

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, November 7, 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 Associate Minister Christopher Nivens, Mt. Zion Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Recognition of Brad Abernathy for Fleet Manager of the Year by the American Public Works Association (APWA) North Carolina Chapter – Presented by Public Utilities Director Shawn Pennell

Mayor Guess asked Public Utilities Director Shawn Pennell to the podium for a special recognition.

Public Utilities Director Shawn Pennell asked Fleet Manager Brad Abernathy to the podium. Mr. Abernathy was nominated for the Fleet Manager of the Year award for the North Carolina Chapter of the American Public Works Association. Brad was selected over all of the other nominees in North Carolina. What Brad was in charge of was quite impressive. He had 1,000 units of rolling stock pumps, everything that the City maintains, public utilities, public works, sanitation, street, landscaping, parks and recreation, airport, and police. He was in charge of all of that equipment, making sure it was in good working order and repair, ready to go. Brad was extremely customer focused. He had a lot of customers, both internal and of course external customers of the City. As Brad's supervisor, he did not have to tell Brad to do a lot. He comes to him and says, what can I do to help you? He says, let me take care of that for you, boss. He wanted Council to see Brad and know he was selected as the Fleet Manager of the Year in North Carolina. Photos were taken.

Mayor Guess congratulated Brad Abernathy and commented they certainly appreciated how he represents the City of Hickory and for his many dedicated hours that it takes to be able to get such a prestigious award. He thanked him for his dedicated service to the City of Hickory.

- B. Public Works Director Steve Miller to Introduce Vice President APWA State Chapter Chip Vanderzee who will Present a Special Award to Lou Berry for Serving as President of the APWA State Chapter Solid Waste Division for Four Years.

Mayor Guess asked Public Works Director Steve Miller to the podium for another special recognition.

Public Works Director Steve Miller introduced Vice President APWA State Chapter, Chip Vanderzee and asked him to the podium.

Vice President APWA State Chapter, Chip Vanderzee referred to the award and commented it was a little bigger than the one that Brad got, but he congratulated him. He introduced himself and advised that he represented the North Carolina Chapter of APWA. They have several divisions, Fleet Management was one of them, another division of Solid Waste. He was present to celebrate a truly remarkable individual, someone who had not only served the City's community with distinction but had also proven that a heart attack cannot keep him down. They were gathered here for a very special award presentation for their four-time President of the Solid Waste Division and yes, heart attack survivor, Lou Berry (Solid Waste Supervisor). Lou's journey started about 20 years ago with APWA and he had served multiple roles with APWA including that four-time stint as President. Lou in short was an extraordinary individual. He served in many capacities. Mr. Vanderzee's favorite was the nutritional consultant because he always made sure that they have a great lunch. Everybody that attends their conferences and workshops appreciated that. During Lou's tenure for the 20 years and being President four times, he helped to provide over 1,000 hours of educational content for professional development for folks engaged in the solid waste industry. In recognition of his resilience, dedication, and the ability to bounce back from any adversity, including that heart attack, they had an award that they were going to provide to Lou this year. They were going to call it the "Heart and Hustle Award" because he had a heart that was just as strong as the City, he serves every day, and he had hustle to overcome any obstacle

that comes in his way. This award was not just about recognizing Lou, it was also about recognizing the City of Hickory for sharing him with APWA for those many years. It was also about thanking Wendy, his wife, and his family for sharing him with APWA. He had been an instrumental part of what they do. His humor, his determination, his heart for serving others was successful and it was the perfect ingredients for success. He knew Council appreciated having Lou on staff here. He was just an all-around good guy, and they saluted him. They appreciated what he did for APWA, like he was sure the residents appreciated what he did for the City of Hickory. He thanked Lou for his service, his resilience, and his unforgettable sense of humor. He thanked Council.

Mayor Guess, on behalf of the Council, said thank you to Lou and congratulations. They also appreciated all the hard work that he did, in the City of Hickory and had done for quite some time. Thank you, Lou.

C. Resolution Acknowledging Public Works as First Responders – Presented by Public Works Director Steve Miller.

Mayor Guess moved, seconded by Alderwoman Patton approval of the Resolution acknowledging Public Works as First Responders. The motion carried unanimously.

RESOLUTION NO. 23-63  
A RESOLUTION TO DESIGNATE PUBLIC WORKS AND ENGINEERING AS FIRST  
RESPONDERS AS FEDERALLY MANDATED  
BY THE PRESIDENT OF THE UNITED STATES

WHEREAS, the American Public Works Association is a not-for-profit, international organization of more than 30,000 members involved in the field of public works. APWA serves its members by promoting professional excellence and public awareness through education, advocacy, and the exchange of knowledge; and

WHEREAS, on May 7, 2018, the American Public Works Association announced the Association's adoption of a national Public Works First Responder symbol. The symbol is to be used throughout North America to recognize public works professionals' federally mandated role as first responders; and

WHEREAS, President George W. Bush issued Homeland Security Presidential Directive 5 (HSPD-5), Management of Domestic Incidents, in 2003, in which a public works response to emergencies and disasters is recognized as an absolute necessity, and the federal government is directed to include public works in all planning and response effort; and

WHEREAS, the Public Works First Responder symbol uses familiar colors – orange, black, and white – and a design reminiscent of road construction, signs, safety cones, and orange construction barrels. The Public Works First Responder symbol is expected to increase recognition of public works as first responders throughout North America; and

WHEREAS, Hickory City Council believes to best provide for the health, safety, and welfare of its citizens, it is appropriate to recognize our employees that put the citizens of the City of Hickory before themselves in time of emergency; and

WHEREAS, City of Hickory Employees in multiple departments involved in Disaster Response and Recovery have demonstrated their skills and commitment throughout the years and most recently during the flooding of 2013, the tornado of 2017, snowstorm of 2018, Hurricane Zeta in 2020, and the flooding of 2022 as well as numerous emergency road closures and fire suppression assistance in coordination with the Police Department and Fire Department.

NOW, THEREFORE, BE IT ORDAINED BY HICKORY CITY COUNCIL, that the employees of the divisions of Public Works, Stormwater, Solid Waste and Recycling, Traffic, Engineering, Fleet Services, and Public Properties Management are recognized as First Responders and encourage businesses, organizations, community groups, and citizens to extend the many gratuitous offers and benefits provided to First Responders of our community.

Mayor Guess asked Public Works Director Steve Miller and other public works staff in attendance to the podium.

Public Works Director Steve Miller commented it was very fitting that Mr. Chip Vanderzee was present tonight as the Vice President of the APWA North Carolina. This was something that had been on their wish list for quite a while. They finally got around with COVID and all the things that were happening to getting it together. He turned the podium over to Transportation and Engineer Manager Caroline Kone to discuss what this Resolution entailed and why they felt like this was something important to public works and to the City of Hickory.

Transportation and Engineer Manager Caroline Kone introduced herself. She was also the 2023 Streets Division President for the North Carolina chapter of APWA. She had one more board meeting and then she would be the past President. She thanked Council for having her tonight. Public works were first responders. They worked in conjunction with police and fire very closely. Whether it was clearing debris after a major storm or clearing the roads during winter weather conditions, setting up protective barriers or other critical functions. Public works was always there. They ensured that government operations returned to normal as quickly as possible. They were the silent arm of public safety. Some recent examples where they had helped out, they assisted with road closures specifically there was a gas line that was hit on Springs Road, so they helped close down all of Springs Road over by Highland Avenue. They helped suppressed fire at an abandoned building on First Avenue SW. They responded to a knocked down traffic signal pole at the intersection of Lenoir-Rhyne Boulevard and US Highway 70, and then they reinstalled the signal pole and got the intersection operating back to where it needed to be. They had also done emergency road closure on 9<sup>th</sup> Avenue NW where they had an infrastructure failure and then they repaired the infrastructure failure and got the road back open. They also responded to a storm where over 15 trees fell on the roadway back in August. They cleared the roads and got those back open for the public. Her personal three principles of leadership were to lead by example, trust in her coworker's expertise, and to give them ownership of their projects. By acknowledging their coworkers as first responders, it would help them take more pride in their work. It would help them take ownership of what they were doing, and it would make them feel appreciated for their hard work and hard time away from their family and loved ones. She thanked Council for acknowledging public works as first responders. As Mayor Guess would read in the proclamation, the orange and white represented their vests and their barrels. She displayed a sticker that was going to be displayed on most of the public works City vehicles. They also had a flag, which she displayed. They would have those hanging up at public works, probably not all the time, but it would be there. If not, it would be in her office, so they could feel free to come on by. She thanked Council.

Mayor Guess asked any additional public works staff to the podium. He advised Council had voted unanimously to approve this Resolution. He read the Resolution and presented it to the Public Works Staff. Photos were taken.

- D. Americanism Committee of the Hickory Elks Lodge Presentation of the American Flag Certificate – Presented by Elk Americanism Chair, Tracy Hentschel and accompanied by Cary Bowman and Jay Tate.

Mayor Guess asked Elk Americanism Chair, Tracy Hentschel, accompanied by Cary Bowman to the podium.

Elk Americanism Chair Tracy Hentschel introduced herself and advised she was Chair of the Hickory Elks Lodge Americanism Committee. She was accompanied by Cary Bowman, President/Exalted Ruler at the Hickory Elks Lodge. She was also the Chair of the North Carolina Elks West District Americanism program, overseeing Lodge Americanism activities at the eight Elks Lodges in their district. The mission of the Lodge Americanism Committee was to provide and advance activities that promote the concept of Americanism and patriotism and pride in our country. One of those activities was to recognize public and private sectors, businesses, and organizations that have continuously demonstrated proper protocols in flying the flag of our country, old glory. As such, their lodge, under the guidance of the Americanism Committee observes businesses and organizations who take great pride and care in displaying the flag of our country, whether that be flying the flag or displaying the flag from a static position. Nomination for the Fly of the Flag Award were then submitted quarterly for consideration. Recipients in the past included CommScope, Benco Steel, and Trinity Ridge in Mountain View. As was noted in the nomination, the City of Hickory had continuously displayed our nation's flag with honor. Never allowing her to be displayed in a tattered or soiled condition. Always allowing her to be illuminated during hours of darkness and always allowing her to show respect during times when she must be displayed at half-staff. Yes, the City of Hickory had exemplified the proper protocols when displaying old glory. A wonderful example for the public and for the citizens of our great city. On behalf of the Hickory Elks Lodge number 1654 of the benevolent and protective order of Elks, it was her pleasure to present this Fly the Flag Award to the City of Hickory. She thanked Council and presented the award to Mayor Guess. Photos were taken.

Mayor Guess commented it was probably primarily the public works staff that took care of that. He thanked public works staff.

- E. Neighborhood College Graduation – Presented by Communications and Marketing Manager Dana Kaminske.

Mayor Guess asked Communications and Marketing Manager Dana Kaminske to the podium for the Neighborhood College Graduation.

Communications and Marketing Manager Dana Kaminske thanked Council for the opportunity to present the Neighborhood College Graduates. She appreciated the opportunity to be present to present the 2023 Neighborhood College Graduates. Sarah Killian would usually be the one here doing this as she oversees this program for the City, but she was on vacation, so Ms. Kaminske got the pleasure tonight. She thanked all the participants for all the time they spent. This was a 10-week program, every Monday night for two hours. They were dedicated and they came, and they learned, and they signed up for this, just because they want to learn, and they love Hickory and they wanted to learn more about it. They appreciated them and thanked them. Last night was their final class. They had one last night and they were present again tonight. They received such great feedback every year from these participants about how amazing the City was. They appreciated all feedback, good or bad, but they heard so many great things. She shared three things that seem to come up every single year, one that City staff was so well trained; two, they were impressed with the many years of work that City staff have in their positions; and three, everyone's passion for their jobs shows through and how much they really love what they do. She could not agree more. They were fortunate to have one of the City's great employees who has worked with us for 15.5 years at the City, part-time at the library, as the Library Assistant in the Children's Department, Leslie McClellan, who was going to speak on behalf of the class and what they learned. After Ms. McClellan's presentation, Ms. Kaminske would hand out the certificates and have the class graduate in front of Council and the audience. She asked Ms. McClellan to the podium.

