

A G E N D A
HICKORY CITY COUNCIL

May 7, 2024



Life. Well Crafted.

6:00 p.m.



AGENDA
www.hickorync.gov

If you have any questions about any item on this agenda or if you need more information about any item in addition to the information contained in the agenda package, please call the City Manager at 323-7412. For more information about the City of Hickory go to: www.hickorync.gov.

Hickory City Council
76 North Center Street

May 7, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend David Roberts, Morning Star First Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of a Proclamation for National Police Week 2024. **(Exhibit IV.A.)**
 - B. Presentation of a Proclamation for Building Safety Month – May 2024. **(Exhibit IV.B.)**
 - C. Presentation of a Proclamation to Lenoir-Rhyne University Track and Field Athlete Alexis Brown. **(Exhibit IV.C.)**
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of April 16, 2024. **(Exhibit VI.A.)**
 - B. Special Meeting of April 18, 2024. **(Exhibit VI.B.)**
- 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.
 - A. Budget Revision Number 19. **(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.
 - A. Approval of the Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along 525 9th Avenue NW, Petition Number 24-01. **(Authorize Public Hearing for June 4, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**
 - B. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of 1.821-Acres Located at 2326 12th Avenue Drive NE, Hickory, PIN 3723-13-03-2690, Owned by Terry Dean Hollar. **(Authorize Public Hearing for May 21, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**

- C. Approval of the Letter of Agreement for Airport Safety Maintenance Projects, and Resolution with the North Carolina Department of Transportation. **(Exhibit VIII.C.)**

Staff requests City Council's approval of a 5-year Letter of Agreement for Airport Safety Maintenance Projects with the North Carolina Department of Transportation (NCDOT). The NCDOT Division of Aviation (NCDOT-DOA) created the Airport Safety/Maintenance Program several years ago to apply available State funds to assist publicly owned and operated airports with airfield safety projects. Agreeing to this program by signing the Letter of Commitment allows the NCDOT-DOA to provide safety/maintenance services to the Hickory Regional Airport at no cost to the City. This Letter of Agreement is for a 5-year period and can be cancelled by either party at any time via written notice. Such maintenance/safety improvements that can be performed under this agreement may include, but not limited to joint and crack sealing, pavement repairs and patching, surface treatments, maintenance overlays, electrical, grading, drainage improvements, pavement markings and/or other infrastructure maintenance. The City would be responsible in allowing the NCDOT to use State and/or private contractors; provide an authorized representative to be present while work is in progress; provide qualified monitoring of airport's UNICOM radio transceiver; to temporarily close any runways, taxiways or ramps as needed; to issue any necessary NOTAMS (Notices to Airmen); allow the NCDOT to determine the design, scope of work, materials to be used and methods for project; hold harmless NCDOT from all suits, actions or claims resulting from performed work and to be in good standing on all State and Federal grant requirements and assurances. Entering into this agreement aligns with the goals for the airport's future expansion and economic development. The safety/maintenance services this agreement provides could assist in improvements to the airport's infrastructure for expansion so as to entice and resume commercial air service and add additional corporate aviation use. Airport staff recommends the City Council's approval of the Letter of Agreement for Airport Safety/Maintenance Projects and Resolution with the North Carolina Department of Transportation.

- D. Approval to Accept the Summer Fire Camp Grant in the Amount of \$2,500 from the Office of State Fire Marshal. **(Exhibit VIII.D.)**

Staff requests approval of acceptance of the grant in the amount of \$2,500 from the Office of State Fire Marshal (OSFM) for their yearly summer fire camp, S.A.F.E.R (Student Academy of Fire, EMS, and Rescue) Camp, led by the Fire and Life Safety Division. OSFM awarded the City of Hickory Fire Department the OSFM/BCBS grant to be used towards the expenditures of the S.A.F.E.R Academy. The S.A.F.E.R. Camp is dedicated to educating, exposing, and recruiting high school students to careers in the fields of fire, EMS, and rescue. The curriculum covers a range of topics including the use of industry-standard personal protective equipment (PPE), CPR Training, agility tests, station tours, investigations, 911 communications, and a special graduation luncheon. The positive outcomes from the past three years of S.A.F.E.R Camp have been a driving force for a continued partnership with Catawba County Schools and to enhance the experience for future campers. Campers, throughout the years, have joined their local departments as Junior Firefighters and some completed the CVCC Fire Academy while being hired on to surrounding departments, one being Hickory Fire Department. S.A.F.E.R Camp has proven to be a great resource for high school students in Catawba County. Staff recommends the approval of accepting the Summer Fire Camp grant award in the amount of \$2,500 from the Office of State Fire Marshal.

- E. Approval of the Correction of Resolution Number 24-16 Accepting the Offer of Public Dedication of Lands and Improvements Known as 14th Avenue Drive SE, a 45-Foot Right of Way Recorded in Plat Book 84 at Page 75 of the Catawba County Registry. **(Exhibit VIII.E.)**

City Council approved Resolution Number 24-16 on April 2, 2024 accepting the offer of public dedication of lands and improvements known as 14th Avenue Drive SE, which is a 45-foot right of way recorded in Plat Book 84, at Page 75 of the Catawba County Registry.

The Resolution inadvertently stated, "14th Avenue Drive NE", but should have read "14th Avenue Drive SE". Staff requests approval of the correction of Resolution Number 24-16 to "14th Avenue Drive SE".

- F. Acceptance of the Bid and Award the Contract to Neill Construction Company in the Amount of \$1,208,714 for Construction of 12 T-Hangars at Hickory Regional Airport on the North Ramp. **(Exhibit VIII.F.)**

Staff requests City Council's approval to award a construction bid with Neill Construction Company and authorize the City Manager to approve a construction contract in the amount of \$1,208,714 to construct twelve new T-hangars on the North Ramp of Hickory Regional Airport. The City purchased its first set of 12 individual T-hangars in 2023 from Fulfab, Inc. and construction was completed last month. A new set of 12 individual T-hangars has been ordered from Fulfab Inc. and will arrive onsite in mid-May. Construction will occur adjacent to the first set of hangars on the north ramp of the airport and take approximately 180-days to complete. The T-hangars are designed to accommodate small to midsize aircraft that are currently leasing space in the larger group hangars. Once they are moved from the group hangars, additional aircraft are able to move to the airport off of a waiting list. The City requested construction bids in April and received a total of 7 bids. The lowest responsive bidder was Neill Construction Company with a low bid amount of \$1,208,714. The new hangar development aligns with the recommendations of the Hickory Regional Airport Task Force Report to promote and expand the assets at the airport to increase revenues through expansion of the number of base aircraft. The project will be funded with NC Department of Transportation Reserve Funds that were allocated in the fiscal year 23-24 budget. Staff recommends the City Council award a construction bid and authorize the City Manager to approve a construction contract with Neill Construction Company in the amount of \$1,208,714 for the construction of 12 new T- hangars at the Hickory Regional Airport.

- G. Budget Revision Number 20. **(Exhibit VIII.G.)**

1. To close out the Bruce Meisner Park Project and transfer \$24,840 to General Fund Balance.
2. To appropriate \$24,840 from General Fund Balance and transfer \$630,160 from vacancy savings and other General Fund line items to pay for police vehicles, upfitting, and taxes for the Hickory Police Department.
3. To appropriate \$95,000 from the State and Local Cybersecurity Grant Program and establish the State & Local Cybersecurity Grant Project. \$5,824 will be transferred from the Information Technology department to cover additional equipment costs within the project.
4. To appropriate \$4,557 from the sale of a vehicle towards operating costs within the Parks and Public Properties: Landscaping Department.
5. To appropriate a total of \$50,300 in grant revenues received from T-Mobile. \$50,000 will cover the cost of improvements at Samuel W. Davis Sr. Field, while the remaining \$300 will reimburse the Parks, Recreation, and Sports Tourism department for event costs pertaining to the grant's reception.
6. To appropriate \$27,145 in insurance proceeds within the Insurance Fund for a worker's compensation claim.
7. To appropriate \$2,178 in General Fund Balance – Restricted for Department of Treasury to reimburse K-9 training expenses within the Hickory Police Department.
8. To appropriate a total of \$6,675 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.
9. To appropriate a payment of \$6,933 from Carolina Video Security to reimburse the police department for their cost share for the installation of video equipment at the Task Force Office.
10. To appropriate a total of \$6,584 in online sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business

A. Public Hearings

1. Consideration of the Voluntary Contiguous Annexation of 31.388-Acres Located at 2063 Startown Road, PIN 3721-13-04-3211, Owned by Bowman Rentals, LLC – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 31.388 acres property located at 2063 Startown Road, identified as PIN 3721-13-04-3211. 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 2 dwelling units per acre. If annexed, the property owners have requested the property be zoned Planned Development, with their future intentions being the construction of 75 single-family townhomes and 12 apartment buildings consisting of 300 units. This would equate to a density of approximately 11.9 dwelling units per acre. The surrounding properties are zoned R-20 Residential, R-2 Residential, and Planned Development and are occupied by detached single-family residences, and apartments. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 20, 2024.

2. Consideration of Rezoning Petition 24-05 for Property Owned by Bowman Rentals, LLC, Located at 2063 Startown Road, PIN 3721-13-04-3211 - Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

The applicant has submitted a petition requesting to rezone the subject properties from Catawba County's R-20 designation to City Planned Development (PD). The current residential (R-20) zoning assigned to the property allows for primarily residential uses. As currently zoned, the subject properties could theoretically yield up to 62 dwelling units. These numbers are a theoretical maximum, and other regulatory requirements for building setbacks, parking, buffering, natural features, and similar items could substantially decrease this maximum intensity. It should also be noted that the R-20 zoning district has a maximum height limitation of 45 feet, therefore any new structures could not exceed three (3) stories. The requested Planned Development is proposed to be residential in nature. The plans depict the properties as consisting of twelve (12) residential apartment buildings, which contain 300 dwelling units with 75 townhome units. Calculations would put density at roughly 12.17 units per acre when considered with the entire project density. The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition and acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 27, 2024, and May 4, 2024.

3. Consideration of the Voluntary Non-Contiguous Annexation of 49.21-Acres Located at 3940 River Road, PIN 3710-09-17-5434, Owned by Boureau and Creech Properties, LLC – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.3.)**

Consideration of the voluntary non-contiguous annexation of 49.21 acres property located at the 3940 River Road, 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 2 dwelling units per acre. If annexed, the property owners have requested the property be zoned Medium Density Residential Conservation (R-2), with their future intentions being the construction of a 99-lot single-family residential subdivision. This would equate to a density of 2.07 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. Staff determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 20, 2024.

4. Consideration of Rezoning Petition 24-06 for Property Owned by Boureau and Creech Properties, LLC, Located at 3940 River Road, PIN 3710-09-17-5434 – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.4.)**

Boureau and Creech Properties, LLC has submitted a petition requesting the consideration of rezoning property located at 3940 River Road from R-20 Residential to Medium Density Residential (R-2). The property is vacant and zoned R-20 Residential by Catawba County. The property is in the process of being annexed, and the owners have requested the property be rezoned to Medium Density Residential Conservation (R-2) upon completion. The 47.53-acre property is zoned R-20 Residential by Catawba County. This district permits residential uses (single and two family) at maximum density of 2 dwelling units per acre, which could potentially produce up to 98 new dwelling units. The requested Medium Density Residential would consist of up to 99 single-family detached dwellings, which calculates to be 2.07 units per acre. The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition and acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted 6-1 to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 27, 2024, and May 4, 2024.

5. Consideration of Rezoning Petition 24-07 for Property Owned by Jonathan and Mary Bonelli, Located on 5th Avenue NW, PIN 3703-17-02-8192 – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.5.)**

Jonathan and Mary Bonelli have submitted a petition requesting the consideration of rezoning property located at 5th Avenue NW, PIN 3703-17-02-8192 from General Business (C-2) to Medium Density Residential (R-2). The property is currently unoccupied, unimproved vacant land totaling 0.35 acres. The property is C-2, which does permit some residential uses such as single family detached residences, accessory dwellings, duplexes, multi-family structures, and upper story residential, but does not permit single family detached residences. The owners have requested the property be rezoned to R-2 Residential. This

residential district permits a maximum density of 4 dwelling units per acre and would allow for a single family detached residence to be built, keeping with the medium density future land use. The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition and acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 27, 2024, and May 4, 2024.

6. Consideration of Rezoning Petition 24-08 for Property Owned by Donald C. Scronce, Located at 2010 Startown Road, PIN 3721-09-05-4815 – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.6.)**

A petition has been submitted requesting the consideration of rezoning property located at 2010 Startown Road from Low Density Residential (R-1) to Regional Commercial (C-3). The subject property is currently zoned R-1 Residential and totals +/- .54 acres in total size. The current R-1 zoning district is primarily residential and permits one and two-family residential uses at a density of two dwelling units per acre. The subject property is currently occupied by a commercial building. The owners' intention is to continue utilizing the property as an office. The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan and voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 27, 2024, and May 4, 2024.

B. Departmental Reports

1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Caucasian (Council Appoints) Cliff Moone Resigned 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
Building Trades Profession (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints)

VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints)
Ward 6 (Patton Appoints)
At-Large (Council Appoints)
At-Large (Council Appoints)

VACANT
VACANT
VACANT
VACANT

TOURISM DEVELOPMENT AUTHORITY

Hickory Representative Owner/Operator

VACANT

TDA Board Recommends the Nomination of Brad Lail as a Hickory Representative Owner/Operator.

- 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
- XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

The City of Hickory holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting. Phone Services (hearing impaired) – Call 711 or 1-800-735-2962



PROCLAMATION National Police Week 2024

To recognize National Police Week 2024 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

Whereas: there are approximately 700,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Hickory Police Department; and

Whereas: there were 43,649 assaults against law enforcement officers in 2021, resulting in 15,369 injuries; and

Whereas: a total of 2,670 law enforcement officers died in the line of duty during the past 10 years, and average of 267 per year. There were 136 law enforcement officers killed in the line of duty in 2023; and

Whereas: since the first recorded death in 1786, more than 26,572 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including Jerald Wayne Maynor of the Hickory Police Department on August 9, 1977; and

Whereas: the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

Whereas: the Congress and President of the United States have designated May 12, 2024 as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

NOW THEREFORE, I HANK GUESS, MAYOR OF THE CITY OF HICKORY, on behalf of Hickory City Council, do hereby proclaim May 12-18, 2024, as Police Week in the City of Hickory, and publicly call upon all citizens to honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

Proclaimed this, the 7th day of May 2024.

Hank Guess, Mayor



Life. Well Crafted.

Proclamation Building Safety Month — May 2024

Whereas, the City of Hickory is committed to recognizing our growth and strength depends on the safety and essential role our homes, buildings, and infrastructure play, both in everyday life, and when disasters strike; and

Whereas, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians –building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers, and others in construction industry—who work year-round to ensure the safe construction of buildings; and

Whereas, these guardians are dedicated members of the International Code Council, a non-profit that brings together local, state, territorial, tribal, and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, and play; and

Whereas, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods, and earthquakes; and

Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, sustainable, and affordable buildings that are essential to our prosperity; and

Whereas, “Mission Possible” the theme for Building Safety Month 2024, encourages us all to raise awareness about building safety on a personal, local, and global scale; and

Whereas, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience, and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus, and federal agencies in protecting lives and property.

NOW, THEREFORE, I Hank Guess, Mayor of the City of Hickory, on behalf of Hickory City Council, do hereby proclaim the month of May 2024 as

Building Safety Month

in the City of Hickory. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

Proclaimed this, the 7th day of May 2024.

Hank Guess, Mayor



Life. Well Crafted.

Office of the Mayor

Exhibit IV.C.

City of Hickory

PO Box 398

Hickory, NC 28603

Phone: (828)323-7412

Fax: (828)323-7550

Email: hguess@hickorync.gov

PROCLAMATION RECOGNITION OF LENOIR-RHYNE TRACK AND FIELD ATHLETE, ALEXIS BROWN

WHEREAS, on March 9, 2024, in Pittsburg, Kansas, Lenoir-Rhyne Track and Field athlete, Alexis Brown, captured her second and third National Championship titles at the NCAA Division 2 Indoor National Championships; and

WHEREAS, Brown recorded first-place finishes in the 60-meter dash with a time of 7.18 seconds and the 200-meter dash with a time of 23.32 seconds; and

WHEREAS, with those performances, Brown was named the South Atlantic Conference Women's Indoor athlete of the year for the second straight year; and

WHEREAS, Brown was also recognized as the 2024 Women's Southeast Region Track Athlete of the year; and

WHEREAS, on April 13th, 2024, in Hickory, North Carolina, Brown also set the NCAA Division 2 all-time record in the 100-meter dash with a time of 11.09 seconds.

NOW, THEREFORE, I HANK GUESS, MAYOR OF THE CITY OF HICKORY, on behalf of Hickory City Council, do hereby recognize the

LENOIR-RHYNE TRACK AND FIELD ATHLETE, ALEXIS BROWN

and congratulate her on her prestigious championship and commend her for her hard work and dedication to her sport and Lenoir-Rhyne.

This the 7th day of May, 2024.

Hank Guess, Mayor

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, April 16, 2024, 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, Assistant City Manager Yaidee Fox, City Attorney Timothy Swanson, Deputy City Clerk Crystal B. Mundy, and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Christy Lohr Sapp, St. Andrews Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of a Proclamation for National Public Safety Telecommunications Week to Hickory Police Department Telecommunicators.

Mayor Guess asked all of the City's Police Telecommunicators present to the front for a special presentation, along with the City's Police officers that were present as well. He commented that this is a very special group of individuals. It was National Public Safety Telecommunications Week. They were so special, they do not get a day, they get an entire week. He certainly wanted to thank them and recognize them for their service, 24/7 just like the Police officers, and Firefighters, and some of the other departments that work tirelessly. The communications personnel, a lot of times work behind the scenes, and perhaps they do not get all of the recognition that they should, but he could promise them that the work they do was extremely important, and none of the rest of it would work if it was not for them answering the phones and dispatching the officers on the radio. He mentioned that he actually started as a Telecommunicator 45 years ago, right behind the City Hall building, at the old Police Department. The Telecommunicators had a very special place in his heart. He read and presented the Proclamation for National Public Safety Telecommunications Week to those in attendance.

Hickory Police Department Chief Reid Baer commented that this is a special group of people. These folks answer over 100,000 phone calls a year. They dispatch over 70,000 calls for service, and a lot of times with the people they were talking to on the phone were in crisis, and they were able to do this calmly. They were able to give them a lifeline for their officers that were on the street and needed help. They could not do their job to any degree without them. He expressed his appreciation. Photos were taken.

Councilmembers thanked the Telecommunicators. It was noted there was a male Telecommunicator now as well.

- B. Recognition of Hickory Fire Department Awarded International Accredited Agency Status

Mayor Guess asked City Manager Warren Wood to introduce the presentation.

City Manager Warren Wood commented this was something special happening tonight. He asked Chief Matthew Hutchinson to the podium to introduce who he would like to join him at the podium.

Hickory Fire Department Chief Matthew Hutchinson referred to the Telecommunicators, although they just left, they were not Fire's primary dispatchers, the County was, but they interact with them just as much. They would call that number just as much. Everything they do, please let them know they appreciate them as well. With VIPER up, they would be talking a lot more. He introduced Jim White, who was the CFO for the Commission on Fire Accreditation International (CFAI), Captain Marcus Scott, and their mentor, Chief Lambert retired Dallas, North Carolina Fire Chief. The Commission on Fire Accreditation International created the accreditation process and there are currently over 319 accredited agencies worldwide. The process required a department to go through a self-assessment focused on industry strengths and weaknesses, using data and analytics to continuously improve. For reference, in North America alone, 13% of fire departments in the US were accredited. 19% of Canada were accredited. In North Carolina, there were 25 accredited fire departments, of which 13 were Class One. That was a dual notoriety, and Hickory Fire Department was one of those. Some examples of other ones that hold that dual accreditation and ISO were Asheville, Charlotte, Cary, Greensboro, Garner, Statesville, and Wilmington. Just to name some of the 13. Their department embraced the process of accreditation as an all hazards, quality improvement model, that was based on risk analysis and self-assessment, that promotes the establishment of community adopted performance targets for fire and emergency services. Understanding the model's intent, their department began the process over five years ago. They all worked together, and a lot

with Captain Marcus Scott, for it to culminate to their first team visit of this past September 2023. They completed the site visit with plenty of stress, and hair pulling, but they got through it, and the recommendation from the team was for accreditation. This year, on February 29, 2024, Chief Hutchinson, Captain Scott, and Deputy City Manager Rodney Miller went down to Orlando to sit before the hearings and were accredited. This honor reinforced that the City's fire department was data driven, outcome focused, strategic minded, well organized, adequately trained and properly equipped. He introduced Mr. Jim White, CFO, CFAI Program Manager for the accreditation program. He flew in from Florida today for this. Chief Hutchinson appreciated him being present.

CFO, CFAI Program Manager Jim White thanked the Council for having him. He thanked and recognized the community, Chief Hutchinson, and his staff of firefighters for what they had done to get to this point in adopting the self-assessment model of accreditation for the community. Chief Hutchinson was culminating all those things that have happened to them in the last several months. This did not just happen overnight, as they all well know. They gave them the guidance and direction to make this process the way that they do business. And that was why they were successful. They just could not make it happen. They have to go about acting and going through motions through their processes to be able to develop and respond to over 250 individual performance indicators that all have to be deemed credible by the peer assessment team that came for the site visit. Again, they could not have had that happen without the team, not only from the Fire Department, but from everywhere throughout the community, elected officials, City management and leadership, Human Resources, Finance Department, physical resources, communications that they talked about, and water supply. It examines everything that there was to do with providing fire protection to the City of Hickory. He came as a representative of the Commission, a 13-member commission that represented the fire service worldwide. He thanked them for using the process and applying it to the community, and he recognized them with a plaque. He recognized the Chief and all of the firefighters, and the entire community for this recognition of being accredited with the Commission on Fire Accreditation International. He thanked the Mayor and Chief Hutchinson.

Mayor Guess thanked Mr. White. He commented that he read somewhere that less than 1% of Fire Departments achieved this accreditation. He asked if that was that correct.

Mr. White replied yes, sir. As the Chief mentioned, not only had they adopted the accreditation model to use with the City's organization, but to achieve that and ISO Class One, he knew with his role, he was a 40-year firefighter and Fire Chief in Florida, and they had both of those recognitions. And it was not easy, but it recognized the community's commitment. When you say we support public safety, this really was the recognition of that. Because they absolutely do, or they would not be here. He thanked Council again.

Mayor Guess commented that they had certainly earned it.

City Manager Warren Wood wished to memorialize this. He asked the City Council up front with these folks, and they held the plaque up. Photos were taken. He mentioned they came all the way from Florida to Texas.

Mayor Guess thanked all of the Fire Department personnel, not just those that are in uniform, but those civilian personnel as well. He asked Chief Hutchinson if he would please pass along from the entire Council how much they appreciated all of the effort. He knew it took everybody to put effort into this. Please pass that along to the rest of the team, how much they appreciated this and how much they thanked them for their service.

V. Persons Requesting to Be Heard

VI. Approval of Minute

A. Regular Meeting of April 2, 2024.

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of April 2, 2024, be approved. The motion carried unanimously.

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

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

A. Approval of an Ordinance Amending Section 1-2 and Adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinance. (First Reading Vote: Unanimous)

B. Budget Revision Number 18. (First Reading Vote: Unanimous)

April 16, 2024

VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

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

A. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of 31.388-Acres Located at 2063 Startown Road, PIN 3721-13-04-3211, Owned by Bowman Rentals, LLC. (Authorized Public Hearing for May 7, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-17
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 Bowman Rentals, LLC requesting annexation of an area described in a petition was received on March 28, 2024, 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 Bowman Rentals, LLC, containing 31.388-acres more or less, located at 2063 Startown Road, Newton, NC, and identified as PIN 3721-13-04-3211.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 28th day of March, 2024.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-18
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 May 7, 2024, 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 Bowman Rentals, LLC, containing 31.388-acres more or less, located at 2063 Startown Road, Newton, and identified as PIN 3721-13-04-3211.

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. 24-19
A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY BOWMAN RENTALS, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Bowman Rentals, LLC is the owner of certain real property as described herein, which property is located at 2063 Startown Road, Newton, NC and identified as PIN 3721-13-04-3211, containing 31.388-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 16th day of April, 2024, 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 May 7, 2024, 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 Bowman Rentals, LLC, Voluntary Contiguous Annexation Map 1 Current City Boundary, subject property outlined in red; Bowman Rentals, LLC Voluntary Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Bowman Rentals, LLC Voluntary Contiguous Annexation, Map 3, Aerial Map 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.

B. Called for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 49.21-Acres Located at 3940 River Road, PIN 3710-09-17-5434, Owned by Boureanu and Creech Properties, LLC. (Authorized Public Hearing for May 7, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-20
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 Boureanu and Creech Properties, LLC requesting annexation of an area described in a petition was received on April 2, 2024 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 Boureau and Creech Properties, LLC, located at 3940 River Road, containing 49.21 acres more or less, and identified as PIN 3710-09-17-5434.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 2nd day of April 2024.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-21

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 May 7, 2024 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 Boureau and Creech Properties LLC, located at 3940 River Road, containing 49.21 acres more or less, and identified as PIN 3710-09-17-5434.

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. 24-22

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OF BOUREANU AND CREECH PROPERTIES, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Boureau and Creech Properties, LLC is the owner of certain real property as described herein, which property is located at 3940 River Road, Hickory, containing 49.21 acres more or less, and identified as PIN 3710-09-17-5434.

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 16th day of April 2024, 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 May 7, 2024 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 maps entitled Boureau & Creech Properties LLC, Voluntary Non-Contiguous Annexation Map 1, Current City Boundary, subject property outlined in red; Boureau & Creech Properties, LLC Voluntary Non-Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Boureau & Creech LLC, Voluntary Non-Contiguous Annexation Map 3, Aerial Photography 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.

- C. Approved the Issuance of Pyrotechnic Display Permits to PyroStar Entertainment for Fireworks Displays at the Hickory Motor Speedway.

Staff requests approval of the issuance of pyrotechnic display permits to PyroStar Entertainment for fireworks displays at Hickory Motor Speedway. Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted requests to obtain permission to conduct public fireworks displays on the following dates: May 17, 2024 (rain date September 14, 2024) and May 18, 2024 (rain date October 14, 2024). 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 recommend approval of the above pyrotechnics displays.

- D. Approved a Cemetery Deed Transfer from J. Patrick Pearce and wife, Lessie S. Pearce to William Brockman Long, and wife, Amanda Grimes Long, Oakwood Cemetery, Section 54, Lot 17, Spaces 001 and 002, and Lot 18, Spaces 001, and 002, Plot D. (Prepared by Attorney Julia J. Eurey.

- E. Approved on First Reading Budget Revision Number 19.

**ORDINANCE NO. 24-15
BUDGET REVISION NUMBER 19**

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
General Government	10,000	-
Culture & Recreation	52,789	-
Public Safety	3,898	-
TOTAL	66,687	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	14,464	-
Sales and Services	52,223	-
TOTAL	66,687	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
-----------------	----------	----------

Transportation	1,730	-
TOTAL	1,730	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	1,730	-
TOTAL	1,730	-

SECTION 3. To amend the Water/Sewer Fund within the FY 2023-2024 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	17,500	-
Contingency	-	127,000
Other Financing Uses	127,000	-
TOTAL	144,500	127,000

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	17,500	-
TOTAL	17,500	-

SECTION 4. To amend the Solid Waste Fund within the FY 2023-24 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	24,677	-
TOTAL	24,677	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	24,677	-
TOTAL	24,677	-

SECTION 5. To amend the McLin and Lyle Creek Wastewater Outfall (#803305) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water & Sewer Capital Projects	127,000	-
TOTAL	127,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	127,000	-
TOTAL	127,000	-

SECTION 6. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business
 - A. Public Hearings
 - B. Departmental Reports
 - 1. Approved the request to apply for the North Carolina Division of Parks & Recreation Accessible Parks Grant for an Inclusive Playground at Miracle of Hickory Park – Presented by Special Projects Manager for the City Manager Natalie Jackson.

The City of Hickory is eligible to apply for a reimbursable grant known as the Accessible Parks (AP) Grant in order to transform Miracle of Hickory Park into a

highly accessible park that meets the needs of individuals with disabilities. The AP Grant package is based upon public input, support, and the main site plan components of a previous submission for the NC Division of Parks & Recreation's Accessibility for Parks (AFP) Grant. The grant submission seeks funding for the creation of accessible routes, accessible restrooms, a shaded pavilion for photo-sensitivities, an accessible stage with ramp, accessible park furnishings and accessible parking improvements. Staff recommend approval of the request to apply for the Accessible Parks Grant.

Mayor Guess asked City Manager Warren Wood to introduce the departmental report.

City Manager Warren Wood asked Special Projects Manager Natalie Jackson to the podium to present Council with the North Carolian Division of Parks and Recreation Accessible Parks Grant for an inclusive playground at Miracle of Hickory Park.

Special Projects Manager Natalie Jackson gave a PowerPoint presentation. She shared an opportunity with Council for the City, the accessible parks grant. She explained what this grant does. It essentially allowed communities to construct or renovate facilities to make them more accessible. It had an impact focus. The City had an opportunity to pursue the grant and was looking at requesting \$496,000 for improvements to Miracle of Hickory Park. For the record, not to improve an inclusive play area, but to build upon the improvement that was happening right now, thanks to the Hickory Rotary Grant. What was great was the RRS representative had confirmed that their local match could actually consist of the grant that was received from Rotary and the City dollars that went into installing the inclusive playground that they were celebrating right now. The grant package was due May 1, and they hope to hear in August if they are selected, if Council decides to move forward.

Ms. Jackson discussed key points of this particular project. The Miracle of Hickory Park Improvement project was based on a previous accessibility for parks grant that the City submitted in the last round. They now have a completed Parks, Recreation and Sports Tourism Comprehensive Master Plan. That increases their chances of this grant exponentially. The project had tremendous community enthusiasm and support and previous approval by Council. They had seen this project before, just with some small enhancements. It was supported by a study called the CEPID when they took a look at the City in the four-county region, as far as individuals with disabilities go and what they have access to, particularly recreation, and also the new parks and rec comprehensive master plan supports this project. They have an enhanced site plan, to make sure that they accurately reflected accessibility improvements. That was the focus of this year's grant. It was focused on access impact, going from low access to high access was their goal. What was nice it also enhanced opportunities for veterans with disabilities to be served in a special way by proximity of the Armory next door. A perfect convergence of the Miracle of Hickory story, as well as military and the music that we hear on that property.

Ms. Jackson referred to the PowerPoint and displayed the park improvement site plan. They have the opportunity to increase accessibility by a series of accessible routes. They have accessible routes programmed in so that individuals can make their way from the parking lot to the amenities in the park. Also included in this grant were an accessible stage, accessible restroom, an inclusive shaded pavilion, as well as additional parking in partnership with the next-door Armory. They were really excited because basically they were making this park accessible, usable, and fun for individuals with disabilities through this project. She asked for the Council's support in submitting this grant package, and she asked for questions.

Mayor Guess asked the Council for any questions.

Alderman Wood asked Ms. Jackson when they were evaluating what disabilities will be accommodated by the equipment or whatever, were there specific ones? How did she get her guidance for that?

Ms. Jackson advised they used the CEPID study and looked at census population centers. Miracle of Hickory Park was located next to most of the population centers that included disabilities. They looked at that and said they could serve almost all disabilities through this project.

City Manager Warren Wood asked Ms. Jackson to explain what CEPID stood for.

Ms. Jackson advised the community enhancement project for individuals with disabilities.

Mayor Guess asked for any other questions. He thanked Ms. Jackson.

Alderman Seaver moved seconded by Alderwoman Patton approval of the submission of an application for the accessible parks grant. The motion carried unanimously.

Mayor Guess asked when they get the grant.

Ms. Jackson advised they would tell them at the end of August. She commented it was very exciting because the playground that was going in now was beautiful. It was really a win.

Mayor Guess thanked Ms. Jackson.

2. Approved the Sandy Pines Master Plan Update and the 2023-2024 PARTF Grant Submission – Presented by Special Projects Manager for the City Manager Natalie Jackson.

The City of Hickory is eligible to apply for a reimbursable grant, known as the North Carolina Parks and Recreation Trust Fund (PARTF) Grant, to launch an initial phase of Sandy Pines Park in the northeast quadrant of the City. A master plan for Sandy Pines Park was accepted by City Council in 2018 and included ample citizen engagement. The Sandy Pines Park Project is supported via an existing park master plan informed by citizen input. Through extensive analysis performed via the City's recent Parks Recreation and Sports Tourism Comprehensive Plan, development of the park is seen as a strategic goal backed by a statistically valid survey that calls for key amenities that it provides. There is citizen excitement, support, and constructive feedback to guide development. Staff have identified efficiencies for the site that necessitate a small master plan update to reflect them along with current project costs, citizen input and minor adjustments to street names. Staff recommend approval of the Sandy Pines Master Plan Update, grant submission and associated Resolution.

Mayor Guess asked City Manager Warren Wood to introduce the departmental report.

City Manager Warren Wood asked Special Projects Manager Natalie Jackson to the podium to present Council with the Sandy Pines Master Plan Update and the 2023-2024 PARTF grant submission.

Special Projects Manager Natalie Jackson gave a PowerPoint presentation. She advised with this grant, the PARTF Grant, they have an opportunity to actually jumpstart Sandy Pines Park if they receive this grant. The North Carolina Trust Fund was affording them an opportunity to apply for a grant of \$500,000. That was the max ask. Through the Resolution that was presented to Council, they would like to also ask for their approval of \$625,000 to complete the project. They would see that they were going to offer quite a bit out of the starting gate. The PARTF package is also due May 1, and the decision estimate was late summer, early fall 2024. Once they received the grant and signed the contract, there was a three-year period to complete, and that would have been the same for the other grant as well. What was really great was that they have a new master plan. The Sandy Pines Park property was purchased approximately 1985, In 2018, the master plan for Sandy Pines Park was approved. Now in 2023, they have a brand-new Parks, Recreation and Sports Tourism Comprehensive Master Plan. The timing was very good. They were able to use the grant for building, renovation, or acquisition of land. They were proposing the building of the first phase of Sandy Pines Park. The Parks Recreation and Sports Tourism Comprehensive Plan had a number of strategic initiatives. Three of those were touched by the Sandy Pines Park Project. Improving and maximizing existing assets, planning for growth, and equitable and inclusive access. In improving and maximizing their existing assets, Sandy Pines Park spoke for itself. They have the land, and that land was already master planned. With regard to planning for growth, the northeast quadrant, found in the master planning process, needed neighborhood parks. It was also the quadrant that had the largest population now and largest projected population in the master plan, it was a 10-year period. As far as equitable inclusive access to parks, they may have parks in the eastern quadrants, however, the neighborhood parks they have in the eastern quadrants were well below those in the west. The master plan itself called for the development of Sandy Pines Park and its recommendations. Another great point to make was NCDOT (North Carolina Department of Transportation) had projected 29th Avenue Drive NE as a widening project as possibly starting in 2028. They know that was subject to change, but the timing would be great with Sandy Pines Park. It was also a great time to start thinking about tweaking the 2018 master plan. In their analysis of putting together the grant package, they realized that they needed to create an efficiency. They amended

the location of the bathroom for sewer efficiencies. Also, they wanted to update the budget numbers. Things cost a lot different in 2018 than they do in 2024, so they looked at what would a phase one budget cost. There were some street name adjustments just for accuracy that they named in that update, which they were hoping the Council would also approve. She wanted to give a summary of feedback that they had received in this process. The updated feedback for 2024 on this park plan.

Ms. Jackson referred to the PowerPoint and displayed the site plan for Sandy Pines Park. They were definitely excited for this launch opportunity because it packed a lot of the amenities that were in the Master Plan, at least in part in this first phase. She pointed out some of the amenities, vehicular parking as well as the opportunity to give a pedestrian access. They knew this park serves Sandy Pines, Havenwood and Park View neighborhoods, which was pretty cool that they could do that right out of the starting gate. They were able to give an exercise loop, a paved walking trail, approximately just a little over a quarter mile worth of trail. They knew that trails were the number one unmet need that households said they needed when they did their recreation needs survey last year. The trails were just big, so they were able to offer a substantial trail out of the starting gate as well. Also, what was really great they could see that they would be able to install cornhole boards and a nature playground. A lot in a phase one.

Ms. Jackson advised the City had invested in this property already through its 2018 master plan, which was produced using public input and an existing site analysis. It was also supported again by the recent Parks Recreation and Sports Tourism Comprehensive Plan, and the recreation needs survey that was used for it. Many of the amenities were high priorities for citizens in that survey. They also engaged civic groups and were happy to say that the Kiwanis Club of Hickory, as well as Hickory Sunrise Rotary gave unanimous support for this project. Also, public input meetings were provided. They held two public input meetings, one at City Hall, and one at Highland, and received input from citizens. They received input that citizens were excited to be able to have a neighborhood park in their area. Some were excited to have some of the amenities that she mentioned, especially the trails. Citizens also brought understandable concerns for the site, wanting them to make sure that they had proper buffering between the park and homes, as well as accounting for safety and the floodway that was on the property. All things that could be addressed through the plan or through City staff currently. They received information also through phone calls, social media, and emails. Overall, it was a great time to develop the park on the heels of their master plan and a great multitude of input from their citizens. She asked for Council's support of this as well as the master plan update.

Alderman Zagaroli asked what the percentage or probability was on the City getting the grant.

Ms. Jackson did not know. This was the City's first time submitting for it, and she understood that sometimes it takes two submittals, but they were going to say it was really high.

Alderman Zagaroli commented that it was a very nice grant if they could get it.

Ms. Jackson agreed and commented that it would be a real blessing to the citizens.

Alderwoman Williams commented coming off the heels of the first presentation, as a City was there a policy now, when they develop a new park, they would follow the accessibility standards. How they were updating the Miracle Park. In this one, were they just incorporating some of those?

Ms. Jackson advised that the master plan that was adopted last year recommended pushing towards universal design. Anything they do, they wanted to make sure that everybody could come on day one and enjoy the park. That would be considered in this park development.

Alderman Wood asked if the \$625,000 that they have on hand to invest, was that contingent upon getting the grant or if the grant does not go through, the \$625,000 would still be invested.

Ms. Jackson advised it was her understanding from Deputy City Manager Rodney Miller that it was only if the grant was received.

Alderman Wood asked about the pedestrian paved trail entrance off of 21st Avenue NE, there were houses down there. Would accommodation be made to make sure that people do not park there to access the pedestrian trail? How would that be controlled?

Ms. Jackson commented that was something they could definitely do. There were bollards down there and currently that was the only part of the plan for that. But that was something they could look at with law enforcement.

Alderman Wood commented that he could envision people parking on the side to access it by foot. He thanked Ms. Jackson.

Mayor Guess asked for any other questions.

City Manager Warren Wood commented he thought Doug Auer was in the audience and he was on the board that would vote on the approval of these. So that might be somebody they could lobby. He asked Council for a vote to confirm.

Mayor Guess moved, seconded by Alderwoman Patton approval of the Sandy Pines Master Plan Update, the 2023-2024 PARTF grant submission and associated Resolution. The motion carried unanimously.

RESOLUTION NO. 24-23
 RESOLUTION AUTHORIZING THE CITY OF HICKORY TO SUBMIT
 APPLICATION TO THE NORTH CAROLINA DIVISION OF PARKS &
 RECREATION IN THE AMOUNT OF \$ 500,000 AND PROVIDE A MATCH OF
 \$625,000 FOR PARTF GRANT – DIRECTLY ATTRIBUTABLE FUNDS FOR
 Sandy Pines Park Project

WHEREAS, On November 1, 2023 the N.C. Division of Parks and Recreation (DPR) announced the availability of Parks and Recreation Trust Fund (PARTF) grants for local park and recreation projects planned by NC counties, incorporated municipalities or public authorities as defined by N.C. General Statute 159-7. Funds are available to award for building or renovating facilities for a public park or land acquisition. Each agency may submit for such projects, requesting up to a maximum of \$500,000 with a dollar-for-dollar match required.

The City of Hickory is applying for funding to launch an initial phase of Sandy Pines Park, known as the “Sandy Pines Park Project,” putting City-owned land into service in the northeast quadrant. The following features are being pursued.

- Initial Phase of Sandy Pines Park – Funding will create access to the property and would include a paved walking loop and pedestrian entrance, open space, bathrooms, a parking lot, playground, cornhole boards, site furnishings and shelter located at City owned Parcel IDs 371308986633, 371308987632, and 371308977949. The City will pursue additional master planned amenities in future phases.

Estimated Total Project Cost \$1,125,000
 ○ PARTF Grant Funding Request - \$500,000
 ○ Local Match - \$625,000

NOW, THEREFORE BE IT RESOLVED, that the City of Hickory is hereby authorized to submit a grant application in the amount of \$500,000 and will commit \$625,000 as a match for the project.

3. Quarterly Financial Report – Presented by Deputy City Manager Rodney Miller

Mayor Guess asked City Manager Warren Wood to introduce the departmental report.

City Manager Warren Wood asked Deputy City Manager Rodney Miller to the podium to present the Council with the quarterly financial report.

Deputy City Manager Rodney Miller gave a PowerPoint presentation. He mentioned that it was budget time. They were all anxiously waiting to see what they got in the budget for next year. He discussed the quarterly financial report through the third quarter of their fiscal year, which ended March 31. He referred to the PowerPoint and displayed the general fund, the main operating fund of the City. The annual budget for the general fund was a little over \$84 million. He pointed out that most of the revenues in the general fund had come in through the first three quarters. Primarily, that was December and January, which was typical for all local governments in North Carolina. That was why they saw a significant revenue over expenditure number of almost \$5.8 million. The last three months of the fiscal year, of course, expenditures would exceed revenues because they were not getting those property tax revenues in for the final quarter, but they still have monthly, 1/12 of the operating expenses to be paid. He noted they could see that compared to last year, they were almost a million dollars ahead of the pace from

last year through March 31. About a million dollars under on the expenditures through March 31.

Alderwoman Patton asked if he knew how much of the tax revenue that they had received as a percentage.

Mr. Miller advised they had collected \$38.2 million. The budget for this year was \$37.1 million. For property tax and sales tax, just because they had been down that road before, they certainly were not guaranteed of these revenues that come in. As they may recall, last year when they were adopting the budget, there were a number of appeals still outstanding for property tax. There were still a couple of those still outstanding, he was told, with Catawba County. They had collected almost \$1.1 million over their budgeted revenues for this fiscal year. Again, keep in mind the only property tax revenues of any significance really were the monthly vehicle property tax revenues because the primary real estate property tax revenues had already come in. They were due January 6. He advised they wanted to see this chart increasing. They want their tax base to grow. As City Manager Warren Wood said that with each budget cycle they were trying to add job growth, population growth, and tax-based growth. This was certainly indicative of their tax base growing.

Mr. Miller discussed sales tax, which was typically market driven. If the economy was doing well, their sales tax revenues were growing. Similarly, in a recession, those revenues were declining. Certainly, they had avoided the recession so far this year that they thought might be coming sometime last year. At this point, they do not see any indications of a recession. However, he noted compared to last year at this time, they were only \$70,000 higher in their sales tax revenues this year compared to last year. If they looked at the prior two years, they would see a significant increase. In 2021 and 2022, there was a sizable jump of about \$1,000,500. Those were the internet sales that came in North Carolina. The General Assembly finally passed the rules to make the Streamlined Sales Tax Act, which made us consistent with other States across the country, so they could tax those internet sales. The bulk of those revenues in 2021 and 2022, and the final amount between 2022 and 2023 were now embedded in the sales tax revenues that they received. This was truly market driven sales tax. It was folks coming to Hickory, additional restaurants, additional shopping, things of that nature to increase their sales tax going forward. They had received eight months to date. They were 45 days behind in collection. They go to Raleigh, and then they come to us 45 days later. They had a budget of \$16.7 million. They budget very conservatively. They only budget this year what they received last year. As long as they were increasing their revenues, they would not get caught flat footed, not having the revenues that they had budgeted.

Mr. Miller discussed the water and sewer fund. It was the City's second largest fund. They have an annual budget of \$46.7 million. Their revenues through March, if they recalled, through December, their expenditures were higher through revenues. He told them historically; they would catch that up in the third quarter and then in the fourth quarter as more water usage occurs in the spring. They were \$1.8 million revenues over expenditures. Last year they had a little anomaly in that they were about a half a million dollars behind. This year was not the case. That was driven by a couple things, one, obviously the revenue growth that they had but they also had some expenditures that they budgeted this year, radio read meters being one of those that had not fully been spent in this fiscal year.

Mr. Miller discussed permit activity. He thanked Brian Frazier and his group for the work they did processing all this, as well as all the department and City staff that reviewed all these permit applications. He referred to the PowerPoint and pointed out the residential permits, 447 permits this year. That was the largest they had since he had been here. Probably the largest since the late nineties.

City Manager Warren Wood commented that was going to be new construction and renovation. It was not just new construction.

Mr. Miller advised he had that number for residential. Single family dwellings were right at 150 new homes through March. It was very impressive that they had not seen that in many, many years. Almost a 38% increase in the number of permits. Commercial number of permits was down about 15%, but they still had 205 commercial permits, which was still strong. He looked at the value, which of course leads to that property tax base. On the residential side, they more than doubled their residential permit value. And on the commercial side, they were about even on the commercial. That number, \$204 million through March, again, they had not had that happen since probably the mid to late nineties. He discussed building activity. He referred to the PowerPoint and pointed out the ones which were residential in nature, which certainly reflected the number of permits he mentioned

before. There were a number of new commercial projects, R.H. Barringer being one of those. He mentioned the one across the street at Bella Age, that apartment complex, two new hotels, the TownePlace Suites and Homes To Suites. They had a couple car washes coming for their enjoyment. He noted that Fairgrove Church Road, the City owned, a number of parcels out there for over 30 years. And they have a large 60,000 square foot company building, it features there at Fairgrove to give that area some life. Obviously, they knew about the Aviation Museum. They had been out there for the groundbreaking. 111 Main to the east was going to happen later this year, as well as 23 Storage, they were off of 127, a higher end storage facility off of 127.

City Manager Warren Wood commented that the numbers that they see, you know, 176 units, a lot of those had not built the first house yet. Those would build out over a period of years. When they saw all those, it was not like it was going to happen in one year. Like the Hamptons had not built and sold the first house yet as an example, but they were putting infrastructure in. Just a word of caution, that was incremental over time that that would happen.

Mr. Miller commented they could just look under the building activity. Those were the planned units, as City Manager Warren Wood said. They could see those exceed 2,000 units, yet they could see on the number of permits, certainly, they were only at 447. Even if they get the 600 permits this year, that was $\frac{1}{4}$ to $\frac{1}{5}$ of the projects that were planned.

Alderman Seaver asked how many people that they usually counted for a resident.

Mr. Miller advised 2.2 residents per home.

Alderman Seaver commented that was about 5,000 more people.

City Manager Warren Wood advised that it would be incremental over a period of years.

Mr. Miller advised that single family dwellings, 140 single family dwellings, that was 280 people, almost 300 people. Once they build them and then sell them and get someone occupied. It would take some time.

Mr. Miller discussed economic conditions. On the Federal reserve side, the last interest rate hike they had was July of 23. He thought they had eleven interest rates over the last year and a half. They do a range of five and a quarter to five and a half percent. That was what money they could borrow from banks or banks could loan to each other. They were expecting two to three rate cuts this year. What was holding them up, it was kind of a strange economy was inflation. They had not been immune to inflation here at the City of Hickory. Once that gets close to that 2% inflation rate, that was when they would start seeing those rate cuts. And now they were expecting probably in August and September to start cutting to really try to cool off this economy. He pointed out non-farm employment, they still had over 300,000 jobs in March, across the country. The unemployment rate was under 4%, another good benchmark. First quarter GDP remained strong. It was 2.9%, but it was 3.3% in the fourth quarter, so it had cooled off some as far as the gross domestic product, however, CPI in March, it actually went up. Annual increase of 3.3%. Some of these affect them, or some of these affects just their residents. Electricity was higher, 5% over the past year; shelter, 5.7%, shelter was remaining high, really across the country; food away from home was still high, 4.2% from last year, and gasoline, 1.3%. However, they had seen some decreases, natural gas, for example, 3.2%, which was a welcome sign. New vehicles, 0.1%, but at least it was not growing. Speaking of new vehicles, he thought he told them in December they were having trouble primarily getting police cars. The Chief told him they just picked up four cars. They were trying to find lots where they have cars available. They may not have the color they need. If they were trying to get ten new vehicles this year, they would have only gotten four, but it was a step in the right direction. Catawba County's unemployment rate did rise to 3.6% in February from 3.1%. There was an inverse relationship. When that unemployment rate goes up, actually they get more people. The City had 80 vacancies back in December 31, they have 64 vacancies today in the City workforce.

Alderman Patton asked if those vacancies were concentrated in any particular department.

Mr. Miller advised that they were spread across, primarily public services, and police. They were still looking for some employees there. He referred to the PowerPoint and the bond issues. He reminded them, they had now embarked on all of their bond projects. He mentioned that he and Alderman Wood had a

conversation about this. He advised these were the amounts and the interest rates that they borrowed money for in 2018, 2019, and 2021 to make the \$40 million of GO bonds. They issued those, or they were paying debt currently of an average of 2.21% over 20 years for those bonds. In last year's GO bonds, the average rate on a GO bond issued in 2023 was 3.5%, still lower than the 5.5% that the Feds said because GO Bonds were very inexpensive. However, that was still 130 basis points higher than what they issued for all of theirs on average. If they had issued theirs last year, it would have been an extra \$5.3 million in earned interest costs. They saved that being very fortunate for the timing that they did and made those decisions each year to borrow that money. Now that money had been put to work with \$50 million more in grants, and they see the Hickory Trail system taking off and some getting completed and the rest under construction.

Mr. Miller discussed their investment report. He referred to the PowerPoint slide and pointed out the interest rate. All of their investments were now over 3%. Last year at this time, they were well under 1%. Their investments were earning income now. They had earned \$2.5 million citywide in their investments for the first nine months. He thanked Melissa Miller and her staff for investing in these securities. He pointed out the US Treasuries, those were FH or FF, those were US Government Treasuries, very, very safe. But keep in mind, if they had a three-year security, the interest rate on that was from three years ago. Some of those lower interest rate securities would start falling off, and as long as interest rates remained high, that number would go up. He discussed the Money market. They added NC Class and NCIP. Those were two new money markets that had come to market in North Carolina to compete with the North Carolina Capital Management Trust that they had had since inception here in the City of Hickory. The yield on those were 5.4% to 5.5% overnight rate that they were getting. The cash and money market funds were earning well over 5% of those funds, but a blended rate, again, was 3%. He asked for questions.

Alderman Wood commented the building activity, especially on the residential side, he knew it was in the pipeline and would come, but that was really the tool, that was how they get housing affordability was to get more stock on the market. Right? He did not know that was apparent to everybody. It was not like they could wave a magic wand and get, you know, housing costs down, but, you know, by doing strategic annexation and rezoning and things like that, it allows that kind of growth to happen. And hopefully, you know, as this stuff comes online, it would start putting some downward pressure on prices for housing, whether it was apartments or homes.

Mr. Miller commented that was a great point. He added the housing mix was very diversified, too, which was great. There were a number of communities across the State that were just getting single family homes or just getting apartments. They were getting a complete mix of those here in Hickory. And that was a good thing for buyers.

Alderman Wood agreed. He thanked Brian Frazier, his staff, his team, because he thought they played a critical role in being customer service friendly with these construction companies and getting this stuff approved. And that made a huge difference because he did not think every municipality had a Planning Department that was as customer friendly as theirs was. He thanked him for that.

Mr. Miller also gave a shout out to thank their water and sewer providers, too. They were really trying to keep up with all the growth as well and putting those taps and reading the meters. He threw in that plug, too. That was all part of the equation. They had a great team.

City Manager Warren Wood commented along the lines of what Alderman Wood said, he mentioned the Western Piedmont Council of Governments (WPCOG) put out a report today that there were still 7,600 vacant jobs in the four-county region. Obviously, they do not have a sufficient workforce to fill those jobs. That was another reason that the housing was so important, because that number would get worse if they did not catch up to some degree.

