

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, November 1, 2022 at 7:00 p.m., with the following members present:

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

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, 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.
- II. Invocation by Reverend Kay Smith, Staff Chaplain at Frye Regional Medical Center, and Co-Pastor Zion United Church of Christ
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes

- A. Regular Meeting of October 18, 2022.

Alderwoman Patton moved, seconded by Alderman Zagaroli that the Minutes of October 18, 2022 be approved. The motion carried unanimously.

- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

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

- A. Approval to Implement a Speed Limit Reduction to 25 MPH along 4th Avenue Drive NW between 7th Street NW and 9th Street NW and along 8th Street NW between 4th Avenue Drive NW and 4th Avenue NW. (First Reading Vote: Unanimous)
- B. Budget Revision Number 8. (First Reading Vote: Unanimous)
- C. Consideration of Closing an Unopened Thoroughfare off of 5th Street NE as Petitioned by G&M Rentals LLC. (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.

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

- A. Approved the Community Relations Council's Fall 2022 Grant Recommendations.

As part of the Community Relations Council's (CRC) workplan and annual budget process, the Community Relations Council receives funds to disperse during the fiscal year through the CRC grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area. For the Fall 2022 grant cycle, the CRC received 4 grant applications for projects totaling \$4,350 and recommends approval of three grants totaling \$2,850. Funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the three grants totaling \$2,850.

- B. Approved a Pyrotechnic Display Permit to PyroStar Entertainment LLC for a Fireworks Display at the Hickory Motor Speedway.

Staff requests approval to issue a pyrotechnic display permit to PyroStar Entertainment LLC for a fireworks display at the Hickory Motor Speedway for November 26, 2022, (rain date November 27, 2022). Frank Terzino Jr. owner of PyroStar Entertainment LLC submitted a request to obtain permission to conduct a public fireworks display. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of

State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics display.

- C. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Trivium Corporate Center Inc., Containing 3.54 Acres, Located on Trivium Parkway, Identified as a Portion of PIN 3721-17-12-4395. (Authorized Public Hearing for November 15, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 22-64
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 Trivium Corporate Center, Inc. fka Park 1764 Development Corporation requesting annexation of an area described in a petition was received on October 17, 2022, 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 Trivium Corporate Center Inc., located on Trivium Parkway, containing 3.54 acres more or less, and identified as a portion of PIN 3721-17-12-4395.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 17th day of October, 2022.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 22-65
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 November 15, 2022 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 Trivium Corporate Center Inc., located on Trivium Parkway, containing 3.54 acres more or less, and identified as a portion of PIN 3721-17-12-4395.

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. 22-66

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY TRIVIUM CORPORATE CENTER, INC. AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Trivium Corporate Center is the owner of certain real property as described herein, which property is located on Trivium Parkway, containing 3.54 acres more or less, and identified as a portion of PIN 3721-17-12-4395.

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 1st day of November, 2022, 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 November 15, 2022 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 Trivium Lot 5 (portion) Map 1 Existing City Boundary, subject property outlined in red; Trivium Lot 5 (Portion), Aerial Photography subject property outlined in red; Trivium Lot 5 (Portion) Map 3, Current Zoning, subject property outlined in red.

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.

D. Approved a Resolution Accepting the Offer of \$1 from Catawba County Chamber of Commerce for the Purchase of the City-Owned Property Located at 1055 Southgate Corporate Park SW, being Identified as PIN 3702-13-14-6836, Containing Approximately 3.03-Acres, and Authorize the Advertisement for Upset Bids.

The City owns the parcel located at 1055 Southgate Corporate Park SW (Parcel ID: 3702-13-14-6836). This 3.03-acre parcel is currently being ground leased to the Catawba County Chamber of Commerce, which owns the building located on the site. The Chamber has expressed interest in purchasing the property. The Chamber of Commerce's lease runs through July 1, 2076. The Chamber has offered the City \$1 plus closing costs to purchase the property. They would be required to continue to operate a Chamber of Commerce within the City of Hickory for at least 20-years or pay the City \$250,000 in liquidated damages. The property must be sold subject to the upset bid process. Any upset bidder would also be required to continue to operate a Chamber of Commerce in Hickory for at least 20-years or pay the City \$250,000 in liquidated damages. Staff recommends that City Council adopt a Resolution accepting the offer from the Chamber of Commerce and authorize staff to advertise for upset bids.

RESOLUTION NO. 22-67

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO PURCHASE CERTAIN PROPERTY

WHEREAS, City Council of the City of Hickory desires to dispose of certain surplus properties of the City of Hickory.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The following described property is hereby declared to be surplus to the needs of the City of Hickory:

Being the parcel located at 1055 Southgate Corporate Park SW, Hickory, Containing 3.03-Acres, more or less, and being Tract Two of Plat Book 38 at Page 8, being the property as recorded in Deed Book 1939 at Page 152, Catawba County Registry.
2. City Council has received an offer from the Catawba County Chamber of Commerce to purchase for the sum of \$1, plus closing costs, the property located at 1055 Southgate Corporate Park SW, Hickory, North Carolina, with the requirement they continue to operate a Chamber of Commerce for at least 20-years within the City of Hickory or pay the City of Hickory \$250,000.
3. There currently is a ground lease on the property located at 1055 Southgate Corporate Park SW, until July 1, 2076, with the Catawba County Chamber of Commerce which owns the building located on the site.
4. Any upset bidder would also be required to continue to operate a Chamber of Commerce in Hickory for at least 20-years or pay the City the sum of \$250,000.
5. City Council proposes to accept the offer unless a qualifying upset bid shall be made.
6. The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
7. Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash or cashier's check. At the conclusion of the ten (10) days, the City Clerk shall open the bids, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
8. If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.
9. If no upset bid(s) are received, City Council authorizes the City Manager to execute the contract and all documents associated with the sale of the subject property.

E. Approved on First Reading Budget Revision Number 9.

ORDINANCE NO. 22-40
BUDGET REVISION NUMBER 9

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, 2023, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2022-23 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	5,466	-
TOTAL	5,466	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Sales and Services	5,466	-
TOTAL	5,466	-

SECTION 2. To amend the Airport Fund within the FY 2022-23 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	14,950	-
TOTAL	14,950	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	14,950	-
TOTAL	14,950	-

SECTION 3. To amend the Airport Hangar W5 (#APH0W5) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	14,950	-
TOTAL	14,950	-

To provide funding for the above, the Airport Hangar W5 (APH0W5) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	14,950	-
TOTAL	14,950	-

SECTION 4. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:
 - A. Public Hearings
 - 1. Approved on First Reading Text Amendment 22-01 to the Land Development Code – Presentation by Planning Director Brian Frazier.

Annually, Planning and Development staff conducts a review of the City’s Land Development Code to identify modifications needed or required to maintain the document’s effectiveness. In 2022, staff also conducted an update to the Hickory by Choice 2030 Comprehensive Plan. This update warranted a review of the City’s Land Development Code to ensure it continues working to implement the City’s comprehensive plan. As part of its review, staff identified several portions of the City’s Land Development Code requiring revision to maintain the overall document’s effectiveness. The Hickory Regional Planning Commission conducted a public hearing on October 26, 2022, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan and recommended approval.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 21, and 28, 2022.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with Text Amendment 22-01 to the Land Development Code.

