the masculine, feminine and neuter gender, and the singular and plural numbers, whenever the context requires or permits, shall be deemed to include the other genders or numbers respectively.

Titles and headings contained in this will shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Will.

SECTION 2: Unless otherwise stated in this Will, the following definitions shall control the meaning of this Will:

(a) The term "Husband" or "spouse" or their possessive, wherever used in this Will, whether generally or in the context of a specific devise, or appointment or otherwise, refers solely and specifically to my husband, "Reginald E. Sweat;"

(b) The terms "child", "children", and "lineal descendants" are each intended to include adopted persons for all purposes whether such persons are adopted before or after the execution of this Will or before or after my death;

(c) The term "devise" refers to distributions of real property or personal property or both, depending upon the context in which such term is used;

(d) The term "Internal Revenue Code" means the United States Internal Revenue

  
Elizabeth J. Sweat

PAGE TWELVE OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT

Code of 1954, as amended, and any subsequent corresponding law enacted in its place, and;

(e) The term "property" shall be deemed to include interests in property.

I, ELIZABETH J. SWEAT, the Testatrix, sign my name to this instrument this the 17<sup>th</sup> day of August, 2001, being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

*Elizabeth J. Sweat*  
Elizabeth J. Sweat

We, Robert M. Grant, Jr. and Chrystal N. DeHart, the witnesses, sign our name to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testatrix signs and executes this instrument as her Last Will and that she signs it willingly, and that each of us, in the presence and hearing of the testatrix, hereby signs this Will as witness to the testatrix's signing and, to the best of our knowledge, the testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

*Robert M. Grant, Jr.*  
Witness

*Chrystal N. DeHart*  
Witness

NORTH CAROLINA  
CATAWBA COUNTY

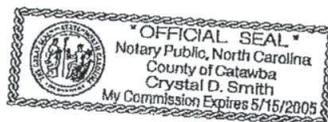
Subscribed and sworn to and acknowledged before me by ELIZABETH J. SWEAT, the testatrix, and subscribed and sworn to before me by Robert M. Grant, Jr. and Chrystal N. DeHart, witnesses, this the 17<sup>th</sup> day of August, 2001.

*Crystal D. Smith*  
Notary Public

My Commission Expires:

5/15/2005

(SEAL)



*Elizabeth J. Sweat*  
Elizabeth J. Sweat

NORTH CAROLINA  
CATAWBA COUNTY

FIRST CODICIL

I, **ELIZABETH J. SWEAT**, a resident of said State and County, declare this to be the First Codicil to the Last Will and Testament executed by me on August 17, 2001.

I.

I hereby amend my Will by adding the following sentences to the end of the first paragraph in SECTION 4 of ITEM TWO:

“Any share apportioned to or distributed to my son, Reginald Bradford Sweat, shall be held by my Trustee under the provisions of ITEM FOUR, PART B.1. Before making any apportionments or distributions as set forth in Section 4 herein, my Executor is directed to give to my daughter, **VICTORIA LOUISE HYNEMAN**, a right of first refusal, exercisable within sixty days of written notice thereof, to buy my residence located at 3995 Elizabeth Street, Hickory, North Carolina, at two-thirds of the then current fair market value, as determined by an appraisal performed by a certified real estate appraiser. If this right of first refusal is not exercised within sixty days after such written notice, then the apportionments and distributions shall be made as set forth in Section 4 as if this provision did not exist.”

II.

I hereby amend my Will by deleting SECTION 2 of PART B of ITEM FOUR thereof and substituting the following in lieu thereof:

**ITEM FOUR**

**PART B**

**FAMILY TRUST**

SECTION 2: Each share apportioned for a beneficiary who has reached twenty-five (25) years of age shall be distributed by my Trustee to the said beneficiary free and discharged of trust. Provided, however, that any share distributable to my son, **REGINALD BRADFORD SWEAT**, shall be distributed as set forth in PART B.1.”

III.

I hereby amend my Will by adding a PART B.1 to ITEM FOUR, which will be inserted between PART B and PART C in ITEM FOUR thereof:

**"ITEM FOUR****PART B.1****TRUST FOR REGINALD BRADFORD SWEAT**

This article establishes a Trust for Reginald Bradford Sweat. The share of my estate that is set aside for, apportioned to, or distributable to Reginald Bradford Sweat shall be held by my Trustee or his successor, in a Trust for the benefit of Reginald Bradford Sweat in accordance with the following provisions:

The Trustee may distribute all or any portion of the trust property to Reginald Bradford Sweat in such amounts and at such times as the Trustee, in his discretion, may determine. Distributions under this Trust are in the sole and absolute discretion of the Trustee. I have no obligation of support owing to Reginald Bradford Sweat, and he has no entitlement to the income or corpus of this Trust, except as my Trustee, in his complete, sole, absolute, and unfettered discretion, elects to disburse. In this regard, my Trustee may act unreasonably and arbitrarily, as I could myself if I were living and in control of these funds. The Trustee's sole and independent judgment, rather than any other parties' determination, is intended to be the criterion by which disbursements are made. No court or any other person should substitute its or their judgment for the discretionary decision or decisions made by the Trustee.

Any income received by the Trustee not distributed to or for the benefit of the trust beneficiary shall be added annually to the Trust's principal. If it becomes necessary to interpret any provision of this Trust, it is specifically intended that the Trust does not create any rights in Reginald Bradford Sweat as a beneficiary.

This Trust is not intended to be a resource of Reginald Bradford Sweat, and it is not available to him. It is intended to be a discretionary spendthrift trust. No interest in the principal or income of this Trust shall be anticipated, assigned or encumbered or shall be subject to any creditors' claims, or to any legal process prior to the actual receipt by my son, Reginald Bradford Sweat. No part of the Trust estate shall be subject to the claims of Reginald Bradford Sweat's estate's creditors, or his voluntary or involuntary creditors during his lifetime.

Upon the death of Reginald Bradford Sweat, the Trustee shall pay over and shall distribute the remaining principal and undistributed income of this Trust to Reginald Casey Sweat, if living, and if not then living, to my living issue, per stirpes."

## IV.

I hereby amend my Will by deleting ITEM SEVEN and substituting the following in lieu thereof:

## "ITEM SEVEN

I hereby nominate, constitute, and appoint, my daughters, **VICTORIA LOUISE HYNEMAN and BRENDA GAIL LYALLS**, to be Co-Trustees of the Trust for Reginald Bradford Sweat established under this Will. In the event that either Victoria Louise Hyneman or Brenda Gail Lyalls shall fail to act or shall resign or die, then I appoint the other to serve as the sole successor Trustee. I appoint Victoria Louise Hyneman to be Trustee of all other trusts established under this Will. In the event that Victoria Louise Hyneman fails to act or shall resign or die, then I appoint Brenda Gail Lyalls to be successor Trustee. Each Trustee shall have the right to resign without court order at any time in a writing signed by the Trustee, and delivered to the successor Trustee, such resignation to be effective upon the acceptance of the Trusteeship by a successor Trustee. The sole successor Trustee shall have the right to appoint without court order a successor individual or corporate Trustee in a writing signed by a Trustee which states the event or events upon which the successor Trustee shall act.

I direct that my Trustee(s) shall not be required to qualify, to file any inventory, appraisal, account or report to any Court, or to give bond (unless in each case said Trustee(s) is otherwise required to do so, notwithstanding this provision), but shall furnish annually to each current income beneficiary reports and accounts for all receipts and disbursement during each accounting period."

## V.

I hereby amend my Will by adding the following sentence to the end of SECTION 1 of PART B of ITEM FOUR:

## "ITEM FOUR

## PART B

## FAMILY TRUST

SECTION 1. Before making any apportionments or distributions as set forth herein, my Trustee is directed to give to my daughter, **VICTORIA LOUISE HYNEMAN**, a right of first refusal, exercisable within sixty days of written notice thereof, to buy my residence located at 3995 Elizabeth Street, Hickory, North Carolina, at two-thirds of the then current fair market value, as

determined by an appraisal performed by a certified real estate appraiser. If this right of first refusal is not exercised within sixty days after such written notice, then the apportionments and distributions shall be made as if this provision did not exist.”

VI.

In all other respects, I ratify and confirm all of the provisions of my said Will dated August 17, 2001.

I, ELIZABETH J. SWEAT, the Testatrix, sign my name to this instrument this   1   day of   September  , 2004, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as the First Codicil to my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Elizabeth J. Sweat (SEAL)  
Elizabeth J. Sweat

We, Kimberly H. Whitley Barbara Gore  
and Beverly L. Cook, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as the First Codicil to her Last Will and Testament and that she signs it willingly, and that each of us, in the presence and hearing of the Testatrix, hereby signs this Codicil as witness to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Kimberly H. Whitley  
Barbara Gore  
Beverly L. Cook  
Witnesses

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

Subscribed, sworn to and acknowledged before me by **ELIZABETH J. SWEAT**, the  
Testatrix, and subscribed and sworn to before me by Kimberly H. Whitley,  
Barbara Gore, and Beverly L. Cook  
the witnesses, this 1 day of September, 2004.

*Rosalee Oden*

Notary Public

My Commission Expires: 7/24/2005

Document #243228



CERTIFICATION OF VITAL RECORD

STATE OF NORTH CAROLINA  
CATAWBA COUNTY  
OFFICE OF REGISTER OF DEEDS

2012  
0734

BK 2012 PG 0734

NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
N. C. VITAL RECORDS

CERTIFICATE OF DEATH

Registration District No. 012 00 Local No. 734

DECEDENT'S NAME (First, Middle, Last) <b>Elizabeth Johnston Sweat</b>		SEX <b>F</b>	DATE OF DEATH (Month, Day, Year) <b>05/27/2012</b>
SOCIAL SECURITY NUMBER <b>229-42-2668</b>	AGE - Last Birthday (Years) <b>80</b>	UNDER 1 YEAR Months Days <b>05 04</b>	UNDER 1 DAY Hours Minutes <b>00 00</b>
DATE OF BIRTH (Month, Day, Year) <b>05/04/1932</b>	BIRTHPLACE (County and State or Foreign Country) <b>Portsmouth, VA</b>		

7. **NO** WAS DECEDENT BORN IN U.S. ARMED FORCES? (Yes or No)

8. **NO** PLACE OF DEATH (Check only one)  
 HOSPITAL:  Inpatient  ER/Outpatient  COA OTHER:  Nursing Home  Residence  Other (Specify) **Hospice**

DECEDENT

9. **Hospice of Catawba Valley** FACILITY NAME (If not institution, give street and number)

10. **Newton** CITY, TOWN, OR LOCATION OF DEATH

11. **NO** INSIDE CITY LIMITS? (Yes or No)

12. **Catawba** COUNTY OF DEATH

13. **Married** MARITAL STATUS (Married, Never Married, Widowed, Divorced) (Specify)

14. **Reginald E. Sweat** SURVIVING SPOUSE (Name, give maiden name)

15. **Homemaker** DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.)

16. **Own Home** KIND OF BUSINESS/INDUSTRY

17. **NC** RESIDENCE - STATE

18. **Catawba** COUNTY

19. **Hickory** CITY, TOWN, OR LOCATION

20. **3995 Elizabeth Street** STREET AND NUMBER

21. **NO** INSIDE CITY LIMITS? (Yes or No)

22. **28601** ZIP CODE

23. **White** RACE - American Indian, Black, White, Etc. (Specify)

24. **14** DECEDENT'S EDUCATION (Specify only highest grade completed: Elementary/Secondary (0-12) College (13-16))

PARENTS

25. **Earl Francis Johnston Sr.** FATHER'S NAME (First, Middle, Last)

26. **Sarah Elizabeth Parker** MOTHER'S NAME (First, Middle, Maiden Surname)

INFORMANT

27. **Reginald E. Sweat** INFORMANT'S NAME (Type/Print)

28. **3995 Elizabeth Street Hickory NC 28601** MAILING ADDRESS (Street and Number or Rural Route Number, City, of Town, State, Zip Code)

29. **DATE AMENDED**

30. **cerebral embolism** Part I. Enter the disease, injury, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. If appropriate, enter tobacco, alcohol, or drug use. List only one cause on each line. (FRONT or TYPE)

CAUSE OF DEATH

31. **IMMEDIATE CAUSE** (Final disease or condition resulting in death)

32. **Due to (or as a consequence of)**

33. **Sequitally list conditions if any, leading to immediate cause. Enter UNDERLYING CAUSE** (Disease or injury - final related event resulting in death) LAST.

34. **Due to (or as a consequence of)**

35. **Other significant conditions contributing to death but not resulting in the underlying cause given in Part I, such as tobacco, alcohol, or drug use, diabetes, etc.**

36. **NO** AUTOPSY? (Yes or No) (If yes, were findings considered a determining cause of death?)

37. **NO** Was case referred to Medical Examiner? (Yes or No)

38. **TIME OF DEATH**

NOTICE: STATE LAW REQUIRES THAT ALL DEATHS DUE TO TRAUMA, ACCIDENT, HOMICIDE, SUICIDE, OR UNDER SUSPICIOUS, UNUSUAL OR UNNATURAL CIRCUMSTANCES BE REPORTED TO, AND CERTIFIED BY A MEDICAL EXAMINER ON A MEDICAL EXAMINER'S CERTIFICATE OF DEATH. ANY DEATH FALLING INTO THESE CATEGORIES IS WITHIN THE MEDICAL EXAMINER'S JURISDICTION REGARDLESS OF THE LENGTH OF SURVIVAL FOLLOWING THE UNDERLYING INJURY.

CERTIFIER

39. **Medical Director** SIGNATURE AND TITLE OF CERTIFIER

40. **MAY 28, 2012** DATE SIGNED (Month, Day, Year)

41. **Debra Ann Jimenez** NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Type/Print)

42. **3975 ROBINSON ROAD, NEWTON NC 28658**

DISPOSITION

43. **Burial** METHOD OF DISPOSITION  Burial  Cremation  Removal  Donation  Other

44. **Carolina Cremation Services** PLACE OF DISPOSITION (Name of cemetery, crematory, or other place)

45. **Lenoir NC 28648** LOCATION - City or Town, State, Zip Code

46. **Hickory Funeral Home** NAME AND ADDRESS OF FUNERAL HOME

47. **1031 11th Avenue Blvd SE, Hickory, NC 28602**

48. **Ronald Swift** NAME OF FUNERAL DIRECTOR

49. **FD 2593** LICENSE NUMBER

50. **Not Embalmed** NAME OF EMBALMER

51. **26.** LICENSE NUMBER

Substitute for: OHNS 1872 Revised 3/03 VITAL RECORDS

52. **MAY 31 2012** DATE FILED (Month, Day, Year)

This is to certify that this is a true and correct reproduction of the official record filed in Catawba County in

Book 2012 Page 734

Donna Hicks Spencer  
Register of Deeds

*Donna Hicks Spencer*  
Register of Deeds

WITNESS MY HAND AND OFFICIAL SEAL, THIS

February 25, 2013

Any alteration to this record is void. Do not accept unless security paper with Vital Records seal clearly embossed in right corner.