Mayor Guess mentioned he saw somewhere where an affordable house was considered \$160,000. Was that the range?

City Manager Warren Wood advised the ones they were building in Hickory on vacant lots was about \$165,000 which was about as cheap as they could build and sell a house and make anything on it.

Alderman Wood commented it would be interesting when they give up the honor of having the oldest housing stock in North Carolina. When they give that up that would be a big day for them.

Mr. Miller mentioned, to that point, in the Regional Managers Group of the four-county area, all four counties were seeing growth, which was also positive. They had said that at prior retreats. They need the surrounding communities to grow as well. And they were having residential and commercial projects as well. Not to the same degree, but certainly they were growing.

Alderman Wood asked Mr. Miller if he had any sense of what percentage of the growth in property tax was organic versus tax rate increase.

Mr. Miller did not have a percentage, but he thought it balanced certainly more towards the organic. He thought that all the publications that they had received, World's Greatest City, do not forget that, but he thought that the notoriety that they were getting, the fact that they had plentiful power, plentiful water, so folks want to be able to build here, and quality life and affordability were really making us attractive to the rest of the country. He thought that organic growth was really what they were getting. He saw people every week from a different State, and it was great to hear their stories that, "yeah, I've read about Hickory and heard about Hickory, or I've got a relative and they said, try it out. So, we've tried it out."

Mayor Guess asked for any other questions. He thanked Mr. Miller.

4. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Caucasian (Council Appoints) Cliff Moone Resigned 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
Building Trades Profession (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints) VACANT
Ward 6 (Patton Appoints) VACANT
At-Large (Council Appoints) VACANT
At-Large (Council Appoints) VACANT

C. Presentation of Petitions and Requests

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

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

Alderman Patton mentioned that Dana Kaminske has been named Communicator of the Year. She recognized her for what a great job she does for all of them.

Mayor Guess congratulated Ms. Kaminske.

Alderman Williams mentioned that she heard yesterday they had a birthday. She wished Alderman Zagaroli a Happy Birthday.

Mayor Guess wished Alderman Zagaroli a Happy Birthday.

April 16, 2024

Alderman Zagaroli mentioned he went to the opening for Atriax. He was sure others went also, across from the City Walk. A wonderful building, enthusiastic people. That old motorcycle building had turned into an extremely nice building.

Alderman Patton commented they were the first ones, she believed, that moved to the other side of the tracks in anticipation of all this growth. They saw the vision, too. And they had a fabulous, fabulous place.

Alderman Zagaroli mentioned 30 people work there and they got many more offices.

Alderman Patton advised room for 50, she thought. Very nice.

Mayor Guess thought all of them had visited the Riverwalk since the opening. He was out there last Sunday and had never seen that much activity out there. There were 300 plus people and a lot of people were enjoying it. They were looking forward to the Aviation Walk and Historic Ridgeview Walk and they were not far behind.

Alderman Patton mentioned the article in today's paper about the market that was going to be coming.

Mayor Guess commented that they were seeing growth on Old Lenoir Road because of that. It was an exciting time. At Aviation Museum, he had not been by there recently, but he understood they had poured concrete, and they were getting ready to go up with the building there. That was going to be another great destination once it was done as well.

City Manager Warren Wood mentioned they would have the Council/Staff retreat on Thursday, have a little breakfast, then they would get started. It would be a full day, a good day. A lot on water resources, which was timely.

Mayor Guess commented that once again, they do not say it enough, and he knew they were not all here, mainly they had department heads present today, but please pass along to all of the coworkers in the City of Hickory, none of the accolades and none of the things they had been able to accomplish would be without their coworkers. They had some of the best coworkers that any City Council could ever ask for or hope to have. Please let them know how much they appreciate the jobs that they do each and every day, because they were certainly blessed to have the group that they have.

City Manager Warren Wood commented they just need them to keep working. Not retire. He mentioned that Shawn Pennell was ignoring him.

Mayor Guess commented that they need to hire their families because they have good DNA.

XIV. There being no further business, the meeting adjourned at 6:55 p.m.

Mayor

City Clerk

April 18, 2024 – Special Meeting

A Special Meeting of the Hickory City Council was held in Hickory, North Carolina on Thursday, April 18, 2024, at Hickory Metro Convention Center, in the Conover 3 and Conover 4 Meeting Space, located at 1960 13th Avenue Drive SE, Hickory.

On Thursday, April 18, 2024 at approximately 8:15 a.m., a Special Council-Staff Retreat was convened.

The following members were present: Mayor Hank Guess, Alderman Tony Wood, Alderwoman Charlotte Williams, Alderman Danny Seaver, Alderman David Zagaroli, Alderman Anthony Freeman, and Alderwoman Jill Patton. A quorum was present.

Staff present were: City Manager Warren Wood, Assistant City Manager Rick Beasley, Deputy City Manager Rodney Miller, Assistant City Manager Yaidee Fox, Planning Director Brian Frazier, Public Works Director Steve Miller, Fire Chief Matt Hutchinson, Airport Manager Chad Hunsucker, Library Director Sarah Greene, Police Chief Reed Baer, Communications and Marketing Manager Dana Kaminske, Communications Specialist Sarah Killian, Human Resources Director Mitch Friar, Business Services Manager Dave Leonetti, Public Utilities Director Shawn Pennell, Administrative Assistant Iris Childers, Management Analyst Breanna Ikard, Infrastructure Grants Manager Karen Dickerson, Construction Project Manager Will Hamblin, Recreation Center & Events Coordinator Kyle Mishler, Deputy City Clerk Crystal Mundy, and City Clerk Debbie D. Miller

Others Present were Catawba County Economic Development Corporation President, Scott Millar, and CWWMG President Jeff Lineberger, Chief Executive Officer of Hickory Metro Convention Center Mandy Hildebrand, Western Piedmont Council of Governments Planner Johnny Wear, Western Piedmont Council of Governments Executive Director Anthony Starr, and citizen Bob Vollinger

Media: Hickory Daily Record Reporter Miya Banks

I. Call to Order

Welcome – Mayor Hank Guess

Mayor Guess welcomed the City of Hickory family in attendance. He recognized Anthony Starr, Mandy Hildebrand, and Scott Millar, who he considered part of the City of Hickory family. He expressed Mandy Hildebrand for the use of the Convention Center facility. He was excited about everything that was going on. He commended all of the co-workers for all their efforts on all of the projects and day to day services that the City had going on. He asked the department heads to express their appreciation for all they do everyday for the City of Hickory. The City was receiving accolades and getting noticed for everything that was going on in Hickory, North Carolina.

Overview of the Day – City Manager Warren Wood

City Manager Warren Wood gave out the Wi-Fi code for the Convention Center. He noted that this was the 40th Council Retreat. It started in 1984 with City Manager Gary McGee. He highlighted what they would discuss during the retreat: the City's water system, Jeff Lineberger with Duke Energy, and the Catawba-Wateree Management Group was present and would be presenting. They would learn a lot about the Catawba River and the lake system and how it functions. Public Utilities Director Shawn Pennell would follow-up with history about the City's water system which began in 1904. A lot of focus on water and water management and being good stewards of the river and the lake. Catawba County Economic Development Corporation President Scott Millar would discuss economic development. He advised he would discuss the Innovation District.

Strategic Planning Initiatives – City Manager Warren Wood

Water System Overview
Economic Development
Innovation District

City Manager Warren Wood referred to a PowerPoint presentation and displayed a map which was the obligations that the City has, and the communities water services were provided to. Water was a limited resource, and they would discuss capacity, and future needs. The innovation district was much about marketing and branding an area. They would include the OLLE Art Walk because they thought there was tremendous opportunity for redevelopment in this area and it would tie into the Appalachian State University (ASU) Hickory Campus. He noted there were a have of billion dollars' worth infrastructure that were either North Carolina Department of Transportation (NCDOT) projects, or City of Hickory projects, for example US 321, Riverwalk, Aviation Walk, connecting the Aviation Walk to the Aviation Museum, and Catawba Valley Community College (CVCC) Workforce Center. They would tour later in the day a site that would become the City's Environmental Education Center/Nature Center, which contained approximately 18-acres. It was located on the river on a parcel that the City had purchased. The City had been buying a lot of property over the years along the lake for protection, watershed protection along the lake because they do not want all of that developing, particularly upstream from the City's intake.

City Manager Warren Wood mentioned the \$40 million dollar bond program and they leveraged it to \$50 million dollars, almost \$100 million dollars in projects going forward. Over the past 5 years almost 1,900 permitted homes. They want to grow unofficially 1.5 to 2 percent and that was about

April 18, 2024 – Special Meeting

what that translated into population wise. They do not want to see explosive growth but some growth. The region was older demographically, so it was important to have younger folks, working aged people living here. Mr. Scott Millar would discuss industrial development at Trivium, speculative building partnerships, and the Airport as an economic driver. ASU Hickory had gone from zero to 60 in almost no time. Their enrollment was really good, and they planned on doubling their enrollment every year. They had \$40 million dollars to renovate that building within the next 5 years, floor by floor. Also, the partnership with Catawba Valley Community College (CVCC) Workforce Development and the Aviation Museum which was under construction. They would tour all of that. He displayed a map of the Hickory Trails and mentioned that the walking system was 10 miles of trail. They had previously done the ribbon cutting for the Riverwalk. The next ribbon cutting would be for Aviation Walk. The first leg of the OLLE Art Walk would be tying in Riverwalk to that. The City Walk was completed. They would tour Trivium. There was a lot of great activity happening downtown and more coming with 111 Main. They had not seen this sort of development in the downtown area. When they did the bond referendum for the trail system this was what they envisioned, and they thought that it would happen and was happening.

II. Water Resiliency / Lake Hickory & Catawba River – CWWMG President Jeff Lineberger

City Manager Warren Wood introduced Vice Chair of Catawba-Wateree Management Group Jeff Lineberger who was also the General Manager for Water Strategy, Hydro Licensing & Lake Services for Duke Energy.

Vice Chair of Catawba-Wateree Management Group and General Manager for Water Strategy, Hydro Licensing & Lake Services for Duke Energy Jeff Lineberger gave a PowerPoint presentation. His team at Duke did the long-range water supply planning for all of the power generation assets in the Carolinas. Without water the lights do not come on. Water was going to be absolutely necessary to produce electricity in this country and in the world. They have to take care of the water if they are going to take care of economic development, life, and the environment. It was absolutely necessary, and everyone had a role. He highlighted the topics he would discuss, the Catawba-Wateree lake system, key partnerships, and the inter-basin transfers (IBT).

Mr. Lineberger referred to the PowerPoint and displayed a photo of Oxford Dam Hydro Station, it was the structure that formed in Lake Hickory, completed in 1928. It was still in operation producing electricity. It produced enough energy in a typical year to power approximately 7,200 average homes across the service area.

Mayor Guess asked the condition of the dam.

Mr. Lineberger advised that it was in very good condition. It was almost 100 years old. A lot of their powerplants were antiques. Over the years they had done regular maintenance of all of the hydro stations along the Catawba and other hydro stations that they owned. They had replaced the water wheels on some of them, but some of them still had the original water wheels. They rewind the generators on a regular basis and all the routine maintenance. They have changed the electronics out so they can now stop and start those from Charlotte as well as locally. They also had a project to add additional voice mechanisms to the flood gates to have more redundancies there.

Mayor Guess asked if the structure and concrete were good.

Mr. Lineberger advised it was in excellent condition.

Alderman Wood referred to the 7,200 homes, he asked where the rest of the power was generated from.

Mr. Lineberger advised Duke Energy had hydro power, solar, gas fired generation with simple-cycled combustion turbines that were basically jet engines that turn the generators to generate electricity. They also had gas fire steam plants that burn gas, create steam and the steam turns those turbines to make electricity. They have nuclear power and coal fired generation.

Mr. Lineberger referred to the PowerPoint and displayed the Bridgewater Hydro Stations at Lake James. The station in the photo was built in 1916 but was no longer there. Lake James was built with three dams. They had built new dams just downstream of the three dams that created Lake James. They had to build a new powerhouse and tear the old one down. Lake James was very important to the resiliency of the water supply Hickory uses.

Mr. Lineberger referred to the PowerPoint and displayed a map of the boundary of the basin and described it as an irregularly shaped funnel, that was why it was important from a water supply standpoint. Without rainfall they do not have any water. That was where all of the surface water and groundwater came from. The rain that falls would wind up in the Catawba River if it was not taken out and used in some other way. He pointed out the area which was the sub basin of the Catawba Basin known as the South Fork. It was the largest sub basin in the Catawba. That sub basin under North Carolina State Law was defined as a separate river. North Carolina defines 17 river basins as being regulatory river basin bodies. There were two in the Catawba, the South Fork, and the rest of the Catawba. If they move water from the Catawba into the South Fork basin or vice versa that was an inter-basin transfer.

City Manager Warren Wood commented that the Henry Fork Wastewater Treatment Plant discharged into the Henry River which fed into that, but it came back into the Catawba further down.

April 18, 2024 – Special Meeting

Mr. Lineberger advised the South Fork was approximately 12 percent of the drainage area of the Catawba-Wateree river basin. The whole upper 225 miles of this river had a bunch of Duke Energy lakes on it. They built 11 reservoirs there. The lower part, Low Lake Wateree River stayed that for 76 miles and winds through the swamp and then joins the Conway River and forms the Santee and eventually winds up in Charleston.

Mr. Lineberger referred to the PowerPoint and displayed an elevational drawing of the Catawba-Wateree hydro power project. He commented that this was where their company started, on April 30, 1904, they began the operation of their first hydro power station. It was at the location of what is now the Wylie hydro plant, it was called the Catawba Hydro and had one customer. A textile customer, Victoria Cotton Mill in Rock Hill. The founders of their company had a vision in economic development. They wanted to provide a low cost, reliable energy cost for industry and manufacturing, particularly the textile industry, to give this region a way to grow its way out of an agricultural economy. They were called the Southern Power Company in 1904. He referred to the 11 reservoirs which were all thought of around the early 1900s timeframe. It was the first river basin in the country that was comprehensively planned and developed for electricity production and the concept caught on after that. All the reservoirs were important, some more important than others in terms of water storage. There were 11 of them located on almost 80,000 surface acres and a whole lot of shoreline miles, 255 billion gallons of usable water storage. There was more water storage than that in those reservoirs, but some of them they could not get to. He explained how they define usable storage, what was the shallowest regional water intact that was located within that reservoir. That was defined as a critical reservoir elevation. They do not want to go below that elevation because if they do, they are putting someone's water intake at risk. About 20 percent of their generating capacity in the Carolinas relies on the water supply here. They have a couple of nuclear plants, McGuire, which was located on Lake Norman and Catawba, which was on Lake Wylie. Marshall Steam Station and Allen Steam Station on Lake Norman and Lake Wylie were coal fired plants. They had two nuclear and two coal fired plants in the river basin, and 12 hydro stations. Each dam had at least one hydro power station on it. Water was the driving force for hydro power. Great Falls reservoir actually had two hydro stations on it. A really important concept here, the power company and the region grew up together. Their hydro reservoirs were the most integrated into the community and they also provide the raw water storage that many of the communities use and supply about two million people with drinking water. There was also a lot of industrial use there. Some agricultural use, not a whole lot out of these reservoirs. A tremendous recreational asset. A lot of folks are dependent on them to manage these reservoirs.

Mr. Lineberger referred to the PowerPoint and displayed a chart showing the usable water storage. Each one of the lakes had some amount of usable water storage in it, but they were not all the same size. Some of them could be drawn down further than others, some of them had a lower critical reservoir elevation than others. He noted the percentages of the 255 billion gallons total that were usable. The four big lakes that controlled most of that were Lake James, Lake Norman, Lake Wylie, and Lake Wateree. Particularly Lake James and Lake Norman. All of it was important when they get into drought particularly. This was their "savings account" when they are not getting enough inflow. When in a drought you do not know how long it may last. When the inflow to the reservoir stops dropping off, evaporation goes up, because it was typically hotter and dryer during droughts, so they dip into the "savings account". It was not that big of one even though 255 billion gallons sounded like a big number, relative to how much rainfall they get, about 46 inches per year, that was only about 7 percent of the total average rainfall. It was a decent "savings account" but not one they could take lightly.

Mr. Lineberger referred to the PowerPoint and displayed a chart showing the numbers that humans did not control. Rainfall drives the systems, 46 inches per year was the average number for the upper part of the Catawba, which was a little higher, and for the lower part it was a little lower. That generated into runoff and stream flow, into the reservoir system. Then you also have natural evaporation which occurs all of the time, 24/7. It really occurred in heavy amounts during the summer, 204 million gallons per day was the annual average of natural evaporation of the 11 reservoirs. On a really hot summer day, sunny, with wind, the number was closer to 330 million gallons per day. That number was bigger than the net withdrawal of all the human uses added together. He pointed out the categories that humans controlled. The numbers for 2022 added up to about 210 million gallons per day. On average, humans were withdrawing about the same amount out of the lake system as average national evaporation, but much less than the evaporation rate in the summertime. Then they have outflows out of the Wateree which was the last reservoir.

City Manager Warren Wood asked if the 255 million gallons of usable storage the amount above municipal water intakes or was it everything in the river bottom.

Mr. Lineberger advised that was the amount above the municipal and Duke Energy water intakes. That was not everything that was stored in the reservoir. Everything that was stored in the reservoir was a much bigger number than that, but you could not normally get to it without some type of significant modification.

Catawba County Economic Development Corporation President Scott Millar asked if 112 million gallons was public water supply, net or take out only.

Mr. Lineberger commented that was net. It was 112 million gallons per day taking into account the gross withdrawals, and subtracting back off what was returned to the lake system. He pointed out the negative number for industrial. He mentioned that a lot of the industries would have their own source to supply them, usually groundwater. They may have wells that supply them to get their water, but when they discharge it, they send it to municipal wastewater treatment plants. That

April 18, 2024 – Special Meeting

winds up being a negative withdrawal, or an addition back to the lake system.

Alderwoman Patton commented that if they were using a well it was still pulling from that water.

Mr. Lineberger advised it was pulling from the groundwater. What they were tabulating was the surface water. It was effected by groundwater; in normal times these lakes were fed by groundwater as well as surface water. When they get deep into droughts, as they had seen in the record droughts, they have groundwater reversal occur. The groundwater table goes so far down it then becomes a drain on the reservoir. The water reverses and starts coming from the reservoir into the ground to fill the hole. That only happens when you have very lengthy droughts. They saw it in 2007-2009 drought of record. They saw it in the 1998-2002 drought too.

Mr. Lineberger referred to the PowerPoint and displayed Lake Hickory Landmarks. He pointed out the Duke Energy owned public recreation areas, and the recreation areas owned by others Riverbend Park below the dam at Oxford, and Riverwalk Park that was opened several weeks ago. The water intake relative to Hickory, 32 million gallons per day, and the former Long View intake, now owned by Hickory on the other side, 2 million gallons per day. He noted where Lake Hickory began, which was where Lake Rhodhiss was located. The lake was 18 and ½ miles long, and relatively deep. He noted the approved water intake capacities. Anything inside the license project boundary which in general was the full pond elevation for each of those 11 lakes, had to go through a lake use permitting program for Duke to comply with its Federal license. They have to review and approve all water intakes, discharges, bridge and powerline crossings, boat docks, etc., that break that Federal license boundary.

City Manager Warren Wood asked about the request for additional capacity, the inter-basin transfers, do they have a formula that they use. The inter-basin transfers were actually negative on the whole system in terms of people wanting to draw the water out or increase their permit.

Mr. Lineberger explained if water leaves the basin and did not return at all, it was water that was lost to the 11-lake water supply system.

City Manager Warren Wood commented that effects everybody, whether they were upstream or downstream of the IBT.

Mr. Lineberger mentioned that those impacts occur in different ways, and they have sophisticated water quantity models that identifies what those impacts were and could look long range and do what was relative to weather patterns and things like that to really get a feel for it, how they could measure that impact.

Alderwoman Williams commented in the past there had been requests and probably would get more. She asked if Mr. Lineberger got involved in the full analysis where they would have a part in this in terms of IBT requests.

Mr. Lineberger advised he would discuss the IBT later in his presentation.

City Manager Warren Wood commented that the City had one water plant, they ideally need a secondary water treatment facility which would be the Long View Plant. The Long View intake was originally permitted for 2 million gallons per day. They would have to get that permitted for “x” million gallons per day and go through that process to have that done. IBT’s plays into the City’s ability to get the water. He mentioned out west where it was the wild west and they do not have all of these regulations and it was all these water wars.

Mr. Lineberger commented that it was a whole different system, a property rights-based system and here we have a riparian based system. More of a community asset, and everybody that has riparian rights owns property adjoining a natural waterway has the right to reasonable use of water that flows by their property. Lakes were not natural waterways. Hickory’s water intake on Lake Hickory, riparian rights do not really apply to Hickory. That was the way the law was in the east. He discussed some figures about Lake Hickory and Oxford Dam, the dam that formed Lake Hickory, and the Oxford hydro station which was built into Oxford Dam. He pointed out the lake level convention. Each lake has a different full pond elevation. Lake James full pond was 1,200 feet above sea level, Lake Wateree’s full pond was 225 ½ feet above sea level. There was 1,000 feet of vertical drop there. Their system operators operated 28 hydro stations in the Carolinas, and it was hard for them to keep up with all of those different individual numbers. To make that easy they just said that full pond for every one of Duke’s lakes would be referred to on local datum as 100.0 feet. That way if someone tells them that Lake Norman was at 100.0 feet local datum, it was at full pond. If it gets a little higher, it will spill over the dam if they do not act. It made it easier. If they said Lake Hickory was at 97 would mean the level at Lake Hickory at the dam was 3-feet below full pond for Lake Hickory.

Mr. Lineberger discussed relicensing, which was a big deal. They had to get a license from the Federal government to develop the hydro project. Ten of the 11 lakes were built before there was any licensing requirement. They were built from 1904 to 1929. When they proposed Lake Norman in the 50s, by that time there was a Federal law that said if a private entity was going to dam up public waters for hydro power you had to get a license from the Federal Government before they could do that. To build Lake Norman they had to get a license. That same law said that if there were other reservoirs in that river system that were hydraulically connected, they depend on the water coming from or to a reservoir, then those reservoirs had to be licensed too. In the 1950s to build Lake Norman they had to get a Federal license. Instead of getting 11 licenses they put them all under one license. It was a very unusual license. There were a few if these the Federal

April 18, 2024 – Special Meeting

government had that more than three or four reservoirs together, there were 11. It made it very complicated from a relicensing standpoint. The original license was issued in 1958 and had to be renewed in 2008. The relicensing process was a minimum of 5 ½ years long and it was longer than that for them. Because there was so many stakeholders and potentially competing interests, and this river basin was so important to the region, that in the early 2000s instead of just doing what the regulations required, which meant there would be very little public interaction until after they filed the license application. They added the whole voluntary enhancement part to it where they set up stakeholder teams with the intent of negotiating and getting to a place, a region, to recommend to FERC, Federal Energy Regulatory Commission, what they wanted in the new license of how this lake system should operate for the next 30-50 years. That was easier said than done.

Mr. Lineberger explained the relicensing process. They had 6 stakeholder teams, North Carolina State team and South Carolina State team. They were largely the stakeholders that you could look into a regulation and find their name. Lots of State and Federal agencies, the Catawba Indian Nation. He pointed out the advisory groups that consisted of local governments, water dependent businesses, landowners, and regional staff folks that were involved. They set up the 6 teams, and each of the teams met at least once a month, most of the meetings all day, and that went on for three years. They also had 30 technical studies going on to measure all of the existing and potential impacts of different ways they could operate going forward to try to find the best place, the best comprehensive plan to submit to the Federal government and to say this is what they wanted to put in the new license so that this regions water and electric supply, and public recreational opportunities, and environment would be safe for 50 years. He mentioned that Tom Carr and Cal Overby were the representatives of the City of Hickory. In the end they got to the 400-page contract, comprehensive relicensing agreement, and 70 parties signed it, there were 85 parties that were eligible, and 15 parties decided they thought they could get something better by going directly to the FERC. He was most proud of the attendance at these meetings. He noted that 27 local governments and tribes signed the agreement, including the City of Hickory. It was a real testament to people realizing the importance of what they were doing, staying involved and being willing to listen to the interest of other people, and coming up with something that met not only their interest but the interest of others. A real testament to collaborative planning.

City Manager Warren Wood commented in 2004 the Concord/Kannapolis IBT fight geared up. He asked if that conversation entered into all of this.

Mr. Lineberger advised that it entered into the water supply that was done as part of this process, that was the first comprehensive 50 year look ahead for water demands in the basin. It was incorporated there. It got included in some of the meetings. They started to put some language in there about how IBTs should be handled, but the State agencies that were also participating in their process was the ones that had to certify the IBTs and North and South Carolina both said if they put something in there they were out. They could not predetermine what their regulatory actions would be. The comprehensive relicensing agreement (CRA) was silent relative to positions on the inter-basin transfers. It did some things that helped with that conversation. They were relicensed in 2015. Their license expired in 2008, but the law allowed them to keep operating under the old license until FERC issued a new one. A supreme court case delayed that license, South Carolina sued North Carolina over the Concord and Kannapolis inter-basin transfer certification. The supreme court took that case, established a special master to handle it, and after a lot of frank conversations at the Catawba-Wateree River Basin Advisory Commission, it was settled. The settlement agreement was signed in 2010, and 90% of the settlement was the river basin just went through the relicensing process that dealt with water supply issues and how the lakes were going to be operated to support those local water supplies. They thought they had solved most of this. That was what the settlement agreement said. They would have to go back through some of those detailed communications as new inter-basins were proposed. They increased minimum flow releases where there was a flowing river stretch downstream. They established a set band on each lake that they would try to stay within. The old license did not have that requirement in it. A lot of new public recreation stuff, tons of public recreation investments mainly aimed at land-based recreation that people would expect to do when coming to a lake.

Mr. Lineberger discussed partnerships. They had two that made a huge difference in the river basin here in terms of resiliency. Drought Management Advisory Group was the first one, they were the opposite of a storm response team. A drought was like a storm, but it sneaks up on you. You are in it for a few months before you realize it. Who knew when a drought was going to end. They have a low inflow protocol that has 5 stages, increasing water use restrictions. When there was plenty of rainfall there was plenty of water in this lake system and plenty of water for future growth. When they get into a drought situation, they have to start reducing the amount of water that is being used. From Hickory's standpoint stage 0 was like a watch. Stage 1 voluntary water conservation. Stage 2 mandatory water use restrictions. Stage 3 increased mandatory water use restrictions. Stage 4 emergency water use restrictions. Hopefully they would not get to stage 4. The drought of 2007-2009, the ink had just dried on the relicensing agreement. All the water supplies and Duke commented that FERC had not approved this plan yet, but they went ahead and started doing it. In 2006, it was the new drought of record for the whole river basin that lasted through 2009. They got to stage 3 which was the second stage of mandatory use restrictions. They had used most of the usable storage in the lake system. They still had Lake James. They had a piping issue at McGuire that required them to keep Lake Norman at 3 feet higher than its critical reservoir elevation was. That had been fixed and they could take Lake Norman down 10 feet if they needed to. It started raining again and filled the lakes back up. The low inflow protocol absolutely worked. If they would have not used it, they would have uncovered the water intakes in the 2007-2009 drought.

April 18, 2024 – Special Meeting

City Manager Warren Wood commented that was where those IBTs come in, 255 billion gallons between an intake of all these lakes and full pond, well when there was a drought, and you are a foot over the intake then that really becomes critical. You do not think about it when it was raining, you think about it when it not raining.

Alderman Wood commented the water that falls into this basin goes into the river. He asked if the water fell on his property, and he has a lot of property, and he wants to capture it and hold that water. Does he own it?

Mr. Lineberger advised it does not own it. Nobody owns the water in North Carolina, it is a public trust resource. He would own his land and with the proper permits he could build a dam, and he could catch that water. Under North Carolina State law an impounder, if you build a dam, the impounder was entitled to superior rights to use of the excess water above what would have naturally been flowing at the time. That takes lawyers to go through and figure out what that all means. Duke Energy was an impounder on all 11 lakes on the Catawba, and they are also a Federal licensee which gives them additional authority. They do not own the water. They know that the whole region had to have it. One important thing that came out of the relicensing agreement was the leveling that occurred. From their company's standpoint in the past, they thought of the water supply that was impounded there as being plenty forever, and nobody would ever have to worry about a drought in the Catawba basin, but they were wrong. They did need to worry about droughts because droughts had gotten worse. The leveling that occurred was a recognition that the public water supply and the electric supply were joined at the hip. They were equally important. They could not have modern life without both of them. It made no sense for their company to not recognize that and not protect the public water supply with every bit of the fervor that they protect the electric supply. Their management understands that.

Alderman Wood commented that it was interesting because they were generating revenue off of a resource that they do not own. That was an interesting balance he thought.

Mr. Lineberger commented the water essentially was the fuel for the hydro stations. It was the cooling agent for the steam power resources. That was why they had to get a Federal license that made sure what they were doing was the best fit for comprehensive development of the waterway which were the words out of the Federal Power Act. Comprehensive development meant that all of those uses need to be accounted for. They had to get equal treatment which did not necessarily mean the power that they generate versus how much water comes out for public water supply. The volumes did not have to be the same, but they had to be very considerate.

Alderman Freeman asked what a stage 4 water restriction would look like for him living in the City.

Mr. Lineberger advised all outdoor water uses would be eliminated, and he would be asked to use as little water as he could inside of his home. From Duke's perspective they would be asking all of their electric customers to reserve electricity because they have to use a lot of water to produce electricity. In stage 4, they have lost control of the lake levels. In stage 4, more than likelihood they have had the groundwater reversal, and there was lots of evaporation, and the tributaries were dry, and the lakes were going to wherever they go to until it starts raining. Hopefully they would not get there. Stage 4 was really bad, and they had not seen a drought that would cause stage 4, but they were not in control of how bad droughts can be.

Public Utilities Director Shawn Pennell commented that they were looking at pretty much anything that was non-essential. They would not be washing cars at home, watering lawns, essential use only, showers, etc.

Alderwoman Williams asked if it got to that what about the commercial car washes.

City Manager Warren Wood asked if they closed the car washes down last time.

Mr. Pennell advised they did not. Just washing cars at home when they were in stage 3.

City Manager Warren Wood thought that restaurants were asked to serve something other than water.

Alderwoman Williams remembered that they did not automatically give you a glass of water you had to ask for it.

Mr. Lineberger mentioned that most of the commercial car washes recycle a whole lot of their water anyway. Everybody was cutting back when they were in a drought like that. It was a disruption to your normal life, but it reminds us that we are not in charge of how much water we get, and it is so important to everything that we do in our normal lives, and we have to use it efficiently. They get reports from each of the water suppliers every year of how much water they have withdrawn and returned so they can account for it in the system. That changed people's habits for a long time. It got people to be more accountable for their water usage. They will be challenged with more droughts in the future. They were in a better place now to communicate and to process that because of the partnerships. The other group was the Catawba-Wateree Water Management Group, they look out for the long-term water supply needs. It was a 501-C3 non-profit organization.

City Manager Warren Wood referred to the drought conversation they just heard, there was a couple of jurisdictions in North Carolina on the Catawba River that already have 43 million gallons in IBT and there was one that was going to be asking for another 30 million gallons so that was 72 million gallons taken out of the basin into another basin, if the next one was approved.

April 18, 2024 – Special Meeting

Alderwoman Patton mentioned that they look at it, and weight it, and to be fair to each one of these municipalities. She asked if there was some formula involved in that. Like the IBT that was coming up, were they given more weight to their requests versus all the other cities or was a legal issue.

Mr. Lineberger commented that IBT certifications were issued by the North Carolina Department of Environment over environmental quality, if in North Carolina, or South Carolina Department of Health and Environmental Control, if in South Carolina. Duke Energy does not issue an IBT certification. They were a stakeholder in the process for IBTs. Those agencies that had lead were accountable for running their process which included and environmental impact statement which should evaluate all of the environmental and human impacts of what was being proposed both in the source river basin where the water is coming from and the receiving river basin where the water was going to. Duke Energy's role in that was as a member of the Catawba-Wateree Water Management Group to look at the big water quantity model and to run scenarios through that to measure some of those impacts and then provide that information to the State agency that was overseeing the process. They were a stakeholder in that. He referred to the Catawba-Wateree Water Management Group (CWWMG), a corporation. Duke Energy and 18 public water utilities had all relied on the common resource working together. They had spent over \$9 million dollars on projects that would have not gotten done otherwise to help make the water system more resilient during that time. They had developed the first river basin plan in the Carolinas, the Water Supply Master Plan, it was finished in 2014. Under the supreme court settlement agreement, the Water Management Group was accountable for updating that plan at least every ten years. They were updating it now. It was going to be called the Integrated Water Resources Plan. Instead of just looking at quantity, it was going to relook at quantity but also water quality issues like source water protection. It was a great forum to discuss issues like IBTs. Charlotte was proposing to increase their IBT. The Water Management Group Board was meeting next week to begin that conversation about whether there was a way this could be done differently or better to address all of the interest in the basin. It was a shared resource and there was a shared responsibility that everyone had whether they were transferring water in and out of the basin or not. Hickory has an IBT if they move water from Lake Hickory to the South Fork. Statesville, who has a water intake on Lookout Shoals, Charlotte, Mooresville, Lincoln County, Mt. Holly, and Gastonia were all impacted by that, because that water leaves Lake Hickory and does not come back in until Lake Wylie. All the intakes previously named were in the stretch of Catawba between Lake Hickory and Lake Wylie. In a lot of ways, what they do here, because they have a defined sub basin that they serve both sides of it, which was similar to what Charlotte has. The river basin for the Catawba runs almost down the middle of Mecklenburg County. Charlotte serves all of Mecklenburg County. He thought that about 60% of Mecklenburg County was in the Catawba basin and the other 40% was in the Yadkin Pee Dee river basin. To serve their home constituents the people that have Charlotte Water Service directly, they were not wholesaling it, that had to be an inter-basin transfer.

Alderman Wood commented that the transfer that they were getting ready to ask for, do they have capacity in their ability to provide water from their water system to use all of that. Was this to serve more customers? What was the end game for this transfer that they were asking for?

Mr. Lineberger commented that as far as their intakes on the lake they already had enough approved capacity to support the level of the inter-basin transfer. As far as them building new waterlines and things like that within Mecklenburg County, they were doing that all the time just like every other growing area.

Alderman Wood commented that they would not be able to grow without this water.

Mr. Lineberger commented that they would not be able to grow in the Yadkin River part in Mecklenburg County without additional water.

Mr. Lineberger advised there were a lot of IBTs in the Catawba-Wateree river basin. City Manager Warren Wood mentioned some of those. There had been about a half of dozen that had gotten certifications. They had gone through the regulatory process and been certified by that State agency that says you can move this much water. Because there were a whole lot of inter-basin transfers going on before there was even a law requiring that. The entities that were doing those IBTs before the law came into effect were grandfathered. Most of them up to whatever their facility capacity was at that time. That time was July 1, 1993 in North Carolina. Hickory was already doing an inter-basin transfer at that time, so they were grandfathered at some level by the State. As Hickory grows, they could eventually get to the trigger point that requires Hickory to then go get an inter-basin transfer certificate and go through the process that everybody else goes through. He thought that was often something that was forgotten. If they looked at the boundary for the Catawba-Wateree basin and overlay the county boundaries on top of that, every single county in the Catawba-Wateree river basin, had other river basins in it. The point being, if the goal in the county was a countywide municipal water supply, they would deal with inter-basin transfers eventually. They would be in that boat. It was not an unusual thing now and would not be an unusual thing going forward in terms of meeting the growth in this river basin.

Mr. Lineberger discussed Duke Energy's interest here. In an ideal world they would want all of the water to stay in the river basin where God put it. Wherever the rain falls that water stays in the river basin. That would be their ideal because that was most likely to be very simply sustainable. That was not in a practical world though for the reasons he just talked about. Population centers do not follow the river basin boundaries they cross over. It was very hard to build large new reservoirs now, he would not say impossible. Someday they would need to build some more, but it was very

April 18, 2024 – Special Meeting

hard to do. The inefficiency of physically splitting the water system, he was sure it would cost Hickory a whole lot of money if they had to say 20% of the population that was served in the South Fork basin, if they had to say all of that water had to come out of the South Fork River and had to go back to the South Fork River and the other 80% could come out of the Catawba and go back to the Catawba. That would be expensive to do that. There were some practicalities and there were probably going to be some more inter-basin transfers.

Mr. Lineberger advised the alternative from Hickory had to be thorough. Due diligence in the alternatives review was really where there was “hay to be made” here. Specifically, where was the water coming from. Some of the inter-basin transfer proposals in the past had just said it would come out of the Catawba somewhere and would go into the Yadkin somewhere. They could not measure impacts that way. Define the ins and outs. Why can’t you return some of it to the source basin? Why can’t you do something different with the wastewater system planning? Could they do something different there so some of the water they supplied from that adjoining basin gets used and then comes back to the basin it came from.

Alderman Seaver asked if IBTs lasted forever or were they reevaluated to see if they were meeting that level or not. Do they take some back? How does that work?

Mr. Lineberger explained the reevaluation occurred by the State agency that issued it. Typically, every year, perhaps every quarter, they have to send in a report to the agency saying this was how much inter-basin transfer we did in the last time period. Once they get up to some trip point, which they were starting to approach what their permitted level was, then they have to submit a plan for how they will meet the growth past that timeframe. If they had one and did not use it, he was not sure that anyone was really in that boat, because the process was so painful that if you did not think you were going to use it, you would not go into the process in the first place. He did not know that for a fact, that would be a good question for DEQ.

Mr. Lineberger commented maybe there was some opportunity to buy water from a neighboring utility in a part of the river basin that was outside of their source base. Instead of them supplying all of the water, they buy some from somebody else to supply, and keep the water in the river basin in which it was used. Those were the kinds of things they would have a lot of discussion on in the Water Management Group relative to what Charlotte was proposing. He was not going to prejudge where they would come out on that. He was not going to say here is Duke Energy’s position right now today. As they had seen from working through these relicensing issues sometimes the conversation generates into ideas that nobody had before, and you wind up with pathways that nobody really conceived before and all of a sudden, they are being interested in a better way. He knew that conversation was going to occur, and he hoped it would be productive.

Mayor Guess asked who leads these conversations and ultimately makes the decision if it does not have to go to court.

Mr. Lineberger advised the decision maker for Charlotte would be DEQ and the Environmental Management Commission which has oversight over the Department of Environmental Quality. They would be the decision maker and would not be sitting in the conversations that they were going to be having as water users.

Mayor Guess asked how many people that was basically. The group or the board that ultimately decides.

Mr. Lineberger commented the DEQ was basically staff for the Environmental Management Commission, they would run the proposal through the process and then send a recommendation to the Environmental Management Commission. The Environmental Management Commission (EMC) would say yes or no to that. That was a State level board, 12-15 people, they met in Raleigh every month. They do all kinds of things, not just inter-basin transfers.

Mayor Guess asked if Hickory had a representative or a person on that per se.

Mr. Lineberger had not looked at who was on that EMC right now. He was not sure.

Alderman Wood asked if Duke’s assets were exclusive to the Catawba-Wateree river basin, or did they run into situations where they have an inter-basin transfer request where Duke has access on both basins.

Mr. Lineberger advised they have hydro assets all over North and South Carolina, particularly from the Yadkin River west, they had lots of hydro assets. In Charlotte’s case, could Duke eventually use some of the water at their Blewett Falls hydro station on the Pee Dee? Probably. They would discharge it to the Rocky River, Rocky River discharges in Pee Dee just upstream from their Blewett Falls hydro station. They could get a little bit of generation out of that. They would not get as much generation as they did in Catawba.

Alderman Wood asked how they weighted the benefit of the transfer from Duke’s prospective.

April 18, 2024 – Special Meeting

Mr. Lineberger advised the impact of hydro was a piece of what Duke would consider. Duke Energy was in the economic development business. They wanted to see the whole service area grow, be healthy, and prosper. They want to support those communities in that growth. It was hard for them to ever try to say community “X” you cannot grow when others are growing. It had to be done as wisely as they could do it and they have to manage these water resources the best way that they can. He gave an example if there was a water withdrawal from the Catawba that was going to the Yadkin Pee Dee and it was upstream of Tillery, they have two, Tillery hydro station and downstream of it was Blewett Falls, if the discharge was upstream of Tillery they would get a little more generation out of that water, because it would go through two hydro stations. That would not break or make Duke Energy’s decision on whether or not they thought they needed to weigh in on the IBT proposal. It would not do it because it was so small.

Mr. Lineberger referred to the PowerPoint and discussed access to water, since economic development was part of the discussion. They had an access area that was undeveloped on Lake Hickory, nothing on it. They had a plan in the 2028-2032 time period to put some relatively minor facilities there, a gravel parking lot, and non-motorized boating access. But for that relicensing agreement, if that Long Shoals access area was leased to someone else, then they would also consider developing some more facilities there. It was about 19-acres but was not in Hickory’s ETJ (extra-territorial jurisdiction). It was not very far from it.

City Manager Warren Wood advised that it was contiguous to a satellite annexation, it was just beyond Catawba Springs, but it touched City limits.

Mr. Lineberger commented that it was an opportunity that they might want to think about as they move forward. Public access to water was a big deal. As they saw in the pandemic the use levels were out of the roof right now for public access areas. This could be a good opportunity perhaps.

City Manager Warren Wood advised they had talked about more recreational opportunities for the northeast because that was the population that was underserved. Sandy Pines was under design now, but this was another opportunity. Wittenburg was an example of a partnership with Alexander County and Duke Energy.

Mr. Lineberger commented that the lease opportunity here would be for \$1 per year through 2055, and what Duke would get out of that was potentially the City operating this on a day-to-day basis as a park. If the plan involved motorized boating access, they would also have the North Carolina Wildlife Resources Commission maintain the motorized boating facilities under a separate contract with Duke. These partnerships were growing and bringing in some tremendous new opportunities to populations that do not have boats, a lot of times. Everybody needs to be able to enjoy water resources.

City Manager Warren Wood commented that they could not make any commitments but put it on the radar screen at some point to look at.

Mr. Lineberger shared some information sources. They could get a lot of information off of Duke’s website, www.duke-energy.com/community/lakes, off the Water Management Group’s website, www.catawbawatereewmg.org, and they have a mobile app for mobile phones called Lake View. They could sign up for that and it would provide lake levels on any lake they may choose. They could set up which lakes you want. There were also phone numbers 1-800-829-5253 for lake levels and flow releases, and Lake Services and Public Recreation 1-800-443-5193. If there was an issue relative to lake use permitting, they could send an email to LakeServices@duke-energy.com. If there was one relative to public recreation at one of the access areas, you could email PublicRecreation@duke-energy.com.

Mr. Lineberger referred to the PowerPoint and displayed old photos of Oxford Dam. He loved old stuff. He pointed out a photo of Oxford Dam under construction on December 11, 1927. There was not a lot of mechanized equipment out there, there were a lot of cranes, etc., but no rolling stock there. He showed a photo from October of 1928. That was only 10 months. In 10 months’, time it was a finished hydro station. They could not do that today; it would probably take more like 5 years to move that fast. He showed an aerial photo which he thought had been colored enhanced, because he did not believe they had colored aerial photography. There were no houses located near the dam on the lower part of the reservoir during that time. That reminds them of how much things had changed, the real housing boom started in the 60s along the reservoirs and really jumped in the 80s. It was a beautiful site there, of a beautiful reservoir.

Mr. Scott Millar commented that this was a perfect lead in as he was going to talk about the importance of electricity and maintaining electrical assets for the City’s growth. In 2029 and 2034 two of the four, and then four of the four, coal fired units at Marshall were slated to be shutdown as a part of the carbon plan. He asked how much hydro generation would occur following that.

Mr. Lineberger explained at Marshall they have four coal fired units right now, and they were also being supported with natural gas. A couple of them could burn natural gas part of the year and they were also talking about installing a combustion turbine there as well. That was all fossil fired generation there. All of the hydro generation on Lake Norman occurred at the dam downstream

April 18, 2024 – Special Meeting

and it was going to continue. They had four really big hydro units down there and would continue to produce hydro power there. They were not building new hydro stations these days except for maybe one place at their Bad Creek location in the Mountains of South Carolina right on the North Carolina/South Carolina line. They had a pump storage station, which was a hydro power station, that just had the ability to reverse its turbines. When they need electricity on the grid then they release the water from the upper reservoir, and it floods down into the mountain across the turbines and out into Lake Jocassee and produces electricity. When they have excess electricity on the grid, most of the time at night, but sometimes when there was a whole lot of solar coming in and there was not a lot of demand, they reverse those turbines and pump the water back up 1,200 feet through the mountain and back into the upper reservoir. Bad Creek acts like a battery. That water does not wear out so you could do that all day long, forever. That water would be just fine. They were relicensing that project now and as part of that were investigating digging a second tunnel in the mountain, putting a second powerhouse in there, using the same reservoirs. They would not change how much water was available, they would double how fast they could move it, which would provide a great asset to help them integrate more solar and more wind into this electric system, because as they know solar, and wind are great, but they do not always deliver and do not always lineup with when the demands are on their electric system. Hydro was here to stay as far as Duke Energy was concerned, it was where they started, and was very important to them. They could not meet their electric customer's demands nearly with just hydro, it takes nuclear and fossil. He thanked Council for their time.

Alderman Zagaroli asked if they were going to build anymore nuclear stations.

Mr. Lineberger advised that those were called SMR, small modular reactors. Largely it was the same technology, like McGuire, except it was small now, and would be dispersed more. They would be building some new nukes in the future, in the very near term would unfortunately be some more gas generation. It was okay, it was cost effective, it was very reliable, but it produced carbon. The objective was by 2050 to be carbon neutral. They had a long way to go and had a lot of challenges. They were making some very good progress though. He expected in 50 years from now, their generating portfolio to look very different. Hydro would be in there because nothing is forever, but they do refer to it as their forever generation because they continue to invest in it to maintain it and the fuel source was renewable and it was free.

The Council took a break at approximately 9:43 a.m. and resumed at approximately 9:58 a.m.

III. Importance of Water & Overview of Hickory's Water System – Public Utilities Director Shawn Pennell

City Manager Warren Wood introduced Public Utilities Director Shawn Pennell. Mr. Pennell would discuss the City's system, a lot of the history of the system, and a lot of the big decisions that were made in previous City Council's that got them to where they are today. They were on the front end of having some big decisions related particularly to the water side. The current City Council was sitting where other City Council members sat years ago. They would not be making any decisions today, but where going to start having these conversations. This was more than what they do every day and strategically Mr. Pennell would discuss the history and the decisions that had been made and the decisions they would be faced with.

Public Utilities Director Shawn Pennell gave a PowerPoint presentation. He referred to Mayor Guess' question regarding the members of the (EMC) Environmental Management Commission, and advised that was a 15-member commission, the Governor, the Senate Pro Tempore, the Speaker of the House, and the Commissioner of Agriculture appointed those 15 members. He noted J.D. Solomon was the current Chair for that Commission.

Mr. Pennell referred to the PowerPoint and displayed a photo of a set of plans that were on file from 1904. These were the original sewer lines as they were designed by an engineering firm he referred to as Rhode Island. This was the profile of the sewer system in downtown Hickory. He pointed out that there were street names.

City Manager Warren Wood advised originally the City limits were one mile from the Station. One big, one mile circle.

Mr. Pennell knew they heard that the street names in Hickory were so hard, finding a name versus a number, you could probably figure out the numbers. He advised some of the sewer system was still in service from the blueprints of 1904. He referred to the PowerPoint and displayed a schematic drawing of the original water plant. It was constructed in 1904 as well and water was pulled out of the Henry Fork River. The plant was built at 11th Street and 2nd Avenue NW, which was currently right behind where Station 3 was located. According to Wikipedia, in 1904 the population was approximately 2,500.

City Manager Warren Wood noted this was pre-Lake Hickory. Henry Fork was probably closer to town than the Catawba River was, so they decided to pull water out of the Henry Fork.

Mr. Pennell referred to Mr. Lineberger's presentation stating that the dam was finished in 1929. The population in 1910 was approximately 3,700; in 1920 it grew to approximately 5,000; and in 1930 the population was approximately 7,300. Those numbers were important as you see the progression of the water system and how those numbers came about. He referred to another

April 18, 2024 – Special Meeting

blueprint on the PowerPoint and pointed out the Henry Fork River.

Alderman Wood asked if he had an idea of the extent to which they treated water back then.

Mr. Pennell advised it was filtered just like it is now. He did not find that there was any kind of chlorination.

Alderwoman Williams asked what year fluoride was added.

Mr. Pennell commented that Hickory was actually the first municipality in North Carolina to do fluoride and that was in the 50s.

City Manager Warren Wood had heard the story that when the City told the public, there was a lot of concern about putting fluoride in the water, they were going to do it on a certain date. They did not do it that date, and people were saying they did not feel well because of the fluoride, but they had not put the fluoride in the water yet. He did not know if that was true or not.

Mr. Pennell advised in 1929, which coincided with the dam, they built a new raw water intake on the Catawba. He pointed out on the PowerPoint slide the Catawba before and after the dam was built. He pointed out the elevation of full pond from Southern Power, which was Duke now, and he pointed out the low level. He pointed out a structure, the wet well, and a pipe that went into it. That was the current building located beside Highway 321. That building was still there at Riverwalk. The plans were from 1927, so the building was built between 1927 and 1929 to get water out of the new lake.

City Manager Warren Wood commented that was a big decision to move the water intake from Henry Fork in anticipation of Lake Hickory being built, because that was going to be a bigger supply. They could have just said they were going to keep drawing out of the Henry Fork and not doing anything different. That really set them up for where they are today.

Mr. Pennell commented that set them up for moving forward. This was from 1927 to 1929, and the population really started growing. In 1920 the population was approximately 5,000; in 1930 it went to approximately 7,300; and in 1940 the population was approximately 13,000.

Alderwoman Williams asked what caused the population growth.

City Manager Warren Wood advised Hickory's manufacturing and industrial sides really started to takeoff around that time.

Mr. Pennell noted that he pointed out the population growth because if they do not have the water and increase the water supply, they would not have the population growth. People were making the decision to move the intake over to this larger water reservoir. It was greatly effected from 1930 to 1940, in 10 years the population almost doubled.

City Manager Warren Wood commented on the river, based on this split, there was an island where the old intake was, which was probably why the 321 bridge was built there.

Mr. Pennell commented that he had some photos for a different presentation, but the old Horseford Creek Bridge was down below where the blue boat docks were. That covered bridge washed out in the 1916 flood. It was rebuilt and then tore down when the 321 bridge was built. In 1935 plans were made for the construction of a new water plant at the current location on Old Lenoir Road. He referred to the PowerPoint and pointed out the plant, the intake, the waterline construction to tie everything in, one 235,000-gallon tank off the railroad tracks, another location of a 235,000-gallon tank, and another 235,000-gallon tank at where Westmont Gym was located now. There were three 235,000-gallon tanks in the system. Now they have 5-million-gallon tanks in town.

City Manager Warren Wood commented that was another decision, they were growing and needed a new water plant, that was when the decision was made to put in a water plant at the current site.

Mr. Pennell advised construction started in 1934 for the plant. He referred to the PowerPoint and displayed a blueprint of what the footprint looked like. In 1947 it was upgraded. Currently the only thing they have left of that plant is a half of a million-gallon clear well. Nothing else existed from that plant today.

Catawba County Economic Development President Scott Millar thanked Mr. Pennell for sharing all this knowledge.

Alderman Wood commented from a regulatory standpoint and a logistics standpoint could the intake that was associated with Long View's water plant be tied into the City of Hickory's water plant as a redundant source.

Mr. Pennell advised logistically yes, regulatory yes, with some paperwork and some permitting. In 1947 there was a major waterline project. He referred to the installation of the "F" Avenue tank which had a spiral staircase and spine architecture. That was the first million-gallon tank.

City Manager Warren Wood commented that was the same tank that was installed in 1947.

