

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

Tony Wood	Hank Guess	David L. Williams
Charlotte Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Rodney Miller, Assistant City Manager Rick Beasley, City Attorney John W. Crone, III, Deputy City Attorney Arnita Dula, 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.
- II. Invocation by Mayor Guess
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
 - A. Ms. Cathy Starnes submitted an email to be read into the record. Mayor Guess read the email after the approval of the minutes:

“Dear Mayor Guess and Members of the City Council,

I just wanted to drop you a note and let you know that the St. Stephens Community was thrilled to see the St. Stephens State Champion Wrestling sign located on the City of Hickory sign on Springs Road. We cannot thank you enough for taking the time to put up the sign recognizing our wrestlers and their accomplishments.

This new sign has stirred many positive posts and comments on our social media feeds across the district. And for that, we sincerely thank you.

With warm regards,

Cathy Starnes
Catawba County Board of Education and
Class of 2007 Wrestling Mom”
- VI. Approval of Minutes
 - A. Regular Meeting of August 18, 2020

Alderman Patton moved, seconded by Alderman Williams that the Minutes of August 18, 2020 be approved. The motion carried unanimously.
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

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

 - A. Budget Revision No. 3. (First Reading Vote: Unanimous)
 - B. Consideration of Amending the Hickory City Code of Ordinances. (First Reading Vote: Ayes: Alderman Wood, Alderman Williams, Alderman Seaver, Alderman Zagaroli, Alderman Patton, and Mayor Guess. Nay: Alderman Williams)
 - C. Consideration of Amending Section 29-138 through 29-140 of the Hickory City Code of Ordinances adding an Appeal Process. (First Reading Vote: Ayes: Alderman Wood, Alderman Seaver, Alderman Zagaroli, and Mayor Guess. Nay: Alderman Williams, Alderman Williams, and Alderman Patton)
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

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

 - A. Approved on First Reading Amending the Traffic Ordinance by Adjusting the Speed Limit Along Startown Road (SR1005) near Catawba Valley Boulevard (SR2932) and Short Road (SR 1166) to 35 MPH.

Staff requests Council's acceptance and approval to amend the Traffic Ordinance by adjusting the speed limit along Startown Road (SR 1005) near Catawba Valley Boulevard (SR 2932) and Short Road (SR 1166) to 35 MPH. After citizen concerns, North Carolina Department of Transportation (NCDOT) evaluated the speed limit along Startown Road and is requesting the speed limit ordinance be amended to 35 MPH. This effort will reduce the speed creating a safer travel environment for the growing traffic volumes in the area. Public Services Traffic Division has worked with NCDOT regarding the new ordinances and agrees to the speed limits adjustments along Startown Road (35 MPH). Traffic Division is prepared to change speed limit signage along these roadways reflecting the new speed limits. Reimbursement per the Municipal Maintenance Agreement will apply from NCDOT for the sign installation. Staff recommends Council's acceptance and approval to amend the Traffic Ordinance by adjusting the speed limit along Startown Road (SR 1005) near Catawba Valley Boulevard (SR 2932) and Short Road (SR 1166) to 35 MPH.

ORDINANCE NO. 20-34

Ordinance to Repeal the Speed Limits and Request for Concurrence

Concurring State Ordinance Number 1075539

Division: 12

County: Catawba

Municipality: Hickory

Type: Municipal Speed Zones

Road: SR 1005

Car: 40 MPH

Truck: 40 MPH

Description: (Startown Road) between a point 0.043 mile south of SR 1166 and a point 0.003 mile south of SR 1166.

Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

ORDINANCE NO. 20-35

Ordinance to Repeal the Speed Limits and Request for Concurrence

Concurring State Ordinance Number 1075541

Division: 12

County: Catawba

Municipality: Hickory

Type: Municipal Speed Zones

Road: SR 1005

Car: 40 MPH

Truck: 40 MPH

Description: (Startown Road) between a point 0.018 mile north of SR 2932 and a point 0.111 mile north of SR 2932.