CERTIFICATION OF VITAL RECORD

STATE OF NORTH CAROLINA  
CATAWBA COUNTY  
OFFICE OF REGISTER OF DEEDS

BK 2012 PD 0734

NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
N. C. VITAL RECORDS  
CERTIFICATE OF DEATH

Registration District No. 018 00 Local No. 734  
DECEDENT'S NAME (First, Middle, Last) Elizabeth Johnston Sweat SEX F DATE OF DEATH (Month, Day, Year) 05/27/2012

1. Elizabeth Johnston Sweat  
SOCIAL SECURITY NUMBER 229-22-2665 AGE (Last Birthday) 80 UNDERLYING CAUSE (Specify) Stroke HOSPITAL  Inpatient  Outpatient  COA  OTHER:  Nursing Home  Residence  Other (Specify)  Hospice  
WAS DECEDENT EVER IN U.S. ARMED FORCES? (Yes or No) No 9a. PLACE OF DEATH (Check only one)  
FACILITY NAME (if not institution, give street and number) 99, Hospice of Catawba Valley CITY, TOWN, OR LOCATION OF DEATH Newton INSIDE CITY LIMITS? NO COUNTY OF DEATH Catawba

MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify) Married SURVIVING SPOUSE (If with child, maiden name) Reginald E. Sweat 12a. HOMEMAKER 12b. OWN HOME  
RESIDENCE STATE NC COUNTY Catawba CITY, TOWN, OR LOCATION Hickory STREET AND NUMBER 3995 Elizabeth Street

13a. INSIDE CITY LIMITS? No ZIP CODE 28601 Was Decedent of Hispanic Origin? (Specify Yes or No - If yes, specify Cuban, Mexican, Puerto Rican, etc.) No RACE White 14. DECEASED'S USUAL OCCUPATION (Give kind of work during most of working life. Do not use retired.) Homemaker KIND OF BUSINESS/INDUSTRY Own Home

15. MOTHER'S NAME (First, Middle, Maiden Surname) Sarah Elizabeth Parker

16. INFORMANT'S NAME (Type or Print) Reginald E. Sweat MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 3995 Elizabeth Street Hickory, NC 28601 DECEASED'S APPROXIMATE TIME PERIOD BETWEEN ONSET AND DEATH Not Applicable

17. IMMEDIATE CAUSE (Cause of death) Cerebral embolism  
DUE TO (OR AS A CONSEQUENCE OF):  
18. UNDERLYING CAUSE (Underlying cause of death) Cerebral embolism  
DUE TO (OR AS A CONSEQUENCE OF):

19. SIGNATURE AND TITLE OF CERTIFIER Donna Hicks Spencer, Medical Director DATE SIGNED (Month, Day, Year) MAY 28, 2012

20. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Type or Print) ON MARY MARY SIMPSON, 3775 ROBINSON ROAD, NEWTON NC 28658

21. METHOD OF DISPOSITION 25a. Cremation PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Carolina Cremation Services LOCATION - City or Town, State, Zip Code Lenoir, NC 28645

22. NAME AND ADDRESS OF FUNERAL HOME Hickory Funeral Home, 1031 11th Avenue Blvd SE, Hickory, NC 28602 NAME OF FUNERAL DIRECTOR Ronald Swain LICENSE NUMBER FD 2593

23. REGISTERAR'S SIGNATURE [Signature] DATE FILED (Month, Day, Year) MAY 31 2012 24. NAME OF EMBALMER Not Embalmed LICENSE NUMBER 26a.

Substitute for: DHHS 1972 (Revised 3/02 Review 3/09) VITAL RECORDS



Volume 2012 Page 734

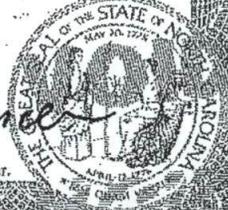
This is to certify that this is a true and correct reproduction of the official record filed in this office.

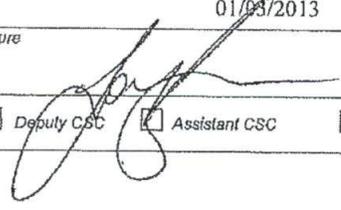
Donna Hicks Spencer  
Register of Deeds

Witness my hand and official seal

this the 15<sup>th</sup> day of June 2012 By: Donna Hicks Spencer  
Register of Deeds

Any alteration or erasure voids this certificate. Do not accept unless on security paper with Vital Records seal clearly embossed in left corner.



<b>STATE OF NORTH CAROLINA</b>		File No. <span style="float: right;">12 E 628</span> In The General Court Of Justice Superior Court Division Before the Clerk
_____ CATAWBA _____ County		
<b>IN THE MATTER OF THE ESTATE OF:</b>		
Name ELIABETH JOHNSTON SWEAT aka ELIZABETH J. SWEAT	<b>LETTERS</b> TESTAMENTARY	
G.S. 28A-6-1; 28A-6-3; 28A-11-1; 36C-2-209		
<p>The Court in the exercise of its jurisdiction of the probate of wills and the administration of estates, and upon application of the fiduciary, has adjudged legally sufficient the qualification of the fiduciary named below and orders that Letters be issued in the above estate.</p> <p>The fiduciary is fully authorized by the laws of North Carolina to receive and administer all of the assets belonging to the estate, and these Letters are issued to attest to that authority and to certify that it is now in full force and effect.</p> <p>Witness my hand and the Seal of the Superior Court.</p>		
Name And Address Of Fiduciary 1 VICTORIA L. HYNEMAN aka VICTORIA LOUISE HYNEMAN 4486 STEEPLECHASE DRIVE HICKORY, NC 28601	Date Of Qualification 12/14/2012 Clerk Of Superior Court AL JEAN M. BOGLE	
Title Of Fiduciary 1 CO-EXECUTRIX	<b>EX OFFICIO JUDGE OF PROBATE</b>	
Name And Address Of Fiduciary 2 BRENDA G. LYALLS aka BRENDA GAIL LYALLS CAIN 4000 ELIZABETH STREET HICKORY NC 28601	Date Of Issuance 01/03/2013 Signature 	
Title Of Fiduciary 2 CO-EXECUTRIX	<input checked="" type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

**SEAL**

**NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.**

**Satellite Annexation**  
**by the City of Hickory**  
**of the property of**  
**Reginald E. Sweat**

That certain parcel or tract of land lying and being 6.40 miles north northeast of the center of the City of Hickory. Bounded on the west by other City of Hickory city limits as shown in Plat Book 45 at Page 82; on the north and the east by other City of Hickory city limits as shown in Plat Book 22 at Page 272; on the south by the 60' right-of-way of Wandering Lane NE and more particularly described as follows, to wit.

Beginning at a 0.04' rebar on the north right-of-way Wandering Lane NE, said rebar being located North 74 degrees 22 minutes 56 seconds East 99.88 feet from a hydrant in the southwest corner of the intersection of Wandering Lane NE and 36<sup>th</sup> Street NE and running thence, with the north right-of-way of Wandering Lane NE, North 63 degrees 23 minutes 39 seconds West 297.38 feet to a 0.05' rebar on the north right-of-way of Wandering Lane NE; thence, leaving said right-of-way and with the existing City of Hickory city limits as shown in Plat Book 45 at Page 82, North 01 degrees 47 minutes 08 seconds East 32.96 feet to a 0.05' rebar; thence, with said City of Hickory city limits, North 00 degrees 39 minutes 54 seconds East 83.37 feet to a 0.14' channel, a corner of the City of Hickory city limits Shown in Plat Book 22 at Page 272; thence, with said City of Hickory city limits the following calls: South 87 degrees 17 minutes 31 seconds East 296.78 feet to a 0.08' pinch top; thence, South 03 degrees 52 minutes 36 seconds West 223.16 feet to a 0.10' pipe; thence, North 70 degrees 14 minutes 35 seconds West 38.02 feet to a 0.04' rebar; thence, South 35 degrees 30 minutes 36 seconds East 31.53 feet to the point of beginning. Containing 1.199 acres more or less.

## VOLUNTARY NON-CONTIGUOUS ANNEXATION ANALYSIS

**APPLICANT:** Reginald E. Sweat

**PROPERTY LOCATION (See Map 1):** 3597 Wandering Lane NE, between Sulphur Spring Road NE and Brookridge Drive NE

**PIN NUMBER:** 3735-17-11-2352

**WARD:** If annexed, the subject property will be located in Ward 2 (Councilwoman Williams).

**REQUESTED ACTION:** The request is for voluntary non-contiguous annexation.

**ACREAGE:** 1.199 acres.

**DEVELOPMENT POTENTIAL:** The subject property is currently zoned R-20 Residential by Catawba County. Under Catawba County's current zoning, the property may be developed for one and two family residential uses at an intensity of two (2) dwelling units per acre, which could potentially yield two (2) new single-family dwelling units, or four (4) two-family dwelling units (duplexes).

Should the property be annexed, and rezoned to R-2 Residential, the property could be developed for single-family residential, at a density of four (4) dwelling units per acre, which theoretically could yield four (4) single-family dwelling units. The property owner has indicated they intend to divide property into two (2) lots, and build two (2) single-family residences.

**TAX VALUE:** The current tax value of the property is \$21,800. If annexed with its present value, the property would immediately generate additional tax revenues of \$128.75. The future tax revenues generated by the development of the property is currently unknown.

**POPULATION INCREASES:** The subject property is proposed to be utilized for single-family residences. Current estimates for Hickory indicate single-family residences average 2.46 occupants. If the property is developed as the owner intends, approximately four (4) to five (5) new residents could be added to Hickory's population.

**SCHOOL DISTRICTS:** The property is located within the jurisdictional area of the Catawba County Public School System, and located in the following school districts:

School Type	School District	Student Multiplier Per Dwelling	Number of Potential Dwelling Units	Potential Additional Students
Elementary	Snow Creek	0.21	2	0.42
Middle	Arndt	0.09	2	0.18
High	St. Stephens	0.13	2	0.26

*\*Note: The student multipliers above reflect numbers for single-family dwellings only.*

**SURROUNDING LAND USE AND ZONING (See Maps 2 & 3):**

- **North:** The properties are zoned R-2 Residential by Hickory, and are occupied by single-family residences, which are part of the Catawba Springs and Wandering Meadows subdivisions;
- **South:** The properties are zoned R-2 Residential by Hickory, and R-20 Residential by Catawba County. These properties are either occupied by a single-family residence, or vacant, one of which is part of the Willow Place subdivision;
- **East:** The property is zoned R-2 Residential by Hickory. This property is occupied by a single-family residence, which is part of the Wandering Meadows subdivision; and
- **West:** The property is zoned R-2 Residential by Hickory. This property is occupied by a single-family residence, which is part of the Catawba Springs subdivision.

**UTILITY SERVICE:** Water and sewer are in the vicinity of the property. The property owner will be responsible for any necessary extensions.

**ACCESS:** Access to the subject property is available from Wandering Lane NE which is a NCDOT maintained roadway (SR 1511).

**DISTANCE FROM CITY LIMITS (See Map 1):** The proposed annexation area is located approximately 2.2 miles from Hickory's proper municipal boundary. If annexed, the subject property would become part of a large non-contiguous part of Hickory; which consists of several residential subdivisions.

**STAFF COMMENTS:**

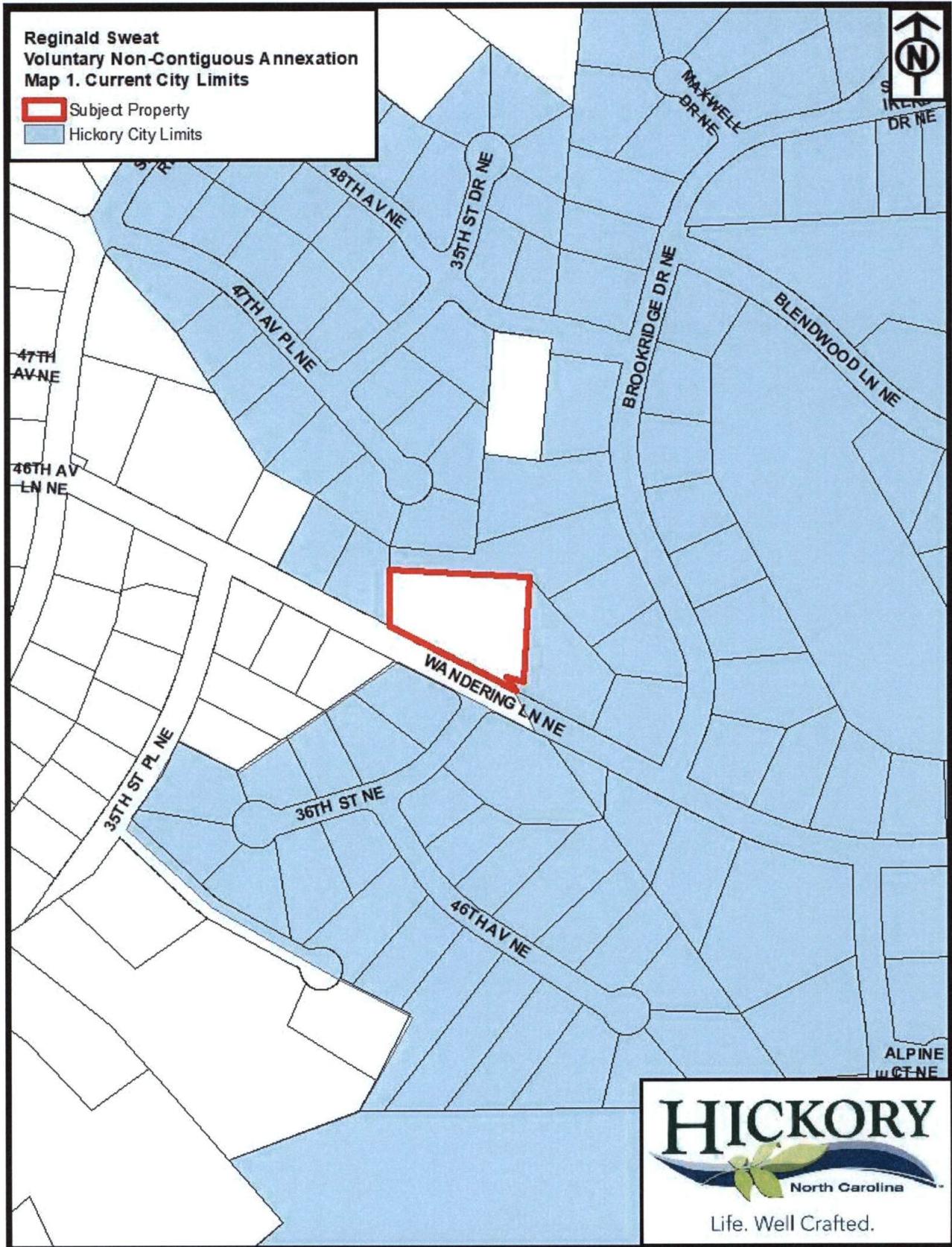
- **Fire:** Annexation of this property would not adversely affect the operations of the fire department at this time. The property is currently in HFD Station 2's response area and will remain in such with no changes.
- **Police Department:** Annexation would not adversely affect the police department. The properties, upon annexation, would be in Baker PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** no objections.
- **Public Utilities:** Water and sewer are in the vicinity of the property. Sewer taps will have to be made on the property's southwest corner. The property owner must provide an easement, registered with the Register of Deeds, for service to the second future lot.