Mr. Pennell noted they performed regular maintenance on it. It was the exact same structure. He referred to the blueprint on the PowerPoint and pointed out the 20" line that ran from the plant to

April 18, 2024 – Special Meeting

the tank. He displayed a photo of the original plant. Various upgrades were made to this plant. As the upgrades were made the population continued to grow. Which one drives the other? You could not have one without the other. They go hand in hand. They went to a 4-million-gallon plant in 1960 and the population was approximately 19,000. In 1960 they added another million-gallon clear well to store water in. There was a plant upgrade to 8 million gallons in 1962, and the population grew to approximately 20,500. In 1974, the plant upgraded to 16 million gallons. They really doubled the capacity of the plant in a relatively short period of time. They saw some pretty good growth in population and industry. There was a lot of industry going on. In 1965 construction began on a 16" waterline that connected Hickory to Conover. That was one of the first connections with a neighboring municipality. That was adequate until 1974. Construction began on another addition which increased the capacity from 8 million-gallons to 16-million gallons. That addition included more filters, more clear well storage with the 2 million gallons at the plant, more pumps, they added three 500 horsepower pumps, another 20" main, another 20" raw waterline to pump water up from the river and get it into the plant, and they added another million gallons of storage at 9th Avenue, which was public works. In 1987 the City voted and passed a bond referendum to upgrade the treatment plant. That made it go from 16 million to 32 million, which was where they currently were. Conover agreed to be a partner in that upgrade. They purchased 2 million gallons originally and agreed to do another million gallons for a total of 3 million gallons that they have capacity in the plan. He referred to a drawing on the PowerPoint which was what the plant was today. He pointed out what was added, the clear well, the building and everything down at the river. In 1996, there was a one-million-gallon tank relocated from Startown Road to Mountain View to serve that area.

City Manager Warren Wood asked Mr. Pennell to discuss the importance of the elevated tanks and how they helped the system to operate.

Mr. Pennell explained they pump water from the plant, and it goes into the tanks. The tanks were what drove their pressure. All the tanks they see in town were one HDL or level one overflow, they all operate on the same level. They could turn all of the pumps at the plant off and everybody would still have more or less the same water pressure. They were required to have half of a day storage in the system to meet customer demands. The more customer demands they have the more storage they have to have for those customers. They have 16 million gallons of storage currently. They were meeting those demands. He would discuss the Long View plant that was purchased. The biggest reason was because they have the clear wells there and the tankage was already there, that was additional storage. That could be refurbished for pennies on the dollar, and they would have that for on day demand in case something happens for storage.

City Manager Warren Wood advised during the day was when the most water usage occurred and then they replenish it at night, and it starts all over the next day.

Mr. Pennell referred to the PowerPoint photo and commented that the tank was from the bottom of the bowl to over elevation 30 feet. They would try and maintain a level, a set number goal as a minimum, but at night they would top it off. They would get to 27-28 feet in that tank. When the usage was up and during the night it would come down and the amount would get back up to where they were comfortable with it. They do that with all of the tanks. In 2002 they built a 36" water line that went to the Town of Maiden. That was really big in getting Apple, and it was also a loop for the southeast of Catawba County. That line served in one form or fashion all of the Microsoft campuses. That was a really big decision that the City made to install that line to serve the area. In 2020, probably the cheapest tank anybody could build from then until now in the country, they built on Springs Road. They built it for approximately \$3 per gallon, and it was more than double that now since COVID.

Mayor Guess asked if there was a need for a tank for anywhere else. Where would be the location of a tank if they had to have one?

Mr. Pennell advised they had not done any studies beyond that. They were currently concentrating on storage in general and that was why they were looking at something close to the plant like the Long View plant. He gave a general synopsis of the system. They served the greater Hickory area, Conover, Brookford, Hildebran, Alexander County, Long View, Icard Water Corporation, Caldwell County, Town of Catawba, Claremont, Maiden, and Catawba County, they all get water from Hickory's water plants.

City Manager Warren Wood referred to the 1987 bond referendum. The selling point was building a regional water treatment facility, and you get the economy of scale. The more customers you have to spread the expense across the cheaper it was for everybody. That was the concept behind that bond referendum that passed. It had proven true.

Alderman Wood commented even though it was regional did they have a sense of what the current capacity would serve in terms of population for Hickory, was that knowable?

Mr. Pennell advised approximately 900 miles of water line and they served more than 120,000 people per day from the plant. He referred to the PowerPoint slide and displayed a map of the basin. He pointed out the location that was closer to the headwaters of the basin. He discussed the current demands and projected future demands. They have to project demands out to 2070 right now. He pointed out the permitting for the surface water supply, which was 32 million. He pointed out the purchases, which was the contract with Granite Falls to supply water to MDI, because they do not have a waterline there. He pointed out the service demand area, which was Hickory, on a peak day. The average number was approximately 8.5 to 9 million gallons per day. The report had to use a peak day.

April 18, 2024 – Special Meeting

City Manager Warren Wood noted those were direct Hickory customers.

Mr. Pennell pointed out the number which was direct Hickory customers. If they were projecting out through 2070, what they think was direct Hickory numbers would be.

City Manager Warren Wood commented that the residential development had an impact, but it did not have near the impact that it used to.

Mr. Pennell advised on the residential impact they were seeing about 120 gallons per day, and it would take a lot of houses to impact those numbers.

Alderman Wood asked why the severe jump between 2023 and 2030, and then it levels off to 1 percent. What were they anticipating happening demand as a percent of supply? What was happening during these 7 years.

Mr. Pennell advised they were looking at the numbers from all of the developments, and saying if they were all developed out, the Microsoft campuses and other projects like that. They were saying that it was going to level out, they did not have anything promised past then. Available land, they could not annex like they used to. The numbers were readjusted annually. The sales were all of the bulk customers. They have to look at their growth, i.e. how Conover was growing and everything they had going on, everybody. They have to plug those numbers in and then they go to the max contract usually, right now that was all the water they could buy.

City Manager Warren Wood commented they had sold capacity. For example, if he was Alexander County and had bought 2 million gallons, they have to act as if they were using 2 million gallons on that chart, but they were only using half of that in terms of their daily demand.

Mr. Pennell pointed out the numbers associated with that example, what the contract numbers were. He noted that Maiden was not using 3-million gallons per day they were not even half of that.

City Manager Warren Wood advised they had to hold that.

Mr. Pennell commented that they had to hold that in reserve. He pointed out the number that was almost 22.5 million gallons per day. They were a 32-million-gallon plant, but on a peak day approximately 17 million gallons. He explained that was because of the contract obligations.

City Manager Warren Wood noted that was a hot summer day, it was usually less than 15.

Mr. Pennell commented that on a day like today, they would do approximately 12 million.

City Manager Warren Wood commented that with all of that long-term planning they need to be careful about allocating out more capacity, because now they were getting into needing another plant, playing it safe, having enough storage and that was where the Long View plant came in. There were other jurisdictions who were talking about wanting more capacity. They could do that, but it was going to cost them more today than it did 10 years ago.

Alderman Patton asked how often they renegotiated those.

Mr. Pennell explained each contract has an expiration date, and they were all different. He thought Alexander County's was up next and it was in 2026.

Alderman Patton inquired how long the contract was for.

Mr. Pennell advised usually it was 20 years. Usually on water supply they want a long-term deal.

Mayor Guess asked if each of those they were selling to were completely dependent on Hickory for their water resource.

Mr. Pennell responded yes.

City Manager Warren Wood noted that Mooresville was an exception that was for emergencies. That was why they were saying we have a great water plant and have not had any issues, and they were big enough now where they need to think about when a lot of cities get to be their size, they start thinking about a second water plant. He mentioned that Asheville and Mooresville had two water plants. That was the point where they are now.

Alderman Wood commented historically they had doubled capacity when they had done something like this. Would that be the plan to double the capacity?

City Manager Warren Wood commented probably not. He thought it was 5 million gallons at the Long View plant.

Mr. Pennell advised that was why they needed to look at projected future demands, and any other partners. If Alexander County said they think they were going to have a big growth and need 5 million gallons. They would have to pay for the 5 million gallons.

Alderman Wood asked if they were recovering. It was so capital intensive. Were they recovering

April 18, 2024 – Special Meeting

with what they charge the costs of processing water plus capital costs?

City Manager Warren Wood referred to the capacity charges, they went way up. They had a study done, and now as people come on to the system, they were recouping what it was going to cost to accommodate that long term.

Alderwoman Patton asked if they anticipated adding to the service areas.

Mr. Pennell thought there was a chance for some small areas but no big wholesale.

City Manager Warren Wood mentioned that nowhere in the City's planning was the City of Newton thought of in terms of Hickory serving them. They have their own water plant and pull out of Jacobs Fork, and they pump it into an impoundment. The City had helped them out when their system had gone down a couple of times.

Alderman Wood asked if they were doing anything in south Caldwell County. Was the water plant that served them in good condition?

City Manager Warren Wood advised that was Granite Falls and they had their own water plant. They had talked about doing a line to MDI but what they had now worked up there.

Mr. Pennell noted that they go into Caldwell County a little bit through Alexander County, near Crystal Falls, because they could not get water pressure.

City Manager Warren Wood mentioned that MDI already had sewer, one of the considerations about putting water and sewer in southern Caldwell County was there was a lot of undeveloped land west of the City's water plant on the other side. The fact that property was vacant and was watershed protection. You start thinking about that. Granite Falls could serve some of that. The fact that property was protected watershed and undeveloped right now was good for Hickory.

Alderman Seaver referred to MDI having the City's sewer system but not water.

City Manager Warren Wood advised that was the deal that was worked out years ago with Caldwell County and Granite Falls. MDI would be served with water by Granite through the City of Hickory, it was a billing thing. The City serves MDI's sewer.

Mr. Pennell commented on all that being said that was where the City started and where they were currently. Where were they going? Where do they want to be? They were at that intersection now. They had already been ready for what had come to them. They had never really shied anybody away. When Mr. Millar talks with clients, he will check with Mr. Pennell to see if they have the capacity. They do not want to get to the point where they say we have to look at that hard, we have to think about it. They are at the intersection of where are we and where are we going to go? He referred to a map on the PowerPoint and noted the towns that had water treatment facilities. He advised that Lenoir, Granite Falls, Valdese, Morganton, Hickory, and Newton all had water plants. Possible interconnections to help Hickory help them. Do they want to refurbish the Long View plant for just storage? Do they want to possibly make it operational again? Does the plant need to be upsized? Those were all questions that need to be asked and considered. Do they need to make it a different type of plant? It was a conventional plant now; do they need to make it a newer technology plant if they do?

Alderwoman Patton asked when it was last operational.

Mr. Pennell advised about 10 years ago when they connected to the City of Hickory.

City Manager Warren Wood advised they bought their intake and came back and purchased the plant. They have a study going on right now. Where does it make sense? There was a place close to the Lenoir system, tying that in. That way they could serve them if they needed help, or they could serve just from an emergency perspective and looking at interconnecting the lines. To Mr. Pennell's point, what makes the most sense related to this plant.

Mr. Pennell added do that in steps. Do they go ahead and get the additional storage? Then what do they work towards next? They needed to keep that process going so they were ready.

City Manager Warren Wood commented they would be coming back to Council with a pretty big number for a recommendation related to all of that.

Mr. Pennell reiterated they had a study with an engineering firm right now.

Alderman Wood asked how many gallons it held.

Mr. Pennell pointed out the location of the clear wells, and advised there was 2 ½ million gallons of storage at this plant. For what they brought the whole property for, they could not build any part of any of those tanks.

Alderman Wood asked if he knew why they held on to the property after they connected to Hickory's system. Did Hickory offer to buy it 10 years ago?

Mr. Pennell knew they bought the intake back then.

April 18, 2024 – Special Meeting

City Manager Warren Wood thought at the time Hickory was not interested in it. They thought that nobody would be interested in it. Then they found out and went through the process. They would drive by there on the afternoon tour.

Mr. Pennell referred to properties the City had purchased. Up towards Rhodhiss in Burke County they purchased property for watershed protection. They installed a trash trap, which was Public Works Director Steve Miller's idea. A great job there, it was working well keeping trash out of the lake. They City has a good relationship with the Riverkeepers as well. What do they do next? Treatment, investment in waterline interconnectivities, and IBTs.

City Manager Warren Wood advised they would be bringing Council more on each one of those. IBT more than anything. The Western Piedmont Council of Governments (COG) was going to be riding herd on this issue for the four-county region. Anthony Starr was meeting with the folks in South Carolina where the other end of the basin comes up.

Alderman Seaver asked if the meeting in Hickory was going to be the first one.

City Manager Warren Wood confirmed that was the very first meeting.

Mr. Pennell referred to an article he received and read the title and first paragraph. "Water is more valuable than oil, the corporation cashing in on America's drought". This was in Lake Tahoe because their water was way different than Hickory's, they way they do stuff. He read the paragraph "Nearly a decade ago Green Stone Resource Partners LLC, a private company, backed by global investors bought almost 500 acres of agricultural land here, the first of its kind deal the company recently sold water rights tied to the land to the Town of Queen Creek a suburb of Phoenix for a \$14 million-dollar gross profit." This was 500 acres of farmland they bought that had water rights, 200 miles away. They sold it to a developer to build houses. That directly related to Alderman Wood's question. That was not how things work in Hickory. He was thankful they could not do that. And they do not have to deal with those type of questions. That was why they were able to be permitted and regulated the way they were and being able to grow. He wanted to drive home, that was how important water was. Somebody was willing to pay \$14.5 million dollars, gross profit, for water that was supposed to be at a farm for a house.

Alderman Wood referred to Mr. Lineberger's presentation how Duke Energy recycles, or pumps water up through a mountain and they continuously run it through the turbine. What permitted a municipality from doing the same thing with their treated water, pumping it back to where it was used again in getting the recycled flow from it? What prevented them from doing that?

Mr. Pennell responded economics. It was done but not here, because they have the water source that they could just put it back in the lake. They do a water balance that they were taking this much out and putting this much back. They can just pull more water out and it was cheaper to do that than pumping it all the way back and starting all over again. It was just pure economics.

Alderwoman Patton asked if he saw that ever changing if they got into a period of extended drought, that might have to be something they would have to consider.

Mr. Pennell commented that was possible, yes. They do that out west and it was a lot more difficult to permit and do that here through DEQ. It was pretty difficult, and he did not know anybody that did it. There were even places that had reused water. It was in a purple pipe. They put it in their system in Cary, discharged water from the wastewater plant that they use for irrigation, but it was really cost prohibitive for Hickory to do it.

Alderman Wood commented not unless they have a semi-closed system.

City Manager Warren Wood asked Mr. Pennell to discuss what he had seen on water quality during his time on Lake Hickory, and also, they always plan for the worse case, to discuss the worst case for their intake in drought conditions and low water levels.

Mr. Pennell advised the water quality of the water they pull in and treat from the lake was good or better than it had ever been. They test raw water throughout the process and the finished water in the plant approximately ever 15 minutes or so. Somebody was doing some form of test. He referred to Mr. Lineberger's comment with the Water Management Group, they were doing pretty extensive testing throughout the basin and in the lake. They had really good water quality in the lake.

City Manager Warren Wood had heard operators that had been there for 30 years say that it was a lot cleaner than when they started due to all of the regulations. It was not as much agricultural and chemicals going into that.

Mr. Pennell noted that the biggest problem they had was high turbidity. Cloudiness when they have really hard rains, and runoff from upstream, and the lake looks muddy.

City Manager Warren Wood commented in the catastrophic drought level conditions what was the contingency plan to make sure there was water on top of the intake.

Mr. Pennell explained the drought of record, 2007-2009, everybody was worried, but they still had plenty of water over the intake.

City Manager Warren Wood asked how deep the full pond was.

April 18, 2024 – Special Meeting

Mr. Pennell advised full pond was approximately 18 feet deep. They had two 42-inch pipes that go out into the lake and were located on the bottom. They still had over 10 feet of water over the pipes. They could see them at the building, but they were still at the bottom. They were good.

Alderman Seaver referred to the past drought and asked if they ever got to stage 4.

Mr. Pennell advised they had not been to stage 4; they were at stage 3. Lately they had got to a stage 1, last year. He explained the way that works was they met monthly. They have groundwater monitors all throughout the basin and there were complex formulas to get in and out. They look at groundwater, storage index, etc. It was a very scientific formula.

Mayor Guess asked if any of the bottled water came from Hickory.

Mr. Pennell advised that they did not have any customers that had bottled water on their system. The potential was there, yes. If someone wanted to build one in Trivium they could, but they had not seen that.

Alderman Wood referred to Alderwoman Williams' comment about businesses being impacted by the low water protocols. In stage 4 would there be some businesses impacted by that, for example a car wash. At what point would businesses be affected by their ability to use water.

Mr. Pennell commented that stage 4 potentially, but he did not have that in front of him.

Alderman Wood commented that they all would be affected as far as irrigation and things like that, but he was referred to the actually functioning of a business. That was serious.

City Manager Warren Wood mentioned golf courses, and their watering, and all of that stuff goes away.

Alderwoman Williams asked if the City currently had the technology to monitor the weather patterns that would indicate if there was going to be a drought.

City Manager Warren Wood advised some of the best data they get was from Duke Energy.

Mr. Pennell commented that was part of their meetings and Duke had their meteorologist in the meetings with them and they presented it to them.

City Manager Warren Wood referred to Mr. Lineberger's comment that "you really do not know that you are in a drought until you are". He did not know how they modeled that at all.

Mr. Jeff Lineberger advised they had a whole team of meteorologists and also contract meteorologists. They do try and predict those droughts. They were hard to predict. Part of it was the shape of the Catawba River basin, how narrow it was. The narrowest point was only 30 miles wide. It seems like a lot, but river basin wise, that was narrow for the weather pattern to come over. Drought triggers also include the US Drought Monitor which was meteorologists and agencies from all over the country, every week produce a drought report that showed color coded wise where the droughts were occurring, they could see them grow from one week to another. They took their information and looked at what percentage of the Catawba-Wateree basin was in different levels of dryness or drought and that was one of the triggers that determined which stage. They were doing the best they could. It was an unprecise science. He had a lot of respect for meteorologists because it was complicated to predict what was going to happen, days, months, down the road. They have a hard time predicting tomorrow.

Alderman Wood commented that Duke did a great job of predicting heavy rain. Social media does a great job of "why are they drawing down the lake". They knew that heavy rain was coming.

Mr. Lineberger commented from a flood management standpoint they were looking 10 days to 2 weeks ahead. As far as acting at a hydro station, they seldom take that action more than 3 days ahead because they do not want to push the water downstream of the Wateree and the big rain does not come.

City Manager Warren Wood commented in 1916 it wiped out everything.

Alderman Wood asked Mr. Lineberger if Duke generated power in real time. He asked if it was generated when it was used. He asked if they had storage capability for power.

Mr. Lineberger advised the vast majority of the electricity they produced was used on demand. When it was produced it was put on the grid and used at that time. It was one of the most manufactured products in our lives, but there was very little capability to actually store it.

The Council took a break at approximately 10:45 a.m. and resumed at approximately 10:59 a.m.

IV. Economic Development – EDC President Scott Millar

Catawba County Economic Development Corporation Scott Millar gave a PowerPoint presentation. He wanted to make sure that everyone recognized not just the short-term impacts to the City from good economic development but the long-term economic impacts as well. He displayed the Catawba County Economic Development Corporation's (EDC) mission statement. He advised their

April 18, 2024 – Special Meeting

challenge and mission was to build a diversified economic base. He used the analogy of the 3-legged stool. In the early 2000s and 2008 recession when they got their legs chopped out of furniture, textiles, and fiber optics, their entire stool got a whole lot shorter. He noted that 45,000 workers lost their jobs during that period of time. They try to maintain a diversity, just like you do with your investment portfolio, you need to make sure you are diversified both short-term and long-term. They need to look 30 years down the road to make sure the industries they have, that help pay the bills for everybody, they need to make sure it grows and is diversified just like their investment portfolio. They were looking at new businesses and industries, i.e. Microsoft, the steel warehouses, those types of industries that were new to here, but also to take care of those that existed here and had been so important to the economy. To make sure those existing companies stay and grow, and also to foster the creation of jobs. The impact of good local development was on the property tax, because they were trying to increase the property tax, so they were sharing the wealth by bringing in people that were going to expand the tax base that pays for good water, fire, police protection, etc., and all of these city services. Expand that so property tax rates do not have to go substantially higher in order to pay the ever-increasing costs of paying for those services. Add new people to pay for those and you do not have to, that was the idea of what they were trying to do. The State gets money from the creation of jobs. State incentives were based on the creation of jobs, more so than local incentives were.

Mr. Millar referred to the PowerPoint and displayed a photo of cookies. He passed around cookies to Council members and others. He asked what ingredients were in the cookie. He displayed the ingredients for a great cookie. He noted that it was not just the ingredients but also the process of making the cookies. He referred to Mr. Shawn Pennell's presentation of the process of water, developing it, storing it, and paying for it. All of those things were a part of the process. He asked which ingredients were more important. If you left out any of the ingredients, you would not have a cookie. All the ingredients were very important to the entire process. You had to have the right ingredients and the right amount of each ingredient. He referred to the PowerPoint and displayed Great City Ingredients. You have to have a mixture of ingredients to have a great City. Those ingredients included, police, fire, coworkers, etc. You could not have too many specific things. You have to have diversification of existing industries, new industries coming in to help pay the tax bills and expand the tax base, and retail and commercial. It was easy to drive through Trivium and look at the brand-new stuff that was out there. He discussed the new commercial/retail that was coming on. Two new hotels, and a new market on Old Lenoir Road.

Alderman Wood thought that it was the small businesses, the entrepreneurial. Big companies were important, but the bigger they are the more dependent you are upon them. He liked the small companies.

Mr. Millar used Atriax as an example. He referred to what they did with the facility there.

Alderwoman Patton mentioned housing all over.

Mr. Millar asked if they would like to be one of the municipalities in North Carolina that did not have new housing going on. He referred to a discussion with the Chamber Foundation and a whole group regarding the new workforce and talent study that was going on there. If you do not have new housing, then you do not have new people to work because they could not necessarily afford the housing stock that we have. You have got to have new people moving in, which the new housing stock was facilitating. If you do not do that, he would not be able to recruit the industries that they were going to be talking about.

City Manager Warren Wood saw at the Council of Governments (COG) yesterday that there were 7,600 vacant jobs in the four-county region. That points to the need for people to move here.

Alderman Wood commented the balance of steady growth, something that he thought was easy to take for granted was the location. Where we are located in North Carolina. Look at what was happening in the mid-west with tornadoes. Those kinds of things. We were so fortunate to live where we are and are insulated from that a little bit. He thought they had a responsibility to take care of the environment that we enjoy, and it was drawing people. It had to be balanced or you could lose that.

Mr. Millar commented that mix of too much chocolate or too much salt. Mr. Millar discussed arts and culture. They had seen the arts and culture impact survey that had been sent out. It was important too. They had a whole host of institutional facilities that were located here as well. Appalachian State University (ASU), and Lenoir-Rhyne University (LRU) were bringing back the seminary facility, that was going to impact them from that perspective. Catawba Valley Community College (CVCC), the Regional Workforce Facility that was being built at the Airport which they would tour later in the day. That had the opportunity to be programming for augmented reality, virtual reality, artificial intelligence, all of those things that they do not quite understand yet, but if we do not start to begin to understand and train within those opportunity sectors, we will not be able to recruit the industries of the future. He received data that showed the 7 largest United States corporations. Everyone of those 7 were younger than 40 years old. Ten years ago, it would have been a lot of other players, that was substantially different today and if they do not try and keep up, particularly with workforce training facilities, they were doing a job of doing particularly at the 13-64 level, those opportunities. They need to make sure they keep those facilities capable of training what those next jobs are going to be once they determine what they are going to be. They also have strong regional and State relationships. They were perfectly blessed from the geographic perspective to take advantage of Charlotte, and to take advantage of Atlanta to Richmond, the I85 to I95 corridors that were there. They had the opportunity and the livability factors that were going to have a big influence on where companies were going to locate.

April 18, 2024 – Special Meeting

Mr. Millar asked where they were today. A strange world, strange situation right now. They do not have challenges associated with no growth, but there were those surrounding them that had some of those issues. It was going to be a weird year for them with the election going on, who knew what was going to happen. There were people who were not making decisions right now because they could not decide where things were going to be and whether they were going to be in their favor or not come the election date in November. Right now, there were strong geopolitical issues going on in the Mideast, Europe, Russia, and the Ukraine. People do not know what was going on in the world, let's wait and see. There are inventories leftover from COVID that were substantial and that were driving issues. There were a lot of companies that were having slow sells now, but they were relying on the backlog they had during COVID and were trying to whittle those down before they started making investments. The communications folks are waiting on the sales that were going to be generated from the recent Federal funding of the (BEAD) broadband programming. Corning, CommScope, Prism, a lot of the big fiber related companies in Catawba County, because AT&T, Verizon, and other telecom systems were not buying because they expect the BEAD funding to come out and pay for things, so they do not have to. AT&T was not spending money because they thought the Federal government was going to spend it and it was not coming out of the Federal government as quickly as they would like. It was impacting the folks locally. They would see that at the Corning facility at Trivium. It was not as full as they thought it was going to be. It was on schedule, but it was not packed with people as of yet because of the COVID hangover.

Mr. Millar discussed electric vehicles. A year ago, they were talking about how they would be overrun with battery manufactures/battery suppliers, components for electric vehicles, and those sorts of opportunities. Tesla just laid off 10% of its workforce. Rivian and other electric vehicle manufacturers were concerned about where the future was right now. Toyota was the big headline for the State of North Carolina right now being in the catbird seat because of their positioning with hybrids as opposed to pure electric vehicles right now. Their chairman had stated for the last 5 years that they were not going electric vehicles yet, they were going to hybrids, and they were going to look at hydrogen as an option for fueling these vehicles as well. Who knows who is right? He thought that there was a gap between the early adopters of electric vehicles and the mainstream that was going to supply them. He thought that electric vehicles were going to move forward, but it had taken longer than was expected a year ago.

Mr. Millar advised that there was no slowdown in data centers. For example, the 3 sites that Microsoft was building in Catawba County, that was announced a year and a half ago, two of them are underway right now. The Maiden site and the Conover site were being graded. They were moving toward a bid on the Hickory site in about 4-6 weeks. There was no real slowdown, it was just the process that was getting them to that point. The Conover site would take 10 months to grade, 1.6 million cubic yards of dirt was going to be moved on that site. They would then go straight into building the facilities on that site. Maiden was about 6-8 weeks later, and Hickory was 6-8 weeks behind Maiden. Hickory had the small 4th facility out on Tate Boulevard that would be undergoing construction sometime in the near future. He did not have the time schedule, but he did not have any concerns about that one being built with the same rapidity that the others were being built. Because of artificial intelligence and the growth of the cloud, and the growth of the entire data industry, Microsoft, and others, there would be quicker development of those sites than was anticipated a year and a half ago when they made that announcement. That development was going to keep moving forward, there was absolutely no pause in data center opportunities and who knows there may be added opportunities for growth as they move forward.

Mr. Millar congratulated the City of Hickory as the Downtown was named one of the top ten, number 9. Good job. It was great. He discussed programmatic planning. In 2004, following the downturn in 2002, they had great concerns over where the economic future lay. They were hemorrhaging all of these jobs; they were invested fully in the 3 stool legacy industries that they had. What were they going to do? They started doing call centers, distribution centers elsewhere in the County, they started doing all sorts of different things from pure manufacturing and they started programs such as the spec building programs and others to try to figure out and diversify the economy. They were similar to that right now. The EDC, the County, and all of the cities were participating in an analysis of industry growth opportunities. They hired the Site Selection Group out of Dallas, Texas and Greenville, South Carolina to spend a good bit of time to try and figure out where their next opportunity sectors were. How did they start getting data centers to begin with? They started realizing that power they had left over from Duke Energy and the transmission lines and the capacity they built primarily to serve the textile industry, they also had the legacy water and sewer capacities in the municipalities that was left over. What industry sectors were they going to be able to recruit? They had excess power and excess water and sewer. Then they started chasing data centers before anybody else started chasing them. They started doing special functions specific to that target sector. They started going around the United States talking to those people, and they started developing a business park that was focusing on data centers. They started developing properties, part of Hickory's benefit for Conover's Microsoft facility, Hickory paid a healthy portion of the development costs for the multijurisdictional piece of property in Conover. Hickory put money in, he thought it was 19% of the costs of the development of that site, and now Hickory would get 19% of the income stream from the future tax proceeds that were generated by Microsoft on that site. For the period of time that multijurisdictional park pays out, Hickory was going to benefit from tax base that was not developed inside the City of Hickory. They were in essence getting income from something outside of the jurisdictional boundaries.

City Manager Warren Wood commented that it was a dividend.

Mr. Millar responded substantially, yes. He referred to the PowerPoint and displayed a photo of a pasture. Who would invest in a pasture? Hickory did. It was Trivium. Today there was \$400

April 18, 2024 – Special Meeting

million dollars' worth of investment there, and several hundred diversified jobs that paid well over the County average manufacturing wage. A lot of today's discussion had already been about decisions. He backed up from the development of Trivium Corporate center and thought about what facilitated that. Hickory developing the sewer project back in 2004 or before, was when Hickory made the decision to develop the infrastructure that facilitated these jobs. It took a while, but the decisions they made, just like decisions that were made in 1904 to invest in water treatment facilities, the same was true in 2004 as well. Those sorts of development decisions were what was paying off for Hickory today. Likewise, they were getting two different Microsoft projects because of the investment decisions they made a while back. They negotiated a boundary agreement with the City of Newton to facilitate the development of that site near Target, but on Hickory's side of the boundary agreement. They were getting all of that.

City Manager Warren Wood commented that boundary agreement also allowed that project to happen all around the County, because if it did not, none of that would have happened.

Mr. Millar advised the design of Microsoft required 3 different sites that were 10 kilometers apart. If that site had not been negotiated through Hickory, because Newton could not serve the utility needs of that site. If that site got axed off the list, then the other two sites did not fit the configuration that Microsoft required. Without this site all three of those sites would not have happened.

Alderman Seaver asked what the triangularization was there.

Mr. Millar explained it was the latency with data from location to another could not exceed a certain timeframe. Their configuration required that everything being within that pre-designed pattern. The Tate Boulevard facility near the hospital was the central hub for all three of those. Information would be shared from that out to the others. He had already told them that the project was moving forward, and Hickory would be benefiting greatly from the decisions that they made on the boundary agreement and the participation in the multijurisdictional arrangement 10 or more years ago. They get everything west of the boundary line agreement that was negotiated.

Mr. Millar discussed other investments that were impacting economic development that were here. He thought they had meetings in the CVCC Workforce Solutions Center. They probably had been to the Manufacturing Solutions Center in Conover. All of these were development of facilities, Hickory's tax payments were helping to fund, and they were benefiting from those. A few years back they all participated in the Lenoir-Rhyne University (LRU) Health Sciences Facility and the purchase of that which had facilitated a lot of other partnerships with the hospitals. They have Appalachian State University – Hickory (ASU). The Regional Innovation Center at the Airport, which they would see in the tour later today. The NC School of Science & Math in Morganton. He thought they tend to forget about that a little bit because of the distance between Hickory and Morganton. He encouraged them to take a road trip and see what was going on there. He was on that board with astronauts, and a whole lot of other smart people. For them to be able to train the people that they are training at a high school level, and the projects they were doing at a high school level, was phenomenal. He thought they could tap into that reserve of opportunity a little more than they do right now. He had already spoken about the renaissance out on Old Lenoir Road which was facilitated by all of the bond investments. If he were an investor in the City of Hickory, the opportunity that lies in the Old Lenoir Road corridor would be phenomenal. If you think about what had happened in the river arts district at Asheville and other areas, there were so many opportunities that were being developed there, but there was also all sorts of other opportunities and pockets within the City of Hickory and the County that were investment opportunities that he thought the business community was looking at pretty strongly now.

Mr. Millar mentioned that City Manager Warren Wood would discuss the Airport Innovation District. He discussed the industrial growth analysis process. What they were trying to do was look at different sectors and figure out what fits with their workforce, and what fits with the land development in play, what fits with their utilities, and figure out what was the next target market they should be focusing in on. He explained this was how they were going into it specifically for biotech. He advised Council would be invited to an upcoming workshop were they would go into details and discussions about the sectors they had looked at. They broke up the County into four different areas. One which was southeastern Catawba County, and it was interesting to see the difference in workforce because of the impact with Charlotte within a 20–40-minute drive time. It may be the southeast marketplace has a different potential than the Trivium marketplace or another area of the County just because of the workforce availability and the costs of doing business within that sector. They were going into a whole lot of different details to try and figure that out. They had looked at biotech and for a long time he had argued that this area's workforce does not wear white lab coats. Why should they chase after biotech opportunities? He mentioned Greenville, North Carolina, Sanford, North Carolina, and now Concord, North Carolina and even Lenoir. If you drive through Lenoir, the old Broyhill Furniture Headquarters on the left, was now a pharmaceutical operation and there were about 1,000 people employed in the City of Lenoir now making pharmaceuticals, biotech-oriented types of jobs. Other communities that you would not necessarily consider to be biotech opportunity sites are now proving to be that way. They were looking at a lot of different opportunities within that field. They will get more details on that in a few weeks.

Mr. Millar advised that he left this at a high level as well because he knew that City Manager Warren Wood would be discussing it. They had discussed innovation and entrepreneurship, that small business play, how were they going to facilitate that? They were also doing an analysis trying to figure out where that could go, where should that go, what could be developed? They were really looking at the area between ASU, the Catawba River, Lake Hickory, the Airport, and that area for opportunities within that innovation sector and trying to drive that. How do they do that? He thought it was yet to be determined.

April 18, 2024 – Special Meeting

Mr. Millar referred to the PowerPoint and pointed out that Hickory was Charlotte's great northwest from a marketing perspective that seems to be where they had gained the most traction for opportunities that the EDC was working with but realized that growth was not going to slow down, and it was not going to stop. Make good decisions based on the expectations that growth was going to impact them. Take what you like and leave the rest, was where he left that analysis.

V. Innovation District – City Manager Warren Wood

City Manager Warren Wood advised prior to Appalachian State University (ASU) Hickory announcing, Assistant City Manager Rick Beasley had come up with a concept of an Innovation District out US 321, OLLE Art Walk, up to Lackey, west past the Airport and south to the town limits of Long View. If they think about the assets they have, they will have the Lackey Project, ASU-Hickory, Aviation Museum, the Stadium, and the Airport. They would visit a future site of an Environmental Education Center. They have a lot of property the City owns for watershed protection. In total the City owned about 1,000 acres in this area, much of which would remain undeveloped because of topography and watershed. They had all the fundamentals in place in the right place, they felt like for something special to happen over time. Particularly with Old Lenoir Road and what they all knew was going to happen there with redevelopment that they were already starting to see. The Riverwalk, the Aviation Walk, all of that would be tied in. Total there was approximately \$500 million dollars, mostly public, the private side would be the Lackey project. Public/private investment going on in a pretty concentrated area. US321, ASU, the trail system, 17th Street extension, pre-bid was yesterday, the Aviation Museum, Workforce Innovation Center, Crawdads Stadium, Airport, Lackey Project, so they have a lot of investment that had occurred. In an Innovation District, they may call it something else as they were in a planning process right now, it could be biotech, aviation focus, ASU has a big sustainability program, and emphasis, it could be all of that. It could be a multitude of things. They were going through a planning process with ASU, Mr. Scott Millar, Catawba County, and some other private sector folks about what and where.

City Manager Warren Wood referred to the PowerPoint and displayed a photo of ASU-Hickory. He pointed out US 321, and Clement Boulevard. They were doing some land use projections and looking at topography, traffic counts, accessibility, and what makes sense where. He displayed another rendering and pointed out Clement Boulevard. If you were driving west down Clement Boulevard, right now there was a tree lined area, but the topography lends itself to something like was on the conceptual renderings of what could happen. There were absolutely private sector interests in all of this. Some from out of State. Then they have the Airport, that asset. Deputy City Manager Rodney Miller, and Airport Manager Chad Hunsucker were working on projects. Construction Project Manager Will Hamblin just came got back from a pre-bid meeting on the next set of hangars. There were 7 potential bidders, which was good news. A lot going on at the Airport. They were going to start leveraging that more as an economic development asset. They had the end of the old secondary runway that had been set aside for some economic development activity. All of that was coming together. It was really unique that they have that many assets, that much public investment in a pretty concentrated area. It has a lot of potential about what could happen. ASU continues to grow. There were going to have space needs and need space outside of that building. They were going to need more buildings, which was a good problem to have. They say that over time there could be more students at the Hickory campus than there were in Boone. They cannot grow anymore in Boone. He had heard them say that a number of times.

City Manager Warren Wood discussed the T-hangar development. They had a partnership with Burke County, as the tax base goes up, they remit half of the tax increase back to the City of Hickory and it goes back into more hangar development. They were going to do the next set of T-hangars and then they have a box hangar next. They would tour the west ramp at the airport, and they would take a tour and look at all of this. Aviation Museum was well underway. He showed photos of the Crawdads Stadium. The Aviation Walk was really coming along and looked great. Riverwalk looked great and people were out there all of the time. They had talked about OLLE Art Walk and what was going to happen there with redevelopment. That would be the private sector. They were already buying property. Having the OLLE Art Walk, so close to ASU, he could see those two with the plan in process feeding off of each other and having a cool vibe down that corridor because it would be very accessible with bike/ped. They received an update on the Diedra Lackey Memorial Park from Mr. Bob Lackey on that yesterday, which was really good, they were still moving forward. He commented they had all these bookends, all these projects strategically located, how do they leverage that? He mentioned the US 321 widening project. They would have two bridges that would arch over the lake. The City would keep the northbound bridge and turn it into a pedestrian bridge. Pursue funding to expand the 10-foot-wide multiuse path up to MDI, there were 2,000 people that worked there. They need to think about this too, they will be up and under US 321, he thought it would be wide enough for vehicles but mostly pedestrians. When the project was done that was going to provide some really neat access to potentially expand the trail system west.

Alderman Seaver commented that would come up over the train tracks.

City Manager Warren Wood advised it would come up and over the railroad and come in close to where the intake was located. It would be arched up and over the river.

Alderman Seaver mentioned the Department of Transportation was out there working yesterday.

City Manager Warren Wood commented that he had seen them in the lake. They were drilling or something, taking samples in the lake. They were going to tour a property they had talked about. He referred to the PowerPoint and displayed a photo of the property. The property was located at Drowning Creek on Airport-Rhodhiss Road. It was 18 acres. The City had purchased it and was looking to do an Environmental Education Center at this site. This really lends itself to what the

April 18, 2024 – Special Meeting

vision was. He showed renderings of some of the enhancements that could be made. There was a 100 foot drop off cliff. The view was really nice. He pointed out the area where the railroad was located from the property. It had water access. He advised there was a railroad trestle at Drowning Creek, the property sits on that and there was a dock down there. It had water access, that was a good investment for the City.

City Manager Warren Wood mentioned a lot with the Innovation District was branding it, marketing it as something. You get the first one and then the next one. The boundaries were loosely defined at this point. A lot of what they were working on with the planning of it was branding it, and marketing it in a particular way that would make it play off the assets that it has.

Alderman Wood asked how they would prevent it from being left to the winds of the private market and have another general retail area.

City Manager Warren Wood advised the City owned around the Airport, and around ASU-Hickory, the City owned quite a bit of property. They control all of that on Clement Boulevard on the south side and the west side when you get to a certain point. That was a strategic piece.

Alderman Wood commented that they would be selective about it.

City Manager Warren Wood responded yes.

Alderman Seaver commented maybe some warehouse space around the Airport.

City Manager Warren Wood advised they would like to see aviation industry, some kind of aerospace. With ASU and all of their sustainability initiatives, there were two water plants there, the lake there, all the undeveloped property, there was a lot that could be leveraged in that realm on the sustainability side.

City Manager Warren Wood mentioned they would have lunch and then take a tour of Trivium, the biosolids facility, they went there last year, but they would see the progress which had been made. They would ride by ASU-Hickory, the Aviation Museum, the Long View Water Treatment Plant. They would go to the Airport, and drive across the runway and go to the terminal area. They would then ride out to the site for the Environmental Education Center. They would drive through the OLLE Art Walk area, the Historic Ridgeview Walk as well as the affordable housing projects that the City had been involved in. They would then return to the Convention Center. He advised if there was time either CEO of the Convention Center Mandy Hildebrand or Assistant City Manager Rick Beasley could give them a tour of the 46,000 square foot expansion that had taken place at the Convention Center.

City Manager Warren Wood thanked Administrative Assistant Iris Childers, Executive Assistant for the City Manager Crystal Mundy, and Assistant City Manager Yaidee Fox for their work on the retreat. He introduced Management Analyst Breanna Ikard who had been working for the City for several months.

At approximately 11:47 p.m. Council broke for lunch and took a tour of the Hickory Metro Convention Center with CEO Mandy Hildebrand.

VI. Bus Tour

At approximately 12:36 p.m. Council left the Convention Center for the bus tour. They drove past Trivium East. Sewer infrastructure was to begin within the next 2 weeks. There would be a signalized intersection placed on Startown Road. Driving through Trivium Corporate Center they passed Corning, and Cataler. The walking trails were pointed out behind the facilities. The trails have elevated levels and wetlands. City Manager Warren Wood advised the complex would have their own HOA to regulate their site maintenance. They drove past the Stonemont Building. It was noted that Lots 5 and 11 were still vacant. They drove past American Fuji Seal and Gusmer.

The Council proceeded to the Henry Fork Plant Bio-Solids Facility. This was a \$35 million dollar project. While in route Council passed a City pump station and an area of property that was going to be donated for a pocket park. The location of the property was noted that was coming up on the May 7th Council agenda for annexation.

Public Utilities Director Shawn Pennell explained the structures at the Henry Fork Plant Bio-Solids Facility. He mentioned that the clarifiers were used alternately. They hope to have the construction completed by the 4th quarter of 2024. The finished sludge product would be sold after processing. He commented that this was a 9-million-gallon plant, and they were processing approximately 3 million gallons now. He pointed out the boundary of the property. He explained that a worker was performing a task called wasting sludge at the primary clarifier main valves. This was done at certain time(s) of the day. The plant was manned 24/7. The sludge flows down through two 30" lines from Henry Fork. It was pumped there and then gravity fed to the facility. They could do three times what it was presently doing. He pointed out the location of where the chlorine was stored.

Leaving the Henry Fork Plant Bio-Solids Facility City Manager Warren Wood pointed out Deitz Road which was where the State Park would be located in the future. They drove by the ASU-Hickory campus. It was noted where a 10' wide multimodal path would be located near 17th Street. The City owns approximately 15 acres behind the Pizza Hut location. Developers were showing interest in the property and could possibly be developed as office related jobs, not manufacturing. The bus drove by the location of the Aviation Walk and the tremendous views were pointed out.

April 18, 2024 – Special Meeting

Progress was being made on the Aviation Museum. Concrete had been poured at the site. The project completion date for that project was March of 2025. They were hoping to get a restaurant that would be interested in occupying the 3rd floor of the structure to enjoy the phenomenal views. They drove by the Long View Water Treatment Plant that the City of Hickory had purchased.

The bus then entered into the Airport. It was noted the runway did not have a 1,000 feet safety area. They were looking at the quicksand system as a precaution if someone came off the runway. An EMAS system was installed to get them into compliance. This location was the highest elevation in Hickory at 1,225 feet. They drove by the CommScope hangar, as well as the new hangars recently completed, and the area where the next set of hangars would be constructed. It was noted that the old runway 119 had been decommissioned and converted to a taxiway. The paving for the new T-hangars just occurred last week. There was still a large waiting list for hangars. All 12 of them were full and they would start construction on the other ones soon. It was mentioned that the FAA would not pay to pave a secondary runway but would pay 90/10 for a taxiway.

The Council then went to the Nature Center Property. A new road would be constructed. The property contained approximately 18 acres and was located on Drowning Creek. The property had a view of the lake, a trail to a boat dock, as well as a picnic area. They could possibly create a pavilion open space. Renderings were displayed of what the property could potentially look like. There was a space that would be used as a commercial kitchen.

Leaving the Airport location City Manager Warren Wood pointed out the 15 acres off of Clement Boulevard that the City owned, of which \$900,000 had been paid through a grant. The new shelter was pointed out off of Highway 321 near the Riverwalk. They traveled down Old Lenoir Road where OLLE Art Walk would be located in the future. They drove by the Historic Ridgeview Walk and the JR Development affordable housing projects which were under construction. They returned to the Convention Center.

VII. At approximately 3:00 p.m. the discussions concluded, and the meeting was adjourned.

Mayor

City Clerk

COUNCIL AGENDA MEMOS

2

To: City Manager's Office

From: Steve Miller, Public Works Director

Contact Person: Sam Abernethy, PE, Civil Engineer

Date: May 7th, 2024

Re: Curb and Gutter Petition – 24-01

REQUEST

Staff requests Council acceptance and approval of a preliminary resolution to conduct a public hearing on May 21st, 2024 to discuss all matters concerning petition number 24-01 that is requesting the City to construct curb and gutter in front of the house at 525 9th Ave. NW (PIN 370314441205).

BACKGROUND

The City Clerk has received a petition from the owner of a property along 9th Ave. NW to install curb and gutter along a portion of their street as per section 29-2 of the Hickory Code of Ordinances. The petitioner(s) represent a majority, greater than 50%, of the property owner(s) as well as a majority, greater than 50%, of the property footage of the property frontage requested in the petition and therefore qualifies as a valid petition.

ANALYSIS

The attached petition number 24-01 was submitted to the City of Hickory and requests the City to construct curb and gutter in front of the house at 525 9th Ave. NW (PIN 370314441205). The signature(s) on the petition represent 100% of the property owner(s) affected, who in turn represent 100% of the property footage affected as shown on the attached map and summary. The City Clerk, as shown on the included Certificate of Sufficiency, validated these numbers. The attached Preliminary Resolution calls for a public hearing on these matters to be held on May 21st, 2024.

RECOMMENDATION

Staff recommends Council acceptance and approval of preliminary resolution to conduct a public hearing on May 21st, 2024 to discuss all matters concerning petition number 24-01 that is requesting the City to construct curb and gutter in front of the house at 525 9th Ave. NW (PIN 370314441205).

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Initiating Department Head

Rodney Miller

Asst. City Manager Rodney Miller

Date

4/26/24

Melissa Miller

Finance Officer, Melissa Miller

4/26/24

Date

Yaidee Fox

Asst. City Manager Yaidee Fox

4/30/24

Date

A. Dula

Deputy City Attorney, A. Dula

R. Beasley

Asst. City Manager, R. Beasley

Cameron McHargue

Deputy Finance Officer,
Cameron McHargue

4-29-24

Date

4/30/24

Date

4-29-24

Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

W. Wood

City Manager, W. Wood

4.30.24

Date

PETITION FOR CONSTRUCTION OF CURB AND GUTTER

PETITION # 24-01
 (For Office Use Only)

QUALIFYING DATE: _____
 (For Office Use Only)

TO THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL OF THE CITY OF HICKORY,
 NORTH CAROLINA:

We, the undersigned citizens of the City of Hickory, being the owners of land abutting the street or section thereof, hereinafter named and described, do hereby petition the Mayor and Members of City Council of the City of Hickory to proceed as is provided in Chapter 160A, Article 10, of the General Statutes of North Carolina, to improve the portion of:

500 block of 9th Ave. NW

by **constructing concrete curb and gutter**, according to plans and specifications on file in the office of the City Engineer.

We, the undersigned, do further petition that the cost of such improvements as measured along the right-of-way line for curb and gutter at \$32.50 per linear foot and \$65.25 per linear foot of driveway apron measured at its narrowest point, be specially assessed against the property abutting on that portion of said street as is heretofore described, all as is provided for in said General Statutes or the Charter of the City of Hickory.

We, the undersigned, do further understand that the costs of the above petitioned improvements will be assessed against our property and that this assessment is payable to the City of Hickory upon completion in not more than five (5) annual installments at 8% interest.

*Prices effective July 1, 2023 through June 30, 2024.

ADDRESS OF LOT(S)	FOR PETITION	AGAINST PETITION	DATE
ADDRESS 525 9 th Ave. NW PIN 370314441205	PRINT NAME M. Todd Hefner SIGNATURE <i>M. Todd Hefner</i>	PRINT NAME SIGNATURE	4-12-24
ADDRESS 525 9 th Ave. NW PIN 370314441205	PRINT NAME Tammy S. Hefner SIGNATURE <i>Tammy S. Hefner</i>	PRINT NAME SIGNATURE	4-12-24
ADDRESS PIN	PRINT NAME SIGNATURE	PRINT NAME SIGNATURE	
ADDRESS PIN	PRINT NAME SIGNATURE	PRINT NAME SIGNATURE	
ADDRESS PIN	PRINT NAME SIGNATURE	PRINT NAME SIGNATURE	
ADDRESS PIN	PRINT NAME SIGNATURE	PRINT NAME SIGNATURE	
ADDRESS PIN	PRINT NAME SIGNATURE	PRINT NAME SIGNATURE	
ADDRESS PIN	PRINT NAME SIGNATURE	PRINT NAME SIGNATURE	
ADDRESS PIN	PRINT NAME SIGNATURE	PRINT NAME SIGNATURE	
ADDRESS PIN	PRINT NAME SIGNATURE	PRINT NAME SIGNATURE	

PETITION 24-01 PROPOSED CURB AND GUTTER 9th Ave. NW



SCALE: 1"=100'

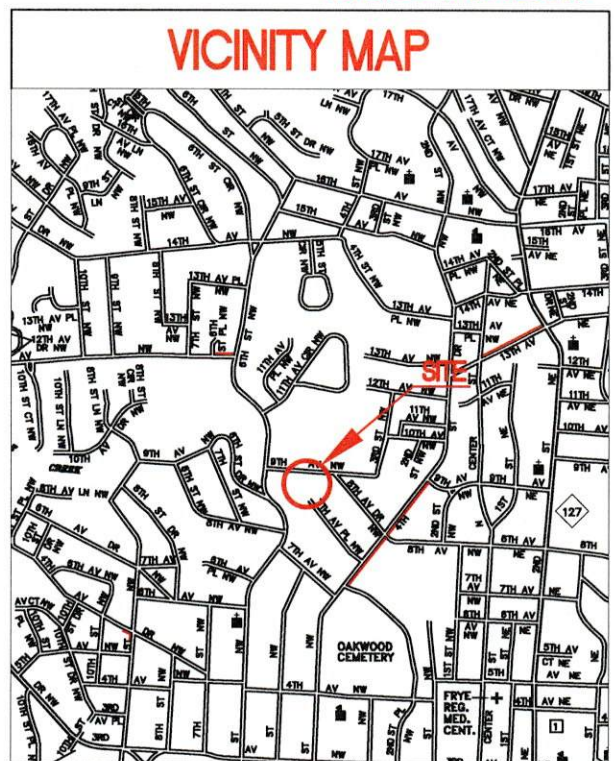
DATE: 4-16-2024

- 2 Property Owners Total
- 2 Property Owners Signed
- 0 Property Owners Not Signed
- 100% Property Owners Signed

- 100' Total Footage (Measured)
 - 30' Driveway
 - 70' LF Curb and Gutter

- 100' Footage Signed
- 0% Not Signed
- 100% Footage Signed

LEGEND	
①	SIGNED
1	NOT SIGNED
— PROPOSED CG	



NOT TO SCALE

RESOLUTION NO. 24- ____

PRELIMINARY RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF HICKORY
(NO. 24-01)

WHEREAS, on the 12th day of April, 2024, property owners of 525 9th Avenue NW, Hickory, filed with the City Engineer of the City of Hickory a petition for improving said street by placing and constructing thereon curb and gutter according to plans and specifications on file in the Office of the City Engineer; and

WHEREAS, the City Clerk has certified to this Board that said petition is sufficient in all respects.