Ms. Leslie McClellan shared thoughts about her experience in participating in the Hickory Neighborhood College. She advised she was not a public speaker and would feel much more comfortable doing the tiny tale story time at the Patrick Beaver Library. She joked if they wanted to make her feel more comfortable, they could start sucking their thumbs and she would feel fine. She was just kidding. She had a great time learning about the City of Hickory. She felt that each department rolled out the red carpet to them and took time to tell them about what they do for the City of Hickory and for the surrounding community. Each took time to answer their various questions that arose. She briefly shared a snippet of what she had gleaned from each of their encounters.

Ms. McClellan advised the overview from Mayor Guess and City Manager Warren Wood taught her how the City Council works and how they oversee policy making and the budget. Their comments also helped her to see the bigger picture as well as the efforts to strategically grow the City of Hickory. She thanked them for their dedication to the people of Hickory and the surrounding community.

Ms. McClellan advised that their visit to the Hickory Water Treatment Facility was an eye opener to the checks and balances that were made constantly to keep their water safe to use. And their bird's eye view on the top of the hill was pretty cool too. She just stood there looking out the window. That was impressive.

Ms. McClellan commented when they went to fire station number seven, she was impressed with the fearless scale firefighters must have to do this kind of work. There were different ways to put out fires safely and to save lives. It was not just all water and hoses. The equipment they showed them was impressive and there was a tool for everything imaginable. There was a little pen-like tool that was used in their demonstration that night, it did the job that a big ax could not do in breaking a car window. Now, she prays for their safety every time she hears a siren go by.

Ms. McClellan advised the airport was not new to her as she and her husband frequented the Aviation Museum with their out-of-town guests. She was delighted to hear more about the plans for the new museum with CVCC. However, it saddened her to learn that Mr. Terry Clark, with all his enthusiasm, was retiring. She hoped he would remain nearby to see all the great plans for the airport to come to fruition.

Ms. McClellan mentioned that the police department honored them by sharing what they do and the challenges that they face to keep them safe. When things were going well, like clockwork, they tended to forget those making sacrifices every day for their security. But these dedicated men and women were always there to help. She could not thank them enough for the peace that they gave everyone as they busy themselves with their daily routines. She prays for them too when she hears their sirens.

Ms. McClellan learned that the public works makes things work in Hickory. The department makes us look good, especially to their visitors. There was a big team of workers within the department to thank as we travel around our beautiful City. However, her only suggestion was that they get their talented team together to rename the streets. It was still hard for her to find her way around with all the numbers, avenues, boulevards, courts, lanes, and streets.

Ms. McClellan's visit to the Office of Business Development showed them that they have a strategic plan to grow the City Well-Crafted. The creative team works behind the

scenes to bring us together. They plan changes needed. They inform the community of opportunities and events, and they work hard to bring people, new people, and businesses to our area. She was glad to hear their goal was not to make us like Charlotte or like Asheville, but to be a unique community with attractive amenities that would be inviting to young families. She hoped that someday all five of her sons would move back to this area and enjoy the wonderful way Hickory had grown up.

Ms. McClellan mentioned that the Parks and Recreation and Sports Tourism visit was amazing for all they did. Scheduling must be a nightmare, but they do it and they do it very well. They offer so much for all ages, not just for the athletes. She plans to enjoy the Christmas parade in a couple of weeks, and she knew. Mr. Kyle Mishler and his team would do an incredible job again coordinating this holiday event for them all to enjoy.

Ms. McClellan advised their final visit was to the Patrick Beaver Library yesterday. They were given a tour by Sarah Greene, followed by a brief history of the origin of the Hickory Public Libraries. Their class was instructed on how libraries have changed over the years, especially since the pandemic. Materials and resources are often acquired from online resources now. However, programming had expanded to serve many locations throughout the outreach programs and a variety of many in-house events for all ages. Their group was invited to get library cards and to browse the collection following the presentation.

Ms. McClellan thanked all the departments of the City of Hickory. Thank you for opening your doors to the 2023 Neighborhood College. This was a wonderful opportunity to get a behind the scenes glimpse of our great city. She thought all of her fellow graduates would agree. A special thanks to Sarah Killian who coordinated this unique learning opportunity for all of them. Her time and kindness were much appreciated and will not be forgotten. She thanked everyone.

Communications and Marketing Manager Dana Kaminske gave a brief shout out to all the other departments that the City has that were behind the scenes making the City function every day who do not get to get recognized at Neighborhood College because without them, they could not do what they do either. She thanked them as well, and Ms. McClellan.

Mayor Guess commented that Ms. McClellan said she was not a public speaker, but he did not believe that. He thought she did an excellent job, and they needed to recruit her to advocate for the City of Hickory.

Communications and Marketing Manager Dana Kaminske asked Mayor Guess to the podium. Mayor Guess and Ms. Kaminske presented certificates and thumb drives to the Neighborhood College graduates. The thumb drive was a Hickory thumb drive which contained all of the presentations from all of the Departments on the thumb drive so they could take them with them and look at them later if they would like to. The Class of 2023 included: Rose Archer, Tim Archer, Randy Bedington, Seleste Catalan, Carleen Crawford, David Crosby, Dan Dickinson (not present), Stephen Erickson, Kevin Graudin (not present), Amy Lowman, Andy McAtee, Leslie McClellan, Carter McCray, Gerald McCray, Alice McDonough (not present), John McDonough (not present), Jeannie Sherrill, Karleta Smith, Kevin Sparks, Marc St. Germain, Alyssa Wadham, Doug Wolf, Mary Wolf, and Anthony Wright (not present). Ms. Kaminske advised that Carter McCray watched all of the City Council meetings and knew more about Hickory than most of us do. Photos were taken. She congratulated the group.

V. Persons Requesting to Be Heard

- A. Bob and Alison Post, 1006 12<sup>th</sup> Avenue NW, Hickory, advised they were new City of Hickory residents as of June 2023. At the last meeting, they were graciously welcomed by Mayor Guess, and they wanted to thank the mayor and many other Hickory residents for welcoming them as they make their home here. It was the community spirit here in Hickory that brought them from Rochester, New York to live here. City Council, the City Manager's office, and the whole Hickory community have developed a vision for a vibrant and growing community and executed projects over many years to achieve that vision. That was not something that happens everywhere, and it certainly does not just happen. Hats off to you, they were doing excellent work. If they ever have any doubt, they will assure them that what they have built and continue to build was very attractive to folks like them that were looking to relocate to a vibrant city with a real eye to future growth. He and Alison were especially attracted to the Hickory Trail, being hikers, runners, and bikers the extensiveness of the plan to use the Hickory Trail sections to tie the elements of Hickory together was really special. They believed the success of the Hickory Trail would be largely dependent on access to the trail. Hickory residents would want to be able to safely walk, bike, run, and roll from their homes to the Hickory Trail and to businesses and events along the walkways. They were particularly interested, given where they live, in the vision of a multiuse path along 12<sup>th</sup> Avenue NW. They understood this was the road formerly called Geitner Road. As they knew, 12<sup>th</sup> Avenue NW was a

busy thoroughfare, being one of the few east/west connectors between the busy route 321 and route 127. While popular with drivers, 12<sup>th</sup> Avenue NW was a barrier to pedestrians and bicyclists. They see many people out walking in their neighborhood turn around when they get to 12<sup>th</sup> Avenue as there was really no way to safely walk along this busy road. With the upcoming Art Walk development and connections to the Riverwalk and Aviation Walk, a multiuse path along 12<sup>th</sup> Avenue NW would make these walkways accessible to many residents in the 5<sup>th</sup> and 6<sup>th</sup> wards that were currently blocked from accessing them. They were happy to see that this project of the 12<sup>th</sup> Avenue NW multiuse path was addressed in the 2020 City of Hickory, North Carolina Pedestrian and Bicycle Plan that the City put together as one of the 12 projects identified by City staff and the steering committee as top priorities for near term feasibility. They understood that access to the Hickory Trail would grow over time and this project needs to be weighed against other priorities. They would be happy to help in any way they could, perhaps identifying the impact and understanding the interest from other Hickory residents in the neighborhoods that surround and border 12<sup>th</sup> Avenue NW. If there were other ways that they could help move this project forward, they would be happy to participate. He thanked everyone for their warm welcome and for the work they did.

Mayor Guess thanked Mr. and Mrs. Post. He thought they would be prime candidates for the next Neighborhood College.

A. Lynn Sampson, Catawba County GOP

Lynn Sampson, Catawba County GOP was not present to be heard.

B. David N. Mitchell, 3550 Prairie Drive, Snellville, Georgia to discuss Tipping Point Arts and Community Policing Program

David Mitchell distributed information to City Council members prior to the meeting. He started his presentation singing a portion of "What's Going On" by Marvin Gaye. He introduced himself and thanked them for the opportunity. He was a resident of Snellville, Georgia, but was representing Mt. Pisgah AME Church in its effort to implement a program here in Hickory that impacts the youth particularly. Mt. Pisgah was fortunate to receive a grant from the Lilly Foundation for Outreach. The intent of the Lilly Foundation was to find ways that churches could be more active in communities. Have more of a direct impact in communities, not necessarily from a theological standpoint but from a social standpoint. They had decided to do that through a program called the Tipping Point Project. The Tipping Point project was twofold. The first component was an artist residency program where artists would be in resident in various recreational centers, community centers, housing authorities, different facilities where youth were engaged with professional artists, musicians, vocalists, dramatists, dancers, to address social issues. The best practice for this was done several years ago. He had the pleasure of serving as Superintendent of Cultural Arts for the City of Asheville, North Carolina. They implemented an artist's residency program that essentially was funded by the US Department of Justice. It was quite effective in reducing crime by 40% and increasing academic performance in many instances by two levels. That program had been a model in the Country and was designated by the National League of Cities as being the most innovative municipal program in the Country. There had to be a way for them to get to their youth. An effective way of doing that was through the youth producing their own statement against some of the negative behaviors that they were falling victim to; gang violence, drugs, guns, teen pregnancy, and a number of other issues that they fight. They want to get in front of the problem and keep them from becoming a part of the pipeline to the juvenile justice system. This program would be activated in the spring of 2024. It was also funded by the United Arts Council of Catawba County. They too find it necessary to utilize the tool of the arts as a way of getting to the youth. They were hoping that the City would support this program and make their resources available to this program so that they could benefit the youth and improve their overall livelihood. They had to find a way as Marvin Gaye said back in 1971.

Mr. Mitchell discussed the second component of the program was a community policing program entitled Game Play, (PLAY meaning Police, Life And Youth) where police law enforcement officers were engaged in games with youth. They play PS4, Connect Four, Checkers, chess, and a number of other games, and in this social fellowship environment, they were able to formulate relationships, understand police, and their jobs better, and ultimately the police understand the youth better. This was how they created a cohesive community between the law enforcement and the youth. They were hoping that Council would find a way to help support this program so they could get this going and make a difference in the community. As Marvin Gaye said, we've got to find a way. He thanked Council.

Mayor Guess thanked Mr. Mitchell.

Alderman Freeman thanked Mr. Mitchell. He knew that he certainly made a sacrifice of coming back from Georgia to the City of Hickory and was aware in his ward, and Mt.

Pisgah was in his ward, of the auditions. He could only hope that they certainly touched all four corners of the City of Hickory, and they could involve all races as well. He recommended he connect with the City's Chief of Police who was a wonderful person as well. He thanked Mr. Mitchell for reaching out to him and hopefully they could help him push this agenda in the City.

