

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, August 15, 2023 at 6:00 p.m., with the following members present:

Tony Wood	Hank Guess	Anthony Freeman
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 Timothy Swanson, 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 Bill Garrard, Former Pastor St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
  - A. Mr. Michael Wise, 115 33<sup>rd</sup> Avenue NE, Hickory – Concerns with Property Located at 121 33<sup>rd</sup> Avenue NE, Hickory.

Prior to the meeting Mr. Michael Wise advised the Clerk that he wished to postpone his appearance to a later date.
- VI. Approval of Minutes
  - A. Regular Meeting of August 1, 2023

Alderwoman Patton moved, seconded by Alderwoman Williams that the Regular Meeting Minutes of August 1, 2023 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 Freeman that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

  - A. Budget Revision Number 2. (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 Alderwoman Williams approval of the Consent Agenda. The motion carried unanimously.

  - A. Approved the Purchase of a 2024 Freightliner M1106 Cab/Chassis with Automated Leaf Collection from Carolina Environmental Systems, Inc. for the N.C. Sheriffs Association Bid #22-06-0426 in the Amount of \$252,982.

Staff requests Council's approval of a purchase from Carolina Environmental Systems, Inc. for a 2024 Freightliner M2106 cab/chassis with a Pac Mac 25yd chassis mounted automated leaf collection unit per the N.C. Sheriffs Association reference bid #22-06-0426 in the amount of \$252,982. The City uses automated leaf trucks for efficient collection of loose leaves within the Recycling Division's yard waste service. This unit allows for loose leaves to be collected by a single operator and collects approximately 5 loads per day at 6,000 pounds per load average. This truck will replace a similar piece of equipment purchased in 2009. The City participates in a buying cooperative with the NC Sheriffs Association that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The specified truck applies to the NC Sheriffs Association Bid #22-06-0426. The approved Solid Waste Recycling Division (4800) Capital Budget includes purchase of an automated leaf truck in the amount of \$252,982. Staff recommends Council's approval of the purchase from Carolina Environmental Systems, Inc. for a 2024 Freightliner M2106 cab/chassis with a Pac Mac 25yd chassis mounted automated leaf collection unit per the N.C. Sheriffs Association reference bid #22-06-0426 in the amount of \$252,982.
  - B. Approved the Purchase of a 2024 Freightliner M2106 Cab/Chassis with Rear Loader Refuse Body per the Heil/Sourcewell Contract 091219-THC from Carolina Environmental Systems Inc. in the Amount of \$199,669.

Staff requests Council's approval of the purchase of one 2024 Freightliner M2106 Cab/Chassis with a Heil PT 1000-13yd rear loader refuse body complete from Carolina Environmental Systems Inc. per the Heil/Sourcwell contract 091219-THC in the amount of \$199,669. The City uses rear loading trucks for collection of bulky items refused from the curb with residential service. This particular unit allows for residential items to be collected by a non-CDL driver if needed and will provide support to normal routes as deemed necessary. The City participates in a buying cooperative with the Heil/Sourcwell contract 091219-THC that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The approved Residential Solid Waste Division (5480) Capital Budget includes the purchase of one semi-automated rear packing refuse truck. The approved Residential Solid Waste Division (5480) Capital Budget includes the purchase of one semi-automated rear packing refuse truck from the Heil/Sourcwell Contract 091219-THC in the amount of \$199,699. Staff recommends Council's approval of the purchase from Carolina Environmental Systems Inc. for one 2024 Freightliner M2106 Cab/Chassis with a Heil PT 1000-13yd rear loader refuse body complete per the Heil/Sourcwell Contract 091219-THC in the amount of \$199,669.

- C. Approved the Purchase of a 2024 Crane Carrier/Battle Motors LET2 Cab/Chassis with a Refuse Body from Carolina Environmental Systems, Inc. in the Amount of \$385,985 under the North Carolina Sheriffs Association Contract #24-08-0421.

