

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, September 19, 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 with the arrival of Alderman Zagaroli at 6:02 p.m.
- II. Invocation by Reverend Susan Smith, Assistant Executive Director of Exodus Homes, and Senior Associate Pastor of Exodus Missionary Outreach United Church of Christ.
- III. Pledge of Allegiance
- IV. Special Presentations

- A. Presentation of a Proclamation for Hispanic Heritage Month.

Mayor Guess asked representatives from Centro Latino to the podium. Mayor Guess welcomed the representatives from Centro Latino. He noted that the framed proclamation was done in Spanish, and he would be reading the English version. He read and presented the Proclamation for Hispanic Heritage Month to Centro Latino representatives. Photos were taken.

A representative from Centro Latino thanked City Council for recognizing Hispanic Heritage Month and invited them to an event to celebrate Hispanic Heritage Month, under the Sails on Sunday, September 24th from 4:00 to 7:00 p.m.

- B. Presentation of a Proclamation Honoring the Lenoir-Rhyne Men's National Champions Lacrosse Team.

Mayor Guess asked the Lenoir-Rhyne Men's National Champions Lacrosse Team to the podium. Mayor Guess advised that Lenoir-Rhyne Men's Lacrosse Team were the National Champions. He read and presented a Proclamation Honoring the Lenoir-Rhyne Men's National Champions Lacrosse Team. A standing ovation was given, and photos were taken. The team gave the City a trophy to display. Mayor Guess advised they would display it in a prominent place.

- V. Persons Requesting to Be Heard

- VI. Approval of Minutes

- A. Regular Meeting of September 5, 2023

Alderman Patton moved, seconded by Alderman Zagaroli that the Regular Meeting Minutes of September 5, 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.

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

- A. Budget Revision Number 4. (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.

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

- A. Approved the Adoption of the Records and Disposition Schedule in Accordance with the Provisions of Chapters 121 and 132 of the General Statutes of North Carolina Regarding Public Records.

Staff requests adoption of the Records and Disposition Schedule in accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina regarding public records. It has been the practice of the City of Hickory to adopt the Records Retention and Disposition Schedule in order for the City to dispose of records legally and

properly pertaining to the terms of the schedule. The Records Retention and Disposition Schedule General Records Schedule: Local Government Agencies prepared by the North Carolina Department of Natural and Cultural Resources was updated October 1, 2021 in accordance with Chapters 121 and 132 of the North Carolina General Statutes. This schedule was last updated and approved by City Council on October 16, 2012. If not approved by City Council, the City is obligated to obtain the Department of Cultural Resources' permission to destroy any and each record, no matter how insignificant. Adoption of the updated schedule enables the City to continue to comply with the NC Records Retention and Disposition Schedule by properly disposing of records in compliance with the schedule. Staff recommends Council adopt the Records Retention and Disposition Schedule General Records Schedule: Local Government Agencies, dated October 1, 2021.

- B. Approved on First Reading an Amendment to Section 18-59 of the City of Hickory Code of Ordinance to Permit the Operation of E-Bikes and other Electric Vehicles on Multi-Use Paths.

Staff requests Council's approval of an amendment to Section 18-59 of the City of Hickory Code of Ordinances to permit the operation of e-bikes and other electric vehicles on multi-use paths. In October 2021, City Council approved Ordinance 21-34 which outlined regulations regarding the operation of vehicles on multi-use trails. Given the construction of the Hickory Trail System, staff realized the need for additional regulations to ensure the safe operation of the trail system. The ordinance did not permit the operation of any motor vehicles on the trail, including e-bikes, scooters, etc. Given the popularity of e-bikes, and other electric vehicles and their ability to be operated safely on a multi-use trail, staff developed an amended ordinance which sets out regulations for e-bikes, scooters, and other similar vehicles to be operated on multi-use trails. The ordinance sets maximum size and speed limits for such vehicles along with additional provisions ensuring pedestrian and bicycle safety. Staff requests approval of the ordinance amending Section 18-59 of the Hickory City Code.

ORDINANCE 23-25

AN ORDINANCE OF THE HICKORY CITY COUNCIL HICKORY CODE OF ORDINANCES – PART 2, SECTIONS 18-1 and 18-59

WHEREAS, Section 18-59 of the City of Hickory Code of Ordinances provides regulations related to the operation of vehicles on multi-use paths; and

WHEREAS, electric assisted bicycles, electric standup scooters and other related vehicles have become popular modes of transportation; and

WHEREAS, the City of Hickory wishes to permit the safe and orderly operation of certain defined vehicles on multi-use paths within the city limits, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, THAT SECTION 18-1 and 18-59 OF CHAPTER 18 OF THE HICKORY CITY CODE BE AMENDED AS FOLLOWS:

Section 1: Amended

Section 18-1 of the Hickory Code of Ordinances is hereby amended to add the following definitions:

Sec. 18-1. – Definitions.

Electric assisted bicycle means a bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.

Electric standup scooter means a device with no more than three 12-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user while riding and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 15 miles per hour on a paved level surface. The device shall not exceed 50 pounds in weight.

Motorized skateboard means a self-propelled device which has a motor, a deck on which a person may ride and at least two (2) tandem wheels in contact with the ground.

One-wheel means a self-balancing, self-propelled electric device which has a motor, a deck on which a person may ride, and one (1) wheel in contact with the ground.

Segway means a motorized personal vehicle consisting of two (2) wheels mounted side-by-side beneath a platform that the rider stands on while holding onto handlebars, controlled by the way the rider distributes their weight.

Hoverboard means a motorized personal vehicle consisting of a platform for the feet mounted on two (2) wheels and controlled by the way the rider distributes their weight.

Section 2: Amended

Section 18-59 of the Hickory Code of Ordinances is hereby amended to read as follows:
Sec. 18-59. Operation of vehicles on multi-use trails.

- (a) It shall be unlawful for any person to ride or otherwise operate any vehicle upon any multi-use trail except at a permanent or temporary driveway. This provision shall not be applicable to non-motorized bicycles, electric assisted bicycles, electric standup scooters, motorized skateboards, one-wheels, segways and hover boards, which may be operated on any multi-use trail, except as otherwise provided herein. The term "vehicle" as used in this Section shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15, whose maximum speed does not exceed 12 miles per hour when the device is being operated by a person with a mobility impairment or who uses the device for mobility enhancement. The term "vehicle" as used in this Section shall not include an electric personal assistive mobility device as defined in G.S. 20-4.01(7b).
- (b) The operator of any vehicles permitted under this Section shall not exceed the speed of fifteen miles per hour upon any multi-use trail.
- (c) Any pedestrian or vehicular operator must follow all posted rules and regulations. It shall be unlawful for a person to ride upon or operate any motorized or non-motorized vehicle in a manner or under any condition which interferes with vehicle, motor vehicle, or pedestrian travel or in any way endangers the safety of any person. Pedestrians shall have the right of way on any multi-use trail.
- (d) It shall be unlawful to operate any vehicle otherwise permitted under this Section upon any multi-use trail unless it is equipped with a braking system in such working order to control and stop the movement thereof.
- (e) No person under the age of 16 shall use, operate or be a passenger on a bicycle, electric assisted bicycle, inline skates, roller skates, skateboard, or scooter on a multiuse trail unless the person wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet. Such helmet shall meet or exceed the safety standards set forth by the U.S. Consumer Products Safety Commission, the American National Standards Institute, or the Snell Memorial Foundation. A civil penalty may be waived as to any first-time violator upon presentation of evidence that the violator has purchased or procured an approved helmet and demonstrated the intention of using the helmet as required by law.
- (f) It shall be unlawful for more than one person to ride upon any vehicle otherwise permitted under this Section upon any multi-use trail.
- (g) This Section shall not apply to police, fire department and fire patrol vehicles, or ambulances and rescue squad emergency service vehicles, or public transportation vehicles when an exception from such Section is reasonably necessary in the actual discharge of official duties and responsibilities or vehicles of public service corporations when an exemption from such Section is reasonably necessary in the actual installation or repair to public service equipment on or above streets, sidewalks, and multi-use trails.
- (h) Violation of this Section may subject the offender to a civil penalty in the amount of not more than \$500.00, unless some other amount shall be specifically delineated, to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after he or she has been cited for violation of the ordinance.

