

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, December 20, 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, 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 Sandi Hood, Peace 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 December 6, 2022.

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of December 6, 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 Alderman Zagaroli that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Budget Revision Number 11.

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 Alderwoman Williams approval of the Consent Agenda. The motion carried unanimously.

A. Approved a Pyrotechnic Display in the Parking Lot Adjacent to Moretz Mills for December 31, 2022.

Casey Shell has submitted a request to obtain permission to conduct a fireworks display on December 31, 2022 in the parking lot adjacent to Moretz Mills. 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 displays.

B. Approved Awarding the Service Weapon and Badge to Retiring Chief Thurman Whisnant Upon his Retirement January 31, 2023.

Hickory Police Department requests City Council award retiring Chief Thurman Whisnant his service weapon (Glock Model 19 - Serial # BUBU446) and badge upon his retirement January 31, 2023. Chief Thurman Whisnant will retire from the City of Hickory Police Department January 31, 2023, after completing 30-years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to Chief Thurman Whisnant upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to Chief Thurman Whisnant upon his retirement from Hickory Police Department.

C. Accepted Funding in the Amount of \$54,835 from the State Library of North Carolina through the SFRF Non-Recurring State Aid Program.

Staff requests acceptance of funding in the amount of \$54,835 from the State Library of North Carolina through the SFRF Non-Recurring State Aid program. Hickory Public Library receives annual funding distributed through the State Library of North Carolina. In 2022, the State Library received additional funds for local library systems as part of Coronavirus State Fiscal Recovery Funds under the American Rescue Plan Act. The Non-Recurring State Aid to Public Libraries is separate from, and in addition to, normal recurring State Aid to Public Libraries. The \$54,835 in supplemental funding will allow library staff to purchase equipment and supplies to improve library services. No matching funds are required. Staff recommends acceptance of the non-recurring State Aid funds.

- D. Accepted Funding in the Amount of \$12,200 from the State Library of North Carolina through the Food Literacy Center Grant Program.

Staff requests acceptance of funding in the amount of \$12,200 from the State Library of North Carolina through the Food Literacy Center Grant Program. Hickory Public Library offers educational programs and resources to residents of Hickory and Catawba County. The State Library of North Carolina is providing grant funds to public libraries to purchase mobile teaching kitchens, supplemental programming materials, and appropriate safety supplies. Library staff applied for funding in November 2022. Hickory Public Library was one of eleven libraries chosen to receive the funding. The \$12,200 grant will allow library staff to purchase equipment and supplies needed for high quality food literacy programs. No matching funds are required. Staff recommends approval of the LSTA grant agreement.

- E. Adopted a Resolution Approving a Construction Manager At-Risk Contract for the Construction of the Hickory Aviation Museum Project.

Staff requests Council's consideration of the Resolution Approving a Construction Manager At-Risk Contract for the Construction of the Hickory Aviation Museum Project. The City of Hickory, in partnership with the Sabre Society of North Carolina/Hickory Aviation Museum and Catawba Valley Community College (CVCC), plans to construct a +/- 52,000 square feet airplane museum hangar; a three-story structure consisting of entryway/lobby, classroom space, and shell space for future restaurant/event space totaling +/- 25,000 square feet; and approximately +/- 15,000 square feet education center for Catawba Valley Community College located in Hickory. Chapter 143 of the North Carolina General Statutes authorizes a number of methods municipalities may use to construct public buildings. N.C.G.S. 143-128.1 specifically authorizes the City to use the construction management at-risk delivery method to construct the facility. The City has selected David E. Looper & Company to be the construction manager at-risk in accordance with Article 3D of Chapter 143 of the North Carolina General Statutes. Per N.C.G.S. 143-128.1, the Construction Manager is required to contract directly with the City for all construction. The proposed Resolution authorizes the City Manager to take all necessary steps to negotiate, execute, and deliver a final contract with the Construction Manager. Staff requests Council adopt the Resolution Approving a Construction Manager At-Risk Contract for the Construction of the Hickory Aviation Museum Project.