Planning Director Brian Frazier presented a PowerPoint presentation. He advised he would discuss the text amendment first and then at the next hearing there would be the proposed map amendments. Staff comes back every year with an annual revision to the Land Development Code. The amendments were identified through their annual code review and the recent five-year update and readoption of Hickory by Choice 2030 that Council approved last month. The amendments to the Land Development Code this year involved articles 2, 3, 5, 6, 7, 8, 9, 10 and 14. The amendments were intended to improve the effectiveness of the ordinance and address new development strategies and techniques.

Planning Director Brian Frazier advised he would share some of the highlights, a lot of things were changed everything from some major revisions down to a slight typo or redundancy. They were looking to revise the Land of Development Code to indicate mail notifications were to be done in conformance with State statutes. Regarding public notifications, that came out of North Carolina General Statutes 160D. They also revised article two to make clearer which notices were required for public hearings, for example, even though public hearings under State statute were not required by the Planning Commission at all, they still do it anyway. They thought that process worked better. In the past they did not have to have a

public hearing for the readoption of the Hickory by Choice Comprehensive Plan. The past year and a half they had, and that was what they did this year.

Planning Director Brian Frazier discussed article three. They were proposing revisions to decrease the required ground floor window requirements, glazing from 30% to 25%. It had been 25% since before he came to the City. Specific uses operate better without as many windows, medical facilities, and chain retail were examples. In the City's code it made it tough when they had to go with some colored or translucent glass. Otherwise, in the local drugstore you were seeing the back end of pretzels, and potato chips, and things like that. People ask for the darker glass and that could be easily vandalized and fades with time. It does not weather well. They thought if they just cut it down 5% those chain retail, and medical facilities would operate better. They were looking to revise the text to eliminate ground floor. The definition of ground floor entryways and prominent entrance detail requirements in both office and commercial districts. This section really had limited design value and the removal of these terms simplified the design standards. They thought it would curtail the look of cookie cutter homogenous buildings like they had seen over the years. Those were the reasons for the design changes in this article.

Planning Director Brian Frazier discussed article five. They were hoping to revise the code to clearly indicate that planned development master plans, as they had seen before, for major residential subdivisions and mixed-use projects that everyone knows that their conceptual and not engineered plans. Some communities require 30% engineer plans, some require 50 some required 100. There was no point having a developer go out and spend tens if not hundreds of thousands of dollars with full blown engineered plans where there was a chance that they were going to be denied at the Planning Commission or Council level. It just did not make any sense at all because they had to comply with the Land Development Code anyway. Engineered plans were to be developed if the project was granted zoning approval by both the Planning Commission and City Council.

Planning Director Brian Frazier discussed article six. They revised the use table and had got it down to a little over two-pages, it used to be over 22-pages. They were looking to permit single-family attached dwellings. That was basically townhomes in all districts except industrial. They were also looking to permit single-family detached dwellings. That was the standard American home with the white picket fence by right in the CC-1 and CC-2 districts. Right now, they were allowed but it was by a special use permit by the Planning Commission and with today's housing crunch, and the way the market was, they thought this would open up a little bit more for housing opportunities. They were also seeking in the Land Development Code (LDC), to basically not permit by right or special use any manufactured homes or manufactured home parks in the R-4 zoning district. Anyone that was there now would certainly be grandfathered and any one park or individual home that was in the R-1, which took up most of where the City's citizen's mobile homes would still be allowed. The State and the U.S. Constitution required that type of housing be permitted within the City.

Planning Director Brian Frazier discussed article seven. They were looking to revise the residential dimension standards as follows: reduce the minimum lot size for duplexes and districts where permitted to the same as single-family attached residences. It did not really make any sense not to do it because since they were their own single unit of housing anyway. It did not make any sense. It took them a few years to catch that. They were looking to reduce the minimum lot width in the R-4. Which was more in the well-established neighborhoods like Highland, Claremont, Ridgeview, Green Park, West Hickory, and Kenworth, a lot width from 60 feet to 50. They hoped this would encourage infill housing because the vacant lots that they do have, there was not a lot, but this they believed would help literally fill in those gaps with housing opportunities. They were looking at also, it would be an addition of a footnote, to acknowledge minimum lot width. They do not pertain to individual single family attached units' townhomes, because again you could have 3, 10, 12 all in a row, so there were no real setbacks, just a zero-lot line that had to comply with State Building and Fire Codes. They were looking to reduce the rear building setback in the R-2 low medium density district from 25 feet to 20. He advised it was not a big deal, but it just needed administrative touch up, because the current rear yard setback was greater than the front which did not make any sense and it was not how other residential districts were set up. He was not sure why they did not notice that earlier, but they thought that might just clear things up a bit. Also, in article seven they revised multi-family development standards to eliminate the driveway width and access requirements. Both were already addressed and served through the State Fire Code which was administered by Hickory Fire and Life Safety and through the City's engineering division of public services through the manual

practice. It was a redundancy in what they had in the code versus what was in the manual practice, and the State Fire Code was slightly different, so they wanted to make that copasetic. Pretty much the same thing, they eliminated connectivity requirements for multi-family development. Connectivity was already addressed within the State of North Carolina Fire Code. It prevents conflicts within the Land Development Code text itself.

Planning Director Brian Frazier discussed article eight. Eliminate connectivity requirements for property subdivisions. Connectivity was already addressed in the Fire Code. Looking to revise the minimum area requirements for conservation subdivisions. They used to have as a minimum of five-acres, and it went to two and then it went to 10, because some people were taking advantage of what they considered open space. They had been at 10 for the past few years, but with the housing crunch they were looking to have 10-acre minimums to remain in the R-1 and R-2 districts, the lower density districts. Then in the medium and high-density districts, the R-3 and R-4 respectively, that would decrease the five-acre minimums. They thought this may also help at least marginally the housing crunch that they were in. They also revised the conservation subdivision section to better clarify the requirements to both attached and detached single family dwellings, part of what Council had seen in his previous slide. They were also looking to revise the performance guarantee section to indicate standards for performance guarantees that were applicable to all articles of the ordinance. There were some things that they had bonded before, that was just common practice that was not really spelled out well enough in the ordinance. They think of roads and infrastructure, but they were also taking into consideration streets, lighting, sidewalk, and landscaping. Years ago, the City got stuck footing the bill for some of this when developers went belly up and they were trying to avoid that again, with that looming bubble.