Hickory City Council, pursuant to the authority by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

- B. Approved on First Reading the Offer, Acceptance, Resolution and Designation of Authorized Representative for the State Revolving Loan for the Murray Basin Sanitary Sewer Lines Replacement and Rehabilitation Project in the Amount of \$5,182,700.

The Murray basin is one of the older sections of the City of Hickory's collection system and serves a densely developed portion of the City of Hickory's southeast quadrant from Springs Road to Tate Boulevard. Currently wastewater discharge is treated at the Conover North facility and this project will convey flows to the City of Hickory Henry Fork facility. Council approved applying for a low interest loan from the State Revolving Loan Program in March of 2019 to assist with completion of this project. This loan will allow the City to complete this crucial project in the most cost-effective way without requiring the expenditure of substantial financial resources from Fund Balance. Once complete the project will result in an operational budget savings of approximately \$400,000 annually and will improve operational efficiencies. The State Revolving Loan Program requires approval by the City of the Resolution agreeing to the provisions of the loan program, as well as an agreement and designation of an authorized representative, including \$103,654 for loan closing costs payable to the State. Staff requests Council's approval of the offer and acceptance document, the Resolution and designation of an authorized representative for the State Revolving Loan for the Murray basin sanitary sewer lines

replacement and rehabilitation project in the amount of \$5,182,700 at 1.04 percent interest rate for 20 years.

RESOLUTION NO. 20-30
RESOLUTION BY HICKORY CITY COUNCIL ACCEPTING A NORTH CAROLINA
CLEAN WATER STATE REVOLVING FUND LOAN IN THE AMOUNT OF \$5,182,700.00
TOWARDS THE MURRAY BASIN SANITARY SEWER LINES REPLACEMENT AND
REHABILITATION PROJECT

WHEREAS, The North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, The North Carolina Department of Environmental Quality has offered a State Revolving Loan in the amount of \$5,182,700 for the construction of the Murray Basin Sanitary Sewer Lines Replacement and Rehabilitation project, and

WHEREAS, The City of Hickory intends to construct said project in accordance with the approved plans and specifications,
NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF HICKORY:

The City of Hickory does hereby accept the State Revolving Fund Loan offer of \$5,182,700.

That the City of Hickory does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II – Assurances will be adhered to.

That City Manager Warren Wood, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Hickory has substantially complied or will comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

ORDINANCE 20-36
CAPITAL PROJECT ORDINANCE

Be it ORDAINED by the Governing Board of the City of Hickory, North Carolina, that pursuant to Section 15 of Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted.

SECTION 1: The Project authorized is the construction of the Murray Basin Sanitary Sewer Lines Replacement and Rehabilitation Project, a wastewater treatment/collection system, to be financed by State revolving fund loan.

SECTION 2: The officers of this unit are hereby directed to proceed with the Capital Project within the terms of the Resolution, loan documents and the budget contained herein.

SECTION 3. The following amounts are appropriated for the project:

Engineering		\$ 120,000
Miscellaneous		\$ 103,654
Construction		<u>\$5,062,700</u>
Total		<u>\$5,286,354</u>

SECTION 4: The following revenues are anticipated to be available to complete this project:

State Revolving Fund Loan		\$5,182,700
Transfer from Water/Sewer Capital Reserve		<u>\$ 103,654</u>
Total		<u>\$5,286,354</u>

SECTION 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the State funding agency.

SECTION 6: Funds may be advanced from the Water & Sewer Fund for the purpose of making payments as due. Reimbursement requests should be made to the funding agency in any orderly and timely manner.

SECTION 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total loan revenues received or claimed.

SECTION 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this Capital Project in every budget submission made to this board.

SECTION 9: Copies of this Capital Project Ordinance shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for direction.

- C. Approved Change Order Number One in the Amount of \$67,500 with M&M Construction of Banner Elk, Inc., for the Westmont Area Water System Improvements.