RESOLUTION NO. 22-77

RESOLUTION APPROVING A CONSTRUCTION MANAGEMENT AT-RISK AGREEMENT FOR THE CONSTRUCTION OF THE HICKORY AVIATION MUSEUM PROJECT

WHEREAS, the City of Hickory ("City") is the owner of a parcel comprised of approximately nine (9) acres at the Hickory Airport located in Burke County and Catawba County, North Carolina; and

WHEREAS, the City, in partnership with the Sabre Society of North Carolina/Hickory Aviation Museum and Catawba Valley Community College (CVCC), plans to construct a +/- 52,000 square feet airplane museum hangar ("museum"); a three-story structure consisting of entryway/lobby, classroom space, and shell space for future restaurant/event space totaling +/- 25,000 square feet; and approximately +/- 15,000 square feet education center for Catawba Valley Community College ("CVCC") located in Hickory ("Project"); and

WHEREAS, N.C.G.S. 143-128.1 authorizes the City to use the construction management at-risk delivery method to construct the Project.

WHEREAS, the City has selected David E Looper & Company to be the construction manager at-risk ("Construction Manager") in accordance with Article 3D of Chapter 143 of the North Carolina General Statutes; and

WHEREAS, the City Council of the City of Hickory desires to enter into a contract with the Construction Manager for construction-management at-risk services.

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

1. The City Manager is authorized and directed to take all such further action as he may consider necessary or desirable toward the completion of the actions contemplated by this resolution.
 2. Such action shall include, but not be limited to, the execution and delivery of a contract in its final form.
 3. This resolution takes effect immediately upon the approval by Council.
- F. Approved Change Order Number 1 with JS Haren in the Amount of \$38,322.26 for the Lyle Creek Sewer Pump Station Project.

Staff requests Council's approval of change order number 1 with JS Haren in the amount of \$38,322.26 for the Lyle Creek sewer pump station project. This project consists of a new cast-in-place sewage pump station complete with all appurtenances and approximately 100 LF of 10-inch force main with connection to existing sanitary sewer manhole. In October 2022, Council approved the contract for construction of this pump station with JS Haren in the amount of \$1,679,000. Due to exceeding the bid hold time, prices for materials have increased. This change order reflects the difference in bid prices and prices when the bid was awarded of \$38,322.26. Staff recommends Council's approval of change order number 1 with JS Haren in the amount of \$38,322.26 for the Lyle Creek sewer pump station project.

- G. Adopted a Resolution Authorizing the City to Enter into a Lease Agreement with Pepsi-Cola Bottling Company of Hickory NC.

Staff requests Council's consideration of the Resolution Authorizing the City to Enter into a Lease Agreement with the Pepsi-Cola Bottling Company of Hickory NC. In the nineties, Pepsi made a onetime donation to City for the construction of L.P. Frans Stadium. The City also is the owner of two skyboxes located within the stadium. At that time, Council determined Pepsi's donation afforded the company the opportunity to lease a skybox. Pepsi has leased the skybox for several years. The lease has expired. N.C.G.S. 160A-272 requires Council to adopt a Resolution that authorizes the execution of a lease agreement having a term greater than one year upon 30 days' public notice. The notice must describe the property to be leased, list the annual lease payments, and announce Council's intent to authorize the lease. The proposed new lease agreement is for a 9-year, 11-month term, beginning, January 1, 2023 and ending November 30, 2032. The lease fee is a total sum of \$15,000 to be paid over the lease term in ten separate annual payments. The lease outlines the City's and Pepsi's obligations and responsibilities for the skybox, including maintenance and the procedure for Pepsi to make improvements and alterations to the skybox. Staff requests Council adopt the Resolution authorizing the City to enter into the Lease Agreement with Pepsi.

Legal notice was advertised in a newspaper having general circulation in the Hickory area on December 16, 2022.

RESOLUTION NO. 22-78

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF INTENT TO ENTER INTO A LEASE AGREEMENT WITH PEPSI-COLA BOTTLING COMPANY OF HICKORY NC

WHEREAS, City Council of the City of Hickory desires to enter into a lease agreement for a skybox with Pepsi-Cola Bottling Company of Hickory NC.

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

1. The City of Hickory owns L.P. Frans Stadium, a multi-purpose sports facility, having a physical address of 2500 Clement Blvd NW, Hickory, North Carolina 28601.
2. The City owns two skyboxes located in the stadium.
3. City Council desires to lease one skybox to Pepsi-Cola Bottling Company of Hickory NC for its periodic and exclusive use.
4. The lease term is nine years, eleven months beginning January 1, 2023 and ending November 30, 2032.
5. The lease payment is a total sum of Fifteen Thousand Dollars (\$15,000.00) paid as ten (10) separate annual payments over the lease term.