Planning Director Brian Frazier discussed article nine. They were looking at reducing the minimum tree spacing requirement along street frontages an adjacent compatible uses would be required to space 45 feet on center rather than 30 foot on center as they now required. This increased spacing they believed would help with tree health maintenance and business viability. There was a former City employee that he consulted with and friends that were landscape architects and it really would help improve the spacing of the trees, so they were not all crowded together. They had taken it out of the Land Development Code a while ago, it was in the manual practice, and he understood that was being removed, they were going to follow Duke Energy's planting schedule especially for those species that were under overhead power and utility lines. Sometimes they get up in the lines and that could affect power distribution, and it was a safety issue. It becomes an aesthetic issue when the trees get a bit of a haircut. They were looking at changing that. Also, in article nine they were looking to require understory trees rather than canopy trees and parking areas. He used as examples a crape myrtle, a Japanese maple, instead of the mighty oak kind of thing in a parking lot with their extensive root systems they end up undermining the curbing, the landscape bed, and sidewalks. They were looking at reducing that, and then exempting vehicle sales and car rental lots from interior parking area landscape requirements. A lot of debris falls on cars and a lot of what had been planted before either the leaves, especially the berries were acidic, and nobody wants their brand-new Porsche paint to see all the way down to the body through the paint job. They were also looking to amend the ordinance to give the Planning Director the ability to consider alternative landscaping plants just like they had before due to signage. As he mentioned previously, they were looking to revise the Land Development Code (LDC) to defer to Duke Energy's planting list when planting near or under utility lines.

Planning Director Brian Frazier discussed article ten, signage. The only thing they were looking at changing was adding a bit more specific language and a more effective definition for prohibited signs like all of their favorite feather flags. Making the ordinance a little bit stronger. When they see feather flags up, if they do not see them come down, feel free to contact his office. As Council probably remembered they used to have a 10-day warning and a 10-day notice of violation. The General Assembly changed the City's 10 and 10 to 30 and 30. Staff were on top of these and most of these businesses if not all had been cited. His zoning officer was extremely meticulous. This would also include things that blow bubbles, flashlights, move and scroll, the spaghetti guy flying in the wind, that kind of thing.

Planning Director Brian Frazier discussed article 14, the definitional section. They were adding a definition for boarding house. They were actually making a comeback and they wanted to be able to regulate some of the changes. They were not an apartment house, not a B and B, not an Airbnb. Basically, through the housing crunch, what people were doing as long as they could adhere to

State Fire and Building Codes, as well as the City's zoning ordinance, they were building homes, and actually they were renovating homes, so they could get as many people as possible under the roof and keep with minimum housing code. He knew there was a need for housing, and nobody wants to see 50 people in a two-bedroom house, but this way they could regulate the boarding houses that were coming in. Duplex, the definition thereof had been better defined to indicate the structure was constructed to North Carolina State Building Code for both one- and two-family dwellings. The Building Code changes every certain number of years. There were some changes in it in the past year that gave rise to them doing this and the definitions for single family attached and detached dwellings were revised to make a clear distinction between the two and what Building Code governs their construction. Even though they were looking at these as both single family residential, there was a difference in the State Building Code that County Building Services, down in Newton overseas, and how single family attached and detached dwellings, basically a single-family home versus a townhome were constructed. Also, the definition for professional office was revised. He advised they had a lot of businesses, hairdressers and beauty shops were one. You go get your haircut, get your hair done, and they were selling products, and in certain districts retail was not allowed at all, but since it was primary an ancillary use, they really did not want to tell businesses no, you cannot be here if the retail part of it was ancillary. They wanted to make that clearer because a lot of realtors have an issue and do not understand that definition of the code. Minor subdivision was better defined, because they have a major subdivision over five lots, minor was under five lots, but a lot of times they were just subdividing one large parcel straight down the middle and it was more of a lot line adjustment than it was a minor subdivision, and it would save folks money to submit plans, developers as well as PEs and surveyors.

Planning Director Brian Frazier discussed the findings for text amendment 22-01. Staff conducted a review of the Land Development Code and was proposing amendments that they deem necessary to continue the document's purpose. The Land Development Code as they knew was an ordinance, it was law as an implementation tool for the Hickory by Choice 2030 Comprehensive Plan. On October 26, 2022, the Hickory Regional Planning Commission considered the text amendments and upon consideration the Commission voted to forward a recommendation of approval to Hickory City Council this evening. Staff's recommendation was that City Council move to affirm the text amendments consistency with the Hickory by Choice 2030 Comprehensive Plan and sign off on that tonight. He asked for any questions. He reiterated he had just given them the highlights; he did not think they wanted to be here till midnight.

Mayor Guess asked if there were any questions for Mr. Frazier.

Alderman Williams commented that everyone knew how he felt about feather flags. He asked Mr. Frazier if he had an idea of how many citations, they wrote yearly for feather flags.

Planning Director Brian Frazier responded hundreds. They write hundreds of citations for banners without permits, for ripped banners, illegal banners, banners placed in the right of way. It was spread out across the board. There was a lot less overall for feather flags than there was for other signs. They had tried to have one sign taken down now for seven months. The fine was now up to \$5,800 for one sign. They wanted its removal, and they were dealing with the business and their attorney. Most of the signs in question were the standard signs that were put up or the ones that basically look like a sheet or a tarp. Those were more problematic than the feather flying's.

Alderman Williams thanked Mr. Frazier.

Mayor Guess asked for any other questions for Mr. Frazier.

Alderman Wood thanked Mr. Frazier and his department. He noted it was obvious that they were taking a customer service approach to planning, and he did not think that was the norm with a lot of municipal planning departments and he appreciated his focus on clarifying this and making it easier to do business in Hickory. He thanked Mr. Frazier.

Planning Director Brian Frazier thanked Alderman Wood and advised he would pass that along.

Alderwoman Patton commented it made it easier to read even though he did not go through it all to read it all. She thought that it was much easier to read and easier for developers and others to read these amendments and see what the code was, and it makes it easier. She appreciated that.

Planning Director Brian Frazier thanked Alderwoman Patton.

Alderwoman Williams asked when these changes became effective.

Planning Brian Frazier responded they would become effective, he believed, upon second reading which would be in two weeks-time. As soon as Council voted, and it was signed it became law.

Alderman Williams commented he agreed with Alderman Wood as a business owner, he thought while the presentation was going on, it was very business friendly and did help small businesses, as he was a big fan of small businesses. He greatly appreciated staff for that as well.

Planning Director Brian Frazier thanked Alderman Williams.

Mayor Guess was sure, just as the other Council members hear from folks, he hears from folks, and they tell him that it was easier to do business here and to do development here than it was in other places where they do business. He hears those comments quite frequently and was sure the other Council members hear the same. He thanked Mr. Frazier.

Planning Director Brian Frazier thanked Mayor Guess.

Mayor Guess asked for any other comments or 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. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderwoman Patton moved, seconded by Alderman Williams approval of Text Amendment 22-01 to the Land Development Code. The motion carried unanimously.

ORDINANCE NO. 22-41

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE HICKORY LAND DEVELOPMENT CODE IN CONJUNCTION WITH RECENT UPDATES TO THE HICKORY BY CHOICE 2030 COMPREHENSIVE PLAN.