Staff requests Council's approval of the purchase from Carolina Environmental Systems, Inc. in the amount of \$385,985 for the replacement of a front-loading refuse truck under the North Carolina Sheriffs Association contract #24-08-0421. The City uses these front loader trucks for collection of refuse with dumpster service. This unit is operated daily in the Commercial Division of the Solid Waste Division and replaces truck unit #3713 which is a 2012 model. The City participates in a buying cooperative with the North Carolina Sheriffs Association. The approved Commercial Solid Waste Division (5482) Capital Budget includes purchase of a front load refuse truck in the amount of \$385,985. Staff recommends Council's approval of the purchase from Carolina Environmental Systems, Inc. for a 2024 Crane Carrier/Battle Motors LET2 cab/chassis with a Heil DuraPack half pack full eject refuse body per the North Carolina Sheriffs Association contract #24-08-0421 in the amount of \$385,985.

- D. Approved the Purchase of a 2024 Freightliner M2106 Cab/Chassis with a Hook Lift Unit in the Amount of \$164,592 under the North Carolina Sheriffs Association Bid #24-08-0421.

Staff requests Council's approval of the purchase from Carolina Environmental Systems Inc. in the amount of \$164,592 for a 2024 Freightliner M2106 cab/chassis with a swap loader CL 222 chassis mounted hook lift unit per the N.C. Sheriffs Association reference bid #24-08-0421. The City uses hook lift trucks to provide the large container service within the Commercial Division's service offerings. This unit allows for 15yd containers to be delivered to both commercial and residential addresses. This truck will replace a similar piece of equipment purchased in 2001. This vehicle also includes a Roll-Rite DC203 Tarping System. The approved Solid Waste Commercial Division (5482) Capital Budget includes purchase of a hook lift truck in the amount of \$164,592. Staff recommends Council's approval of the purchase from Carolina Environmental Systems, Inc. for a 2024 Freightliner M2106 cab/chassis with a swap loader CL222 chassis mounted hook lift system collection unit per the N.C. Sheriffs Association reference bid #24-08-0421 in the amount of \$164,592.

- E. Called for a Public Hearing to Consider Closing a Portion of 1<sup>st</sup> Avenue NW, as petitioned by Mitloop, LLC, David E. Looper, and James R. Mitchell. (Authorized Public Hearing for September 19, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-40  
RESOLUTION OF INTENT

A Resolution Declaring the Intention of the City Council of the City of Hickory  
to Consider the Closing of a Portion of 1st Avenue NW

WHEREAS, G.S. 160A-299 authorizes the City Council of the City of Hickory to close public streets and alleys; and

WHEREAS, the City Council of the City of Hickory considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of 1st Avenue NW, Hickory.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory that:

1. A Public Hearing will be held at 6:00 p.m. on the 19th day of September, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building at 76 North Center Street, Hickory, North Carolina to consider a resolution closing a portion of 1st Avenue NW.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Hickory Daily Record.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A 299.

Approved this 15<sup>th</sup> day of August, 2023.

- F. Approved a Community Appearance Grant for Non-Residential Property Owned by Debra Moore, Located at 1054 3<sup>rd</sup> Avenue Drive NW (Old Lenoir Road) in the Amount of \$7,500.

The Community Appearance Commission requests Council's approval of a Community Appearance Grant for non-residential property owned by Debra Moore and occupied by a commercial building located at 1054 3<sup>rd</sup> Avenue Drive NW (Old Lenoir Road) in the amount of \$7,500. The grant proposal involves the replacement of the building's awnings and windows, as well as exterior painting. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant. The applicant provided 2 estimates, the lowest estimate for the work totaled \$15,546.81. The proposed grant at the lower of the estimates qualifies for a \$7,500 grant. The subject property's current tax value is assessed at \$614,000. The requested grant amounts to 2.5% of the property's tax value. The application was reviewed by the Community Appearance Commission. After consideration the Commission scored the application at 25 points out of a possible 36 points, which placed the application into the high category of scoring. Given the score, the Community Appearance Commission unanimously recommended funding of the grant application in the amount of \$7,500.

- G. Approved a Vacant Building Revitalization Performance Agreement with Falling Creek Investments, LLC in the Amount of \$33,000 for Property Located at 3211 Falling Creek Road NE.