- 6. Notice was published on December 16, 2022 describing the property to be leased, the lease term, lease payments, notice requirements and announcing the Council’s intent to authorize the lease at its City Council meeting scheduled for January 17, 2023 in accordance with G.S. 160A-272.
- H. Called for a Public Hearing to Consider a Joint Economic Development Agreement for the Conveyance of City-Owned Property Located in Downtown Hickory on Main Avenue NE. (Authorized Public Hearing for January 3, 2023, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).
- I. Approved on First Reading Budget Revision Number 12.

**ORDINANCE NO. 22-46
BUDGET REVISION NUMBER 12**

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	4,101,824	-
Economic & Community Development	300	-
Culture & Recreation	67,114	-
TOTAL	4,169,238	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	2,203	-
Restricted Intergovernmental	67,035	-
Other Financing Sources	4,100,000	-
TOTAL	4,169,238	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	325,899	-
TOTAL	325,899	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	325,899	-
TOTAL	325,899	-

SECTION 3. To amend the McLin and Lyle Creek Wastewater Outfall (#803305) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water & Sewer Capital Projects	325,899	-
TOTAL	325,899	-

To provide funding for the above, the McLin and Lyle Creek Wastewater Outfall (#803305) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	325,899	-
TOTAL	325,899	-

SECTION 4. To amend the American Rescue Plan (#410001) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	4,100,000	-
TOTAL	4,100,000	-

To provide funding for the above, the American Rescue Plan (#410001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	4,100,000	-
TOTAL	4,100,000	-

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 – None

X. Informational Item

XI. New Business:

A. Public Hearings

1. Approved on First Reading Rezoning Petition 22-13 for 3.54-Acres of Property Located within the Trivium Corporate Center – Presentation by Planning Manager Cal Overby.

The City of Hickory requests the rezoning of 3.54-acres of property within the Trivium Corporate Center. This property was recently annexed and requires rezoning from Catawba County zoning to Hickory zoning. The request is to rezone the property from R-20 Residential to Industrial – Conditional (IND-CZ). The subject property is part of Lot 5 of the Trivium Corporate Center. The property was purchased by Trivium Corporate Center, Inc. and added to Lot 5. The subject property, all of Lot 5, is vacant, but will be developed in the future to facilitate continued business/industrial within the business park. The subject property is currently zoned R-20 Residential. The current zoning allows for properties to be used primarily for residential uses at a maximum density of two dwelling units per acre. The requested Industrial – Conditional (IND-CZ) district is specific to the business park and allows property to be used for business and industrial uses, with specific exceptions. The district does not have a specified maximum intensity, provided all necessary building and site improvements meet the referenced conditions and all other regulatory development requirements. The Hickory Regional Planning Commission conducted a public hearing on December 7, 2022, to consider the petition and 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 December 9 and December 16, 2022.

City Manager Warren Wood asked Planning Manager Cal Overby to the podium to present Council with rezoning petition 22-13 for 3.54-acres of property located within the Trivium Corporate Center.

Planning Manager Cal Overby presented a PowerPoint presentation. He commented as City Manager Warren Wood said this was rezoning petition 22-13. The property owner was Trivium Corporate Center, and the property was located on Trivium Parkway which was inside the development. The current zoning of the property was R-20 residential Catawba County. He noted at Council's past meeting they approved an annexation of the property he was discussing. He advised it was approximately 3.5 acres of property and was requested to rezone the property to industrial conditional, which was the zoning of the remainder of the Trivium Park. He referred to the PowerPoint and displayed a map pointing out the subject property. This property was actually added to what was known as lot-five of Trivium. This property was purchased from an adjacent lot. He advised that was how Trivium got this portion, which he pointed out on the PowerPoint, and it was combined with other Trivium property. He displayed the future land use map and pointed out the high-density residential area, the industrial area, some commercial corridor, and some commercial nodes. He displayed a map which showed the existing zoning. As he indicated earlier, they were looking at R-20 residential Catawba County. He pointed out the industrial zoning area for Hickory, the neighborhood commercial planned development area for Hickory and the industrial Hickory area. He displayed an aerial photo and pointed out the subject property was vacant. In terms of the future land use classification contained within the comprehensive plan, the area was considered high density residential and industrial. It was kind of in a flux zone between two areas there. With the property being high density residential, this designation was near high employment centers, commercial areas, industrial and the like