Staff requests Council's approval of change order number one with M&M Construction of Banner Elk, Inc., for the Westmont area water system improvements in the amount of \$67,500. The original contract covered patching of the trenches only. Current street conditions are not favorable for patching and street resurfacing will yield a better-finished product for the neighborhood. Change order number one will resurface all City streets affected by the placement of the water distribution system. Staff recommends Council's approval of change order number one with M&M Construction of Banner Elk, Inc., in the amount of \$67,500.

- D. Accepted a Proposal with Catawba Valley Engineering and Testing in the Amount of \$15,000 for Construction Services Related to Trivium Parkway and Trivium Court.

Staff requests Council's acceptance of a construction materials testing and special inspections proposal with Catawba Valley Engineering and Testing in the amount of \$15,000 for construction services related to Trivium Parkway and Trivium Court. Catawba Valley Engineering and Testing will perform all geotechnical and material testing to ensure that construction specification and North Carolina Department of Transportation (NCDOT) standards are met for the project. This agreement will be funded from Bond proceeds and will be split equally between the City and County per a joint funding agreement. Staff recommends Council's acceptance of the proposal with Catawba Valley Engineering and Testing in the amount of \$15,000 for construction services related to Trivium Parkway and Trivium Court.

- E. Approved Five Days of Vacation Time to be Used as Prizes for Participation in the Annual United Way Campaign.

Each year the City of Hickory conducts a United Way campaign, providing an opportunity for coworkers to support United Way and its member organizations. To encourage participation, the campaign committee would like to offer participants a chance to win some vacation time. Based on the level of participation, coworkers would be eligible to enter a drawing to win one of three vacation time prizes of two one day and one three-day prize. The City is a strong supporter of United Way since they play an important and critical role in our community. The City's campaign is used to educate their workforce about the various programs and services United Way provides and also to provide an easy way to make a donation. The opportunity to win some vacation time will provide an incentive for participation and contribute to the success of the campaign. Staff requests approval of five days of vacation time to be used as prizes for the 2020 United Way Campaign.

- F. Approved a Cemetery Deed Transfer from Betty McComb Hammer, and husband Jerry Lynn Hammer to Ronald Edward Bogle, unmarried, Oakwood Cemetery, Plot Nos. 5 & 6, Lot No. 2-P, Section 46. (Prepared by Susannah L. Brown, Attorney at Law).

- G. Called for a Public Hearing for Consideration of Amending the Economic Development Agreement with Cataler North America Corporation to Revise Certain Dates in the Agreement. (Authorized a Public Hearing for September 15, 2020, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

- H. Approved a Resolution Regarding Condemnation of Portions of a Property for Temporary and Permanent Easements and Right-of-Ways for Construction of Multi-use Path System.

Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-way for the construction of the 10-foot wide multi-use greenway trail and streetscape loop improvement project between the Hickory Regional Airport and a complete streetscape loop in downtown Hickory. The City has determined it is necessary to acquire by condemnation, either on a temporary or permanent basis, portions of the property identified as PIN 3703-17-00-4750, located at 215 11th Street

NW, Hickory, being particularly described in Deed Book 3553 at Page 1406, Catawba County Registry. The proposed resolution authorizes staff and legal counsel to institute the condemnation proceedings on this property.

RESOLUTION NO. 20-31
ON FILE IN THE CITY CLERK'S OFFICE
WHICH IS HEREBY INCORPORATED BY REFERENCE AND MADE A PART OF THE
MINUTES

I. Approved on First Reading Budget Revision Number 4

ORDINANCE NO. 20-37
BUDGET REVISION NUMBER 4

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 Ordinances 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
Other Financing Uses	23,112	-
TOTAL	23,112	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenues	10,697	-
Other Financing Sources	12,415	-
TOTAL	23,112	-

SECTION 2. To amend the Capital Reserve Fund within the FY 2020-21 Budget Ordinance, the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	4,915	-
TOTAL	4,915	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	4,915	-
TOTAL	4,915	-

SECTION 3. To amend the Lackey Park Capital Project Ordinance (#620007), the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	10,697	-
TOTAL	10,697	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	10,697	-
TOTAL	10,697	-

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	15,000	-
TOTAL	15,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenues	7,500	-
Other Financing Sources	7,500	-
TOTAL	15,000	-

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.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved the Voluntary Contiguous Annexation of Property Owned by Wendell and Judith Cramer, Claude and Billie Shrum, David and Kevin Childers, and Alan and Donna Bolick, Containing Approximately 15.91 acres of Property Located at the Southwest Corner of Catawba Valley Boulevard and Startown Road, Identified as PINs 371112964398, 371112961340, 371112951884, 371112964151 – Presentation by Planning Director Brian Frazier.