Mr. Mitchell thanked Alderman Freeman. He commented that this was a point of purpose and passion for him.

Mayor Guess asked if anyone else wished to speak. No one else appeared.

VI. Approval of Minutes

A. Regular Meeting of October 17, 2023

Alderwoman Patton moved, seconded by Alderwoman Williams that the Regular Meeting Minutes of October 17, 2023 be approved. The motion carried unanimously.

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

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

A. Budget Revision Number 7. (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.

City Manager Warren Wood requested Item "H" be removed from the Consent Agenda.

Alderwoman Patton moved, seconded by Alderman Freeman approval of the Consent Agenda with the exception of Item "H". The motion carried unanimously.

A. Approved the Community Relations Council's Recommendations for the Fall 2023 Grant Cycle.

As part of the Community Relations Council's (CRC) work plan and annual budget process, the Community Relations Council receives funds to disperse during the fiscal year through the CRC grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area. For the Fall 2023 grant cycle, the CRC received 9 grant applications for projects totaling \$13,900 and is recommending approval of the following 6 grants: Catawba County Partnership for Children - \$1,500; Hickory Choral Society - \$1,500; Hickory Museum of Art - \$1,000; Family Care Center of Catawba Valley, Inc. - \$1,000; Western Piedmont Symphony - \$1,500; and Catawba County Juntos 4-H Program - \$1,400, totaling \$7,900. Funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the 6 grants listed above totaling \$7,900.

B. Approved a Pyrotechnic Display Permit to PyroStar Entertainment for a Fireworks Display at the Hickory Motor Speedway for November 25, 2023 (Rain Date – November 26, 2023).

Staff requests approval to issue a pyrotechnic display permit to PyroStar Entertainment for a fireworks display at the Hickory Motor Speedway for November 25, 2023, (rain date - November 26, 2023). Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted a request to obtain permission to conduct public fireworks displays on the aforementioned dates. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), site plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics displays.

- C. Approved a Cemetery Deed from the City of Hickory to Cozette P. Sinclair for Southside Cemetery, Section 6, Lot P, Spaces 1, 2, 3, 13, 14, 15, 16, and 17, containing Three-Hundred Twenty Square Feet. (Prepared by Deputy City Attorney Arnita Dula).
- D. Called for a Public Hearing to Consider Closing a Portion of 31<sup>st</sup> Street Place SE, Hickory, as Petitioned by Neill Properties, LLC, (Authorized Public Hearing for December 5, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-64  
RESOLUTION OF INTENT

A Resolution Declaring the Intention of the City Council of the City of Hickory  
to Consider the Closing of a Portion of 31st Street Place SE, Hickory

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

WHEREAS, the City Council of the City of Hickory considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of 31st Street Place 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 5th day of December, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building at 76 North Center Street, Hickory, North Carolina to consider a resolution closing a portion of 31<sup>st</sup> Street Place SE, Hickory.
  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.
- E. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of .543 Acres Located at 908 30<sup>th</sup> Avenue Drive NW, PIN 3704-11-55-2101. (Authorized Public Hearing for November 21, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-65  
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED  
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Pride Design Construction, Inc. requesting annexation of an area described in a petition was received on October 26, 2023, by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

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

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:



Property of Pride Design Construction, Inc., containing .543-acres more or less, located at 908 30<sup>th</sup> Avenue Drive NW, Hickory, and identified as PIN 3704-11-55-2101.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 26<sup>th</sup> day of October, 2023.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 23-66  
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,  
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

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

- Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 21, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 2: The area proposed for annexation is described as follows:  
  
Property of Pride Design Construction, Inc., containing .543-acres more or less, located at 908 30<sup>th</sup> Avenue Drive NW, Hickory, and identified as PIN 3704-11-55-2101.
- Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 23-67  
A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE  
LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY PRIDE  
DESIGN CONSTRUCTION, INC. AND  
CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Pride Design Construction, Inc. is the owner of certain real property as described herein, which property is located at 908 30<sup>th</sup> Avenue Drive NW, Hickory, and identified as PIN 3704-11-55-2101, containing .543-acres more or less; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 7<sup>th</sup> day of November, 2023, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 21, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on map entitled Pride Design Construction, Voluntary Contiguous Annexation Map 1 City Boundary, subject property outlined in red; Pride Design Construction, Voluntary

Contiguous Annexation Map 2, Zoning, subject property outlined in red; Pride Design Construction, Map 3, Land Use (2022), subject property outlined in red.

Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

- F. Accepted the Bid and Awarded the Contract with Neill Grading and Construction Co., Inc. in the Amount of \$2,235,033 for Construction of Trivium East Road Widening and Traffic Signal Design Project.

Staff requests Council's acceptance of the bid and award the contract for construction of Trivium East road widening and traffic signal design project with Neill Grading and Construction Co. Inc. in the amount of \$2,235,033. Trivium Corporate Center is the business park recognized in the Bond projects to receive money from bond proceeds for development. The City, County and Economic Development Corporation have worked on development of the project to a condition that is receptive to marketing. As the original Trivium site has been successful and only 3 lots remain, the partnership has purchased additional properties to expand the success of the business park. This phase of the project will consist of the main entrance and access for the east business park. This will include road widening on Startown Road and traffic signal along with all associated work. North Carolina Department of Transportation standards will be followed for the widening of Startown Road. Included in this project is the relocation of a 12" water main and additional line into the park to serve the future business. This agreement will be for the road work, waterline, storm drainage, traffic signal and all associated pavement for the project. The project was advertised for bids. Three responsible bids were received for this project: Neill Grading and Construction Co., Inc. - \$2,235,033; Zoladz Construction Company Inc. - \$3,030,244; and Wayne Brothers Inc. - \$3,206,383.36. Bids have been reviewed and the lowest responsible bidder is Neill Grading & Construction Co., Inc. Staff recommends Council acceptance of the bid and award of the contract for construction of Trivium East road widening and traffic signal design project with Neill Grading and Construction Co. Inc. in the amount of \$2,235,033. The costs will be shared 50 percent by Catawba County and 50 percent by the City of Hickory.

- G. Approved Amendment No. 1 to the Professional Services Agreement with WK Dickson and Co., Inc. in the Amount of \$143,780 for the Hickory SW Water and Sewer Project.

Staff requests Council's approval of amendment no. 1 to the Professional Services Agreement with WK Dickson and Co., Inc., for the Hickory SW Water and Sewer Project in the amount of \$143,780. An evaluation of the SW corridor, south of Mountain View, has shown potential for economic development. City staff has identified these corridors with the partnership of the Catawba County Economic Development Corporation and are projecting the potential for growth in these areas. This project will consist of a water line extension and loop to connect the existing system for redundancy, along with a wastewater pumping station to relay wastewater to the Henry Fork Wastewater Treatment Facility. This agreement includes survey, geotechnical engineering, engineering design, easement plat preparation, permitting, construction bidding and administration. Additional services are to cover the costs of unanticipated field survey, plat, and easement mapping, permitting and additional design that was not consistent with the original plans for the project. Staff recommends Council's approval of amendment no. 1 to the Professional Services Agreement with WK Dickson and Co., Inc., for the Hickory SW Water and Sewer Project in the amount of \$143,780.

- H. Removed from the Consent Agenda and Discussed under "IX. Items Removed from Consent Agenda. Deferred the Vacant Building Revitalization Performance Agreement for Bumbarger Investments of Forest City, LLC in the Amount of \$20,000 for Renovations of the Vacant Building Located at 1421 2<sup>nd</sup> Street NE.

Staff requests approval of the Vacant Building Revitalization Performance Agreement for Bumbarger Investments of Forest City, LLC. City Council established the Vacant Building Revitalization and Demolition Grant program on September 16, 2008. The program provides forgivable loan funding up to \$20,000 for projects to renovate and rehabilitate vacant buildings within the Urban Revitalization Area and targeted industrial buildings in other areas of the City. Bumbarger Investments of Forest City, LLC has applied for a Vacant Building Revitalization Grant in the amount of \$20,000 to assist in the renovation of the vacant building at 1421 2<sup>nd</sup> Street NE. The applicant plans to renovate the facility for multi-tenant neighborhood commercial use. The applicant plans to invest at least \$245,747 in real property improvements to rehabilitate the building. This makes the project eligible for a \$20,000 grant. The applicant plans to improve the parking lot and make interior improvements. No payments will be required on the loan provided that the building remains occupied for at least three years. The Business Development Committee reviewed the application and recommended approval. Staff

recommends City Council approve the Vacant Building Performance Agreement with Bumbarger Investments of Forest City, LLC.

- I. Approved on First Reading Budget Revision Number 8.

ORDINANCE NO. 23-32  
BUDGET REVISION NUMBER

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2024, and for the duration of the Project Ordinance noted herein.

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	1,648,516	-
General Government	195,000	-
Public Safety	1,967	-
Culture & Recreation	21,412	-
TOTAL	1,866,895	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,670,895	-
Miscellaneous	196,000	-
Sales and Services	20,412	-
TOTAL	1,866,895	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	312,780	-
TOTAL	312,780	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	312,780	-
TOTAL	312,780	-

SECTION 3. To amend the CVCC Innovation Center (#700014) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	531,000	-
TOTAL	531,000	-

To provide funding for the above, the CVCC Innovation Center (#700014) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	531,000	-
TOTAL	531,000	-

SECTION 4. To amend the Project Star (#803311) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water & Sewer Capital Projects	312,780	1,500,000
TOTAL	312,780	1,500,000

To provide funding for the above, the Project Star (#803311) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	-	1,500,000
Other Financing Sources	312,780	-
TOTAL	312,780	1,500,000

SECTION 5. To amend the Hickory-Catawba WWTP Expansion (#802103) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water & Sewer Capital Projects	1,500,000	-
TOTAL	1,500,000	-

To provide funding for the above, the Hickory-Catawba WWTP Expansion (#802103) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	1,500,000	-
TOTAL	1,500,000	-

SECTION 6. 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	2,235,033	-
TOTAL	2,235,033	-

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	1,117,516	-
Restricted Intergovernmental	1,117,517	-
TOTAL	2,235,033	-

SECTION 7. To amend the Hickory Metro Convention Center (#700012) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	415,000	-
TOTAL	415,000	-

To provide funding for the above, the Hickory Metro Convention Center (#700012) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	320,000	-
Other Financing Sources	95,000	-
TOTAL	415,000	-

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 – Item H

City Manager Warren Wood advised he would like to give this item an extra level of review and bring it back at a future meeting.

X. Informational Item

XI. New Business:

A. Public Hearings

1. Continued from October 17, 2023 – Denied Consideration of the Voluntary Non-Contiguous Annexation of Property Owned by Boureanu and Creech Properties, LLC, Located at 3940 River Road, Hickory, PIN 3710-09-17-5434, Containing Approximately 49.21-Acres – Presentation by Planning Director Brian Frazier.

Consideration of the voluntary non-contiguous annexation of 49.21 acres property located at 3940 River Road. This property is identified as PIN 3710-09-17-5434. The property is currently vacant and located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes, at a maximum density of two dwelling units per acre. The property owner desires to connect the development to City sewer service, which requires annexation. If annexed, the property owners have requested the property be zoned Planned Development, with their

further intentions being the construction of a 178-lot single-family residential subdivision. This would equate to a density of 3.7 dwelling units per acre. Surrounding properties are zoned R-20 Residential and R-1 Residential and are occupied by detached single-family residences, and a wastewater treatment plant. The current tax value of the property is \$330,300. If annexed, the vacant property would generate \$1,502.86 in additional tax revenues. Upon analysis, staff has 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 October 7, 2023.