Staff requests approval of a Vacant Building Revitalization Performance Agreement with Falling Creek Investments, LLC. Falling Creek Investments, LLC applied for funding in the amount of \$33,000 to assist in the renovation of the vacant building at 3211 Falling Creek Road NE. The applicant plans to renovate the 105,535 +/- square foot building for warehouse or light manufacturing use. The applicant plans to invest at least \$3,071,869 in real property improvements to rehabilitate the building and to install a sprinkler system. This makes the project eligible for a \$33,000 forgivable loan. No funds will be paid until the improvements are complete and the building is occupied. No payments will be required on the loan provided that the building remains occupied for at least 3 years. The Business Development Committee reviewed the application and recommends City Council approve the Vacant Building Performance Agreement with Falling Creek Investments, LLC in the amount of \$33,000.

- H. Approved the Issuance of Pyrotechnic Display Permits PyroStar Entertainment and Contracted Pyrotechnic for Fireworks Displays at Lenoir-Rhyne University and Hickory Motor Speedway.

Staff requests approval to issue pyrotechnic display permits to: PyroStar Entertainment for a fireworks display at Hickory Motor Speedway, September 16, 2023, (rain date November 25, 2023); and Contracted Pyrotechnics for fireworks display at Lenoir-Rhyne University, September 2, September 16, September 30, October 14, and November 4, 2023, (no rain dates were requested). 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 events, 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.

- I. Approved the Citizens' Advisory Committee's Recommendation for Assistance through the City of Hickory's Housing Programs.

The following applicants were considered by the Citizens' Advisory Committee at their regular meeting on August 3, 2023:

- Priscilla Hoyle, 1174 2<sup>nd</sup> Street Place SE, Hickory was recommended for approval of up to \$12,000 under the City of Hickory's 2022 Urgent Repair Program.
- Shirley Stansford, 163 12<sup>th</sup> Street Court SE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$15,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.
- Dehaven Phillips, 1218 E Avenue Court SE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$20,000 for repairs to his house. Assistance would be in the form of a 0% interest deferred loan.
- Barbara Byrd, 117 8<sup>th</sup> Avenue Drive SW Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$20,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.

Funds are budgeted for these items through the City of Hickory's former Housing Rehabilitation Program income received in FY 2023 and/or program income received through the City of Hickory's Community Development Block Grant Program. The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

- J. Approved a Resolution for the Issuance of up to \$12,000,000 Multifamily Housing Revenue Bonds to Provide Financing for Hilltop Apartments to Satisfy Section 147(f) of the Internal Revenue Code.

The Hickory Public Housing Authority wishes to issue Multifamily Housing Revenue Bonds in an amount up to \$12 million which will ultimately be used by Hilltop NC TC, LP to make physical improvements to Hilltop Apartments which is low to moderate income housing and whose premises reside in both the City of Hickory and the Town of Longview. These bonds will only qualify for tax-exempt status if the bonds satisfy the "Public Approval" requirement under Treas. Reg. 1.147(f)-1(b). This requires, among other things, that the bond issue be approved by the issuer (Hickory Public Housing Authority) and the host municipality. The host municipality is defined as the governmental unit presiding over the area in which a bond-financed project will be located. Host approval comes in the form of the attached resolution. In this instance, with Hilltop Apartments being located in both the City of Hickory and the Town of Longview, both will need to approve the issue. The Town of Longview has already passed their resolution. The hosts (Hickory and Longview) will have no financial responsibility with respect to the bonds. Staff recommends approval.

RESOLUTION NO. 23-41

RESOLUTION APPROVING THE ISSUANCE OF UP TO \$12,000,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR HILLTOP APARTMENTS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE

WHEREAS, the City Council (the "City Council") of the City of Hickory, North Carolina (the "City") met in Hickory, North Carolina at 6:00 p.m. on the 15<sup>th</sup> day of August, 2023; and

WHEREAS, the City of Hickory Public Housing Authority (the "Issuer") has tentatively agreed to issue its multifamily housing revenue bonds in one or more series in an amount not to exceed \$12,000,000 (the "Bonds"), for the purpose of providing financing to Hilltop NC TC, LP, a North Carolina limited partnership, or an affiliated or related entity (the "Borrower") for the acquisition and rehabilitation of a 106-unit qualified residential rental project (as defined in Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code")) known as Hilltop Apartments and located at 183 18<sup>th</sup> Street NW in the City of Hickory, North Carolina (the "Development"); and