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

WHEREAS, the City of Hickory has updated its comprehensive plan and where such updates necessitate revisions to the City's Land Development Code to ensure consistency between the two; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed amendments during a public hearing on October 26, 2022 and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed amendments are in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare, and comply with applicable state statutes; and

WHEREAS, the City Council has found Petition TA 22-01 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE PROPOSED AMENDMENTS TO THE HICKORY LAND DEVELOPMENT CODE AND DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

- a) Whether the proposed amendment corrects an error or inconsistency in the Land Development Code or meets the challenge of a changing condition.

The amendments reflect an update of the Land Development Code to coincide with an update of the City's comprehensive plan.

- b) Whether the proposed amendment is consistent with the Hickory by Choice Comprehensive Land Use and Transportation Plan, and the stated purpose of the Land Development Code.

The proposed amendments work to further implement the Hickory by Choice 2030 Comprehensive Plan.

- c) Whether the proposed amendments will protect the public health, safety, and general welfare.

The amendments further the City's efforts to protect the health, safety, and general welfare of the public.

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. Technical Corrections. City Staff is authorized to correct any typographical, cross-reference, numbering, formatting, or other errors which may hereafter be discovered and to publish or distribute correction sheets as may be necessary. This section shall not be construed as authorizing City Staff to make any substantive changes to the provisions of the code without presenting the same to Council for consideration and approval as required by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 22-01 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.

- 2. Consideration of Rezoning Petition 22-12 for Approximately 300-Acres of Property – Presentation by Planning Director Brian Frazier.

The City of Hickory has submitted a petition to rezone five areas within the City. These areas include: Area A - 706 1st Street SW, 730 3rd Street SW, and 735 3rd Street SW; Area B – 1451 8th Street Drive NE, and 705 13th Avenue NE; Area C – 1570 Old Lenoir Road, 1560 12th Street Drive NW; 1615 12th Street Drive NW, and 2085 12th Street Drive NW; Area D – 960 20th Street NW, 950 20th Street NW, 936 20th Street NW, 931 18th Street Place NW and an unaddressed parcel; Area E – partially bounded by Clement Boulevard, 20th Street NW and 14th Avenue Circle NW, including 1305 20th Street NW, 2010 Clement Boulevard NW, 2544 14th Avenue Circle NW, 2500 Clement Boulevard NW and properties located at 1832 9th Avenue NW, 1811 18th Avenue NW, 825 18th Street NW and 815 18th Street NW, and total approximately 300 acres in total area. The properties are occupied by an assortment of land uses, including parks, libraries, businesses, and residences. The rezoning of Ridgeview Library and Stanford Park are being considered to apply a zoning district that better fits their current use. The rezoning of the Riverwalk area is being sought to accommodate future plans for the area. The remainder of the rezonings are being considered to enhance development and redevelopment activities in the vicinity of the new Appalachian State campus and Hickory Regional Airport. The Hickory Regional Planning Commission conducted a public hearing on October 26, 2022, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan and recommended approval.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 21, and 28, 2022.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with rezoning petition number 22-12 for approximately 300-acres of property.

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed rezoning petition 22-12. He referred to the PowerPoint and noted the various property owners that would be affected by the proposed rezoning petition. These were annual text amendments. Sometimes these text amendments were generated by citizens, and they ask the City to just incorporate it if they were not having a big-time constraint. Usually, it was text amendments that were proposed by the City of Hickory, City generated text

amendments. That was why the applicant was the City of Hickory. He explained the map would make it a little bit clearer. He pointed out that area A was basically the Ridgeview Library, the recreation center Brown Penn, and area B would be Stanford Park Highland Rec. Area C would be Rotary Geitner Park where the Riverwalk was going in that the City had been working with the Lackey family for a while. That would also include the City's water treatment facility and some other City structures there. Area D would be 20th Street NW at about 9th Avenue Drive NW vicinity. That would be to the south of Clement Boulevard, and it would be a few blocks from App State's campus. Area E was the airport vicinity. There were a couple of small properties that they were looking to rezone on the south side of Clement, but most of it would be north of Clement Boulevard in the vicinity of the airport and LP Frans Stadium. That was the airport vicinity.

Planning Director Brian Frazier discussed the property sizes. As City Manager Warren Wood had indicated, there were a couple of rather large properties, groups of properties, in both area C and area E tonight. The current zoning for area E was the City's R-4 high density residential and area B was also high density residential, area C was low to medium density residential, area D as industrial, and area E was currently zoned industrial. The requests were to rezone area A and B to O and I, area C to PD for planned development, area D for Commercial 2 which was general business, and area E to O and I which was office and institutional. He referred to the PowerPoint map and pointed out the date of the hearing and the various colors. He pointed out Stanford Park and Highland Rec. He noted there were four City properties in there and there were two City properties around the Ridgeview Library and the Ridgeview Rec Center. He noted the properties that would go from industrial to general business, and the area around the airport, Winkler Park, LP Frans Stadium, properties by the former Clement Center, and the area of the Riverwalk, and the City water treatment plant. He advised it took in basically all of the bike trails, and Rotary Geitner Park which part of it would be working with the Lackey family on, but that had been zoned R-2 for years. He advised it really needed additional planning which they were in the midst of now. That was the overall map of what they could see that they were rezoning. There was no spot zoning here. All the parcels were more than five or 10-acres in everything in total. That was not a legal problem.

Planning Director Brian Frazier discussed area A, that was basically in Ridgeview, and they were looking to rezone it to office and institutional classification of a park consistent with the plan. People had asked both about the Ridgeview Library, and Brown Penn, as well as Stanford Park and Highland Rec, why were they changing the zoning? The zoning had basically been high density residential for years and they decided to take a look at cleanup, and they took a look at Ridgeview Rec, and the library; Highland Rec, Stanford Park, as well as Winkler Park, and the stadium which were contiguous properties in northwest Hickory. They all had classifications that really did not meet the definition of City ownership. They want them in that institutional use. Know the properties were not going to be developed. They were not going to be plowed under. There was not going to be any development at all. There was not going to be road access from the back of Stanford Park, into the Hamptons of Hickory, the former Hampton Heights Golf Course. It was basically just a code cleanup. All of these properties that the City had for either library, parks, rec, open space, were either deeded to the City and most were granted through, Federal and or State funds. The City has to maintain them for the purpose of rec centers, library, parks, playgrounds, open space, in perpetuity, or the City would have to give a heck of a lot of grant money back to the feds and to Raleigh. So those were the reasons they were changing those.

Planning Director Brian Frazier discussed area D. They were looking at rezoning that to C-2 classification, and the plan as general business. That would also be consistent with the plan as a commercial use just like Ridgeview and Highland Rec would be consistent with Hickory by Choice as institutional uses. Those uses may be expanded over time, but they were going to be public municipal uses, not ever for private development area.

Planning Director Brian Frazier advised area E, they were looking to rezone that to office and institutional. The classification under Hickory by Choice called for both general business and industrial. It was technically inconsistent with the plan as an institutional use but recent public improvements in the vicinity of area E with the airport, the runway expansion and eventually CVCC, the airport museum, the Aviation Walk leading downhill to the 321 complete street, and pedestrian bridge. They were looking at protecting that area and the City's infrastructure as well in that area. They believed that necessitated the proposed change. Given these factors, the rezoning before Council, the map amendment should be considered both consistent and inconsistent with Hickory by Choice.