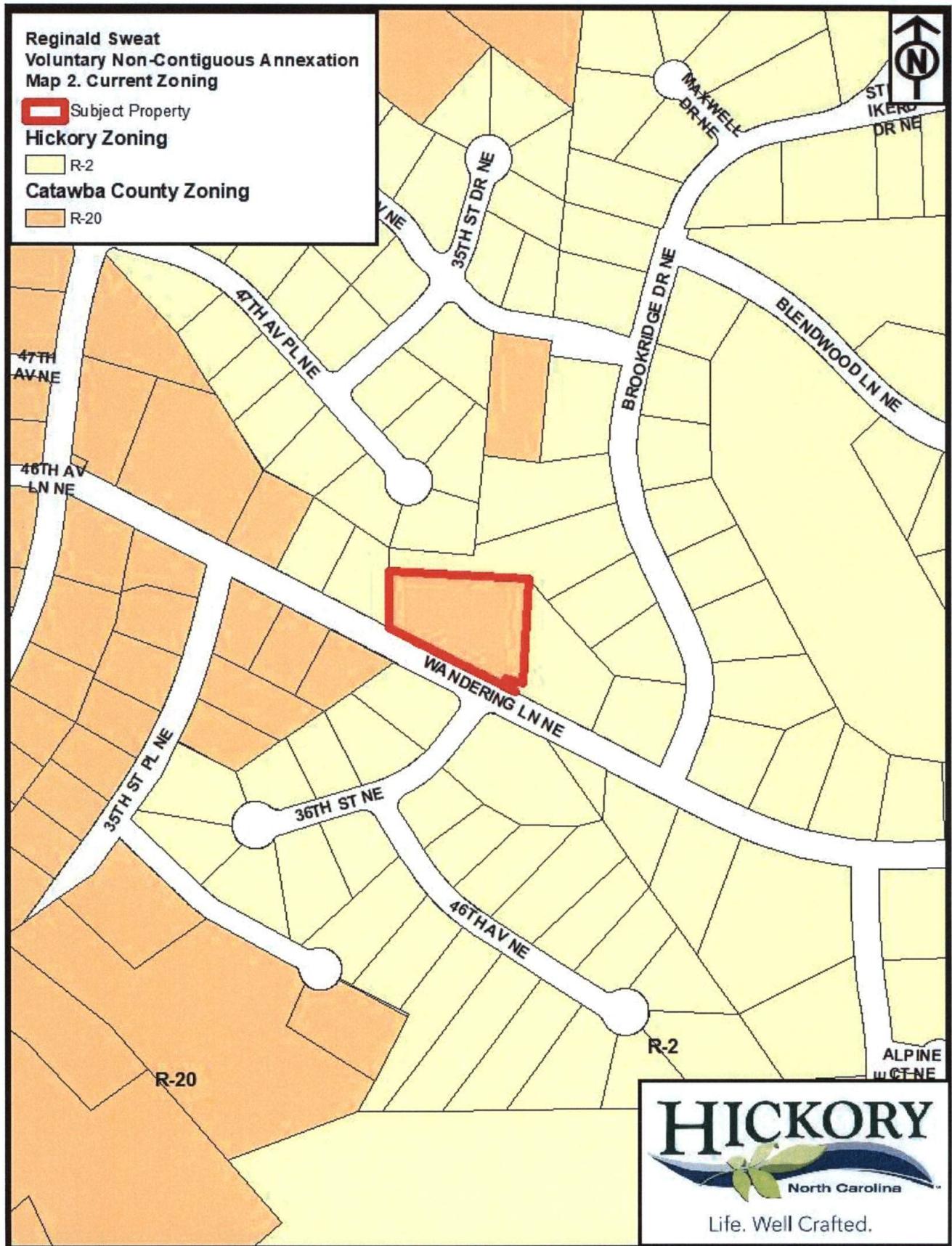
- Legal: No objections.
- City Manager's Office: No objections.

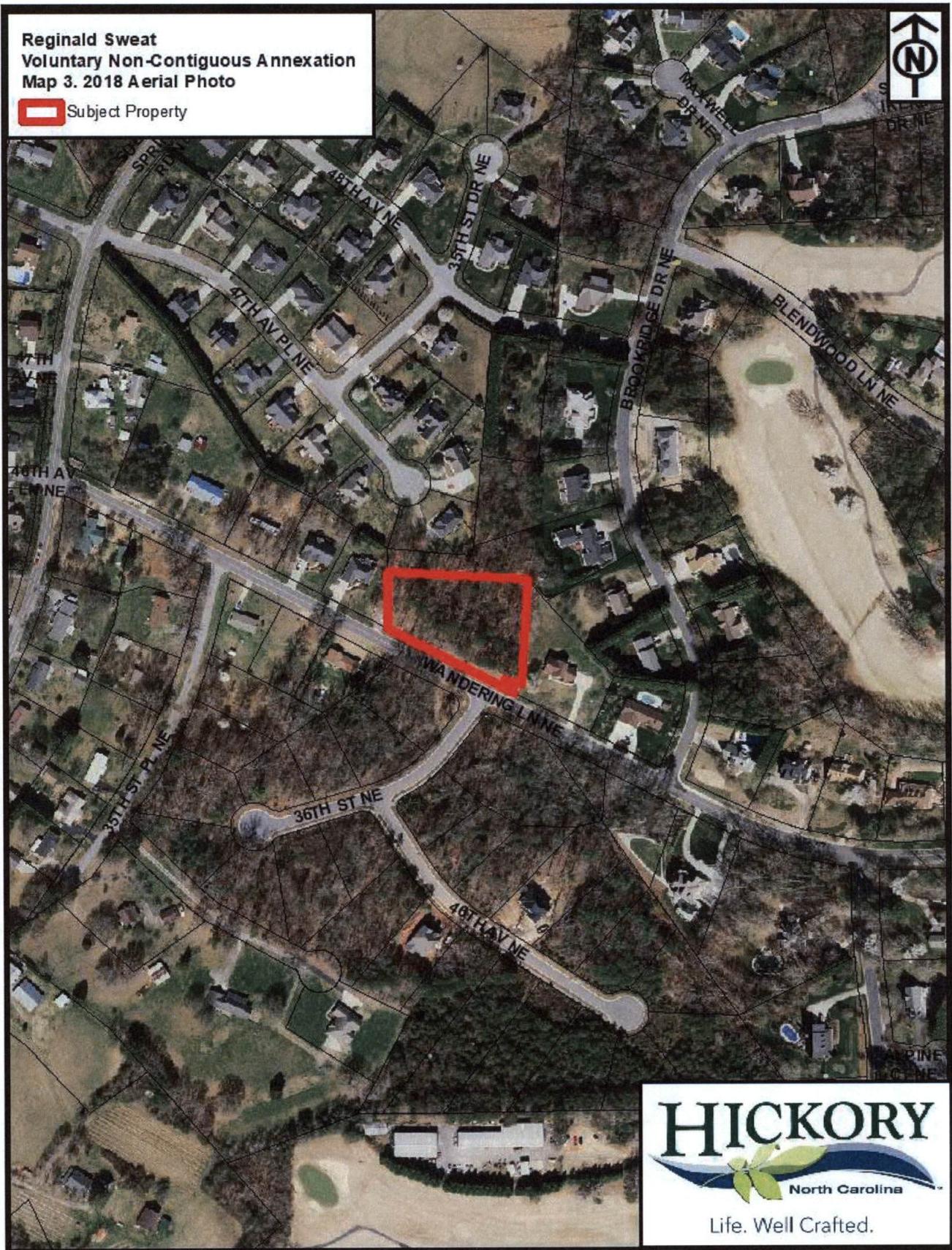
**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

1. The voluntary non-contiguous annexation petition complies with all applicable statutes regarding the voluntary annexation of non-contiguous properties;
2. Adequate public services are available in sufficient quantities to properly serve the subject properties; and
3. The annexation of the properties will not cause available public services to fall below acceptable levels.

Based upon the findings provided above, staff recommends City Council approve the voluntary non-contiguous annexation petition.







Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory  
P.O. Box 398, Hickory, NC 28603-0398

**ANNEXATION ORDINANCE NO. 462**

**VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)**

**Reginald E. Sweat**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO  
GENERAL STATUTES 160A-58.1, AS AMENDED (NON-CONTIGUOUS)**

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 7:00 p.m. on the 15<sup>th</sup> day of December 2020; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described non-contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31<sup>st</sup> day of December 2020:

SATELLITE ANNEXATION  
BY THE CITY OF HICKORY  
OF THE PROPERTY OF  
REGINALD E. SWEAT

That certain parcel or tract of land lying and being 6.40 miles north northeast of the center of the City of Hickory. Bounded on the west by other City of Hickory city limits as shown in Plat Book 45 at Page 82; on the north and the east by other City of Hickory city limits as shown in Plat Book 22 at Page 272; on the south by the 60' right-of-way of Wandering Lane NE and more particularly described as follows, to wit.

Beginning at a 0.04' rebar on the north right-of-way Wandering Lane NE, said rebar being located North 74 degrees 22 minutes 56 seconds East 99.88 feet from a hydrant in the southwest corner of the intersection of Wandering Lane NE and 36<sup>th</sup> Street NE and running thence, with the north right-of-way of Wandering Lane

NE, North 63 degrees 23 minutes 39 seconds West 297.38 feet to a 0.05' rebar on the north right-of-way of Wandering Lane NE; thence, leaving said right-of-way and with the existing City of Hickory city limits as shown in Plat Book 45 at Page 82, North 01 degrees 47 minutes 08 seconds East 32.96 feet to a 0.05' rebar; thence, with said City of Hickory city limits, North 00 degrees 39 minutes 54 seconds East 83.37 feet to a 0.14' channel, a corner of the City of Hickory city limits Shown in Plat Book 22 at Page 272; thence, with said City of Hickory city limits the following calls: South 87 degrees 17 minutes 31 seconds East 296.78 feet to a 0.08' pinch top; thence, South 03 degrees 52 minutes 36 seconds West 223.16 feet to a 0.10' pipe; thence, North 70 degrees 14 minutes 35 seconds West 38.02 feet to a 0.04' rebar; thence, South 35 degrees 30 minutes 36 seconds East 31.53 feet to the point of beginning. Containing 1.199 acres more or less.

Section 2. Upon and after the 31<sup>st</sup> day of December 2020, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly-annexed territory described herein shall become part of Ward No. 2 of the City of Hickory.

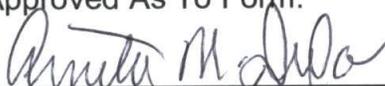
Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

ADOPTED THIS 15<sup>TH</sup> DAY OF DECEMBER 2020.

\_\_\_\_\_  
Hank Guess, Mayor

\_\_\_\_\_  
Warren Wood, City Manager

Approved As To Form:

  
\_\_\_\_\_  
Arnita M. Dula, Deputy City Attorney

**CERTIFICATION OF ANNEXATION ORDINANCE**

NORTH CAROLINA  
CATAWBA COUNTY  
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the Annexation Ordinance of Reginald E. Sweat adopted at a regular meeting of the Hickory City Council held on December 15, 2020, and that said Ordinance is in full force and effective on December 31, 2020.

\_\_\_\_\_  
City Clerk

NORTH CAROLINA  
CATAWBA COUNTY

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that Debbie D. Miller, City Clerk for the City of Hickory, personally appeared before me this date and acknowledged the due execution of the foregoing certificate for the purposes therein expressed.

Witness my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

6

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development – Planning and Development

**Contact Person:** Brian Frazier, Planning Director

**Date:** December 3, 2020

**Re:** Consideration of Rezoning Petition 20-05

**REQUEST**

Conduct a public hearing to consider Rezoning Petition 20-05.

**BACKGROUND**

Reginald Sweat filed a petition to annex 1.119 acres of property located at 3597 Wandering Lane NE the property into the City of Hickory in order to gain access to city utilities. Upon annexation, the zoning of the property must change from Catawba County to City of Hickory. The request is to rezone the property from R-20 Residential to Medium Density Residential (R-2).

The subject property is currently zoned R-20 Residential by Catawba County, and is currently vacant. This property was recently annexed into the City of Hickory in anticipation of single-family residential development.

**ANALYSIS**

The general area is classified as Low Density Residential by the Hickory By Choice 2030 Comprehensive Plan. This classification is intended to provide an area of transition between higher density housing and the surrounding area by offering development at two (2) to four (4) units per acre. The R-2 zoning district's permissible density is four (4) units per acre, which adheres to the recommendations for areas classified as Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan.

**RECOMMENDATION**

The Hickory Regional Planning Commission conducted a public hearing on December 2, 2020 to consider the petition. During the public hearing, the no one spoke in favor of the petition. An adjacent neighbor spoke during the public hearing, but did not cite concerns about the petition, but did cite concerns about stormwater runoff from an adjacent property.

Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

**CITIZEN INPUT:**

As of December 3, 2020, staff has received two (2) inquiries regarding this petition.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

Reviewed by:

Brian M. Frazier 12/03/2020  
Initiating Department Head Date

Rodney Miller 12/8/20  
Asst. City Manager, R. Miller Date

Melvin Miller 12/9/20  
Finance Officer, M. Miller Date

Auntie M. Dula 12-8-20  
Deputy City Attorney, A. Dula Date

Paul Beasley 12/8/20  
Asst. City Manager, R. Beasley Date

\_\_\_\_\_  
Date

Recommended for approval and placement on \_\_\_\_\_ Council agenda (as  
Consent, Public Hearing, Informational, Department Report, etc.).

W. Wood  
City Manager, W. Wood

12-9-20  
Date

**CITY OF HICKORY**  
**APPLICATION FOR REZONING (NON PD OR CZ)**

DATE SUBMITTED: 11-11-2020

**TO THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:**

I (We), the undersigned, do hereby respectfully make application and petition to amend the Zoning Map of the City of Hickory, as hereinafter requested, and in support of this application, the following facts are shown of the application and all required materials):

1. The property proposed to be rezoned is located on Wandering Ln NE between Brookridge Dr NE and Sulphur Springs Rd NE.

PIN NO. (S): 3735-17-11-2352

Physical (Street) Address: 3597 Wandering Lane NE

2. The property is owned by: (please print) Reginald Sweat

(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Reginald Sweat

Address: 3995 Elizabeth Street Hickory, NC 28601

Phone Number: 828-256-7402

Email Address: —

3. The petition is submitted by: Cal Overby / Hickory Planning

(If the Petition is submitted by someone other than the owner, a letter from the owner(s) authorizing the agent to act on his or her behalf must be submitted with the application. This authorization must be signed and notarized by all owners having an interest in the subject property.)

Agent Information:

*(Property was recently annexed. Zoning must be changed to City zoning.)*

Name: None

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

City of Hickory Rezoning Application (Non-PD or CZ)

4. It is desired and requested that the foregoing property be REZONED:

FROM: Catawba Co R-20 TO: Hickory R-2

5. Please list the current use(s) of the property: Vacant / Recently Annexed

5. OWNER'S AFFIDAVIT

We, the undersigned owner(s), hereby certify that the information contained herein and submitted in support of this application is true and correct.

Printed Name of Owner

Signature of Owner

(Please choose the appropriate notary block)

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

Notary Public

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged the he / she is the \_\_\_\_\_ of \_\_\_\_\_ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

Notary Public

**This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.**

NO REVENUE

BOOK 2295 PAGE 1551  
FILED  
RUTH MACKIE  
AUG 20 PM 3 27  
Filed August 20, 2001 at 3:27 P.M. and  
REGIS. CLERK  
CATAWBA CO., N.C.  
recorded in Book 2295 at Page 1551.  
*Ruth Mackie*  
Ruth Mackie, Register of Deeds rsm

Excise Tax

Recording Time, Book and Page

Tax Lot No. ....  
Verified by ..... County on the ..... day of ..... 20.....  
by ..... **025507**

*By Ruth Beaver, Asst.*

Mail after recording to  Corne, Corne & Grant, P.A., PO Drawer 166, Newton, NC 28658-0166.....