Section 3: Severability.

If any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

Section 4: Repealed.

All ordinance provisions of the City of Hickory Code of Ordinances which are not in conformance with the provisions of this Amendment occurring herein are repealed as of the effective date of this Ordinance.

Section 5: Effective Date.

The amendments to this Ordinance shall become effective immediately upon adoption.

- C. Called for a Public Hearing to Consider Closing an Unopened Alley Located off of 3rd Avenue SE, as Petitioned by Jojida, LLC (Authorized Public Hearing for October 17, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-48
RESOLUTION OF INTENT

A Resolution Declaring the Intention of the City Council of the City of Hickory to Consider the Closing of an Unused Alley Located off of 3rd Avenue SE

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 an unused alley located off of 3rd Avenue SE, 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 17th day of October, 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 an unused Alley located off of 3rd Avenue SE.
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 19th day of September, 2023.

- D. Approved on First Reading the Implementation of an All-Way Stop at the Intersection of 5th Street SE, 3rd Avenue SE and 3rd Avenue Drive SE.

Staff request Council's approval of the implementation of an all-way stop at the intersection of 5th Street SE, 3rd Avenue SE, and 3rd Avenue Drive SE. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 5th Street SE, 3rd Avenue SE, 3rd Avenue Drive SE, and 5th Avenue SE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for an all-way stop at the intersection listed. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval of the implementation of an all-way stop at the intersection of 5th Street SE, 3rd Avenue SE, and 3rd Avenue Drive SE.

- E. Approved a Community Appearance Grant Agreement in the Amount of \$3,750 with Daniel Dixon for Property Located at 1070 3rd Avenue Drive NW (Old Lenoir Road).

The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by Daniel Dixon and occupied by a commercial building, located at 1070 3rd Avenue Drive NW (Old Lenoir Road) in the amount of \$3,750. City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area.

The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's awnings and stonework on the front exterior wall. The property is located within the City's defined Urban Revitalization Area, and as such, is eligible for the consideration of a Community Appearance Grant. The applicant has provided two estimates for the work. The lowest estimate for the work totals \$8,200. The proposed grant at the lower of the estimates qualifies for a \$3,750 grant. The subject property's current tax value is assessed at \$187,800. The requested grant amounts to 2% of the property's tax value. The application was reviewed by the Community Appearance Commission, and they recommend funding of the grant application in the amount of \$3,750.

- F. Approved the Sale of City-Owned Property on 8th Avenue Drive SW in the Amount of \$2,000.

Staff requests approval of an offer to purchase a piece of City-owned property on 8th Avenue Drive SW. The City owns a piece of land on 8th Avenue Drive SW that was part of the Ridgeview Affordable Housing Subdivision. This property is further identified by PIN 370210455471 on the Catawba County tax maps. The parcel is approximately 0.07 acres in size and is an unbuildable lot. The adjacent property owner has expressed interest in purchasing the parcel to combine with her property and has offered \$2,000 for the property. The tax value is \$1,700. Staff feel that this is a fair offer for the property. As this is surplus property, the sale is required to go through the upset bid process as defined in NCGS 160A-269. This process will ensure any other interested parties can bid on the property. Staff requests approval of the offer to purchase City-owned property and authorizes staff to advertise for upset bids.

RESOLUTION NO. 23-49

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO PURCHASE CERTAIN PROPERTY

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

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

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

Vacant lot located on 8th Avenue Drive SE, Hickory, North Carolina, containing approximately .07 acres, identified as PIN 3702-10-45-5471, Catawba County GIS, being Lot 1, Plat Book 80 at Page 87, a portion of the property in Deed Book 3608 at Page 1905, Catawba County Registry.
2. City Council has received an offer to purchase for the sum of \$2,000 for the property located on 8th Avenue Drive SE, Hickory, North Carolina. The person making the offer has deposited into John Crone's Trust Account a sum equal to five percent (5%) of his or her offer in the form of cash, cashier's check, or wire funds.
3. City Council proposes to accept the offer unless a qualifying upset bid shall be made.
4. The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
5. Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. In addition, the bid must raise the original offer by an amount of at least 10% of the first \$1000 of that offer and 5% of the remainder. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash, cashier's check, or wire funds to John Crone's Trust Account. At the conclusion of the ten (10) days, the City Clerk shall open the bids, and the highest such qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6. If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.
7. Upon approval of the final upset bid, total payment for the property must be received by the City of Hickory within 30 days of the bid award.

8. City Council authorizes the City Manager to execute all documents related to the sale if no upset bids are received after due advertisement.

- G. Approved Applying for the Neighborhood Access and Equity Grant in the Amount of \$6,500,000.

Staff requests Council's approval to apply for the Neighborhood Access and Equity (NAE) grant, part of the Reconnecting Communities and Neighborhoods (RCN) Program funded by the Bipartisan Infrastructure Law and the Inflation Reduction Act. These two programs restore community connectivity through projects that remove transportation barriers and improve walkability, safety, and affordable access. There is a total of \$3.16 billion in funding for 2022-2026 for planning construction and technical assistance. Staff would like to apply for this grant funding in the amount of \$6,500,000 to construct a multi-use path along 17th Street NW from 9th Avenue NW to 2nd Avenue NW. The overall goal of this project would be to construct a multi-modal path that integrates with the overall Hickory Trail System. 17th Street NW runs through and adjacent to the new Appalachian State University Hickory campus. While there are a few short sidewalks, curb, and gutter sections, this street lacks shoulder, bike, and pedestrian amenities. Its parallel nature, north-south access, and plans for road and path expansion at the north end of 17th Street NW to Clement Boulevard and its connection to the City's Aviation Walk make this street an ideal location for a multi-use path project. The addition of bike and pedestrian facilities along 17th Street NW is listed as a high-priority project in the City of Hickory's Bike and Pedestrian Plan, completed in December 2020. As the proposed project area is disadvantaged, the Neighborhood Access and Equity grant will support the project with 100% funding. There will be no Federal match for the City to consider. Staff recommends Council's approval to apply for the Neighborhood Access and Equity grant in the amount of \$6,500,000 with a 100/0 Federal match.

- H. Approved an Agreement for Professional Services with Johnson, Mirmiran & Thompson Consulting Engineers, Inc. in the Amount of \$818,626.76 for Historic Ridgeview Walk, Contingent upon North Carolina Department of Transportation Concurrence.

Staff requests Council's approval of an Agreement for Professional Services with Johnson, Mirmiran & Thompson (JMT) for Construction, engineering, and inspection (CEI) Services related to the Historic Ridgeview Walk (EB-5937/EB-5938) in the amount of \$818,626.76, contingent on North Carolina Department of Transportation (NCDOT) concurrence. Johnson, Mirmiran & Thompson (JMT) was selected based on qualifications-based proposals and was concurred with by NCDOT. JMT's fees were negotiated by City of Hickory staff and NCDOT staff. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT and 20% City of Hickory. Construction, engineering, and inspection services include the following: construction inspections, construction materials testing, and construction administration. Staff recommends Council's approval of an Agreement for Professional Services with Johnson, Mirmiran & Thompson Consulting Engineers, Inc. in the amount of \$818,626.76, contingent upon NCDOT concurrence, for the Historic Ridgeview Walk.