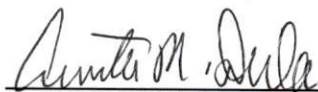
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

1. That the above-mentioned petition is found to be sufficient in all respects.
2. That, that portion of 525 9th Avenue NW, Hickory be improved by placing and constructing thereon curb and gutter in accordance with plans and specifications on file in the Office of the City Engineer under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129 of the General Statutes of North Carolina.
3. That 50 percent of the total cost of the said improvements may be assessed against the property receiving the improvement for constructing curb and gutter at \$32.50 per linear foot for a total of 70 linear feet excluding driveway cuts, and \$65.25 per linear foot for driveway apron for a total of 30 linear feet, combined being 100 linear feet.
4. That the assessment herein provided for shall be payable in cash, or if the property owners shall so elect, in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment in five (5) equal annual installments, to bear interest at the rate of 8 percent per annum.
5. That a public hearing on all matters covered by this resolution shall be held on June 4, 2024, at 6:00 p.m. in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

This the 7th day of May 2024.

Hank Guess, Mayor

Debbie D. Miller, City Clerk



Deputy City Attorney

Certificate of Sufficiency
(No. 24-01)

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the annexed petition of property owners for the improvement of a portion of 525 9th Avenue NW, Hickory was lodged with me on the 16th day of April, 2024, and that I have investigated the sufficiency of said petition; and that the results of my investigation are as follows:

The total number of owners of land abutting on the parts of said street proposed by said petition to be improved is two (2). The number of said owners who signed said petition is two (2), a majority.

The total number of lineal feet of said lands upon the parts of the street proposed by said petition to be improved is 100 feet. The number of said lineal feet represented by said owners who signed said petition is 100 feet, a majority.

For the purposes of said petition a majority in interest of owners of undivided interest in any piece of property have been deemed and treated by me as one person.

I find that the said petition is in all respects sufficient and in conformity with all requirements of Chapter 160 A, Article 10 of the General Statutes of North Carolina, as amended. I also find the parts of said street proposed by said petition to be improved have been definitely laid out, and that the boundaries of same have been definitely fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory, this the 16th day of April, 2024.



Debbie D. Miller

Debbie D. Miller, City Clerk

4

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development, Planning Division

Contact Person: Cal Overby, Planning Manager

Date: April 25, 2024

Re: Voluntary contiguous annexation of property owned by Terry Dean Hollar.

REQUEST

Call for public hearing, to be held on May 21, 2024 for the consideration of the voluntary contiguous annexation of 1.821 acres of property located at 2326 12th Avenue Drive NE. This property is identified as PIN 372313032690.

BACKGROUND

The property is currently occupied by a single family residence and located within the City's extraterritorial jurisdiction. The property is zoned R-4 Residential, which permits residential development at 12 dwelling units per acre for attached and detached single-family residential, and 20 dwelling units per acre for multi-family residential. Given its size, redevelopment of the property could theoretically create up to 36 dwellings.

The property owner desires to connect the property to city sewer service, which requires annexation.

ANALYSIS

The owner of the property is requesting annexation in order to gain access to city utilities. As previously noted, the property is currently occupied by a single-family residence, and is the extent of development at this time.

Surrounding properties are zoned R-4 Residential and occupied by single family homes and a church/school.

The current tax value of the property is \$158,800.00. If annexed, the property would generate \$722.54 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.

RECOMMENDATION

Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier 4/25/2024
Initiating Department Head Date

Rody Miller 4/24/24
Asst. City Manager R. Miller Date

M. Miller 4/26/24
Finance Officer, M. Miller Date

Yaidee Fox 4/30/24
Asst City Manager Yaidee Fox Date

A. Dula 4-29-24
Deputy City Attorney, A. Dula Date

R. Beasley 4/30/24
Asst. City Manager, R. Beasley Date

Cameron McHargue 4-29-24
Deputy Finance Officer, Cameron McHargue Date

Recommended for approval and placement on _____ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).

Warren Wood
City Manager, Warren Wood
4.30.24
Date

VOLUNTARY CONTIGUOUS ANNEXATION ANALYSIS

APPLICANT: Terry D. Hollar

AGENT: Terry D. Hollar

PROPERTY LOCATION: 2326 12th Avenue Drive NE

PIN: 372313032690

REQUESTED ACTION: The request is for a voluntary contiguous annexation.

WARD: If annexed, this property will be located in Ward 3 (Councilman Seaver).

ACREAGE: 1.821 acres

DEVELOPMENT POTENTIAL: The property is currently occupied by a single family residence and located within the City of Hickory’s extraterritorial jurisdiction. The property is zoned R-4 Residential, which permits residential development at 12 dwelling units per acre for attached and detached single-family residential and 20 dwelling units per acre for multi-family residential. Given its size, the property could theoretically be redeveloped to accommodate up to 36 dwelling units.

TAX VALUE: The current tax value of the property is \$158,800.00. If annexed, the property would generate \$722.54 in additional tax revenues.

POPULATION INCREASES: The property is occupied by one single-family residence. The household size within Hickory is estimated to be 2 to 3 occupants. This estimate is based upon the U.S. Census Bureau’s residential household size estimate for single-family dwellings in the city, which is 2.35 persons per household.

SCHOOL DISTRICTS: The property is located within the jurisdictional area of the Catawba County School System, and located in the following school districts:

School Type	School District	Student Multiplier Per Dwelling	Number of Potential or Existing Dwelling Units	Potential Additional Students
Elementary	St. Stephens	0.32	1	0-1
Middle	Arndt	0.09	1	0-1
High	St. Stephens	0.14	1	0-1

**Note: The student multipliers above reflect estimates and are for single-family dwellings only.*

SURROUNDING ZONING AND LAND USE (See Maps 2 & 3):

- **North:** The property is zoned R-4 Residential occupied by St. Stephens Lutheran church and school.
- **South:** The property is zoned R-4 Residential and occupied by a single family home.
- **East:** The property is zoned R-24 Residential and occupied by a single-family home.
- **West:** The property is zoned R-4 Residential and is occupied by a single family home.

UTILITY SERVICE: Water and sewer are both available on the north side of 12th Avenue Drive NE. The property owner may be responsible for installing a low pressure sewer pump depending on grade. If the property is intended to be subdivided, water and sewer will need to be extended to all parcels.

ACCESS: Access to the subject property is from 12th Avenue Drive NE and 17th Avenue NE, which are maintained by the North Carolina Department of Transportation (SR 1441 and 1442, respectively).

DISTANCE FROM CITY LIMITS (See Map 1): The property is contiguous to the city boundary along its northern boundary. Annexation statutes deem annexations to be contiguous if the area directly abuts the city boundary or is separated from the municipal boundary by the width of a street, street ROW, creek or river, railroad ROW, or lands owned by the state of North Carolina. (NCGS§ 160A-31(f))

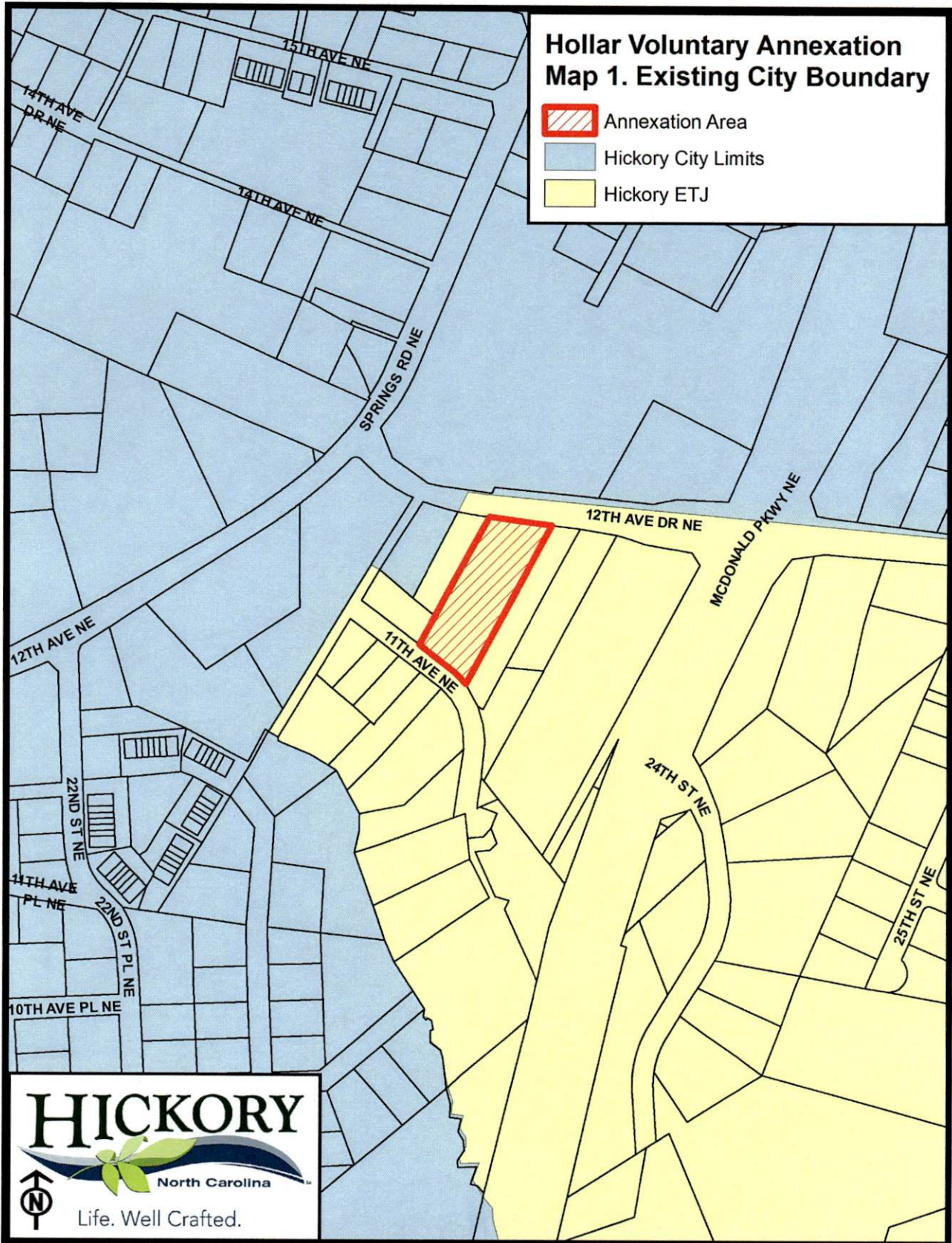
STAFF COMMENTS:

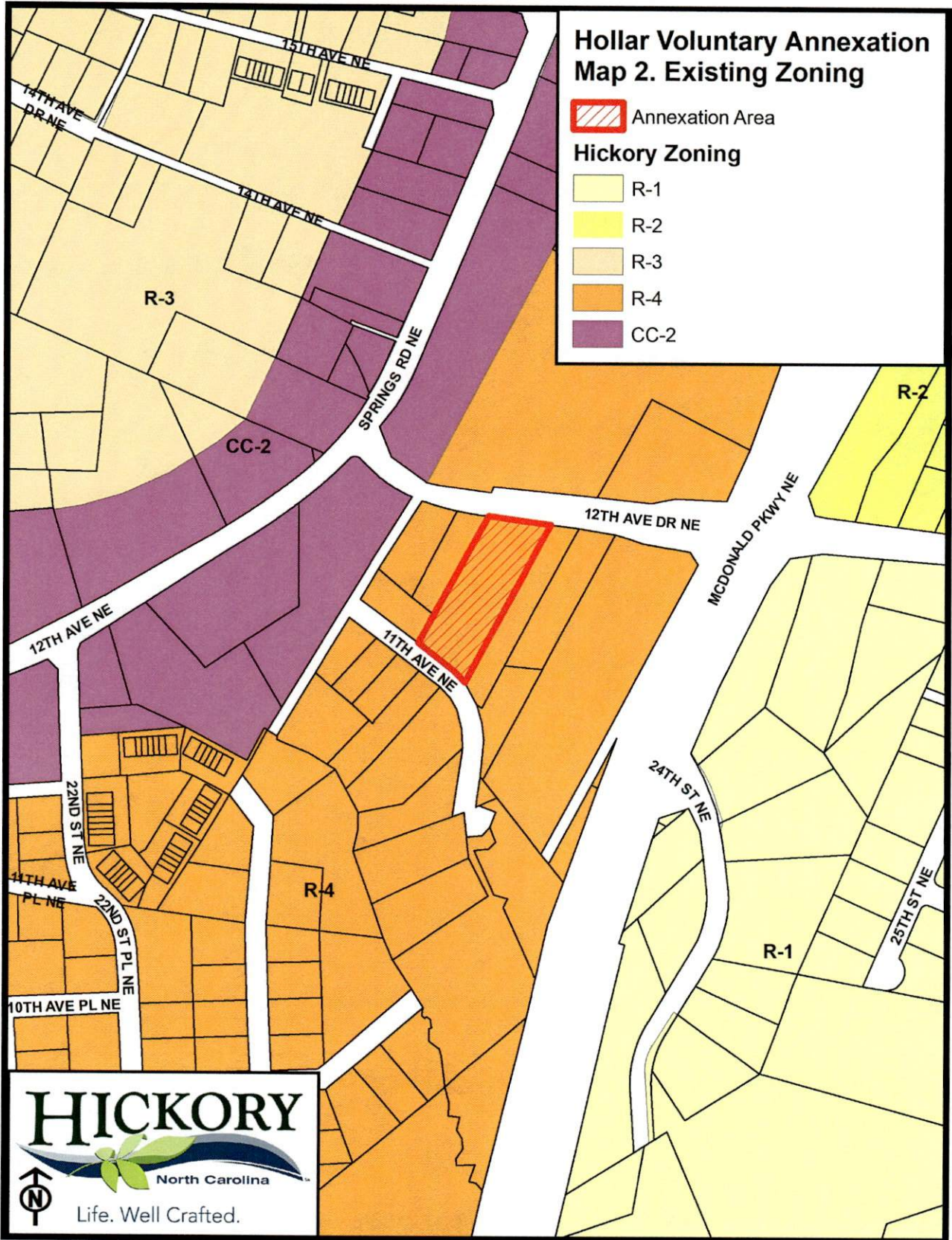
- **Fire:** The annexation of this property, which is currently adjacent to HFD Station 2's response area, would not adversely affect the fire department's operations.
- **Police Department:** Annexation would not adversely affect the police department. The property, upon annexation, will be in Baker PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** No objections.
- **Public Utilities:** Water and sewer are both available on the north side of 12th Avenue Driver NE. The property owner may be responsible for installing a low pressure sewer pump depending on grade. If the property is intended to be subdivided, water and sewer will need to be extended to all parcels.
- **Legal:** No objections.
- **City Manager's Office:** No objections.

STAFF RECOMMENDATION: Upon evaluation staff has found the following:

1. The voluntary contiguous annexation petition complies with applicable statutes regarding the voluntary annexation of contiguous properties.
2. Adequate public services are available in sufficient quantities to properly serve the property, subject to the comments provided above.
3. The annexation of the property will not cause available public services to fall below acceptable levels.

Based upon the findings provided above, staff recommends City Council approve the voluntary contiguous annexation petition.







RESOLUTION NO. 24-____
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 Terry Dean Hollar requesting annexation of an area described in a petition was received on April 24, 2024, 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 Terry Dean Hollar containing 1.821-acres more or less, located at 2326 12th Avenue Drive NE, Hickory NC, and identified as PIN 3723-13-03-2690.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 24th day of April, 2024.



Debbie D. Miller

Debbie D. Miller, City Clerk

Resolution No. 24-____
Terry Dean Hollar
Voluntary Contiguous Annexation

**CITY OF HICKORY
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: Apr: 11, 2024

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

I (We), the undersigned, do hereby respectfully make application and petition for voluntary annexation into the municipal limits of the City of Hickory, and have provided an annexation plat meeting the requirements of the City of Hickory

1. The property be voluntarily annexed is located on 12th Avenue Dr. NE
12th between 12th Avenue NE and _____
11th Avenue NE and is shown in more detail on the attached survey.
 PIN NO. (S) : 372313032690
2. Physical (Street) Address: 2326 12th Ave Dr NE Hickory NC 28601
3. The property is owned by: (please print) Terry Dean Hollar
 (Attach a copy of the most recent deed.)
4. Owner Information:
 Name: Terry Dean Hollar
 Address: 10 Box 2570 Hickory, NC 28603-2570
 Phone Number: 828-302-1654
5. The petition is submitted by: Same as above
 Agent Information:
 Name: _____
 Address: _____
 Phone Number: _____
4. If annexation is approved by the Hickory City Council, and if the property(s) is not currently zoned by the City of Hickory, the applicant would request that the property be placed into a R-4 Residential zoning district.

5. WATER AND SEWER AVAILABILITY AND CONNECTIONS

We, the undersigned property owner(s), hereby understand and agree we shall be responsible for all costs associated with providing for extensions and/or connections to the City of Hickory public utility system (water and sewer). This includes all design, permitting, construction, legal and applicable City of Hickory Tap Fees. Furthermore, we shall be responsible for obtaining any and all necessary easements and encroachment agreements needed to provide for such extensions or connections and provide those to the City of Hickory as appropriate.

The undersigned owner further acknowledges, they shall be responsible for any future utility extensions required to serve the property due to subdivision of the property.

6. OWNER'S AFFIDAVIT

We, the undersigned property owners(s), hereby certify that the information contained herein and submitted in support of this application is true and correct.

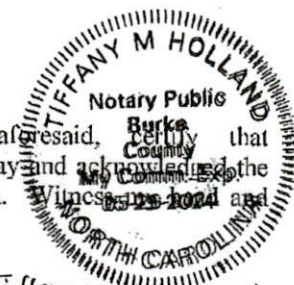
Terry Dean Hollar and Joye T. Hollar Joye J. Hollar
Printed Name of Property Owner(s) Signature of Property Owner(s)

105 River Pointe Drive Hickory NC 28601 828-302-1654 1828-302-1653
Address of Property Owner(s) Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina - County of Burke

I, the undersigned Notary Public of the County and State aforesaid, certify that Terry Dean Hollar and Joye T. Hollar personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 10th day of April, 2024.



My Commission Expires: May 29 2024

Tiffany M. Holland
Notary Public

State of North Carolina - County of

I, the undersigned Notary Public of the County and State aforesaid, certify that she is the of corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this day of , 20.

My Commission Expires:

Notary Public

FILED Catawba County
on Nov 26, 2019 at 02:03:00 pm
Excise Tax \$0.00 (FS)
INST. #21216
DONNA HICKS SPENCER,
Register of Deeds
Bk 03541 Pg 0063-0064

GENERAL WARRANTY DEED

Revenue \$ none
Tax Parcel ID No. 3723-13-03-2690 _____ Verified by _____ County
on the _____ day of _____, 20____ By: _____

✓ Mail/Box to: Thomas N. Hannah, Attorney, P.O. Drawer 1989, Hickory, NC 28603
This instrument was prepared by: Thomas N. Hannah, PO Drawer 1989, Hickory, NC 28603
Brief description for the Index: LRK (REID) 55016

THIS DEED, made this the 25th day of November, 2019, by and between

**GRANTOR: Bright Star Properties, LLC, a South Carolina Limited Liability Company,
d/b/a Bright Star Properties NC, LLC**
whose mailing address is: P.O. Box 2570, Hickory, NC 28603
(herein referred to collectively as Grantor) and

GRANTEE: Terry Dean Hollar
whose mailing address is : 65 River Pointe Drive, Hickory, NC 28601
(herein referred to collectively as Grantee) and

[include mailing address for each Grantor and Grantee; marital status of each individual Grantor and Grantee; and type of entity, e.g., corporation, limited liability company, for each non-individual Grantor and Grantee.]

WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in the City of _____ County of Catawba, State of North Carolina, more particularly described as follows:

(2326 12th Ave. Dr. NE, Hickory, NC)
BEGINNING at a RR Spike located in the margin of the right of way of 11th Avenue NE, running thence, North 51° 04' 14" West 169.61 feet to a PK nail in the center of the right of way of 11th Avenue, NE, the corner of Karl F. Smink property; thence along the of Karl F. Smink and Carmen E. Archer property N. 29° 54' 03" East 431.62 feet to a 0.04' rebar in the margin of the right of way of 12th Ave. Dr. NE, continuing thence along 12th Ave. Dr. NE South 82° 22' 25" East 177.04 feet to a 0.04' rebar; thence continuing along the Jose D. Ventura property South 29° 30' 00" West 525.35 feet to the Point of BEGINNING, containing 1.821 acres more or less as shown on a survey entitled "Terry D. Hollar and wife, Joye T." prepared by James M. Bradshaw, Registered Surveyor, dated September 15, 2000.

Revised December 17, 2009

2

The Attorney preparing this instrument has performed no title examination and gives no title opinion.

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 3231, Page 0473, and being 0064 reflected on plat(s) recorded in Map/Plat Book , page/side .

All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor is seized of the premises in fee and has the right to convey same in fee simple, that title is marketable and is free and clear of encumbrances other than as set forth herein, and that Grantor will forever warrant and defend the title against the lawful claims of all persons or entities whomsoever.

This conveyance is made subject to the following Exceptions and Reservations:

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Bright Star Properties, LLC

[Handwritten Signature]
Terry Dean Hollar, Member/Manager (SEAL)

State of NORTH CAROLINA
County of CATAWBA

(Official/Notarial Seal)

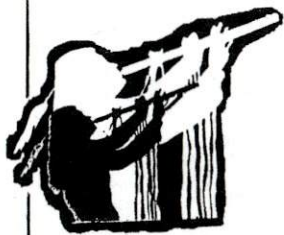
I, Ella Roberts, a Notary Public in and for the aforesaid County and State, certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document: Terry Dean Hollar, Member/Manager of Bright Star Properties, LLC a South Carolina Limited Liability Company dba Bright Star Properties NC, LLC, GRANTOR.



Date: 11-25-2019

[Handwritten Signature]
Notary Public

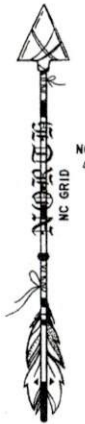
My Commission Expires:
8-19-2022



SHADOW-WOLF

LEGEND

- DB = Deed Book
- pg = Page
- PP = Power Pole
- MNS = Mag Nail Set
- MNF = Mag Nail Found
- MH = Man Hole
- EIP = Existing Iron Pipe
- EIR = Existing Iron Rod
- NIR = New Iron Rod
- Dwg = Dwelling
- Bldg = Building
- C/L = Center Line
- R/W = Right of Way
- CM = Concrete Marker
- CP = Computer Point



NCGS "RIDGE" NORTH 735,478.40 EAST 1,316,564.56
SCALE FACTOR .99991016

NCGS "FISHER" NORTH 734,324.35 EAST 1,316,872.17
SCALE FACTOR .99990969

Plat Review Office Certificate

State of North Carolina
County of _____

I, _____ Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.
Date _____
Review Officer _____

N.C.G.S. 47-30(b)
THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF AREAS ANNEXED BY MUNICIPALITIES NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED.

NORTH CAROLINA CATAWBA COUNTY

THE PROPERTY ON THIS PLAT WAS DULY APPROVED FOR ANNEXATION BY THE CITY COUNCIL OF THE CITY OF HICKORY ON THE _____ DAY OF _____, 20____ AND AN ORDINANCE DULY ADOPTED AND CERTIFIED AND THIS MAP IS HEREBY ORDERED TO BE RECORDED IN ACCORDANCE WITH NCGS 186A-29.

BY: _____ MAYOR, CITY OF HICKORY
ATTEST: _____ CITY CLERK
DATE: _____

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT I PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT SHE IS CITY CLERK OF THE CITY OF HICKORY, A NORTH CAROLINA MUNICIPAL CORPORATION AND THAT BY AUTHORITY DULY GIVEN AND AS THE ACT OF THE CITY COUNCIL OF THE CITY OF HICKORY, THE FOREGOING INSTRUMENT WAS SIGNED IN ITS NAME AND BY ITS MAYOR, SEALED WITH ITS CORPORATE SEAL, AND ATTESTED BY HER AS ITS CLERK.

WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS _____ DAY OF _____, 20____.
NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____



Surveyors Certificate of Survey and Accuracy

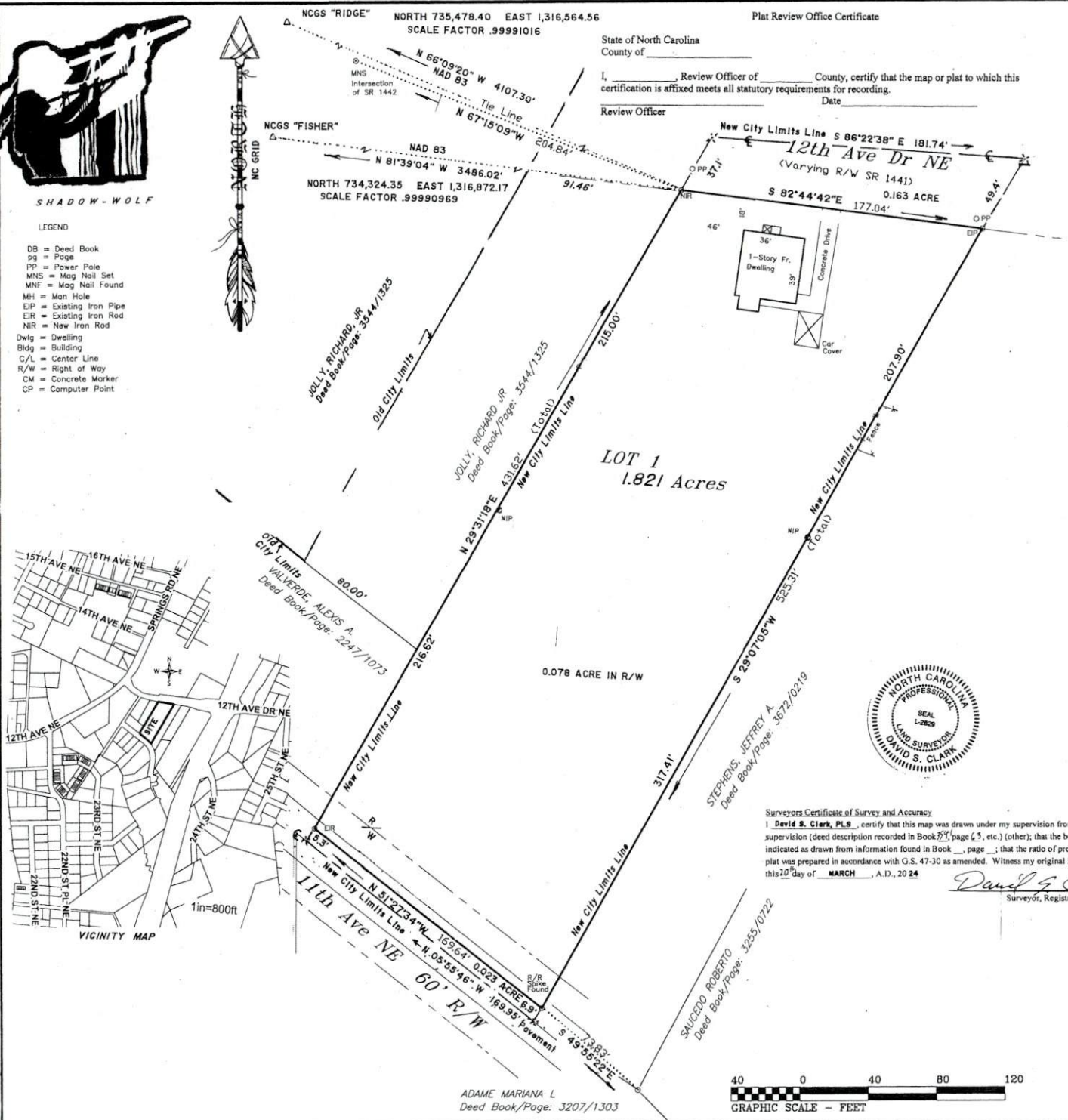
I, David S. Clark, PLS, certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 325, page 43, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1:25; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 10th day of MARCH, A.D., 2024

David S. Clark, PLS
Surveyor, Registration Number L-2829

Satellite Annexation by the
City of Hickory
Known as the
Terry Hollar Property

2326 12TH AVE DR NE, Hickory NC 28601
Hickory Township, Catawba County, North Carolina
PIN 372313032690 Drawn By DSC
DB 3541 pg 63 FB 170 pg 42
Date 03-20-2024 Scale 1"=40'

David S. Clark
Surveyor, PA
1920 32nd Street NE, Hickory NC, 28601
828-256-6400 www.clarksurveying.com



RESOLUTION 24-____
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 May 21, 2024, 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:

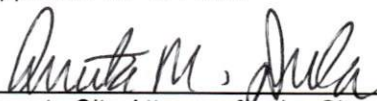
Property of Terry Dean Hollar containing 1.821-acres more or less, located at 2326 12th Avenue Drive NE, Hickory NC, and identified as PIN 3723-13-03-2690.

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.

Hank Guess
Mayor

Warren Wood, City Manager

Approved As To Form:



Deputy City Attorney for the City of Hickory

RESOLUTION NO. 24-___

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY TERRY DEAN HOLLAR AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Terry Dean Hollar is the owner of certain real property as described herein, which property is located at 2326 12th Avenue Drive NE, Hickory, NC and identified as PIN 3723-13-03-2690, containing 1.821-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 7th day of May, 2024, 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 May 21, 2024, 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 Hollar Voluntary Annexation Map 1 Existing City Boundary, subject property outlined in red; Hollar Voluntary Annexation Map 2, Existing Zoning, subject property outlined in red; Hollar Voluntary Annexation, Map 3, Aerial Photography 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.

**Resolution No. 24-___
Resolution Determining Need For Annexation Of Property Owned by
Terry Dean Hollar and Directing Call For Public Hearing
May 2024**

Done this 7th day of May, 2024.

(SEAL)

THE CITY OF HICKORY, A
North Carolina Municipal Corporation

Attest:

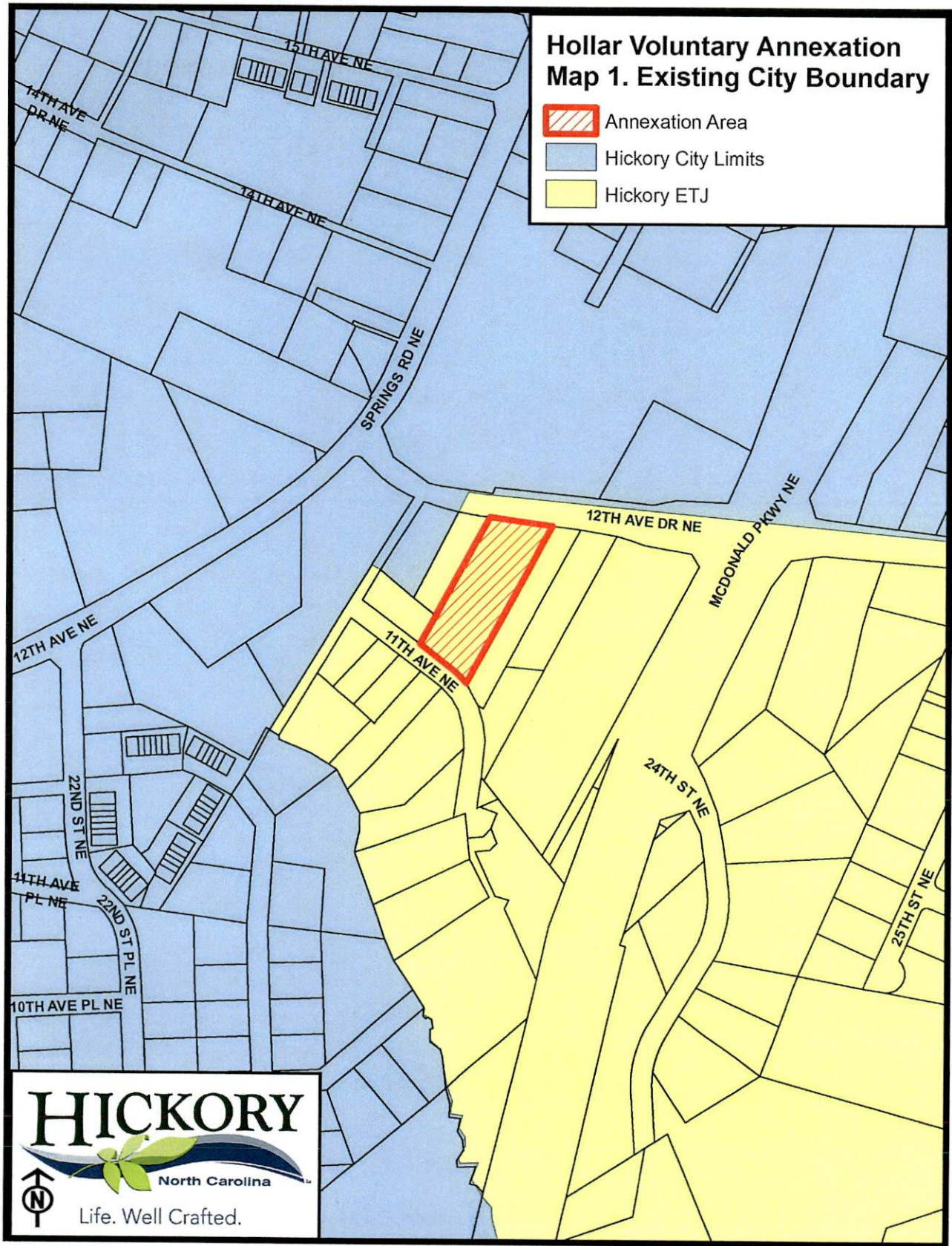
By: _____
Hank Guess, Mayor

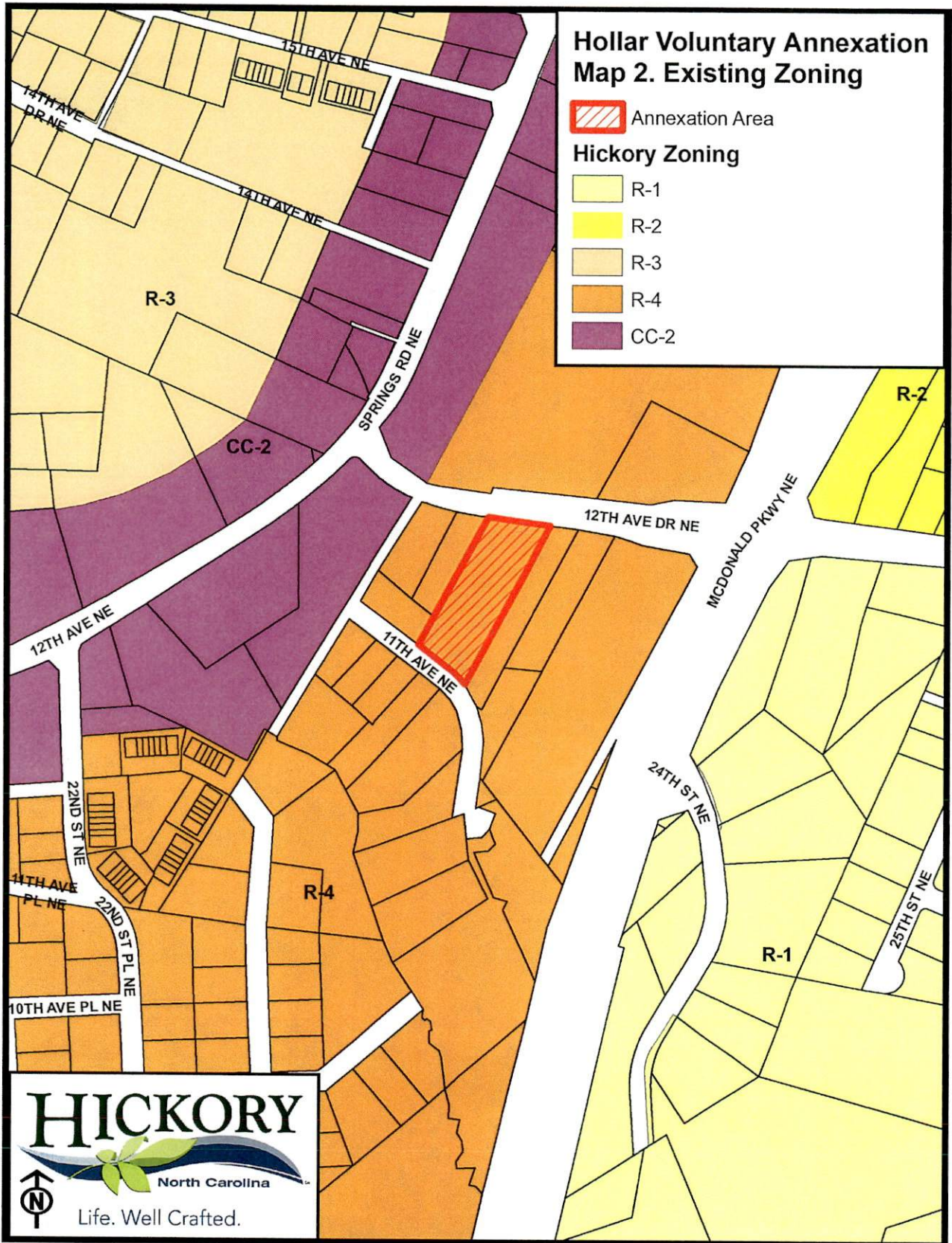
Debbie D. Miller, City Clerk

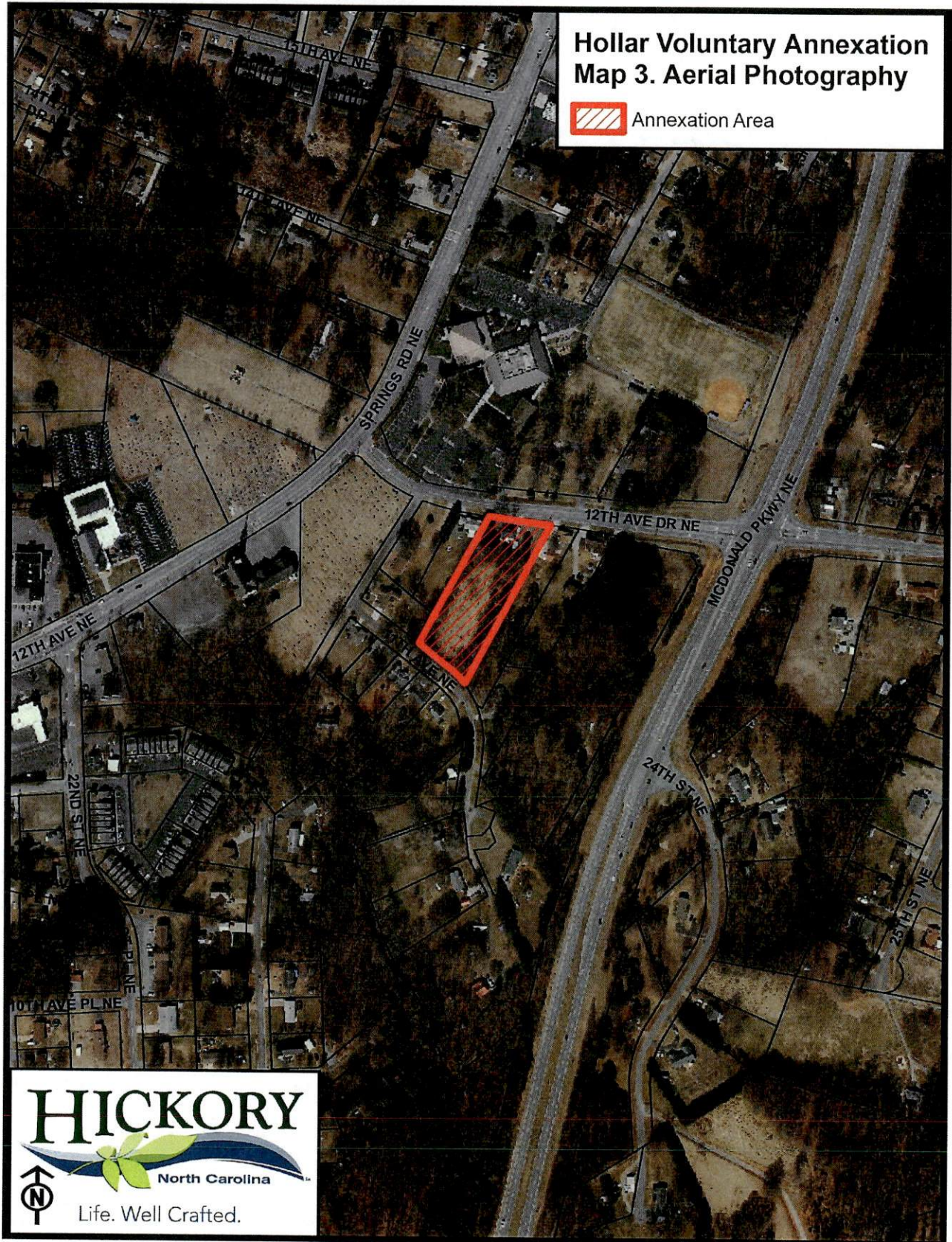
Approved as to form on behalf of the City of Hickory:

Arnita Dula, Deputy City Attorney

Resolution No. 24-____
Resolution Determining Need For Annexation Of Property Owned by
Terry Dean Hollar and Directing Call For Public Hearing
May 2024







COUNCIL AGENDA MEMOS**To: City Manager's Office****From: Chad Hunsucker, Airport Manager****Contact Person: Chad Hunsucker****Date: April 15, 2024****Re: Approval to Enter into a Letter of Commitment for Airport Safety/Maintenance Projects and Resolution with the North Carolina Department of Transportation****REQUEST**

Staff requests City Council's approval of a 5-year Letter of Commitment for Airport Safety/Maintenance Projects with the North Carolina Department of Transportation (NCDOT)

BACKGROUND

The NCDOT Division of Aviation (NCDOT-DOA) created the Airport Safety/Maintenance Program several years ago to apply available state funds to assist publicly owned and operated airports with airfield safety projects. This program has been very successful and well received by many airports in North Carolina including surrounding airports of Hickory.

Agreeing to this program by signing the Letter of Commitment allows the NCDOT-DOA to provide safety/maintenance services to the Hickory Regional Airport at no cost to the City. This Letter of Commitment is for a 5-year period and can be cancelled by either party at any time via written notice.

Such maintenance/safety improvements that can be performed under this agreement may include, but not limited to joint and crack sealing, pavement repairs and patching, surface treatments, maintenance overlays, electrical, grading, drainage improvements, pavement markings and/or other infrastructure maintenance.

The City would be responsible in allowing the NCDOT to use State and/or private contractors; provide an authorized representative to be present while work is in progress; provide qualified monitoring of airport's UNICOM radio transceiver; to temporarily close any runways, taxiways or ramps as needed; to issue any necessary NOTAMS (Notices to Airmen); allow the NCDOT to determine the design, scope of work, materials to be used and methods for project; hold harmless NCDOT from all suits, actions or claims resulting from performed work and to be in good standing on all State and Federal grant requirements and assurances.

ANALYSIS

Entering into this agreement aligns with the goals for the airport's future expansion and economic development. The safety/maintenance services this agreement provides could assist in improvements to the airport's infrastructure for expansion so as to entice and resume commercial air service and add additional corporate aviation use.

RECOMMENDATION

Airport staff recommends City Council approve the Letter of Commitment for Airport Safety/Maintenance Projects and Resolution with the North Carolina Department of Transportation.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Chad Hunsucker

Initiating Department Head

4-15-24

Date

Amrita M Dula

Deputy City Attorney, A. Dula

4-29-24

Date

Rodney Miller

Deputy City Manager Rodney Miller

4/26/24

Date

Rod Beasley

Asst. City Manager, R. Beasley

4/30/24

Date

Melissa Miller

Finance Officer, Melissa Miller

4/20/24

Date

Cameron McHargue

Deputy Finance Officer,
Cameron McHargue

4-29-24

Date

Yaidee Fox

Asst. City Manager Yaidee Fox

4/30/24

Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

Waverly Wood

City Manager, W. Wood

4.30.24

Date

**LETTER OF AGREEMENT FOR
AIRPORT SAFETY/MAINTENANCE PROJECTS**

THIS AGREEMENT is made, this _____ day of _____, 20____ by the
(Airport Owner) City of Hickory

as owner and operator (hereinafter referred to as "Sponsor") of the
(Official Airport Name) Hickory Regional Airport
(hereinafter referred to as "Airport,") and the North Carolina Department of Transportation (Division of Aviation), an agency of the State of North Carolina (hereinafter referred to as "Department"), for the purposes of future and as-yet unspecified safety or maintenance services to be performed by said Department in accordance with the terms, conditions and provisions hereof.

WITNESSETH

WHEREAS, the Sponsor is primarily responsible for maintaining the facilities of the Airport to protect and preserve the safety of flight operations at, from and to the Airport; and

WHEREAS, and the Department shares the interest of the Sponsor in the prompt and adequate maintenance and repair of the paved surfaces of the Airport which support aircraft movements on the Airport; and

WHEREAS, the Sponsor and the Department may, from time to time, mutually determine that certain paved surfaces and adjacent areas on the airport have aged and deteriorated and/or that other infrastructure is in need of maintenance or repair, and that the Sponsor could benefit from the assistance of the Department in accomplishing such maintenance and repair; and

WHEREAS, pursuant to Article 7 of North Carolina General Statute 63, the Department is authorized to undertake safety improvements of aircraft movement areas, on publicly owned and operated airports in North Carolina; and

WHEREAS, the Sponsor and the Department agree that upon the request by the sponsor and the acceptance by the Department, certain needed improvements at the Airport may be undertaken by the Department in conformance with the provision of North Carolina General Statute 63; and

WHEREAS, the Department requires a Commitment and Release of Liability statement to be on file in its offices, in order to be able provide and oversee such maintenance and repair at the Airport;

NOW THEREFORE, the Sponsor does hereby commit to the following measures:

1. This Letter of Agreement supersedes all prior agreements between the Department and Sponsor with respect to the subject matter of this Letter of Agreement.

2. Upon the Sponsor's approval, the Department, using NCDOT state forces and/or private contractor(s) under a Purchase Order Contract, may perform the requested maintenance and repair to the Airport. This work may include, but not be limited to; Joint and Crack Sealing, Pavement Repairs and Patching, Surface Treatments, Maintenance Overlays, Electrical, Grading, Drainage Improvements, Pavement Markings, or other infrastructure maintenance.

3. The Sponsor will receive notification from the Department of the Department's willingness to perform (or pay to have performed) any item or items of work approved by the Sponsor and a proposed schedule for performing the work and the force or contractor the Department proposes to perform the work.

4. If the schedule and the force or contractor proposed by the Department for performing the work is acceptable to the Sponsor, the Sponsor shall authorize the Department (or its contractors) to enter upon the property of the Airport during the scheduled time to perform the work.

5. If the schedule and the force or contractor proposed by the Department for performing the work is unacceptable to the Sponsor, the Sponsor shall inform the Department of the reasons for its objections and the Sponsor and the Department will engage in dialogue with the intent of determining if an alternative schedule or force or contractor is acceptable to both the Sponsor and the Department. If the Sponsor and the Department cannot reach agreement through the process described in paragraph 4 then the Department will withdraw its offer to perform the requested work.

6. The Sponsor hereby represents to the Department that the title to the pavement and adjacent areas of the Airport is vested in the Sponsor.

7. The Sponsor agrees to provide a duly authorized representative who will be present and/or available at all times the work is in progress (including nights and weekends, as applicable) to monitor project operations and assist the Department's representative.

8. The Sponsor agrees to provide a duly qualified operator who will monitor the airport's UNICOM radio transceiver at all times the work is in progress (including nights and weekends, as applicable) and will issue airport advisories as necessary on the UNICOM radio transceiver.

9. The Sponsor agrees, when needed, to formally close any runway, taxiway, or apron at all times when the work is in progress on that pavement area and to take appropriate steps to prohibit use of such areas by aircraft and/or ground vehicles while the work is being performed or the subject pavement areas are in an unsafe or uncured condition due to the conduct of the work.

10. The Sponsor agrees to issue and keep current the necessary Notices to Airmen (NOTAMS) through the Federal Aviation Administration (FAA) until all work is completed and the Department's representative notifies the Sponsor's representative that the affected areas may be returned to service.

11. The Sponsor agrees that the Department may, in its sole discretion, determine the design, scope of work, materials to be used, and methods of accomplishing the authorized work. The Department covenants that any and all such work as it performs or has performed at the Airport pursuant to this agreement will meet or exceed all relevant State of North Carolina and Federal Aviation Administration specifications for the type of pavement concerned and the type of maintenance or repair that is being performed.

12. To the maximum extent allowed by law, the Sponsor shall indemnify and hold harmless the Department and its officers and employees from all suits, actions, or claims of any character because of injury or damage received or sustained by any person, persons, or property resulting from work performed under this Commitment. This indemnity does not extend to causes of action arising from the negligence of the Department, its officers and employees or any of Department’s contractors who performed the work.

13. Should Sponsor fail to comply with any material duty required of it under this Agreement the Department shall give written notice to the sponsor of the details of its non-compliance and provide a reasonable period in which the Sponsor can cure its non-compliance. Upon the expiration of said cure period without the Sponsor having come into compliance, the Sponsor agrees that, at its sole and unlimited discretion, the Department shall have the right to immediately stop all work being performed at the Airport and release the work area to the jurisdiction of the Sponsor.

14. The Sponsor understands that for the Department to perform maintenance or safety services, the Airport and Sponsor must be in good standing on all State and Federal Grant Requirements and Assurances before any project shall be performed under this Commitment.

15. Subject to the provisions of paragraph 13 above, this Commitment will expire on December 31, 2028. Subject to the provisions of paragraph 13 above, this Commitment may be terminated by either the Department or the Sponsor by providing written notification of termination. The effective date of termination pursuant to this paragraph shall be the date of receipt of the notice of written termination by the non-terminating party.

NC Division of Aviation

BY: _____

DATE: _____

Becca Gallas, P.E.
Aviation Director

WITNESS WHEREOF, the Sponsor has executed this Commitment on the date first written on Page 1 of this document.

FOR THE LOCAL AIRPORT SPONSORING AGENCY

Signed: _____

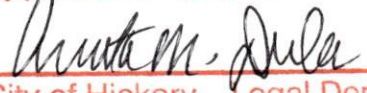
Title: _____

Official Sponsor: _____

Attest: _____

SEAL OF THE SPONSOR

Approved as to form



City of Hickory – Legal Dept.

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.



City of Hickory
Finance Officer

A digital copy of this LETTER OF AGREEMENT in adopted form should be emailed to the Statewide Program Manager and your Airport Project Manager. General telephone number is: (919) 814-0550.

Statewide Program Manager – Raj Kondapalli, P.E. rkondapalli@ncdot.gov
Airport Project Manager (NW) – Caleb Whitby, P.E. cwhitby@ncdot.gov
Airport Project Manager (NE) – Robin Peele, P.E. rdpeelee@ncdot.gov
Airport Project Manager (SW) – Emily Ferreira. eafferreira@ncdot.gov
Airport Project Manager (SE) – Tommy Mann, P.E. tmann@ncdot.gov

Resolution of the Sponsor

A motion was made by (Name and title) _____
and seconded by (Name and Title) _____
for the adoption of the following resolution, upon being put to a vote it was duly adopted:

THAT WHEREAS (Airport Owner) City of Hickory
(hereinafter referred to as "Sponsor") the North Carolina Department of Transportation (hereinafter referred to as "Department") requires a Commitment and Release of Liability statement to be on file, in order to provide and oversee maintenance and safety improvements on the operational surfaces of the (Official Airport Name) Hickory Regional Airport ;
in accordance with the provisions of North Carolina General Statute 63.

NOW THEREFORE, BE IT AND IS HEREBY RESOLVED, that the
(Title of Airport Official) Mayor Hank Guess
of the Sponsor be and is hereby authorized and empowered to enter into a Commitment and Release of Liability with the Department, thereby binding the Sponsor to fulfillment of its obligation as incurred under this resolution and its commitment to the Department.

I, (Name and title of Public Notary) _____ ,
of the (Name of Sponsoring Agency) City of Hickory ,
do hereby certify that the above is a true and correct copy of the minutes of
(Name of Authorizing Board of the Sponsoring Agency) the City Council of the City of Hickory,
held on (Date of Meeting) May 7, 2024 .

WITNESS my hand and the official seal of the Sponsor.

This the day of (month, day, year) _____ .