This instrument was prepared by Robert M. Grant, Jr., Esq., Corne, Corne & Grant, P.A., Newton, NC .....

Brief description for the Index



### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this .....5th..... day of .....March....., 2001....., by and between

GRANTOR

GRANTEE

REGINALD E. SWEAT and wife,  
ELIZABETH J. SWEAT

ELIZABETH J. SWEAT

3995 Elizabeth Street  
Hickory, NC 28601

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ..... Hickory/Chines..... Township, Catawba..... County, North Carolina, and more particularly described as follows:

See attached Schedule "A"

## SCHEDULE "A"

BOOK 2295 PAGE 1552

**DESCRIPTION OF PROPERTY**

**First Tract.** BEGINNING at an iron pin at the point of intersection of the eastern margin of the right of way of Spencer Drive with the southern margin of the right of way of Spencer Road and runs thence South 51° 20' East with the southern margin of the right of way of Spencer Road 85 feet to an iron pin; thence South 38° 38' West 140 feet to an iron pin; thence North 51° 23' West 96.0 feet to an iron pin in the eastern margin of the right of way of Spencer Drive; thence North 43° 07' East with the eastern margin of the right of way of Spencer Drive 140.5 feet to the BEGINNING.

BEING Lot 7 of Block "A" of an unrecorded plat of the Spencer Road Park prepared by Sam Rowe, Jr., dated October 17, 1964.

For reference to chain of title see deed recorded in Book 1000, Page 192, Catawba County Registry.

**Second Tract.** BEGINNING at an existing iron, said iron being located in the northern line of the right of way of Catawba Springs Drive (State Road 1511), 60-foot right of way, and said iron being located in the eastern line of the Kenneth C. Killian property, as recorded in Deed Book 1248 at Page 647; and running with the property of Kenneth C. Killian, North 1° 06' 19" East 116.57 feet to an existing iron; thence South 87° 17' 31" East 296.57 feet to an existing iron; thence with the line of the property as shown on the plat recorded in Plat Book 15 at Page 112, Catawba Springs, Phase 4, South 3° 53' 23" West 223.04 feet to a bolt; thence North 70° 25' 32" West 37.90 feet to an existing iron; thence South 35° 10' East 31.67 feet to an existing iron located in the northern line of the right of way of Catawba Springs Drive; thence with the northern line of the right of way of Catawba Springs Drive, North 63° 23' 39" West 297.38 feet to an existing iron.

This description is taken from a map entitled, "Property of Robert L. Townsend and Barbara A., Clines Township, Catawba County, NC," dated January 27, 1992, with reference on said map to Tax Map 716-1-4, made by Clark Surveying, Hickory, NC.

**Third Tract.** BEING Lot No. 8 of Block "C" in Colonial Heights according to a plat of the same dated June 26, 1965, prepared by Sam Rowe, Jr., and recorded in Plat Book 13, at Page 43, in the office of the Register of Deeds for Catawba County.

It is understood and agreed that this conveyance is made subject to all of those certain conditions, restrictions, and reservations set forth in a document recorded in the office of the Register of Deeds of Catawba County, North Carolina, in Book 835, Page 361. This property is subject to an easement five (5) feet in width running along the western margin of the property for the purpose of ingress and egress to install, repair and maintain water lines and utilities.

For partial chain of title, see Deed Book 925, at Page 219, Catawba County Registry.

The purpose of this deed is to dissolve an estates by entirety.

NEITHER THE INDIVIDUAL NOR LAW FIRM PREPARER OF THIS INSTRUMENT PERFORMED ANY TITLE EXAMINATION WORK, NOR CONDUCTED OR PARTICIPATED IN ANY CLOSING RELATED TO THE TRANSACTION INVOLVING THIS INSTRUMENT.

BOOK 2295 PAGE 1553

The property hereinabove described was acquired by Grantor by instrument recorded in .....

A map showing the above described property is recorded in Plat Book ..... page .....  
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee  
in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same  
in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against  
the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.  
Title to the property hereinabove described is subject to the following exceptions:

Any and all restrictions, easements, rights of way and encumbrances of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed  
in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day  
and year first above written.

By: Reginald E. Sweat (SEAL)  
Reginald E. Sweat  
(Corporate Name)

By: Elizabeth J. Sweat (SEAL)  
Elizabeth J. Sweat  
President

ATTEST: \_\_\_\_\_ (SEAL)  
Secretary (Corporate Seal) \_\_\_\_\_ (SEAL)



NORTH CAROLINA, \_\_\_\_\_ Catawba \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_  
Reginald E. Sweat and wife, Elizabeth J. Sweat \_\_\_\_\_ Grantor,  
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand  
and official stamp or seal, this 16<sup>th</sup> day of August ~~March~~, 2001.

My commission expires: 5/15/2005 \_\_\_\_\_  
Crystal D. Smith  
Notary Public

SEAL-STAMP NORTH CAROLINA, \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_  
personally came before me this day and acknowledged that \_\_\_\_\_ he is \_\_\_\_\_ Secretary of  
\_\_\_\_\_, a North Carolina Corporation, and that by authority duly  
given and as the act of the corporation, the foregoing instrument was signed in its name by its  
President, sealed with its corporate seal and attested by \_\_\_\_\_ as its  
Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My commission expires: \_\_\_\_\_  
Notary Public

The foregoing Certificate(s) of Crystal D. Smith, Notary Public of Catawba Co., NC

is/are  certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first  
page hereof.

By: Ruth Mackie Ruth Mackie  
Ruth Beavers REGISTER OF DEEDS FOR \_\_\_\_\_ CATAWBA \_\_\_\_\_ COUNTY  
\_\_\_\_\_/Assistant - Register of Deeds

# Last Will and Testament

OF

*ELIZABETH J. SWEAT*

I, *ELIZABETH J. SWEAT*, a resident of Catawba County, North Carolina, do hereby revoke all wills and codicils heretofore made by me and do hereby declare this to be my Last Will and Testament:

## ITEM ONE

I direct that my just debts (including unpaid charitable pledges, whether or not the same are enforceable obligations of my estate), the expenses of my last illness, my funeral expenses or expenses of my cremation, if applicable (including the cost of a suitable monument at my grave and perpetual care of the cemetery lot in which I am interred, if applicable, whether or not such expenditures exceed the limitations otherwise imposed by law), and the costs of administration of my estate be paid out of the assets of my estate as soon as practicable after my death.

## ITEM TWO

### SECTION 1: Probate estate to surviving Spouse; alternative trust in event of disclaimer.

I hereby devise any and all property that I own at the time of my death, both real and personal, and of every class, kind and description and wheresoever located to my spouse, *REGINALD E. SWEAT*, in fee simple, absolute, if he survives me; but, if my spouse disclaims or renounces the right to receive all or any part of my estate that would otherwise pass to such spouse under this Item, I give that portion to which such disclaimer pertains to the Trustee, hereinafter named, to be held and administered IN TRUST under the provisions of Item Four below.

If my spouse, *REGINALD E. SWEAT*, does not survive me, I direct that my Estate which otherwise would have passed under this Section 1 instead be held, administered and distributed as follows:

### SECTION 2: Specific bequest of pecuniary sum to Robert C. Lyalls, II and Reginald

Casey Sweat. As a specific bequest, I give each of my grandsons, *Robert C. Lyalls, II*, and

  
Elizabeth J. Sweat

PAGE TWO OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT

Reginald Casey Sweat, as survive me, the sum of Fifty Thousand Dollars (\$50,000.00) apiece. If either or both of said grandsons should fail to survive me, then and in that event I direct that the pecuniary sum otherwise devised to them should lapse and pass with my residuary estate.

**PROVIDED THAT**, if either of said grandsons be under the age of twenty-five (25) years at the time that this Item becomes effective, then and in that event, I direct that the amount so devised not be delivered to such beneficiary but rather be delivered to my Trustee, hereinafter named, to be held and administered in trust for such beneficiary under the provisions of Item Three below.

**PROVIDED THAT**, in the event that my net probate estate, exclusive of tangible personal property to be disposed of pursuant to Section 3 of this Item, is less than TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS at the time this Item becomes effective, then I direct that the above-described specific bequests for Robert C. Lyalls, II and Reginald Casey Sweat not be made, but rather that said sums pass as part of my residuary estate under Section 4 below.

**SECTION 3. Gift of Tangible Personal Property.** Subject to the preceding sections of this Item, I give all such tangible personal property that was not held by me solely for investment purposes, including, but not limited to, my automobiles, household furniture and furnishings, clothing, jewelry, collectibles and personal effects (i) to my children who survive me, to be divided among them by my Executor in shares of as nearly equal value as may be practicable, or (ii) to the survivor of my children if but one of them survives me. If neither my spouse nor my children survive me, I give all such tangible personal property to my descendants who survive me, per stirpes. The costs of safeguarding, insuring, packing, storing and delivering my tangible personal property to any beneficiary under this Paragraph shall be paid from my estate as expenses of administration. I may leave a writing which, although not a part of my will, expresses my desires concerning the disposition of my tangible personal property. I request, but do not require, that my wishes as set forth in any such writing be observed.

**SECTION 4. Gift of Residuary Estate.** In the event my net probate estate, exclusive of tangible personal property to be disposed of pursuant to Section 3 of this Item, is less than TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS at the time this Item becomes effective,

  
Elizabeth J. Sweat

**PAGE THREE OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT**

then I direct that my residuary estate be apportioned in equal shares, so that one share each be apportioned to Robert C. Lyalls and Reginald Casey Sweat, as such of them then be living, and one share apportioned for each child of mine who is then living, and one share for the living issue, per stirpes, if any, of any child of mine who is then deceased; provided that if any beneficiary under this Section then be under Twenty-Five (25) years of age, then and in that event I direct that his or her share be held in Trust and administered for the benefit of said beneficiary pursuant to the terms and conditions of Item Four below.

Otherwise, my residuary estate, being the rest, residue and remainder of my property, of whatsoever kind and nature, be it real, personal or intangible property, and wheresoever located, not otherwise devised and bequeathed pursuant to the preceding Sections of this Item, but excluding any property over which I may have a power of appointment, I give to the Trustee, hereinafter named, to be held and administered IN TRUST under the provisions of Item Four below.

**ITEM THREE**

**TRUST FOR ROBERT C. LYALLS, II, AND REGINALD CASEY SWEAT**

SECTION 1: In the event that either of my grandsons, Robert C. Lyalls, II, or Reginald Casey Sweat, be under the age of twenty-five (25) years at the time that the specific bequests provided for in Item Two, Section 2 become effective, then and in that event, I direct that my Trustee hold and administer the specific bequest for such of my named grandsons as then be under twenty-five (25) years and dispose of the same under the provisions of this Item Three.

SECTION 2: Each share apportioned for a beneficiary who has reached twenty-five (25) years of age shall be distributed by my said Trustee to the said beneficiary free and discharged of trust.

SECTION 3: When each such named beneficiary attains the age of twenty-one (21) years, the Trustee shall distribute to such beneficiary the sum of Fifteen Thousand Dollars (\$15,000.00); when each such named beneficiary attains the age of twenty-three (23) years, the Trustee shall distribute to such beneficiary an additional sum of Fifteen Thousand Dollars (\$15,000); when each

  
Elizabeth J. Sweat

**PAGE FOUR OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT**

such named beneficiary shall reach the age of twenty-five (25) years, all remaining Trust property constituting said beneficiary's share shall be delivered to such beneficiary free and discharged of trust.

SECTION 4: My Trustee is hereby given the power to pay from the accumulated income or principal of any Trust under this Item such amount as the Trustee, in her sole discretion, deems necessary or desirable from time to time to adequately provide for the medical, hospital, surgical or other health care, education, support and maintenance in reasonable comfort of the beneficiary of such Trust, taking into consideration, to the extent my Trustee deems advisable, any other income or resources of such Trust Beneficiary known to my Trustee.

SECTION 5: In the event that either of the named Trust Beneficiaries under this Item Three should die prior to receiving a complete distribution of his or her share, then I direct that the undistributed balance of his or her share shall be added to my residuary estate and distributed pursuant to the provisions of Item Two, Section Four above.

**ITEM FOUR**

In the event that any portion of my estate passes under Section One or Section Four of Item Two into trust, either because my named spouse disclaims or renounces the right to receive all or any part of my residuary estate or because my named spouse fails to survive me, then and in that event, my Trustee shall hold the property so passing IN TRUST, to be administered and disposed of in accordance with the provisions contained in this Item Four.

**PART A**

**TRUST FOR SPOUSE**

If my spouse shall survive me, my Trustee shall pay whatever amount or amounts of the net income or principal, or both, of this Trust as it shall determine to my Husband in convenient installments, but no less frequently than quarterly, during his lifetime. In exercising this discretionary power, especially with respect to principal, my Trustee may, but need not, consider any other means of support available to my Husband and shall give primary consideration to his needs and desires.

  
Elizabeth J. Sweat

**PAGE FIVE OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT**

*Upon my spouse's death, my Trustee shall distribute all Trust property in this Part A Trust to my then living issue, per stirpes; provided that, if any of such living issue are then under twenty-five (25) years of age, then such share shall not be distributed, but rather held and administered in trust under and pursuant to the provisions of Parts B and C of this Item.*

**PART B**

**FAMILY TRUST**

*SECTION 1: If my spouse shall predecease me, then and in that event, my Executor shall distribute that portion of my estate as governed by Section Four of Item Two to my Trustee who, in turn, shall apportion, in equal shares, all property then constituting the Trust, so that one share is apportioned for each child of mine who is then living and one share for the living issue, per stirpes, if any, of any child of mine who is then deceased.*

*SECTION 2: Each share apportioned for a beneficiary who has reached twenty-five (25) years of age shall be distributed by my said Trustee to the said beneficiary free and discharged of trust.*

*SECTION 3: Each share apportioned to a beneficiary who shall be under the age of twenty-five (25) years shall continue to be held by my Trustee, IN TRUST, to pay the net income derived therefrom to the beneficiary or guardian (legal or parental) thereof, in annual or more frequent installments, and also pay to the beneficiary (or guardian) all or such part of the principal thereof as my Trustee shall in her sole discretion determine; provided that, in exercising this discretionary power over principal, my Trustee shall consider other means of support available to the beneficiary and shall give primary consideration to supporting and educating the beneficiary.*

*When each such beneficiary attains the age of twenty-one (21) years, the Trustee shall distribute to such beneficiary from his or her share the sum of Fifteen Thousand Dollars (\$15,000.00); when each such beneficiary attains the age of twenty-three (23) years, the Trustee shall distribute to such beneficiary from his or her share an additional sum of Fifteen Thousand Dollars (\$15,000); when each such beneficiary shall reach the age of twenty-five (25) years, all remaining Trust property constituting said beneficiary's share shall be delivered to such beneficiary*

*Elizabeth J. Sweat*  
 Elizabeth J. Sweat

*PAGE SIX OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT*

*free and discharged of trust.*

*SECTION 4: In the event that any of the Trust Beneficiaries under any Trust created by Part B should die prior to receiving a complete distribution of his or her share, then I direct that the undistributed balance of his or her share shall be distributed, per stirpes, to his or her then living issue; in default of such living issue, then I direct that such undistributed balance be distributed to my living issue, per stirpes, subject to the provisions of Section 3 above of this Item.*

**PART C**

**GENERAL PROVISIONS**

*SECTION 1: I hereby authorize and empower the Trustee, in her sole and absolute discretion, at any time and from time to time, to disburse from the principal of any Trust Share created under Part A or Part B of this Item Four such amounts as he may deem advisable to provide adequately and properly for the support, maintenance, education, and health of the current income beneficiary thereof, including, but not by way of limitation, expenses incurred by reason of illness, disability, and education. In determining the amounts of principal to be so disbursed, the Trustee shall take into consideration any other income (other than capital gains) or property which such income beneficiary may have from any other source. The Trustee's discretion shall be conclusive as to the advisability of any such disbursement.*

*SECTION 2. There is no absolute right of any Trust Beneficiary to any income or principal (hereinafter "interest") of his or her Trust Share until such time as the Trust Share is to be delivered to him or her, discharged of trust. If any Trust Beneficiary of any trust shall attempt to pledge, sign, sell, transfer, alienate or encumber his or her interest, or if any creditor or claimant shall attempt to subject such interest to the payment of any debt, liability, or obligation of such beneficiary, the Trustee shall withhold payment of any income or principal except those amounts as she, in her sole discretion, may determine to apply for the maintenance and comfort of one or more of the following persons, namely: (1) The Trust Beneficiary; (2) The spouse of such Trust Beneficiary; (3) the issue of such Trust Beneficiary; and (4) those who would be entitled to receive the undistributed balance of the Trust Share had the Trust Beneficiary died prior to final distribution*

*Elizabeth J. Sweat*  
 Elizabeth J. Sweat

**PAGE SEVEN OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT**

of the Trust Share, regardless of the equality of distribution. In no event shall the Trustee be required or compelled to pay any part of the income or principal to such Trust Beneficiary.