- I. Approved an Agreement for Professional Services with Thomas-Gordon-Shook Consulting Engineers in the Amount of \$194,095.41, for Preliminary Engineering and Design Services related to Aviation Walk Connector Multi-Use Trail Project, Contingent upon North Carolina Department of Transportation Approval.

Staff requests Council's approval of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for preliminary engineering and design services related to the Aviation Walk Connector Multi-Use Trail Project – BL-0067 in the amount of \$194,095.41, contingent on North Carolina Department of Transportation (NCDOT) approval. The City applied for and received State Transportation Block Grant - Directly Attributable (STBG-DA) funding approval from the Greater Hickory MPO and North Carolina Department of Transportation (NCDOT) for Aviation Walk Connector Multi-Use Trail. The multi-use trail will connect 17th Street NW Extension (HL-0004) with the Aviation Walk (EB-6038). The connector is needed to join the future 17th Street NW Extension Multi-Use Trail with the Aviation Walk Multi-Use Trail. The trail will connect Appalachian State's new campus with Aviation Walk and provide a safe crossing for students over US 321 to join with the City's trail system. The extension is also along the established Hickory Urban Bike Loop (HUB) which is identified in the "Walk-Bike-Hickory Plan". Cyclists use 17th Street NW on a regular basis and this project would fill in a gap to provide a continuous route from US 70 to Clement Boulevard NW to Aviation Walk. Preliminary engineering and design is needed to connect the future 17th Street NW Extension Multi-Use Trail and the existing Aviation Walk Multi-Use Trail along Clement Boulevard and 19th Street Lane NE. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT and 20% City of Hickory. Staff recommends Council's approval of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for in the amount of \$194,095.41, contingent on NCDOT approval.

- J. Approved an Agreement for Professional Services with Thomas-Gordon-Shook Consulting Engineers in the Amount of \$345,784.19, for Preliminary Engineering and Design Services related to the Springs Road Sidewalk Project, Contingent upon North Carolina Department of Transportation Approval.

Staff requests Council's approval of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers for preliminary engineering and design services related to the Springs Road Sidewalk Project – BL-0066 in the amount of \$345,784.19, contingent on North Carolina Department of Transportation (NCDOT) approval. The City applied for and received State Transportation Block Grant - Directly Attributable (STBG-DA) funding approval from the Greater Hickory MPO and North Carolina Department of Transportation (NCDOT) for sidewalk improvements on Springs Road from Sandy Ridge Road to McDonald Parkway. By adding sidewalks in an area that is already used by pedestrians, a safer connection would be created and would enhance access to various development types. Currently Springs Road connects residential development with churches, schools, medical facilities, and many commercial uses including grocery stores, banks, restaurants, pharmacies, and other uses. Preliminary engineering and design is needed to connect the existing sidewalk at Sandy Ridge Road (SR-1401) to existing sidewalk near McDonald Parkway (SR-1005). The sidewalk project will begin at Sandy Ridge Road (SR-1401) and follow Springs Road (SR-1453) approximately 1.0 miles to the shopping center at the intersection of Springs Road and McDonald Parkway. Sidewalk is proposed on both sides of Springs Road from 12th Avenue Drive NE to existing sidewalk near McDonald Parkway. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT and 20% City of Hickory. Staff requests Council's approval of an Agreement for Professional Services with Thomas-Gordon-Shook (TGS), Consulting Engineers in the amount of \$345,784.19, contingent on NCDOT approval.

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

The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all of its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following request was considered by the Citizens' Advisory Committee at their regular meeting on September 7, 2023:

- Rebecca Abernathy located at 823 2nd Street SE; Hickory was recommended for approval of up to \$8,846.00 under the City of Hickory's 2022 Urgent Repair Program.

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- L. Approved the Retiring Canine Agreement with Master Police Officer Clayton Albrecht for Canine Riky.

The Hickory Police Department requests approval to allow Master Police Officer (MPO) Clay Albrecht to adopt his retired canine partner (Riky). The Hickory Police Department will retire canine Riky on September 30, 2023. With the specialized training of Riky, he will not be safe for public adoption. MPO Clay Albrecht is the handler of Riky and is willing to provide care for him after retirement. Full care and liability for retired canine Riky will be the legal responsibility of MPO Clay Albrecht. It is common to allow the handler to adopt his canine when it is retired from service. Canine Riky has worked for the police department for approximately 6 years and is 7 years old. Due to recent court decisions surrounding police canines alerting on legalized hemp, canine Riky can no longer be fully utilized as a drug detecting canine. Riky is trained to alert on cannabis and therefore will alert on legalized hemp. MPO Clay Albrecht will sign an agreement and take full responsibility for Riky if the adoption is approved by City Council. Hickory Police Department recommends approval to retire canine Riky on September 30, 2023 and allow MPO Clay Albrecht to adopt and take full responsibility for him.

- M. Approved on First Reading Budget Revision Number 5.

ORDINANCE NO. 23-26
BUDGET REVISION NUMBER 5

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 2023-2024 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	102,200	-
General Government	36,956	107,976
Other Financing Uses	926,603	-
TOTAL	1,065,759	107,976

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	920,827	-
Miscellaneous	36,956	-
TOTAL	957,783	-

SECTION 2. To amend the Water/Sewer Fund within the FY 2023-2024 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	107,603	-
TOTAL	107,603	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	107,603	-
TOTAL	107,603	-

SECTION 3. To amend the Trivium Corporate Center East (#B1B004) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	341,207	-
TOTAL	341,207	-

To provide funding for the above, the Trivium Corporate Center East (#B1B004) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	170,603	-
Restricted Intergovernmental	170,604	-
TOTAL	341,207	-

SECTION 4. To amend the Historic Ridgeview Walk (#B1L003) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	409,314	-
TOTAL	409,314	-

To provide funding for the above, the Historic Ridgeview Walk (#B1L003) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	409,314	-
TOTAL	409,314	-

SECTION 5. To amend the Historic Ridgeview Walk (#B1L004) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	409,313	-
TOTAL	409,313	-

To provide funding for the above, the Historic Ridgeview Walk (#B1L004) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	409,313	-

TOTAL	409,313	-
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SECTION 6. To establish the Springs Road Sidewalk (#546020) Capital Project the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	345,785	-
TOTAL	345,785	-

To provide funding for the above, the Springs Road Sidewalk (#546020) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	69,157	-
Restricted Intergovernmental	276,628	-
TOTAL	345,785	-

SECTION 7. To establish the 17th Street Northwest Extension (#546021) Capital Project the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	194,096	-
TOTAL	194,096	-

To provide funding for the above, the 17th Street Northwest Extension (#546021) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	38,819	-
Restricted Intergovernmental	155,277	-
TOTAL	194,096	-

SECTION 8. 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 Closing a Portion of 1st Avenue NW in the 1400 Block as Petitioned by Mitloop, LLC, David E. Looper, and James R. Mitchell – Presentation by Public Works Director Steve Miller.

Staff requests Council's consideration of closing a portion of 1st Avenue NW as petitioned by Mitloop LLC, David E. Looper and James R. Mitchell. The City Clerk received a petition from Mitloop LLC, David E. Looper and James R. Mitchell, owners of the property abutting 1st Avenue NW. The petition requests closing a portion of 1st Avenue NW, as per NCGS §160A-299, as bound on the north by the tract owned by the Petitioners James R. Mitchell and David E. Looper and bound on the west and south by the Petitioner Mitloop, LLC. The signatures on the petition represent all the owners of the property abutting this portion of the right-of-way. The petition fee of \$830 has been paid. A memo was sent to various departments for their input on the street closing. Public Utilities advised that public sewer was located inside of the right of way, and they would need a 25' easement dedicated to the City of Hickory. Staff recommends Council's consideration of closing a portion of 1st Avenue NW, as petitioned by Mitloop, LLC, David E. Looper, and James R. Mitchell.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on August 19, and August 26, September 2, and September 9, 2023.