there. It seeks to provide business and employment centers in the area. He advised it provides housing immediately adjacent to areas that were considered business areas, whether it be Trivium or the commercial corridor in that nature. Industrial provided that. Industrial would provide those centers that the high density residential went around. He noted Startown Road was obviously a higher traffic roadway. In terms of consistency, this was consistent with their long-range plan for the area. The Planning Commission considered this on December 7th, there was no one to speak in opposition of it. Economic Development staff spoke in favor of it. The Planning Commission acknowledged it was somewhat inconsistent, but it was reasonable in rezoning the property to industrial conditional. He asked Council for any questions.

Alderman Wood asked if it was in the extra territorial jurisdiction (ETJ) before the City annexed it.

Planning Manager Cal Overby replied, no sir it was not.

Alderman Wood thanked Mr. Overby.

Mayor Guess asked for any questions. He thanked Mr. Overby. 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.

Alderman Seaver moved, seconded by Alderwoman Patton approval of rezoning petition 22-13. The motion carried unanimously.

ORDINANCE NO. 22-47

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE HICKORY OFFICIAL ZONING ATLAS TO REZONE APPROXIMATELY 3.54 ACRES OF PROPERTY LOCATED ON TRIVIUM PARKWAY FROM CATAWBA COUNTY R-20 TO INDUSTRIAL – CONDITIONAL DISTRICT (IND-CZ)

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

WHEREAS, the City has been petitioned to rezone approximately 3.54 acres of property located on Trivium Parkway more particularly described on Exhibit A attached hereto, to allow an Industrial – Conditional District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on December 7, 2022 and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 22-13 to be in conformance with the City's Land Development Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE REZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject property is located along Trivium Parkway, and further identified as a portion of PIN 3721-17-12-4395.
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, as the plan classifies the area as Industrial.

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

SECTION 3. Consistency Statement

Upon considering the matter, the Hickory City Council found:

The area under consideration is identified as a future industrial area by the Hickory by Choice 2030 Comprehensive Plan's future land use map. Chapter 3 of the plan states the following about the areas:

Industrial: The Trivium Corporate Center located on Startown Road, and formerly referred to as Park 1764, has rapidly taken form, with a number of larger employers constructing facilities within the center. The center, partially funded by the City's municipal bond initiative, is a joint venture between the City of Hickory and Catawba County to create a new modern business park. The total area of this park will consist of approximately 300 acres of land area, which has convenient access to US 70 and I-40. Interest in the areas around the corporate center have already garnered the attention of private development, with planning of residences, as well as retail and services for those employed with the center. The city views this as its next major growth area. Recommended development types and intensities surrounding the corporate center are outlined within Chapter 3. Special emphasis should be placed on connectivity between the corporate center and surrounding development. This is in addition to carefully scaling and planning of the surrounding areas to ensure the center's continued success.

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- Implement the Hickory by Choice 2030 Comprehensive Plan;

The area under consideration for rezoning is clearly indicated by the Hickory by Choice 2030 Comprehensive Plan as being a future industrial area.
- Preserve and protect land, air, water and environmental resources and property values;

Any and all improvements that are to take place on the property will be required to follow all applicable development regulations.
- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures;

The current land use pattern of the larger area consists of a mixture of residential, institutional, and business uses. The rezoning of the area to IND-CZ will keep with the current pattern.
- Regulate the type and intensity of development; and

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.
- Ensure protection from fire, flood, and other dangers.

Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and employees are properly protected as prescribed by law.

SECTION 4. Conditions of Approval for the Industrial Conditional (IND-CZ) District are as follows:

1. Landscaping / Berms / Recreation
 - a. A berm and decorative fencing shall be constructed and installed along the eastern park boundary adjacent to Startown Road from the southern portion of the property, extending north, and stopping near Valley View Drive. No berm shall be constructed between the development and the adjacent residential property to the northwest as requested by the adjacent property owners. No berm shall be constructed between the district and the adjacent residential properties to the northeast as requested by the adjacent property owners.