WHEREAS, Section 147(f) of the Code requires that any bonds issued by the Issuer for the Development may only be issued following a public hearing with respect to such bonds and after approval of the plan of financing by the City Council of the City; and

WHEREAS, on April 27, 2023, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

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

1. The proposed issuance by the City of Hickory Public Housing Authority of its multifamily housing revenue bonds in one or more series an amount not to exceed \$12,000,000 to finance, in part, the costs of the acquisition, rehabilitation and equipping of the Development described above by the Borrower is hereby approved for purposes of Section 147(f) of the Code.
  2. This resolution shall take effect immediately.
- K. Approved on First Reading Budget Revision Number 3

ORDINANCE NO. 23-22  
BUDGET REVISION NUMBER 3

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, 2024, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	79,078	-
Public Safety	28,761	-
TOTAL	107,839	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	79,078	-
Other Financing Sources	28,761	-
TOTAL	107,839	-

SECTION 2. To amend the Water/Sewer Fund within the FY 2023-24 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	88,040	-
Contingency	-	88,040
TOTAL	88,040	88,040

SECTION 3. 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 Consideration of Rezoning Petition 23-03 for Property Located at 1120 22<sup>nd</sup> Street NE, Rezoning from R-4 Residential to Commercial Corridor (CC-2) – Presentation by Planning Manager Cal Overby.

Amy Saine, agent for Fred Parsons, submitted a petition requesting the consideration of rezoning property located 1120 22<sup>nd</sup> Street NE from R-4 Residential to Commercial Corridor (CC-2). The subject property is currently zoned R-4 Residential, and totals 0.55 acres in total size. The current R-4 zoning

district provides areas for the development of high-density residential development, which includes single-family, as well as multi-family residential uses at a rate of 20 dwelling units per acre. The requested Commercial Corridor (CC-2) zoning permits commercial, office and residential uses. The maximum density for non-residential development is a floor area ratio of 2:1 (two square feet of floor area for each 1 square foot of land area), while residential density is permitted at a maximum density of 30 units per acre. The Hickory Regional Planning Commission conducted a public hearing on July 26, 2023, 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. Based upon its findings, the Hickory Regional Planning Commission voted (7-1) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on August 5, and August 12, 2023.

City Manager Warren Wood asked Planning Manager Cal Overby to the podium to present Council with rezoning petition number 23-03 for property located at 1120 22<sup>nd</sup> Street NE, rezoning from (R-4) Residential to Commercial Corridor.

Planning Manager Cal Overby gave a PowerPoint presentation. He discussed rezoning petition 23-03. The request was from Amy Saine, representative of Mr. Fred Parsons to rezone approximately half an acre of property, located at 1120 22<sup>nd</sup> Street NE. The request was to rezone it from R-4 Residential to Commercial Corridor. He displayed a map and advised it was the current Hickory by Choice 2030 future land use map. There were commercial corridors in Hickory in two different locations. They were located along NC 127 in the Viewmont area and down toward downtown as well as along Springs Road, basically from where Shurtape was located northward almost to Saint Stephen's High School. The corridors in and of themselves were described by the plan as being about 300-foot-wide swaths of property along the sides of the road there to accommodate existing development, most of which was commercial in these corridors, as well as provide some expansion areas inward towards the residential areas of the core there. He referred to the map and pointed out the approximate area of the property in question. He pointed out the commercial corridor, high density residential, and some general business in this particular area. He displayed the current zoning map and pointed out the location of the property in question. It was a small piece of property. He noted the remainder of the properties to the north and west were actually already zoned commercial corridor and all of the properties to the south and east were currently zoned high density residential. Referring to the map he pointed out the subject property, a group of townhomes, a small strip center where Lance Cook State Farm was located in part of the center here. He pointed out the location of a closed bank, Miller's Lutheran Church, and another church which was located in that area. He explained the analysis. They looked at the request for rezoning in light of the comprehensive plan as well as on ground situations. Looking at the long-range comprehensive plan, Hickory by Choice 2030, it identified the area as being what was appropriate for commercial corridor zoning. Commercial corridor zoning was the implemented district for the area in question. He reiterated the areas along Highway 127, and Springs Road were what was intended to be the continual commercial corridor. That was acknowledged during the planning process to preserve what was already there versus making some decisions that disrupt current development patterns in the area. As far as the commercial corridor zoning district was concerned, it had a variety of different uses. It could be retail office; it could also be residential for that matter. They were looking at those types of areas there. He discussed the recommendation. The Planning Commission reviewed it on July 26 and recommended approval to City Council and staff concurred with that recommendation. He asked for any questions from Council.