City Manager Warren Wood advised this public hearing was continued from Council's October 17, 2023, meeting. He advised it was for consideration of the voluntary non-contiguous annexation of property owned by Boureau and Creech Properties, LLC, located at 3940 River Road, containing approximately 49.21 acres. He asked Planning Director Brian Frazier to the podium for the presentation.

Planning Director Brian Frazier gave a PowerPoint presentation. He advised this was for a proposed future development, Mr. Wood covered most of it. A residential subdivision they were looking at for future development for annexation into the City. He believed it had been pared down some which would be discussed. He thought it had been pared down now to about 166 lots in its current iteration and of course annexation was being requested to obtain City services. He referred to the PowerPoint and displayed a map pointing out the subject property in question, the parcels located in the City of Hickory municipal boundaries, the parcels in the City's extra-territorial jurisdiction (ETJ), and the parcels under Catawba County zoning. He displayed another map and pointed out the subject property, to the north was R-1 low density residential and the property basically all else around it was Catawba County R-20 which was basically low to medium density residential. He pointed out the proposed annexation area, and noted this parcel was along River Road southeast, he pointed out the Henry Fork Wastewater Treatment Plant to the north of this existing property. The tree line south of the Wastewater Treatment Plant was also a part of the City of Hickory's property. He advised the staff findings and recommendations were the voluntary annexation petition appeared to comply with all applicable annexation statutes. Adequate public services had been determined to be available and the annexation of the property would not cause available public services to fall below acceptable levels. Based upon these findings, staff recommended approval of the requested annexation into the City of Hickory limits. He asked for questions from Council in regards specifically to the annexation.

Mayor Guess asked for any questions for Mr. Frazier. He explained the rules for conducting the public hearing. The public hearing was opened. He asked if there was anyone present to speak in opposition to the proposal.

#### OPPONENT

Mr. Patrick Daily, 3864 Serenity Drive in the Mountain View Subdivision off of River Road. He was kind of wearing a bit different hat today because he used to work in Hickory and just recently retired and he was enjoying retirement except he felt like he was busier than ever before here. He represented what he believed many people here tonight to express their opposition to the proposed annexation and development of this 49.2 acres of land next to the Wastewater Treatment Plant. He could certainly speak specifically to the problems that it would create for them regarding traffic congestion, education systems pressures, environmental disruption, safety, and health risks. They were generally mentioned in the citizen statement narrative that they gave. There were issues for the City of Hickory that he thought would be of great concern. The Wastewater Treatment Plant was important. No doubt about that. It was placed in this location over 45 years ago for a good reason. It was isolation, geographical location, and all of that made sense. As small developments were created along River Road in Catawba County, they and those other residents affected learned to adapt to gas emissions and big trucks hauling waste every day. Years ago, he was President of the Melrose Place Property Owners Association and a bunch of them met with treatment plant officials and they were very nice and kindly arranged emission schedules for the middle of the night, for the most part. That was a big deal for them living in the area. They understood the need to improve the plants sewage treatment activity and hoped it comes with great attention to preserving the nearby environment. Annexation next door

for a housing development it was a different animal. It meant more governance, more responsibility for accommodating citizens who might move there. He was thinking stores, gas stations, street maintenance, development could result in costly expenses to make such a huge project work so far away from downtown Hickory. Keeping the existing tree canopy on this land was important for many reasons. But as an air quality buffer for gas emissions like hydrogen and methane sulfide, it was one of the most important reasons to save the trees. Bulldoze them all down and the strong sewage odors were not as restricted. Depending on the prevailing winds it could affect the entire River Road area, not to mention the newcomers that would be moving right next door to the plant. Planting more trees would take years to grow. Even if there was room to do that. The new bio-solid facility under construction, he saw it today, it would not mitigate that. River Road was about 1.5 miles long. It was not just the entrance that would create a traffic nightmare. There were bottlenecks on both ends of River Road. Zion Church Road there was just a stop sign there and they were talking about maybe between 150 and 200 more cars on River Road. On the other end was Sandy Ford Road where there was a stop sign there and cars on the highway. It was going to be a nightmare, he guessed. Annexation for single family residential development was different from annexation for public service needs such as the water treatment plant, commercial purposes such as MDI, and airport expansion. But in an oasis, such as the River Road plant, to annex in a noncontiguous way for building houses, seemed odd. It did not seem to match. The Hickory by Choice 2030 plan did not support this project and there were even some more arguments against it in the plan. Please vote against this annexation and let them work with Council as good neighbors to help enhance the work of the treatment plant together. He thanked Council.

Ms. Maria Araya, 3694 Serenity Drive, advised she was here to represent the Mountain View community concerning the River Road project. A lot of these people present had been residents in River Road for decades. So many, many years, they had stayed in their same homes because they loved the area. They liked their rural environment. Though lately, they had noticed rapid growing with an estimate of five new developments still under construction in their area. They believed that an increasing flux of houses far exceeds the current infrastructure, bringing up concerns on how this high-density annexing rezoning proposal would even be further detrimental to their current infrastructure. One of the things that they enjoyed the most as a community was the feel of rural and they would like to keep it that way if possible. They understood the need of growth. They believed that this high-density development proposal would alter the Mountain View community, not just an area, they were a community. Quality of life and representation of their natural environment. She thanked Council for giving them the opportunity to be able to express their concerns as a community. She also thanked everyone for coming out and supporting their objection to the mentioned proposal.

Mr. Marco Tasca, 1344 Frances Court, noted he did not have anything prepared, just the motto of the City's Life Well-Crafted. They were going to put 172 families within the city limits or within the limits of the City of Hickory where Life was Well-Crafted amenities. He had been here for eight years and loved the area. They would get all the smell from the water treatment plant, and they would have to ask them if their life would be Well-Crafted when they would be smelling the full blown of the gasses coming out of the water treatment plant if they approve this proposal.

Mr. Robert Christopher, 4239 River Road, commented he had nothing against the City of Hickory. He grew up there. He wanted them to think about where the children were going to play. River Road, they could not ride a bicycle. The kids cannot travel or walk. Think about a half-acre per house. The City of Hickory would think about that so the children would have a yard to play in.

Mr. Alton Price, 3886 River Road, said he lived right next door. He questioned how they were going to put 172 houses on 49 acres plus all the streets that they got to have, plus part of it was down there near the river. They were going to be on top of each other. By looking at the map, he only had 300 feet back from the road to his property and there was 11 houses going to be against his property. He just saw that it was too many houses. They were going to be like Charlotte. Somebody stated earlier, they did not want to be like Charlotte, but now that was what they were looking at. He thanked Council.

Mr. Nathan Pena, 3698 Serenity Drive, commented as he saw the map that was presented up on the screen, he noticed that the area around this proposed annexed area was surrounded by Catawba County. He asked about the emergency services that the City would have to provide for this annexed area, what would be the response times? How much money would they have to put in

for emergency services that was closer to this annexed area? He knew they were a thrifty city, and it might not be in its best interest to have this area annexed, surrounded by Catawba County area. He thanked Council.

Mr. Hans Robinson, 1332 Ripken Drive, Hickory, North Carolina, in the Hidden Creek Development. He stated for the Council that recently Catawba County increased all of their taxes by at least or close to 100%. The annexation and the addition of high density would very likely not only impact their community and the amount of traffic that they were dealing with but also their property values that had been inflated unprecedented in the entire time of the nine years that he had lived there.

Mr. Mike Scipione, 1328 Ripken Drive in Hidden Creek. His wife just said something that he thought was important. Maybe they should have everyone stand up who was opposed to this. He asked the audience to do that. People in the audience in opposition stood. He thought that spoke for itself. He thanked Council.

Mayor Guess asked how much time remained.

Deputy City Clerk Crystal Mundy advised 4 minutes. He asked if there was anyone else that would like to speak in opposition, this was their opportunity. No one else appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal.

#### PROPONENT

Mr. Dan Shabeldeen, 3145 Tate Boulevard SE, Hickory, advised he was the President of Shabeldeen Engineering. They were the engineers on the project. He had been an engineer/environmental consultant for over 40 years, which was probably evident, but closed water, sewer, wastewater, roads, streetscapes, they do a variety of projects. He was Associate Vice President of the Home Builders Association and was on the Planning Commission for several years. He was a passed member of the Bond Commission and a member of the Land Use Development Board as well. He commended the City leadership, City Council.

Mr. Shabeldeen gave a PowerPoint presentation. He referred to the 2014 \$40 million bond referendum that was passed. Since then, it has leveraged another \$58 million to \$98 million. He referred to a quote in his slide from the Charlotte Business Journal, October 2, 2023, it said this has allowed the city to invest more than \$98 million to trailblazing projects that create high quality life, spur economic development, and attract residents and businesses. As a result, according to US News and World Report, Hickory was the most affordable place to live, 25<sup>th</sup> Best Place to Live, and the 40<sup>th</sup> Best Place to Retire. A quote out of that report, he did not want to embarrass Mayor Guess, but it said the "Hickory of tomorrow is being created today", and that was very true. We are. What does that lead to? Housing needs. He thought they were aware that Hickory was in need of housing. There had been a lot of housing developments that were coming online. When you look at where possible housing growth was going to occur, you cannot go north because they were limited by the lake in Alexander County. You cannot go east because of Conover/Newton, and it was limited to the west by Caldwell and Burke counties. So, they have had some infield projects. There was Bear Park, Hamptons and Hickory Falls at Hickory, and a Spencer Road project. The main expansion was going to have to occur up in the northeast and in the south. It was unfortunate, it would spread into some of the more rural areas on Startown Road, 127, and the 321 corridor. Why River Road? It was located in that growth area in that 321 corridor. It had great access to employment, shopping, recreation, 3 minutes to 321, 5 minutes to I-40, 6 minutes to Mountain View and 10 minutes to the downtown Hickory and Catawba Valley Boulevard Shopping district. Of course, it was convenient to the Charlotte metro area. Even though it was a higher density than what was around it, it was still consistent with the area as far as subdivisions on the east and the south. The site conditions were very conducive to the subdivision for residential development.

Mr. Shabeldeen discussed a little background regarding the site details. He referred to the PowerPoint and advised it was 47.8 acres and backed up to the Henry Fork River, adjacent to the two residential subdivisions. It was currently zoned R-20 which in the County was two units per acre. Technically, it could have 96 single family residences on it, and they would all be on septic systems, which he thought they understood was prone to failure and not exactly environmentally friendly. He gave a little bit of history of how they got to this particular place for the annexation. They were approached prior to the annexation application by the landowner, he had spent hundreds of thousands of

dollars on this property and he was trying to get a return on his investment. He came to them and said that he would like to build a residential subdivision. It would be under the County zoning. It could be anywhere, up to 96 homes all on septic system. As they looked at it, they thought they were right next to the Wastewater Treatment Plant, why would they put them on septic systems? They looked at it and approached the City to tie into the Wastewater Treatment Plant. What he would do was eliminate the septic systems, but he had to put in a sewer collection system. He had to put a pump station in and a force main to tie in. At the tune of probably about one and a quarter million dollars for the infrastructure. In order to offset that, of course, they get higher density. They could get more lots and that could offset the cost for tying into the Wastewater Treatment Plant, eliminating the septic systems. That meant smaller lots, but that was also consistent with most of the subdivisions that were being constructed in the City currently.