Wendell and Judith Cramer, Claude and Billie Shrum, David and Kevin Childers, and Alan and Donna Bolick have petitioned for the voluntary contiguous annexation of 12.87 acres of property located at the southwest corner of Catawba Valley Blvd and Startown Road. The annexation area includes street rights-of-way bringing the total annexation area size to 15.91 acres. Three of the subject properties are currently located within the City's extra-territorial jurisdictional area (ETJ), and zoned low density residential (R-1) and regional commercial (C-3). The fourth property is located within the planning jurisdiction of Catawba County and zoned R-20 residential. The subject properties zoned R-1 (Hickory) and R-20 (Catawba County) are 10.51 acres in total area. These properties may be developed for one- and two-family residential uses at an intensity of two dwelling units per acre, which could potentially yield twenty new dwelling units. The property zoned C-3 (Hickory) may be developed for multi-family residential at a maximum intensity of thirty dwelling units per acre, or for non-residential uses at a maximum floor area ration (FAR) of 0.85. This property is 2.36 acres in total size, which could potentially yield seventy dwelling units, or 87,000 square feet of non-residential floor area. The current tax value of the property is \$938,000. If annexed with its present value, the property would immediately generate additional tax revenues of \$5,510.75. The future tax revenues generated by the development of the properties 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 August 21, 2020.

City Manager Warren Wood advised Council the public hearing was consideration of a voluntary contiguous annexation of property owned by Wendell and Judith Cramer, Claude and Billie Shrum, David and Kevin Childers and Allen and Donna Bolick. The property contained approximately 15.91 acres of property located at the southwest corner of Catawba Valley Boulevard and Startown Road. He asked the City's Planning Director Brian Frazier to the podium to present the item to Council.

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed the request for voluntary contiguous annexation and advised there were four applicants and four properties were included. They were looking at approximately 16 acres, including street right of way. He noted the closest ward would be Alderman Seaver's Ward 3. Current development was either vacant or single-family residential. The future development would be non-residential in use. The applicants were petitioning to have all four properties annexed into the City and rezoned to C-3, commercial three, which was regional commercial. The annexation was being requested in order to connect to public utilities. He referred to the PowerPoint and displayed a map pointing out the properties involved. He pointed out the roadways, Catawba Valley Boulevard SE and Startown Road. He pointed out the Preston Ridge Project that was currently under construction. He noted the annexation area on the map and noted the extra-territorial jurisdiction (ETJ), and properties which were already existing in the City of Hickory. He displayed the existing zoning map. He pointed out the properties in the County which were the R-20 areas. He pointed out the four subject properties, O&I, CVCC, the commercial development, the mall, everything along Catawba Valley Boulevard and Highway 70, Preston Ridge which total build out was 318 apartment units, forty 50,000 square feet of commercial office. He pointed out areas zoned O&I, which was a medical building and Short Road. He displayed an aerial map of the property and noted

the area of the project site, the medical buildings, CVCC, Catawba Valley Boulevard, Startown Road, Preston Ridge, and CVCC's Manufacturing Solutions Center building. Mr. Frazier advised the voluntary annexation petition complied with all applicable annexation statutes for the State of North Carolina. Staff believed that public services were available in sufficient quantities and more than adequate in scope. The annexation of the property would not cause public services to fall below acceptable levels, according to all the pertinent department heads who reviewed this. Based upon these findings, Staff recommended approval of the requested annexation. He asked Council for any questions.

Mayor Guess asked for any other questions. He explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor of the proposal.