City Manager Warren Wood asked Public Works Director Steve Miller to the podium to discuss the request to close a portion of 1st Avenue NW in the 1400 Block as petitioned by Mitloop, LLC, David Looper, and James R. Mitchell.

Public Works Director Steve Miller gave a PowerPoint presentation. He discussed the request to close a portion of 1st Avenue NW. He advised it was a

three-party petition. All three of the properties signed the petition to close the street. The street was bond on the north by David E. Looper and James R. Mitchell and bond on the south by Mitloop, LLC. The signatures on the petition represented the owners of the properties abutting this portion of the right of way. The petitioner must convey to the City of Hickory an easement for an existing sewer line and that easement would be 25 feet wide. The petitioner would also be responsible for any water or service upgrades if needed if they choose to do that. They could choose technically to get to the property with another way of sewer, but if they do not, they need to keep that 25-foot-wide easement. He referred to the PowerPoint and pointed out US 321, to the north McDonald's, the old service station building that was there, a vacant lot, and a furniture store that sells furniture. He pointed out the right of way in question. He noted the property owners were all around that piece of property. It should not affect anyone other than the properties. They were going to combine those properties for development. Staff requested Council's acceptance and approval of the Resolution and Order to close this portion of 1st Avenue NW in the 1400 block. He asked for questions.

Mayor Guess asked if anyone had 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.

PROPONENT

Mr. Zachary Grogan, 218 Crestwood Drive, Greenville, SC, advised he was the contract purchaser of all of the properties that were described. They intend to close the right of way and redevelop the property. He wanted to make himself available to answer any questions that Council may have regarding the closure.

Mayor Guess asked Council if they had any questions.

Alderman Zagaroli asked what he was thinking about developing in that area.

Mr. Grogan advised it would likely be a retail development, the users which were not confirmed. The right of way needed to be closed anyway.

Mayor Guess asked for any further questions. He asked if anyone else desired to speak in favor. No one appeared. He closed the public hearing.

Alderman Seaver moved, seconded by Alderwoman Williams approval of closing a portion of 1st Avenue NW. The motion carried unanimously.

RESOLUTION NO. 23-50 RESOLUTION AND ORDER

WHEREAS, Mitloop LLC, David E. Looper, James R. Mitchell, and PWG Investments Limited Partnership owns properties adjoining the following described area, in the City of Hickory, County of Catawba, which is further described as follows:

A Portion of 1st Avenue NW

Lying and being situate in the City of Hickory, Hickory Township, Catawba County, North Carolina, and being more particularly described as follows:

Being located in Hickory Township, Catawba County, North Carolina and more particularly described as:

Located in the City of Hickory, Catawba County, North Carolina, surveyed by C. Neil Shepherd, PLS of Survey Pros PLLC, Project #23002, with bearings relative to NC Grid, NAD83. A metes and bounds description taken from said survey is as follows:

BEGINNING at a PK nail found at the existing western terminus of 1st Avenue NW, said PK nail having NC Grid coordinates of N: 730,052.97' and E: 1,298,362.31'; thence from the POINT OF BEGINNING, with the northern margin of the right-of-way of 1st Avenue NW, North 85°44'50" East a distance of 185.88 feet to a 1-inch square bolt found at the southwest corner of Lot 26, Plat Book 1, Page 9; thence crossing 1st Avenue NW at the proposed new terminus, South 02°36'33" West a distance of 19.88 feet to a 1-inch square bolt found at the northwest corner of Lot 17, Plat Book 1, Page 9; thence with the southern margin of the right-of-way of 1st Avenue NW, South 85°43'08" West a distance of 186.92

feet to a railroad spike found; thence with the existing western terminus of 1st Avenue NW, North 05°31'36" East a distance of 20.12 feet to a PK nail, the POINT OF BEGINNING, containing an area of 0.085 acres, more or less.

WHEREAS, following the filing of said petition with the City Council, a notice of public hearing upon the question of closing and abandoning said area for public roadway purposes was advertised in The Hickory Daily Record in the issues of August 19, August 26, September 2, and September 9, 2023.

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

THAT, the above-described area be and the same is hereby ordered to be closed and abandoned for roadway or street purposes, in accordance with the provisions of Chapter 160A, Section 299, of the General Statutes of North Carolina, and the Charter of the City of Hickory;

BE IT FURTHER RESOLVED that the City of Hickory reserves the right, title and interest in any utility improvement or easement within the above-described street or roadway to be closed, pursuant to the provisions of 160A, Section 299, of the General Statutes of North Carolina; and

RESOLVED, FURTHER, that all rights, title, and interest of the City of Hickory in and to the area covered by said street shall vest in the respective owners of the land adjoining said area, all in accordance with the provision of the abovementioned section of the General Statutes of North Carolina.

2. Approved the Voluntary Non-Contiguous Annexation of Property Owned by Barbara Vellan Revocable Living Trust and Larry J. Guthrie Grantor Trust – Presentation by Planning Director Brian Frazier.

Consideration of the voluntary non-contiguous annexation of 30.36 acres property located at 1448 Zion Church Road. This property is identified as PIN 370118315906. The annexation is being requested so that the development of a single-family residential community can be started and completed. In order for the development to occur as proposed, the property would need to be served by City services, including sanitary sewer. City policy is to require properties be annexed in order to connect to the City's sanitary sewer system. The annexation of the property and subsequent development of the property represents a significant private investment in the City's housing inventory, and an increase in the City's overall population. The current tax value of the property is \$218,000. Tax revenue generated by annexation of the property would be \$991.90. Upon completion of the development previously outlined, tax values and revenues would increase significantly. Staff determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on September 9, 2023.

City Manager Warren Wood asked Planning Manager Brian Frazier to the podium to present Council with the request for voluntary non-contiguous annexation of property owned by Barbara Vellan Revocable Living Trust and Larry J. Guthrie Grantor Trust.

Planning Manager Brian Frazier gave a PowerPoint presentation. He advised the current development on the property described by City Manager Warren Wood was single-family vacant. The future development would be residential. The annexation was being requested to obtain City services. He referred to the PowerPoint and pointed out the subject property, Highway 321, Zion Church Road, River Road, the area which was Catawba County, and the City of Hickory extra territorial jurisdiction (ETJ). He referred to another map and pointed out the subject property, and noted the IND industrial area, CC-1, and various residential zoning designations. He displayed the aerial ortho and pointed out the subject property, 321, Zion Church Road to the west and River Road at the 321 intersection. He displayed the future land use map, and pointed out the industrial area, and various forms of residential noting the low density, and medium density areas. Staff found the annexation petition complied with all applicable State statutes. Adequate public services were available, and the annexation of the property would not cause City services to fall below acceptable levels. Based upon these findings staff recommended approval of the requested annexation. He asked for questions.

Mayor Guess asked for any questions. He explained the rules he mentioned previously still applied. 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.

PROPONENT

Mr. Tim Derylak, a representative with D R Horton's land team, advised that Mr. Brian Frazier had explained everything with the annexation. They were also the next agenda item for the rezoning of the parcel. They were working with the owners of the site as the applicant of the annexation. He was available to answer any questions for either the annexation or rezoning.