SECTION 3: During the minority or incapacity of any Trust Beneficiary, my Trustee may pay, transfer or assign income or principal of the Trust in accordance with this section in any one or more of the following ways:

- (a) Directly to such Beneficiary in such amounts as the Trustee deems advisable as an allowance;
- (b) To the Guardian of the person or of the estate of such Beneficiary;
- (c) To a relative of such Beneficiary upon the agreement of such relative to expend such income or principal solely for the benefit of the Beneficiary;
- (d) By expending such income or principal directly for the education, maintenance or support of such Beneficiary.

My Trustee shall have the power, in her own uncontrolled discretion, to determine whether a Beneficiary is incapacitated, and her determination shall be conclusive.

SECTION 4: In making distributions of net income to Beneficiaries, the Trustee may disburse the same in monthly or other convenient installments, based upon the Trustee's estimate of projected income for the Trust for that fiscal year, and shall annually adjust any difference between estimated and realized net income.

SECTION 5: Anything in this Will to the contrary notwithstanding, no trust (other than the trust of a vested interest) created herein shall continue beyond twenty-one (21) years after the death of the last to die of those beneficiaries who were living at the time of my death. Upon expiration of such period, all trusts shall terminate and the assets shall be distributed outright to such persons as are then entitled to the income therefrom and in the same proportion; but, if no person is then entitled to a specific portion of income, then to the then living income beneficiaries, per stirpes.

**ITEM FIVE**

All transfer, estate, inheritance, succession and other death taxes, together with any interest or penalty thereon, which shall become payable by reason of my death,

  
Elizabeth J. Sweat

**PAGE EIGHT OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT**

(a) in respect of property owned by me and passing under this Will, or  
 (b) with respect to any other property included in my gross estate for the purposes of determining such taxes and whose value is allowed as a marital or charitable deduction in the Federal Estate Tax proceeding relating to my estate, shall be paid from my residuary estate. All such taxes with respect to any other property, except those taxes as to which payment is directed to be made from such property which shall be paid from such property, shall be paid by the Trustee or the persons in possession thereof or benefitted thereby, in proportion to the value of the property received or enjoyed by each bears to the value of all such property as finally determined in the respective tax proceeding relating to my estate.

**ITEM SIX**

I hereby nominate, constitute and appoint my daughters, **VICTORIA LOUISE HYNEMAN** and **BRENDA GAIL LYALLS**, as Co-Executors of this, my Last Will and Testament, and direct that they be permitted to serve in said capacity without giving bond or other security. In the event that either of said daughters shall be unable or unwilling to serve as Executor, then I direct that the other named daughter serve as Executor of this, my Last Will and Testament, and direct that she be permitted to serve in said capacity without giving bond or other security.

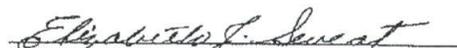
**ITEM SEVEN**

I hereby nominate, constitute and appoint my daughter, **VICTORIA LOUISE HYNEMAN**, as Trustee of all Trusts created in this, my Last Will and Testament. In the event Victoria Louise Hyneman shall be unable or unwilling to serve as Trustee, then I direct that **BRENDA GAIL LYALLS** shall be appointed as Trustee or Successor Trustee of all Trusts created herein.

I direct that my Trustee(s) shall not be required to qualify, to file any inventory, appraisal, account or report to any Court, or to give bond (unless in each case said Trustee(s) is otherwise required to do so, notwithstanding this provision), but shall furnish annually to each current income beneficiary reports and accounts for all receipts and disbursements during each accounting period.

**ITEM EIGHT**

I grant my Executor with respect to my estate and my Trustee with respect to any trust

  
 Elizabeth J. Sweat

*PAGE NINE OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT*

*created under this will the authority and power to exercise, in her sole discretion and without court order, in respect of any property forming part of my estate or of any such trust or otherwise in its possession hereunder, all powers conferred by law upon Executors and Trustees, or expressed in this will, and I intend that the powers so granted be construed in the broadest possible manner. Subject to North Carolina General Statutes Section 32-26, I further confer upon my Executor and Trustee all the powers set forth in North Carolina General Statutes Section 32-27 which are hereby incorporated by reference as they exist at the time of my execution of this will. In addition, my Executor and Trustee shall also have the powers, authority and discretion hereinafter set forth:*

*(1) PROPERTY DESCRIPTIONS: To determine what property is covered by general descriptions contained in this will.*

*(2) REAL PROPERTY: To take possession, custody or control of any real property in my estate without court approval and without notification to any beneficiary of my estate or any trusts hereunder; and to sell, lease or mortgage any real property, by public or private sale, at such time and upon such terms and conditions as my Executor may deem best, all without the necessity of obtaining the approval or authorization of any court, whether title to such property is vested in my Executor. My Executor's determination that it is in the best interest of the administration of my estate to apply the resulting proceeds from any sale, lease or mortgage of such property to the payment of debts and other claims against my estate, and its determination that possession, custody or control of such property is not in the best interest of the administration of the estate, shall be binding and conclusive on all persons taking hereunder.*

*(3) FACILITY OF PAYMENTS: To apply for the benefit of or for the use of any beneficiary hereunder any property (whether principal or income) vesting in or payable to such beneficiary, without seeing to the application of the payments so made and for which the receipt of the payee shall constitute a full acquittance of the Fiduciary.*

*(4) NON-PRO RATA DISTRIBUTIONS: To make distributions under this will (without the consent of any beneficiary) in cash or in specific property, real or personal, or in undivided interests therein, or partly in cash and partly in such property, and to do so without*

*Elizabeth J. Sweat*  
Elizabeth J. Sweat

**PAGE TEN OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT**

regard to the income tax basis of specific property allocated to any beneficiary (including any trust) and without making pro rata divisions of specific assets.

(5) **ELIMINATION OF SMALL TRUSTS:** To terminate or not establish any trust created or to be created under this will (other than a qualified charitable remainder trust) whenever my Trustee determines it would be contrary to the best interests of the beneficiaries by reason of the small amount involved, legislation or unforeseen changes or circumstances to create or continue such a trust shall be distributed to the beneficiaries then entitled to the income of such trust. If the beneficiaries of such income depend upon the exercise of my Trustee's discretion, then my Executor or Trustee, as the case may be, shall distribute such property among those beneficiaries and in such proportions as my Trustee, in her sole discretion, shall determine, and its determination shall be binding and conclusive upon all interested persons.

(6) **TRANSACTIONS BETWEEN RELATED ENTITIES:** To sell assets of my estate or any trust created under this will to the beneficiaries thereof, to any member of my family or to itself as Executor or Trustee of any other trust or estate at the fair market value thereof; to purchase assets from any member of my family, from any other trust or estate or the beneficiaries thereof for my estate or any trust created under this will at the fair market value thereof; and to lend money to such other trusts or estates, the beneficiaries thereof or any member of my family at rates of interest and upon security determined by my Executor or Trustee to be adequate; provided I, my spouse, my parents or my descendants are the respective Grantors or beneficiaries of such other trusts or estates.

(7) **DIRECT DISTRIBUTIONS TO TRUST BENEFICIARIES:** To make distributions directly from my estate to the beneficiaries of trusts established under this will; provided that the Trustee of any such trust would be authorized or directed to make distributions to the beneficiaries.

(8) **MERGER OF TRUSTS:** To merge the assets of any trust created under this will with those of any other trust, by whomsoever created, maintained for the same beneficiaries upon substantially the same terms (even though the component trusts differ as to contingent

  
Elizabeth J. Sweat

*PAGE ELEVEN OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT*

beneficiaries, in which case, if the contingency occurs, the funds may be distributed in such shares as the Trustee, in her sole discretion, deems necessary to create a fair ratio between the various sets of remaindermen).

(9) *WITHHOLDING FOR TAXES:* To withhold distribution of an amount of property sufficient, in its judgment, to cover any liability that may be imposed on the Trustee for estate or other taxes until such liability is finally determined and paid.

Notwithstanding any other provision of this will to the contrary, no power or authority conferred by law or expressed or specifically incorporated in this will shall be exercised in such manner as would cause any devise for the benefit of my spouse, which would otherwise qualify for the federal estate tax marital deduction, to fail to qualify for such deduction.

*ITEM NINE*

*SECTION 1:* As used in this will, the masculine, feminine and neuter gender, and the singular and plural numbers, whenever the context requires or permits, shall be deemed to include the other genders or numbers respectively.

Titles and headings contained in this will shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Will.

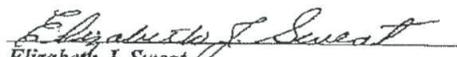
*SECTION 2:* Unless otherwise stated in this Will, the following definitions shall control the meaning of this Will:

(a) The term "Husband" or "spouse" or their possessive, wherever used in this Will, whether generally or in the context of a specific devise, or appointment or otherwise, refers solely and specifically to my husband, "Reginald E. Sweat;"

(b) The terms "child", "children", and "lineal descendants" are each intended to include adopted persons for all purposes whether such persons are adopted before or after the execution of this Will or before or after my death;

(c) The term "devise" refers to distributions of real property or personal property or both, depending upon the context in which such term is used;

(d) The term "Internal Revenue Code" means the United States Internal Revenue

  
Elizabeth J. Sweat

PAGE TWELVE OF THE LAST WILL AND TESTAMENT OF ELIZABETH J. SWEAT

Code of 1954, as amended, and any subsequent corresponding law enacted in its place, and;

(e) The term "property" shall be deemed to include interests in property.

I, ELIZABETH J. SWEAT, the Testatrix, sign my name to this instrument this the 17<sup>th</sup> day of August, 2001, being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

*Elizabeth J. Sweat*  
Elizabeth J. Sweat

We, Robert M. Grant, Jr. and Chrystal N. DeHart, the witnesses, sign our name to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testatrix signs and executes this instrument as her Last Will and that she signs it willingly, and that each of us, in the presence and hearing of the testatrix, hereby signs this Will as witness to the testatrix's signing and, to the best of our knowledge, the testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

*Robert M. Grant, Jr.*  
Witness

*Chrystal N. DeHart*  
Witness

NORTH CAROLINA

CATAWBA COUNTY

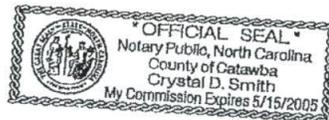
Subscribed and sworn to and acknowledged before me by ELIZABETH J. SWEAT, the testatrix, and subscribed and sworn to before me by Robert M. Grant, Jr. and Chrystal N. DeHart witnesses, this the 17<sup>th</sup> day of August, 2001.

*Crystal D. Smith*  
Notary Public

My Commission Expires:

5/15/2005

(SEAL)



*Elizabeth J. Sweat*  
Elizabeth J. Sweat



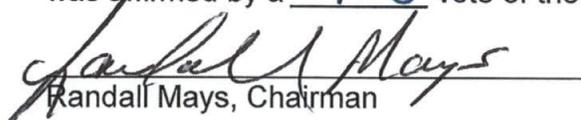
Life. Well Crafted.

**HICKORY REGIONAL PLANNING COMMISSION  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On December 2, 2020 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Rezoning Petition 20-05. Upon consideration, the Hickory Regional Planning Commission found:

1. The general area is classified as Low Density Residential by the Hickory By Choice 2030 Comprehensive Plan, and the rezoning of the property to Medium Density Residential (R-2) is in keeping with the plan's recommended density for area classified as Low Density Residential;
2. The Low Density Residential classification is intended to provide an area of transition between higher density housing and the surrounding area by offering development at two (2) to four (4) units per acre;
3. The R-2 zoning district's permissible density adheres to the recommendations for areas classified as Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan;
4. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations;
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 Regional Planning Commission has found Rezoning Petition 20-05 to be consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan, and recommends Hickory City Council approval of the petition. This recommendation was affirmed by a 7-0 vote of the Hickory Regional Planning Commission.

  
Randall Mays, Chairman

12-2-2020  
Date

## REZONING ANALYSIS

**PETITION:** 20-05

**APPLICANT:** Reginald Sweat / City of Hickory

**OWNER:** Reginald Sweat

**PROPERTY LOCATION:** 3597 Wandering Lane NE

**PIN:** 3735-17-11-2352

**WARD:** The property is located in Ward 2 (Councilwoman Williams).

**ACREAGE:** 1.119 acres

**REQUESTED ACTION:** Rezone the property from Catawba County R-20 to City of Hickory R-2 Residential. The subject property has recently been annexed.

**BACKGROUND:** Reginald Sweat filed a petition to annex the property into the City of Hickory in order to gain access to city utilities. Upon annexation, the zoning of the property must change from Catawba County to City of Hickory.

**DEVELOPMENT POTENTIAL:** The subject property is currently zoned R-20 Residential by Catawba County. Under Catawba County's current zoning, the property may be developed for one and two family residential uses at an intensity of two (2) dwelling units per acre, which could potentially yield two (2) new single-family dwelling units, or four (4) two-family dwelling units (duplexes).

Should the property be annexed, and rezoned R-2 Residential, the property could be developed for single-family residential, at a density of four (4) dwelling units per acre, which theoretically could yield four (4) single-family dwelling units. The property owner has indicated they intend to divide property into two (2) lots, and build two (2) single-family residences.