Mr. Eric Yeargain, 3050 1st Avenue Court SE, Hickory addressed City Council. He represented the development group Neill Construction along with their partners at Lat Purser and Associates in a proposed development effort. He commented in this case it would begin with the annexation action. He thanked Council in advance for their consideration. Securing essential services from the City for infrastructure through the annexation process would pave the way for the rezoning action, which would ultimately allow for the most favorable development scenarios of this high visibility corner along with the attending economic benefits to the City and this community. Their ultimate ambition was to design and develop a strong mix of uses on this corner that would both support the recent public and private investment initiatives in the Startown corridor, along bolstering the current trade area for the existing businesses and residences. But in order for this to all happen, they must first become part of the City of Hickory, therefore the petition for this voluntary annexation. He thanked Council for their deliberations in this matter and asked them for any questions.

Mayor Guess asked if Council had any questions. He asked if anyone else wished to speak in favor. No one else appeared. He closed the public hearing.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of the voluntary contiguous annexation. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 459
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)

Alan W. Bolick and Donna Kay Bolick, David Childers, Kevin Childers, Claude Ray Shrum and Billie S. Shrum, Wendell M. Cramer and Judith M. Cramer

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO
GENERAL STATUTES 160A-58.1, AS AMENDED (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 Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 7:00 p.m. on the 1st day of September, 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 contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of September 2020:

Contiguous Annexation
Of the properties of
Wendell M. Cramer, Alan W. Bolick,
David Childers and Claude Ray Shrum
Located at the intersection of
Catawba Valley Boulevard, Startown Road and Short Road

That certain parcel or tract of land lying and being about 3.7 miles southeast of the center of the City of Hickory. Bounded on the south by the lands of Carlos C. Becerril as described in Deed Book 3463 at Page 834 and Allen Ray Setzer as described in Deed Book 2477 at Page 214; on the west by the lands of Dolly M. Huss as described in Deed Book 930 at Page 533, Fairbrook Park as shown in Plat Book 9 at Page 96, other lands of Dolly M. Huss as described in Deed Book 1902 at Page 943 and the right-of-way of Catawba Valley Boulevard; on the north by the lands shown in Plat Book 50 at Page 78, the lands of J.C. Faw as described in Deed Book 2191 at Page 1820 and the right-of-way of Startown Road; on the east by the existing City of Hickory city limits as shown in Plat Book 36 at Page 219; on the south by the existing City of Hickory city limits as shown in Plat Book 51 at Page 49 and Plat Book 75 at Page 105 and more particularly described as follows, to wit:

Beginning at a point in the existing City of Hickory city limits as shown in Plat Book 36 at Page 219 and in the western right-of-way of Startown Road and running thence, with said city limits and right-of-way, South 33 degrees 49 minutes 10 seconds East 269.53 feet to a point; thence, with said city limits and right-of-way, South 35 degrees 51 minutes 08 seconds East 177.26 feet to a point in said city limits and right-of-way; thence, leaving said city limits and right-of-way, crossing Startown Road and running, with the existing City of Hickory city limits as shown in Plat Book 51 at Page 49 and the southern right-of-way of Short Road, South 38 degrees 32 minutes 00 seconds West 380.18 feet to a point in said city limits and right-of-way; thence, with said city limits and right-of-way, South 39 degrees 08 minutes 00 seconds West 162.00 feet to a point in said city limits and right-of-way; thence leaving said city limits and right-of-way and running, with the existing City of Hickory city limits as shown in Plat Book 75 at Page 105, North 50 degrees 11 minutes 38 seconds West 38.52 feet to a spike within the right-of-way of Short Road; thence, with said city limits, South 38 degrees 35 minutes 18 seconds West 382.91 feet to a point, said point located North 38 degrees 35 minutes 18 seconds East 22.05 feet from a spike within the right-of-way of Short Road; thence, leaving said city limits, North 86 degrees 09 minutes 45 seconds West 28.55 feet to a 1/2" iron pin in the north right-of-way of Short Road; thence, with the north line of the Carlos C. Becerril lands as described in Deed Book 3463 at Page 834, continuing the same bearing, a distance of 212.30 feet to a point, the northwest corner of Becerril; thence, with the north line of the Allen Ray Setzer lands as described in Deed Book 2477 at Page 214, South 74 degrees 03 minutes 05 seconds West 127.68 feet to a 1/2" iron pin in the east line of the Dolly M. Huss lands as described Deed Book 930 at Page 533; thence, with the east line of Huss, North 04 degrees 49 minutes 10 seconds East 287.73 feet to a 1/2" iron pin, the northeast corner of Huss and the southeast corner of Lot 15 of Fairbrook Park as shown in Plat Book 9 at Page 96; thence, with the east line of Lots 1-15 of Fairbrook Park Block G, North 04 degrees 49 minutes 05 seconds East 434.85 feet to an angle iron, the northeast corner of a 60' street and the southeast corner of the Dolly M. Huss lands as described in Deed Book 1902 at Page 943; thence, with the east line of Huss, North 04 degrees 49 minutes 05 seconds East 287.57 feet to a 1/2" iron pin in the southern right-of-way of Catawba valley Boulevard; thence, crossing Catawba Valley Boulevard, North 36 degrees 21 minutes 45 seconds East 81.70 feet to a point in the in the northern right-of-way of Catawba Valley Boulevard; thence, with said right-of-way the following calls: as a convex curve to the left, said curve having a radius of 723.94 feet, an arc length of 46.49 feet and a chord bearing

and distance of South 67 degrees 10 minutes 37 seconds East 46.48 feet to ½" iron pin, the southwest corner of Lot A shown on Plat Book 50 at Page 78; thence, as a convex curve to the left, said curve having a radius of 723.94 feet, an arc length of 196.20 feet and a chord bearing and distance of South 76 degrees 47 minutes 30 seconds East 195.60 feet to a ½" iron pin, the southwest corner of the J.C. Faw lands as described in Deed Book 2191 at Page 1820; thence, as a convex curve to the left, said curve having a radius of 838.82 feet, an arc length of 124.97 feet and a chord bearing and distance of South 89 degrees 29 minutes 49 seconds East 124.85 feet to a point; thence, as a convex curve to the left, said curve having a radius of 735.19 feet, an arc length of 55.57 feet and a chord bearing and distance of North 83 degrees 24 minutes 11 seconds East 55.55 feet to a point; thence North 81 degrees 08 minutes 00 seconds East 61.98 feet to a point; thence North 29 degrees 48 minutes 27 seconds East 67.00 feet to a point, said point being located South 31 degrees 25 minutes 27 seconds East 144.26 feet from a 5/8" iron pin in the western right-of-way of Startown Road; thence, leaving the right-of-way of Catawba Valley Boulevard and crossing the right-of-way of Startown Road, North 57 degrees 19 minutes 40 seconds East 58.20 feet to the point of beginning. Containing 15.91 acres more or less.

Section 2. Upon and after the 30th day of September, 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. 3 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.

2. Approved on First Reading Consideration of Rezoning Petition 20-02 for the Rezoning of 10.51 Acres of Property Located at the Southwestern Corner of Startown Road and Catawba Valley Boulevard SE, Owned by Claude and Billie Shrum, David Childers, Kevin Childers, and Alan and Donna Bolick – Presentation by Planning Director Brian Frazier.

Claude and Billie Shrum, David and Kevin Childers, and Alan and Donna Bolick have petitioned for the rezoning of 10.51 acres of property located at the southwestern corner of Startown Road and Catawba Valley Boulevard SE. The request is to rezone the properties from low density residential (R-1) and R-20 residential to regional commercial (C-3). The subject properties are currently zoned low density residential (R-1) by the City of Hickory and R-20 residential by Catawba County, and are either vacant or occupied by a residential structure. The general area is classified as regional commercial by the Hickory by Choice 2030 Comprehensive Plan. This classification is intended to be located in the vicinity of the I-40 / US 70 corridor to provide commercial areas for shopping, dining, and employment. The C-3 zoning district is listed as the implementing zoning district for the regional commercial classification, and as such, should be considered to be consistent with the plan's recommendations. The Hickory Regional Planning Commission conducted a public hearing on August 26, 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 August 21 and August 28, 2020.