- b. A mixture of deciduous and evergreen trees will be planted along Startown Road and Robinwood Road.
 - c. A walking trail shall be created within the park, not adjacent to neighboring properties.
 - d. A permanent easement shall be established for the trail and conservation easements will be established along the stream.
 - e. All parking areas shall be landscaped as required by Hickory's Land Development Code.
 - f. All exterior buffering around the perimeter of the district shall comply with Hickory's Land Development Code.
2. Prohibited Uses
- a. Distribution facilities, heavy trucking, and heavy manufacturing uses shall be prohibited in the district.
3. Property Maintenance
- a. Long term maintenance shall be accomplished through a Property Owners Association.
4. Transportation
- a. Turn lanes and road improvements shall be installed as required by North Carolina Department of Transportation.
5. Development Standards
- a. Building setbacks along Startown Road shall be a minimum of 240 feet. Building setbacks along Robinwood Road shall be a minimum of 600 feet. Building setback from all other property lines external to the district shall be fifty (50) feet. Building setbacks from all internal property lines shall be approved during of the site planning process.
 - b. Maximum building height within the district shall be seventy (70) feet.
 - c. All roof-top mounted mechanical equipment shall be screened from view of properties not located within the district.
 - d. Metal facades shall not be permitted within the district. All buildings will be designed to exist in a complementary fashion to rural business park setting in as much as possible.
 - e. Exterior lighting shall be designed to minimize adverse impact on properties not located within the district.
 - f. Themed signage will be limited to monument style signs. Pole signs will not be used.

SECTION 5. This Ordinance shall become effective upon adoption.

2. Approved on First Reading Rezoning Petition 22-14 for 104.19-Acres of City-Owned Property Located along Deitz Road and River Road – Presentation by Planning Manager Cal Overby.

The City of Hickory requests the rezoning of 104.19 acres of property along Deitz Road and River Road from R-20 Residential and 321ED (MX) to R-1 Residential and Industrial (IND). The properties are City-owned, were purchased approximately 20-years ago, and have recently been annexed. Following annexation, Hickory is required to rezone the properties from Catawba County zoning to Hickory zoning. The prior annexation and rezoning places the properties under Hickory's official jurisdiction and provides the City with further authority to decided how or if the properties are to be developed in the future. There are no current development plans for the properties. The current zoning allows for properties zoned R-20 to be developed for residential purposes at a maximum intensity of two dwelling units per acre, while the 321ED (MX) district permits a combination of retail commercial, office/institutional and residential

components. This district has varying maximum intensities based upon property size. These intensities are measured in floor area ratio and vary from 1:1.175 to 1:3. The requested R-1 Residential and Industrial (IND) districts are very similar, as both are residential, and their maximum permitted intensity is two dwelling units per acre. The 321ED (MX) district and the Industrial (IND) district are different from one another on two key features. Uses within Industrial (IND) districts are primarily office and industrial, and the district has no maximum development intensity, while 321ED(MX) districts permit retail, service, and residential uses; with a maximum development intensity listed in the above paragraph. The Hickory Regional Planning Commission conducted a public hearing on December 7, 2022, to consider the petition and acknowledged the petition's consistency and inconsistency 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 December 9 and December 16, 2022.

City Manager Warren Wood asked Planning Manager Cal Overby to the podium to present Council with rezoning petition 22-14 for 104.19-acres of City-owned property located along Deitz Road and River Road. He advised Council that typically annexations and rezoning go together. This was not the case with these. They were previously annexed and State law says if there was no zoning on the property the County zoning takes precedent for a year. The timing on these was such that they were able to go at two different meetings. If it was in the extra territorial jurisdiction (ETJ) it was already zoned by the City, that was not the case here.

Planning Manager Cal Overby presented a PowerPoint presentation. He discussed rezoning petition 22-14, the City of Hickory was requesting the rezoning. It was City-owned property. He referred to the PowerPoint and noted the number on the slide was greater than what they saw on their reports. He explained he had summed the area from the tax maps for what was in the report, and they surveyed the property, and the tax maps were extraordinarily wrong in that particular instance. He always tells people to be cognizant of that. The main reason was this property had not been surveyed in a long time and they surveyed it, much more accurately, and they ended up with 104.19-acres.