That was with the findings and recommendations of the plan itself. He advised the Comprehensive Plan was not law. The Land Development Code as they knew was by ordinance, so that certainly was law. But the Comp Plan served as the City's guiding document for future planning and development. The plan itself was meant to be a fluid document, changed regularly, updated regularly, and responsive to changing conditions, whether that be demographics, new patterns of development, future development, etcetera, but most importantly of all with all of these rezoning in area A through E, the plan must exist under State General Statute and planning enabling legislation through not only North Carolina but most states, it had to exist to promote the public health, safety, amenities, and general welfare of the populace of the citizens of Hickory.

Planning Director Brian Frazier discussed the findings, again requested zoning work to further implement Hickory by Choice. While part of the rezoning area was inconsistent with the plan, the rezoning of that sub area was reasonable due to ongoing conditions, current and future development, and redevelopment that would protect the public interest they believed. Being such the rezoning request again was both consistent and inconsistent with the findings and recommendations of the Hickory by Choice 2030 Plan. The Planning Commission, last week, again found the map amendments both consistent and inconsistent with the plan, but recommended approval of such to City Council in the recommendation. The recommendation was City Council move to affirm the rezoning petition consistency and inconsistency with the Hickory by Choice 2030 Comprehensive Plan and approve the proposed zoning map amendments. He asked for any questions.

Mayor Guess asked for any questions for Mr. Frazier.

Alderman Wood had received many calls about these, especially the parks. He learned quickly that he needed to qualify himself when he said something. This was not intended to accommodate any immediate construction or expansion of any park or a library or anything like that, but it did not preclude the City expanding in the future and doing like type things in a park.

Planning Director Brian Frazier replied exactly, yes sir, many people had the feeling, and he was told by several, basically they thought that the City was going to develop/redevelop the park's, sell them off for private interests down in Ridgeview, Highland Rec, Stanford Park, LP Frans Stadium, and Winkler. That the City was going to sell those for development just like the City did with Hampton Heights Golf Course. It was tough convincing people that that was never owned by the City. It was not a municipal course and just because it was public just meant it was open to the public owned by private investors. Once he told them that the people seemed okay. He thought they only had one or two people at the Planning Commission that had a concern and once they heard that they left.

Alderman Wood wanted to be careful because if they do something that was recreation oriented or library oriented or something like that, he did not want someone to come back and say you said that nothing else was going to be built or anything else was going to be done.

Planning Director Brian Frazier understood and respected that. O and I was definitely the most consistent use for the City's public institutions.

Alderman Wood thanked Mr. Frazier.

Mayor Guess asked for any other questions for Mr. Frazier.

Alderwoman Williams commented in the airport area, the City had plans that were actually unveiled recently about expanding the runway, creating more of an academic site for CVCC and training. Part of this change over was to comply with FAA standards, correct? The City could not have certain industrial type businesses adjacent to the airport, is that correct?

Planning Director Brian Frazier commented or in the runway protection zone.

City Manager Warren Wood advised the runway protection zone was a Federally identified zone at each end of every runway. It was a trapezoid. They direct airport owners, the City, to put zoning in place that would prohibit incompatible uses. Having an industrial zone in the runway protection zone was something the FAA does not want the City to have. In fact, that could jeopardize the City's Federal funding for the airport. The City was obligated to change the zoning. As an example, the City's industrial zone allowed for hazardous chemical type

activities, combustible type activities, and those the FAA defined as incompatible uses in the runway protection zone.

Alderwoman Patton commented anything that wanted to be kept as industrial would have to go through the FAA, because of the runway protection zone, it would have to pass through FAA.

City Manager Warren Wood advised they have a process where they evaluate uses in the runway protection zone and they comment on those uses whether or not they were consistent or not.

Mayor Guess commented that was in addition to the City's zoning. Correct?

City Manager Warren Wood replied yes. Ultimately, they look at the City to put protections in place to protect against incompatible uses in that zone.

Mayor Guess asked for any other questions for Mr. Frazier. Mayor Guess explained the rules for conducting the public hearing applied as he had explained before. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal.

OPPONENT

Mr. Steve Deitz, 620 42nd Avenue Place NW, Hickory, North Carolina, addressed rezoning petition 22-12. He commented it was an honor to be here. He was a longtime resident, lifetime resident of Hickory. He supported the goings on in this community all of his life. He knew some of them, some of them he had heard of, but he had the greatest respect for them and for the Regional Planning Commission that he met with last week. He referred to the PowerPoint map and asked if they could keep up the map. He agreed he wanted to see progress come to Hickory and he wanted to see things happen. It was exciting. He looked forward to it. He was also here to protect the establishment of a local church. They had to ask the question why their zoning as a church. He knew some of the answers, he was hoping Council would have the rest of the answers for them. They were currently industrial at 2010 Clement Boulevard which was Resurrection Church Hickory. Their property in this package was basically the only developed land in this rezoning petition. Other than that, the City pretty well owned it all. Now, this request was issued by the City of Hickory, for the City of Hickory, and developed through the staffing of the City of Hickory. As a founding Pastor of their church, he thought it was their responsibility to let them know where they were on this property and what was going on.

Mr. Deitz advised he used to hunt on this property when he was a kid before, it was all wooded, and hunting squirrels was great down there. It was really good. They purchased it in 1998. It was zoned industrial at that time. However, he received, on Tuesday, October 18, 2022, a rezoning petition letter allowing them only five working days to put together a plan to bring to the Hickory Regional Planning Commission. Then on top of that, in the same letter, it gave them four working days before this meeting tonight. They recently had the property appraised. Their property was for sale now. The people that they were working with, the group said in the decades of experience, they had never seen anything get pushed through as quickly as this in the rezoning effort. He commented the speed of this process was moving so extremely fast, he thought it was inappropriate and it was inadequate time for them as a church to prepare for such an undertaking as this, because of the standards that have set here. He understood that everything that went on was by the law and by the rule. So, it was legal, but was it moral to put this kind of pressure on a church and changes what was the big deal. He understood he had been around Hickory. He had built homes, renovated, and going O I normally would be an increase in value to most properties that already had established buildings. But in their case their buildings were so special that it required a limited amount of uses that could be in it. Where most O and I's were 1, 2, 3, 4 stories high they have ceilings that were three and four stories high. They have the capacity and use them now for volleyball, gym, tennis, whatever they want. It was so exclusive that it made it difficult to find the right type of buyer for it. Notice this, prior to the 2030 Hickory by Choice future land statement, area E was already proposed then in their old one as industrial, but now here in the past few months he had discovered it had been modified to OI with no notification or information to them whatsoever. While at the same time ASU had purchased the Corning building near them, suggesting their interest in other properties and in an expansion program which would be probably part of their properties. What was the interest in rezoning as an example? He referred to the PowerPoint map and commented if they would notice on that map, look at the gold, there was little speck of gold down there, that was 2, 3, 4 little homes, really old homes that were adjacent to ASU's

property. What was the interest in rezoning that to OI. Maybe it was for the same reason they want to rezone the rest of that gold in OI. He was in favor of that. He was excited about the possibility of ASU coming here and he could see the expansion being an awesome thing for this City. They had to remember this was church property they were dealing with.