City Manager Warren Wood asked Planning Director Brian Frazier back to the podium to present Council with rezoning petition number 20-02 for the rezoning of 10.51 acres of property located at the southwestern corner of Startown Road and Catawba Valley Boulevard SE owned by Claude and Billie Shrum, David Childers, Kevin Childers, and Alan and Donna Bolick.

Planning Director Brian Frazier presented a PowerPoint presentation. He advised the rezoning was at the intersection of Catawba Valley Boulevard Southeast and Startown Road. The current zoning was City low-density residential R-1 and Catawba County zoning R-20 residential. He referred to the

PowerPoint and noted that the property size was a little bit less than what he showed during the annexation. He explained the reason for that was that the annexation was four parcels, and this was specifically three parcels. One of the parcels was in the City's extra territorial jurisdiction (ETJ) but still needed to be annexed. It already had the proper C-3 zoning affixed to it. He advised the subject properties were currently zoned low-density R-1, and R-20 County residential and were either vacant or occupied by single-family residences. The consideration of the rezoning of the properties was to become all C-3 for the future purpose of non-residential development. He referred to a map on the PowerPoint and pointed out the crosshatched areas that he had mentioned before. This map was the City of Hickory's future land use plan as part of the Hickory by Choice 2030. He pointed out the public and institutional uses, the regional commercial area, including the hatched section of the three properties. He noted the area where the fourth property for the annexation was located and that was already zoned C-3, as he previously indicated. He pointed out the area of low-density residential, primarily Catawba County. He showed an aerial of the property and pointed out the subject property, Catawba Valley Boulevard, Startown Road to the south, a medical office, Preston Ridge, and CVCC's campus. The current zoning was R-1 on two parcels, and they were looking to rezone it to C-3 and the parcel in the County R-20 they were looking also at rezoning that to C-3. The fourth parcel, all the previously approved annexation, was already zoned C-3 regional commercial. The properties again were zoned R-1 and R-20 and they were both vacant or occupied by single-family residential structure. The 2030 plan classified the area as regional commercial. Staff believed the rezoning request was consistent with the findings and recommendations of the Hickory by Choice 2030 Plan. The rezoning of the property was not anticipated at all to negatively impact public services, nor was it at all anticipated to negatively impact adjacent properties. Future development on the subject properties would be carried out in conformance with the City's Land Development Code.

Mr. Frazier discussed the findings. The Hickory by Choice 2030 comprehensive plan identified the area as regional commercial, which was consistent with the proposed zoning designation for these properties. The Hickory Regional Planning Commission conducted a public hearing on August 26th to consider the petition. During the hearing Mr. Yeagain spoke in favor of the petition, and no one spoke in opposition to such. Upon closing, the public hearing the Regional Planning Commission voted unanimously to affirm the petitions consistency with the Hickory by Choice Plan and recommended in a positive form to City Council's approval of the petition. Staff concurred with the recommendation of the Hickory Regional Planning Commission. He asked Council for any questions about the three parcels to be rezoned.

Mayor Guess asked for any other questions. He explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderman Seaver moved, seconded by Alderwoman Patton approval of the rezoning petition 20-02. The motion carried unanimously.

ORDINANCE NO. 20-38

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE APPROXIMATELY 10.51 ACRES OF PROPERTY LOCATED AT THE SOUTHWESTERN CORNER OF STARTOWN ROAD AND CATAWBA VALLEY BOULEVARD SE FROM LOW DENSITY RESIDENTIAL (R-1) AND R-20 RESIDENTIAL TO REGIONAL COMMERCIAL (C-3).