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

OPPONENT

No one appeared.

Mayor Guess asked if there was anyone present to speak in favor of the proposal.

PROPONENT

Ms. Amy Saine, 1641 20<sup>th</sup> Avenue Court NE, Hickory, advised she was in favor of the rezoning because this was her small business that she was trying to relocate to this area. She asked for any questions.

Mayor Guess asked if she wished to elaborate on her business.

Ms. Saine advised they have a small car dealership. She was the dealer and the owner of the dealership, and they were currently leasing property, so they would like to purchase property to own the property where their dealership was located. That was why they were looking for this. She was also a teacher at Saint Stephen's High School. This was her side business. She was going to be retiring in a few years and she was trying to build something for the future for her retirement.

Alderman Wood asked if she had introduced herself to Mr. Cook who owned the adjacent property.

Ms. Saine asked if it was Lance Cook.

Alderman Wood replied yes.

Ms. Saine advised she did business with him.

Alderman Wood asked if he knew her intention.

Ms. Saine advised they had not discussed this.

Alderman Wood noted he was just curious. He thanked Ms. Saine.

Mayor Guess closed the public hearing and asked for further discussion or a motion.

Alderman Seaver moved, seconded by Alderman Zagaroli approval of rezoning petition 23-03. The motion carried unanimously.

#### ORDINANCE NO. 23-23

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/-0.55 ACRES OF PROPERTY LOCATED AT 1120 22<sup>ND</sup> STREET NE FROM R-4 RESIDENTIAL TO COMMERCIAL CORRIDOR (CC-2).

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 +/- 0.55 acres of property located at 1120 22<sup>nd</sup> Street NE, more particularly described on Exhibit A attached hereto, to allow a Commercial Corridor (CC-2) district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on July 26, 2023, 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 23-03 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 1120 22<sup>nd</sup> Street NE and identified as PIN 3713-16-93-2284.
- 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 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 a Commercial Corridor by the Comprehensive Plan. Areas classified as Commercial Corridor are intended to be automobile focused commercial area, while providing adequate pedestrian accommodations. Rezoning of the referenced property to Corridor Commercial (CC-2) would be consistent with the Comprehensive Plan.

Given the current circumstances, rezoning the property in the manner discussed is consistent with the Comprehensive Plan, and is a reasonable and justifiable approach to implement the City's comprehensive land use goals.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as an automobile dependent commercial corridor providing goods and services to nearby residents.

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

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

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

The subject property has access to a NCDOT maintained roadway (22<sup>nd</sup> Street NE / SR 1444), as well as public water infrastructure. Sanitary sewer is located in the vicinity; however, the property owner will be responsible for any necessary extensions needed for service. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of commercial businesses along the corridor, with residential at its margin. This development pattern will continue under the CC-2 Commercial Corridor district, as commercial businesses that are permitted under this zoning classification. The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place to service the area. These include public utilities and transportation infrastructure.

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

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 are properly protected as prescribed by law.

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

The current zoning and use of the larger corridor is for commercial businesses. The rezoning of the property to CC-2 would continue this development pattern and will be similar to existing zoning already in place, within larger area.



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

Any change in land use has the potential to have detrimental impacts on surrounding areas. Should development occur on the property the City of Hickory has specific development regulations in place designed to mitigate, to the maximum extent possible, negative impacts that may result from future development. These include stormwater runoff, buffering and lighting.