Mr. Steve Deitz advised they had been engaged in this community for 30-years and they believed that their activities had made an impact on this community and yes, even worldwide. They had opened their facility to the Police Department, the Fire Department, and many other community activities over the years. They had given in recent times, brand new suits of clothes, clothing, and warm coats to hundreds of needy children in this community. Now currently they fund orphans to get them through school, who were orphans from the Ebola crisis in Liberia. In fact, they were helping to build a new school there. They had put thousands of pairs of shoes on children out of the dumps of Peru. They support financially the development of numerous wells all across the world so they could have fresh water. They had developed a leadership team in Liberia that oversees 35 pastors and churches. They had trained Congolese pastors living in Europe. They had held stripped revivals and beliefs. They had assisted churches, trained leaders in Venezuela, Swaziland, and South Africa. They had helped a number of churches get started in this community via their own property by allowing them to come in and get their seed bed of ministry started.

Mr. Steve Deitz commented as stated earlier, all the surrounding property in this rezoning package was for the most part undeveloped or owned by the City. Zoning changes would have a minimal effect of value on these properties. They were truly the only really developed property of this entire whole package right here. They had a recent appraisal on the property, they stated, rezoning would extend the marketing time and would shrink the pool of buyers for this asset. By reducing their value and changing it to O I , they reduce their leverage of making an impact on the City, the people of this City. Those who were interested parties in purchasing their property already, they had a list waiting, would be knocked off of their potential buyers list because they could not have amusement, inside or out, no major events, entertainment, no retail, no wholesale sales, no industrial service and no manufacturing, no production, no warehousing, no freight, no open storage. Most of them did not know this, but they have an auditorium that had not been renovated. With the proper funds, and they just had not done it, it would be the largest community theater in Western North Carolina, approaching 3,000 capacity but it was sitting vacant. There were possibilities in this. If the City needs their property, buy it. If ASU wants their property, let us sell it to them. But do not try to ram through this thing on such an advanced fast pace that they have no time to stabilize themselves as a church. Remember they just heard about this the 18th, today was the first. According to rezoning petition 22-12 from their statement last month, it said that rezoning from industrial to OI was down zoning for the remainder of the area of the majority of the area not encompassed by LP Frans Stadium was vacant or institutional in nature. The rezoning to OI would not have any immediate impact on this area. This was not true. Their facilities were in the middle of that gold coloring out there. They have over 104,000 square feet of buildings and it would negatively affect them from the sale of this property. As a matter of fact, they were under contract right now and it just so happened that this meeting tonight was scheduled for the same day that the due diligence was to end on the offer from the current potential buyer. What a coincidence. It would change and make an impact on this church and this community. What troubled him the most was this was a package. This was packaged as an all or none at all package. He may stand corrected, but they either take it all or they put it all down. Why? There may be legal things about that, he did not know. He commented that this process was inappropriate and way, way, way too fast for them. As he said before, yes, it was legal, he had no problems with that. But was it ethical? Remember they were a church. They were a part of this community and they do put into this community.

Mr. Steve Deitz commented according to the City's website, Council had the availability of several options here. They could rubber stamp the final decision tonight, that was rubber stamped a week ago, and ramrod through petition 22-12 as it was written, all of it or nothing at all. They could do that first. They could rubber stamp it and do this. Second, they could defer the case. Third, they could refer to request to a subcommittee for further deliberation. This was their request, he was sure. By the way he was not angry, he loved this City, he grew up here and he was just a passionate man and he wanted to see things done and moved forward, but he also wanted to make sure that it was done correctly and appropriately. He commented can they imagine.

Mr. Steve Deitz advised based on the appraisal, in his estimation, changing them from industrial to OI would cost them approximately 20% value of their property.

That amounted to over \$600,000 robbed from a church by devaluing its property. Now do they understand when the numbers come out, this was how it reads. His request, Council deny the rezoning in its entirety because it was given to them in its entirety, or they have the authority to simply remove the property of 2010 Clement Boulevard from the rezoning petition. He did not know if they called that spot zoning or not. He was not aware. He commented they might have said, well it was the law. Was it the law? Have they read the law themselves. They have a saying in their church, trust God, love people, get it right. Do not go on what you hear find the facts out for yourself. Number three, ask for a postponement and let's sit down with Council and let's work this out to everyone's best benefit where the City has benefited, the church has benefited, they grow as a community, and they move forward. He reiterated they were not dealing with a vacant lot, but an asset rich property that was called a church with 14 paved acres of parking and currently they were providing to the community a healthy smoke free, alcohol free, safe environment for the purpose of providing healing to the whole person, spirit, soul, and body. Now, what was wrong with that? He encouraged Council to think about what they were doing and to work on this and let them make it happen for the benefit of the entire community without costing and devaluing a ministry to the tune of over \$600,000. It could happen. They could make it work together. He asked those who stood with him in the petition...

Deputy City Clerk Crystal Munday called 15 minutes.

Mayor Guess moved, seconded by Alderwoman Patton to allow Mr. Deitz to continue past the fifteen minutes. The motion carried unanimously.

Mr. Steve Deitz asked for those who stood with him in what he had discussed with Council tonight, to stand up.

Citizens in the audience stood and clapped.

Mayor Guess advised they do not allow any outburst. They do not allow that. He thanked Mr. Deitz.

Mr. Steve Deitz commented they clap in church by the way.

Mayor Guess commented they do not allow any outburst from any groups.

Mr. Steve Deitz thanked Council for their time. He appreciated it. Again, they just want to work.

Mayor Guess asked if there was anyone present who would like to speak in favor of the rezoning petition that has been discussed. No one appeared. He declared the public hearing closed and entertained a motion.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of rezoning petition 22-12.

Mayor Guess asked for questions or discussion.

Alderwoman Patton believed it was stated that O and I, moving from industrial to O and I would actually increase the value.

Mayor Guess asked Planning Director Brian Frazier back to the podium. Probably most of the questions and discussions they would have to depend on him to answer.

Alderwoman Patton asked if moving from industrial to O and I would actually increase the value.

Planning Director Brian Frazier commented there were different opinions, he was not an appraiser, so he could really not address that with 100% certainty.

Alderwoman Patton commented the Pastor said that they currently have it under contract. Do they know who was the proposed buyer?

Planning Director Brian Frazier was aware of a few people that were interested, he believed he knew who was under contract, he did not know if that was top secret or not with the church.

City Manager Warren Wood commented that would be up to Pastor Deitz to share if he was willing to share who it was under contract with and what the nature of their business was.

Alderman Wood thought the question was, was it an incompatible use with the FAA guidelines regarding their runway.

City Manager Warren Wood advised the runway protection zone.