Mr. Shabeldeen discussed the project details. They were showing 166, 50-foot-wide lots, single family detached, that was 3.4 units per acre, which was consistent with most other projects that were being constructed in the City. They started out at 178 lots, and talking to the City there were concerns of course about the proximity to the Wastewater Treatment Plant and an adequate buffer. They narrowed that down to 160 feet from the last aeration basin. That was the end of the process treatment train to the Wastewater Treatment Plant. That got them down to about 172 lots. Since then, they talked again and had eliminated all the lots that back up to the Wastewater Treatment Plant, providing additional buffer. The development would comply with all the City standards. It was going to have sidewalks throughout, a mailbox kiosk, and an amenity area with playground/playfield for the residents. The main entrance was going to be along River Road. It required a second entrance which they were talking about on the access road to the City's Wastewater Treatment Plant. When they talked about areas for the kids to play, there was going to be 14-acres of open space available. The proposal now was to have that area along the Wastewater Treatment Plant that would all be open space. He noted the area behind lots that was open space and then down by the Henry Fork was going to be all open space. About 30% of the property was going to be reserved for open space. He pointed out, they talk about density, if they were talking about 166 houses here, under the County zoning, they could get 80 to 90 homes. If they remain under the County zoning, in order to get this many homes, which the City needs, they will have to disturb twice as much property. Instead of being 47 acres, they would end up with about 84 acres of disturbed property. They would have to go find another 47-acre track in order to put in another 80 homes. What they were seeing now as far as urban planning was smaller lots, more concentrated lots, it reduced the environmental impact. It actually made the houses and the lots more affordable if they look at how much houses were going for now. It was mostly because of the infrastructure. By increasing the density, they have shared that cost for roads, water, sewer, over a larger number of lots. If they look at the County, their lot width might be 75 feet. They were looking at 50 feet here. They were almost 1.5 times the number of houses and to share the expense of the infrastructure. He asked if this project was any different than other projects that had been approved by the City? No, it was actually very similar, if not exactly like many of the projects that have recently been approved by the City, Spencer Road was a 55-acre project, 181 homes, 3.3 units per acre. It was annexed and rezoned. It was annexed from County R-20 to R-2. Actually, it was one of their projects and they developed it as a conservation subdivision. It required 30% open space and he thought they ended up with probably closer to 40%. It was under construction now and actually it was coming along really well, it looked good. Those lots were actually 40-foot-wide lots. They were 40 x 120, 4,800 square feet minimum lot area. The other project that they were talking about was Blueberry Farms which had come before the City recently. It was 135 acres that was before the City. It was in the extra-territorial jurisdiction (ETJ) and was currently R-1, which was low density, it had been rezoned to R-2. It could possibly have 542 homes at four homes per acre max. He explained the way this typically works, say it was four units per acre, that was a quarter acre lot, but actually, it would probably be smaller lots with more open space, rather than actually being a quarter acre per lot. The other one, which he thought was particularly interesting, was the one down by 321 at the end of River Road. That was at Zion Church Road. It came before the City, it was a Hickory industrial zoning, it had been rezoned to R-2. There was going to be a conservation subdivision, 121 lots, four units per acre. It was less than two miles from River Road, so it was very similar, almost exactly what they were looking at. It was a wooded lot. It would be small, and it was a DR Horton project. They had worked with DR Horton and their lots were 40 to 50 feet wide and probably 120 feet deep. They were the same as what they had on Spencer Road, about 4,800 square feet. The River Road project was very similar, if not exactly like many of the projects that had been approved by the City.



Mr. Shabeldeen advised in talking to some folks in the City, they knew the potential concerns for odor complaints, noise, environmental concerns, traffic on River Road, school capacities, and public safety. Really, the main issue seemed to be the odor. They looked at it and said can Wastewater Treatment Plants coexist with residential development or high-density development. He referred to the PowerPoint and showed a couple of examples of what they found. Albemarle Wastewater Treatment Plant, the houses were within 850 feet. If they did not know better, this would probably be the River Road project in a couple of years. The Wastewater Treatment Plant was up in the northeast corner and a subdivision, and this was actually Meritage Subdivision. He pointed out those were the typical lots that were being built, he thought 55 feet by about 100 feet, again, 5,500 square foot lots. The other one they looked at was McAlpine and its residential was within 700 feet of the Wastewater Treatment Plant. The Sugar Creek plant down in Charlotte, he advised this was a much larger Wastewater Treatment Plant, was within 300 feet of 120 townhomes/condos. He referred to the PowerPoint and advised there was a dim circle around the Wastewater Treatment Plant. That was a 1,300-foot radius, that was how far it was from the last piece of the treatment process in the Henry Fork Plant to the far edge of their property, 1,300 feet. In this particular case, they could see within 1,300 feet, there were over 200 residential units that does not include any of the commercial. He actually went back and looked at what it was worth. He spent some time looking back at counting the units and looked at the County website, looking at some of the assessed values and some of the recent sales and within that 1,300-foot area, which was again from the last end of the treatment process in Henry Fork to their property line, it was almost \$90 million worth of residential property living within 1,300 feet of a Wastewater Treatment Plant. He thought it was obvious that Wastewater Treatment Plants could coexist with residential development and high-density development.

Mr. Shabeldeen mentioned they talked about potential odors. That seemed to be the underlying issue, were the residents of this proposed subdivision and of Melrose Place going to smell the plant? Was that odor going to be a problem? Odor was not an everyday occurrence. It depended on the weather conditions, and it was a few days a year that the odor might be prevalent. Currently the Wastewater Treatment Plant is undergoing an expansion for the biosolids, and it was actually including odor control for the new portions of the plant, for the upgrade parts of the plant. Again, there was an issue about the buffer. They had eliminated the houses that back up to the property. There was a 740-foot buffer from the aeration base. The aeration base was the last point of the process, and it was the least odorous component of the process. The most odorous point of the process was where the raw sewage comes in. They were about a quarter mile from that equalization base where the raw sewage comes in. They were 1,300 feet to the first house. If you take that and go to the edge of their property, it is probably about a half mile, it was 2,000 feet or so. The one important thing was also the question of why would anybody build a subdivision next to a Wastewater Treatment Plant?

Deputy City Clerk Crystal Mundy called the time at 15 minutes.

Mayor Guess asked Council if there was a motion to allow continuation.

Alderman Wood moved, to allow an additional 5 minutes.

Mayor Guess mentioned he should keep in mind that there was someone else signed up to speak also in favor. If he takes all the time, they will not have time to speak. He advised the motion was to allow 5-five minutes for those to continue to speak in favor.

Alderwoman Patton seconded the motion to allow an additional 5 minutes. The motion carried unanimously.

Mayor Guess advised those in favor had an additional 5 minutes. He reiterated if Mr. Shabeldeen took all five minutes, the second person would not have a chance.

Mr. Shabeldeen appreciated the additional time. He discussed the traffic along River Road. They went back and looked at the Department of Transportation (DOT) average daily counts and actually the average daily traffic on River Road had decreased over the last 14 years. He referred to the PowerPoint and advised it had gone from 1,900 on the south end of Sandy Ford to 1,600. Up by 321 had dropped from 3,000 to 2,600. DOT was present at the pre-application meeting. They had talked to the City numerous times. They went to a pre-application meeting. There was no objections to the project. They went to the Planning Board Commission, and it was approved unanimously. DOT was

present, they had no issues with traffic or traffic issues. There was no requirements for any upgrades to the road, no turn lanes, no deceleration lanes. They were happy the way it was and no problem.

Mr. Shabeldeen discussed school capacities. They showed that there was available 475 seats, the schools had adequate capacity. He thought the City analysis said that the subdivision would only generate a couple of 100 more students. Schools were not going to be at capacity. As far as public safety, the fire department was present, they had no issues with the subdivision. They did not have any questions about whether they could serve it. The only question was they had to have a second entrance. That second entrance would be off of the access road. One of the things that they talked about doing, and was willing to do, was right now that access road to the Wastewater Treatment Plant was actually a perpetual easement granted by the landowners not owned by the City. If they get annexed into the City and they develop the property, they will deed that property, that access road, and another half-acre west of that to the City for their control.

Mr. Brice Dimitruk, 1003 Zephyr Circle, Monroe advised he was here with Century Communities, the homebuilder on this project. It was a pleasure to come speak to Council. They were excited to come to Hickory, work with them, and try to develop a fantastic neighborhood with great homes priced reasonably for all of the citizens in this area. He wanted to work with Council on trying to get this through. He thanked Council for their time.

Mayor Guess asked if anyone else wished to speak in favor. No one else appeared. Mayor Guess asked for rebuttal.

#### REBUTTAL

Mr. Patrick Daily, 3864 Serenity Drive in Hickory, Catawba County, commented regarding the matter of the numbers that were being presented by the engineer, one thing he mentioned in comparison was some of the other developments being close to 800 feet as close to a Water Treatment Plant. He had it on good authority that one of the houses would be 600 feet from the Wastewater Treatment Plant. So, it was very close. The other thing was 14-acres of open space, that may be correct, but some of that involves, he guess you would call it recreational area, which was in a flood plain. There was about eight acres that that they would call a common area, but it was not a common area because when you have a full day of rain, that area floods and he could not imagine the type of recreation that would occur there. He mentioned the odor being a few days a year. That was not true. He lives there and he knew how often that strong odors come to their neighborhood, and he thought others could speak to that too. He was on the far end but there were people that were closer, but it was not just a few days a year. He thanked Council.

Mr. Jarrett Soles, 1334 Ripken Drive in Hidden Creek, commented on the first point that it is too expensive for infrastructure, so they have to shorten the lots, cram them in. That should be a point of concern for anybody in the area because in the future it was going to affect everybody in the area. Number two, he thought he saw that there was another multi or another high-density area going in right at the Zion Church Road area. So now they were not talking about one high density area or neighborhood in that area, they were talking about two very close within one mile, 1.2. Third, the traffic statistics, he thought it was pretty convenient that those were taken during COVID.

Mayor Guess asked the amount of time left.

Deputy City Clerk Crystal Mundy advised 2 minutes 41 seconds.

Ms. Maria Araya, 3694 Serenity Drive, commented, like she previously mentioned, there was a lot of concerns in the infrastructure. One thing that they had not pointed out was the educational system. Which school would they go to? Would they go to the County school? Would they go to the City school? What about school buses? Who was going to handle that? It was a lot to put it into just one area with so many developments going around.

Mr. Marco Tasca, 1344 Frances Court commented since the last point that was not touched on by anybody else, about sustainability, 172 houses you saw the eco monster, the thing was the block of houses there. Their houses were convenient and beyond the pretty picture, but they could see there was much more space. Cutting down all the trees was not more sustainable, it would reduce the amount of trees that they have around, which was never a sustainable solution. And again, they do not oppose the construction, but they

just oppose the uncontrolled construction. They agree with the 98 houses that was the original plan. They did not think that having that many houses would be an advantage to the zone.

Mr. Charles Rananto, 3971 Seaver Court, which was right across the street on River Road. One of the things he would like to see was a representative from Catawba County schools here talking about those numbers. Those schools were pretty crowded. They were overcrowded. On that road, he sees more and more 18 wheelers flying down this road ever since all the places had been built right off of Robinwood Road. Daily, it was 18 wheelers constantly flying through there and his biggest concern was could Hickory manage this. It was outside of their district. He was not trying to point fingers here but consider this an overreach. He hated to say that, but this was outside of Hickory. Does Hickory really want to burden this on themselves? Was Catawba County in the neighborhood? Were they comfortable with that? With their schools, with their roads and their house values?

Mayor Guess asked for surrebuttal.