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

Aldерwoman Patton moved, seconded by Alderman Zagaroli approval of the voluntary non-contiguous annexation of 1448 Zion Church Road. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 490 VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)

Barbara Vellan Revocable Living Trust, Dated April 26, 2023, Barbara Vellan, Trustee and Larry J. Guthrie and/or Kimberly K. Montgomery, Trustees, or their successors in trust under the Larry J. Guthrie Grantor Trust

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO GENERAL STATUTES 160A-58.1, AS AMENDED (NON-CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 19th day of September 2023; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety, and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described non-contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of September 2023:

Satellite Annexation
by the City of Hickory
known as the
Barbara Vellan and Larry J. Guthrie
and/or Kimberly K. Montgomery, Trustees
or their successors in trust under the
Larry J. Guthrie Grantor Trust property

That certain parcel or tract of land lying and being 3.4 miles south southwest of the center of the City of Hickory. Bounded on the west by the right-of-way of Zion Church Rd. (S.R. 1008) and the lands of Kathryn Dawn Propst and Sara Ann Propst Icard as described in Deed Book 3720 at Page 1008; on the north by the lands of Paula Jean Garrett as described in Deed Book 3517 at Page 366, Roy Edward Martin Jr. as described in Deed Book 1596 at Page 198, James Dozier and Jessica Dozier as described in Deed Book 3413 at Page 1574; on the east by the right-of-way of Highway 321; on the south by the lands of Village Properties LLP as described in Deed Book 2378 at Page 1875 and Deed Book 2411 at Page 1254 and more particularly described as follows, to wit.

Beginning at a stone, the easternmost corner of the lands of Kathryn Dawn Propst and Sara Ann Propst Icard as described in Deed Book 3720 at Page 1008, said stone having N.C. grid coordinates (NAD 83) of N 712,357.03, E 1,302,861.59 and being located South 61 degrees 43 minutes 25 seconds East 382.82 feet from a point in the intersection of Zion Church Rd. and Yoder Rd. and running thence, as new City of Hickory city limits and with the south line of the Roy Edward Martin Jr. lands as described in Deed Book 1596 at Page 198, North 78 degrees 15 minutes 38 seconds East, passing a $\frac{3}{4}$ " rebar at 214.82 feet, a total distance of 672.29 feet to a square iron, the southwest corner of the James Dozier and Jessica Dozier lands as described in Deed Book 3413 at Page 1574; thence, with the south line of Dozier, North 78 degrees 13 minutes 59 seconds East 195.29 feet to a $\frac{1}{2}$ " iron rod; thence North 18 degrees 36 minutes 58 seconds East 84.57 feet to a $\frac{1}{2}$ " iron rod in the west right-of-way of Highway 321; thence, with the west right-of-way of Highway 321, South 49 degrees 53 minutes 55 seconds East 482.23 feet to a $\frac{5}{8}$ " rebar; thence South 24 degrees 26 minutes 29 seconds East 562.95 feet to a monument; thence South 31 degrees 35 minutes 36 seconds East 38.08 feet $\frac{1}{2}$ " iron rod; thence leaving the west right-of-way of Highway 321 and with the north line of the Village Properties LLP lands as described in Deed Book 2378 at Page 1875 and Deed Book 2411 at Page 1254 the following calls: South 67 degrees 19 minutes 33 seconds West 75.65 feet to a $\frac{3}{4}$ " iron pipe; thence South 67 degrees 21 minutes 24 seconds West 376032 feet to a $\frac{1}{2}$ " iron pipe; thence South 67 degrees 21 minutes 06 seconds West 339.99 feet to a $\frac{1}{2}$ " rebar, said rebar having N.C. grid coordinates of N 711,453.26, E 1,303,628.84; thence South 67 degrees 31 minutes 03 seconds West, passing a $\frac{3}{4}$ " iron pipe on the east right-of-way line of Zion Church Rd. (S.R. 1008) at 481.05 feet, a total distance of 518.62 feet to a point within the right-of-way of Zion Church Rd. (S.R. 1008); thence North 43 degrees 33 minutes 12 seconds West 167.41 feet to a point; thence North 32 degrees 58 minutes 51 seconds West 187.05 feet to a point; thence North 30 degrees 26 minutes 05 seconds West 52.60 feet to a point; thence North 27 degrees 41 minutes 21 seconds West 77.03 feet to a point; thence North 24 degrees 19 minutes 40 seconds West 103.32 feet to a point; thence with a convex curve to the left, said curve having a radius of 37.31 feet, a length of 37.01 feet and a chord bearing and distance of North 54 degrees 13 minutes 28 seconds West 35.51 feet to a point in the existing City of Hickory city limits as shown in Plat Book 54 at Page 40; thence, as the existing city limits, North 21 degrees 49 minutes 51 seconds West 50.05 feet to a point; thence, leaving the existing city limits as new City of Hickory city limits, North 03 degrees 40 minutes 16 seconds East 52.02 feet to a $\frac{1}{2}$ " rebar on the east right-of-way of Zion Church Rd. (S.R. 1008); thence North 05 degrees 17 minutes 04 seconds East 484.46 feet to the beginning containing 30.984 acres more or less.

This description drawn from a plat by Tracy Thane Bishop PLS L-4765, for Colliers Engineering and Design, entitled "Satellite Annexation by the City of Hickory known as the Barbara Vellan and Larry J. Guthrie and/or Kimberly K. Montgomery, Trustees or their successors in trust under the Larry J. Guthrie Grantor Trust Property" dated July 5, 2023.

Section 2. Upon and after the 30th day of September 2023, the above-described territory and its citizens and property shall be subject

to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly annexed territory described herein shall become part of Ward No. 4 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

3. Approved on First Reading Rezoning Petition Number 23-04 for Property Located at 1448 Zion Church Road. Hickory from Industrial (IND) to R-2 Residential – Presentation Planning Director Brian Frazier.

The City of Hickory submitted a petition requesting the consideration of rezoning property located at 1448 Zion Church Road, Hickory, from Industrial (IND) to R-2 Residential. The subject property is currently zoned industrial by the City of Hickory, and 30.36 total acres. The current IND zoning district is primarily devoted to manufacturing, processing and assembly, warehousing, distribution and servicing enterprises, and office activities. The subject property is currently unoccupied land. The owners' intention is to develop the land into a single-family residential conservation subdivision. The City of Hickory Land Development Code allows for conservation subdivision in medium density residential (R-2) zoning districts. The Hickory Regional Planning Commission conducted a public hearing on July 26, 2023, to consider the petition and acknowledged the petitions consistency with the Hickory by Choice 2030 Comprehensive Plan. The Commission voted unanimously 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 September 9 and September 16, 2023.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to discuss rezoning petition number 23-04 for property located at 1448 Zion Church Road from Industrial (IND) to R-2 residential.

Planning Director Brian Frazier gave a PowerPoint presentation. He noted the property was just under 31-acres. He mentioned in the previous annexation presentation the property currently was zoned (IND) Industrial. It was zoned such back in 1999 when the first Hickory by Choice, the original comp plan, was adopted by the City Council and was part of a perspective industrial park that never came to fruition. The land was currently zoned IND, and the applicant was requesting a zoning map amendment in the expectation of the construction of a single-family residential development utilizing the conservation subdivision design, which was basically at a higher density than standard zoning, but at the same time, the conservation area had to be at least 30% open space and remain open in perpetuity. He referred to the PowerPoint and displayed a map pointing out the area which he had previously gone over the various zonings. He displayed the aerial ortho and pointed out Zion Church Road, River Road, and 321 heading north, coming south was River Road, and the 321 intersection. He pointed out the Braxton Gate Townhomes location, and the Waterford Hills development location. In terms of the future land use, he pointed out industrial and the various residential districts surrounding the subject site. Staff and the Planning Commission believed that this project was consistent with Hickory by Choice with the medium density residential category. The zoning district would be predominantly single-family detached development and allowed a maximum density of four units per acres. Public infrastructure was required to serve this type of development, hence the annexation request. The R-2 zoning district permitted a variety of residential uses, including single-family conservation subdivision, which this one would be, larger homes and lots, and automobile oriented. The Planning Commission, in July, held a public hearing and two people spoke in favor of the proposed rezoning, no one spoke in opposition. The vote was unanimous 8 to 0 to recommend approval of this rezoning petition. Staff concurred with the recommendation of the City's Planning Commission. He asked for questions regarding the proposed rezoning of this petition.