**REVIEW CRITERIA:** In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

*The general area is classified Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).*

*The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: "this classification is intended to provide an area of transition between higher density housing and the surrounding area by offering development at two (2) to four (4) units per acre. (HBC 2030, Pg. 3.9)*

*The R-2 zoning district is not listed as the implementing zoning district for the Low Density Residential classification; however, the density discussed within the quoted section of the*

*Hickory by Choice 2030 Comprehensive Plan clearly states densities up to four (4) units per acre are appropriate for the area. The R-2 district permits density up to, but not more than, four (4) units per acre, which is compatible with the language found with the Hickory by Choice 2030 Comprehensive Plan.*

*Given these factors, the rezoning of the property to R-2 Residential should be considered to be consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.*

**Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:**

- Implement the Hickory by Choice 2030 Comprehensive Plan;

*The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being a future residential area with residential densities between two (2) and four (4) units per acre, which the R-2 Residential district provides.*

- Preserve and protect land, air, water and environmental resources and property values;

*Any and all improvements that are to take place on the property will be required to follow all applicable development regulations.*

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures;

*The subject property has access to a state maintained roadway, as well as water and sewer infrastructure. During the annexation evaluation process, staff verified all public services were available, and would not be diminished with the future development of the subject property. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.*

- Regulate the type and intensity of development; and

*The current land use pattern of the larger area consists almost entirely of single-family dwellings. This development pattern will continue under the R-2 Residential district, as only single-family residences are permitted under this zoning classification. The future use of the property is best suited to further the existing development pattern of the area.*

- Ensure protection from fire, flood and other dangers.

*Any future development occurring on the subject properties 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, employees, and properties are properly protected as prescribed by law.*

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps 2 & 3 for more detail**):

- **North:** The properties are zoned R-2 Residential by Hickory, and are occupied by single-family residences, which are part of the Catawba Springs and Wandering Meadows subdivisions;
- **South:** The properties are zoned R-2 Residential by Hickory, and R-20 Residential by Catawba County. These properties are either occupied by a single-family residence, or vacant, one of which is part of the Willow Place subdivision;
- **East:** The property is zoned R-2 Residential by Hickory. This property is occupied by a single-family residence, which is part of the Catawba Springs subdivision; and
- **West:** The property is zoned R-2 Residential by Hickory. This property is occupied by a single-family residence, which is part of the Wandering Meadows subdivision.

3. The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

*The current land use pattern of the larger area consists largely of single-family residences. The rezoning of the property to R-2 Residential would continue this development pattern, and mirror the existing City zoning already in place in the surrounding area.*

4. The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

*The current zoning and proposed are similar in nature, as both are residential in nature and promote development in the form of single-family residential uses.. The need to rezone the property is due to the city's recent annexation of the property.*

5. The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire and police protection to fall below acceptable levels.

*Public resources to provide critical public services are in place to service the area. These include public utilities, transportation infrastructure, as well as police and fire protection.*

6. The proposed amendment (zoning map) will protect the public health, safety, and general welfare.

*The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued residential development. The future use of the property is residential.*

*Any future development that occurs of the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.*

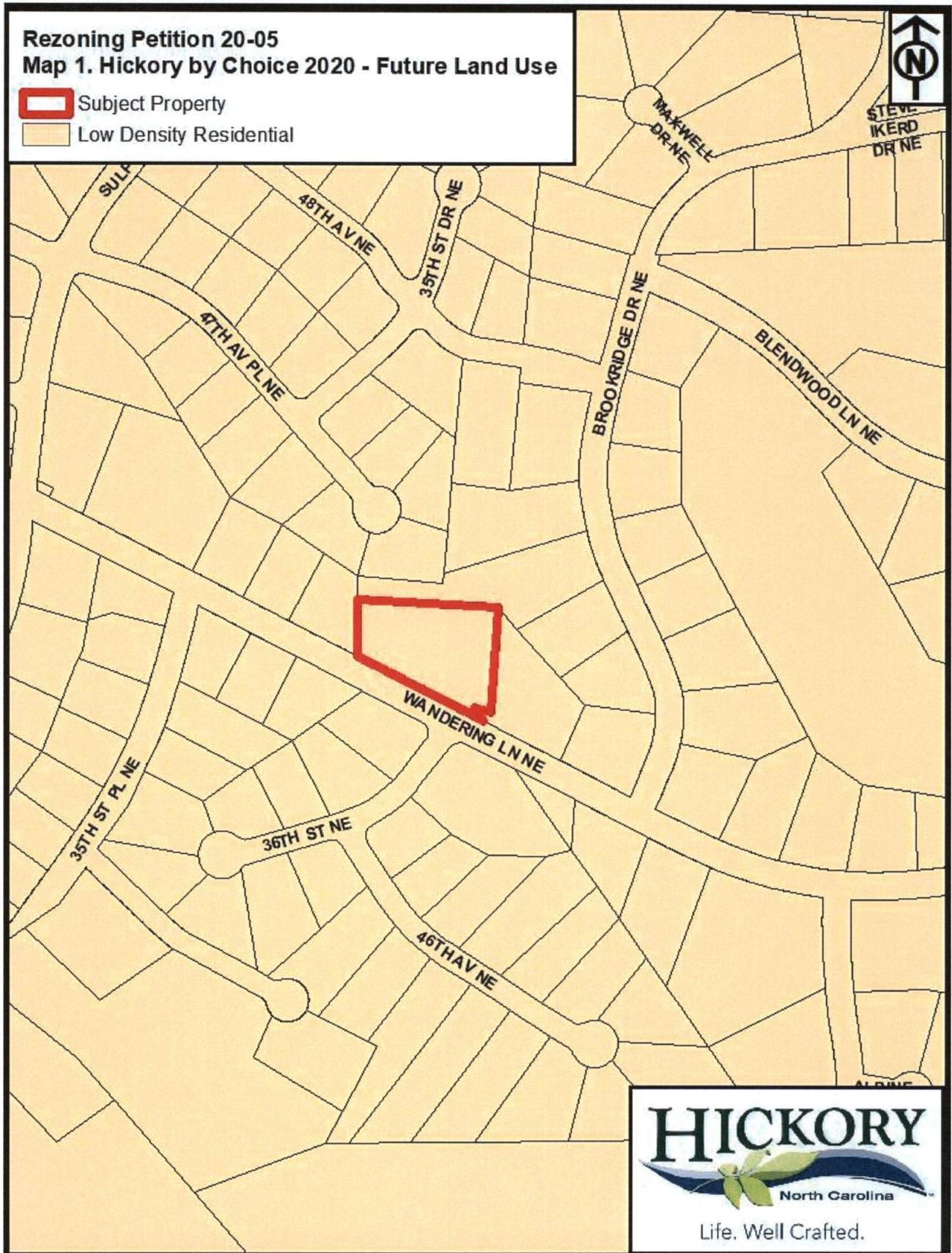
**RECOMMENDED ACTION:**

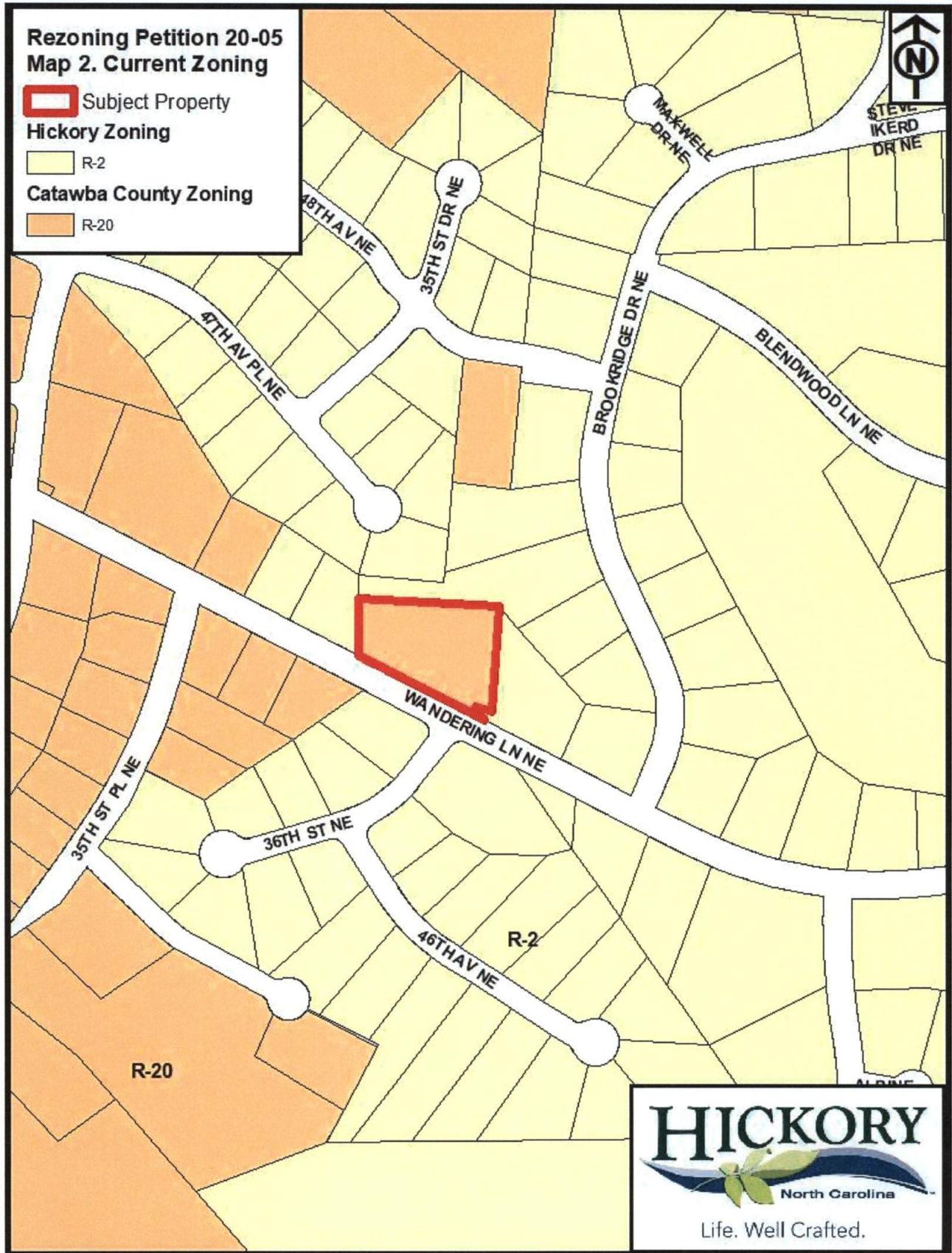
The Hickory Regional Planning Commission conducted a public hearing on December 2, 2020 to consider the petition. During the public hearing, no one spoke in favor of the petition. An adjacent neighbor spoke during the public hearing, but did not cite concerns about the petition, but did cite concerns about stormwater runoff from an adjacent property.

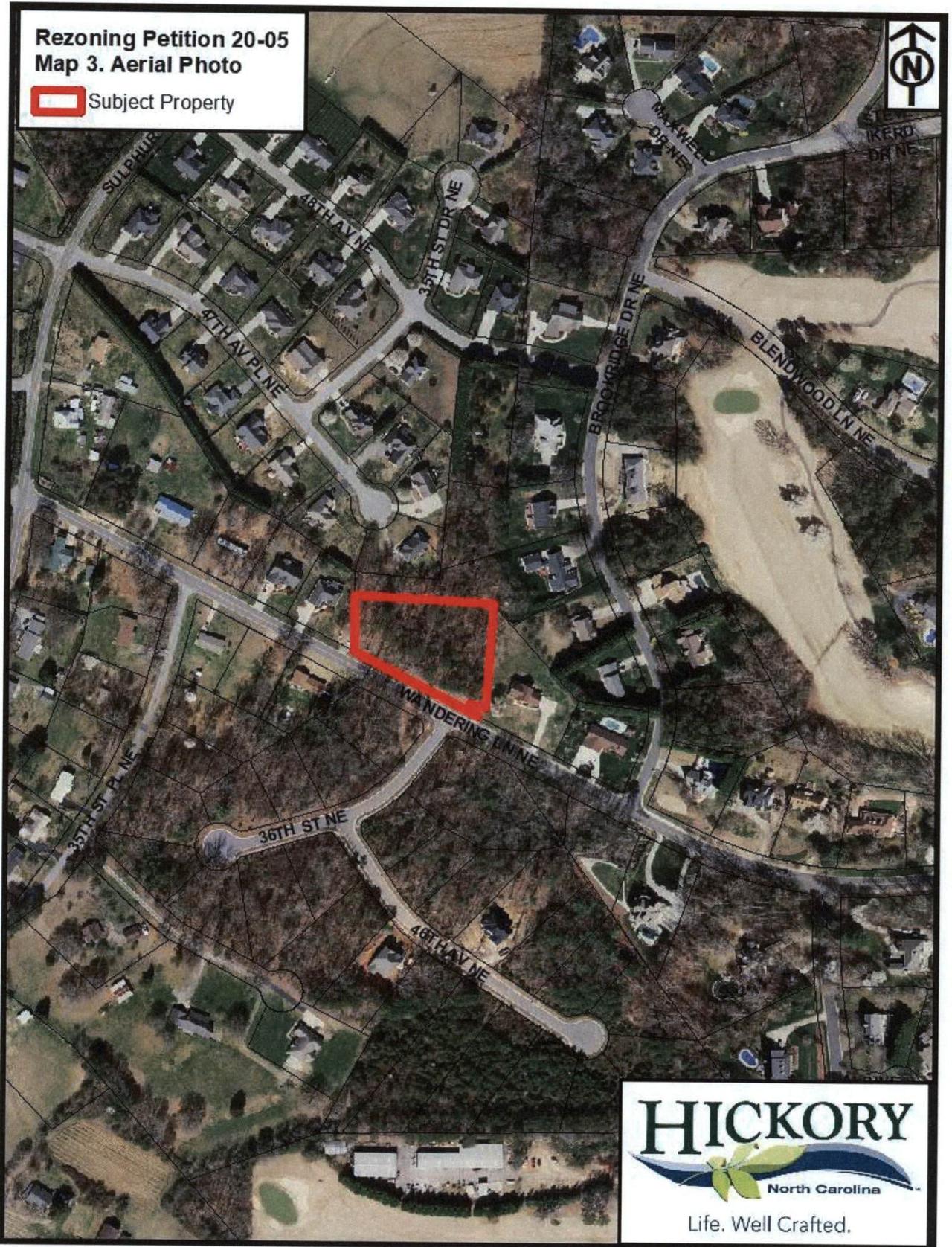
Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

**CITIZEN INPUT:**

As of December 3, 2020, staff has received two (2) inquiries regarding this petition.







**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE 1.119 ACRES OF PROPERTY LOCATED AT 3597 WANDERING LANE NE FROM R-20 RESIDENTIAL TO R-2 RESIDENTIAL.**

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 1.119 acres of property located at 3597 Wandering Lane NE, more particularly described on **Exhibit A** attached hereto, to allow a R-2 Residential district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on December 2, 2020 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 20-05 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 LOCATED AT 3597 WANDERING LANE NE, AND DESCRIBED IN EXHIBIT A is approved.