#### SURREBUTTAL

Mr. Dan Shabeldeen, 3145 Tate Boulevard SE, advised the school numbers, as far as the attendance, those numbers were actually provided by the Superintendent. He thought they ought to be fairly accurate. As far as the City being able to manage the property, again, they had a pre-application meeting and representatives of all the departments were present, and no one objected to it. Public works, solid waste, fire department, planning, utilities, all were there. Some had concerns, of course, utilities had a little concern about the subdivision next to the Wastewater Treatment Plant, but no one objected about it. They provided some comments, and they addressed the comments. He added prior to this whole project developing, the landowner approached the City to see if they were interested in purchasing the property. He had spent a lot of money, hundreds of thousands of dollars to buy the property. He approached the City to see if the City would be interested in purchasing the property and he did not get a response back. Apparently, they were not of any interest at the time. That left it up to him to do something with that property. Of course, it was ideal, it could not be commercial, it could not be industrial, it was not going to make an industrial park, so the only thing left was residential. They looked at it as a County development. They would prefer that it be annexed into the City. They preferred that sewage was pumped to this Wastewater Treatment Plant, but if it does not get annexed and developed, the only other option was to continue developing it under the County zoning. At that point, trees would still be removed, the site would still be graded. They would still have just as many roads; they just would not have as many houses. Again, the lot requirements were going to be bigger. Those were some things to consider. That was probably all he could add to this. He thought it was a great project and it seemed like to him the underlying issue was the odor from the Wastewater Treatment Plant. In conclusion, he thought the subdivision was very similar, if not exactly like many other subdivisions. The property would be developed as a residential subsidy, whether it was under County zoning or City zoning. It seemed to him that the underlying issues, the potential for phone calls to the City concerning odor, and if it was developed under the County zoning, there would still be people living there. They may be 90 people instead of 166 people. If 10% of the people call and complain about odor, then you've got 16 people calling. If it was under the County and you've got 96 residents, you got 10 people calling. The difference was only nine phone calls. It seemed not to be a significant number to deny annexation and to reduce the number of houses that could possibly go on this property. If they cut this down to 80 or 90 lots, they were going to have to find another 50 acres to put another 80 or 90 lots in. He could appreciate the fact that the City and staff, they do not want to be bothered by phone calls about odors. As a business owner, he did not always want to answer the phone either, because he did not know if it was going to be a good call or a bad call, but it was his responsibility in the broader sense to take the phone call, and as a business owner, he was doing it for the good of the company, for the good of his employees and honestly for the good of his family. They have to do that. He asked the City to really consider what the implications were here. He thought it was a good project. He thought it was very consistent with everything else that the City had already approved. He thought it was inevitable that growth was going to occur in the south area along 321 and in the Mountain View area. He appreciated it.

Mayor Guess asked if anyone else wished to speak in surrebuttal. He declared the public hearing closed.

Alderman Wood moved, seconded by Alderwoman Patton rejection of the proposed voluntary non-contiguous annexation of 3940 River Road.

Alderwoman Patton thought the project itself was very good. We need housing. The schools were not crowded. We have lost population, but this property had been a great buffer for the neighbors. They talked about the quality of life for the residents, and she did not feel like it was right to put residents right there knowing that there was going to be a quality-of-life issue.

Alderman Wood agreed completely. The word responsibility came up and he thought that was part of this, they have a responsibility not only to the existing residents but future residents and putting a residential subdivision adjacent to an industrial use property that just does not fit, it does not make sense to him.

Alderman Freeman mentioned he had been on the Council since February, and they had annexed, and rezoned property almost at a blink of an eye. This one was a little bit different. Blaming it on his newbie, being the new kid on the block, but still learning, in his research, realizing that annexing this property into the City of Hickory, he was understanding that would give him more money or, working through Catawba, which meant they would have to cut some of the lots and basically work under their conditions. He certainly wanted the citizens to know that he had heard their emails, but he also was very fair to the engineer as well. It sounds like that this property was going to be built one way or another, but certainly he wanted them to know and agreed he did not want it to be in the hands of the City. He would rather go ahead and put it in the hands of the County. He would rather not have the phone calls.

Alderwoman Williams added they do need housing, they need more housing, but she would agree with everybody else in terms of the quality of life that they as a Council have to do the due diligence to make sure that what they approve really does create a better quality of life and knowing that the City owns the Water Treatment Plant. The issues that were mentioned by all of them, and they know even though the request may meet the specifications for annexation, they were here as a group to look over, make sure it was going to be a good project for the new residents and the old residents.

Alderman Freeman added that he was certainly for exponential growth, but he did not believe all growth was positive growth, and right here, he did not believe it was positive growth.

Alderman Wood advised there was ample opportunity for clarification on some of the things that were said. He picked one of them. Not all Wastewater Treatment Plants were created equal. They utilize different technologies. To compare the proximity of residential housing to a plant in Mooresville or Huntersville or wherever it was not necessarily an apples-to-apples comparison. The technology and use there he was confident was much different than the technology of this plant.

Mayor Guess asked for any further discussion. He advised there was a motion and a second to deny. Ayes: Alderman Wood, Alderwoman Williams, Alderman Seaver, Alderman Freeman, Alderwoman Patton, Mayor Guess; Nay: Alderman Zagaroli. The motion carried 6 to 1.

2. Continued from October 17, 2023 – Due to the Annexation of the Property not being Approved, the City Lacked Jurisdiction to Consider Rezoning Petition Number 23-06 for Property Located at 3940 River Road from R-20 Residential to Planned Development (PD) as Requested by Boureanu and Creech Properties, LLC – Presentation by Planning Director Brian Frazier.

Boureanu and Creech Properties, LLC has submitted a petition requesting the consideration of rezoning property located at 3940 River Road from R-20 Residential to Planned Development (PD). The property is vacant and zoned R-20 Residential by Catawba County. Upon completion of the annexation request the owners requested the property be rezoned to Planned Development. The R-20 Residential district permits residential uses (single and two family) at a maximum density of two dwelling units per acre, which could potentially produce up to 98 new dwelling units. The requested Planned Development would consist of up to 178 single-family detached dwellings, which calculates to be 3.7 units per acre. The Hickory Regional Planning Commission conducted a public hearing on September 27, 2023, to consider the petition. During the public hearing the project engineer spoke in favor of the petition, while no one spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional

Planning Commission voted unanimously (8-0) 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 October 7, and October 14, 2023.

Mayor Guess advised regarding this public hearing because the petition for the voluntary noncontiguous annexation of the property owned by Boureau and Creech Properties LLC was not approved, the City lacks jurisdiction to consider the petition for rezoning of that property. He declared the public hearing closed, and no further action would be taken on that agenda item.

3. Approved the Voluntary Contiguous Annexation of Property Owned by Emil and Olimpia Belos, Located at the Northeast Corner of Cloninger Mill Road and 13<sup>th</sup> Street Circle NE, Hickory, PIN 3714-08-97-0980, Containing Approximately .396 – Presentation by Planning Director Brian Frazier.

Consideration of the voluntary contiguous annexation of 0.396 acres property located at the northeast corner of Cloninger Mill Road and 13<sup>th</sup> Street Circle NE. This property is identified as PIN 3714-08-97-0980. The property is vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is zoned R-1 Residential. Properties zoned R-1 can be utilized for one- and two-family housing at a density of 2 dwelling units per acre. The property owners desire to connect the new home to City sewer service, which requires annexation. The owners of the property intend to construct a single-family home on the property, which would be the extent of its development potential. Surrounding properties are zoned R-1 and R-2 Residential and occupied by single-family homes. The current tax value of the property is \$19,500. If annexed, the vacant property would generate \$88.73 in additional tax revenues. 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 October 21, 2023.

Mayor Guess asked City Manager Warren Wood to introduce the third public hearing.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with the voluntary contiguous annexation of property owned by Emil and Olimpia Belos, located at the northeast corner of Cloninger Mill Road and 13<sup>th</sup> Street Circle NE.

Planning Director Brian Frazier gave a PowerPoint presentation. He discussed the voluntary contiguous annexation for Emil and Olimpia Belos. The current development was vacant, future development was planning for one residential lot. The annexation was being requested to obtain City services. He referred to the PowerPoint and displayed a map pointing out the subject property, the property located in the Hickory extra-territorial jurisdiction (ETJ) and the property located in the City limits. He displayed the zoning map and noted the R-2 district, the NC district, and the lower density R-1 district which was the subject property being considered for annexation. He displayed an aerial ortho of the project site, and pointed out the subject property, to the southeast the Dollar General, and The Falls at Cloninger Mill. The voluntary annexation petition complied with all applicable annexation statutes of the State, adequate public services had been determined to be available. It was determined by staff that the annexation would not cause available public services to fall below acceptable levels. Based on these findings, staff recommended approval of the requested annexation. He asked for questions about this one parcel annexation.

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

Alderwoman Patton moved, seconded by Alderwoman Williams approval of the voluntary contiguous annexation of the property located at the northeast corner of Cloninger Mill Road and 13<sup>th</sup> Street Circle NE. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 494  
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)  
Emil Belos and  
wife Olimpia Belos

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 7<sup>th</sup> day of November, 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 contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30<sup>th</sup> day of November, 2023:

Contiguous Annexation  
by the City of Hickory  
of the  
Emil Belos and wife Olimpia Belos Property

That certain parcel or tract of land lying and being about 4.33 miles northeast of the center of the City of Hickory. Bounded on the northwest by the right-of-way of 13<sup>th</sup> Street Circle NE; on the northeast by the lands of Franklin Ervin Derr, Jr. as described in Deed Book 1510 at Page 476; on the southeast by the lands of Sherry A. Collins as described in Deed Book 2676 at Page 196; on the southwest by existing City of Hickory city limits and the right-of-way of Cloninger Mill Rd. NE and more particularly described as follows, to wit.

Beginning at a ½" rebar in the existing City of Hickory city limits and the right-of-way of Cloninger Mill Rd., said rebar being located North 74 degrees 47 minutes 09 seconds East 209.89 feet from a fire hydrant and running thence, with the existing City of Hickory city limits, North 40 degrees 37 minutes 08 seconds West 54.93 feet to a point in 13<sup>th</sup> Street Drive NE; thence, leaving the existing city limits and running as new City of Hickory city limits the following calls: North 51 degrees 57 minutes 40 seconds East 120.40 feet to a point in 13<sup>th</sup> Street Drive

NE; thence South 38 degrees 21 minutes 33 seconds East 30.00 feet to 1 ¾" pipe on the right-of-way of 13<sup>th</sup> Street Drive NE and the westernmost corner of the Franklin Ervin Derr, Jr. lands as described in Deed Book 1510 at Page 476; thence, with the southwest line of Derr, South 38 degrees 21 minutes 33 seconds East 150.24 feet to a 1 ¾" pipe, the southernmost corner of Derr and in the northwest line of Sherry A. Collins as described in Deed Book 2676 at Page 196; thence, with the northwest line of Collins, South 52 degrees 31 minutes 25 seconds West 113.34 feet to a 1" pipe, the westernmost corner of Collins on the right-of-way of Cloninger Mill Rd. and in the existing City of Hickory city limits line; thence, with the right-of-way of Cloninger Mill Rd. and the existing City of Hickory city limits, North 40 degrees 37 minutes 08 seconds West 124.38 feet to the point of beginning. Containing 0.482 acres more or less.

This description is drawn from a plat by Derek R. Bunton, PLS L-4808 entitled "Contiguous Annexation by the City of Hickory known as Emil Belos and wife Olimpia Belos Property" dated August 17, 2023.

Section 2. Upon and after the 30<sup>th</sup> day of November 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. 2 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.

4. Approved the Voluntary Contiguous Annexation of Property Owned by Huffman Project Group, LLC, Located at Catawba Valley Boulevard SE, Hickory, PIN 3711-05-18-8157, Containing Approximately 29.277-Acres – Presentation by Planning Director Brian Frazier.

Consideration of the voluntary contiguous annexation of 29.277 acres property located on Catawba Valley Blvd SE. This property is identified as PIN 3711-05-18-8157. The property is currently vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is split zoned R-1 (+/- 25%) and R-2 (+/- 75%) Residential. Properties zoned R-1 can be utilized for one- and two-family housing at a density of 2 dwelling units per acre, while properties zoned R-2 can be utilized for single family housing at a density of 4 units per acre. The property owner desires to connect the development to City sewer service, which requires annexation. The owners of the property have received approval to construct a 99-lot single family residential subdivision, which is currently under construction. The subdivision is being constructed as a conservation subdivision with an overall density of 3.4 units per acre. Surrounding properties are zoned R-1 and R-2 Residential and occupied by single family homes, or wooded. The current tax value of the property is \$145,800. If annexed, the vacant property would generate \$663.39 in additional tax revenues. 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 October 21, 2023.