Mayor Guess asked for any questions. 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.

PROPONENT

Mr. Tim Derylak, a D R Horton representative gave Council some background. He noted that Mr. Frazier had discussed the site. He advised that it was a conventional rezoning, so the plan was subject to change. They had been working diligently with staff on a plan for this site of what it might look like. He gave Council a handout. He referred to the handout and advised them they were proposing a single-family residential subdivision off of Zion Church Road backing up to 321. The site was zoned for industrial, but it did not quite fit on the west side off 321 with the other existing residential. They felt like this was an appropriate use of this with the surrounding land uses that were currently in place. As far as the industrial zoning went, the one thing that did not make sense when it comes to the adjacent neighbors was just what was allowed on the industrial parcel. They had land uses such as mini storage, manufacturing, warehouse, and with a special use permit they could actually build a junk yard. He did not think those were favorable uses for the existing land use that was around it. They were proposing a conservation subdivision as he advised was in the handout. They try to preserve the perimeter buffers. There was a very large perimeter buffer between Zion Church Road and the back of the houses that were on the interior. There was actually a stream that went down the middle and extremely dense woods, it was going to be one that was not visible at all from Zion Church Road. They expect a nice entrance coming in, treelined on both sides. As far as the products typically they were the developer and the homebuilder, ultimately, they would build the homes here. They were looking at homes somewhere in the 1,500 to 2,500 square foot range. He noted they were potentially 2 to 2.5 years out from building homes out on the site, based on current market conditions, subject to change, prices starting in the \$325,000 to \$360,000 range to give them an idea of the price point on the homes. If all goes as planned, they get approval here, they will start on design. He advised the engineer was present from Timmons. They would start on design and permitting and go to construction. They would be starting potentially by the beginning of 2024 and looking for a full build out with homes by middle to end of 2027. He asked for questions.

City Manager Warren Wood advised Council they would typically close the public hearing then have a motion and a second, and then they could ask questions and bring him back up.

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

Alderman Patton moved, seconded by Alderman Wood approval of rezoning petition 23-04.

Alderman Wood commented that 321 was a busy street to say the least and it looked like it would have been more convenient for the homeowners in terms of noise and traffic to put it closer to Zion Church Road than 321. With that being said, Mr. Derylak said there was a stream there, and he was assuming that was dictating that decision. He asked what the distance was between 321 and the houses that were farthest east or closest to 321.

Mr. Derylak did not have an exact measurement on that, based on the plan he had in front of him about 200 feet to where there would actually be traffic.

Alderman Wood asked if it would be a natural buffer or if there was a chance of having an artificial noise mitigation, a wall that you see on some of these things.

Mr. Derylak advised they have sites that they have explored some of those sound walls. Sometimes that was appropriate, but they find a lot when they go through the studies that the noise actually bouncing off of them make more of a nuisance for somebody across the way to protect the current neighbors. Certainly, they would do what they could to landscape that and protect the view as well as the noise from the neighbors there.

Mayor Guess advised they had a motion, and a second, he asked for any further discussion. The motion carried unanimously.

ORDINANCE NO. 23-27

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 30.36 ACRES OF PROPERTY LOCATED AT 1448 ZION CHURCH ROAD, FROM INDUSTRIAL (IND) TO R-2 RESIDENTIAL.

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

WHEREAS, the property owner has been petitioned to rezone +/- 30.36 acres of property located at 1448 Zion Church Road, more particularly described on Exhibit A attached hereto, to allow R-2 Residential districts; 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 23-04 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 1448 Zion Church Road and identified as PIN 3701-18-31-5906.
- 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 Low Density Residential by the Comprehensive Plan. Areas classified as Low Density Residential are intended to provide an area of transition between higher density housing in Hickory and the surrounding rural areas by offering development at two to four units per acre. Rezoning of the referenced property to Medium Density Residential (R-2) would be consistent with the Comprehensive Plan.

Given these factors, the rezoning of the property to R-2 Medium Density Residential should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future low density residential development, which is what the Medium Density Residential (R-2) district provides.
- 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 resources and governmental expenditures.

The subject property has access to a state-maintained roadway (Zion Church Rd / SR 1008), and also has access to water and sewer infrastructure. 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 property is currently undeveloped / wooded. All other properties in the general vicinity are residentially used or vacant. This development pattern will continue under the R-2 Residential district, as residential uses are the primary permissible uses within the district. 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 land use pattern of the larger area consists of single-family residences running adjacent to the west of the property down Zion Church Rd. The rezoning of the property to R-2 Residential would continue this development pattern and will be similar to existing City zoning already in place, within the larger area.

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

The requested Medium Density Residential (R-2) zoning is much less intense than the current Industrial (IND) zoning. The rezoning of the property to R-2 will actually reduce the possibility of detrimental impacts to the surrounding areas.

- 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 the public health, safety, and general welfare.

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued residential development. The current use of the property is unoccupied land, which are usually suitable for conservation subdivisions within R-2 zoning districts.

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 23-04 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

4. Approved the Voluntary Non-Contiguous Annexation of Property Owned by Legacy Home Builders, LLC – Presentation by Planning Director Brian Frazier.

Consideration of the voluntary non-contiguous annexation of 1.85 acres property located on 34th Street Place NE. This property is identified as PIN 3724-19-70-3169. The annexation is being requested for the proposed development of two-family residential units. In order for the proposed development to occur the property would need to be served by City services, including sanitary sewer. City policy is to require properties be annexed in order to connect to the City's sanitary sewer system. The annexation of the property and subsequent development of the property represents a significant private investment in the City's housing inventory, and an increase in the City's overall population. The current tax value of the property is \$31,500. Tax revenue generated by annexation of the property would be \$143.35. Upon completion of the development previously outlined, tax values and revenues would increase significantly. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on September 9, 2023.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to discussed the request for voluntary non-contiguous annexation of property owned by Legacy Home Builders, LLC.

Planning Director Brian Frazier gave a PowerPoint presentation. He advised the project was just under two acres. It was currently vacant for single-family. The future development would be residential, and annexation was being requested to obtain City services. He referred to the PowerPoint and displayed a map and pointed out the subject parcel, he noted it was somewhat split mostly within the City's extra territorial jurisdiction (ETJ), the reason for annexation, and a sliver to the east was Catawba County R-20. He displayed another map and pointed out the parcel, Springs Road NE, and Kool Park Road. He pointed out the NC and R-1 the lowest density residential and R-2 low medium density residential. He displayed the aerial ortho of the property and advised it was a lot accessed by side streets to the east of Springs Road NE, and Kool Park Road intersection. He pointed out the property in question, the neighborhood mixed use area, one of the development nodes that came out during Hickory by Choice 2030 in 2010. They had not seen this area take off as much as they thought, but they were getting some projects in the vicinity within a quarter mile of that intersection. The voluntary annexation petition complied with all State statutes, adequate public services were available, and the annexation of the property would not cause public services to fall below acceptable levels. Based on these findings Planning staff recommended approval of the requested annexation. He asked for questions regarding the annexation.