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

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

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

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

Based upon these findings, the Hickory City Council has found Rezoning Petition 23-03 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. Update for MyHKY - Presentation by Communications and Marketing Manager, Dana Kaminske

City Manager Warren Wood advised they have a tool on the internet called MyHKY. It really promotes the City to outside of the region for opportunities, live, work , play, visit. They have had it for a few years now and it has been updated. They have a presentation on that as well as a short video by Communications and Marketing Manager, Dana Kaminske.

Communications and Marketing Manager Dana Kaminske was excited to come back before Council. She knew some of them saw this a little over four years ago when they first announced MyHKY.com, but she was going to give them an update to that. She explained how it worked so they could understand what they were using it for. This was a 360-degree interactive virtual tour of Hickory and the region. It was developed through the Office of Business Development, and it was to attract business, industry, and people to live and work here. They worked with Wade Works Creative LLC, owned by Chip Wade. Mr. Wade started his beginnings in HGTV and DIY. He built this company, and he helped build this site as well as the videos that they would see tonight. She advised it was sort of a digital version of a magazine article, not just a magazine ad, it was intense. There was a lot to it. It was great for the community internally and people could use it who have just moved here. It was also amazing for those who want to move here. They shared it with realtors, industries, companies, HR recruiters, and they have had nothing but positive responses from all of them that use it to recruit people. They use it to showcase the area. If somebody wants to come here and they might not be able to come here physically and they have an interview, they could take them to this tool and they could click on things and they could see a little bit of Hickory and what was offered. The videos complimented that nicely for people to get a little bit of a taste of Hickory. And then of course, they want to move here. They also shared this via the social channels. They shared this in their marketing communication tools, e-newsletters, and of course with the citizens. Primarily they want to push this to external markets so that people could get an idea of who Hickory is. She knew they had been making some great news, so this was just another tool in their tool basket to be able to share with the community and outside of the community for people to come here. She displayed and explained the website. She pointed out users could join a mailing list, and that gives some information, or they could just click right into it. She pointed out the refresh, the last one looked a little different

and this one was a new refresh. The downtown looked beautiful and was the new home page. The user could click on it, and it could rotate at 360 degrees. They could move it as fast or as slow as they want. It would not keep turning. It would stop when you stop. The down blue arrows were all links to something. Whether it be a business or an area. She used as an example the arrow for Café Rule and Wine Bar. This was just one of the options. She pointed out the eye and advised it was a link to their website. A lot of these had links within them to those individual websites they could go to. Then when you exit out of that, click the X, and you could scroll again through it. There were pictures. She referred to an icon that popped up which was a picture icon. You could click on those to see some of the outside portions or other places that they could not do all the 360 tours. This was just one option, when you clicked the little green top button that took you right back to the home page. You could browse. They had links in the purple to educational facilities. They had arrows in those buttons to videos. They had a weekend in Hickory which would play one of the videos. They have numerous ones within there. Some of them they had produced, and the CVB had produced some as well. Also, again picture icons right there on the home page. She pointed out at the top in the clouds, Winston Salem was right there, that was a 360 as well of Winston-Salem. They picked Winston-Salem, Asheville, Charlotte, and Boone all within about an hour of Hickory to show the proximity to all these larger cities and they could see how close Hickory was to Asheville, Charlotte, Winston, and Boone. She advised this was just a little brief tour for them. She encourage Council to take their time when they have time to go through it themselves, MyHKY.com. She gave them a card that they passed out to the community. They could keep it, it was a business card and they shared these with the community as well at Farmers Markets, everywhere, so people were aware of it. She advised she would show them two of the latest videos hosted by Chip Wade that they just produced. These were fresh and brand-new tonight. They were the first one seeing it other than staff and they would release them tomorrow to the public. She played the videos. She advised them they were going to combine those pieces down to a very short version, but those were under two minutes that they would share. She mentioned on the MyHKY tour, they have information for Mr. Scott Millar and Mr. Dave Leonetti for Business Services and a video for Mr. Millar about starting your business here. Also links to Crafting Hickory, Get to Know Hickory, and the CVB so they could get a lot of information in one spot, but it also takes them back to the website if people need more information. She asked for questions.

Alderwoman Patton inquired about the number of users or hits.