**SECTION 1.** Findings of fact.

1. The subject property is located at 3597 Wandering Lane NE, and further identified as PIN 3735-17-11-2352.
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. Statement of Consistency and Reasonableness**

Upon considering the matter, the Hickory City Council found:

1. The general area is classified Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan ;
2. The Low Density Residential this classification is intended to provide an area of transition between higher density housing and the surrounding area by offering development at two (2) to four (4) units per acre.
3. The R-2 zoning district's permissible density adheres to the recommendations for areas classified as Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan;
4. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations;
5. Public infrastructure is 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 20-05 to be reasonable and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

**SECTION 4.** This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the 5<sup>th</sup> day of January, 2021.

(SEAL)

**THE CITY OF HICKORY**, a  
North Carolina Municipal Corporation

**Attest:**

By: \_\_\_\_\_  
Hank Guess, Mayor

\_\_\_\_\_  
Debbie D. Miller, City Clerk

Approved as to form this 8<sup>th</sup> day of December, 2021.

*Arutha M. Dula*  
Attorney for the City of Hickory

# Rezoning Petition 20-05 Exhibit A

 Subject Property



STEVE  
IKERD  
DR NE

MAXWELL  
DR NE

SULPHUR

48TH AV NE

35TH ST DR NE

BROOKRIDGE DR NE

BLENDWOOD LN NE

47TH AV PL NE



WANDERING LN NE

35TH ST PL NE

36TH ST NE

46TH AV NE



Life. Well Crafted.

5

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development – Planning and Development

**Contact Person:** Brian Frazier, Planning Director

**Date:** December 3, 2020

**Re:** Consideration of Rezoning Petition 20-04

**REQUEST**

Conduct a public hearing to consider Rezoning Petition 20-04.

**BACKGROUND**

YN & MJ Properties, LLC has petitioned for the rezoning of 3.72 acres of property located at 1058 South Center Street from Industrial (IND) to Neighborhood Center Commercial (NC).

The subject property is currently zoned Industrial (IND), and was previously occupied by Carolina Millwork, which has vacated the property. The new owners are seeking a zoning district that is more conducive for establishing commercial and services type uses.

**ANALYSIS**

The general area is predominately classified Neighborhood Mixed-Use by the Hickory by Choice 2030 Comprehensive Plan. This classification is intended to provide areas for neighborhood scaled commercial and service areas, which are walkable to area residents. The permissible intensity for non-residential use is governed by a floor area ratio of 0.85, and a residential density of thirty (30) units per acre. Should the subject property be redeveloped for solely non-residential purposes, the property could theoretically yield approximately 137,000 square feet of floor area, or seventy-five (75) residential dwelling unit. The property could also be redeveloped for mixed use purposes.

**RECOMMENDATION**

The Hickory Regional Planning Commission conducted a public hearing on December 2, 2020 to consider the petition. During the public hearing, the property owner spoke in favor of the petition, while no one spoke in opposition.

Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

**CITIZEN INPUT:**

As of December 3, 2020, staff has received two (2) inquiries regarding this petition.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian M. Frazier 12/03/2020  
Initiating Department Head Date

Rodney Miller 12/8/20  
Asst. City Manager, R. Miller Date

M. Miller 12/9/20  
Finance Officer, M. Miller Date

Auntan M. Dula 12-8-20  
Deputy City Attorney, A. Dula Date

R. Beasley 12/8/20  
Asst. City Manager R. Beasley Date

\_\_\_\_\_  
Date

Recommended for approval and placement on \_\_\_\_\_ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc.).

W. Wood  
City Manager, W. Wood

12-9-20  
Date

**CITY OF HICKORY**  
**APPLICATION FOR REZONING (NON PD OR CZ)**

DATE SUBMITTED: 10/26/2020

**TO THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:**

I (We), the undersigned, do hereby respectfully make application and petition to amend the Zoning Map of the City of Hickory, as hereinafter requested, and in support of this application, the following facts are shown of the application and all required materials):

1. The property proposed to be rezoned is located on 1058 S. Center St Hickory NC 28602 between \_\_\_\_\_ and \_\_\_\_\_.

PIN NO. (S): 3702-15-54-7647

Physical (Street) Address: 1058 S. Center St Hickory NC 28602

2. The property is owned by: (please print) YN & MJ Properties, LLC

(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Yang Vang & May L Vang

Address: 4400 Creemore Dr Charlotte NC 28213

Phone Number: 980-402-3370

Email Address: mkluang5@gmail.com

3. The petition is submitted by: May L Vang

(If the Petition is submitted by someone other than the owner, a letter from the owner(s) authorizing the agent to act on his or her behalf must be submitted with the application. This authorization must be signed and notarized by all owners having an interest in the subject property.)

Agent Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

City of Hickory Rezoning Application (Non-PD or CZ)

4. It is desired and requested that the foregoing property be REZONED:

FROM: Industrial (IND) TO: neighborhood commercial (NC)

5. Please list the current use(s) of the property: building supply

5. OWNER'S AFFIDAVIT

We, the undersigned owner(s), hereby certify that the information contained herein and submitted in support of this application is true and correct.

May L Vang  
Printed Name of Owner

May L Vang  
Signature of Owner

(Please choose the appropriate notary block)

State of North Carolina – County of Mecklenburg

I, the undersigned Notary Public of the County and State aforesaid, certify that May L Vang personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 23 day of October, 2020.

My Commission Expires: April 23, 2025

Samuel Cotton III  
Notary Public

State of North Carolina – County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged the he / she is the \_\_\_\_\_ of \_\_\_\_\_ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



My Commission Expires: \_\_\_\_\_

Notary Public

**This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.**

3603-0693

Exhibit XI.A.4.

FILED ELECTRONICALLY  
CATAWBA COUNTY NC  
DONNA HICKS SPENCER

FILED Sep 30, 2020  
AT 02:51:00 PM  
BOOK 03603  
START PAGE 0693  
END PAGE 0695  
INSTRUMENT # 20075  
EXCISE TAX \$640.00

### GENERAL WARRANTY DEED

REVENUE: \$ 640-

Tax Parcel ID No. 3702-15-54-7647 Verified by \_\_\_\_\_ County on the \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_ By: \_\_\_\_\_

Return to: \_\_\_\_\_

This instrument was prepared by: **Thomas N. Hannah, Attorney at Law, P.O. Drawer 1989, Hickory, NC 28603**

Brief description for the Index: Approx. 3.747 Acres unrecorded plat

THIS DEED, made this the 29 day of September, 2020, by and between

**GRANTOR: Carolina Investment Properties of Hickory, LLC a North Carolina Limited Liability Company**  
whose mailing address is : **1125 Walnut Acres Drive, Hickory, NC 28602**  
(herein referred to collectively as Grantor) and

**GRANTEE: YN & MJ Properties, LLC, a North Carolina Limited Liability Company**  
whose mailing address is: **4400 Creemore Dr., Charlotte, NC ~~28218~~ 28213**  
(herein referred to collectively as Grantee)

*[Include mailing address for each Grantor and Grantee; marital status of each individual Grantor and Grantee; and type of entity, e.g., corporation, limited liability company, for each non-individual Grantor and Grantee.]*

#### WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in City of Hickory, Hickory Township, County of Catawba, State of North Carolina, more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

Property Address: **1058 South Center Street, Hickory, NC 28601**

Revised December 17, 2009

submitted electronically by "GPS Law Group"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Catawba County Register of Deeds.

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 2694, Page 1980 and being reflected on plat(s) recorded in Map/Plat Book n/a Page/Slide \_\_\_\_\_.

All or a portion of the property herein conveyed [ ] includes or [ X ] does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor is seized of the premises in fee and has the right to convey same in fee simple, that title is marketable and is free and clear of encumbrances other than as set forth herein, and that Grantor will forever warrant and defend the title against the lawful claims of all persons or entities whomsoever.

This conveyance is made subject to the following Exceptions and Reservations:

This conveyance is made subject to restrictive covenants and encumbrances of record, and to any and all easements and rights of way on location on the above described property heretofore granted or existing in favor of any individuals, corporations, public or private associations of individuals, public utilities and governmental agents, commissions or departments for the purpose of constructing, erecting, laying, building or maintaining any streets, roads, highways, signs, service alleys, power lines or poles, gas lines, water lines, lines for pipes or sewer lines and any and all other similar or related public or private utility service facilities or otherwise.

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

CAROLINA INVESTMENT PROPERTIES OF HICKORY, LLC

Darryl L. Linder (SEAL)  
Darryl Linder, Member/Manager

STATE OF NC  
COUNTY OF Catawba

I, Teresa Huffman Scott, [print/type name of Notary] a Notary Public in and for the aforesaid County and State, certify that Darryl L. Linder, as Member/Manager of Carolina Investment Properties of Hickory, LLC, a North Carolina Limited Liability Company, personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document on behalf of said Company: Grantor(s).

Date: 09/18/2020 Teresa Huffman Scott  
Signature of Notary Public

My Commission expires: 01/28/2024



## EXHIBIT "A"

Beginning at a one-half inch rod found, which rod is located North 33° 27' 35" East 458.46 feet from NC Grid Marker "Holiday" (NAD 1983) Northing 724,000.3893, Easting 1,305,391.2508; proceeding thence North 52° 19' 31" West 70.28 feet to a one-half inch rebar set; thence North 06° 00' 36" East 57.05 feet to a one-half inch rebar set; thence North 41° 17' 24" West 9.17 feet to a one-inch pipe found; thence North 05° 06' 25" East 183.56 feet to a one and one-half inch pipe found; thence North 04° 42' 15" East 94.62 feet to a three-fourths inch pipe found; thence North 04° 39' 11" East 147.10 feet to a three-quarter inch pipe found in the southern line of McCrorie Group, LLC under deed recorded in Book 2636 at Page 46, Catawba County Registry; thence with the southern line of McCrorie Group, LLC, North 84° 21' 48" East 264.91 feet to a one-half inch rod found, the southeast corner of McCrorie Group, LLC; thence South 04° 41' 26" East 144.62 feet to a one-half inch rod found; thence South 14° 46' 07" East 83.47 feet to a one-half inch rod found; thence South 19° 04' 37" East 226.00 feet to a calculated point; thence South 69° 50' 38" West 186.24 feet to a one-half inch rebar set; thence South 83° 21' 39" West 25.49 feet to a calculated point; thence South 71° 22' 50" West 159.10 feet to the Beginning, and containing 3.747 acres, more or less, as shown on plat of survey entitled "Survey for Carolina Investment Property" dated August 12, 2005 prepared by Teddy E. Sharpe, North Carolina Professional Land Surveyor.

Together with all right, title, and interest, if any, of Grantor in the lands lying between the southern line of the above-described tract and the center of the right-of-way of 11<sup>th</sup> Avenue, SW, the lands lying between the western line of the above-described tract and the center of the right-of-way of 1<sup>st</sup> Street, SW, and the lands lying between the eastern line of the above-described tract and the center of the right-of-way of South Center Street.

The attorney preparing this instrument did not do a title examination. gives no title opinion. nor participated in a closing involving this instrument.

SOSID: 2041744  
 Date Filed: 9/2/2020 10:28:00 AM  
 Elaine F. Marshall  
 North Carolina Secretary of State  
 C2020 246 00264

*State of North Carolina*  
 Department of the Secretary of State

Limited Liability Company  
 ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: YN & MJ Properties LLC  
 (See Item 1 of the Instructions for appropriate entity designation)
2. The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both by checking all applicable boxes.) **Note: This document must be signed by all persons listed.**

Name	Business Address	Capacity
<u>May L Vang</u>	<u>4400 Creemore Dr</u> <u>Charlotte NC 28213</u>	<input checked="" type="checkbox"/> Member <input checked="" type="checkbox"/> Organizer
<u>Yang Vang</u>	<u>4400 Creemore Dr Charlotte</u> <u>NC 28213</u>	<input checked="" type="checkbox"/> Member <input checked="" type="checkbox"/> Organizer
_____	_____	<input type="checkbox"/> Member <input type="checkbox"/> Organizer

3. The name of the initial registered agent is: May L Vang

4. The street address and county of the initial registered agent office of the limited liability company is:  
 Number and Street 4400 Creemore Dr  
 City Charlotte State: NC Zip Code: 28213 County: Mecklenburg

5. The mailing address, if different from the street address, of the initial registered agent office is:  
 Number and Street \_\_\_\_\_  
 City \_\_\_\_\_ State: NC Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

6. Principal office information: (Select either a or b.)  
 a.  The limited liability company has a principal office.  
 The principal office telephone number: 980-402-3370

The street address and county of the principal office of the limited liability company is:  
 Number and Street: 4400 Creemore Dr  
 City: Charlotte State: NC Zip Code: 28213 County: Mecklenburg

The mailing address, if different from the street address, of the principal office of the company is:

Number and Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

b.  The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. **(Optional):** Listing of Company Officials (See instructions on the importance of listing the company officials in the creation document.

Name	Title	Business Address
Yang Vang	President	4400 Creemore Dr Charlotte NC 28213
May L Vang	Vice President	4400 Creemore Dr Charlotte NC 28213

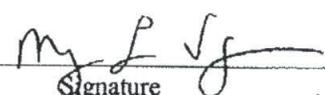
9. **(Optional):** Please provide a business e-mail address:

**Privacy Redaction**

The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

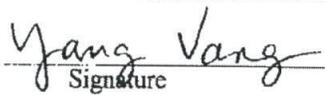
10. These articles will be effective upon filing, unless a future date is specified:

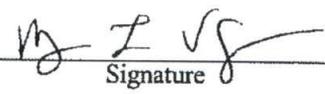
This is the 2 day of September, 2020.

  
 \_\_\_\_\_  
 Signature  
 May L Vang Vice President  
 \_\_\_\_\_  
 Type or Print Name and Title

member/organizer

The below space to be used if more than one organizer or member is listed in Item #2 above.

  
 \_\_\_\_\_  
 Signature  
 Yang Vang President  
 \_\_\_\_\_  
 Type and Print Name and Title  
 member/organizer

  
 \_\_\_\_\_  
 Signature  
 May L Vang Vice President  
 \_\_\_\_\_  
 Type and Print Name and Title

**NOTE:**

1. Filing fee is \$125. This document must be filed with the Secretary of State.



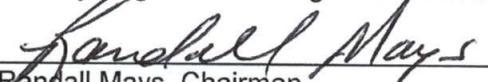
Life. Well Crafted.

**HICKORY REGIONAL PLANNING COMMISSION  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On October 28, 2020 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Rezoning Petition 20-04. Upon consideration, the Hickory Regional Planning Commission found:

1. The general area is predominately classified as Neighborhood Mixed-Use the Hickory By Choice 2030 Comprehensive Plan, and the rezoning of the property to Neighborhood Center Commercial (NC) is in keeping with the plan's recommended density for area classified as Neighborhood Mixed-Use;
2. The Neighborhood Mixed-Use classification is intended to provide areas for the development of community scales commercial areas which are residents within walking distance of their homes;
3. The Neighborhood Center Commercial (NC) zoning district's permissible uses and intensities keeping with those outlined for Neighborhood Mixed-Use areas by the Hickory by Choice 2030 Comprehensive Plan;
4. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations;
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 Regional Planning Commission has found Rezoning Petition 20-04 to be consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan, and recommends Hickory City Council approval of the petition. This recommendation was affirmed by a 7-0 vote of the Hickory Regional Planning Commission.

  
Randall Mays, Chairman

12-2-2020  
Date

**REZONING ANALYSIS****PETITION:** 20-04**APPLICANT:** Yang Vang & May Vang**OWNER:** YN & MJ Properties, LLC**PROPERTY LOCATION:** 1058 South Center Street**PIN:** 3702-15-54-7647**WARD:** The property is located in Ward 4 (Councilman Williams).**ACREAGE:** 3.72 acres**REQUESTED ACTION:** Rezone the property from Industrial (IND) to Neighborhood Center Commercial (NC).