Signed: _____

NOTARY SEAL

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Fire and Life Safety Division
Contact Person: Alma Solis, Education Assistant
Date: April 24, 2024

Re: Approval to accept the Summer Fire Camp Grant awarded by the Office of State Fire Marshal to fund the Student Academy of Fire, EMS, and Rescue Camp.

REQUEST

The City of Hickory Fire Department seeks approval for the grant from the Office of State Fire Marshal for their yearly summer fire camp, S.A.F.E.R Camp, led by the Fire and Life Safety Division. OSFM awarded the City of Hickory Fire Department the OSFM/BCBS grant in the amount of \$2,500 to be used towards the expenditures of the S.A.F.E.R Academy.

BACKGROUND

The S.A.F.E.R. (Student Academy of Fire, EMS, and Rescue) Camp is dedicated to educating, exposing, and recruiting high school students to careers in the fields of Fire, EMS, and Rescue. The curriculum covers a range of topics including the use of industry-standard Personal Protective Equipment (PPE), CPR Training, agility tests, station tours, investigations, 911 communications, and a special graduation luncheon. Through these activities, participants gain valuable insights into the roles and responsibilities of emergency responders and develop essential skills for potential careers in these fields.

ANALYSIS

The camp is designed to expose students to all aspects of emergency response. Students can participate in hands-on training to experience the basics of what they have to look forward to in the field. The positive outcomes from the past three years of S.A.F.E.R Camp have been a driving force for us to continue our partnership with Catawba County Schools and to enhance the experience for future campers. Campers, throughout the years, have joined their local departments as Junior Firefighters and some completed the CVCC Fire Academy while being hired on to surrounding departments, one being Hickory Fire Department. S.A.F.E.R Camp has proven to be a great resource for high school students in Catawba County. We hope to continue to provide this opportunity for years to come.

RECOMMENDATION

The City of Hickory Fire Department recommends the approval of accepting the Summer Fire Camp grant award of \$2,500 from the Office of State Fire Marshal.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Matthew S. Hutchinson 4/24/24
Initiating Department Head Date

Rodney Miller 4/24/24
Asst. City Manager R. Miller Date

Melissa Miller 4/24/24
Finance Officer Melissa Miller Date

Yvonne De 4/30/24
Asst City mgr Date

Auntie M Dula 4-29-24
Deputy City Attorney A. Dula Date

Pat Beasley 4/30/24
Asst. City Manager, R. Beasley Date

C. McHargue 4-29-24
Deputy Finance Officer C. McHargue Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

W. Wood
City Manager, W. Wood
4.30.24
Date

Organization: City of Hickory Fire Department

Contact Person: Alma Solis

Email: asolis@hickorync.gov

Phone: 828-261-2225

Address: 19 2nd St Dr NE, Hickory NC 28601

S.A.F.E.R. Academy

The S.A.F.E.R. (Student Academy of Fire, EMS, and Rescue) Camp is dedicated to educating, exposing, and recruiting high school students to careers in the fields of Fire, EMS, and Rescue. The curriculum covers a range of topics including the use of industry-standard Personal Protective Equipment (PPE), CPR Training, agility tests, station tours, investigations, 911 communications, and a special graduation luncheon. Through these activities, participants gain valuable insights into the roles and responsibilities of emergency responders and develop essential skills for potential careers in these fields.

****Program Duration and Schedule:****

- S.A.F.E.R Academy runs for a week and has been scheduled for June 10th-14th, 2024. Students are expected to arrive at 8:30 am and leave for the day at 4:30 pm daily.

****Recruitment and Selection Process:****

- The academy will accept up to 21 students to participate.
- Students will receive ½ high school elective credit for completing 70 hours.
- Eligible participants are rising 9th-grade to 12th-grade students from Catawba County Schools who are interested in EMS, Fire, Rescue, or any medical field.
- Students must have a minimum GPA of 2.5 to participate and are screened by Catawba County School staff.

****Partnerships and Collaborations:****

The Hickory Fire Department collaborates closely with Catawba County Public Schools to recruit students for the academy. Additionally, we have established partnerships with various organizations to enhance the camp experience. Scheduled program collaborators include:

- St. Stephens Fire Department
- Catawba County Emergency Services and 911 Center
- MED Center Air
- Forestry Center
- Red Cross

****Previous Program Outcomes or Success Stories:****

- Hiring of a participant as a firefighter with the Hickory Fire Department in 2024.
- Positive feedback from repeat students who have enjoyed the camp.
- Testimonials from participants regarding the impact of the camp on their career aspirations.
- Development of junior volunteer members at surrounding departments as a result of the camp.

****Conclusion:****

The S.A.F.E.R. Academy plays a crucial role in shaping the future of emergency response professionals by providing high school students with valuable knowledge, skills, and experiences. We believe that with the support of this grant, we can continue to inspire and empower the next generation of firefighters, EMTs, and rescue personnel. Thank you for considering our proposal.

- Application deadline: April 12, 2024 to osfminfo@ncdoi.gov
- Notification of grant awards: May 3, 2024
- Disbursement of funds: May 17, 2024 Agreement and Certification

RESOLUTION NO. 24-16

A RESOLUTION OF THE HICKORY CITY COUNCIL ACCEPTING THE OFFER OF PUBLIC DEDICATION OF LANDS AND IMPROVEMENTS KNOWN AS 14th AVENUE DRIVE SE, WHICH IS DESCRIBED IN EXHIBIT A AS A 45 FOOT RIGHT-OF-WAY, AS RECORDED IN PLAT BOOK 84, PAGE 75 OF THE CATAWBA COUNTY REGISTRY.

WHEREAS, NCGS §160D-806 and Article 2, Section 2.3.6 of the Hickory Land Development Code provide that City Council may, by resolution, accept offers of public dedication made to the public of lands and facilities for streets, sidewalks, open spaces and public utilities after verification from the City Engineer such properties and improvements are in a manner acceptable for acceptance; and

WHEREAS, the City of Hickory has been provided with an offer of public dedication of lands and improvements known as 14th Avenue Drive SE, which are described Exhibit A as a 45 foot right-of-way, as recorded in Plat Book 85, Page 74 of the Catawba County Registry; and

WHEREAS, the City of Hickory has reviewed the land and improvements placed upon them provided as part of the offer of public dedication, and such land and improvements have been found to be in compliance with standards in place for such land and improvements; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hickory, North Carolina, the offer of public dedication for 14th Avenue Drive SE, which is described in Exhibit A as a 45-foot right-of-way, as recorded in Plat Book 85, Page 74 of the Catawba county Registry, is accepted, subject to the following terms and conditions:

SECTION 1. Terms and Conditions of Acceptance:

1. The property owners shall guarantee all materials and workmanship for a period of 18 months from the date of official acceptance by the City Council;
2. The acceptance by the City Council shall not be interpreted in any way to relieve any developer, contractor, subcontractor, insurance company, owner, or other person of his individual or several obligations under any ordinance, policy, or contract or to otherwise reduce or eliminate the rights of the city, its agents and employees against any other party connected with or in any way related to the development of the subdivision and facilities. The acceptance shall not be interpreted as a waiver of any defense or immunities that the city, its agencies or employees may assert or be entitled to;
3. All rights, privileges and warranties of whatsoever nature and kind, for equipment, supplies, materials, goods, and services shall be assigned to the city and any and all benefits derived there from shall inure to the city, its agents, and employees. The acceptance of the lands and facilities shall be conditioned upon the owners covenanting and warranting that they are lawfully seized and possessed of all the lands and facilities dedicated to the public; that they have good and lawful authority to dedicate the same to the public for the stated purpose; that the lands and facilities are free and clear of any deed of trust, mortgage, lien or assessments and that the dedicators for their heirs, successors, executors, administrators, and assigns, covenant that they will warrant and defend the dedication of such land and facilities against any and all claims and demands whatsoever; and

4. Acceptance of dedication of lands and facilities shall not obligate the city to construct, install, maintain, repair, replace, extend, improve, build or operate any public facilities or utilities which are not in existence as of the date of the acceptance of the lands and facilities. Such acceptance shall not obligate the city to construct any main, line, pipe, lateral, or other extension or permit connection to the city’s water, sanitary sewer, storm sewer, drainage or other public utilities systems.

SECTION 2. This Resolution shall become effective immediately upon adoption.

RESOLVED by the City Council of Hickory, North Carolina, this, the ____ day of _____, 2023.

(SEAL) **THE CITY OF HICKORY, a**
North Carolina Municipal Corporation

Attest:

Debbie D. Miller, City Clerk

By: _____
Hank Guess, Mayor

Approved as to form this ____ day of _____, 2020.

Attorney for the City of Hickory

12

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Chad Hunsucker, Airport Director
Contact Person: Chad Hunsucker
Date: 5/01/2024
Re: Award bid and authorize City Manager to approve a contract with Neill Construction Company to construct twelve new T-Hangars on the North Ramp of Hickory Regional Airport

REQUEST:

City Council to award a construction bid with Neill Construction Company and authorize City Manager to approve a construction contract in the amount of \$1,208,714 to construct twelve new T-Hangars on the North Ramp of Hickory Regional Airport.

BACKGROUND:

The City purchased its first set of twelve individual T-hangars in 2023 from Fulfab, Inc. and construction was completed last month. A ribbon cutting event to officially open the hangars is currently being planned.

A new set of twelve individual T-Hangars has been ordered from Fulfab Inc. and will arrive onsite in mid-May. Construction will occur adjacent to the first set of hangars on the north ramp of the airport and take approximately 180 days to complete. The T-Hangars are designed to accommodate small to midsize aircraft that are currently leasing space in the larger group hangars. Once they are moved from the group hangars, additional aircraft are able to move to the airport off of a waiting list.

The City requested construction bids in April and received a total of 7 bids. The lowest responsive bidder was Neill Construction Company with a low bid amount of \$1,208,714.

ANALYSIS:

The new hangar development aligns with the recommendations of the Hickory Regional Airport Task Force Report to promote and expand the assets at the airport to increase revenues through expansion of the number of base aircraft.

The project will be funded with NC Department of Transportation Reserve Funds that were allocated in the fiscal year 23-24 budget.

RECOMMENDATION:

Staff recommends City Council award a construction bid and authorize the City Manager to approve a construction contract with Neill Construction Company in the amount of \$1,208,714 for the construction of twelve new T- hangars at the Hickory Regional Airport.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Chad Hunsucker 5/01/2024
Initiating Department Head Date

Rodney Miller 5/1/24
Asst. City Manager, Rodney Miller Date

Melissa Miller 5/2/24
Finance Officer, Melissa Miller Date

Yander [Signature] 5/2/24
Asst City Manager Date

A. Dula 5-2-24
Deputy City Attorney, A. Dula Date

Rick Beasley 5/2/24
Asst. City Manager, Rick Beasley Date

Cameron McHargue 5-2-24
Dept Finance Off, Cameron McHargue Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

W. Wood
City Manager, W. Wood

5.2.24
Date

CLAYTON
ENGINEERING & DESIGN

May 1, 2024

Rodney Miller
Deputy City Manager/CFO
City of Hickory
76 North Center Street
Hickory, NC 28601

Re: Hickory Airport T-Hanger 2 – Bid Opening
Engineer Project Number: 24003
Architect Project Number: 24-831

Dear Mr. Miller:

After thorough review of the bid submitted by Neill Grading & Construction Co., Inc, and the executed bid form, Clayton Engineering & Design, PLLC recommends accepting the low bid submitted by Neill Grading & Construction Co., Inc.

Please see attached for a bid tabulation worksheet of all responsive bidders for this project.

If you have any questions or need additional information, please feel free to contact me at (828) 455-3456 or email wclayton@clayton-engineering.net.

Sincerely,

Clayton Engineering & Design, PLLC



William S. Clayton, PE
President

CLAYTON
ENGINEERING & DESIGN

BID TABULATION

Owner: City of Hickory
Project: Hickory T-Hanger 2
Location: 3101 9th Avenue Dr. NW, Hickory, NC 28601

Architect Project Number: 24-831
Engineer Project Number: 24003
Time: 2:00 PM
Date: 04/30/2024

BIDDING CONTRACTOR	Bid Bond Included	Addendum #1	Addendum #2	Affidavit A or Affidavit B	Statement of Qualifications	Base Bid Amount
DDI Construction	Yes	Yes	Yes	A	Yes	\$1,427,000.00
Hickory Construction Company	Yes	Yes	Yes	A	Yes	\$1,349,000.00
J.D. Goodrum	Yes	Yes	Yes	A	Yes	\$1,496,000.00
Matthews Construction Co., Inc.	Yes	Yes	Yes	A	Yes	\$1,415,000.00
Moss-Marlow Building Co., Inc.	Yes	Yes	Yes	A	Yes	\$1,236,033.00
Neill Construction Company	Yes	Yes	Yes	A	Yes	\$1,208,714.00
Wilkie Construction Company	Yes	Yes	Yes	A	Yes	\$1,391,750.00



Clayton Engineering & Design, PLLC

**City of Hickory
Contract**

Project Title:

City of Hickory Airport T-Hangar #2 Project**GENERAL CONDITIONS**

1. **ACCEPTANCE OF CONTRACT:** This document constitutes only the Bidder/Contractor's offer until it is accepted on behalf of the City of Hickory and is fully executed by both parties.
2. **WAIVER:** The City of Hickory reserves the right to waive any general provisions, special provision or minor specification deviation when considered to be in the best interest of the City.
3. **NONCONFORMANCE TO CONTRACT CONDITIONS:** Items may be tested for compliance with specifications by appropriate testing laboratories or by the City. The data derived from any tests for compliance with specifications are public records and open to examination thereto in accordance with North Carolina Statutes. Items delivered not conforming to specifications will be rejected and returned to the Bidder/contractor at the Bidder/contractor's expense. Any violation of these stipulations may result in supplier's name being removed from the City of Hickory Purchasing Bidder/contractor mailing list, and the City may pursue any and all other remedies available either in equity or by law.
4. **CONDITION AND PACKAGING:** It is understood and agreed that any item offered or shipped as a result of this bid shall be new (current model at the time of the bid). All containers shall be suitable for storage or shipment, and all prices shall include standard commercial packaging.
5. **INSPECTION, ACCEPTANCE, AND TITLE:** Inspection and acceptance will be at destination unless otherwise provided. "Destination" shall mean delivered to the site. The City accepts no responsibility for goods until accepted at the receiving point in good condition. Title and risk of loss or damage to all items shall be the responsibility of the Bidder/contractor until accepted by the ordering agency. The Bidder/Contractor shall be responsible for filing, processing and collecting all damage claims. However, to assist him in the expeditious handling of damage claims, the ordering department will:
 - a. Record any evidence of visible damage on all copies of the delivering carrier's bill of lading
 - b. Report damage (whether visible or concealed) to the carrier and Bidder/Contractor, confirming such reports, in writing, within fifteen (15) days of delivery, requesting that the carrier inspects the damaged merchandise.
 - c. Retain the item and its shipping container, including inner packaging material, until inspection is performed by the carrier, and disposition given by the Bidder/contractor, or for a reasonable time after notification to the Bidder/contractor.
 - d. Provide the Bidder/contractor with a copy of the carrier's bill of lading and damage inspection report.
6. **SAFETY STANDARDS:** Unless otherwise stipulated in the bid, all work performed pursuant to this Agreement shall comply with applicable requirements of Occupational Safety and Health Act and any standards thereunder.
7. **SERVICE AND WARRANTY:** Unless otherwise specified, the Bidder/contractor shall define any warranty service and replacements that will be provided during and subsequent to this contract. Bidder/contractors must explain on an attached sheet to what extent warranty and service facilities are provided. Unless otherwise indicated in this agreement, upon acceptance of this contract by the City, Bidder/contractor expressly warrants that all articles, materials, supplies, equipment, and/or services covered in this contract will conform to the specification attached hereto and made a part hereof, and further warrants that same shall be of good material and workmanship and free from defects.
8. **REMEDIES:** Failure to make delivery or to meet specifications authorizes the City to seek replacement goods or services elsewhere and to seek legal remedies against the defaulting Bidder/contractor. If any of the goods and/or work performed fails to meet the warranties contained herein, Bidder/contractor upon notice thereof from the City shall promptly correct or replace the same at Bidder/contractor's expense. If Bidder/contractor shall fail to do so, the City may cancel this order as to all such goods and in addition, may cancel the remaining balance of this order and pursue all other remedies available. After notice to the Bidder/contractor, all such goods will be held at Bidder/contractor's risk. The City may, and at the Bidder/contractor's direction shall, return such goods to Bidder/contractor at Bidder/contractor's risk, and all transportation charges, both to and from original destination, shall be paid by Bidder/contractor. Any payment for such goods shall be refunded by Bidder/contractor unless Bidder/contractor promptly corrects or replaces the same at its expense.
9. **AUTHORIZED USERS:** Bids shall cover requirements during the specified period for all municipal departments, boards, commissions, agencies and institutions.

**City of Hickory
Contract**

Project Title:

City of Hickory Airport T-Hangar #2 Project

10. **LIABILITY:** The Bidder/contractor shall hold and save the City of Hickory, its departments, boards, commissions, agencies, institutions and all employees of the aforementioned harmless against the claims by third parties resulting from the Bidder/contractor's breach of this contract or the Bidder/contractor's negligence.
11. **INDEPENDENT CONTRACTOR:** The parties agree that Bidder/contractor and each subcontractor is acting in the capacity of an independent contractor with respect to the City of Hickory and shall not at any time be or represent itself as an agent or employee of the City of Hickory.
12. **PRICES AND TERMS:** Unless otherwise provided in the bid specifications, firm fixed prices shall be F.O.B. Hickory, North Carolina at the indicated department's address and include packing, handling and shipping charges fully prepaid by the Vendor. Bid prices shall be valid for a minimum of sixty (60) days from the date of bid opening.
13. **ACCEPTANCE OF PURCHASE ORDERS:** Bidder/contractors are to accept only those purchase orders issued by the City of Hickory, its departments, boards, commissions, agencies, institutions and all employees of the aforementioned, prepared on Finance Department forms, unless instructed otherwise in the Invitation to Bid or executed Contract Agreement.
14. **PRICE ADJUSTMENTS:** It is understood that this project was bid on April 30th with the contractor acknowledging their prices for sixty days from that date. Since that time, cost increases may have occurred, and Bidder/contractor should review pricing to determine if any costs have changed due to market conditions and will utilize good faith efforts to keep prices in line with the original bid. In the event of any changes by subcontractors, Bidder/contractor will review with the owner to hold Bidder/contractor harmless and protect Owner from any unnecessary increases by obtaining alternate bids for comparable work.
15. **SUMMARY OF TOTAL SALES:** The Bidder/contractor agrees to furnish the City of Hickory Purchasing Division a summary of sales, including total dollar amount made under the contract at the end of each quarter; or as stipulated in the attached special conditions.
16. **PAYMENT:**
 1. **INVOICING:** The Bidder/contractor shall be paid within a reasonable time, not to exceed 30 days, after submission of proper certified invoices to the City at the prices stipulated on the contract. Invoices shall contain the contract number and purchase order number. Failure to follow these instructions may result in delay or processing invoices for payment. The company or corporation bidding shall be the only office authorized to receive orders, do the billing and invoicing, and receive payment. If the Bidder/contractor wishes to ship or service from a point other than the home office, he will furnish a list of these locations. HOWEVER, NO ORDERS WILL BE PRESENTED TO, BILLING WILL NOT BE DONE FROM, NOR WILL PAYMENT BE MADE TO THESE LOCATIONS.
 2. **REQUIREMENTS ONLY PURCHASES:** The proposed contract shall be for the quantities actually ordered during the life of the contract only. UNLESS OTHERWISE SPECIFIED, ALL CONTRACTS ARE REQUIREMENTS-TYPE CONTRACTS, meaning that quantities indicated are only estimates of those actually needed, and actual quantities may be greater or less than those indicated. Billing shall be made in accordance with instructions by department or division issuing the purchase order, and only for quantities actually ordered and delivered. The City does not promise to purchase the quantity shown. The City reserves the right to purchase none of the product or more than shown at the unit price stated in the bid.
 - c. **DISCOUNTS:** Bidder/contractors may offer a cash discount for prompt payment; however, such discounts shall not be considered in determining the lowest net cost for bid evaluation purposes. Bidder/contractors are encouraged to reflect cash discounts in the unit prices quoted. Discount time will be computed from the date of satisfactory delivery at place of acceptance or from receipt of correct invoice at the office specified, whichever is later.
 - d. **UNIFORM COMMERCIAL CODE:** All provisions of the Uniform Commercial Code shall be adhered to.
17. **EXTENSION:** At the end of the contract period, or upon the conclusion of a maximum of one (1) extension thereof, the contract may be extended for a period not to exceed twelve (12) months at the same price and conditions as in the original contract, by mutual agreement between the City and the Bidder/contractor. The extended contract shall, upon the signing by both parties, become a binding agreement and shall remain in force and effect until terminated by either party, provided that either party to the contract shall have the option to terminate said extended contract upon thirty days' prior written notice of termination by one party to the other.

City of Hickory
Contract

Project Title

City of Hickory Airport T-Hangar #2 Project

18. **CONFLICT OF INTEREST:** The Invitation to Bid hereunder is subject to the provisions of City of Hickory's Ethics and Conflict of Interest Policy. All Bidders/Contractors must disclose with the bid, the name of any officer, director or agent who is also an employee of the City of Hickory or any of its agencies or subdivisions. Further, all Bidders/Contractors must disclose the name of any City employee who owns, directly or indirectly, an interest of five percent (5%) or more in the Bidder/contractor's firm or any of its branches.
19. **PATENTS AND ROYALTIES:** The Bidder/contractor, without exception, shall indemnify and save harmless the City of Hickory, its departments, boards, commissions, agencies, institutions and all employees of the aforementioned from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract including its use by the City of Hickory. If the Bidder/contractor uses any design, device or materials covered by letters, patent copyright, it is mutually agreed and understood without exception that the bid prices shall include all royalties or cost rising from the use of such design, device or materials in any way involved in the work.
20. **RELEASE OF PATENTS AND COPYRIGHTS:** The Contractor will relinquish ownership and exclusive rights to the Department of Housing and Urban Development and the City of Hickory for any patents and/or copyrights for any process, discovery, or invention which arise or is developed in the course of this contract.
21. **FACILITIES AND EQUIPMENT:** The City reserves the right to inspect the Bidder/contractor's facilities or equipment at any time with reasonable prior notice.
22. **BANKRUPTCY:** If the Bidder/contractor becomes bankrupt or insolvent, or if a petition in bankruptcy is filed against the Bidder/contractor, or if a receiver is appointed for the Bidder/contractor, the City shall have the right to terminate this contract upon written notice to the Bidder/contractor without prejudice to any claim for damages or any other right of the City under this contract to the time of such termination.
23. **ASSIGNMENT:** This contract shall not be assigned by the Bidder/contractor without written consent of the City.
24. **ACCESS TO RECORDS:** The Bidder/contractor agrees to provide upon request audit materials to an auditor designated by the City. In addition, the Bidder/contractor will retain all records pertaining to this contract for a period of three (3) years after final payment and all other pending matters are closed
25. **INSURANCE:** If insurance is required in the specifications to this Agreement, unless otherwise specifically stated, proof of the following types and amounts shall be furnished to the City showing the City as an additional insured thereunder without cost to the City of Hickory prior to the awarding of the contract. This shall be accomplished by including a Certificate of Insurance with the bid package with the Certificate Holder being: *City of Hickory, PO Box 398, Hickory NC 28603.*
 3. **General Liability:** The Bidder/contractor shall procure and maintain in full force and effect, for the term of the Contract, a policy or policies under a comprehensive form as required by state law. In addition, the Bidder/contractor shall have, during the term of the contract, insurance in the minimum amount of one hundred thousand dollars (\$100,000 00) property damages, arising from a single occurrence, one million dollars (\$1,000,000.00) for personal injuries arising from a single occurrence, and one million dollars (\$1,000,000.00) for any number of claims arising out of a single occurrence or accident. This policy or policies shall hold harmless and indemnify the City of Hickory, its departments, boards, commissions, agencies, institutions and all employees of the aforementioned. A current certificate showing that the Bidder/contractor has in force and effect such insurance shall be maintained on file with the City Clerk of the City.
 4. **Automobile Liability:** The Bidder/contractor shall procure and maintain in full force and effect, for the term of the Contract, vehicle liability coverage in the amounts specified in Subparagraph a. of this section. In addition, the Bidder/contractor shall have, during the term of the Contract, vehicle liability coverage as outlined in the attached specifications. If higher coverage is required by any regulatory entity with oversight of the Bidder/contractor's business, the City Code, or other authority, then proof of the higher coverage must be provided. This policy or policies shall hold harmless and indemnify the City of Hickory, its departments, boards, commissions, agencies, institutions and all employees of the aforementioned. A current certificate showing that the Bidder/contractor has in force and effect such insurance shall be maintained on file with the City Clerk of the City.
 5. **Worker's Compensation:** The Bidder/contractor shall procure and maintain in full force and effect for the period of the Contract, full workers' compensation insurance in accordance with the laws of the State of North Carolina to protect it and the City against liability under the workers' compensation and occupational disease statutes of the State of North Carolina. A current certificate showing that the Bidder/contractor has in force and effect the aforesaid insurance of a current certificate showing exemption from the requirement shall be maintained on file with the City Clerk of the City.

City of Hickory
Contract

Project Title:

City of Hickory Airport T-Hangar #2 Project

- 26 TIME OF THE ESSENCE:** Unless otherwise stated, time shall be considered of the essence to this contract Bidder/contractor specifically agrees that it shall be liable for failure to deliver or delay in delivery. This includes without limitations: strikes, lockouts, inability to obtaining material, lack of shipping space, breakdowns, delays of carriers or suppliers, and pre-existing governmental regulations of the federal and state government or any subdivisions thereof; unless governmental acts and regulations affecting delivery could not be found, recognized, or discovered by due diligence on the part of the Bidder/contractor prior to submission of the bid and the City Council's acceptance. The Contractor and City agree that a total of 180 workdays will be required to finish the project. Any workdays in excess of 180 will be counted towards liquidated damages in section 27.
27. **LIQUIDATED DAMAGES:** If the Contractor shall neglect, fail, or refuse to complete the work within the time herein specified, then the Contractor does hereby agree, as a part of the consideration for the awarding of this contract to pay to the City the sum of \$500.00 per day, not as a penalty, but as compensation to the City for delays, damages, and additional expenses for such breach of contract as hereinafter set forth, for each and every calendar day that the Contractor shall be in default after the time stipulated in the contract for completing the work. The said amount is fixed and agreed upon by and between the Contractor and the City because of the impracticability and extreme difficulty of fixing and ascertaining the actual damages the City would in such event sustain.
It is further agreed that time is of the essence to each and every portion of this contract and to the specifications wherein a definite portion and certain length of time is fixed for the performance of any act whatsoever; and where, under the contract, any additional time is allowed for the completion of any work, the new time limit fixed by such extension shall be the essence of this contract
28. **BONDS:** Bidder's bonds and Performance bonds, if required, are set forth in the specifications attached hereto. If bonds are required, the same shall be held under the following requirements and specifications unless otherwise indicated:
- a. **Bidder's bonds:** If required as a part of the specifications of this contract, bids filed with the Purchasing Agent must be accompanied by a Bidder's Bond, certified check or cashier's check in the amount stated made payable to the City of Hickory. This amount will be retained by the City as damages in the event the successful Bidder/contractor fails to comply with the terms of this Agreement, but shall in no way act as a remedy or limitation on damages available to the City, which may pursue any and all other remedies available either in equity or at law. All deposits and bonds will be returned to the unsuccessful Bidders/Vendors within a reasonable time after the contract has been awarded, and to the successful Bidder/contractor upon full performance of the contract Bonds or funds deposited do not accrue interest while held
 - b. **Performance Bonds:** If a Performance Bond is required under the specifications of this agreement, the successful Bidder/contractor must, prior to the award of the Contract, post the bond, certified check or cashier's check in the amount stated made payable to the City of Hickory. The Bidder's Bond posted will be returned to the successful Bidder/contractor upon posting of the Performance Bond and completion of any additional requirements for execution of the contract by the Bidder/contractor. The Performance Bond will be released or returned to the Bidder/contractor, as appropriate, after satisfactory completion of the contract and the performance period as stated in the specifications attached or any amendments thereto.
29. **DISCRIMINATION:** Bidder/contractor agrees, in connection with the performance of work under this contract, as follows:
- a. Bidder/contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation or affectation, national origin, ancestry, or physical or mental impairment. The Bidder/contractor shall take affirmative action to insure that employees are treated without regard to their race, creed, color, sex, sexual orientation or affectation, national origin, ancestry or physical or mental impairment. Such actions shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, lay- off, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The Bidder/contractor agrees to post in a conspicuous place available to employees and applicants for employment, notices setting forth provisions of this section.
 - b. The Bidder/contractor agrees to include this non-discrimination clause in any subcontract connected with the performance under this contract.
 - c. In the event of the Bidder/contractor's non-compliance with the above non-discrimination clause, this contract may be terminated by the City. The Bidder/contractor may be declared by the City ineligible for further contracts with the City until satisfactory proof of intent to comply is made by the Bidder/contractor

**City of Hickory
Contract**

Project Title:

City of Hickory Airport T-Hangar #2 Project

30. **DISTRIBUTION OF CONTRACT:** One (1) copy of the contract or award letter shall be furnished to the successful Bidder/contractor as a result of this bid. It shall be the Bidder/contractor's responsibility to reproduce and distribute copies of the contract to all distribution points listed in this bid that will accept orders and complete deliveries. No additions, deletions or changes of any kind shall be made to this contract by the Bidder/contractor.
31. **ANTI-KICKBACK PROVISIONS:** Contractor shall comply with the applicable regulations (herein incorporated by reference) of the Secretary of Labor, United States Department of Labor, made pursuant to the so called "Anti-Kickback Act" of June 13, 1934) 48 Stat. 948; 62 Stat. 862; Title 18 USC., Section 874 and Title 40 U.S.C., Section 276c), and any amendments or modifications thereof, shall cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and shall be responsible for the submission of affidavits required by subcontractors thereunder, except for the submission of affidavits required by subcontractors thereunder, except as said Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirement thereof.
32. **CONTRACT WORK HOURS AND SAFETY STANDARDS:** Overtime Compensation Required by Contract Work Hours and Safety Standards Act (76 Stat. 357-360; Title 40 U.S.C., Sections 327-332).
- a. **Overtime Requirements:** No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics, including watchmen and guards, which he has employed on such work to work in excess of 40 hours in such work week unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of 40 hours in such work week.
- b. **Violation/Liability for Unpaid Wages Liquidated Damages:** In the event of any violation of the clause set forth in Paragraph (1) of this section, the contractor and any subcontractor responsible therefore shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States or other appropriate governing or regulatory body for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violations of the clause set forth in Paragraph (1), in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of the standard work week of 40 hours without payment of the overtime wages required by the clause set forth in Paragraph (1).
- c. **Withholding for Liquidated Damages:** The Owner shall withhold or cause to be withheld, from any monies payment on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for liquidated damages as provided in the clause set forth in Paragraph (2) of this Section.
- d. **Subcontracts:** The contractor shall insert in any subcontracts the clauses set forth in Paragraphs (1), (2) and (3) of this Section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts, which may be entered into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

Questions Concerning Certain Federal Statutes and Regulations: All questions arising under this contract which related to the application or interpretation of (a) the aforesaid Anti-Kickback Act, (b) the Contract Work Hours and Safety Standards Act, (c) the regulations issued by the Secretary of Labor, United States Department of Labor, pursuant to said acts, or (d) the labor

standards provisions of any other pertinent federal statute shall be referred through the Owner and the Secretary of Housing and Urban Development, to the Secretary of Labor, United States Department of Labor, for said Secretary's appropriate ruling or interpretation which shall be authoritative and may be relied upon for the purposes of this contract.

33. **TERMINATION FOR CONVENIENCE OF THE CITY:**
- a. The performance of work and/or delivery of ordered materials, supplies, equipment and/or services under this contract may be terminated by the City, in whole or in part, whenever it is determined to be in the best interest of the City.
- b. Any such termination shall be affected by the delivery to the Bidder/contractor of a notice of termination specifying the extent to which performance of work and/or delivery of ordered materials, supplies, equipment and/or services are terminated, and the date upon which such termination becomes effective.
- b. After receipt of a notice of termination, the Bidder/contractor shall stop work and/or place no further orders under the contract on the date and to the extent specified in the Notice of Termination.
34. **VENUE:** This contract shall be governed by the laws of the State of North Carolina.

**City of Hickory
Contract**

Project Title.

City of Hickory Airport T-Hangar #2 Project

35. **INTEGRATED AGREEMENT:** This writing, with the attachments hereto, and any associated purchase orders constitute the entire agreement of the parties. No separate promises or agreements have been made other than those contained herein. This Agreement may not be modified except in writing signed by both parties.
36. **DELIVERY OF NOTICES:** Any notices required or permitted by this Agreement will be considered sufficient if hand delivered or sent by certified mail to the party entitled to receive the notice at the address of that party set forth above. If a notice is sent by certified mail, it shall be deemed to have been given on the second business day after it is deposited in the United States mail, whether actually received by the addressee on that date or not
37. **SEVERABILITY:** If any provision under this Agreement or its application to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity does not affect any other provision of this Agreement or its application that can be given effect without the invalid provision or application.
38. **PARTIAL PAYMENTS:** Partial payments will be made once each month as the work progresses. Said payments will be based upon estimates prepared by the Contractor and approved by the Engineer for the value of the work performed and materials complete in place in accordance with the Contract, plans, and specifications. Such partial payments may also include the delivered actual cost of those materials stockpiled and stored in accordance with this contract.

From the total of the amount determined to be payable on a partial payment, 5% of such total will be deducted and retained by the OWNER until the final payment is made. The balance 95% of the amount payable, less all previous payments, shall be certified for payment

The Contractor shall not receive partial payment based on quantities of work in excess of those provided in the proposal or covered by approved change orders, except when such excess quantities have been determined by the ENGINEER to be a part of the final quantity for the item of work in question.

No partial payment shall bind the OWNER to the acceptance of any materials or work in place as to quality or quantity. CONTRACTOR shall submit partial payment request for work completed by the 25th of the month. OWNER will make payment to the Contractor on or about the 25th of the following month.

39. **PAYMENT FOR MATERIALS ON HAND (IF APPLICABLE UNDER THE CONTRACT):** Partial payments may be made to the extent of the delivered cost of materials to be incorporated in the work, provided that such materials meet the requirements of the Contract, plans, specifications, and are delivered to sites acceptable to the ENGINEER. Such delivered costs of stored or stockpiled materials may be included in the next partial payment after the following conditions are met
- The material has been stored or stockpiled in a manner acceptable to the ENGINEER at or on an approved site.
 - The Contractor has furnished the ENGINEER with acceptable evidence of the quantity and quality of such stored or stockpiled materials.
 - The Contractor has furnished the ENGINEER with satisfactory evidence that the material and transportation costs have been paid.
 - The Contractor has furnished the OWNER legal title (free of liens or encumbrances of any kind) to the material so stored or stockpiled.
 - The Contractor has furnished the OWNER evidence that the material so stored or stockpiled is insured against loss by damage to or disappearance of such materials at any time prior to use in the work.

The transfer of title and the OWNER's payment for such stored or stockpiled materials shall in no way relieve the Contractor of the responsibility for furnishing and placing such materials in accordance with the requirements of the Contract, plans, and specifications.

In no case will the amount of partial payments for materials on hand exceed the Contract price for such materials or the Contract price for the Contract item in which the material is intended to be used.

No partial payment will be made for stored or stockpiled living or perishable plant materials.

The Contractor shall bear all costs associated with the partial payment of stored or stockpiled materials in accordance with the provisions of this contract.

Special Conditions

1. **COMPLIANCE WITH LAWS** The bidder, at his own expense, shall obtain and maintain all licenses, permits, liability insurance, worker's compensation insurance and shall comply with any and all other standards or regulations required by federal, state and local statute, ordinance, executive order and rules during the performance of any contract between the bidder and the City. Any such requirement specifically set forth in any contract document between the bidder and the City shall be supplementary to this section.

**City of Hickory
Contract***Project Title:***City of Hickory Airport T-Hangar #2 Project**

2. **SPECIFICATIONS:** Any obvious error or omission in specifications shall not inure to the benefit of the bidder but shall put the bidder on notice to inquire of or identify the same from the City. All construction and materials shall conform to the City of Hickory's Manual of Practice which includes the standard specifications and details.
3. **GUARANTEE** Unless otherwise specified by the City the bidder shall unconditionally guarantee the materials and workmanship on all material, construction, and/or services to be free from defect at the time of delivery and acceptance (to be determined by usage) by the City. If any defects are present which are due to faulty material, workmanship and/or services, the bidder at his expense, shall repair or adjust the condition, or replace the material and/or services to the complete satisfaction of the City. These repairs or replacements or adjustments shall be made only at such time as will be designated by the City as least detrimental to the operation of the City. Standard Manufacturer's warranties and other warranties normally offered by the bidder shall be in effect for all deliveries and shall be in addition to specific warranties or guarantees contained in this Bid Statement of terms of standard warranty should be included with the bid.
4. **LICENSE:** All bidders must have proper license governing services provided.
5. **E-VERIFY COMPLIANCE:** Employers and their subcontractors with 25 or more employees as defined in Article 2 of Chapter 64 of the North Carolina General Statutes must comply with North Carolina Session Law 2013-418's E-Verify requirements to contract with local governments. E-Verify is a federal program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law. A completed E-Verify compliance statement is required to enter any contract with the City of Hickory.
6. **IRAN DIVESTMENT ACT:** The City only contracts with entities that are not listed on the Iran Final Divestment List ("List") created by the State Treasurer pursuant to N.C.G.S. 147-86.58, Iran Divestment Act ("Act"). Any contract with a company on the list is deemed as a void contract per State statute. The List can be found on the State Treasurer's website and is updated annually.
7. **COMPANIES BOYCOTTING ISRAEL ACT:** The City only contracts with entities that are not listed on the Companies that Boycott Israel Final Divestment List ("List") created by the State Treasurer pursuant to S.L. 2017-193 (H161). Any contract with a company on the list is deemed as a void contract per State statute. The List can be found on the State Treasurer's website and is updated annually.

SPECIFIC ACTIONS/DESCRIPTION OF WORK TO BE PERFORMED

The bidder/contractor agrees that if this bid is accepted, to furnish all necessary management, supervision, equipment, tools, means of transportation, safety and labor necessary to complete the contract in full and in complete accordance with the specifications and instructions, to the full and entire satisfaction of the City and the manufacturer representative, at the prices and amounts shown.

NOTICE TO PROCEED

Bidder agrees to complete work on this project within one hundred eighty (180) days of Notice to Proceed and to complete this project as specified.

SCOPE

This project is for the construction of 12 new T-Hangars, metal buildings, to be used as aircraft hangars for small to mid-sized aircraft. Plans depicting this project have been prepared by Clayton Engineering & Design and are a part of this package.

AMOUNT

The Contractor agrees to perform the scope of work above for a total contract price of \$1,208,714.

GENERAL CONTRACT

The undersigned, as bidder, hereby declares that the only person(s) interested in the proposal as principal(s) is, are, named herein, and that no other person has any interest in this proposal, or in the contract to be entered into; that this proposal is made without connection with any other person, company, or parties making a bid proposal, and that it is in all respects, fair and in good faith, without collusion or fraud.

**City of Hickory
Contract**

Project Title:

City of Hickory Airport T-Hangar #2 Project

The bidder further declares that he has informed himself fully about all conditions regarding this bid, that the **BIDDER HAS EXAMINED DESCRIPTION OF WORK, SPECIFICATIONS AND ALL RELATED DOCUMENTS** for the above mentioned Project and that he has satisfied himself about performance required by this bid.

The Bidder warrants that bid prices, terms and conditions quoted in the bid will be firm for a period of sixty (60) days from opening date or other time as specified in this request. By submitting this bid, Contractor agrees to coordinate his schedule with the City of Hickory forces working on this project to the fullest extent possible.

The City of Hickory reserves the right to deduct items as deemed in the best interest of the City. The Bidder agrees to commence work under his contract on a date to be specified in a written order.

BONDING

- A. BID BOND:** Required.
- B. PERFORMANCE BOND:** Required in the full amount of the stated Bid amount.
- C. PAYMENT BOND:** Required in the full amount of the stated Bid amount.

The City reserves the right to reject any and all bids; and reject any bid items that fail to meet the needs of the City.

Contractor(s) shall submit a certified Sales Tax Report along with each request for payment. This document can be downloaded from the City's website on the Purchasing Dept. webpage.

Bidders should have no contact with elected or appointed officials regarding this bid during the bid process. Any such contact will subject the bidder to immediate disqualification.

Project Title:

City of Hickory Airport T-Hangar #2 Project

SEE BELOW FOR SIGNATURES

Neill Construction (Signature)

(Printed Name & Title)

Date

Corporate Secretary _____ (signature)

Acceptance and entry into this Agreement by and on behalf of the City of Hickory is made this _____ Day of _____, 2024.

City of Hickory,
North Carolina Municipal Corporation

Warren Wood, City Manager

Attest:

(SEAL)

City Clerk

This document has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.



Finance Officer

Approved as to form on behalf of the City of Hickory only:



Attorney

BUDGET REVISION # 20

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 Ordinances 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	
	General Government	54,557	5,824	
	Other Financing Uses	5,824		
	Culture & Recreation	13,559		
	Public Safety	664,111	76,000	
	Contingency		255,838	
	Transportation		298,322	
	TOTAL	738,051	635,984	
To provide funding for the above, the		General Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Miscellaneous	61,790		
	Other Financing Sources	51,858	24,840	
	Sales and Services	13,259		
	TOTAL	126,907	24,840	

SECTION 2. To amend the		Insurance Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
	General Government	27,145		
	TOTAL	27,145	-	
To provide funding for the above, the		Insurance Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Sales and Services	27,145		
	TOTAL	27,145	-	

SECTION 3. To amend the		Bruce Meisner Park (#620008)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
	General Capital Projects	24,840	24,578	
	TOTAL	24,840	24,578	
To provide funding for the above, the		Bruce Meisner Park (#620008)	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Investment Earnings	262		
	TOTAL	262	-	

SECTION 4. To establish the State & Local Cybersecurity Grant (#450002) Grant Project, the expenditures shall be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	100,824	
TOTAL	100,824	-
To provide funding for the above, the State & Local Cybersecurity Grant (#450002) revenues will be amended as follows:		
FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	5,824	
Restricted Intergovernmental	95,000	
TOTAL	100,824	-

SECTION 5. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

Adopted this ____ day of _____, 2024

Mayor

Clerk

**CITY OF HICKORY
CAPITAL PROJECT ORDINANCE
STATE & LOCAL CYBERSECURITY GRANT**

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted for the duration of the project.

SECTION 1. The project authorization is the State & Local Cybersecurity Grant.

SECTION 2. The officers of this unit are hereby directed to proceed with the Capital Project within the terms of the budget contained herein.

SECTION 3. The following revenues are anticipated to be available to complete the project:

Restricted Intergovernmental:	
Federal Miscellaneous	\$ 95,000
Other Financing Sources:	
Transfer from General Fund	\$ 5,824
Total	\$ 100,824

SECTION 4. The following amounts are appropriated for the project:

General Capital Projects:	
Cybersecurity/Equipment	\$ 100,824
Total	\$ 100,824

SECTION 5. The Finance Officer is hereby directed to maintain within the Multi-Year Capital Project Fund sufficient specific detailed accounting records to provide the accounting required by any financing agreement associated with this project and/or State and Federal regulations.

SECTION 6. The Finance Officer is hereby directed to report quarterly on the financial status of each project element and on the total revenues received or claimed.

SECTION 7. The City Manager (Budget Officer) is directed to include a detailed analysis of past and future costs and revenues on this Capital Project in every budget submission made to this board.

SECTION 8. Copies of this Capital Project Ordinance shall be furnished to the Clerk of the Governing Board, the City Manager (Budget Officer) and the Finance Officer for direction in carrying out this project.

Adopted this the ____ day _____, 2024.

Mayor

Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development, Planning Division

Contact Person: Mike Kirby, Senior Planner

Date: April 25, 2024

Re: Voluntary contiguous annexation of property owned by Bowman Rentals, LLC

REQUEST

Consideration of the voluntary contiguous annexation of 31.388 acres property located at 2063 Startown Road. This property is identified as PIN 3721-13-04-3211.

BACKGROUND

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 2 dwelling units per acre.

ANALYSIS

If annexed, the property owners have requested the property be zoned Planned Development, with their further intentions being the construction of 75 single-family townhomes and 12 apartment buildings consisting of 300 units. This would equate to a density of approximately 11.9 dwelling units per acre.

Surrounding properties are zoned R-20 Residential, R-2 Residential, and Planned Development and are occupied by detached single-family residences, and apartments.

The current tax value of the property is \$263,400. If annexed, the vacant property would generate \$1198.47 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.

RECOMMENDATION

Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier
Initiating Department Head

04/25/2024
Date

Andrew M. Dula
Deputy City Attorney, A. Dula

4/29/24
Date

Rosly Miller
Asst. City Manager R. Miller

4/26/24
Date

Phil Beasley
Asst. City Manager, R. Beasley

4/30/24
Date

M. Miller
Finance Officer, M. Miller

4/26/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

4-29-24
Date

Yaldee Fox
Asst City Manager Yaldee Fox

4/30/24
Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

Warren Wood
City Manager, Warren Wood

4.30.24
Date

**CITY OF HICKORY
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 3/1/24

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

I (We), the undersigned, do hereby respectfully make application and petition for voluntary annexation into the municipal limits of the City of Hickory, and have provided an annexation plat meeting the requirements of the City of Hickory

1. The property be voluntarily annexed is located on 2063 STARTOWN ROAD
between STARTOWN and ROBINWOOD
and is shown in more detail on the attached survey.
2. PIN NO. (S) : 372113043211
3. Physical (Street) Address: 2063 STARTOWN ROAD
2. The property is owned by: (please print) BOWMAN RENTALS, LLC
(Attach a copy of the most recent deed.)

Owner Information:

Name: BOWMAN RENTALS LLC
Address: 1090 FAIRWAY DR, NEWTON, NC 28658
Phone Number: ~~NEWTON~~ 706-830-2429

3. The petition is submitted by: SMOKE SHED DEVELOPMENT

Agent Information:

Name: BRADLEY CERADLO
Address: 182 N. MAIN, MOORESVILLE, NC 28115
Phone Number: 704-506-2946

4. If annexation is approved by the Hickory City Council, and if the property(s) is not currently zoned by the City of Hickory, the applicant would request that the property be placed into a PD zoning district.

5. WATER AND SEWER AVAILABILTY AND CONNECTIONS

We, the undersigned property owner(s), herby understand and agree we shall be responsible for all costs associated with providing for extensions and/or connections to the City of Hickory public utility system (water and sewer). This includes all design, permitting, construction, legal and applicable City of Hickory Tap Fees. Furthermore, we shall be responsible for obtaining any and all necessary easements and encroachment agreements needed to provide for such extensions or connections and provide those to the City of Hickory as appropriate.

The undersigned owner further acknowledges, they shall be responsible for any future utility extensions required to serve the property due to subdivision of the property.

6. APPLICANT'S AFFIDAVIT

We, the undersigned property owners(s), hereby certify that the information contained herein and submitted in support of this application is true and correct and the property owner's list and associated envelopes were obtained using the most recent Tax Office property information and are true, correct and complete.

Bowman Rentals, LLC.
Printed Name of Property Owner(s)

Betty Moose Echerd (member)
Signature of Property Owner(s)

425 28TH Ave NE Hickory NC 28601
Address of Property Owner(s)

828) 612-5054
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20 ____.

My Commission Expires: _____

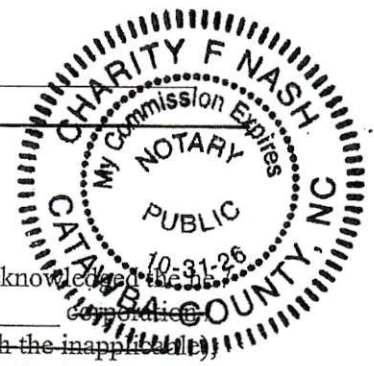
Notary Public

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Betty Moose Echerd personally came before me this day an acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 4th day of March, 20 24.
she is the member of Bowman Rentals LLC ~~corporation~~
limited liability corporation / ~~general partnership~~ / ~~limited partnership (strike through the inapplicable)~~

My Commission Expires: 10-31-2026

Charity F. Nash
Notary Public



2568
0001

BOOK 2568 PAGE 1

FILED
CATAWBA COUNTY
RUTH MACKIE
REGISTER OF DEEDS

The foregoing certificate(s) of

FILED Apr 14, 2004
AT 01:29:43 pm
BOOK 02568
PAGE 0001

DORENE MILLER

notary/notaries public
is/are certified to be correct.

Ruth Mackie
RUTH MACKIE Register of Deeds

No Revenue

\$ 0

011296

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____
by _____

Mail after recording to Attorney _____
This instrument was prepared by: William R. Sigmon, SIGMON CLARK MACKIE HUTTON HANVEY & FERRELL, P.A.,
P.O. Drawer 1470, Hickory, NC 28603

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made April 8, 2004, by and between

GRANTOR

GRANTEE

DOROTHY BOWMAN ABERNETHY (Widow), FRANCES BOWMAN BOLLINGER (Widow) acting by and through Larry Michael Bollinger her attorney-in-fact pursuant to authority set forth in a durable power of attorney recorded in Book 2040, Page 653, Catawba County Registry; LOIS BOWMAN MOOSE (Widow), MARTHA BOWMAN CAUDILL (Widow), and ALINE D. BOWMAN (Widow)

BOWMAN RENTALS, LLC, a North Carolina limited liability company
c/o Dorothy B. Abernethy
Post Office Box 161
Hickory, NC 28603

Post Office Box 161
Hickory, NC 28603

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, _____ Township, Catawba County, North Carolina and more particularly described as follows:

PARCEL 1:

PIN 3721 13 04 3211

Tract 1:

BEGINNING at a stake the southwestern corner of Lot No. 78 and runs North 27° East 1247.2 feet to a stake, the southwest corner of Lot No. 82; thence with the south line of Lot No. 82 North 83°40' West 977.2 feet to an iron stake, the old corner; thence with the Whitener line South 8°55' West 1123 feet to a stake; thence with the north line of Lot No. 79 North 88°45' East 235 feet to a pine; thence South 75° East 362.3 feet to the point of **BEGINNING**, containing 20.4 acres, more or less. Being all of tracts Nos. 80 and 81 of Block B, map one of the N.W. Propes Estate as surveyed by G. S. Rowe, C.E., which map is duly recorded in Plat Book No. 5, Page 109 in the office of the Register of Deeds for Catawba County.

2568
0002

For partial chain of title see Deeds recorded in Book 402, Page 571 and Book 390, Page 165, Catawba County Registry.

BOOK 2568 PAGE 2

Tract 2:

BEGINNING at an iron on the west edge of a county road and the southeast corner of Lot #61 and runs with the west edge of said county road South 25°09' West 300 feet to a stake on the west edge of said road; thence continuing along the west edge of said road South 19°51' West 233 feet to the Northeast of Lot #69, a stake; thence continuing along the west edge of said road South 13°55' West 300 feet to a stake on the West edge of said road; thence South 17°37' West 450 feet to a stake, the Northeast corner of Lot #79; thence leaving said road with the North line of Lot #79 North 86°17' West 417 feet to a stake, the southeast corner of Lot 80; thence with the line of Lots 80 and 81 North 27° East 1425 feet to a stake, the southwest corner of Lot #61; thence with the South line of Lot #61, South 66°30' East 210.5 feet to the point of **BEGINNING**.

Being all of Lots 62 through 78 inclusive of Block B of Map One of the N. W. Propes estate, all references and calls from Map of said estate recorded in Book of Plats #5, Page 109 in the office of the Register of Deeds for Catawba County.

For partial chain of title see Deed recorded in Book 382, Page 173, Catawba County Registry.