Alderman Wood did not need to know the business name, he just needed to know if the business that was going to be operating there or might operate there was compatible with a runway at an airport.

Alderwoman Patton added and in a stadium.

City Manager Warren Wood reiterated that Pastor Deitz would need to answer that.

Alderman Williams advised he had a question for Pastor Deitz. He asked if the offers were changed immediately after this came out or had they previously been getting these offers? Because yes, \$600,000 was a lot of money. Did the offers just recently change since the news of this came out? What were the offers like before? That was his question.

Alderwoman Patton asked if there was any evidence of a decrease in the value of that \$600,000.

Alderman Wood asked how long the property had been listed. He was curious about that as well.

Mayor Guess advised they should do one question at a time; they were getting way ahead. He advised Mr. Frazier he could have seat.

Alderwoman Patton asked about the timeframe that was considered non-appropriate was consistent with how they do all of the rezonings.

Planning Director Brian Frazier advised they had been doing them that way somewhere between 18 and 24-months.

Alderwoman Patton thanked Mr. Frazier.

Alderwoman Williams commented that Alderwoman Patton asked about the differentiation between industrial and opportunities with O I. She asked Mr. Frazier if he could list out all the different types of businesses and organizations that would fall under O I.

Planning Director Brian Frazier replied yes.

Alderwoman Williams continued that could potentially be buyers.

Planning Director Brian Frazier advised this was a partial list. It was not everything, but single family detached, single family attached such as townhomes, apartment complexes, multi-family, family care homes, group living facilities, nursing homes, assisted living, hospice, animal hospital vets, B and B's, all office and personal services uses, daycare, colleges, hospitals, schools, medical centers, indoor and outdoor recreation, as well as all houses of worship including churches were permitted by right within the O and I. If someone wanted to put a drinking establishment in the O and I that would require a special use permit through the Planning Commission.

Alderwoman Williams commented there were a number of potential types of organizations that would be, especially residential developments, that could come in.

Planning Director Brian Frazier advised he was not aware of anything definitive residential in that area that was on his plate anyway.

Alderwoman Williams meant that it would not be a limited market.

Planning Director Brian Frazier commented single family subdivision, townhomes, multifamily, medical.

Alderwoman Patton asked if all of that would have to go back through the FAA approval process.

City Manager Warren Wood advised they would comment on whether or not it was consistent with what they want to see in a runway protection zone. Which the facility sat squarely in.

Alderman Wood asked if its current use was compatible with the FAA protection zone.

City Manager Warren Wood replied yes, the church was grandfathered. And churches were allowed anywhere.

Mayor Guess referred to the gold on the map and asked if he could tell Council the reasoning or the difference between the large gold area and the small gold area on the map.

Planning Director Brian Frazier advised he could try; a good part of that area was the former Clement Center. There was some undeveloped property to the north that he thought could be developable. The largest sections of the property were Hickory's Winkler Park as well as LP Frans Stadium where the Crawdads play. That would all go to O and I. The smaller area, he did not believe was on APP State's property. It was on the other side of the existing church, the historic church and cemetery, there were some properties in there with houses on them and they were just not suitable, they were too small for any type of industrial use. That was why they were looking at going with O and I. The same could be said for the small green area as well.

Mayor Guess asked for any other questions for Mr. Frazier. He thanked Mr. Frazier. He asked if they had any further questions or discussion.

City Manager Warren Wood advised there were multiple questions for Mr. Deitz.

Mayor Guess asked Mr. Deitz if he did not mind approaching the podium again, he thought there were probably some questions that maybe he could only answer.

City Attorney John Crone requested a motion to allow Mr. Deitz to readdress Council and a time limit.

Alderman Patton moved, seconded by Alderman Williams to allow Mr. Deitz to speak. The motion carried unanimously.

Alderman Patton questioned if it was under contract.

Mr. Steve Deitz advised it was under contract.

Alderman Patton questioned the entity it was under contract with.

Mr. Steve Deitz preferred not to tell, not knowing whether they want anyone to know about it or not. He personally would not have an issue with it, but she could understand. He commented what they wanted to do with it would add approximately 500 high paying blue collar worker jobs. Talking above the median average income for this area.

Mayor Guess asked if it met the FAA requirements for that area.

Mr. Steve Deitz replied according to the information that he had the FAA had handed it back over to the City, and yes to answer that question, he would say the FAA had said, based on what he had seen, they could move forward, but they threw it back in the hands of the City for the final decision.

Mayor Guess asked if it involved combustible or explosive materials.

Mr. Steve Deitz responded it could be, some of it. He had researched, some of it and it was new technology, so it was questionable as to some of that. He did not disagree he was just telling them the facts.

Mayor Guess understood.

Alderman Wood addressed Pastor Deitz. He supported Mr. Deitz 100% in getting it in writing. He asked if he got it in writing from the FAA about that.

City Manager Warren Wood advised there was a letter from the FAA that said it meets the height requirements. There was another level of review that it had not gone through yet.

Alderman Wood commented so intended use had not been reviewed.

City Manager Warren Wood responded correct. They look to the City to put measures in place to prevent incompatible uses such as hazardous materials with combustible materials.

Mr. Steve Deitz commented he was okay with that too. They have other interested parties that were not connected to industrial use, but many of the things that O I would cancel out would cancel them out, like special events and things of that nature.

Mayor Guess asked for other questions for Mr. Deitz.

Alderman Williams addressed Pastor Deitz. He referred to Mr. Deitz comment they were losing \$600,000. That was a lot of money for a church to lose and he appreciated everything that they all were doing all over the world. He asked if the offers different before and then they just all of a sudden changed.

Mr. Steve Deitz advised they had one potential buyer so to speak on the hook for quite some time and was working on his funding, and then this group came in and plopped down cash, on a cash deal with cash money and said they wanted to make the purchase. They had been working with other people. Most of the interest had to do with the specialty of the buildings themselves and the high extended ceilings that offer a lot of opportunities for recreational things, sports, and activities. There was even talk of if CVCC or ASU wanted indoor training facilities their facility would be spectacular for something of that nature.

Alderman Williams asked had these potential buyers specifically mentioned the rezoning affecting them buying the place.

Mr. Steve Deitz commented the issue had not come up until this one. He had not gotten far enough along for that to happen. They had it on the market for quite some time now. It had been a period of a couple of years, several years for that to take place.

Alderman Williams thanked Mr. Deitz.

Mayor Guess asked for other questions or discussion. He thanked Mr. Deitz. Mayor Guess advised there was a motion and a second. He took the vote and the motion carried unanimously approving rezoning petition 22-12.