**BACKGROUND:** Until recently, the subject property was occupied by a building supply company (Carolina Millwork). Carolina Millwork is no longer occupying the site, and new owners have taken possession of the property. The subject property is currently zoned Industrial (IND), which was appropriate for the prior use. The request to rezone the property to Neighborhood Center Commercial (NC) would open up the property to commercial and residential uses not permissible under the current Industrial (IND) zoning.

**DEVELOPMENT POTENTIAL:** Should the property be rezoned to Neighborhood Center Commercial (NC), the property could be developed for retail, office, two-family residential, and multi-family residential uses. The permissible intensity for non-residential use is governed by a floor area ratio of 0.85, and a residential density of thirty (30) units per acre. Should the subject property be redeveloped for solely non-residential purposes, the property could theoretically yield approximately 137,000 square feet of floor area. This may be reduced due to the use of one-story structures, as well as providing off-street parking. Should the subject property be redeveloped solely for residential uses, the property could theoretically yield approximately 75 dwelling units, again, as with non-residential redevelopment, this number may be reduced due to construction constraints. The subject property could also be redeveloped to include a mixture of non-residential and residential uses. The intensity for mixed-use redevelopment is the same as that for solely non-residential.

**REVIEW CRITERIA:** In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of the Land Development Code;

*The area under consideration is located at the confluence of several future land use classification, with Neighborhood Mixed-Use being the dominant classification (Please refer to Map 1 for detail).*

*(Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.)*

The Hickory by Choice 2030 Comprehensive Plan's verbiage about Neighborhood Mixed-Use areas includes the following:

- This classification provides the basis of most of the future development patterns in Hickory;
- These area are intended to provide residents the opportunity to travel a mile or less to work, shopping, small parks, or open space;
- A typical Neighborhood Mixed-Use area would have a mixture of residential, retail, and office space; and
- A key element is neighborhood scale commercial establishments that serve the surrounding neighborhoods.

The full text of the information can be found on page 3.9 of the Hickory by Choice 2030 Comprehensive Plan. The Neighborhood Center Commercial (NC) zoning district is shown as the implementing district for the Neighborhood Mixed-use land use classification.

Chapter 3 of the Hickory by Choice 2030 Comprehensive Plan lays out a number of goals to be considered during the plan's implementation. Two of these goals can be applied to the plan's implementation, which are:

- Promote pedestrian-oriented neighborhoods, centers and corridors; and
- Support a network of mixed-use center and corridors.

The rezoning of the subject property to Neighborhood Center Commercial (NC) could potentially work towards achieving these goals. The subject property is located in the southern part of the Ridgeview neighborhood. Housing patterns within Ridgeview are compact, with smaller lots, and several large apartment complexes. The neighborhood also has a well-established pedestrian pattern that is evident to observers. The compact nature of the neighborhood, along with the recognized pedestrian activity, would be mutually beneficial to the neighborhood and the property's redevelopment.

Given these factors, the rezoning of the property to Neighborhood Center Commercial (NC) should be considered to be consistent with the findings and recommendations of the Hickory by Choice (2030) comprehensive Plan.

**Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:**

- Implement the Hickory by Choice 2030 Comprehensive Plan;

*The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being a Neighborhood Mixed-Use area; which includes retail, service, office, and residential uses. All of which are permissible with Neighborhood Center Commercial (NC) districts.*

- Preserve and protect land, air, water and environmental resources and property values;

*Any and all improvements that are to take place on the property will be required to follow all applicable development regulations.*

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures;

*The subject property has access to city and state maintained roadways, as well as water and sewer infrastructure. A transit stop is also located adjacent to the subject property. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.*

- Regulate the type and intensity of development; and

*The reuse of the existing buildings on the subject property, or any redevelopment that may occur will do so in compliance with the City's Land Developments Code, stormwater control ordinance, state fire and buildings code, and other applicable government regulatory agencies with jurisdiction to regulate property development.*

- Ensure protection from fire, flood and other dangers.

*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, employees, and properties are properly protected as prescribed by law.*

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps 2 & 3 for more detail**):

- **North:** The property is zoned Industrial (IND), and is occupied by an industrial use (MWT Custom Woodwork, LLC);
- **South:** The properties are zoned Neighborhood Center Commercial (NC), and are occupied by a former convenience store, a machine shop, and several single-family residences;
- **East:** The properties are zoned High Density Residential (R-4) and Neighborhood Center Commercial (NC), and are occupied by single-family residences, and two commercial buildings; and
- **West:** The properties are zoned High Density Residential (R-4), and Regional Commercial, and are occupied by single-family residences, and a restaurant.

3. The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

*The current land use pattern of the larger area mainly consists of single-family residences, and commercial uses, as the property is currently zoned, some rather intense industrial uses could be established on the property. The rezoning of the property would preclude the introduction of intense industrial uses; and instead provide opportunities to redevelop the property for commercial uses to benefit the neighborhood, or additional residential choices for its residents.*

4. The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

*The current zoning and prior use of the property likely had, or could have much greater negative impacts on the surrounding neighborhood. The requested Neighborhood Center Commercial (NC) zoning is much less intense than the existing zoning. While commercial zoning can be intense; the permissible uses, and design standards of Neighborhood Center Commercial (NC) zoning will aid in minimize impacts on the neighborhood.*

5. The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire and police protection to fall below acceptable levels.

*Public resources to provide critical public services are in place to serve the area. These include public utilities, transportation infrastructure, as well as police and fire protection. Redevelopment of the site may require additional stormwater measures, which will be accounted for at the time redevelopment may occur.*

6. The proposed amendment (zoning map) will protect the public health, safety, and general welfare.

*The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated and promoted community scaled commercial and mixed-use developments.*

*Any future development that occurs on the subject property as the result of the zoning map amendment, will be required to adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.*

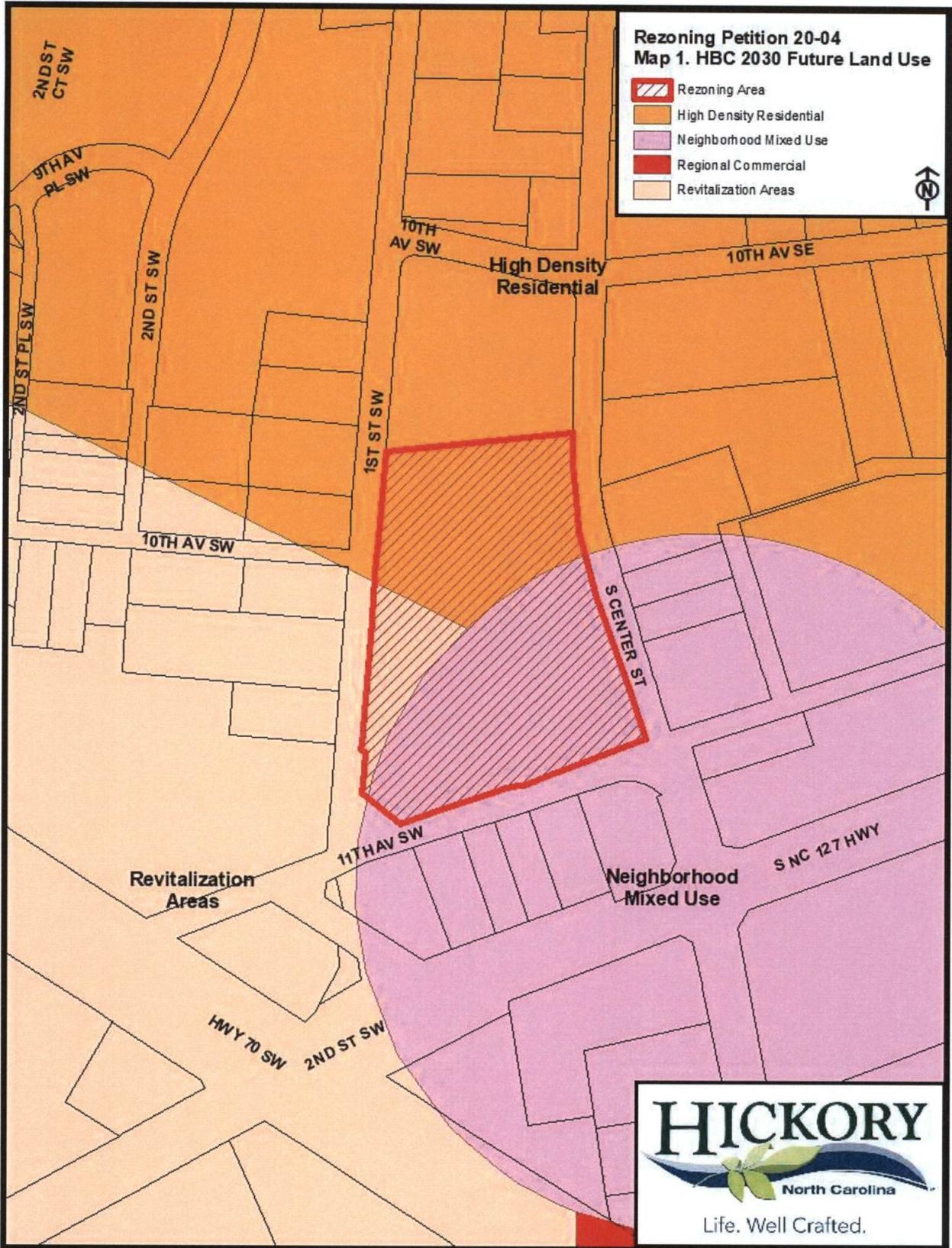
**RECOMMENDED ACTION:**

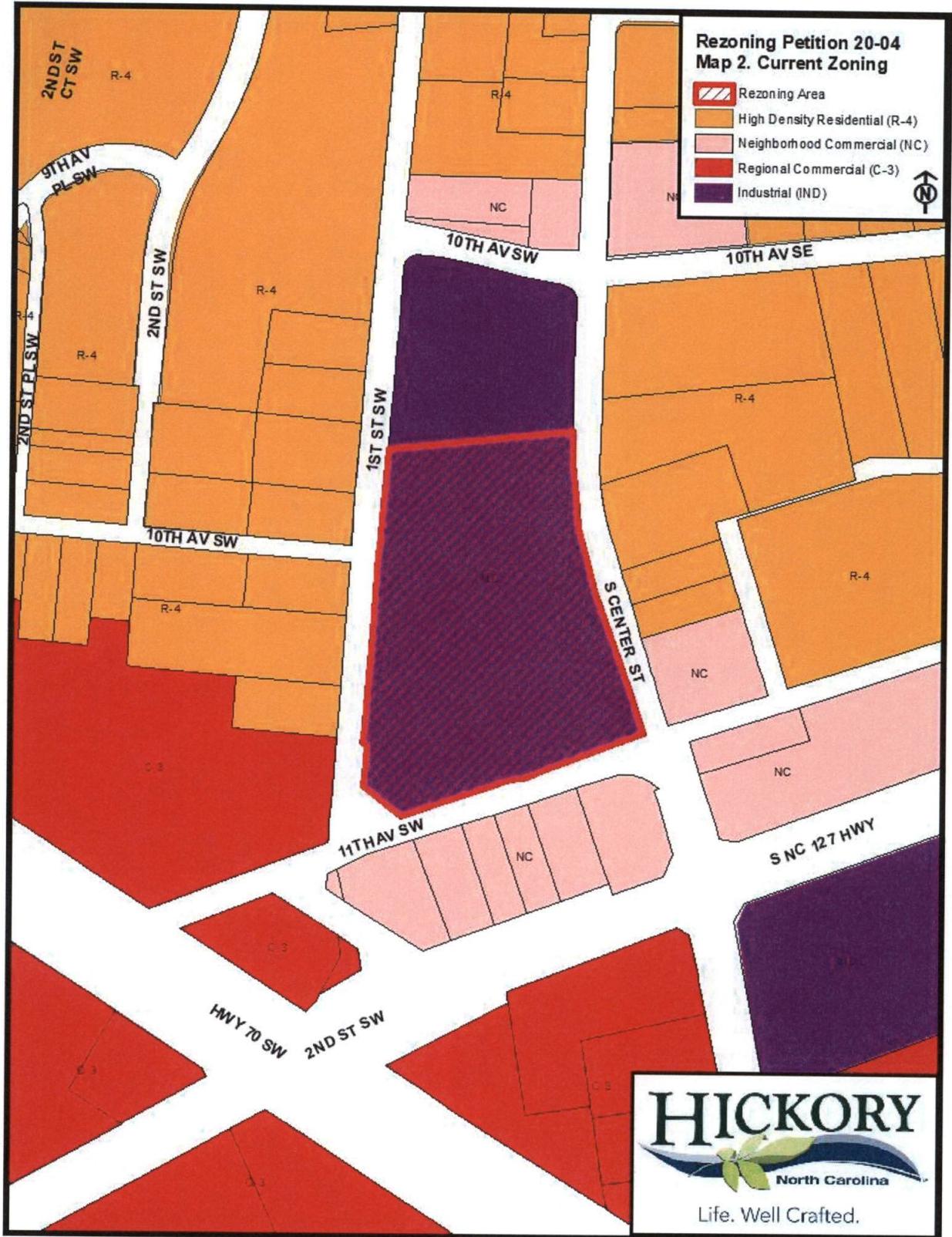
The Hickory Regional Planning Commission conducted a public hearing on December 2, 2020 to consider the petition. During the public hearing, the property owner spoke in favor of the petition, while no one spoke in opposition.

Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

**CITIZEN INPUT:**

As of December 3, 2020, staff has received two (2) inquiries regarding this petition.







**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE 3.72 ACRES OF PROPERTY LOCATED AT 1058 SOUTH CENTER FROM INDUSTRIAL (IND) TO NEIGHBORHOOD CENTER COMMERCIAL (NC).**

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 3.72 acres of property located at 1058 South Center Street, more particularly described on **Exhibit A** attached hereto, to allow a Neighborhood Center Commercial (NC) district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on December 2, 2020 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 20-04 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 PROPERTY LOCATED AT 1058 SOUTH CENTER STREET, AND DESCRIBED IN EXHIBIT A is approved.

**SECTION 1.** Findings of fact.

1. The subject property is located at 1058 South Center Street, and further identified as PIN 3702-15-54-7647.
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. Statement of Consistency and Reasonableness**

Upon considering the matter, the Hickory City Council found:

1. The general area is classified predominately as Neighborhood Mixed-Use by the Hickory By Choice 2030 Comprehensive Plan, and the rezoning of the property to Neighborhood Center Commercial (NC) is in keeping with the plan's recommended use types for the area;
2. The Neighborhood Commercial classification is intended to provide neighborhood scaled areas where residents can travel one mile or less to work, shop, and enjoy parks and open space;
3. The NC zoning district's permissible density adheres to the recommendations for areas classified as Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan;
4. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations;
5. Sufficient public infrastructure is currently in place 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 20-04 to be reasonable and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

**SECTION 4.** This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

**THE CITY OF HICKORY**, a  
North Carolina Municipal Corporation

**Attest:**

By: \_\_\_\_\_  
Hank Guess, Mayor

\_\_\_\_\_  
Debbie D. Miller, City Clerk

Approved as to form this 8<sup>th</sup> day of December, 2021.

Antonia M. DePa  
Attorney for the City of Hickory