Mayor Guess asked City Manager Warren Wood to introduce the fourth public hearing.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with the voluntary contiguous annexation of property owned by Huffman Project Group, LLC, located at Catawba Valley Boulevard, SE, Hickory, containing approximately 39.277-acres.

Planning Director Brian Frazier gave a PowerPoint presentation. He advised the property was located in Ward 4. The current development was vacant, and the future development would be for 99 residential lots. The annexation was being requested to obtain City services. Although this was known as the Huffman

Project Group LLC, he believed they had renamed the Project to Catawba Pointe. He referred to the PowerPoint and displayed a map. He pointed out the current zoning boundary, the subject property that they were looking at, the extra-territorial jurisdiction (ETJ), and the property within the City of Hickory's municipal limits currently. It was again a contiguous annexation. He referred to a map that showed the current zoning. He pointed out the subject property was R-2 for the most part surrounding the property and then just to the south and to the southeast and a little to the southwest was the R-1 zoning district. This would be slightly split, which was not that unusual. He displayed the aerial ortho of the project. He pointed out Valley Hills Mall to the east, and Hickory Fire Department Fire Station 7 on Catawba Valley Boulevard right down the street from the Grandview Middle School. He discussed staff findings. The annexation petition complied with all applicable statutes. There were adequate public services. They did not believe the annexation of the property would cause any problems or services to fall below acceptable levels. Based upon these findings staff recommended approval of the requested annexation of 99 single family lots. He asked for questions.

Mayor Guess asked for any questions.

Alderman Freeman advised it was right down the street from where he lives. Ward 4.

Mayor Guess advised the same rules applied for the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderman Seaver moved, seconded by Alderwoman Patton approval of the voluntary contiguous annexation of the property owned by Huffman Project Group, LLC. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 493  
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)  
Huffman Project Group, LLC

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 7th day of November, 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 contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of November, 2023:

Contiguous Annexation  
by the City of Hickory  
of the  
Huffman Project Group, LLC Property

That certain parcel or tract of land lying and being about 2.52 miles south southeast of the center of the City of Hickory. Bounded on the north by the right-of-way of Catawba Valley Boulevard SE and the lands of Benjamin Moser Yoder, Jr. as described in Deed Book 1841 at Page 1006; on the east by the lands of the following: Barbara Jean C. Kite as described in Deed Book 1618 at Page 557, Barbara Ann Bolton as described in Deed Book 2033 at Page 467, an unnamed 60' right-of-way, Dorothy Lois Sparks Pyatt as described in Deed Book 713 at Page 513, Donald L. Orders as described in Deed Book 854 at Page 153, Douglas K. Holbrook as described in Deed Book 2996 at Page 244, another unnamed 60' right-of-way, Barbara Ann Bolton as described in Deed Book 2033 at Page 467; on the south by the lands of Tracy Shrum as described in Deed Book 3054 at Page 1879, Ralph Edward Shrum as described in Deed Book 1577 at Page 601, Ralph Edward Shrum, et al as described in Deed Book 3395 at Page 767; on the west by the existing City of Hickory city limits as shown in Plat Book 45 at Page 40 and the lands of the following: Nancy Frye Seagle as described in Deed Book 344 at Page 236, Windsong Property Owners, Inc. as described in Deed Book 2676 at Page 430, Byron Perez as described in Deed Book 2590 at Page 009, Ich Chan Chiem as described in Deed Book 3286 at Page 1893, Philip Taylor Dellinger as described in Deed Book 2590 at Page 53, Michael Colin McFadden as described in Deed Book 3474 at Page 1149, Brian M. Miller as described in Deed Book 3463 at Page 281, Community Link Home Ownership, LLC as described in Deed Book 3545 at Page 721, Windsong Property Owners, Inc. as described in Deed Book 2449 at Page 1833 and more particularly described as follows, to wit.

Beginning at a PK Nail in Catawba Valley Boulevard SE, said PK Nail being located South 76 degrees 05 minutes 34 seconds West 63.88 feet from a fire hydrant on the north side of Catawba Valley Boulevard SE and running thence, as new City of Hickory city limits lines the following calls: with Catawba valley Boulevard SE, South 83 degrees 15 minutes 20 seconds East 57.30 feet to a PK Nail; thence North 86 degrees 51 minutes 36 seconds East 68.87 feet to a PK Nail; thence North 87 degrees 28 minutes 12 seconds East 31.37 feet to a PK Nail; thence North 78 degrees 38 minutes 54 seconds East 106.35 feet to a PK Nail; thence North 69 degrees 57 minutes 04 seconds East 71.25 feet to a PK Nail; thence, leaving Catawba Valley Boulevard SE and running with the west line of Benjamin Moser Yoder, Jr. as described in Deed Book 1841 at Page 1006, South 03 degrees 44 minutes 55 seconds West 83.60 feet to a 1" pipe, the southwest corner of Yoder; thence, with the south line of Yoder, South 84 degrees 40 minutes 05 seconds East 755.61 feet to a 7/8" pipe, the northwest corner of Barbara Jean C. Kite as described in Deed Book 1618 at Page 557; thence, with the west line of Kite, South 10 degrees 32 minutes 41 seconds West 220.83 feet to a 1" pipe, the southwest corner of Kite and the northwest corner of Barbara Ann Bolton as described in Deed Book 2033 at Page 467; thence, with the west line of Bolton, the same bearing, a distance of 99.92 feet to a 1" pipe, the southwest corner of Bolton and the Northwest corner of an unnamed 60' right-of-way; thence, crossing the western terminus of said right-of-way and with the west line of Dorothy Lois Sparks Pyatt as described in Deed Book 713 at Page 513, South 10 degrees 24 minutes 13 seconds West 168.31 feet to a 7/8" pipe in the west line of Pyatt; thence, continuing with the west line of Pyatt and with the west line of Donald L. Orders as described in Deed Book 854 at Page 153, South 03 degrees 31 minutes 31 seconds West 345.58 feet to a 5/8" rebar in the west line of Orders, said rebar having N.C. grid coordinates (NAD 83/2011) of N 717,839.46, E 1,312,259.96; thence, continuing with the west line of Orders, South 10 degrees 44 minutes 01 seconds East 24.86 feet to a 1/2" rebar, the southwest corner of Orders and the northwest corner of Douglas K. Holbrook as described in Deed Book 2996 at Page 244; thence, with the west line of Holbrook, the same bearing 150.07 feet to a 5/8" rebar, the southwest corner of

Holbrook and the northwest corner of an unnamed 60' right-of-way; thence, crossing the western terminus of said right-of-way, South 10 degrees 34 minutes 17 seconds East 60.06 feet to a 5/8" rebar, the southwest corner of said right-of-way and the northwest corner of Barbara Ann Bolton as described in Deed Book 2033 at Page 467; thence, with the west line of Bolton, South 10 degrees 45 minutes 55 seconds East 179.96 feet to a 1" pipe, the southwest corner of Bolton in the north line of Tracy Shrum as described in Deed Book 3054 at Page 1879; thence, with the north line of Shrum, South 79 degrees 07 minutes 15 seconds West 298.98 feet to a tack in a stump; thence, continuing with the north line of Shrum, South 89 degrees 04 minutes 10 seconds West, passing a 1/2" rebar at 150.34 feet, a total distance of 197.09 feet to a nail in a stump, the northwest corner of Shrum and the northeast corner of Ralph Edward Shrum as described in Deed Book 1577 at Page 601; thence, with the north line of Shrum and Ralph Edward Shrum, et al. as described in Deed Book 3395 at Page 767, North 88 degrees 36 minutes 44 seconds West 300.44 feet to a stone, the northwest corner of Shrum in the east line of Nancy Frye Seagle as described in Deed Book 344 at Page 236; thence, with the east line of Seagle, North 18 degrees 58 minutes 16 seconds West 481.91 feet to a 1" angle iron, the northeast corner of Seagle and the southeast corner of Windsong Property Owners, Inc. as described in Deed Book 2676 at Page 430; thence, leaving the new City of Hickory city limits and running as existing City of Hickory city limits as shown in Plat Book 45 at Page 40 the following calls: with the east line of Windsong Property Owners, Inc., North 19 degrees 00 minutes 03 seconds West 399.68 feet to a 1/2" rebar in the west line of Byron Perez as described in Deed Book 2590 at Page 009, said rebar having N.C. grid coordinates (NAD 83/2011) of N 718,213.03, E 1,311,259.35; thence, with the west line of Perez, Ich Chan Chiem as described in Deed Book 3286 at Page 1893, Philip Taylor Dellinger as described in Deed Book 2590 at Page 53, Michael Colin McFadden as described in Deed Book 3474 at Page 1149, Brian M. Miller as described in Deed Book 3463 at Page 281, Community Link Home Ownership, LLC as described in Deed Book 3545 at Page 721, Windsong Property Owners, Inc. as described in Deed Book 2449 at Page 1833, North 03 degrees 39 minutes 52 seconds East 508.52 feet to a 1" pipe in the west line of Windsong Property Owners, Inc; thence, continuing with the west line of Windsong Property Owners, Inc., North 03 degrees 34 minutes 04 seconds East 54.69 feet to the point of beginning. Containing 29.277 acres more or less.

This description is drawn from a plat by Derek R. Bunton, PLS L-4808 entitled "Contiguous Annexation by the City of Hickory known as Huffman Project Group, LLC Property" and dated September 22, 2021.

Section 2. Upon and after the 30th day of November 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.

5. Approved on First Reading Rezoning Text Amendment 23-02 to the Hickory Land Development Code. – Presentation by Planning Manager Cal Overby.

The City's Land Development Code serves as the City's regulatory document dealing with development activities within its jurisdiction. The document is intended to change from time to time to reflect changes in development concepts and present-day trends. Annually staff reviews the document to identify updates of modification needed to comply with relevant statutes and conform to new development trends. The proposed amendments are intended for three purposes: bring the document into compliance with several recently enacted State statutes dealing with development approvals; modify sections that did not work as intended; and bringing forward amendments needed to provide greater flexibility in dealing with current development trends. Staff conducted a review of the Hickory Land Development Code and has found the proposed amendments necessary to continue the document's purpose as an implementation tool for the Hickory By Choice 2030 Comprehensive Plan. The Hickory Regional Planning

Commission conducted a public hearing on October 25, 2023, to consider the proposed amendments. During the public hearing, no one spoke in favor or opposition of the proposed amendments. During its review and consideration, the Planning Commission recommended leaving the portion of Section 9.3.17 within the Ordinance. This specific verbiage requires the installation landscape medians in large parking lots. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the amendments consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (6-0) to recommend approval of the amendments. 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 October 28, and November 4, 2023.

Mayor Guess asked City Manager Warren Wood to introduce the fifth public hearing.

City Manager Warren Wood asked Planning Manager Cal Overby to the podium to present Council with rezoning text amendment 23-02 to the Hickory Land Development Code.

Planning Manager Cal Overby gave a PowerPoint presentation. He mentioned each year staff looks at the City's Land Development Ordinance to basically see what did not work and what also the legislature gave them to change. Every year it seemed to be something. About 6-8 years ago, legislature started going through development standards, permit rights, vested rights, and changed a lot of stuff. They were getting to where he thought they were there with the changes that they were putting there and everything. That predicated why he was before Council tonight.