Alderman Seaver asked if it left some property unclaimed.

Planning Manager Cal Overby advised it was old maps and they were put together here or there, and they just did not match up correctly. The property had been owned by the City approximately 20-years, probably longer than that. As City Manager Warren Wood indicated this property was recently annexed and doing so, they need to zone the property to Hickory zoning. Not being in the extra territorial jurisdiction (ETJ) they have to assign this zoning appropriately. He referred to the PowerPoint and displayed a map which was the Hickory by Choice 2030 plan. He pointed out the area which was classified as industrial. At one point in the past this was thought to be an industrial area. That was why this was included on the long-range plan. He pointed out the lower density residential area. Lower density residential was approximately two units an acre because they were dealing with areas that have limited infrastructure. In terms of the current zoning, he referred to the PowerPoint, and pointed out the area which was Hickory's ETJ north of the river, he pointed out R-1 and R-2 zoned property, and the property which was currently zoned R-20 residential, which was basically single family, two units per acre type zoning. He pointed out the area, which was zoned 321 ED MX, this was a mixed-use district. He advised the uses and the intensity changed as the property got larger. He reiterated these properties were owned by Hickory. He referred to the PowerPoint and pointed out the City-owned parcels. He displayed an aerial photograph and pointed out it was all trees and some utilities and infrastructure in the area here. In terms of the future land use classification, this was consistent and inconsistent. The low-density residential area around it was what would be appropriate for R-20 and R-1 zoning. However, the entire area, as he alluded to earlier, was industrial, that was what it was classified as. The request to rezone the northern part of the property to R-1 was not consistent with the long-range plan, however, it matched the current zoning. The situation on the ground did not change. The area he talked about to the south where 321 ED MX was consistent with the industrial zoning classification, so that was why those properties were being proposed to be rezoned industrial. The Planning Commission considered this on December 7th, and two people spoke. He thought there was some confusion about whether the City was trying to rezone their property or not, so that was to explain to them, and they were satisfied with the explanation that was given. The Planning Commission voted unanimously to recommend approval. He asked for any questions.

Mayor Guess asked for any 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.

Alderman Patton moved, seconded by Alderman Zagaroli approval of rezoning petition 22-14. The motion carried unanimously.

ORDINANCE NO. 22-48

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 104.19 ACRES OF PROPERTY LOCATED AT 1777, 1795, 1875, 2015, AND 2017 DEITZ ROAD, AND TWO UNADDRESSED PARCELS, FROM R-20 RESIDENTIAL AND 321ED (MX) TO R-1 RESIDENTIAL AND TO INDUSTRIAL (IND).

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

WHEREAS, the property owner has been petitioned to rezone +/- 104.19 acres of property located at 1777, 1795, 1875, 2015, and 2017 Deitz Road, and two unaddressed parcels, more particularly described on Exhibit A attached hereto, to allow R-1 Residential and Industrial (IND) districts; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on December 7, 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 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 22-14 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 PROPERTY DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

- The subject property is located at 1777, 1795, 1875, 2015, and 2017 Deitz Road, and two unaddressed parcels, and identified as PINs 3701-19-51-3290, 3701-19-517487, 3701-19-61-4849, 3701-15-73-4171, 3701-15-63-6164, 3701-15-73-1634, and 3701-16-84-4836.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent and inconsistent with the Hickory by Choice 2030 Comprehensive Plan.

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

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

1. The area in question is designated as Industrial by the Comprehensive Plan. Areas classified as Industrial are intended to accommodate employment centers focused on attracting private sector investment and job creation. Rezoning of the referenced properties to Industrial (IND) would be consistent with the Comprehensive Plan.

Other parts of the rezoning area are proposed to be rezoned to R-1 Residential, which is inconsistent with the Comprehensive Plan. However, the current zoning of those properties is inconsistent with the Comprehensive Plan and assigning a similar residential district will not alter the current reality.

Given the current circumstances, rezoning the properties in the manner discussed is both consistent and inconsistent with the Comprehensive Plan, but is a reasonable and justifiable approach to transition the properties from county to city zoning jurisdiction.