Tract 3:

BEGINNING at an iron on the west edge of a county road and on the South side of the Hickory-Startown highway and runs with the south side of said highway North 53°05' West 400 feet to a stake; thence continuing along the south side of said highway, North 52° West 150 feet to a stake, the Northeast corner of Lot #23; thence with the East line of said Lot and Lot #43, South 41° West 348.9 feet to a stake in the line of Lot #82; thence with the line of said Lot #82, South 50°40' East 425 feet to a stake, the Southwest corner of Lot #61; thence with the line of Lot #61, South 66°30' East 210.5 feet to a stake on the west side of said county sandclay; thence with said road North 24°08' East 327 feet to the point of **BEGINNING**.

Being all of Lots #1 through 22 inclusive and Lots 43 through 61 inclusive of Block B of Map One of the N. W. Propes estate Map recorded in Book of Plats 5, Page 109 in the office of the Register of Deeds for Catawba County.

For partial chain of title see Deed recorded in Book 382, Page 173, Catawba County Registry.

PARCEL 2:

PIN 3741 17 11 1814

BEGINNING at a point in North Main Avenue (Highway #10), and runs South 84° West (passing an iron 24 ft. from the beginning) 160 feet to an iron stake on H. E. Herman's line; thence a new line North 2°40' West 150.1 feet to an iron stake on James A. Deal's line; thence with his line North 84°10' East 161.3 feet to a point in North Main Avenue (passing an iron stake 21 feet West of corner); thence with said North Main Avenue South 2°30' East 149.2 feet to the **BEGINNING**.

For partial chain of title see Deed recorded in Book 574, Page 13, Catawba County Registry.

PARCEL 3:

PIN 3741 17 01 9860

Lying and being in Town of Newton, North Carolina, Lots 1-4, inclusive, of Block 11 of the Stewart and Thornton property, as shown on plat of G. Sam Rowe, C.E., dated August, 1948, and duly recorded in Book of Plats No. 6, Page 2 in the office of the Register of Deeds of Catawba County.

For partial chain of title see Deed recorded in Book 574, Page 13, Catawba County Registry.

THE DRAFTSMAN OF THIS INSTRUMENT DID NOT SEARCH TITLE NOR ABSTRACT TITLE TO THIS PROPERTY; THEREFORE, HE MAKES NO CERTIFICATION NOR ACCEPTS ANY LIABILITY FOR THE CONDITION OF THE TITLE THERETO.

The property hereinabove described was acquired by Grantor by instrument recorded in Book , Page .

A map showing the above described property is recorded in Book _____, Page _____.

2568
0003

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

BOOK 2568 PAGE 3

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

This conveyance is made subject to restrictive covenants and encumbrances of record, and to any and all easements and rights-of-way on location on the above-described property heretofore granted or existing in favor of any individuals, corporations, public or private associations of individuals, public utilities, and governmental agents, commissions or departments for the purpose of constructing, erecting, laying, building or maintaining any streets, roads, highways, signs, service alleys, power lines or poles, gas lines, water lines, lines for pipes or sewer lines and any and all other similar or related public or private utility service facilities or otherwise.

Subject to ad valorem taxes for 2004.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

USE BLACK INK ONLY

By: _____
 (Corporate Name) _____
 President

ATTEST: _____
 Secretary
 (Corporate Seal)

Dorothy Bowman Abernethy (SEAL)
 Dorothy Bowman Abernethy

Frances Bowman Bollinger by Larry Michael Bollinger (SEAL)
 Frances Bowman Bollinger by and through Larry Michael Bollinger, her attorney in fact

Lois Bowman Moose (SEAL)
 Lois Bowman Moose

Martha Bowman Caudill (SEAL)
 Martha Bowman Caudill

Aline D. Bowman (SEAL)
 Aline D. Bowman

NORTH CAROLINA, Catawba County.
I, the undersigned, a Notary Public of the Alexander County and State aforesaid, certify that Dorothy Bowman Abernethy, Lois Bowman Moose, Martha Bowman Caudill & Aline D. Bowman Grantors, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal on this the 12 day of April, 2004.

Dorene Miller
Notary Public
My commission expires: 9-5-2006



STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, Dorene Miller, Notary Public of Alexander County, State of North Carolina, do hereby certify that Larry Michael Bollinger, Attorney-in-Fact for Frances Bowman Bollinger, personally appeared before me this day and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of Frances Bowman Bollinger, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the Office of the Register of Deeds for Catawba County on the 23 day of July, 1997, in Book 2040, Page 653 and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that the said Larry Michael Bollinger acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Frances Bowman Bollinger.

WITNESS my official seal, this 8th day of April, 2004.

(SEAL) Dorene Miller
Notary Public
My Commission Expires: 9-5-2006





LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022
 NAME OF LIMITED LIABILITY COMPANY: Bowman Rentals, LLC

SECRETARY OF STATE ID NUMBER: 0410342 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only
 E - Filed Annual Report
 0410342
 CA202403500419
 2/4/2024 01:30
 Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Bolch, Patricia Abernethy

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY	4. REGISTERED AGENT OFFICE MAILING ADDRESS
<u>1090 Fairway Drive</u>	<u>1090 Fairway Drive</u>
<u>Newton, NC 28658 Catawba County</u>	<u>Newton, NC 28658</u>

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Rental

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 294-2826 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS	5. PRINCIPAL OFFICE MAILING ADDRESS
<u>1090 Fairway Drive</u>	<u>1090 Fairway Drive</u>
<u>Newton, NC 28658</u>	<u>Newton, NC 28658</u>

6. Select one of the following if applicable. (Optional see instructions)

- The company is a veteran-owned small business
- The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: <u>Patricia A Bolch</u>	NAME: <u>Dennis E Bollinger</u>	NAME: <u>Jerry Bowman</u>
TITLE: <u>Member</u>	TITLE: <u>Member</u>	TITLE: <u>Member</u>
ADDRESS: _____	ADDRESS: _____	ADDRESS: _____
<u>1090 Fairway Drive</u>	<u>1335 Grady Lane</u>	<u>307 High Street</u>
<u>Newton, NC 28658</u>	<u>Hickory, NC 28602</u>	<u>Ipswich, MA 01938</u>

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

JAMES A CAUDILL 2/4/2024
SIGNATURE DATE

Form must be signed by a Company Official listed under Section C of This form.

JAMES A CAUDILL Member
Print or Type Name of Company Official Print or Type Title of Company Official

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF \$200.00
 MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

SECTION E: ADDITIONAL COMPANY OFFICIALS

NAME: Betty M Echred

TITLE: Member

ADDRESS: _____

425 28th Ave NE
Hickory, NC 28601

NAME: Peggy Murdock

TITLE: Member

ADDRESS: _____

1371 Abingdon Way
Winston-Salem, NC 27106

NAME: JAMES A CAUDILL

TITLE: Member

ADDRESS: _____

7689 WINFIELD RD
APPLING, GA 30802

NAME: STEVEN W CAUDILL

TITLE: Member

ADDRESS: _____

5022 DOCKSIDE DR
WILMINGTON, NC 28409

NAME: JACKIE C BAKER

TITLE: Member

ADDRESS: _____

201 BRANTWOOD DRIVE
GOLDSBORO, NC 27534

NAME: Yvonne M (Trustee) Abernethy

TITLE: Member

ADDRESS: _____

16715 Spinnaker Lane
Cornelius, NC 28031

NAME: CATHY C ROMAN

TITLE: Member

ADDRESS: 1007 Porters Neck Road

Apt 132
Wilmington, NC 28411

NAME: Larry M Bollinger

TITLE: Member

ADDRESS: _____

2312 Villa Oaks Court
Gastonia, NC 28054

NAME: Ronald E Punch

TITLE: Member

ADDRESS: _____

131 Pine Hollow Drive
Dallas, NC 28034

NAME: _____

TITLE: _____

ADDRESS: _____

NAME: _____

TITLE: _____

ADDRESS: _____

NAME: _____

TITLE: _____

ADDRESS: _____

NAME: _____

TITLE: _____

ADDRESS: _____

NAME: _____

TITLE: _____

ADDRESS: _____

Name: _____

TITLE: _____

ADDRESS: _____

NAME: _____

TITLE: _____

ADDRESS: _____

NAME: _____

TITLE: _____

ADDRESS: _____

NAME: _____

TITLE: _____

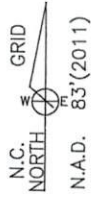
ADDRESS: _____

BUNTON SURVEYING and MAPPING, PA

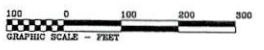
231 13TH AVE PL N.W.
 HICKORY N.C., 28601
 SUITE 8
 828-855-3313
 828-635-0333
 DEREK R. BUNTON, PLS-4808
 BUSINESS LICENSE: C-2089

Curve	Radius	Tangent	Length	Chord	Chord Bear.
1	100.00	100.00	100.00	100.00	0°00'00"
2	100.00	100.00	100.00	100.00	0°00'00"
3	100.00	100.00	100.00	100.00	0°00'00"
4	100.00	100.00	100.00	100.00	0°00'00"
5	100.00	100.00	100.00	100.00	0°00'00"
6	100.00	100.00	100.00	100.00	0°00'00"
7	100.00	100.00	100.00	100.00	0°00'00"
8	100.00	100.00	100.00	100.00	0°00'00"
9	100.00	100.00	100.00	100.00	0°00'00"
10	100.00	100.00	100.00	100.00	0°00'00"
11	100.00	100.00	100.00	100.00	0°00'00"
12	100.00	100.00	100.00	100.00	0°00'00"
13	100.00	100.00	100.00	100.00	0°00'00"
14	100.00	100.00	100.00	100.00	0°00'00"
15	100.00	100.00	100.00	100.00	0°00'00"
16	100.00	100.00	100.00	100.00	0°00'00"
17	100.00	100.00	100.00	100.00	0°00'00"
18	100.00	100.00	100.00	100.00	0°00'00"
19	100.00	100.00	100.00	100.00	0°00'00"
20	100.00	100.00	100.00	100.00	0°00'00"

Course	Bearing	Distance
1	N 71°00'00" W	21.87
2	S 71°00'00" W	21.87
3	N 71°00'00" W	21.87
4	S 71°00'00" W	21.87
5	N 71°00'00" W	21.87
6	S 71°00'00" W	21.87
7	N 71°00'00" W	21.87
8	S 71°00'00" W	21.87
9	N 71°00'00" W	21.87
10	S 71°00'00" W	21.87
11	N 71°00'00" W	21.87
12	S 71°00'00" W	21.87
13	N 71°00'00" W	21.87
14	S 71°00'00" W	21.87
15	N 71°00'00" W	21.87
16	S 71°00'00" W	21.87
17	N 71°00'00" W	21.87
18	S 71°00'00" W	21.87
19	N 71°00'00" W	21.87
20	S 71°00'00" W	21.87

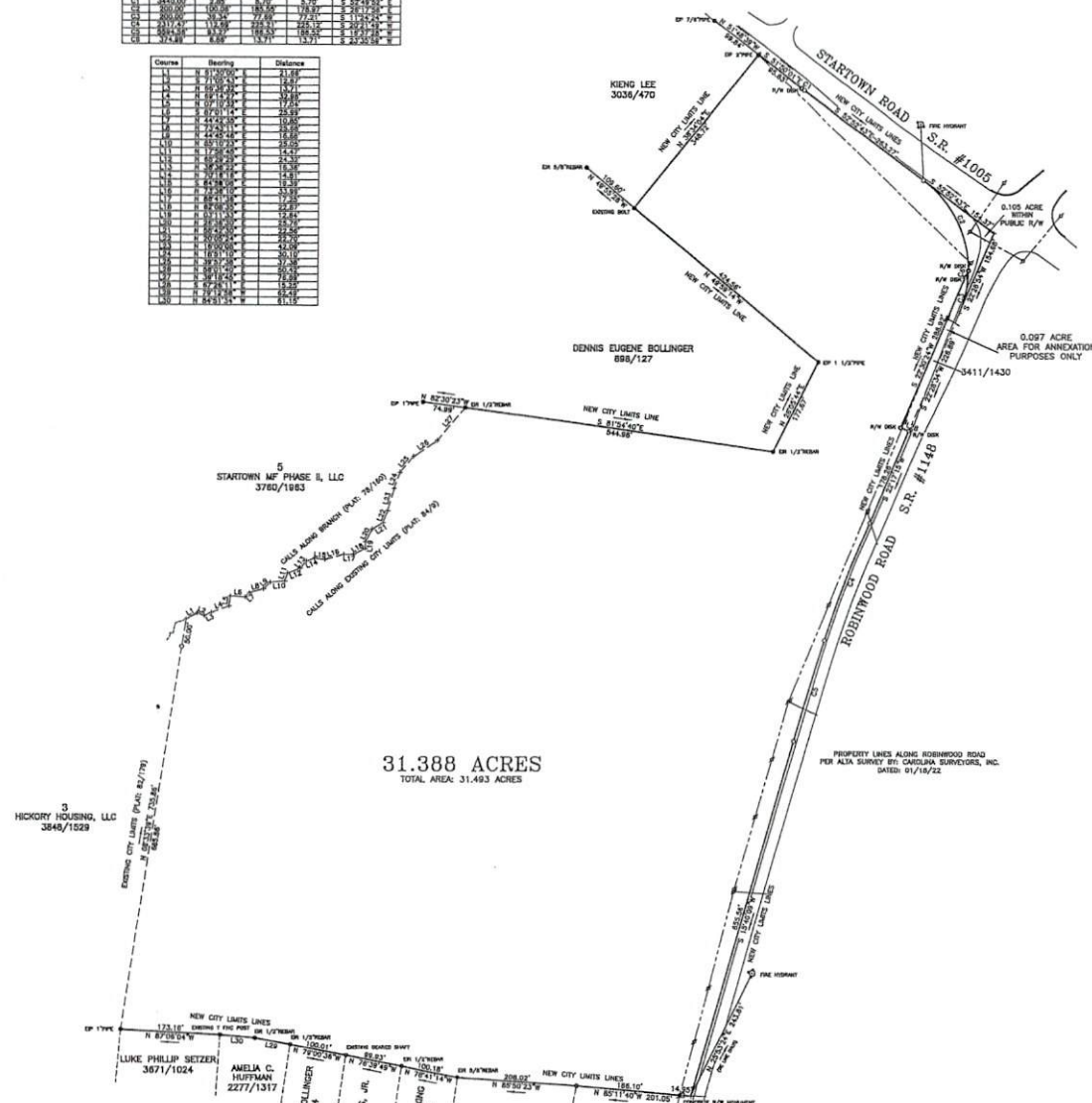


- LEGEND**
- EXISTING IRON ROD - IR - ●
 - EXISTING IRON PIPE - IP - ●
 - NEW 1/2" IRON SET - 1/2" - ○
 - A.L. SPIC - ○
 - EXISTING STAKE CORNER - ●
 - CONCRETE MARKER - ▲
 - ALUM. CORNER, MARKER - ■
 - P.L. NAIL - ○
 - CHALKED POINT - +
 - MARKER - ○
 - IRON MARKER - ○
 - IRON ROD - ●
 - WOOD MARK - ●
 - WOOD NAIL - ●
 - GLASS NAIL - ●
 - GLASS POLE - ●
 - LEAD POLE - ●
 - STEEL LINE - ———
 - PROPERTY BOUNDARY LINE - ———
 - POLE LINE - ———



I, DEREK R. BUNTON, certify that this plat was drawn under my supervision from an actual survey made under my supervision, that the measurements and bearings are correctly indicated on drawing, that the measurements and bearings are correctly indicated on drawing, that the notes of procedure are substantially in accordance with the rules of procedure as established in G.S. 47-20 as amended, unless my original signature, registration number and seal file 28th day of February, 2024.

PROFESSIONAL LAND SURVEYOR



CONTIGUOUS ANNEXATION
 BY THE
 CITY OF HICKORY
 KNOWN AS
BOWMAN RENTALS, LLC
 HICKORY TOWNSHIP
 CATAWBA COUNTY, N.C.

DATE: 02/20/24 F.B. H-14, Pg.33 SCALE: 1" = 100'
 PIN #3721-1304-3211
 REFERENCE DEED: BOOK 2588 PAGE 001
 REFERENCE PLAT: BOOK 5 PAGE 109
 DRAWN BY: DEREK R. BUNTON, PLS-4808
 JOB #24010030
 FILE NAME: 24010030-ANNEXION

Annexation Certificate for Plat

NORTH CAROLINA, CATAWBA COUNTY

The property on this plat was duly approved for annexation by the city council of the City of Hickory on this _____ day of _____, 20____, and an ordinance duly adopted and certified, and this map is hereby ordered to be recorded in accordance with G.S. 160A-26.

Mayor, City of Hickory _____
 City Clerk _____
 Date: _____

G.S. 47-20 (1) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF AREAS ANNEXED BY MUNICIPALITIES FROM TO PLATS OF SURVEYS, BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED.



State of North Carolina
 City of Hickory

I, _____, Review Officer of City of Hickory, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer _____
 Date: _____

NORTH CAROLINA, CATAWBA COUNTY

I, a Notary Public, of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp at and on this _____ day of _____, 20____.

NOTARY PUBLIC BY COMMISSION EXPIRES _____

SPECIAL NOTES

NOTE: ALL AREAS SHOWN WERE DETERMINED BY CONTIGUOUS CONTINUOUS.

NOTE: PROPERTY IS GRANTED TO ANY AND ALL FUTURE HEIRS-OF-HEIR, DESCENDANTS, RESIDUES, AND ASSIGNEES OF BOWMAN RENTALS, LLC.

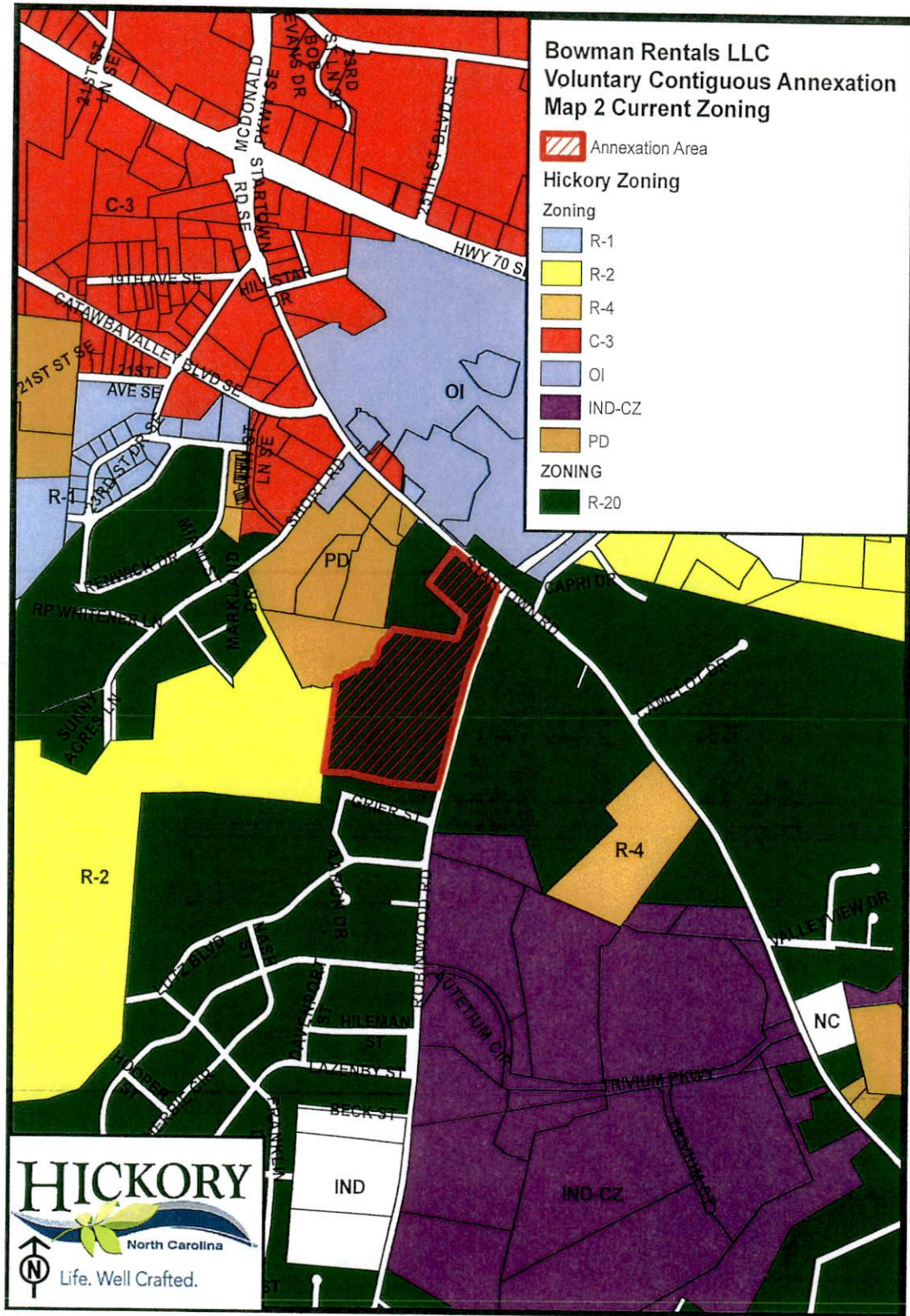
NOTE: THIS PLAT IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE BY DEREK R. BUNTON, PLS-4808 AND RESULTS THEREOF HEREBY FORWARDED TO YOU AS SHOWN.

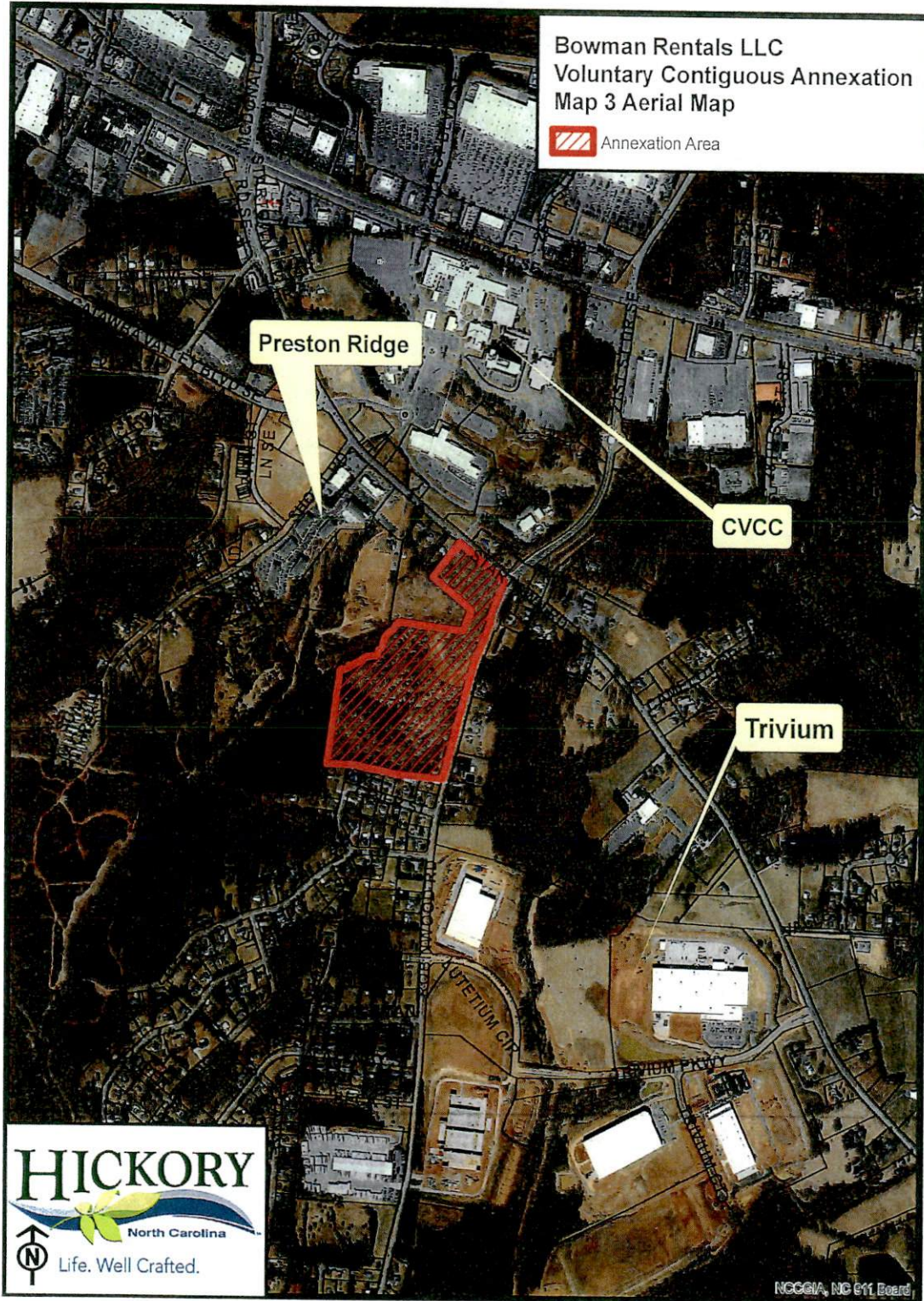
NOTE: THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES.

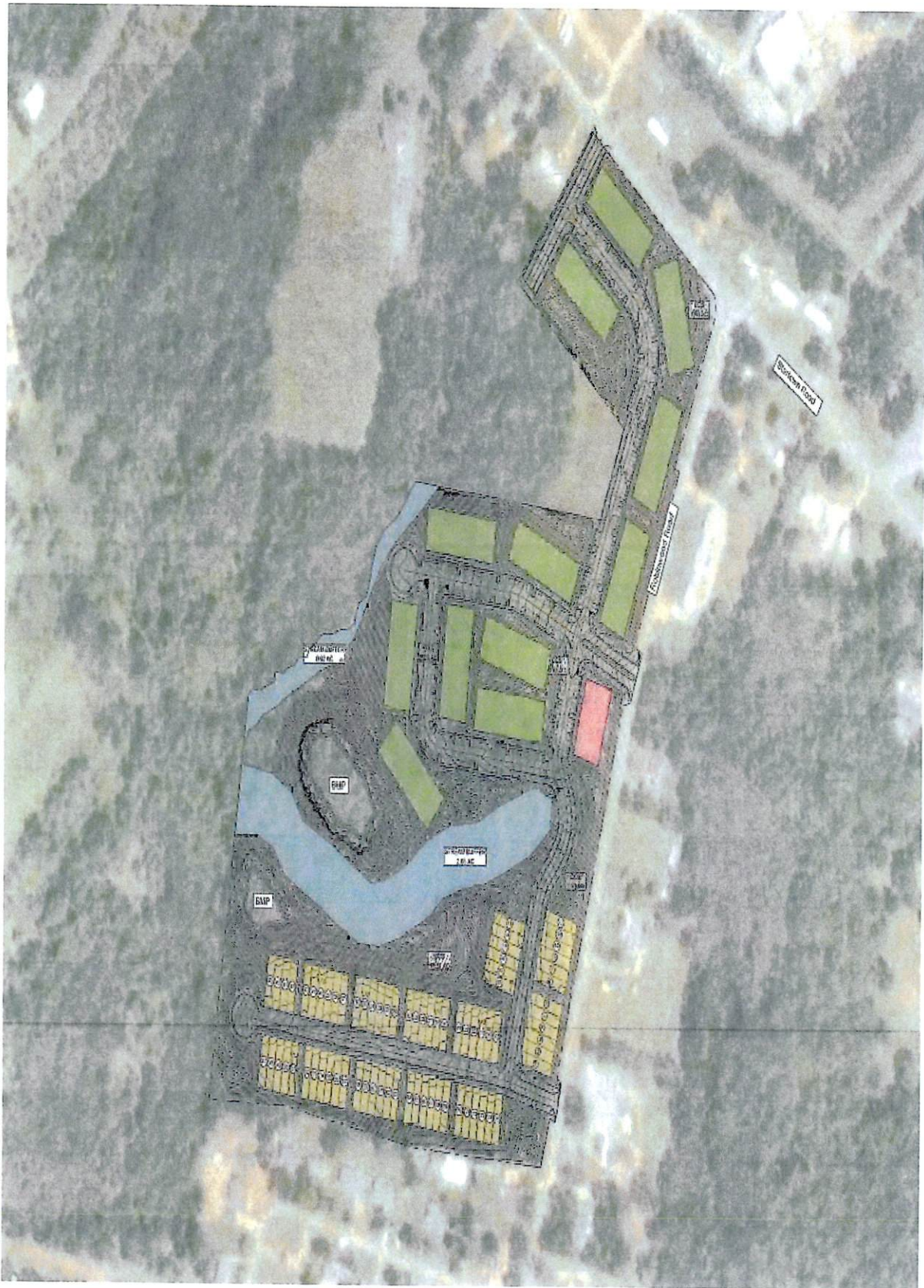
NOTE: THESE INSTRUMENTS ARE NOT VALID UNLESS THEY ARE RECORDED WITHIN AN EXPRESS RECORDATION PERIOD AS SHOWN.

NOTE: BOWMAN RENTALS, LLC IS NOT LOCATED IN A VOTER-DENIED AREA OF CATAWBA COUNTY.

NOTE: CATAWBA COUNTY IS NOT LOCATED IN A VOTER-DENIED AREA OF CATAWBA COUNTY (SEE P.L.A. 2011-107 AS AMENDED).







**Contiguous Annexation
by the City of Hickory
of the property known as
Bowman Rentals, LLC**

That certain parcel or tract of land lying and being about 4.09 miles south southeast of the center of the City of Hickory. Bounded on the north by the right-of-way of Startown Rd. (S.R. 1005); on the east by the right-of-way of Robinwood Rd. (S.R. 1148); on the south by the lands of Ming Yang as described in Deed Book 3287 at Page 441, Matt D. Campbell as described in Deed Book 2209 at Page 1065, Heather H. King as described in Deed Book 3335 at Page 149, Clarence J. Jones, Jr. as described in Deed Book 3639 at Page 1909, Dennis Shay Bollinger as described in Deed Book 3545 at Page 684, Amelia C. Huffman as described in Deed Book 2277 at Page 1317 and Luke Phillip Setzer as described in Deed Book 3671 at Page 1024; on the west by the existing City of Hickory city limits as shown in Plat Book 82 at Page 179 and Plat Book 84 at Page 9, the lands of Hickory Housing, LLC as described in Deed Book 3848 at Page 1529, Startown MF Phase II, LLC as described in Deed Book 3760 at Page 1963, Dennis Eugene Bollinger as described in Deed Book 898 at Page 127 and Kieng Lee as described in Deed Book 3036 at Page 470 and more particularly described as follows, to wit.

Beginning at a 2" pipe, the northeast corner of the lands of Kieng Lee as described in Deed Book 3036 at Page 470 on the south side of Startown Rd., said pipe being located South 51 degrees 48 minutes 39 seconds East 99.84 feet from a 7/8" pipe, the northwest corner of Lee and running thence, on the south side of Startown Rd. as new City of Hickory city limits the following calls: South 51 degrees 50 minutes 01 seconds East 95.83 feet to a right-of-way disk; thence, as curve to the right, said curve having a radius of 3440.00', a length of 5.70', a chord bearing and distance of South 52 degrees 49 minutes 52 seconds East 5.70 feet to a 1/2" rebar; thence South 52 degrees 52 minutes 43 seconds East 263.27 feet to a 1/2" rebar; thence, continuing the same bearing, a distance of 154.37 to a point; thence, leaving Startown Rd. and running with the west side of Robinwood Rd. as new City of Hickory city limits, the following calls: South 22 degrees 26 minutes 54 seconds West 154.68 feet to a point; thence South 22 degrees 28 minutes 34 seconds West 226.89 feet to a right-of-way disk; thence South 22 degrees 17 minutes 15 seconds West 178.28 feet to a 1/2" rebar; thence, as curve to the left, said curve having a radius of 2,317.47 feet, a length of 225.21' and a chord bearing and distance of South 20 degrees 21 minutes 49 seconds West 225.12 feet to a 1/2" rebar; thence, with a curve to the left, said curve having a radius of 5,594.56, a length of 186.53' and a chord bearing and distance of South 16 degrees 37 minutes 28 seconds West 186.52 feet to a 1/2" rebar; thence South 15 degrees 40 minutes 09 seconds West 655.56 feet to a point, the northeast corner of the Ming Yang lands as described in Deed Book 3287 at Page 441 said point being located South 25 degrees

53 minutes 24 seconds West 243.81 feet from a fire hydrant on the east side of Robinwood Rd.; thence, leaving Robinwood Rd. and running with the north line of Yang, North 85 degrees 11 minutes 40 seconds West, passing a right-of-way monument at 14.95 feet, a total distance of 201.05 feet to a PK nail, the northeast corner of the Matt D. Campbell lands as described in Deed Book 2209 at Page 1065; thence, with the north line of Campbell, North 85 degrees 50 minutes 23 seconds West 208.02 feet to a 5/8" rebar, the northeast corner of the Heather H. King lands as described in Deed Book 3335 at Page 149; thence, with the north line of King North 78 degrees 41 minutes 14 seconds West 100.18 feet to a 1/2" rebar, the northeast corner of the Clarence J. Jones, Jr. lands as described in Deed Book 3639 at Page 1909; thence, with the north line of Jones, North 78 degrees 39 minutes 49 seconds West 99.93 feet to a geared shaft, the northeast corner of Dennis Shay Bollinger lands as described in Deed Book 3545 at Page 684; thence, with the north line of Bollinger, North 79 degrees 00 minutes 36 seconds West 100.01 feet to a 1/2" rebar, the northeast corner of the Amelia C. Huffman lands as described in Deed Book 2277 at Page 1317; thence, with the north line of Huffman, North 79 degrees 12 minutes 58 seconds West 62.49 feet to a 1/2" rebar; thence, continuing with the north line of Huffman, North 84 degrees 51 minutes 34 seconds West 61.15 feet to a "T" fence post, the northeast corner of the Luke Phillip Setzer as described in Deed Book 3671 at Page 1024; thence, with the north line of Setzer, North 87 degrees 06 minutes 04 seconds West 173.16 feet to a 1" pipe, the northwest corner of Setzer in the east line of the Hickory Housing, LLC lands as described in Deed Book 3848 at Page 1529 and in the existing City of Hickory city limits line as shown in Plat Book 82 at Page 179; thence with the east line of Hickory Housing, LLC and the existing city limits, North 08 degrees 33 minutes 39 seconds East, passing a 1/2" rebar at 685.86 feet, a total distance of 735.86 feet to a point in a branch in the east line of the Startown MF Phase II, LLC lands as described in Deed Book 3760 at Page 1963 and the existing City of Hickory city limits line as shown in Plat Book 84 at Page 9; thence, with the east line of Startown MF Phase II, the existing city limits and the center of the branch, the following calls: North 61 degrees 30 minutes 00 seconds East 21.66 feet to a point; thence South 71 degrees 05 minutes 43 seconds East 12.87 feet to a point; thence North 66 degrees 36 minutes 32 seconds East 13.71 feet to a point; thence North 69 degrees 14 minutes 27 seconds East 32.98 feet to a point; North 07 degrees 10 minutes 32 seconds East 17.04 feet to a point; thence South 87 degrees 01 minutes 14 seconds East 25.99 feet to a point; thence North 44 degrees 42 minutes 35 seconds East 10.85 feet to a point; thence North 73 degrees 43 minutes 11 seconds East 25.68 feet to a point; thence North 44 degrees 45 minutes 46 seconds East 16.68 feet to a point; thence North 85 degrees 10 minutes 23 seconds East 25.05 feet to a point; thence North 17 degrees 58 minutes 45 seconds East 14.47 feet to a point; thence North 68 degrees 29 minutes 29 seconds East 24.32 feet to a point; thence North 38 degrees 38 minutes 22 seconds East 16.36 feet to a point; thence North 70 degrees 16 minutes 16 seconds East 14.81 feet to a point; thence South 84 degrees 58 minutes 08 seconds East 19.39 feet to a point; thence North 73 degrees 36 minutes 10 seconds East 33.99 feet to a point; thence North 88 degrees 41 minutes 36 seconds

East 17.25 feet to a point; thence North 62 degrees 06 minutes 35 seconds East 22.67 feet to a point; thence North 03 degrees 11 minutes 33 seconds East 12.64 feet to a point; thence North 26 degrees 36 minutes 30 seconds East 25.76 feet to a point; thence North 58 degrees 42 minutes 30 seconds East 22.56 feet to a point; thence North 20 degrees 05 minutes 24 seconds East 22.70 feet to a point; thence North 16 degrees 00 minutes 08 seconds East 42.09 feet to a point; thence North 18 degrees 51 minutes 10 seconds East 30.10 feet to a point; thence North 39 degrees 57 minutes 38 seconds East 37.38 feet to a point; thence North 56 degrees 01 minutes 40 seconds East 50.42 feet to a point; thence North 39 degrees 18 minutes 45 seconds East 76.69 feet to a ½" rebar in the south line of the Dennis Eugene Bollinger lands as described in Deed Book 898 at Page 127, said rebar being located South 82 degrees 30 minutes 23 seconds East 74.99 feet from a 1" pipe in the south line of Bollinger; thence, with the south line of Bollinger and as new City of Hickory city limits, South 81 degrees 54 minutes 40 seconds East 544.98 feet to a ½" rebar, the southeast corner of Bollinger; thence, with the east line of Bollinger, North 26 degrees 05 minutes 44 seconds East 177.67 feet to a ½" pipe, the northeast corner of Bollinger; thence, with the north line of Bollinger, North 49 degrees 59 minutes 14 seconds West 424.56 feet to a bolt, the southeast corner of the Kieng Lee lands as described in Deed Book 3036 at Page 470, said bolt being located South 49 degrees 55 minutes 28 seconds East 109.60 feet from a 5/8" rebar, the southwest corner of Lee; thence, with the east line of Lee North 38 degrees 34 minutes 04 seconds East 348.72 feet to the point of beginning. Containing 31.388 acres more or less.

This description was drawn from a plat by Derek R. Bunton, PLS L-4808, entitled "Contiguous Annexation by the City of Hickory known as Bowman Rentals, LLC" dated February 20, 2024.

Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory
P.O. Box 398, Hickory, NC 28603-0398

ANNEXATION ORDINANCE NO. 500

VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)

Bowman Rentals, 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 May, 2024; 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 31st day of May, 2024:

Contiguous Annexation
by the City of Hickory
of the property known as
Bowman Rentals LLC

That certain parcel or tract of land lying and being about 4.09 miles south southeast of the center of the City of Hickory. Bounded on the north by the right of-way of Startown Rd. (S.R. 1005); on the east by the right-of-way of Robinwood Rd. (S.R. 1148); on the south by the lands of Ming Yang as described in Deed Book 3287 at Page 441, Matt D. Campbell as described in Deed Book 2209 at Page 1065, Heather H. King as described in Deed Book 3335 at Page 149, Clarence J. Jones, Jr. as described in Deed Book 3639 at Page 1909, Dennis Shay Bollinger as described in Deed Book 3545 at Page 684, Amelia C. Huffman as described in Deed Book 2277 at Page 1317 and Luke Phillip Setzer as described in Deed Book 3671 at Page 1024; on the west by the existing City of Hickory city limits as shown in Plat Book 82 at Page 179 and Plat Book 84 at Page 9, the lands of Hickory Housing, LLC as described in Deed Book 3848 at Page 1529, Startown MF Phase 11, LLC

as described in Deed Book 3760 at Page 1963, Dennis Eugene Bollinger as described in Deed Book 898 at Page 127 and Kieng Lee as described in Deed Book 3036 at Page 470 and more particularly described as follows, to wit.

Beginning at a 2" pipe, the northeast corner of the lands of Kieng Lee as described in Deed Book 3036 at Page 470 on the south side of Startown Rd., said pipe being located South 51 degrees 48 minutes 39 seconds East 99.84 feet from a 7/8" pipe, the northwest corner of Lee and running thence, on the south side of Startown Rd. as new City of Hickory city limits the following calls: South 51 degrees 50 minutes 01 seconds East 95.83 feet to a right-of-way disk; thence, as curve to the right, said curve having a radius of 3440.00', a length of 5.70', a chord bearing and distance of South 52 degrees 49 minutes 52 seconds East 5.70 feet to a 1/2" rebar; thence South 52 degrees 52 minutes 43 seconds East 263.27 feet to a 1/2" rebar; thence, continuing the same bearing, a distance of 154.37 to a point; thence, leaving Startown Rd. and running with the west side of Robinwood Rd. as new City of Hickory city limits, the following calls: South 22 degrees 26 minutes 54 seconds West 154.68 feet to a point; thence South 22 degrees 28 minutes 34 seconds West 226.89 feet to a right-of-way disk; thence South 22 degrees 17 minutes 15 seconds West 178.28 feet to a 1/2" rebar; thence, as curve to the left, said curve having a radius of 2,317.47 feet, a length of 225.21' and a chord bearing and distance of South 20 degrees 21 minutes 49 seconds West 225.12 feet to a 1/2" rebar; thence, with a curve to the left, said curve having a radius of 5,594.56, a length of 186.53' and a chord bearing and distance of South 16 degrees 37 minutes 28 seconds West 186.52 feet to a 1/2" rebar; thence South 15 degrees 40 minutes 09 seconds West 655.56 feet to a point, the northeast corner of the Ming Yang lands as described in Deed Book 3287 at Page 441 said point being located South 25 degrees 53 minutes 24 seconds West 243.81 feet from a fire hydrant on the east side of Robinwood Rd.; thence, leaving Robinwood Rd. and running with the north line of Yang, North 85 degrees 11 minutes 40 seconds West, passing a right-of-way monument at 14.95 feet, a total distance of 201.05 feet to a PK nail, the northeast corner of the Matt D. Campbell lands as described in Deed Book 2209 at Page 1065; thence, with the north line of Campbell, North 85 degrees 50 minutes 23 seconds West 208.02 feet to a 5/8" rebar, the northeast corner of the Heather H. King lands as described in Deed Book 3335 at Page 149; thence, with the north line of King North 78 degrees 41 minutes 14 seconds West 100.18 feet to a 1/2" rebar, the northeast corner of the Clarence J. Jones, Jr. lands as described in Deed Book 3639 at Page 1909; thence, with the north line of Jones, North 78 degrees 39 minutes 49 seconds West 99.93 feet to a geared shaft, the northeast corner of Dennis Shay Bollinger lands as described in Deed Book 3545 at Page 684; thence, with the north line-of Bollinger, North 79 degrees 00 minutes 36 seconds West 100.01 feet to a 1/2" rebar, the northeast corner of the Amelia C. Huffman lands as described in Deed Book 2277 at Page 1317; thence, with the north line of Huffman, North 79 degrees 12 minutes 58 seconds West 62.49 feet to a 1/2" rebar; thence, continuing with the north line of Huffman, North 84 degrees 51 minutes 34 seconds West 61.15 feet to a "T" fence post, the northeast corner of the Luke Phillip- Setzer as described in Deed Book 3671 at Page 1024; thence, with the north line of Setzer, North 87 degrees 06

minutes 04 seconds West 173.16 feet to a 1" pipe, the northwest corner of Setzer in the east line of the Hickory Housing, LLC lands as described in Deed Book 3848 at Page 1529 and in the existing City of Hickory city limits line as shown in Plat Book 82 at Page 179; thence with the east line of Hickory Housing, LLC and the existing city limits, North 08 degrees 33 minutes 39 seconds East, passing a ½" rebar at 685.86 feet, a total distance of 735.86 feet to a point in a branch in the east line of the Startown MF Phase II, LLC lands as described in Deed Book 3760 at Page 1963 and the existing City of Hickory city limits line as shown in Plat Book 84 at Page 9; thence, with the east line of Startown MF Phase 11, the existing city limits and the center of the branch, the following calls: North 61 degrees 30 minutes 00 seconds East 21.66 feet to a point; thence South 71 degrees 05 minutes 43 seconds East 12.87 feet to a point; thence North 66 degrees 36 minutes 32 seconds East 13.71 feet to a point; thence North 69 degrees 14 minutes 27 seconds East 32.98 feet to a point; thence North 07 degrees 10 minutes 32 seconds East 17.04 feet to a point; thence South 87 degrees 01 minutes 14 seconds East 25.99 feet to a point; thence North 44 degrees 42 minutes 35 seconds East 10.85 feet to a point; thence North 73 degrees 43 minutes 11 seconds East 25.68 feet to a point; thence North 44 degrees 45 minutes 46 seconds East 16.68 feet to a point; thence North 85 degrees 10 minutes 23 seconds East 25.05 feet to a point; thence North 17 degrees 58 minutes 45 seconds East 14.47 feet to a point; thence North 68 degrees 29 minutes 29 seconds East 24.32 feet to a point; thence North 38 degrees 38 minutes 22 seconds East 16.36 feet to a point; thence North 70 degrees 16 minutes 16 seconds East 14.81 feet to a point; thence South 84 degrees 58 minutes 08 seconds East 19.39 feet to a point; thence North 73 degrees 36 minutes 10 seconds East 33.99 feet to a point; thence North 88 degrees 41 minutes 36 seconds East 17.25 feet to a point; thence North 62 degrees 06 minutes 35 seconds East 22.67 feet to a point; thence North 03 degrees 11 minutes 33 seconds East 12.64 feet to a point; thence North 26 degrees 36 minutes 30 seconds East 25.76 feet to a point; thence North 58 degrees 42 minutes 30 seconds East 22.56 feet to a point; thence North 20 degrees 05 minutes 24 seconds East 22.70 feet to a point; thence North 16 degrees 00 minutes 08 seconds East 42.09 feet to a point; thence North 18 degrees 51 minutes 10 seconds East 30.10 feet to a point; thence North 39 degrees 57 minutes 38 seconds East 37.38 feet to a point; thence North 56 degrees 01 minutes 40 seconds East 50.42 feet to a point; thence North 39 degrees 18 minutes 45 seconds East 76.69 feet to a ½" rebar in the south line of the Dennis Eugene Bollinger lands as described in Deed Book 898 at Page 127, said rebar being located South 82 degrees 30 minutes 23 seconds East 74.99 feet from a 1" pipe in the south line of Bollinger; thence, with the south line of Bollinger and as new City of Hickory city limits, South 81 degrees 54 minutes 40 seconds East 544.98 feet to a ½" rebar, the southeast corner of Bollinger; thence, with the east line of Bollinger, North 26 degrees 05 minutes 44 seconds East 177.67 feet to a ½" pipe, the northeast corner of Bollinger; thence, with the north line of Bollinger, North 49 degrees 59 minutes 14 seconds West 424.56 feet to a bolt, the southeast corner of the Kieng Lee lands as described in Deed Book 3036 at Page 470, said bolt being located South 49 degrees 55 minutes 28 seconds East 109.60 feet from a 5/8" rebar, the southwest corner of

Lee; thence, with the east line of Lee North 38 degrees 34 minutes 04 seconds East 348.72 feet to the point of beginning. Containing 31.388 acres more or less.

This description was drawn from a plat by Derek R. Bunton, PLS L-4808, entitled "Contiguous Annexation by the City of Hickory known as Bowman Rentals, LLC" dated February 20, 2024.

Section 2. Upon and after the 31st day of May 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

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

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

ADOPTED THIS 7TH DAY OF MAY, 2024.

Hank Guess, Mayor

Warren Wood, City Manager

Approved As To Form:



Arnita M. Dula, Deputy City Attorney

CERTIFICATION OF ANNEXATION ORDINANCE

NORTH CAROLINA
CATAWBA COUNTY
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the Annexation Ordinance of Bowman Rentals, LLC was adopted at a regular meeting of the Hickory City Council held on May 7, 2024, and that said Ordinance is in full force and effective on May 31, 2024.

City Clerk

NORTH CAROLINA
CATAWBA COUNTY

I, _____, a Notary Public in and for said County and State, do hereby certify that Debbie D. Miller, City Clerk for the City of Hickory, personally appeared before me this date and acknowledged the due execution of the foregoing certificate for the purposes therein expressed.

Witness my hand and notarial seal, this _____ day of _____, 2024.

Notary Public

My Commission Expires: _____

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Mike Kirby, Senior Planner

Date: April 25th, 2024

Re: Consideration of Rezoning Petition 24-05

REQUEST

Conduct a public hearing to consider Rezoning Petition 24-05.

BACKGROUND

The applicant has submitted a petition requesting to rezone the subject properties from Catawba County's R-20 designation to City Planned Development (PD).

ANALYSIS

The current residential (R-20) zoning assigned to the property allows for primarily residential uses. As currently zoned, the subject properties could theoretically yield up to 62 dwelling units. It should be understood these numbers are a theoretical maximum, and other regulatory requirements for building setbacks, parking, buffering, natural features, and similar items could substantially decrease this maximum intensity. It should also be noted that the R-20 zoning district has a maximum height limitation of 45 feet, therefore any new structures could not exceed three (3) stories.

The requested Planned Development is proposed to be residential in nature. The plans depict the properties as consisting of twelve (12) residential apartment buildings, which contain 300 dwelling units with 75 townhome units. Calculations would put density at roughly 12.17 units per acre when considered with the entire project density

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. During the public hearing, two (2) people spoke in favor of the rezoning, with no one speaking in opposition of the rezoning.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted (7-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT

As of April 25, 2024, staff has received one (1) inquiry from citizens regarding this petition. After staff conversation, citizens stated that they may or may not attend the meeting.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian M. Frazier 04/25/2024
Initiating Department Head Date

Rodney Miller 4/26/24
Asst. City Manager, R. Miller Date

M. Miller 4/26/24
Finance Officer, M. Miller Date

Yaidee Fox 4/30/24
Asst. City Manager, Yaidee Fox Date

A. Dula 4-29-24
Deputy City Attorney, A. Dula Date

R. Beasley 4/30/24
Asst. City Manager R. Beasley Date

Cameron McHargue 4-29-24
Deputy Finance Officer, Cameron McHargue Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc.).

W. Wood
City Manager, W. Wood

4.30.24
Date

REZONING ANALYSIS

PETITION: Rezoning 24-05

APPLICANT: City of Hickory

OWNER: Bowman Rentals, LLC

PROPERTY LOCATION: 2063 Startown Road.

PINs: 3721-13-04-3211

WARD: The subject properties, if annexed, would be located in Ward 3 (Councilman Seaver). The parcels are currently in the County's jurisdiction and would be required to be annexed if the rezoning request is approved.

ACREAGE: Approximately 30.80 acres

REQUESTED ACTION: The applicant has submitted a petition requesting to rezone the subject properties from Catawba County's R-20 designation to City Planned Development (PD).

The requested Planned Development is proposed to be residential in nature. The development on the newly acquired parcels would consist of 375 residential units consisting of 75 townhomes and 300 apartments.

DEVELOPMENT POTENTIAL: The current residential (R-20) zoning assigned to the property allows for primarily residential uses. As currently zoned, the subject properties could theoretically yield up to 62 dwelling units. It should be understood these numbers are a theoretical maximum, and other regulatory requirements for building setbacks, parking, buffering, natural features, and similar items could substantially decrease this maximum intensity. It should also be noted that the R-20 zoning district has a maximum height limitation of 45 feet, therefore any new structures could not exceed three (3) stories.

BACKGROUND: The applicant has submitted a petition requesting the properties be rezoned to Planned Development (PD). The master plans, and supplemental documentation, provided as part of the petition depicts the development as being single and multi-family in nature.

The plans depict the properties as consisting of twelve (12) residential apartment buildings, which contain 300 dwelling units with 75 townhome units. Calculations would put density at roughly 12.17 units per acre when considered with the entire project density. Hickory's Land Development Code (Section 5.1) permits multi-family planned developments at a maximum density of 20 units per acre. The development proposed would be approximately half of what would normally be permissible.

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan* and the stated Purpose and Intent of this Land Development Code **(Please refer to Map 1 for more detail);**

The vicinity in which the subject properties are located is classified as both high density residential and commercial by the Hickory by Choice 2030 Comprehensive Plan. The high density residential and commercial future land use classification is discussed on pages 24-26 of the comprehensive plan. In summary, these classifications consist of areas found to be suitable for varied levels of residential development.

Within the Goals and Policies section of Chapter 3 of the comprehensive plan a number of goals and policies are provided that address development. A brief explanation of the goals, and how the development proposal fits in with the goals is provided below.