Mr. Overby advised the application was the City of Hickory, an annual review, which he just talked about. Article 2 was procedures, how we do things, the order and everything within the City's Land Development Code (LDC). There were several changes made in this. One was the notice requirements in the code were changed to reference to General Statutes because they had changed, versus changing the City's code every time something changes in the Statute, which was referenced to the Statute, it just made it a lot easier so that they do not have to come before Council every year or six or eight months when they decide to be changed. The building permit vested rights were updated. The Statutes state that the vested right period for a build permit was one year and if it ceases construction, within six months, then it was void, If it had continually lapse of movement within the development for six months it was done. They also deleted some of the necessary verbiage for approval of subdivisions. The deletion of four pages that were talked about elsewhere. If they could delete something that may confuse one person from looking at it, then let's do that.

Mr. Overby discussed Article 3, based on the districts the legislature changed how residential building code was titled. They went through the Ordinance and changed the reference to match what the building code said because it used to say one- and two-family residences, now it just says residential building code, that covers one and two family, everything above that basically falls on a commercial building code.

Mr. Overby discussed Article 4, overlay districts. There was a change that came to the water supply watershed ordinance which was actually a part of the development code. That was mandated by the State of North Carolina for water supply watersheds, which were areas where water was taken and changed the potable water for the City's citizens. This section provided a bunch of stuff. It added a number of definitions, added additional prohibitive uses within these areas, and rearranged how they calculate density. Density being coverage of property. That was hard surfaces on the ground. They started looking at the use regulations.

Mr. Overby discussed Article 6, use regulations. They added a listing in the table for food trucks because those things were getting kind of popular. The individual food trucks sitting in front of the factory or whatever or the hospital was usually not a big deal. But when they have a conglomeration of these things, they need to set up something that makes them function correctly: 1) parking; 2) how they were set up to make sure they were spaced correctly and things of that nature. They looked at that and he looked at a couple of different jurisdictions himself to see kind of sort of what they were doing, and they made a hybrid for themselves that he believed would work. If not, he would be back next year to say it did not work. There was another elimination, Council eliminated the use of property in

R-4 zoning districts for mobile homes. Mobile home parks were actually permitted use in R-4 districts. At least they were, and now they were only in R-1 district. They eliminated that so that they do not have perpetual inflow of really substandard manufactured homes, which they had for a long time that were coming in really substandard manufactured homes. Council addressed that earlier in the year if he was not mistaken. He reiterated they provided some development standards for food truck courts, which was actually the area where they would have to be located. They did several things in the use regulations. One was they moved building height standards to article seven for accessory structures. It did not make any sense that it was there. They eliminated prohibition on fences greater than 4 feet in height in the front yard. Asked why, because they could plant Leland cypresses in their front yard, and they would grow 40 feet tall. What was the difference between an 8-foot fence and a 40-foot-tall Leland Cypress other than they do not get girth and they were not worried about them being in the streets. That was the rationale behind that. They were allowing larger accessory dwelling units. Accessory dwelling units were becoming more and more popular across the State and the Country. They were almost like an infield for affordable housing and also just generating revenue off of a residential lot. The prior code allowed 750 square feet. They looked at a couple of different places around 900 square feet, which was a larger one-bedroom apartment, perhaps a smaller two-bedroom apartment. That was something that they could see that would be a benefit for housing stock in the area. They revised the permit requirements for food trucks. They do not need a permit if they are going to set up in front of a factory or business that is not a public parking space, that was a completely different scenario there.

Mr. Overby discussed Article 7, design standards. Revised to reduce lot widths in the R-3 and R-4 districts. This was done with the hopes and the intentions of creating more opportunity for dividing lots to create more lots for infield housing. Currently, R-3 districts require 60 foot of width and R-4 was 50 foot of width. Their proposal was to reduce width for each district by 10 feet. They were looking at 50 and 40. Surprisingly enough, if they actually looked at tax maps and go through some of a lot of their older neighborhoods, these match what they see. That was what they would see. It changes the code, but he was not sure that it actually changed the character that they see in those areas. Revised additional setback requirements for multifamily development. If they were building a multifamily development against a single-family residents anything over two stories would require an additional 10-foot offset so that they were not creating a tower effect for apartments. This would not apply to developments downtown, which were larger buildings there. They would not usually see anything above three stories in a residential district typically. No changes to indicate that rear and side setbacks did not apply when they have party walls because that would make no sense. It was in there and they had always implied that but go ahead and write it out so that they do not get that question all the time from developers and builders.

Mr. Overby discussed Article 8, subdivision standards. They revised it to eliminate the payment of fee in-lieu of standard sidewalk installation. This was being done where there was no sidewalk network whatsoever. As they go into some of these more rural areas or go into greenfield sites there were no sidewalks anywhere on any of these roads. The internal of a development would have that but on the external, say it was along a State road, what would be the good for that other than adding cost to the developers, which he would prefer not to do if they did not have to.

Mr. Overby discussed Article 9, standards of general applicability. He actually saw an example of this over the weekend, eliminate the requirement for dumpster enclosures when you cannot see them. He pulled through the Viewmont carwash this weekend to wash his car with his daughter and there was a dumpster enclosure between two buildings that you could not see from the road, and they made them build that and it served no purpose other than to increase the cost of building. This was not saying that they were going to see one front and center on the road. If it was there, then they were going to have to put it in an enclosure, but if it was behind the building or was not visible from the street, it was just a pointless regulation. State clearly that landscaping requirements for parking lots apply to parking lots in one- and two-family development when the parking lot was not part of someone's lot. For example, you have a development, it was a subdivision. Say there was an amenity area that has a pool, clubhouse, whatnot. This would actually require that to have landscaping around it, which would make sense. The individual residential lot, not so much, but that physical parking lot, which in all honesty would not be that much landscaping. Eliminate calculation determinant vegetation credit. What was done in the past, the distinguished Planning Director used some judgment on the sites and his judgment had been pretty well received on a lot of them, and

they got a good product out of it. Clarify that mechanical equipment does not need to be screened for single-family residences because that question has come up. Increase spacing for trees and shrubs along and around parking lots. Currently, the spacing for trees is 30 feet. The proposal was to increase that to 45. There were a couple of different reasons beside this here: 1) the vitality of the trees. If you start to plant too close together, the trees are growing together and that conversely makes you not be able to see the business that was there. They want businesses to look good, and attractive. They would like some amenities such as trees and whatnot, but they might be going too much there, let's spread it out a little bit and see how it works and also getting up close to sidewalks causes all kinds of trouble. Moving fence regulations to Article 6.

Mr. Overby discussed Article 10, signs. Revised the sign section to reference their engineer manual practice for site triangles and things of that nature. They included graphics in the code so they could see what the code was talking about, which helped visual thinkers. Revised to clarify construction signs must conform to the sign specifications, meaning that if they have a construction sign in a residential district, they do not want a billboard, they just want a sign that was compatible with the size requirements of the particular district they were located in. Non-conforming meaning that it exists there, but it would not be permitted under current circumstances.

Mr. Overby discussed Article 12, nonconformities, again, eliminate the opportunity to replace non-conforming mobile homes in districts where they were no longer permitted. That was in the code. They decided to take it out based upon the prior action Council took regarding mobile homes in the R-4 zoning districts. They put standards in to address signs on property where businesses no longer exists. That was considered off premise advertising, which the code does not allow anyhow. This addressed that and it gave them a mechanism to be able to enforce that.

Mr. Overby discussed Article 14, definitions. They added some definitions to the code regarding food trucks, food truck courts, and a clarification of nontraditional residential construction such as container homes and things of that nature.

Mr. Overby concluded his presentation and asked for questions.

Mayor Guess asked for questions for Mr. Overby.

Alderman Wood commented there was a confluence of smaller lot sizes and larger accessory dwelling units. He asked if they were going to adjust the current setbacks required for those units because if lots were getting smaller and accessory dwelling units were getting larger, it seemed like something had to give there and it seemed like the setback would be it.

Mr. Overby believed that they were leaving the setback as was. He explained the reason being was because the code currently dictated that any building, if the accessory building does not say whether it was a dwelling unit or it was a lawn mower shed, or a detached garage or whatever. Anything over 500 square feet had to comply with the setback standards for which it was located in, it gives them a uniformity of setbacks. Think about it in this context, they have a house here, you live here, and your neighbor lives here, it was almost like they were putting in a smaller house in the backyard. That was going to offset the same as their regular house would set. You would not want it to be smaller like lawnmower sheds and stuff like that at or below 500 feet. For example, a district that had a 10-foot setback, theirs would be half of that.

Alderman Wood understood the explanation Mr. Overby provided.

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

Alderman Seaver moved, seconded by Alderman Zagaroli approval of text amendment number 23-02 to the Hickory Land Development Code. The motion carried unanimously.

#### ORDINANCE NO. 23-33

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING ARTICLES 2, 3, 4, 6, 7, 8, 9, 10, 12 AND 14 OF THE HICKORY LAND DEVELOPMENT CODE.

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

WHEREAS, the City of Hickory has reviewed its Land Development Code in light of the Hickory by Choice 2030 Comprehensive Plan and the North Carolina General Statutes and found the amendments shown in EXHIBIT A are necessary to maintain the relevancy of said plan and to remain compliant with state statutes; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed amendments during a public hearing on October 25, 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 amendments are in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare, and comply with applicable state statutes; and

WHEREAS, the City Council has found Text Amendment 23-02 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan,

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

SECTION 1. Findings of Consistency and Reasonableness.

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

The amendments reflect updates found necessary ensure the continued relevancy of the Hickory by Choice 2030 Comprehensive Plan and remain in conformity with the North Carolina General Statutes.

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

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

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

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

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

SECTION 3. Technical Corrections. City Staff is authorized to correct any typographical, cross-reference, numbering, formatting, or other errors which may hereafter be discovered and to publish or distribute correction sheets as may be necessary. This section shall not be construed as authorizing City Staff to make any substantive changes to the provisions of the code without presenting the same to Council for consideration and approval as required by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 23-02 to be reasonable and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

B. Departmental Reports

- 1. Appointments to Boards and Commissions

**BUSINESS DEVELOPMENT COMMITTEE**

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

**HICKORY REGIONAL PLANNING COMMISSION**

(Term Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)  
Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Historic Properties Owner (Council Appoints) VACANT  
At-Large (2) (Council Appoints) William Gardner Jr. Resigned 10-23-23 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

**RECYCLING ADVISORY BOARD**

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

Mayor Guess encouraged those in attendance to apply to be considered for an appointment to the Boards and Commissions. They could see one of the Council members and they could point them in the right direction.

C. Presentation of Petitions and Requests

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

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

Mayor Guess noticed every year they do the service awards for the City's employees, and he thought it was interesting this year they had 18 coworkers with 20-years or more, one with 22, 12 with 25 years, 10 with 30 years of service, 1 with 32 years of service, 1 with 35 years of service and the winner went to the Airport Manager, Mr. Terry Clark with 45 years of service to the City of Hickory. All in total, they had 44 coworkers with over 20 years of service to the City of Hickory. He thought that was a testament to everyone. He thanked them for their service.

City Manager Warren Wood commented Ellen Wilkie had 40 some. She was neck and neck with Terry.

Mayor Guess commented that one was not on his list. To all of those folks, congratulations. He extended condolences to fellow Council member, Alderman Sever in the recent passing of his father.

Alderman Seaver thanked Council.

Alderman Freeman commented he certainly had his prayers. He mentioned it was Election Day and he believed the polls had closed at 7:30 p.m., and he had a sneaky suspicion that maybe he had been elected for a new term.

Mayor Guess commented they would soon find out.

Alderwoman Patton mentioned the Hickory parade was next Friday.

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Mayor Guess advised the Christmas parade, a lot of work, a lot of effort, and a lot of planning goes into that. They were excited. It was just right around the corner. This year is almost over.

XIV. There being no further business, the meeting adjourned at 8:08 p.m.

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Mayor

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City Clerk