ORDINANCE NO. 22-42

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 300 ACRES OF PROPERTY IDENTIFIED AS AREAS A – E BELOW:

1. Area A (Rezone from R-4 to OI): 706 1st Street SW, 730 3rd Street SW and 735 3rd Street SW. Catawba County PINs 3702-10-46-6279 and 370210469254.
2. Area B (Rezone from R-4 to OI): 1451 8th Street Drive NE and 705 13th Avenue NE. Catawba County PINs 3713-10-25-8743, 37130-9-15-9241, 3713-10-26-7255 and 3713-10-25-6245.
3. Area C (Rezone from R-2 to OI): 1570 Old Lenoir Road, 1560 12th Street Drive NW, 1615 12th Street Drive NW and 2085 12th Street Drive NW. Burke County PIN 2794-60-9893 and Catawba County PIN 2793-07-78-0912.
4. Area D (Rezone from IND to C-2): 960 20th Street NW, 950 20th Street NW, 936 20th Street NW, 931 18th Street Place NW, and an unaddressed parcel. Catawba County PINs 2793-11-55-9252, 2793-11-55-9059, 2793-15-54-9941, 2793-15-54-9646 and 2793-15-64-1885.
5. Area E (Rezone from IND to OI): Partially bound by Clement Boulevard, 20th Street NW an 14th Avenue Circle NW, including 1305 20th Street NW, 2010 Clement Boulevard NW, 2544 14th Avenue Circle NW and 2500 Clement Boulevard NW and properties located at 1832 9th Avenue NW, 1811 18th Avenue NW, 825 18th Street NW, and 815 18th Street NW. Catawba County PINs 29793-11-57-5461, 2793-11-57-8236 (part), 2793-11-57-8104 (part), 2793-111-57-7094 (part), 2793-11-56-5960, 2793-11-56-3449, 2793-11-55-4760, 2793-11-55-5448, 2793-10-45-7760, 2793-10-45-6927, 2793-10-46-6018, 2793-10-46-5041, 2793-10-46-6136 2793-15-64-3381, 2793-15-64-3265, 2793-15-64-4064, 2793-15-63-6903 and 2793-15-64-6016; and Burke County PINs 2793-36-8486 and 2793-35-8647.

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 +/- 300 acres of property identified above, more particularly described on Exhibit A attached hereto, to allow the above referenced districts; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on October 26, 2022, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezonings are 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 22-12 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTIES REFERENCED HEREIN, DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

1. The subject properties are located and identified as:
 - a. Area A (Rezone from R-4 to OI): 706 1st Street SW, 730 3rd Street SW and 735 3rd Street SW. Catawba County PINs 3702-10-46-6279 and 370210469254.
 - b. Area B (Rezone from R-4 to OI): 1451 8th Street Drive NE and 705 13th Avenue NE. Catawba County PINs 3713-10-25-8743, 37130-9-15-9241, 3713-10-26-7255 and 3713-10-25-6245.
 - c. Area C (Rezone from R-2 to OI): 1570 Old Lenoir Road, 1560 12th Street Drive NW, 1615 12th Street Drive NW and 2085 12th Street Drive NW. Burke County PIN 2794-60-9893 and Catawba County PIN 2793-07-78-0912.
 - d. Area D (Rezone from IND to C-2): 960 20th Street NW, 950 20th Street NW, 936 20th Street NW, 931 18th Street Place NW, and an unaddressed parcel. Catawba County PINs 2793-11-55-9252, 2793-11-55-9059, 2793-15-54-9941, 2793-15-54-9646 and 2793-15-64-1885.
 - e. Area E (Rezone from IND to OI): Partially bound by Clement Boulevard, 20th Street NW and 14th Avenue Circle NW, including 1305 20th Street NW, 2010 Clement Boulevard NW, 2544 14th Avenue Circle NW and 2500 Clement Boulevard NW and properties located at 1832 9th Avenue NW, 1811 18th Avenue NW, 825 18th Street NW, and 815 18th Street NW. Catawba County PINs 29793-11-57-5461, 2793-11-57-8236 (part), 2793-11-57-8104 (part), 2793-111-57-7094 (part), 2793-11-56-5960, 2793-11-56-3449, 2793-11-55-4760, 2793-11-55-5448, 2793-10-45-7760, 2793-10-45-6927, 2793-10-46-6018, 2793-10-46-5041, 2793-10-46-6136 2793-15-64-3381, 2793-15-64-3265, 2793-15-64-4064, 2793-15-63-6903 and 2793-15-64-6016; and Burke County PINs 2793-36-8486 and 2793-35-8647.
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. 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;

Hickory City Council has found the rezoning of the properties described herein is consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

2. Proposed districts are intended to provide areas for a diverse mixture of uses.
3. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations.
4. Sufficient public infrastructure is currently in place to handle the type of development possible on the subject property.
5. 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
6. 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 protected as prescribed by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 22-12 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.

B. Departmental Reports:

1. Appointments to Boards and Commissions

<u>COMMUNITY APPEARANCE COMMISSION</u>	
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
At-Large (Outside City but within HRP) (Council Appoints)	VACANT
<u>COMMUNITY RELATIONS COUNCIL</u>	
(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
<u>HICKORY REGIONAL PLANNING COMMISSION</u>	
(Term Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)	
Burke County Representative (Mayor Appoints with Recommendation from Burke County) Robert Weaver Resigned 9-26-2022	VACANT
<u>HISTORIC PRESERVATION COMMISSION</u>	
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Licensed Architect (Council Appoints)	VACANT
<u>PUBLIC ART COMMISSION</u>	
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Ward 4 (D. Williams Appoints)	VACANT
<u>RECYCLING ADVISORY BOARD</u>	
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Ward 6 (Patton Appoints)	VACANT
<u>UNIVERSITY CITY COMMISSION</u>	
(Terms Expiring 6-30; 2-Year Terms) (Appointed by City Council)	
At-Large Not Including ETJ (Council Appoints)	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

Alderman Seaver mentioned a meeting tomorrow at Lenoir-Ryne for the consultants from nine different countries that would be visiting. They were speaking on behalf of their countries as far as visas, travel, investment opportunities, and business. He encouraged people to go if they could. He was going to try to be there.

Mayor Guess commented on the area out front of City Hall, the little lobby area right out from the Council Chambers as you come into City Hall really looked good, particularly the mural if you go back towards the restrooms. Whoever did the mural really did a great job on that. He commended whoever was responsible for that.

City Manager Warren Wood advised he was sitting in the back.

Mayor Guess commented it looks really good. Particularly that mural, he thought that it really depicts the City area very well. Good job on that. He mentioned the City's Christmas Parade and tree lighting was right around the corner, 5:45 p.m. on Friday, November 18, 2022. He commented the City of Hickory was responsible for kicking off the Christmas season. They were always the first one to do that and they always have great attendance. They were looking forward to good weather and lots of folks out there to help them kick off the season. They were looking forward to that as well. He asked for any further comments.

- XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(4) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess moved that Council go into closed session to consult with the attorneys to discuss the items below, seconded by Alderwoman Patton. The motion carried unanimously.

1. Approval of Closed Session Minutes of October 18, 2022 - NCGS §143-318.11(a)(1)
2. Discussion of Potential Economic Development - NCGS §143-318.11(a)(4)

Council convened to closed session at approximately 8:13 p.m.

Council reconvened to open session at approximately 8:48 p.m.

No action was taken upon return to open session.

- XV. There being no further business, the meeting adjourned at 8:48 p.m.

Mayor

City Clerk