Ms. Kaminske commented that part of this refresh happened because they were not able to track with Google Analytics on the original because it was not a website, it was a virtual tour and built with links of photos. Now they were just beginning to track all the links within so they would have a better number for Council in the future, but they had not been able to track it that way in the past because of the way it was designed.

Mayor Guess asked how they chose the highlighted sections, the arrows, and if there were opportunities if someone wanted to be a part of that, were there opportunities to be able to do that.

Ms. Kaminske advised when they designed this originally, 4.5 years ago, staff sat down and went through things that they thought were the highlights, some of the main sections of business, whether it be a restaurant or something in the downtown, something in Viewmont or in Ridgeview. They wanted to highlight just a few things in every piece of the City and then also the region because when you live in Hickory, you do not just stay in Hickory. You want to go to the trails, to the Fonta Flora, or to the other places in Morganton and Lenoir. They picked a few places like that as well, Google and Apple and those things to show that we have some of that in the community. Right now, they were not taking more because, there was a ton on it already. If something closes, like when Highland Ave closed, they would probably be replacing that at some point with Mas Amor because it was a unique place in the community. They do not get to highlight everything unfortunately, they would love to, but they were trying to find some of the things that maybe would pique somebody's interest who would want to move here.

Alderwoman Williams suggested not that they would have to have everything on this space, but maybe at some point having links to all the restaurants in the area.

Ms. Kaminske advised the CVB keeps up with all of that. They direct them on the home page to the CVB and they were the ones who keep up with that. They do have a locations list they could just click locations and they could see what

was linked on here in a list form. The CVB were the ones who were really good about keeping up with those entertainment and restaurants and things like that, destinations.

Alderwoman Williams commented it was beautiful.

Mayor Guess inquired if it would be updated regularly.

Ms. Kaminske advised they update it monthly. They look at it all the time and see if there are any changes. They still have a few pictures 360s they need to go back out and do, when COVID happened some people changed their restaurants and things, or Rock Barn expanded, so they have to go back out and take some new 360s. For the most part it was updated, and they just need a few new pictures. They do keep it updated.

Mayor Guess thought it was a great tool.

2. Appointments to Boards and Commissions

**BUSINESS DEVELOPMENT COMMITTEE**

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

**COMMUNITY APPEARANCE COMMISSION**

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

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 African American (Council Appoints) VACANT  
 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 by City Council)  
 Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

**HISTORIC PRESERVATION COMMISSION**

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

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 Ward 3 (Seaver Appoints) VACANT  
 At-Large (1) (Mayor Appoints) VACANT

**PUBLIC ART COMMISSION**

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

**RECYCLING ADVISORY BOARD**

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

Mayor Guess encouraged citizens if they were interested in any of the vacancies to get with someone on staff or Council and they would help walk them through that and explain and answer any questions they may have.

C. Presentation of Petitions and Requests

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

City Manager Warren Wood asked Council to consider an item not on the agenda, related to a late request from Hickory Baseball for a pyrotechnic display permit. Council would need to vote to add that item to the agenda.

Alderman Seaver moved, seconded by Alderwoman Williams to consider the request to add the item to the agenda related to the issuance of a pyrotechnic display permit. The motion carried unanimously.

City Manager Warren Wood explained staff received this late and the request was prior to Council's next meeting. He advised them he would put this on the agenda for Council's consideration. They want to hold a fireworks display on September 3<sup>rd</sup>, at the LP Frans Stadium at a corporate event that they were having out there, it was not a baseball game. It would be in the evening. It was submitted to the Fire Department's Fire and Life Safety Division, and they reviewed it.

Mayor Guess commented it was no different than anything they had done in the past. He asked for any other questions.

Alderman Seaver moved, seconded by Alderman Guess approval of the issuance of a pyrotechnic display permit for September 3, 2023 to Pyro Shows Inc. The motion carried unanimously.

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

City Manager Warren Wood appreciated the Fire Departments work, every day, but on Sunday there was a tragedy on Lake Hickory, and their people were there very quickly. They all knew the outcome, but he appreciated the work that they all do every day.

XIV. There being no further business, the meeting adjourned at 6:26 p.m.

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Mayor

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City Clerk