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

WHEREAS, the City has petitioned to rezone approximately 10.51 acres of property located at the southwestern corner of Startown Road and Catawba Valley Boulevard SE, more particularly described on Exhibit A attached hereto, to allow a Regional Commercial (C-3) district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on August 26, 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 20-02 to be in conformance with the City's Land Development Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE REZONING OF THE PROPERTY LOCATED AT THE SOUTHWESTERN CORNER OF STARTOWN ROAD AND CATAWBA VALLEY BOULEVARD SE AND DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject properties are located at the southwestern corner of Startown Road and Catawba Valley Boulevard SE, and further identified as PINs 371112964151, 371112961340, and 371112951884.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

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

SECTION 3. Consistency Statement

Upon considering the matter, the Hickory City Council found:

1. The general area is classified as Regional Commercial by the Hickory by Choice 2030 Comprehensive Plan
2. The Regional Commercial classification is intended to be located in the vicinity of the I-40 / US 70 corridor to provide commercial areas for shopping, dining, and employment.
3. The C-3 zoning district is listed as the implementing zoning district for the Regional Commercial land use classification, and as such, should be considered to be consistent with the plan's recommendations.
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 City Council has found Rezoning Petition 20-02 to be consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

B. Departmental Reports

1. Appointments to Boards and Commissions

COMMUNITY 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)
 African-American (Council Appoints) VACANT
 African-American (Council Appoints) VACANT
 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)
Ward 4 (D. Williams Appoints) Elliott Neil Walker
(Eligible for Reappointment)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
Ward 5 (Zagaroli Appoints) VACANT

Alderman Zagaroli nominated Megan Carfagno as Ward 5 Representative for the Public Art Commission.

PUBLIC HOUSING AUTHORITY

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

RECYCLING ADVISORY BOARD

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

Alderman Williams nominated Deborah Hollingsworth for reappointment as Ward 4 Representative on the Recycling Advisory Board.

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

Mayor Guess moved, seconded by Alderwoman Patton approval of the above nominations. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

Mayor Guess moved, seconded by Alderman Seaver to consider a matter not on the agenda. The motion carried unanimously.

City Manager Warren Wood commented that he doesn't ordinarily bring things to Council at the last minute, but late this afternoon they opened bids for a waterline project that would run from the old Clement Center to the Airport. It was a 16-inch waterline that was going to serve the airport most immediately. There was a 12-inch line that exists today that serves the airport. The City had a new hangar coming online, and it has a robust fire suppression system, so they had to upsize the line in order to make sure it meets all the codes. Staff opened bids today and they got good numbers. They would like to buy themselves two weeks versus having to come back. The hangar was getting close to completion. They would like this to coincide with that. He asked that City Council approve the bid from Fuller and Company Construction for \$624,000.21 and authorize the Manager to enter into the associated contract just to save themselves some time. Otherwise they could bring it back to Council in two weeks. These funds for this project were budgeted.

Mayor Guess asked for any questions.

Alderman Zagaroli asked the name of the contractor that won the bid.

City Manager Warren Wood advised Fuller and Company Construction. He commented they got really good prices. In fact, these bids were about half of what they thought they were going to be, so they got good numbers.

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Alderman Williams asked when they were submitted. Today?

City Manager Warren Wood advised late this afternoon.

Alderman Patton moved, seconded by Alderman Williams approval of the bids and authorization for the City Manager to execute the contract. The motion carried unanimously.

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

Alderman Patton hoped that everyone in the audience and hopefully the paper too, would write about the number of vacancies that the City had on some of the councils. The Community Relations Council had six openings, and there were quite a few others, less the two that were previously appointed today. Council would love to have the commissions full so that they would get robust and meaningful discussions at their commission meetings. She encouraged if there was anyone who would like to serve to please put their application in with the City and they would love to have them come serve on one of the City's councils or commissions.

Mayor Guess concurred with that. He advised if anyone was interested the City had the opportunity that had been mentioned and there was also on the website, it was really easy not only to learn about those opportunities but to learn more about each board and commission, when they meet and so forth, the dates. The application process was there as well.

XIV. There being no further business, the meeting adjourned at 7:21 p.m.

Mayor

City Clerk