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area in question is designated as Industrial. The strategies and recommendations associated with the Industrial classification demonstrates the rezoning of the properties to R-1 Residential and Industrial (IND) is in keeping with the intent of the Comprehensive Plan to facilitate orderly growth and development within the city's planning jurisdiction.

- Preserve and protect land, air, water and environmental resources and property values.

All improvements that are to take place on the properties will be required to follow all applicable development regulations.

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures.

The subject properties have ingress and egress access via Deitz Road, which is privately maintained. The land-use pattern in the area, which includes the subject properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists mainly of residential and institutional uses. The rezoning of the properties as discussed maintains most of the current pattern, but also provides an area for development of a potential employment center.

Public resources to provide critical public services are or will be in place to service the properties, if developed. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood, and other dangers.

Any future development occurring on the subject properties shall 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 are properly protected as prescribed by law.

- The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists mainly of residential and institutional uses. The rezoning of the properties as discussed maintains most of the current pattern, but also provides an area for development of a potential employment center.

- The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

The requested R-1 Residential district is similar to the current R-20 Residential district in terms of permissible uses and intensities. The requested Industrial (IND) district is different from the current 321ED (MX) district in terms of permissible uses and intensities but does work towards implementation of the City's Comprehensive Plan. The proposed development pattern will take place in a logical manner as anticipated by the City's comprehensive planning process. To the maximum extent practical, necessary precautions will be taken to mitigate detrimental impacts in the area.

- The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.

Public resources to provide critical public services are or will be in place to service the properties. These include public utilities, transportation infrastructure, as well as police and fire protection.

- The proposed amendment (zoning map) will protect the public health, safety, and general welfare.

Any future development that occurs on the subject properties as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory City Council has found Rezoning Petition 22-14 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

COMMUNITY APPEARANCE COMMISSION
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 At-Large (Outside City but within HRP) (Council Appoints) VACANT

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

HICKORY REGIONAL PLANNING COMMISSION
 (Term Expiring 6-30; 3-Year Terms With Unlimited Appointments)
 (Appointed City Council)
 Burke County Representative (Mayor Appoints with Recommendation from Burke County) Robert Weaver Resigned 9-26-2022 VACANT

HISTORIC PRESERVATION COMMISSION
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Licensed Architect (Council Appoints) VACANT

LIBRARY ADVISORY BOARD
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 At-Large (Mayor Appoints) (Mark Thomas Resigned 11-3-2022) VACANT

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

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

UNIVERSITY CITY COMMISSION
 (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

Mayor Guess noted there was five shopping days left. It was supposed to be sunny. The weather by this weekend was supposed to clear out and it was supposed to be kind of sunny and nice for Christmas. He wished everyone a safe and Merry Christmas, Happy Holidays and Happy New Year. He advised it was the last scheduled meeting, probably be their last meeting as far as

he knew for 2022. They would be back on January 3rd. It would be next year before they would meet again. He thanked everyone for their role, their participation, and particularly their engagement in City government. He advised Council was always available should they need anything before they meet again.

Alderman Seaver commented that school would be out tomorrow, he thought it was a half day.

Alderman Zagaroli, dressed in his Santa hat, commented Ho, Ho, Ho.

Mayor Guess commented that Alderman Zagaroli had his beard, then he got his hat, and got rid of his beard.

Alderman Zagaroli commented he could not get coordinated this year.

Alderman Wood advised they should make preparations for the cold weather this weekend. He thought it was going to be 11 degrees Friday morning. Protect water pipes and all that.

Mayor Guess had saw somewhere that was going to be minus 42 or something like that so they were in good shape compared to that. Not counting the windchill.

City Manager Warren Wood advised Council had at their place, Chief Hutchinson, Fire Department, had left challenge coins. He explained it was a commemorative coin for the Hickory Fire Department and their Class 1 ISO rating on the back. Each one of them was individually numbered. The challenge coins were started in the military. If you were in a particular unit and you were at a bar and you could not produce your coin, you had to buy the drinks.

Mayor Guess commented you won't find them on eBay.

City Manager Warren Wood commented that was a Merry Christmas present for the Chief.

Mayor Guess and Council members thanked Chief Hutchinson and the Fire Department. Above all else they hope for a safe Christmas above everything else.

XIV. There being no further business, the meeting adjourned at 7:18 p.m.

Mayor

City Clerk