- *Goal 1 discusses the expectation new development will “fit in”. The subject properties are located within an area that have transitioned from a historically rural environment to a more urban environment. When Catawba Valley Boulevard was completed in the 1990s the development pattern in the area changed dramatically. Its completion brought about a number of commercial and residential developments to northwest. Both Trivium Corporate Center and Catawba Valley Community College (CVCC), and their recent growth, has also played into the urbanization of the area. CVCC has expanded and added new buildings to its campus, and Trivium Corporate Center is now operational and adding more development.*
- *Goal 2 indicates neighborhoods should be designed to provide pedestrian access to daily services. The development proposal provides for internal amenities (retail / service areas) that work towards achieving this goal. In addition, the proposed development is within a short distance of larger shopping areas along Catawba Valley Boulevard and U.S. 70. While walking to these areas may not be ideal, their close proximity would reduce cross-town commutes for goods and services. An additional consideration would be the availability of housing for faculty and staff of Catawba Valley Community College, which is directly across Startown Rd from the subject properties.*
- *Goal 3 references the need to provide balance between development and open spaces. The development proposal shows 43%, or approximately 13 acres, of the development’s total area as being set aside as open space. Much of this open space is located in the center of the project site, and could be utilized by residents as areas for passive recreation, as well as a habitat area for plants and animals.*
- *Goal 4 discusses the locations of industrial uses. Being the development is absent of industrial uses, this goal would not pertain to the development proposal.*
- *Goal 5 is very similar to Goal 2, but goes further in outlining the need to promote mixed use areas that provide convenient access to amenities and employment areas. As previously outlined the location of the subject properties provide access to amenities (retail and services), as well as close proximity to employment areas.*
- *Goal 6 relates to citizen participation in planning. With the project falling under the Planned Development process, which requires notices and hearing; the public will be afforded the opportunity to provide input regarding the proposal.*

In evaluating the development proposal with the goals outlined within the Hickory by Choice 2030 Plan staff feels the request is consistent with the comprehensive plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan;

The applicant has provided a planned development master plan for the subject properties. The plan and its consistency with the comprehensive plan were discussed on this report's prior pages, and was found to be consistent with the comprehensive plan.

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

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

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

The subject properties are located directly off Startown, which is a major thoroughfare is the southeastern part of Hickory. The portion of the corridor that lies within Hickory is largely urbanized and commercial in nature. Public utilities (water and sewer) are also located long Startown Rd, but will need to be extended to serve the proposed development. Any future development that occurs on the properties will be evaluated as to what impacts, if any, will be placed upon nearby public infrastructure. The owner and/or developer of the properties will be required to cover any financial costs needed for any required infrastructure improvements identified through the evaluation process.

- Regulate the type and intensity of development; and

This Hickory Land Development Code regulates the type and intensity of development that is located on the subject properties. If the request is approved, the planned development master plan submitted as part of the petition will serve as the document that guides development on the properties. Additionally, construction plans for the properties, once received, will be reviewed in light of the regulations contained within the Hickory Land Development Code.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on the subject properties will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided for the patrons of the subject properties, as well as the residents of the surrounding area.

2. Existing land uses within the general vicinity of the subject properties (**Please refer to Map 2 for more detail**):

North: *The properties to the north are occupied by a medical office, community college (CVCC), single-family residences and open space;*

South: *The properties to the south are single family residences;*

East: *The properties to the east are occupied by single-family residences; and*

West: *The properties to the west are occupied by multi-family residences (Preston Ridge).*

3. The zoning classification of property within the general vicinity of the subject properties (**Please refer to Map 3 for more detail**):

North: *The properties to the north are zoned Office and Institutional (OI);*

South: *The properties to the south are zoned R-20 Residential by Catawba County;*

East: *The properties to the east are zoned R-20 Residential by Catawba County; and*

West: *The properties to the west are Planned Development and R-20 Residential by Catawba County.*

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

The current residential (R-20) zoning assigned to the property allow for primarily residential uses. The proposed PD development would utilize residential uses.

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

Any rezoning has the potential to detrimentally impact properties in the general vicinity. Through proper site planning, buffering, and screening, as required by the City's Land Development Code, any real or perceived detrimental impacts could be mitigated to maximum extent practical.

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

With regards to sanitary sewer, the developer has already extended the existing line located on Startown Road to serve the property this project would be adjoining. This extension necessitated the installation of a new pump station, all of which were the responsibility of the developer.

Both Startown Road and Robinwood Road are operated and maintained by the NCDOT. Any improvements required by NCDOT will be required to be put in place during the construction, or its phases(s).

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

The properties in question are located within an area where the City's comprehensive plan anticipates as being more urbanized and mixed use in nature. Any future development that occurs of the subject properties will be guided by the planned development master plan. Additionally all development activities on the subject properties will required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

RECOMMENDED ACTION:

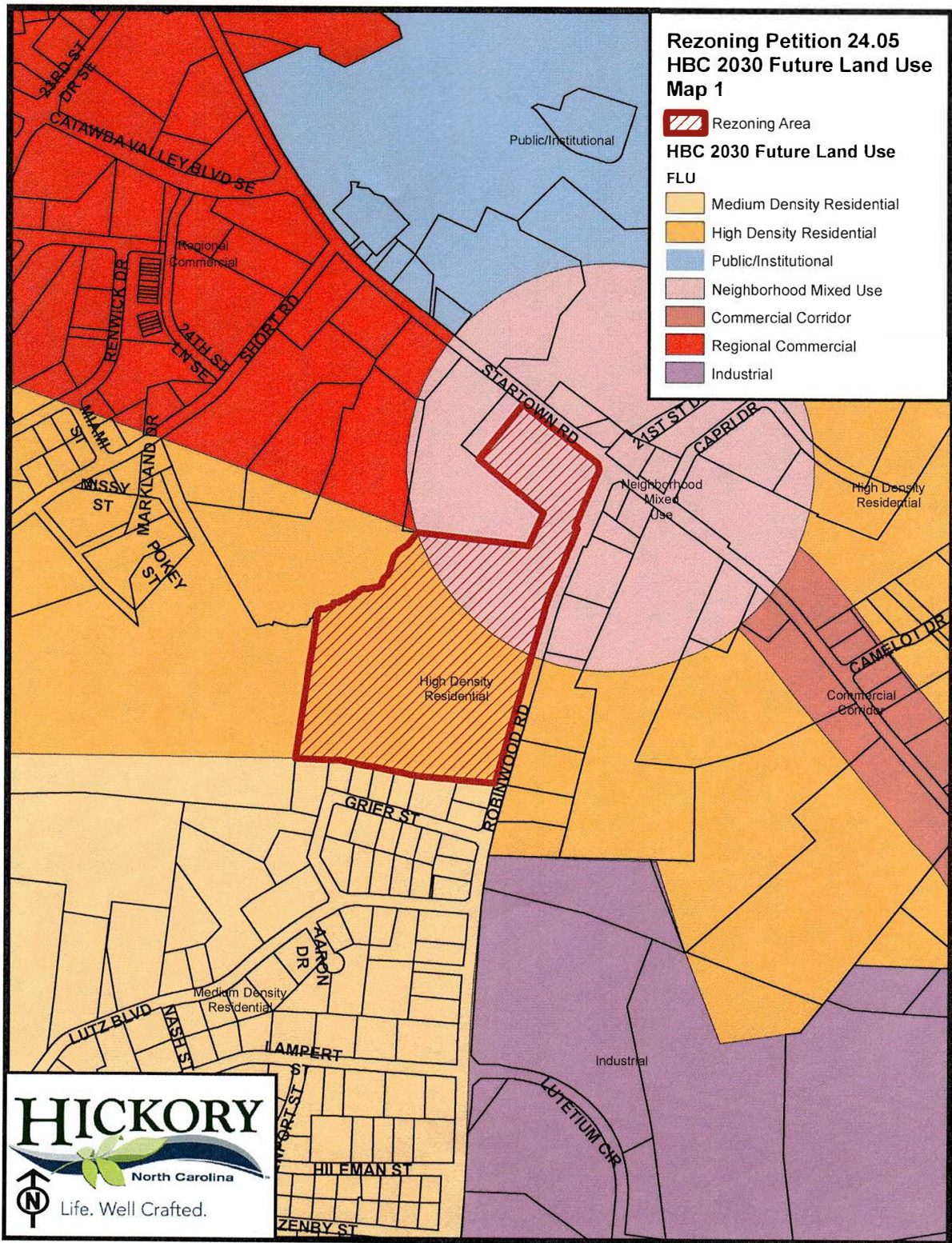
Staff finds Rezoning Petition 24-05 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

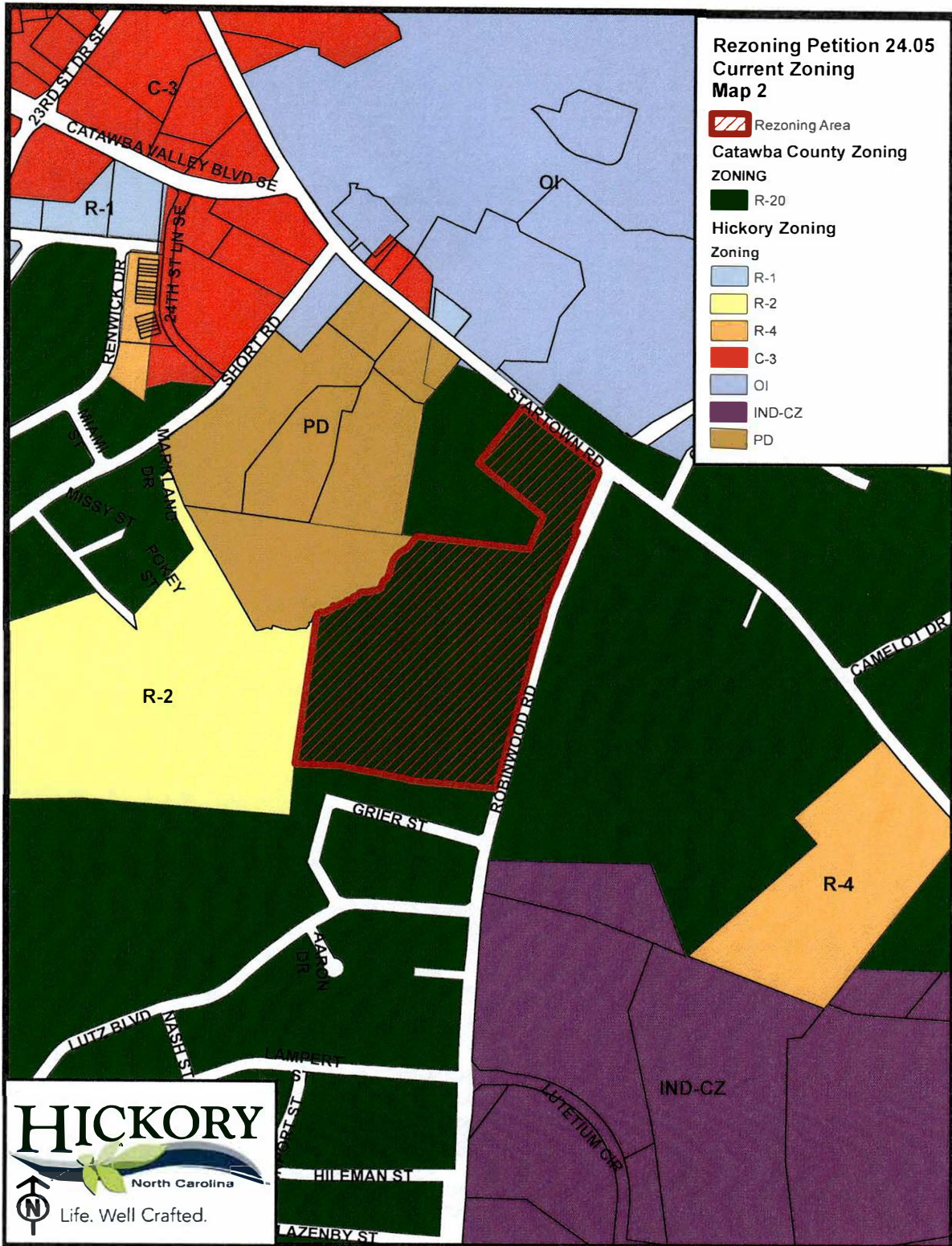
The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. During the public hearing, two (2) people spoke in favor of the rezoning, with no one speaking in opposition of the rezoning.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted (7-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT:

Staff has received one (1) inquiry regarding this rezoning petition as of April 25, 2024.











**HICKORY REGIONAL PLANNING COMMISSION
ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On April 24, 2024 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Rezoning Petition 24-05. Upon consideration, the Hickory Regional Planning Commission found:

1. The general area is classified High Density Residential and Commercial by the Hickory by Choice 2030 Comprehensive Plan

The Hickory by Choice 2030 Comprehensive Plan states the following about High Density Residential areas: "High density residential development in Hickory is located in or near mixed-use areas or higher- intensity commercial districts." (HBC 2030, Pg. 24). The comprehensive plan also indicates a density of 12 to 20 dwelling units per acre is appropriate for the High-Density Residential classification.

The proposal for the requested Planned Development proposes use types and densities consistent with the language from the comprehensive plan.

2. The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as an area appropriate for residential development.
3. All improvements that are to take place on the property will be required to follow all applicable development regulations.
4. The subject property has access to a NCDOT maintained roadway (Startown Road / SR 1005), as well as public utilities. The property owner / developer will be responsible for any necessary extensions needed for services. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.
5. The current land use pattern of the larger area consists largely of residential and commercial uses. The predominant development pattern will continue under the proposed development, as residences will be the sole land use within the development. The potential future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service the development. These include public utilities and transportation infrastructure.
6. Public resources to provide critical public services are or will be in place to service the property.
7. Any future development occurring on the subject properties shall adhere to all state and local building, fire, and flood zone related development regulations.

Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.

8. Public resources to provide critical public services are or will be in place to service the property. These include public utilities, transportation infrastructure, as well as police and fire protection.
9. The subject property will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory Regional Planning Commission has found Rezoning Petition 24-05 to be consistent with the findings and recommendations of plans outlining development in the area and recommends Hickory City Council approval of the petition.



Bill McBrayer, Chairman

4/24/24

Date

ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 30.80 ACRES OF PROPERTY LOCATED AT 2063 STARTOWN ROAD, FROM CATAWBA COUNTY R-20 RESIDENTIAL TO CITY OF HICKORY PLANNED DEVELOPMENT (PD)

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

WHEREAS, the property owner has been petitioned to rezone +/- 30.80 acres of property located at 2063 Startown Road, more particularly described on **Exhibit A** attached hereto, to allow a Planned Development District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on April 24, 2024, and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 24-05 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

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

SECTION 1. Findings of fact.

- The subject properties are located at 2063 Startown Road, and identified as PINs 3721-13-04-3211.
- The rezoning request is intended to further implement the recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

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

Ordinance NO. _____
Hickory City Council
Page 1 of 5

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

2030 Comprehensive Plan states the following about High Density Residential areas: “High density residential development in Hickory is located in or near mixed-use areas or higher-intensity commercial districts.” (HBC 2030, Pg. 24). The comprehensive plan also indicates a density of 12 to 20 dwelling units per acre is appropriate for the High-Density Residential classification.

Given these factors, the rezoning of the properties to Planned Development (PD) are consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The applicant has provided a planned development master plan for the subject properties. The plan and its consistency with the comprehensive plan were discussed on this report’s prior pages, and was found to be consistent with the comprehensive plan.

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

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

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

The subject properties are located directly off Startown, which is a major thoroughfare in the southeastern part of Hickory. The portion of the corridor that lies within Hickory is largely urbanized and commercial in nature. Public utilities (water and sewer) are also located along Startown Rd, but will need to be extended to serve the proposed development. Any future development that occurs on the properties will be evaluated as to what impacts, if any, will be placed upon nearby public infrastructure. The owner and/or developer of the properties will be required to cover any financial costs needed for any required infrastructure improvements identified through the evaluation process.

Ordinance NO. _____
 Hickory City Council
 Page 2 of 5

- Regulate the type and intensity of development; and

This Hickory Land Development Code regulates the type and intensity of development that is located on the subject properties. If the request is approved, the planned development master plan submitted as part of the petition will serve as the document that guides development on the properties. Additionally, construction plans for the properties, once received, will be reviewed in light of the regulations contained within the Hickory Land Development Code.

- Ensure protection from fire, flood and other dangers.

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

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

The current residential (R-20) zoning assigned to the property allow for primarily residential uses. The proposed PD development would utilize residential uses.

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

Any rezoning has the potential to detrimentally impact properties in the general vicinity. Through proper site planning, buffering, and screening, as required by the City's Land Development Code, any real or perceived detrimental impacts could be mitigated to maximum extent practical.

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

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

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

The properties in question are located within an area where the City's comprehensive plan anticipates as being more urbanized and mixed use in nature. Any future development that occurs of the subject properties will be guided by the planned development master plan.

Ordinance NO. _____

Hickory City Council

Page 3 of 5

Additionally, all development activities on the subject properties will required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory City Council has found Rezoning Petition 24-03 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the _____ day of _____, 2024.

(SEAL)

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this 27th day of April, 2024.

Amata M. Duda
Attorney for the City of Hickory

Ordinance NO. _____
Hickory City Council
Page 4 of 5

EXHIBIT A



Ordinance NO. _____
Hickory City Council
Page 5 of 5

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development, Planning Division

Contact Person: Mike Kirby, Senior Planner

Date: April 25, 2024

Re: Voluntary non-contiguous annexation of property owned by Boureanu and Creech Properties, LLC

REQUEST

Consideration of the voluntary non-contiguous annexation of 49.21 acres property located at the 3940 River Road. This property is identified as PIN 3710-09-17-5434.

BACKGROUND

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 2 dwelling units per acre.

ANALYSIS

If annexed, the property owners have requested the property be zoned Medium Density Residential Conservation (R-2), with their further intentions being the construction of a 99-lot single-family residential subdivision. This would equate to a density of 2.07 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 \$1502.86 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.

RECOMMENDATION

Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

BMF
Brian Frazier
Initiating Department Head
Date 04/25/2023⁴

[Signature]
Deputy City Attorney, A. Dula
Date 4-29-24

[Signature]
Asst. City Manager R. Miller
Date 4/26/24

[Signature]
Asst. City Manager, R. Beasley
Date 4/30/24

[Signature]
Finance Officer, M. Miller
Date 4/26/24

[Signature]
Deputy Finance Officer,
Cameron McHargue
Date 4-29-24

[Signature]
Asst City Manager Yaidee Fox
Date 4/30/24

Recommended for approval and placement on _____ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).

Warren Wood
City Manager, Warren Wood
Date 4.30.24

5. WATER AND SEWER AVAILABILTY AND CONNECTIONS

We, the undersigned property owner(s), herby understand and agree we shall be responsible for all costs associated with providing for extensions and/or connections to the City of Hickory public utility system (water and sewer). This includes all design, permitting, construction, legal and applicable City of Hickory Tap Fees. Furthermore, we shall be responsible for obtaining any and all necessary easements and encroachment agreements needed to provide for such extensions or connections and provide those to the City of Hickory as appropriate.

The undersigned owner further acknowledges, they shall be responsible for any future utility extensions required to serve the property due to subdivision of the property.

6. APPLICANT'S AFFIDAVIT

We, the undersigned property owners(s), hereby certify that the information contained herein and submitted in support of this application is true and correct and the property owner's list and associated envelopes were obtained using the most recent Tax Office property information and are true, correct and complete.

Daniela Boureanu
Member/Manager Boureanu Creech Properties, LLC
Printed Name of Property Owner(s)

Daniela S. Boureanu
Signature of Property Owner(s)

5164 MeadowPark LN Hickory, NC 28602
Address of Property Owner(s)

828.781.5750
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____
Notary Public

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Daniela S. Boureanu personally came before me this day an acknowledged the he / she is the member/manager of Boureanu And Creech Properties corporation/ limited liability corporation / ~~general partnership / limited partnership~~ (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 26th day of March, 2024.

My Commission Expires: 12-28-2028
Carla Rojas-Alfaro
Notary Public



CA202311102037



LIMITED LIABILITY COMPANY ANNUAL REPORT

SOSID: 0915276
Date Filed: 4/21/2023
Elaine F. Marshall
North Carolina Secretary of State
CA2023 111 02037

NAME OF LIMITED LIABILITY COMPANY: Boureau and Creech Properties, LLC

SECRETARY OF STATE ID NUMBER: 0915276 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023



Filing Office Use Only
Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Daniela S Boureau

2. SIGNATURE OF THE NEW REGISTERED AGENT:
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS
5164 Meadow Park Lane Hickory, NC 28602 Catawba
5164 Meadow Park Lane Hickory, NC 28602 Catawba

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 327-4077 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS
5164 Meadow Park Lane Hickory, NC 28602 Catawba
5164 Meadow Park Lane Hickory, NC 28602 Catawba

6. Select one of the following if applicable. (Optional see instructions)
The company is a veteran-owned small business
The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Daniela S Boureau NAME: NAME:
TITLE: Manager/Member TITLE: TITLE:
ADDRESS: ADDRESS: ADDRESS:
5164 Meadow Park Lane
Hickory, NC 28602 Catawba

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Daniela S Boureau 04/12/2023
SIGNATURE DATE

Form must be signed by a Company Official listed under Section C of This form.

DANIELA S. BOUREANU MANAGER/MEMBER
Print or Type Name of Company Official Print or Type Title of Company Official

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF \$200

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27628-0525

3747-0530

FILED ELECTRONICALLY
CATAWBA COUNTY NC
DONNA HICKS SPENCER

FILED May 26, 2022
AT 10:24:00 AM
BOOK 03747
START PAGE 0530
END PAGE 0533
INSTRUMENT # 12029
EXCISE TAX \$700.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$700.00

Parcel Identifier No. 371009175434 Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: Law Offices of Amos & Kapral, LLP, 1331 N. Center Street, Hickory, NC 28601

This instrument was prepared by: Law Offices of Amos & Kapral, LLP, 1331 N. Center Street, Hickory, NC 28601

Brief description for the Index: V/L River Rd, Hickory, NC 28602

THIS DEED made this 26th day of May, 2022, by and between

GRANTOR

GRANTEE

Catherine M. Colvard, as Successor Trustee of the Colvard Family Trust dated March 18, 2003; and Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009
453 Beaverdam Rd
Asheville, NC 28804

Boureanu and Creech Properties, LLC, a North Carolina limited liability company
5164 Meadow Park Lane
Hickory, NC 28602

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of _____, Hickory Township, Catawba County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2522 page 463.

All or a portion of the property herein conveyed _____ includes or does not include the primary residence of a Grantor.

3747-0531

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any restrictions, easements and/or right-of-way affecting the subject realty.
2022 Ad Valorem Taxes.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Catherine M. Colvard, as Successor Trustee of the Colvard Family Trust dated March 18, 2003 _____ (SEAL)
Print/Type Name: _____

(Entity Name)

By: Catherine M. Colvard _____ (SEAL)
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009 _____ (SEAL)
Print/Type Name: _____

(Entity Name)

By: _____ (SEAL)
Print/Type Name & Title: Eric M. Yoder, Successor Trustee

By: _____
Print/Type Name & Title: _____

State of North Carolina - County of Buncombe

I, the undersigned Notary Public of the County and State aforesaid, certify that Catherine M. Colvard, personally appeared before me this day and acknowledged that she is the Successor Trustee of The Colvard Family Trust dated March 18, 2003, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 21st day of May, 2022.



12-21-2023

Mistie A. Owenburg
Notary Public

State of _____ - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that Eric M. Yoder, personally appeared before me this day and acknowledged that he is the Successor Trustee of The Harold M. Yoder Revocable Trust dated May 12, 2009, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of May, 2022.

My Commission Expires: _____

Notary Public

3747-0532

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any restrictions, easements and/or right-of-way affecting the subject realty.
2022 Ad Valorem Taxes.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Catherine M. Colvard, as Successor Trustee of the Colvard Family Trust dated March 18, 2003 _____ (SEAL)
Print/Type Name: _____
(Entity Name)

By: _____ (Signature)
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee _____ (SEAL)
Print/Type Name: _____

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009 _____ (SEAL)
Print/Type Name: _____
(Entity Name)

By: _____ (Signature)
Print/Type Name & Title: Eric M. Yoder, Successor Trustee _____ (SEAL)
Print/Type Name: _____

By: _____
Print/Type Name & Title: _____

State of North Carolina - County of _____

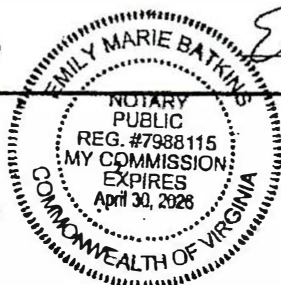
I, the undersigned Notary Public of the County and state aforesaid, certify that Catherine M. Colvard, personally appeared before me this day and acknowledged that she is the Successor Trustee of The Colvard Family Trust dated March 18, 2003, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of May, 2022.

My Commission Expires: 04/30/2026 _____
Notary Public

State of Virginia - County of Virginia Beach

I, the undersigned Notary Public of the County and State aforesaid, certify that Eric M. Yoder, personally appeared before me this day and acknowledged that he is the Successor Trustee of The Harold M. Yoder Revocable Trust dated May 12, 2009, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 26 day of May, 2022.

My Commission Expires: 04/30/2026 _____
Notary Public



Emily Marie Batkin
Notary Public

3747-0533

Exhibit A**Tract One:**

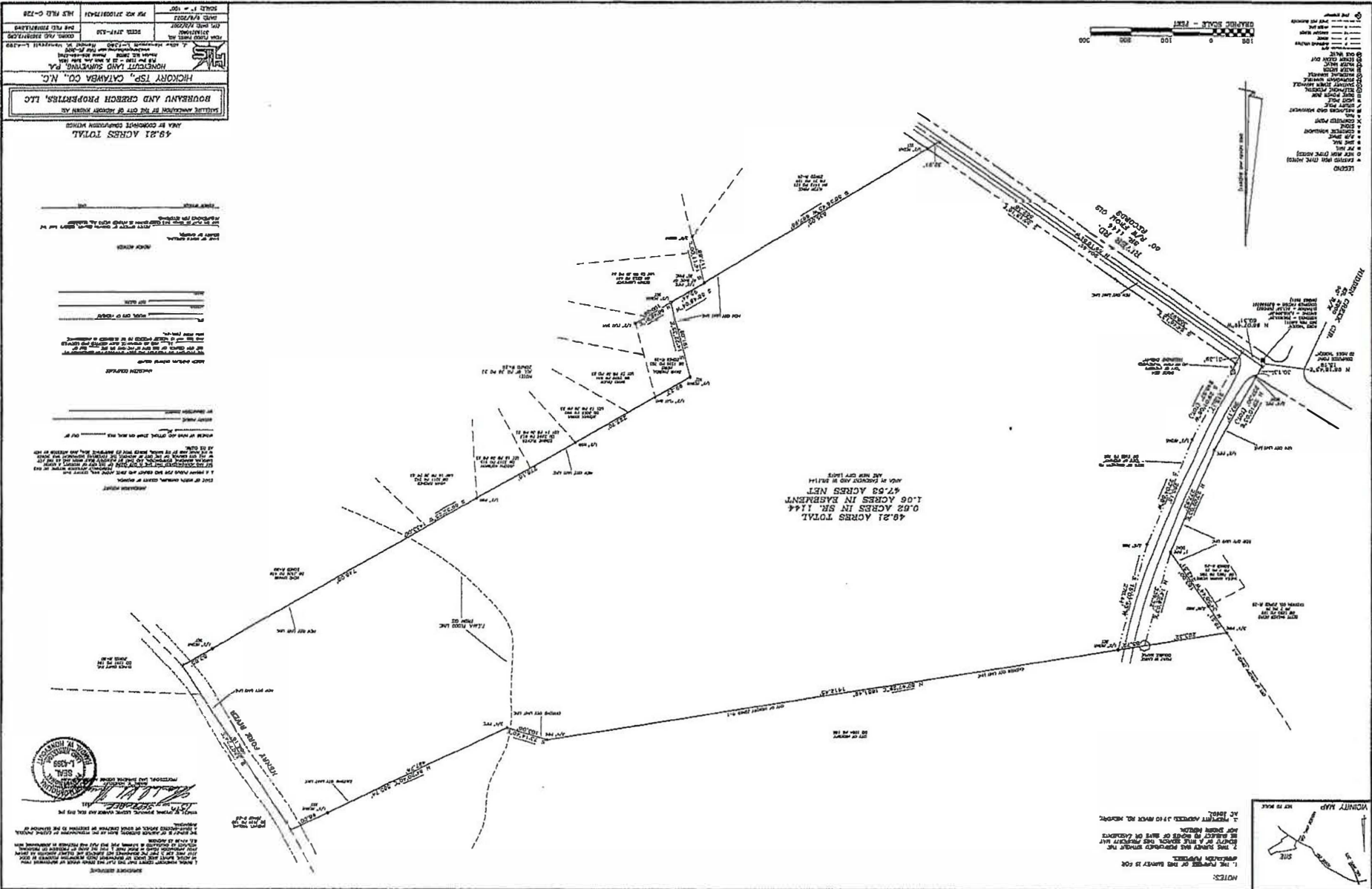
BEGINNING at a large Spanish oak on the Robinson line, and runs North 77' East, 102 poles to a Hickory; thence South 77' East, 6 $\frac{1}{4}$ poles to a Sassafras; thence North 56' East, 33 poles to a Willow on the bank of the river; thence down the river as it meanders South 41' East 29 $\frac{1}{2}$ poles to a stone where a Birch formerly stood; thence with the Robinson line South 54 $\frac{1}{4}$ ' West 130 poles to a Post-oak, the corner of the Robinson lands; thence with another of the Robinson lines North 39' West 72 poles to the beginning, containing 38 $\frac{3}{4}$ acres more or less.

Tract Two:

BEGINNING in the center of Sandy Ford Road, a corner of Fred Queen, and runs thence with Queen's line N 30 E 250 feet to a stake in said Queen's line; thence, continuing with Queen's line N 35 E 946 feet to a stake at another of Queen's corners; thence, S 35 E 946 feet to a stake at a corner of Craig Yoder; thence, with the Yoder's line N 59 E 712 feet to a stake in Yoder's line at a corner of Grady Bolick; thence, with Bolick's line S 15 $\frac{1}{2}$ E 190 feet to an iron at another of Bolick's corners; thence, with another of Bolick's lines S 58 $\frac{1}{2}$ W 773 feet to the center of Sandy Ford Road the following courses and distances; N 54 W 200 feet, N 55-15 W 400 feet, and N 56-20 W 375 feet to the point of the BEGINNING. Containing 11 acres, more or less.

The above described lands are conveyed subject to a cart-way or road-way along the Western boundary thereof, adjoining the lands of Fred Queen, as a such cart-way or road-way has been designated upon a certain map of plat of the Aileen Bolick Property, Jacobs Forks Township, made by G. Sam Rowe, C.E., and duly recorded in the Office of the Register of Deeds for Catawba County, in Map Book 7 at page 79.

INDEXED



Satellite Annexation
by the City of Hickory
known as
Boueanu and Creech Properties, LLC.

That certain Parcel or tract of land lying and being about 4.35 miles south southeast of the center of the City of Hickory. Bounded on the west by the lands of the Betty Walker Heirs as described in Deed Book 1865 at Page 189 and the Sheila Martin Heirs as described in Deed Book 1895 at Page 760; on the north by the lands of the City of Hickory as described in Deed Book 1004 at Page 165; on the east by the Henry Fork River and by the lands of Michael Rollins as described in Deed Book 3526 at Page 180 and Cline's Dairy, Inc. as described in Deed Book 1281 at Page 164; on the south by the lands of the following: Veng Chang as described in Deed Book 3538 at Page 475, Kevin Breiner as described in Deed Book 3511 at Page 243, Joseph Goforth as described in 3367 at Page 515, Connie Tucker as described in Deed Book 2296 at Page 813, Monika Nyar as described in Deed Book 3085 at Page 680, David Eblin as described in Deed Book 2820 at Page 644, David Fredell Heirs as described in Deed Book 1596 at Page 703, Benny Lawrence as described in Deed Book 2265 at Page 851, Alton Price as described in Deed Book 1473 at Page 675 and the 60' right-of-way of River Rd. (S.R. 1144) and more particularly described as follows to wit.

Beginning at a point in the 60' right-of-way of River Rd. (S.R. 1144), said point being located North 06 degrees 18 minutes 45 seconds East 15.19 feet from NCGS Monument "Hidden", said monument having N.C. grid coordinates (NAD 83/2011) of N 706,835.36, E 1,310,300.36 and running thence, as new City of Hickory city limits lines the following calls: North 29 degrees 10 minutes 03 seconds East 30.13 feet to a ¾" pipe on the north right-of-way of River Rd. (S.R. 1144), the southeast corner of the lands of the Betty Walker Heirs as described in Deed Book 1865 at Page 189; thence, with the east line of the Walker Heirs, North 29 degrees 10 minutes 03 seconds East 207.17 feet to a ½" pipe in the east line the Walker Heirs; thence, continuing with the Walker Heirs and the Sheila Martin Heirs as described in Deed Book 1895 at Page 760, North 23 degrees 09 minutes 03 seconds East 277.93 feet to a 1" pipe, the easternmost corner of the Martin Heirs; thence, with the northeast line of the Martin Heirs and Walker Heirs, North 34 degrees 58 minutes 44 seconds West 163.00 feet to a 3/8" rod, the northernmost corner of the Martin Heirs; thence, continuing with the line of the Walker Heirs, the same bearing, a distance of 79.51 feet to a ¾" pipe, the southwest corner of the City of Hickory as described in Deed Book 1004 at Page 165; thence, with the south line of the City of Hickory and as existing City of Hickory city limit line the following calls: North 80 degrees 47 minutes 29 seconds East 203.32 feet to a point in a double Maple on the west side of the road to the City of Hickory Henry Fork Wastewater Treatment Plant; thence, the same bearing, 65.72 feet to a ½" rebar on the east side of said road;

thence, the same bearing, 1,412.45 feet to a ¾" pipe; thence South 73 degrees 14 minutes 40 seconds East 103.06 feet to a ¾" pipe; thence North 64 degrees 20 minutes 40 seconds East 487.74 feet to a ½" rebar; thence, the same bearing, 98.00 feet to a point in the Henry Fork River and in the west line of the lands of Michael Rollins as described in Deed Book 3526 at Page 180; thence, leaving the existing City of Hickory city limits lines as new City of Hickory city limits lines the following calls: with the Henry Fork River, the west line of Rollins and the west line of Cline's Dairy, Inc. as described in Deed Book 1281 at Page 164, South 33 degrees 07 minutes 24 seconds East 486.10 feet to a point, the northeast corner of Veng Chang as described in Deed Book 3538 at Page 475 in the Henry Fork River and in the west line of Cline's Dairy, Inc.; thence, leaving the river, the west line of Cline's Dairy, Inc. and with the north line of Chang, South 59 degrees 52 minutes 25 seconds West 83.85 feet to ½" rebar in the north line of Chang; thence, continuing with the north line of Chang and with the north line of Kevin Breiner as described in Deed Book 3511 at Page 243, the same bearing, a distance of 748.06 feet to a ½" rod, the northwest corner of Breiner; thence, with the north line of Joseph Goforth as described in 3367 at Page 515 and Connie Tucker as described in Deed Book 2296 at Page 813, the same bearing, a distance of 278.16 feet to a ½" rod, the northwest corner of Tucker; thence, with the north line of Monika Nyvar as described in Deed Book 3085 at Page 680 and David Eblin as described in Deed Book 2820 at Page 644, the same bearing, a distance of 223.70 feet to a ½" flat bar, the northwest corner of Eblin and the northeast corner of David Fredell Heirs as described in Deed Book 1596 at Page 703; thence, with the north line of the Fredell Heirs, the same bearing, a distance of 99.23 feet to a ½" rebar, the northwest corner of the Fredell Heirs; thence, with the west line of the Fredell Heirs, South 14 degrees 22 minutes 35 seconds East 191.09 feet to a ½" rebar, the southwest corner of the Fredell Heirs in the north line of Benny Lawrence as described in Deed Book 2265 at Page 85; thence, with the north line of Lawrence, South 58 degrees 48 minutes 04 seconds West 95.44 feet to a ½" pipe at the base of a 30" pine the northwest corner of Lawrence and the northeast corner of Alton Price as described in Deed Book 1473 at Page 675; thence, with the north line of Price, South 58 degrees 56 minutes 45 seconds West 635.05 feet to a ½" rebar on the east right-of-way of River Rd. (S.R. 1144); thence, the same bearing, 32.91 feet to a point in the right-of-way of River Rd. (S.R. 1144); thence, with River Rd. (S.R. 1144), North 55 degrees 10 minutes 52 seconds West 904.65 feet to point of beginning. Containing 49.21 acres total.

The above description was drawn from a plat by Randal W. Honeycutt PLS L-4399 entitled "Satellite Annexation by the City of Hickory known as Boureanu and Creech Properties, LLC." dated September 6, 2023.

RESOLUTION 24- 21
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.

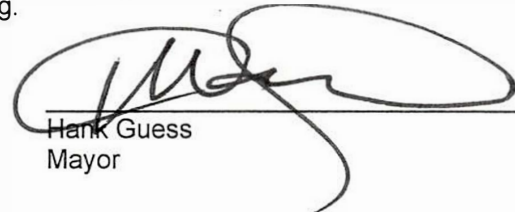
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

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 May 7, 2024 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 Boureau and Creech Properties LLC, located at 3940 River Road, containing 49.21 acres more or less, and identified as PIN 3710-09-17-5434.

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.

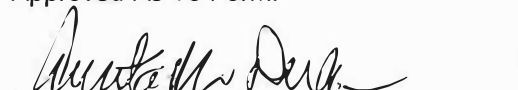


Hank Guess
Mayor



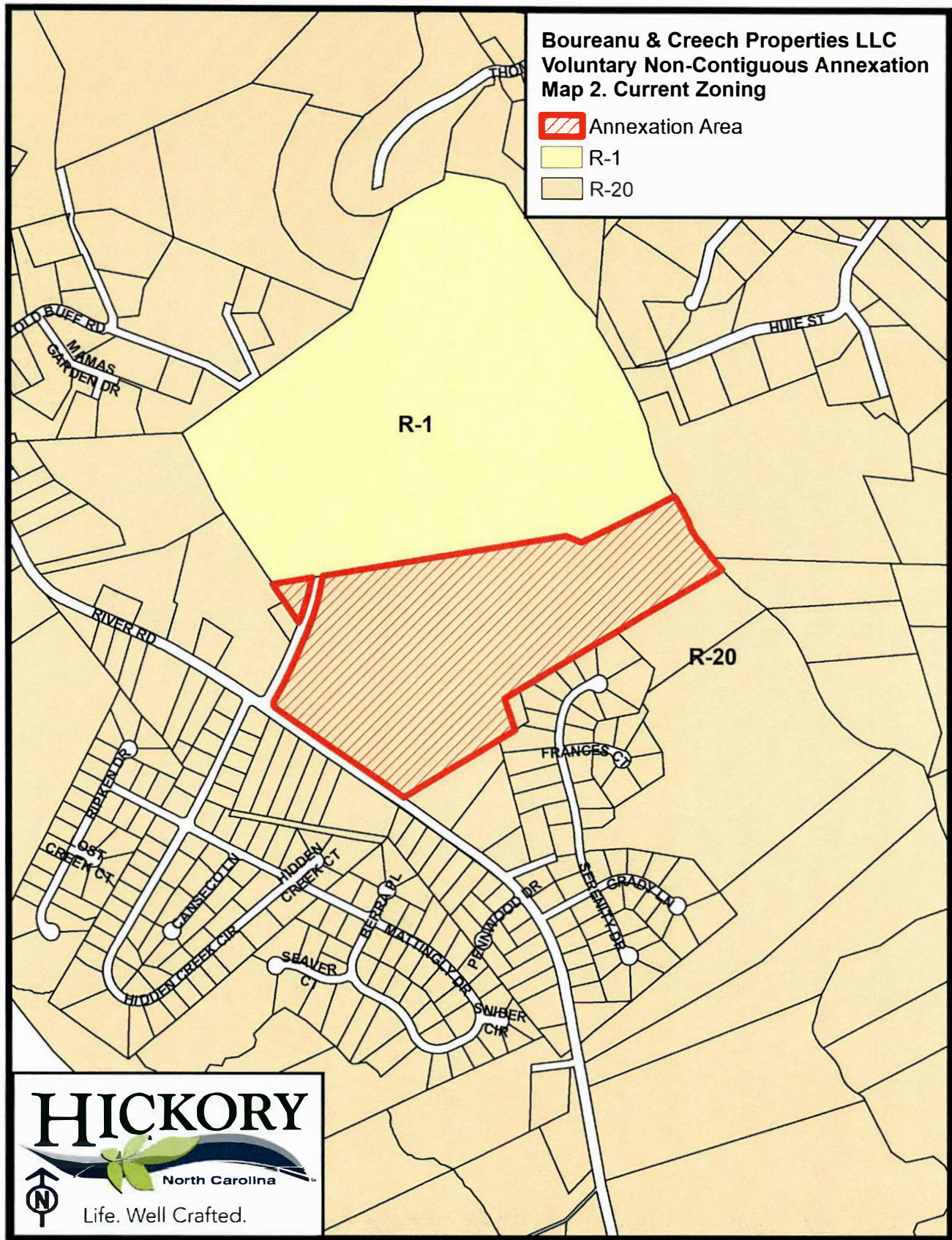
Warren Wood, City Manager

Approved As To Form:

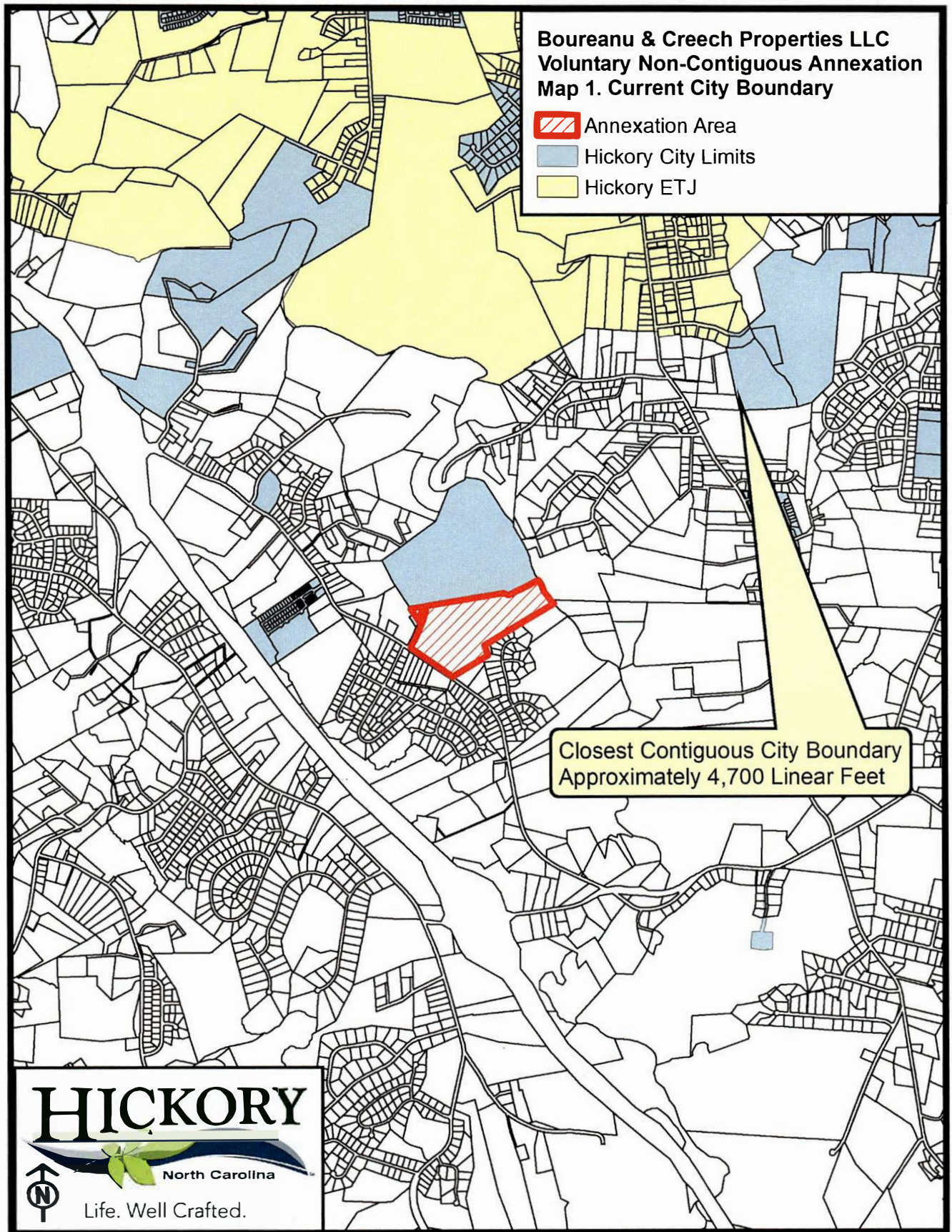


Deputy City Attorney for the City of Hickory









Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory
P.O. Box 398, Hickory, NC 28603-0398

ANNEXATION ORDINANCE NO. 501

VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)

Boureau and Creech Properties, LLC

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 7th day of May 2024; and

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described non-contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31st day of May 2024:

**Satellite Annexation
by the City of Hickory
known as
Boureau and Creech Properties, LLC.**

That certain Parcel or tract of land lying and being about 4.35 miles south southeast of the center of the City of Hickory. Bounded on the west by the lands of the Betty Walker Heirs as described in Deed Book 1865 at Page 189 and the Sheila Martin Heirs as described in Deed Book 1895 at Page 760; on the north by the lands of the City of Hickory as described in Deed Book 1004 at Page 165; on the east by the Henry Fork River and by the lands of Michael Rollins as described in Deed Book 3526 at Page 180 and Cline's Dairy, Inc. as described in Deed Book 1281 at Page 164; on the south by the lands of the following: Veng Chang as described in Deed Book 3538 at Page 475, Kevin Breiner as described in Deed Book 3511 at Page 243, Joseph Goforth as described in 3367 at Page 515, Connie Tucker as described in Deed Book 2296 at Page 813, Monika Nyvar as described in Deed Book 3085 at Page 680, David Eblin as described in Deed Book 2820 at Page 644, David Fredell

Heirs as described in Deed Book 1596 at Page 703, Benny Lawrence as described in Deed Book 2265 at Page 851, Alton Price as described in Deed Book 1473 at Page 675 and the 60' right-of-way of River Rd. (S.R. 1144) and more particularly described as follows to wit.

Beginning at a point in the 60' right-of-way of River Rd. (S.R. 1144), said point being located North 06 degrees 18 minutes 45 seconds East 15.19 feet from NCGS Monument "Hidden", said monument having N.C. grid coordinates (NAD 83/2011) of N 706,835.36, E 1,310,300.36 and running thence, as new City of Hickory city limits lines the following calls: North 29 degrees 10 minutes 03 seconds East 30.13 feet to a ¾" pipe on the north right-of-way of River Rd. (S.R. 1144), the southeast corner of the lands of the Betty Walker Heirs as described in Deed Book 1865 at Page 189; thence, with the east line of the Walker Heirs, North 29 degrees 10 minutes 03 seconds East 207.17 feet to a ½" pipe in the east line the Walker Heirs; thence, continuing with the Walker Heirs and the Sheila Martin Heirs as described in Deed Book 1895 at Page 760, North 23 degrees 09 minutes 03 seconds East 277.93 feet to a 1" pipe, the easternmost corner of the Martin Heirs; thence, with the northeast line of the Martin Heirs and Walker Heirs, North 34 degrees 58 minutes 44 seconds West 163.00 feet to a 3/8" rod, the northernmost corner of the Martin Heirs; thence, continuing with the line of the Walker Heirs, the same bearing, a distance of 79.51 feet to a ¾" pipe, the southwest corner of the City of Hickory as described in Deed Book 1004 at Page 165; thence, with the south line of the City of Hickory and as existing City of Hickory city limit line the following calls: North 80 degrees 47 minutes 29 seconds East 203.32 feet to a point in a double Maple on the west side of the road to the City of Hickory Henry Fork Wastewater Treatment Plant; thence, the same bearing, 65.72 feet to a ½" rebar on the east side of said road; thence, the same bearing, 1,412.45 feet to a ¾" pipe; thence South 73 degrees 14 minutes 40 seconds East 103.06 feet to a ¾" pipe; thence North 64 degrees 20 minutes 40 seconds East 487.74 feet to a ½" rebar; thence, the same bearing, 98.00 feet to a point in the Henry Fork River and in the west line of the lands of Michael Rollins as described in Deed Book 3526 at Page 180; thence, leaving the existing City of Hickory city limits lines as new City of Hickory city limits lines the following calls: with the Henry Fork River, the west line of Rollins and the west line of Cline's Dairy, Inc. as described in Deed Book 1281 at Page 164, South 33 degrees 07 minutes 24 seconds East 486.10 feet to a point, the northeast corner of Veng Chang as described in Deed Book 3538 at Page 475 in the Henry Fork River and in the west line of Cline's Dairy, Inc.; thence, leaving the river, the west line of Cline's Dairy, Inc. and with the north line of Chang, South 59 degrees 52 minutes 25 seconds West 83.85 feet to ½" rebar in the north line of Chang; thence, continuing with the north line of Chang and with the north line of Kevin Breiner as described in Deed Book 3511 at Page 243, the same bearing, a distance of 748.06 feet to a ½" rod, the northwest corner of Breiner; thence, with the north line of Joseph Goforth as described in 3367 at Page 515 and Connie Tucker as described in Deed Book 2296 at Page 813, the same bearing, a distance of 278.16 feet to a ½" rod, the northwest corner of Tucker; thence, with the north line of Monika Nyayar as described in Deed Book 3085 at Page 680 and David Eblin as described in Deed Book 2820

at Page 644, the same bearing, a distance of 223.70 feet to a ½” flat bar, the northwest corner of Eblin and the northeast corner of David Fredell Heirs as described in Deed Book 1596 at Page 703; thence, with the north line of the Fredell Heirs, the same bearing, a distance of 99.23 feet to a ½” rebar, the northwest corner of the Fredell Heirs; thence, with the west line of the Fredell Heirs, South 14 degrees 22 minutes 35 seconds East 191.09 feet to a ½” rebar, the southwest corner of the Fredell Heirs in the north line of Benny Lawrence as described in Deed Book 2265 at Page 85; thence, with the north line of Lawrence, South 58 degrees 48 minutes 04 seconds West 95.44 feet to a ½” pipe at the base of a 30” pine the northwest corner of Lawrence and the northeast corner of Alton Price as described in Deed Book 1473 at Page 675; thence, with the north line of Price, South 58 degrees 56 minutes 45 seconds West 635.05 feet to a ½” rebar on the east right-of-way of River Rd. (S.R. 1144); thence, the same bearing, 32.91 feet to a point in the right-of-way of River Rd. (S.R. 1144); thence, with River Rd. (S.R. 1144), North 55 degrees 10 minutes 52 seconds West 904.65 feet to point of beginning. Containing 49.21 acres total.

The above description was drawn from a plat by Randal W. Honeycutt PLS L-4399 entitled “Satellite Annexation by the City of Hickory known as Boureau and Creech Properties, LLC.” dated September 6, 2023.

Section 2. Upon and after the 31st day of May 2024, 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.

ADOPTED THIS 7TH DAY OF MAY 2024.

Hank Guess, Mayor

Warren Wood, City Manager

Approved As To Form:



Arnita M. Dula, Deputy City Attorney

CERTIFICATION OF ANNEXATION ORDINANCE

NORTH CAROLINA
CATAWBA COUNTY
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the Annexation Ordinance of Boureanu and Creech LLC was adopted at a regular meeting of the Hickory City Council held on May 7, 2024, and that said Ordinance is in full force and effective on May 31, 2024.

City Clerk

NORTH CAROLINA
CATAWBA COUNTY

I, _____, a Notary Public in and for said County and State, do hereby certify that Debbie D. Miller, City Clerk for the City of Hickory, personally appeared before me this date and acknowledged the due execution of the foregoing certificate for the purposes therein expressed.