Mayor Guess 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 Alderman Zagaroli approval of the voluntary non-contiguous annexation of the property located on 34th Street Place NE. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 491
VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)
Legacy Home Builders, LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO
GENERAL STATUTES 160A-58.1, AS AMENDED (NON-CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 19th day of September 2023; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety, and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described non-contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of September 2023:

Satellite Annexation
by the
City of Hickory
of the property known as
Legacy Home Builders LLC

That certain parcel or tract of land lying and being about 4.62 miles northeast of the center of the City of Hickory. Bounded on the north by the lands of C. Toney 2021E-1145, J. Laws as described in Deed Book 1944 at Page 931; on the east by the 60' right-of-way of 34th Street Place NE; on the south by the lands of J. Barger as described in Deed Book 2543 at Page 96; on the east by the lands of Corey Properties RLLP as described in Deed Book 2751 at Page 412 and more particularly described as follows to wit.

Beginning at a bolt in the north line of the lands of J. Barger as described in Deed Book 2543 at Page 96 said bolt being located North 21 degrees 14 minutes 33 seconds West 150.13 feet from a 2" rod and having N.C. grid coordinates (NAD 83/2011) of North 739,921.618, East 1,327,342.289 and running thence, as new City of Hickory city limits lines and with the north line of Barger, North 64 degrees 04 minutes 56 seconds West 162.76 feet to a 3/8" rod by a 1" rod in the east line of the lands of Corey Properties RLLP as described in Deed Book 2751 at Page 412; thence, with the east of the lands of Corey properties RLLP, North 21 degrees 25 minutes 35 seconds East 482.20 feet to a rebar, the southernmost corner of the lands of C. Toney 2021E-1145; thence, with the east line of Toney, North 20 degrees 51 minutes 15 seconds East 18.52 feet to 1 1/4" pipe, the southwest corner of the lands of J. Laws as described in Deed Book 1944 at Page 931; thence, with the south line of Laws, South 64 degrees 12 minutes 44

seconds East 164.11 feet to a 1 ¼" pipe within the 60' right-of-way of 34th Street Place NE, said pipe having N.C. grid coordinates (NAD 83/2011) of North 740,387.54, East 1,327,526.407; thence, continuing the same bearing, a distance of 25.71 feet to a point in 34th Street Place NE; thence, with 34th Street Place NE, South 21 degrees 48 minutes 55 seconds West 500.88 feet to a point in 34th Street Place NE; thence North 64 degrees 04 minutes 56 seconds West 23.49 feet to the point of beginning. Containing 2.153 acres more or less.

This description is drawn from a plat by Jacob W. Helton, PLS L-5105, titled "A Satellite Annexation by the City of Hickory known as the Legacy Home Builders LLC Property" and dated August 18, 2023.

Section 2. Upon and after the 30th day of September 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly annexed territory described herein shall become part of Ward No. 3 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

5. Approved on First Reading Rezoning Petition Number 23-05 for Property Located at 34th Street Place NE from Catawba County R-20 to Neighborhood Commercial (NC) – Presentation Planning Director Brian Frazier.

The City of Hickory submitted a petition requesting the rezoning of property located at 34th Street Place NE, Hickory from Catawba County R-20 to Neighborhood Commercial (NC). The subject property is currently split zoned R-20 Residential by Catawba County and Neighborhood Commercial (NC) by City of Hickory, and totals 1.85 acres. The R-20 zoning district is primarily residential and permits one and two-family residential uses at a density of two dwelling units per acre. Neighborhood Commercial zoning districts are intended to provide businesses as well as residential uses. The subject property is currently vacant. The owner's intention is to utilize the property for residential development. The City of Hickory Land Use Development Code allows for residential development in NC. The Hickory Regional Planning Commission conducted a public hearing on August 23, 2023, to consider the petition and acknowledged the petitions consistency with the Hickory by Choice 2030 Comprehensive Plan. The Commission voted unanimously 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 September 9 and September 16, 2023.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with rezoning petition 23-05 for property located at 34th Street Place NE from Catawba County R-20 to Neighborhood Commercial (NC).

Planning Director Brian Frazier gave a PowerPoint presentation. He advised the property was currently utilizing split zoning with R-20 by Catawba County and Neighborhood Commercial for the City of Hickory. The property has now been annexed by City Council. The request was to rezone the property from R-20 Residential Catawba County to City of Hickory Neighborhood Commercial (NC). He referred to the PowerPoint and pointed out the property in question, Springs Road to the west, and Kool Park Road. He pointed out the split zoning, NC, and R-1 to the south, east, and northwest, and the areas that were Catawba County R-20. In terms of future land use the area was clearly within the neighborhood mixed use zone, which had a variety of commercial uses and allowed residential uses by right. The Planning Commission determined that the neighborhood center designation for this property was consistent with Hickory by Choice 2030. The mixed use was characterized by a mix of residential, retail, and office space. The current land use pattern of the larger area consisted mostly of residential and commercial uses and the rezoning of the property complied, even though the prevailing uses within the NC in that area were non-residential in nature but they

were adequate and many vacant lots that had good opportunities for future residential, whether single-family, detached, attached, or apartment uses. He advised the recommended action for petition 23-05, the Hickory Regional Planning Commission held a public hearing last month to consider such, and one person spoke in favor of the proposed rezoning, and no one spoke in opposition. The Planning Commission voted to recommend the rezoning to City Council unanimously 8-0. Staff concurred with the recommendation of the Hickory Regional Planning Commission. He asked for questions.

Mayor Guess asked for questions. 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 23-05. The motion carried unanimously.

ORDINANCE NO. 23-28

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 1.85 ACRES OF PROPERTY LOCATED AT 34TH STREET PLACE NE, FROM CATAWBA COUNTY R-20 TO NEIGHBORHOOD COMMERCIAL (NC).

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

WHEREAS, the property owner has been petitioned to rezone +/- 1.85 acres of property located at 34th Street PI NE, more particularly described on Exhibit A attached hereto, to allow Neighborhood Commercial (NC) districts; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on August 23, 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 23-05 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 34th Street Place NE and identified as PIN 3724-19-70-3169.
- 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 Neighborhood Mixed-Use by the Comprehensive Plan. Areas classified as Neighborhood Commercial are intended to serve local residents, they are located in a spatial pattern that provides most city residents the opportunity to travel a mile or less to work, shopping, small parks, or open space. Rezoning of the referenced property to

neighborhood Commercial (NC) would be consistent with the Comprehensive Plan.

Given these factors, the rezoning of the property to Neighborhood Commercial (NC) should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future Neighborhood Mixed-Use development, which is what the Neighborhood Commercial (NC) district provides.

- 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 resources and governmental expenditures.

The subject property has access to a state-maintained roadway (34th Street PI NE / SR 1638), and also has access to water and sewer infrastructure. 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 single-family dwellings. This development pattern will continue, somewhat, under the Neighborhood Commercial (NC), as single-family, two-family, and multifamily residences are permitted under this zoning classification. The future use of the property is best suited to further the existing development pattern of the area. 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 land use pattern of the larger area consists of single-family residences. The rezoning of the property to Neighborhood Commercial (NC) would continue this development pattern and will be similar to existing City zoning already in place, within the larger area.

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

The requested Neighborhood Commercial zoning is consistent to the existing zoning. The permissible uses of NC zoning will aid in enhancing the existing zoning in minimizing future impacts on the neighborhood.

- 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 the public health, safety, and general welfare.

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated residential development.

Based upon these findings, the Hickory City Council has found Rezoning Petition 23-05 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

6. Approved the FY2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) – Presentation by Community Development Specialist Anna Beth Walker.

Consideration of the FY 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) for submission as required by the U.S. Department of Housing and Urban Development. The U.S. Department of Housing and Urban Development requires the City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient, to report on CDBG monies spent within the previous fiscal year. The CAPER evaluates the effectiveness of the use of resources in addressing identified goals and objectives cited in the Annual Action Plan which is prepared before the fiscal year begins. CDBG resources were used for the following activities: Housing Rehabilitation \$175,653.23, Housing Rehab Admin \$17,352.47, Habitat for Humanity \$22,500, ALFA \$10,000, Exodus Homes \$10,000, Family Care Center \$6,000, Greater Hickory Cooperative Christian Ministry \$10,000, Hickory Soup Kitchen \$9,000, Microenterprise Assistance \$5,000, Small Business Loan \$20,000, Public Infrastructure Improvements \$93,141.40, Fair Housing \$1,785, and Program Administration \$60,234.63 for a total of \$440,666.73. The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, is preparing the CAPER, for submission to HUD. The CAPER outlines the City's CDBG expenditures from July 1, 2022 thru June 30, 2023. Staff recommends that City Council consider the FY 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER).

The public hearing was advertised in a newspaper having general circulation in the Hickory area on September 2, 7, and 16, 2023.

City Manager Warren Wood asked Community Development Specialist Anna Beth Walker to the podium to present Council with the FY2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER).

Community Development Specialist Anna Beth Walker gave a PowerPoint presentation. She discussed the FY2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER). As an entitlement community, the City was required to submit their performance annually to the US Department of Housing and Urban Development. The CAPER outlines how the City spent its Community Development Block Grant (CDBG) funding and what goals were accomplished in the previous year. The CAPER currently under consideration covered the period from July 1, 2022 to June 30, 2023.

Ms. Walker advised for this time period; the City had \$93,141.40 that was used to improve Civitan Park. These improvements included the picnic shelter, picnic tables, trash receptacles, play equipment, and improved access to the community garden. This project was still in process and would be completed in 2023. They also had \$25,000 in total grants provided to assist four small businesses owned by low- and moderate-income individuals or they provided jobs to low- and moderate-income individuals. They supported a hair salon, martial arts studio, yarn company, and a screen-printing business. Two of those grants began in 2021 and were completed in 2022. She referred to the PowerPoint and displayed before pictures of Civitan Park where the play equipment used to be. That had been taken down and the play equipment was being moved. She displayed photos of the old picnic shelter and the after pictures of that. The play equipment would go in front of the picnic shelter and to the side of it. They also provided \$175,653.23 to six low- and moderate-income homeowners to assist with repairs to their homes. The City also supported the reconstruction of one Habitat for Humanity home with a \$22,500 loan from the City's funding. This was the second half of their total loan amount that was given

in the previous year. They spent \$17,352.47 to fund staff costs that was related to the implementation of the housing rehab loan program. They spent \$1,785 to purchase newspaper ads and social media advertising to inform residents of fair housing rights. They spent \$60,234.63 to provide program administration and planning during the 2022-2023 year.

Ms. Walker referred to the PowerPoint and displayed before and after pictures of one of the homes that was in the housing rehab. They replaced their siding and windows, and installed an HVAC as they actually did not have an HVAC before. They provided \$45,000 worth of grants to nonprofits, including \$10,000 to ALFA which assisted 57 individuals; \$10,000 to Exodus Homes which assisted 57 residents; \$6,000 was provided to the Family Care Center which assisted 73 individuals; \$10,000 provided to Greater Hickory Cooperative Christian Ministry which assisted 231 individuals; and \$9,000 was granted to the Hickory Soup Kitchen and served 350 meals per day to 210 individuals.

Ms. Walker advised they also partnered with JRN to build 10 new homes in the Ridgefield Place Development, and they would be completed hopefully by the end of this year. The upcoming projects included park improvements in low to moderate income neighborhoods. They would continue to promote the small business loan home program, and enterprise grants to assist in increasing entrepreneurial activities in the City. Continue the housing rehabilitation program and continue to support local nonprofits to help the homeless and needy. Continue partnerships with developers to develop additional affordable homes on City-owned property in the Ridgeview community. She asked for questions.

Alderman Williams asked what the funding cycle was for application and receipts.

Ms. Walker advised it was from June to July.

Mayor Guess asked for further questions.

Alderman Freeman asked about the \$1,700 related to social media and newspaper ads.

Ms. Walker replied yes sir.

Alderman Freeman commented especially in the community of Ridgeview, how well did she believe that the information was being disseminated to those that were living in that area.

Ms. Walker advised she did not have an exact number for him.

City Manager Warren Wood asked what other methods of communication they used besides social media to communicate their programs and grant opportunities.

Business Services Manager Dave Leonetti advised they place ads in the Hickory Daily Record, the Spanish newspaper La Noticia, and they do a number of promoted Facebook and social media posts. They also have brochures about specific programs, and post though throughout the City through the year.

Alderman Freeman was thankful and grateful for what staff did. He commented that for the last several weeks he had been visiting churches right after his service and lifting up the affordable homes. They were certainly excited, and he wanted to continue on trying to see if they could get as much information out to them.

Mayor Guess asked for any other questions. 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 Williams approval of the FY2022-2023 Consolidated Annual Performance and Evaluation Report. The motion carried unanimously.

- B. Departmental Reports:
 - 1. 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
African American (Council Appoints) Ida Clough Eligible for Reappointment	
Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT

Alderman Williams nominated Phyllis Michaux as an African American Representative on the Community Relations Council.

Mayor Guess nominated Ida Clough for reappointment as an African American Representative on the Community Relations Council.

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

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
Ward 3 (Seaver Appoints)	VACANT
Ward 5 (Zagaroli Appoints)	VACANT
At-Large (Mayor Appoints)	VACANT

Mayor Guess nominated Brittany Marinelli as an At-Large Representative on the Public Art Commission.

Alderman Zagaroli nominated Kimberly Bost as Ward 5 Representative on the Public Art Commission.

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 moved seconded by Alderman Seaver approval of the above nominations. The motion carried unanimously.

- C. Presentation of Petitions and Requests

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

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

City Manager Warren Wood introduced Administrative Assistant Iris Childers, originally from Texas, and just retired from the US Navy, she was a veteran. He mentioned her daughter was at the last meeting and loved it so much that she wants to come work here. He was glad to have Iris as part of the team. He encouraged Council if they had not met her to come by the City Manager’s Office.

Mayor Guess had met Iris and welcomed her aboard. They were glad to have her and appreciated everything she was doing already.

Administrative Assistant Iris Childers was glad to be here.

Mayor Guess recognized the City had a National Award earlier, but they also had one in-house the multimedia staff, Multimedia Coordinator Melissa Mooney, Communications Specialist Sarah Killian and Communications and Marketing Manager Dana Kaminske won, on behalf of City of Hickory, the Savvy Award, the City-County Communications and Marketing Association (3CMA). He advised it was a National Award, and there was 875 entries, and Hickory was one of the 83 first place awardees. That particular award was for a publication called Elevate that helped to fundraise and promote the Hickory Aviation Museum. They did an outstanding job on that publication and was recognized nationally. It was only appropriate they be recognized during the Council meeting as well. A round of applause was given.

Alderman Zagaroli congratulated Hickory High for their win the other night, 4-0. He mentioned that someone was playing on that team that they knew.

City Manager Warren Wood advised Turner Wood. He had a blockbuster run in the fourth quarter to put it away.

Alderman Zagaroli offered his congratulations.

Mayor Guess asked if City Manager Warren Wood's daughter had any accolades.

City Manager Warren Wood advised that she scored the winning goal at APP State's victory over Troy.

XIV. There being no further business, the meeting adjourned at 6:54 p.m.

Mayor

City Clerk