Witness my hand and notarial seal, this _____ day of _____, 2024.

Notary Public

My Commission Expires: _____

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Mike Kirby, Senior Planner

Date: April 25, 2024

Re: Consideration of Rezoning Petition 24-06

REQUEST

Conduct a public hearing to consider Rezoning Petition 24-06.

BACKGROUND

Boureau and Creech Properties, LLC has submitted a petition requesting the consideration of rezoning property located at 3940 River Road from R-20 Residential to Medium Density Residential (R-2)

ANALYSIS

The property is vacant and zoned R-20 Residential by Catawba County. The property is in the process of being annexed, and the owners have requested the property be rezoned to Medium Density Residential Conservation (R-2) upon completion.

The 47.53-acre property is zoned R-20 Residential by Catawba County. This district permits residential uses (single and two family) at maximum density of 2 dwelling units per acre, which could potentially produce up to 98 new dwelling units.

The requested Medium Density Residential would consist of up to 99 single-family detached dwellings, which calculates to be 2.07 units per acre.

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. During the public hearing, one (1) spoke in favor of the petition, while three (3) 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 (6-1) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT

As of April 25, 2024, staff has received five (5) inquiries regarding this petition.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier
Initiating Department Head

04/25/2023
Date

Amanda McMiller
Deputy City Attorney, A. Dula

4-29-24
Date

Kathy Miller
Asst. City Manager R. Miller

4/26/24
Date

R. Beasley
Asst. City Manager, R. Beasley

4/30/24
Date

M. Miller
Finance Officer, M. Miller

4/26/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

4-29-24
Date

Yaidee Fox
Asst. City Manager Yaidee Fox

4/30/24
Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc.).

W. Wood

City Manager, W. Wood

4.30.24

Date

REZONING ANALYSIS

PETITION: 24-06

APPLICANT: Boureau and Creech Properties, LLC

OWNERS: Boureau and Creech Properties, LLC

PROPERTY LOCATION: 3940 River Road

PIN: 3710-09-17-5434

WARD: Upon annexation, this property will be located in Ward 4 (Councilman Freeman).

ACREAGE: 47.53 acres

REQUESTED ACTION: Rezone the property from Catawba County R-20 Residential to Medium Density Residential (R-2).

BACKGROUND: The property is vacant and zoned R-20 Residential by Catawba County. The property is in the process of being annexed, and the owners have requested the property be rezoned to Medium Density Residential (R-2) upon completion.

DEVELOPMENT POTENTIAL: The 47.53-acre property is zoned R-20 Residential by Catawba County. This district permits residential uses (single and two family) at maximum density of 2 dwelling units per acre, which could potentially produce up to 95 new dwelling units.

The potential development would consist of up to 99 single-family detached dwellings, which calculates to be 2.07 units per acre.

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

The general area is classified as Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).

The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: "This land use category is intended to provide an area of transition between higher density housing in Hickory and the surrounding rural areas by offering development at two to four units per acre." (HBC 2030, Pg. 25). The comprehensive plan also indicates a density of 2 to 4 dwelling units per acre is appropriate for the Low-Density Residential classification.

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

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as a residential area with development density from 2 to 4 dwelling units per acre. The development as proposed meets both the use types and densities outlined within the comprehensive plan.

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

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

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

The subject property has access to a NCDOT maintained roadway (River Road / SR 1144), as well as public utilities. The property owner / developer will be responsible for any necessary extensions needed for services. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of residential uses, with the exception of the adjacent city-owned wastewater treatment plant (Henry Fork WWTP). The predominant development pattern will continue under the proposed Conditional District, as residences will be the sole land use within the development. The potential future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service the development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps below for more detail**):

- **North:** The property is zoned Low Density Residential (R-1) and occupied by a wastewater treatment plant.
- **South:** The properties are zoned R-20 Residential and occupied by single-family residences or used as farmland.
- **East:** The properties are zoned R-20 Residential and are vacant.
- **West:** The property is zoned R-20 Residential and occupied by single-family residences or vacant.

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

The current zoning and use of the larger area is predominately residential and agricultural. The current district permits residential as its primary use. The requested R-2 zoning is proposed to consist entirely of new residential dwellings.

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

Given the similarity of the current and requested districts, conflicts in use types would not be anticipated, nor expected to cause detrimental impacts on the surrounding area.

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

Public resources to provide critical public services are in place or will be put in place by the property owner / developer to serve the development. These include public utilities transportation infrastructure, as well as police and fire protection.

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

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

RECOMMENDED ACTION:

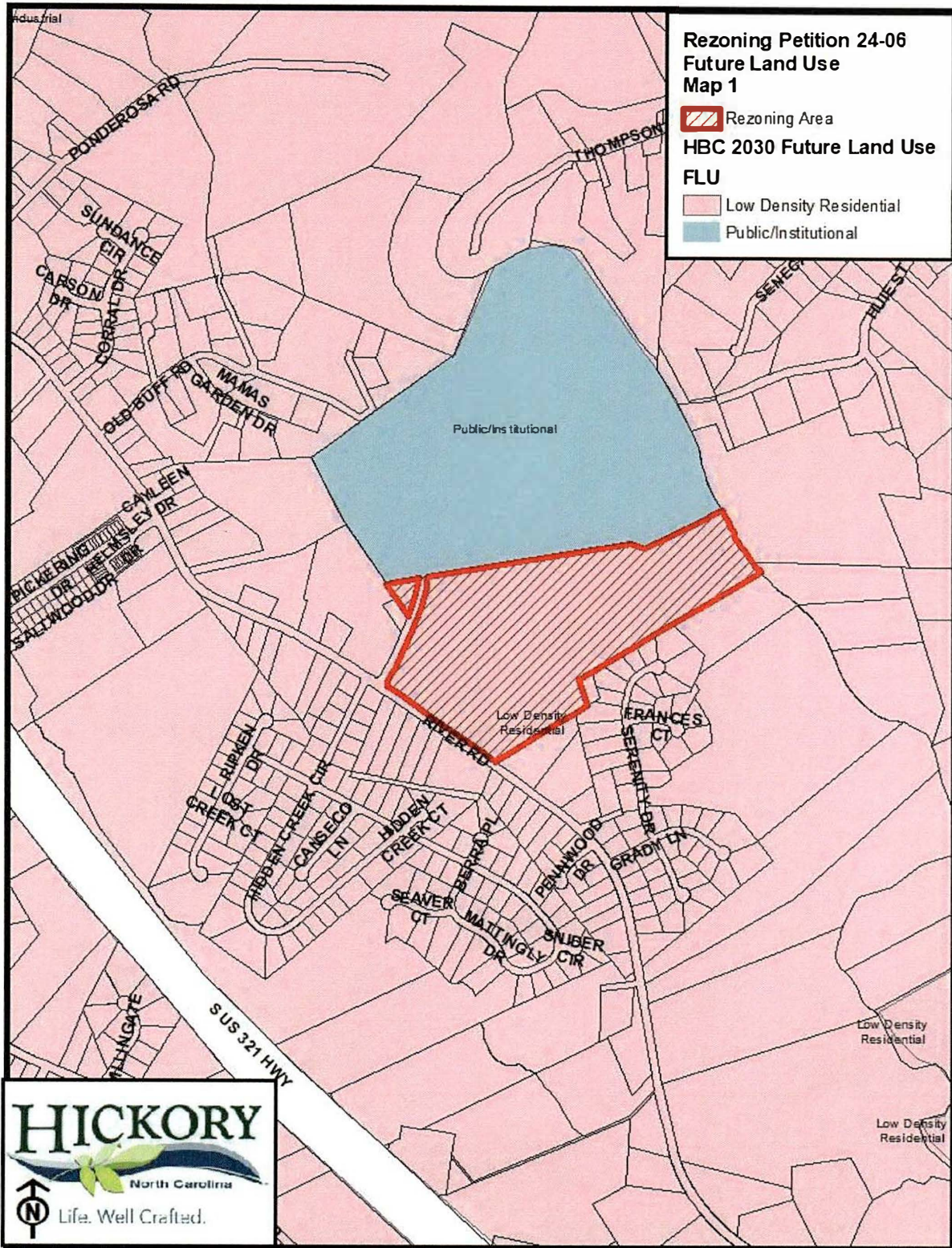
Staff finds Rezoning Petition 24-06 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

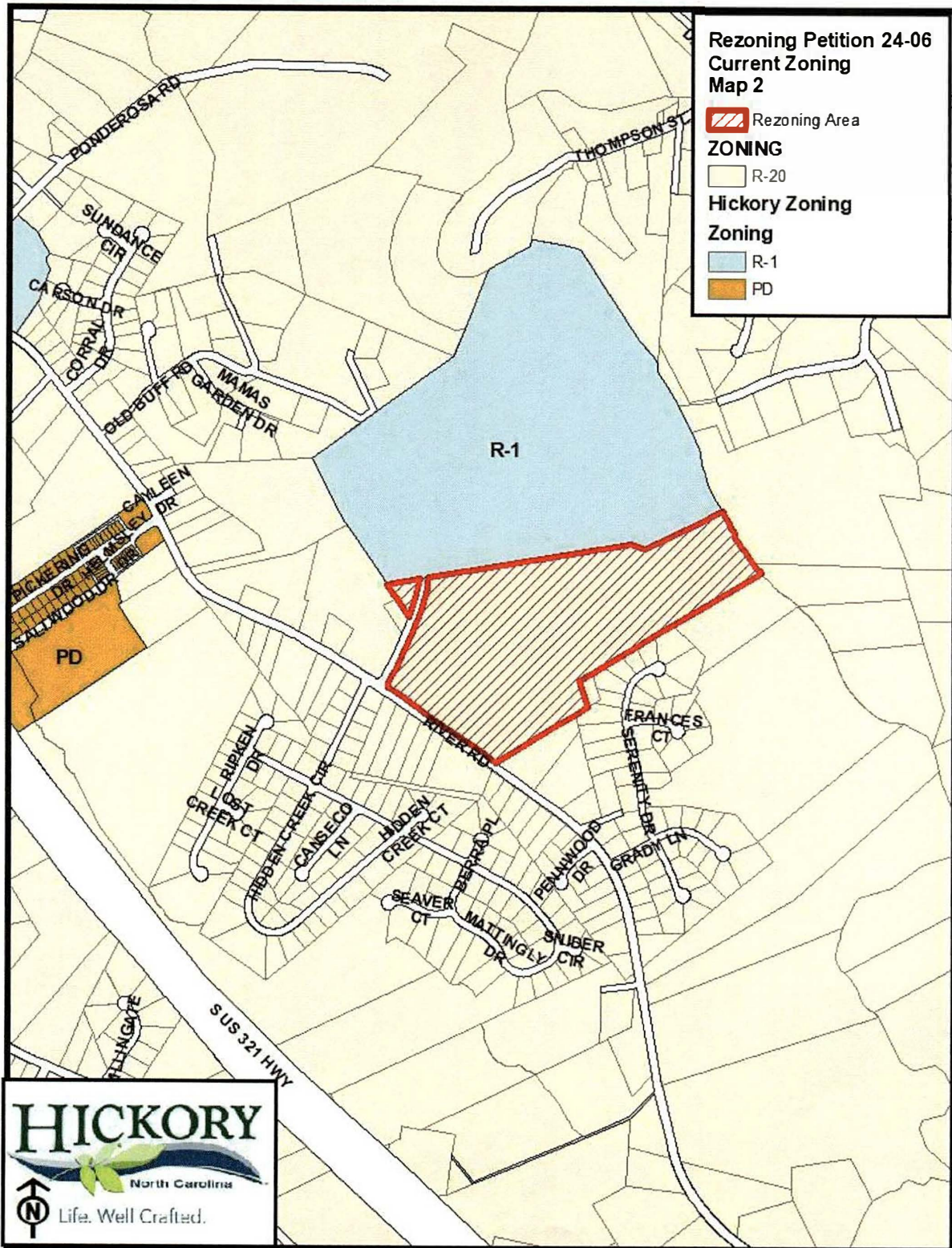
The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. During the public hearing, one (1) people spoke in favor of the rezoning, with three (3) speaking in opposition of the rezoning.

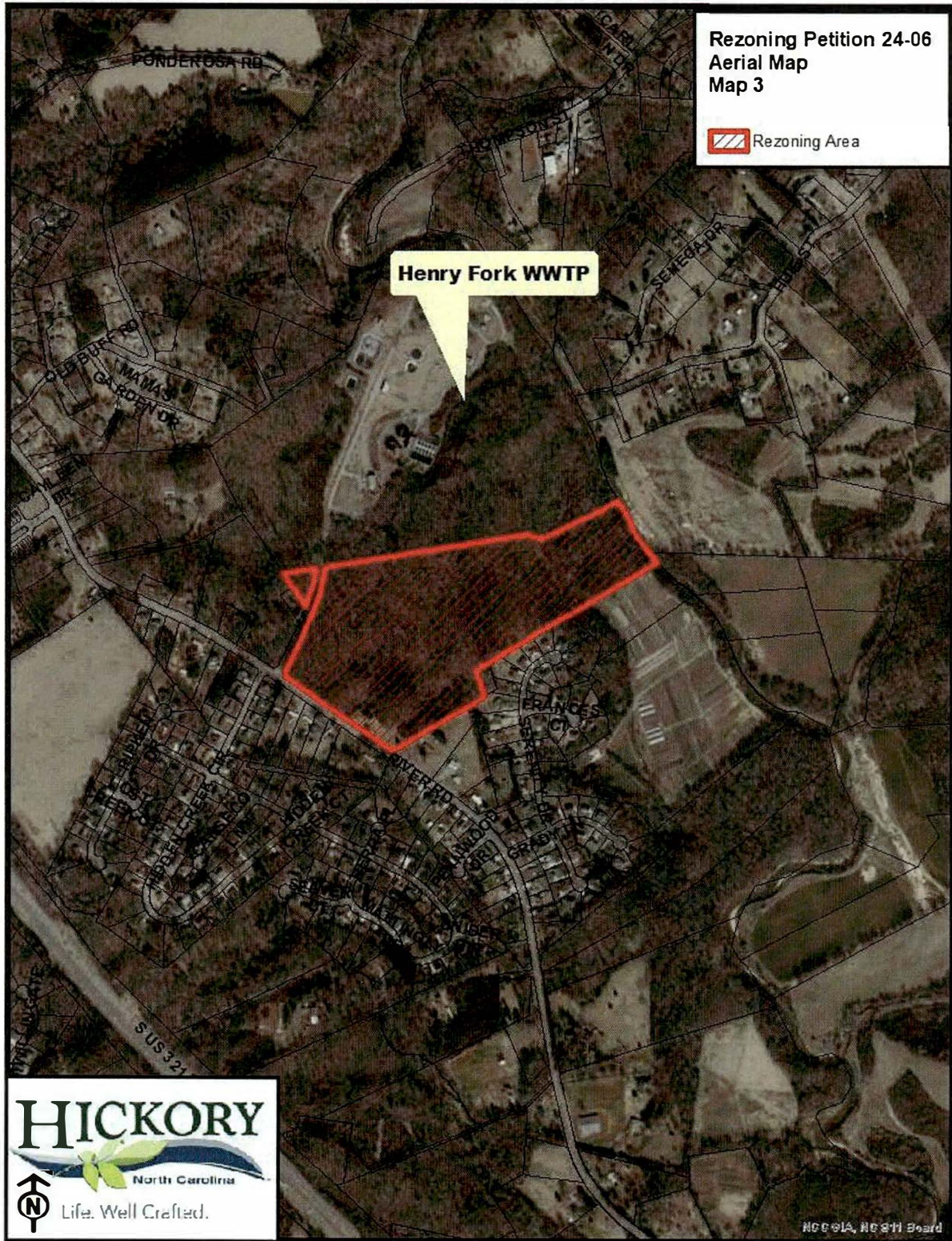
Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted (6-1) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT:

As of April 25, 2024, staff has received five (5) inquiries regarding this petition.







ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 47.53 ACRES OF PROPERTY LOCATED AT 3940 RIVER ROAD, FROM CATAWBA COUNTY R-20 RESIDENTIAL TO MEDIUM DENSITY (R-2).

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

WHEREAS, the property owner has been petitioned to rezone +/- 47.53 acres of property located at 3940 River Road, more particularly described on **Exhibit A** attached hereto, to allow a Planned Development district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on April 24, 2024, and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 24-06 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

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

SECTION 1. Upon considering the matter, the Hickory City Council found:

- The subject property is located at 3940 River Road, and identified as PIN 3710-09-17-5434.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The general area is classified as Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan
- The Hickory by Choice 2030 Comprehensive Plan indicates Low Density Residential areas are intended to provide an area of transition between higher density housing and the surrounding rural areas by offering development at two to four units per acre. The proposed development is a single-family residential neighborhood with an overall density that is consistent with the plan's language.

Ordinance NO. _____

Hickory City Council

Page 1 of 5

Given this, the rezoning of the property to Medium Density Residential (R-2) is consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

FURTHERMORE, the rezoning of the property is reasonable as the development type and intensity is similar to that of the surrounding area and furthers the development pattern while adhering to the recommendations of the Hickory by Choice 2030 Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as a residential area with development density from 2 to 4 dwelling units per acre. The development as proposed meets both the use types and densities outlined within the comprehensive plan.

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

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

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

The subject property has access to a NCDOT maintained roadway (River Road / SR 1144), as well as public utilities. The property owner / developer will be responsible for any necessary extensions needed for services. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the area consists largely of residential uses, with the exception of the adjacent city-owned wastewater treatment plant (Henry Fork WWTP). The predominant development pattern will continue under the proposed Medium Density Residential (R-2), as residences will be the sole land use within the development. The potential future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service the development. These include public utilities and transportation infrastructure.

Ordinance NO. _____

Hickory City Council

Page 2 of 5

- Ensure protection from fire, flood and other dangers.

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

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

The current zoning and use of the area is predominately residential and agricultural. The current district permits residential as its primary use. The requested Planned Development is proposed to consist entirely of new residential dwellings.

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

Given the similarity of the current and requested districts, conflicts in use types would not be anticipated, nor expected to cause detrimental impacts on the surrounding area.

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

Public resources to provide critical public services are in place or will be put in place by the property owner / developer to serve the development. These include public utilities transportation infrastructure, as well as police and fire protection.

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

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

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.

Ordinance NO. _____
 Hickory City Council
 Page 3 of 5

SECTION 3. Conditions of Approval

1. The development of the subject property shall be undertaken as outlined on the approved master plan.
2. All necessary infrastructure extensions and improvements to serve and complete the project shall be the responsibility of the property owner / developer.
3. All infrastructure shall be constructed and maintained to the standards of the City of Hickory.

SECTION 4. This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the _____ day of _____, 2024.

(SEAL)

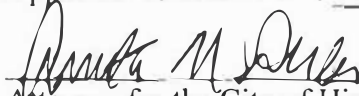
THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

By: _____
Hank Guess, Mayor

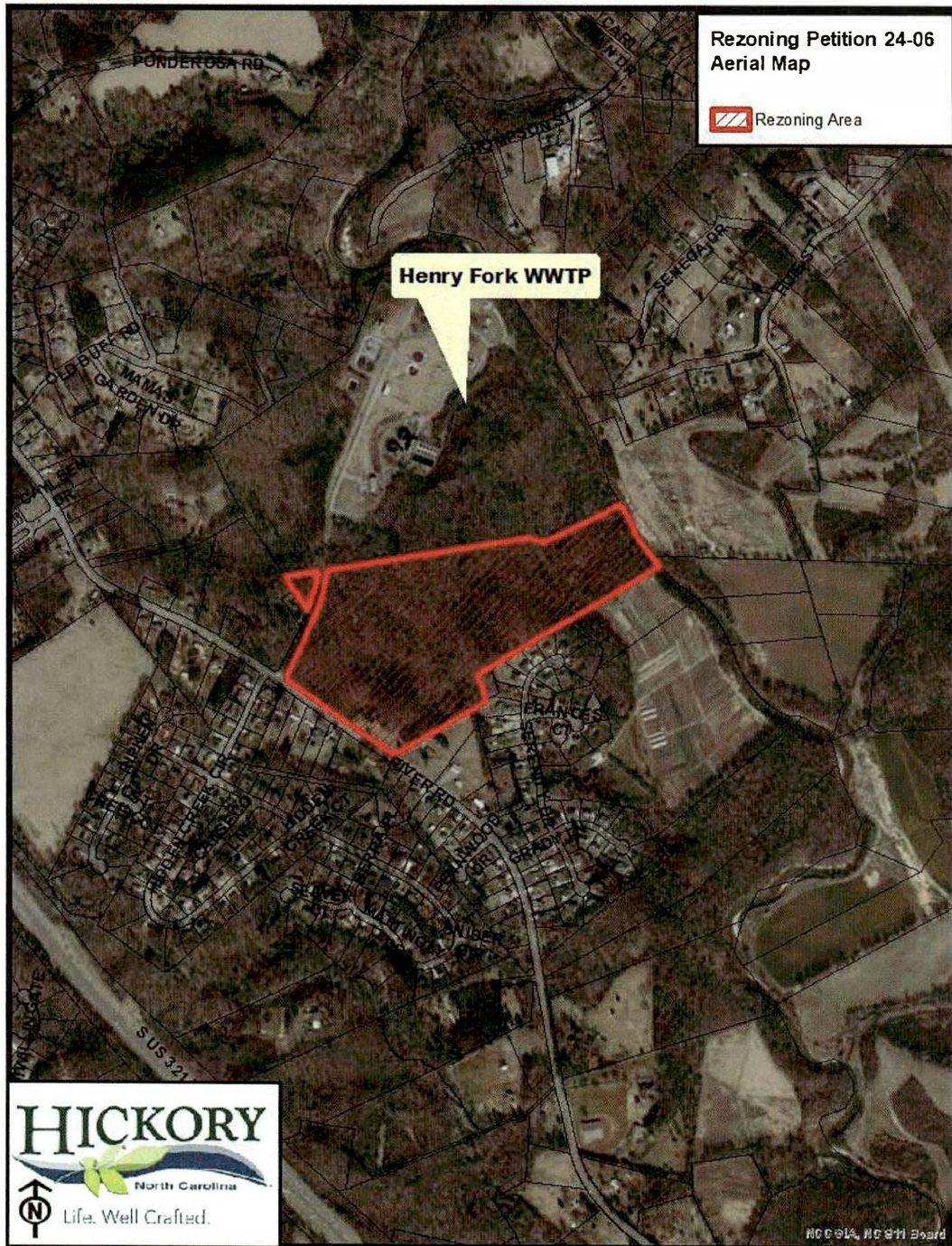
Debbie D. Miller, City Clerk

Approved as to form this 29th day of April, 2024.


Attorney for the City of Hickory

Ordinance NO. _____
Hickory City Council
Page 4 of 5

EXHIBIT A



Ordinance NO. _____
Hickory City Council
Page 5 of 5

COUNCIL AGENDA MEMOS

16
To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Wilson Elliot, Planner

Date: April 25, 2024

Re: Consideration of Rezoning Petition 24-07

REQUEST

Conduct a public hearing to consider Rezoning Petition 24-07.

BACKGROUND

Jonathan and Mary Bonelli have submitted a petition requesting the consideration of rezoning property located at 5th Avenue NW (PIN 370317028192) from General Business (C-2) to Medium Density Residential (R-2)

ANALYSIS

The property is currently unoccupied, unimproved vacant land totaling 0.35 acres. The property is C-2, which does permit some residential uses such as single family detached residences, accessory dwellings, duplexes, multi-family structures, and upper story residential, but does not permit single family detached residences.

The owners have requested the property be rezoned to R-2 Residential. This residential district permits a maximum density of 4 dwelling units per acre, and would allow for a single family detached residence to be built, keeping with the medium density future land use.

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. During the public hearing, one (1) spoke in favor of the petition, 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 (7-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT

As of April 25, 2024, staff has received five (5) inquiries regarding this petition.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier
Initiating Department Head

BWF
04/25/2023
Date

A. Dula
Deputy City Attorney, A. Dula

4-29-24
Date

R. Miller
Asst. City Manager R. Miller

4/26/24
Date

R. Beasley
Asst. City Manager, R. Beasley

4/30/24
Date

M. Miller
Finance Officer, M. Miller

4/26/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

4-29-24
Date

Yaidee Fox
Asst City Manager Yaidee Fox

4/30/24
Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc.).

W. Wood

City Manager, W. Wood

4.30.24

Date

REZONING ANALYSIS**PETITION:** 24-07**APPLICANT:** Jonathan and Mary P. Bonelli**OWNERS:** Jonathan and Mary P. Bonelli**PROPERTY LOCATION:** 5th Avenue NW (Address Not Assigned, Lot 2 2G PL 9-81)**PIN:** 370317028192**WARD:** The property is located in Ward 5 (Councilman Zagaroli).**ACREAGE:** 0.35 acres.**REQUESTED ACTION:** Rezone the property from City of Hickory C-2 General Business to City of Hickory R-2 Residential.**BACKGROUND:** The property is currently zoned C-2 General Business by the City of Hickory. The property owner requests that it be rezoned to R-2 Residential to accommodate further single family residential uses.**DEVELOPMENT POTENTIAL:** The property is currently unoccupied, unimproved vacant land totaling 0.35 acres. The property is C-2, which does permit some residential uses such as single family detached residences, accessory dwellings, duplexes, multi-family structures, and upper story residential, but does not permit single family detached residences.

The owners have requested the property be rezoned to R-2 Residential. This residential district permits a maximum density of 4 dwelling units per acre, and would allow for a single family detached residence to be built, keeping with the medium density future land use.

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

The general area is classified as Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).

The Hickory by Choice 2030 Comprehensive Plan states the following about Medium Density Residential areas: "Medium density residential areas make up a large portion of the City north of I-40, as well as smaller areas in the southeastern part of town. These residential areas are associated with each neighborhood mixed use area as well as adjacent high density residential districts and/or higher intensity commercial districts throughout the City. Medium density residential areas will expand the existing housing character in the City, and they will provide a medium density housing option where the gross density would be approximately two to four units per acre in established single-family detached areas, and eight to ten units per acre in historically mixed residential areas with higher density. Although the housing density would be less than the high-density

residential areas, pedestrian and vehicular circulation strategies employed here will continue the pattern of connectivity from the more intensely developed areas. Most of the land in this land use category is in areas where natural constraints are fewer. Conservation subdivision principles should be used to conserve flood plains, wetlands, and minimize storm water runoff in watershed protection areas. The use of conservation design principles should look beyond individual subdivisions in the medium density residential area and identify opportunities for connecting to open space in other areas of Hickory” (HBC 2030, Pg. 25).

A land use goal listed in Chapter 3 of the Hickory by Choice 2030 Comprehensive Plan also demonstrates the plan’s vision for land use and the requested rezoning. One goal is to provide for uses that complement the surrounding area. The requested district is a residential district, as is the existing district, but the notable difference would be the type of residence allowed. The current zoning permits for some residential uses, but those permitted as the zoning stands do not align well with the future use for the area. In rezoning to the requested district, it would allow for single family uses that more align with the medium density residential and revitalization area of the HBC 2030 future land use plan.

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

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The property is located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a medium density residential area that provides opportunities for residential development. Furthermore, a portion of the property is shown to be within the revitalization area set out in the Hickory by Choice 2030 Comprehensive Plan. Additionally, R-2 Residential zoning is listed by the comprehensive plan as an implementing district for medium density residential areas.

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

The development regulations contained within the Hickory Land Development Code, coupled with regulations from the state and federal government, will work with one another to mitigate detrimental impacts to the extent allowed by law.

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

The subject property has access to City maintained roads on 5th Avenue NW, and 10th St PI NW, as well as a NCDOT maintained roadway, 3rd Avenue Dr NW (Old Lenoir Rd). Public utilities are also available. The property owner will be responsible for any necessary extensions needed for services, as well as any required transportation improvements. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is predominately residential in nature. The exception to this is the commercial buildings that follow 3rd Avenue Dr NW (Old Lenoir Rd) to its south. Any future residential use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service any future development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps below for more detail**):

- **North:** The property is zoned R-2 Residential and has a single family residence.
- **South:** The properties are zoned C-2 General Business, one is occupied and the others are vacant.
- **East:** The properties are zoned R-2 Residential and have single family homes.
- **West:** The properties are zoned C-2 General Business and are vacant.

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

The current zoning and use of the larger area is predominantly residential, with the exception of businesses along 3rd Avenue Dr NW (Old Lenoir Rd). The current district permits residential, but does not fully permit all types of residential uses, which is promoted by the city's comprehensive plan. The requested district would allow for a single family development that matches the medium density residential guidelines set forth in the comprehensive plan.

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

Most of the area surrounding the subject property is residential, and the requested district is residential. Being the requested district is residential in nature, if ever developed, such development would add additional residences to the area.

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

Public resources to provide critical public services are in place or will be put in place by the property owner should development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.

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

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

RECOMMENDED ACTION:

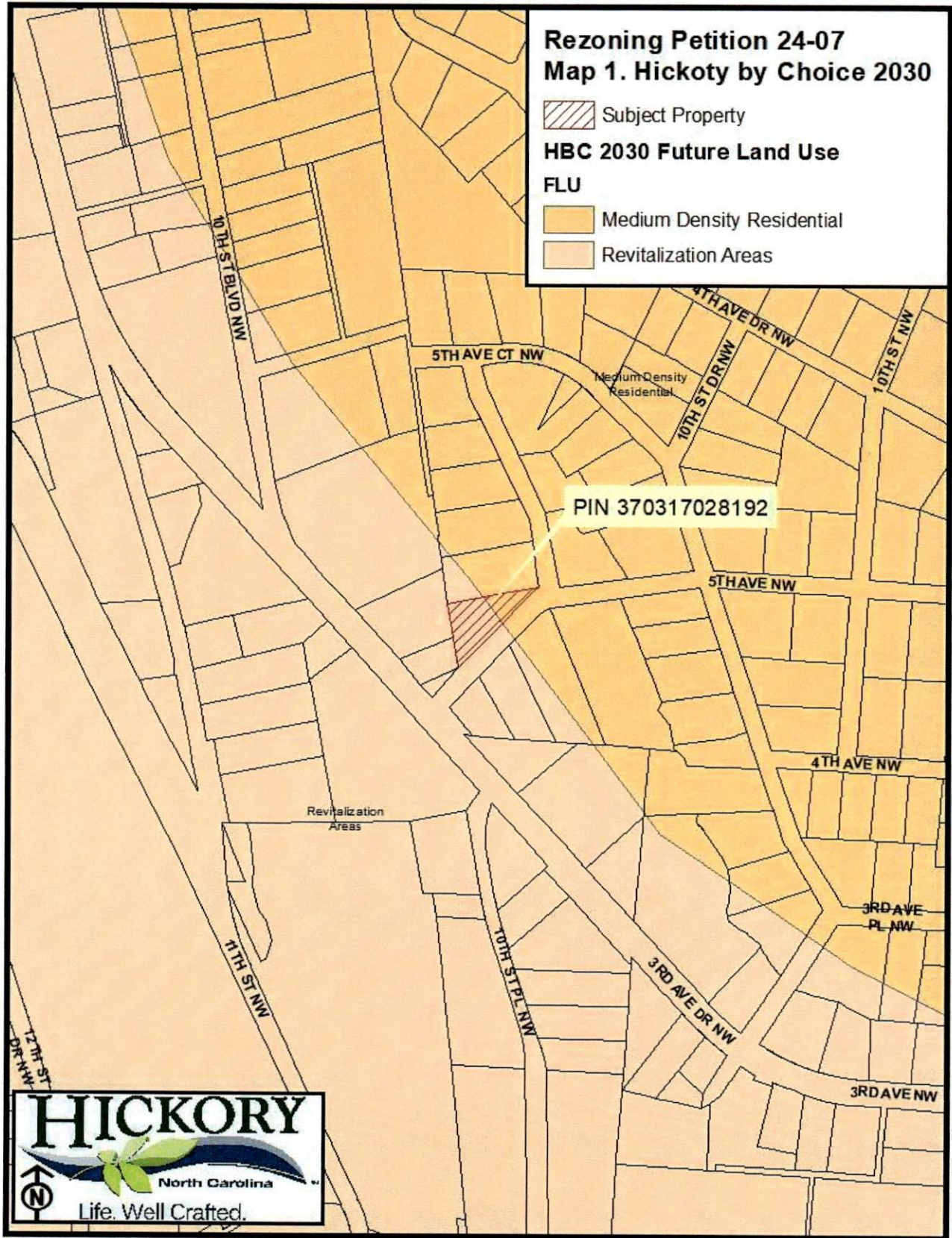
Staff finds Rezoning Petition 24-07 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

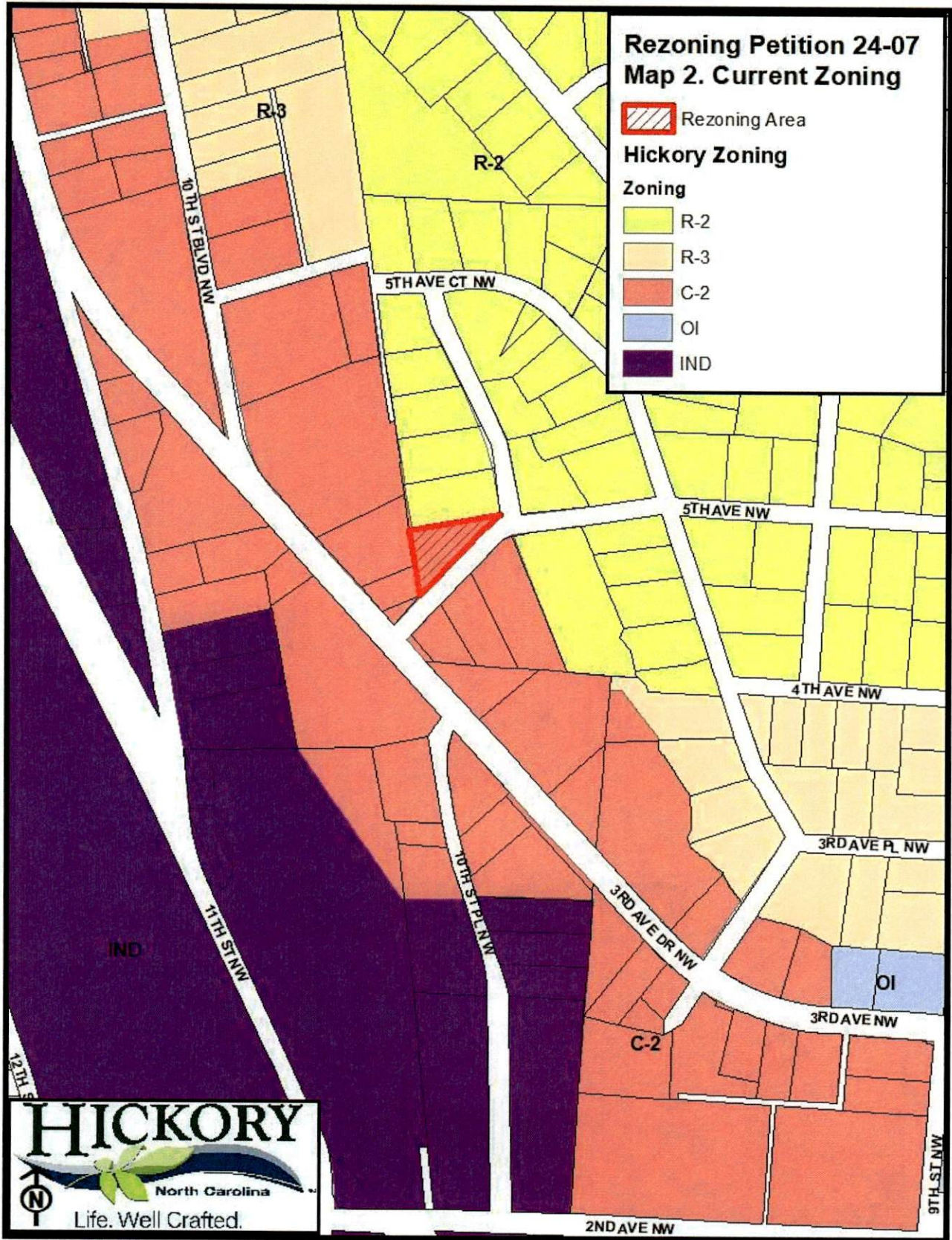
The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. During the public hearing, one (1) people spoke in favor of the rezoning, with no one speaking in opposition of the rezoning

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted (7-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT:

As of April 25, 2024, staff has received five inquiries regarding this petition.







ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- .35 ACRES OF PROPERTY LOCATED AT 5th AVE NW BETWEEN 10TH STREET PLACE NW AND 3RD AVE DRIVE NW, FROM GENERAL BUSINESS C-2 TO MEDIUM DENSITY (R-2).

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

WHEREAS, the property owner has been petitioned to rezone +/- .35 acres of property located at 5th Ave NW between 10th Street Place NW and 3rd Ave Drive NW, more particularly described on **Exhibit A** attached hereto, to allow a Medium Density Residential district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on April 24, 2024, and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 24-07 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

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

SECTION 1. Upon considering the matter, the Hickory City Council found:

- The subject property is located at 5th Ave NW, and identified as PIN 3703-17-02-8192.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The general area is classified as Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan
- The Hickory by Choice 2030 Comprehensive Plan indicates Medium density residential areas make up a large portion of the City north of I-40, as well as smaller areas in the southeastern part of town. These residential areas are associated with each neighborhood mixed use area as well as adjacent high density residential districts and/or higher intensity commercial districts throughout

Ordinance NO. _____

Hickory City Council

the City. Medium density residential areas will expand the existing housing character in the City, and they will provide a medium density housing option where the gross density would be approximately two to four units per acre in established single-family detached areas, and eight to ten units per acre in historically mixed residential areas with higher density.

Given this, the rezoning of the property to Medium Density Residential (R-2) is consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

FURTHERMORE, the rezoning of the property is reasonable as the development type and intensity is similar to that of the surrounding area and furthers the development pattern while adhering to the recommendations of the Hickory by Choice 2030 Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The property is located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a medium density residential area that provides opportunities for residential development. Furthermore, a portion of the property is shown to be within the revitalization area set out in the Hickory by Choice 2030 Comprehensive Plan. Additionally, R-2 Residential zoning is listed by the comprehensive plan as an implementing district for medium density residential areas.

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

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

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

The subject property has access to City maintained roads on 5th Avenue NW, and 10th St Pl NW, as well as a NCDOT maintained roadway, 3rd Avenue Dr NW (Old Lenoir Rd). Public utilities are also available. The property owner will be responsible for any necessary extensions needed for services, as well as any required transportation improvements. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

Ordinance NO. _____
 Hickory City Council
 Page 2 of 5

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is predominately residential in nature. The exception to this is the commercial buildings that follow 3rd Avenue Dr NW (Old Lenoir Rd) to its south. Any future residential use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service any future development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

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

The current zoning and use of the larger area is predominantly residential, with the exception of businesses along 3rd Avenue Dr NW (Old Lenoir Rd). The current district permits residential, but does not fully permit all types of residential uses, which is promoted by the city's comprehensive plan. The requested district would allow for a single family development that matches the medium density residential guidelines set forth in the comprehensive plan.

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

Given the similarity of the current and requested districts, conflicts in use types would not be anticipated, nor expected to cause detrimental impacts on the surrounding area.

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

Public resources to provide critical public services are in place or will be put in place by the property owner / developer to serve the development. These include public utilities transportation infrastructure, as well as police and fire protection.

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

Ordinance NO. _____
 Hickory City Council
 Page 3 of 5

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

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. Conditions of Approval

1. The development of the subject property shall be undertaken as outlined on the approved master plan.
2. All necessary infrastructure extensions and improvements to serve and complete the project shall be the responsibility of the property owner / developer.
3. All infrastructure shall be constructed and maintained to the standards of the City of Hickory.

SECTION 4. This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the ____ day of _____, 2024.

(SEAL)

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

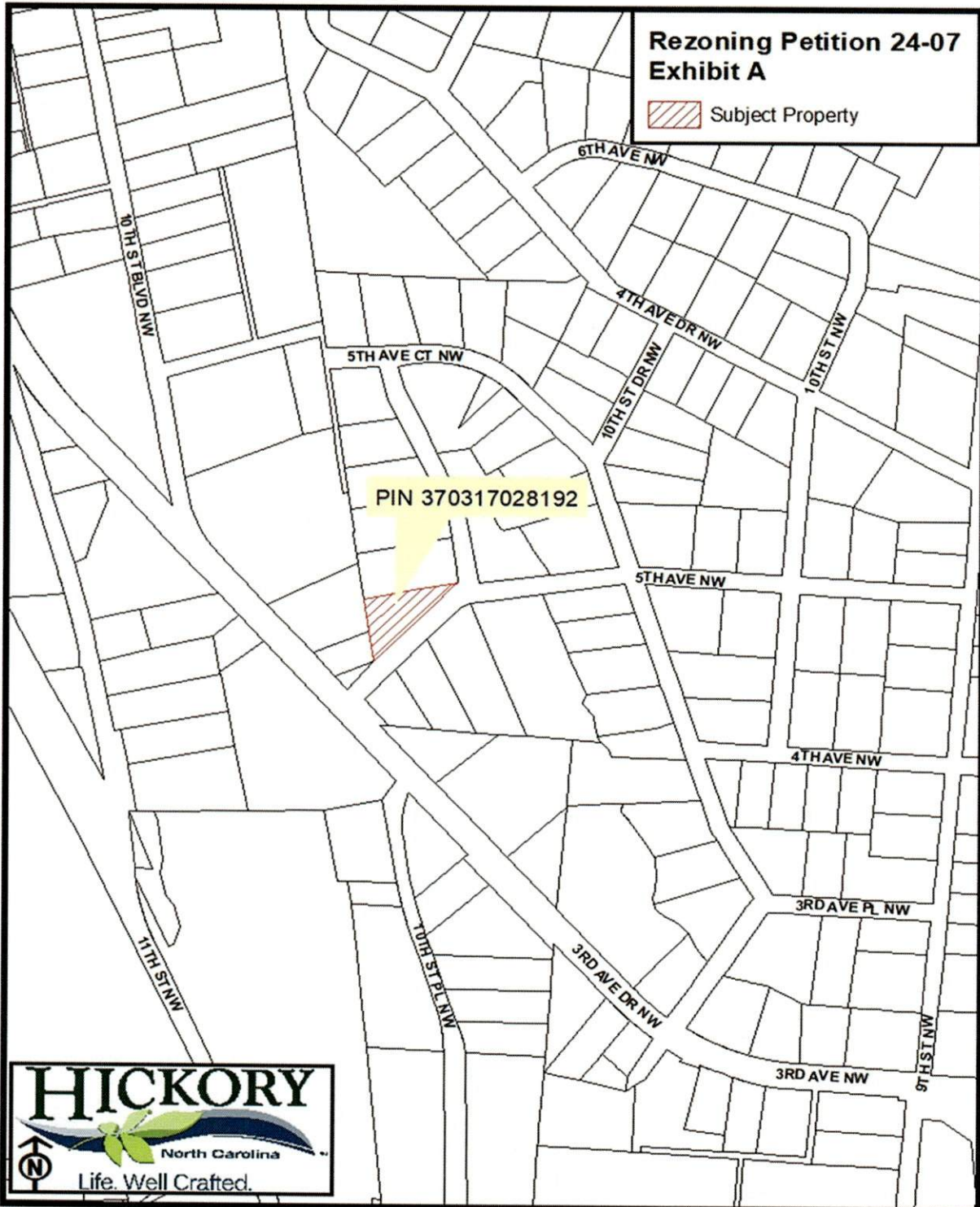
By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this 29th day of April, 2024.

Arundis M. Duck
Attorney for the City of Hickory

Ordinance NO. _____
Hickory City Council
Page 4 of 5



Ordinance NO. _____
Hickory City Council
Page 5 of 5

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Mike Kirby, Senior Planner

Date: April 25th, 2024

Re: Consideration of Rezoning Petition 24-08

REQUEST

Conduct a public hearing to consider Rezoning Petition 24-08.

BACKGROUND

A petition has been submitted requesting the consideration of rezoning property located at 2010 Startown Road from Low Density Residential (R-1) to Regional Commercial (C-3).

ANALYSIS

The subject property is currently zoned R-1 Residential and totals +/- .54 acres in total size. The current R-1 zoning district is primarily residential and permits one and two-family residential uses at a density of two (2) dwelling units per acre.

The subject property is currently occupied by a commercial building. The owners' intention is to continue utilizing the property as an office.

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. During the public hearing, one (1) person spoke in favor of the rezoning, with no one speaking in opposition of the rezoning.

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 (7-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT

As of April 25, 2024, staff has no inquiries from citizens regarding this petition. After staff conversation, both citizens were satisfied and did not oppose the rezoning.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian M. Frazier
Initiating Department Head

04/25/2024
Date

Amata M. Dula
Deputy City Attorney, A. Dula

4-29-24
Date

Rodney Miller
Asst. City Manager, R. Miller

4/26/24
Date

R. Beasley
Asst. City Manager R. Beasley

4/30/24
Date

M. Miller
Finance Officer, M. Miller

4/26/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

4-29-24
Date

Yaidee Fox
Asst City Manager, Yaidee Fox

4/30/24
Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc.).

W. Wood
City Manager, W. Wood

4.30.24
Date

REZONING ANALYSIS

PETITION: 24-08

APPLICANT: Sean Drum

OWNERS: Donald C Scronce

PROPERTY LOCATION: 2010 Startown Road Newton, NC 28602

PIN: 3721-09-05-4815

WARD: This property is located in Ward 3 (Councilman Seaver).

ACREAGE: +/- .54 acres

REQUESTED ACTION: Rezone the property from Low Density Residential (R-1) to Regional Commercial (C-3).

BACKGROUND: The property is currently zoned R-1. The rezoning request is an indication that the owner desires to use the property for an office use.

DEVELOPMENT POTENTIAL: The subject property is currently zoned R-1 Residential and totals +/- .54 acres in total size. The current R-1 zoning district is primarily residential and permits one and two-family residential uses at a density of two (2) dwelling units per acre.

The subject property is currently occupied by a commercial building. The owners' intention is to continue utilizing the property as a real estate office.

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

The general area converges at three future land use categories listed in the Hickory by Choice 2030 Comprehensive Plan. These uses are Public/Institutional, Neighborhood Mixed Use, and Regional Commercial. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).

The C-3 zoning district implements the "Regional Commercial" policies of the Hickory by Choice 2030 Comprehensive Plan. The C-3 district is intended to provide a full range of retail and service business that serves both local and regional markets. The C-3 district permits a wide variety of uses including professional offices and personal services, retail sales and service, amusement and institutional facilities.

Given these factors, the rezoning of the property to Regional Commercial (C-3) should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being a future commercial and institutional area with residential densities at thirty (30) units per acre.

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

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

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

The subject property has access to a state-maintained roadway (Startown Road / SR 1005), as well as water infrastructure. The property does not have access to city sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of commercial and institutional uses. This development pattern will continue under Regional Commercial (C-3) as offices are permitted under this zoning classification. The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place to service the area. These include public water utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps below for more detail**):

- **North:** The properties are zoned Office and Institutional (OI) and are occupied by Catawba Valley Community College.
- **South:** The properties are zoned Planned Development and are occupied by Preston Ridge Apartments.

- **East:** The properties are zoned Office and Institutional (OI). These properties are occupied by Catawba Valley Community College.
 - **West:** The properties are zoned Regional Commercial (C-3) and are vacant.
3. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists of commercial, institutional, and multi-family residential. uses along Startown Road. The rezoning of the property to C-3 would continue this development pattern and will be similar to existing City zoning already in place, within the larger area.

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

The requested Regional Commercial (C-3) zoning is similar to the existing areas. The permissible uses of C-3 zoning will aid in enhancing the existing uses of the neighborhood.

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

Public resources to provide critical public services are in place to service the area. These include public water utilities and transportation infrastructure, as well as police and fire protection. Septic is currently located on the property and has been approved by Catawba County Environmental Health for the use. At this time, NCDOT has yet to acquire right-of-way along Startown Road.

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued nonresidential development. The use of the property is an office, which are usually located within or near nonresidential arears areas.

Any future development that occurs of the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected. The property was known to be contaminated by an underground storage tank, but a "no further action" letter has been issued by NC DEQ.

RECOMMENDED ACTION:

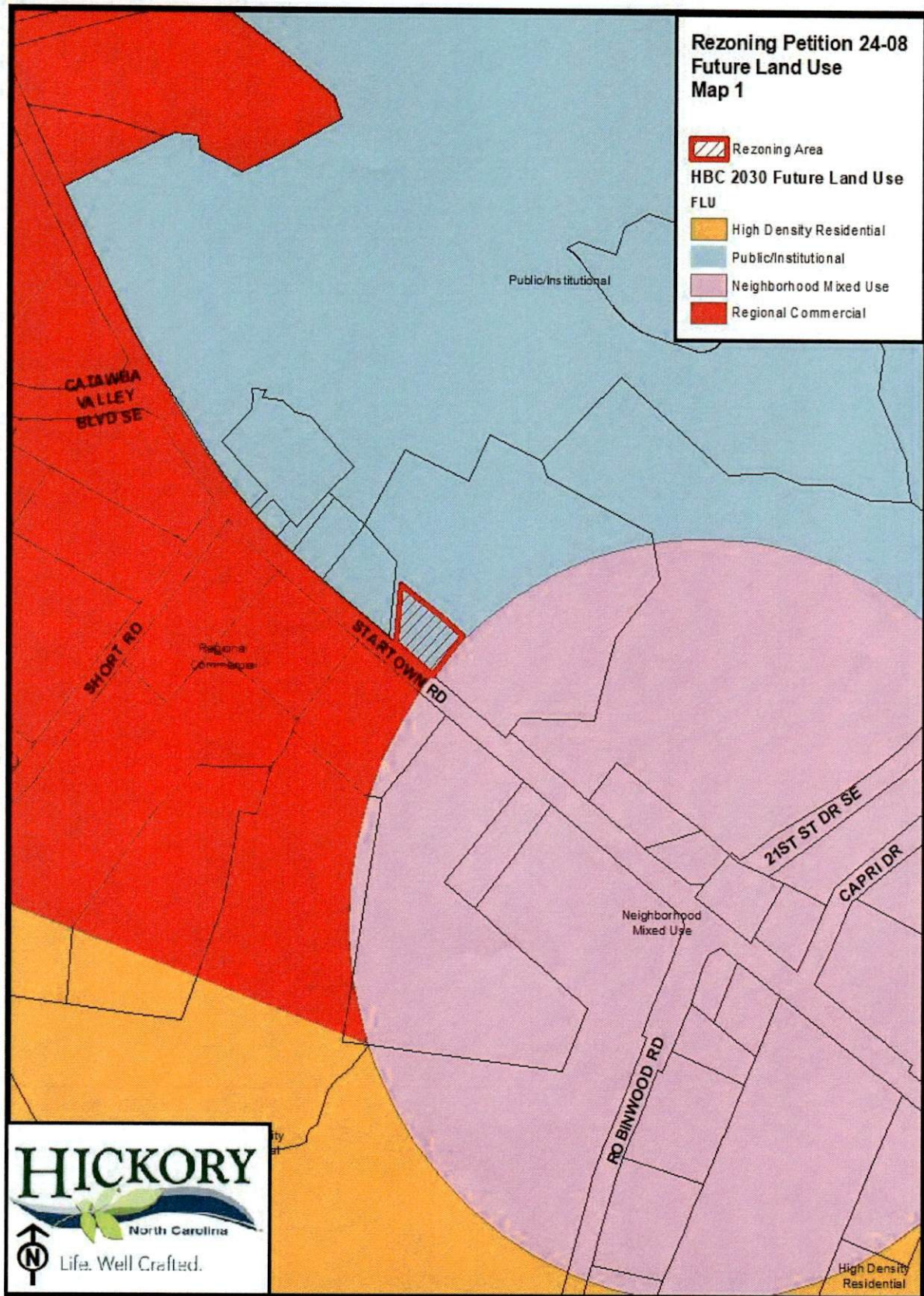
Staff finds Rezoning Petition 24-08 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

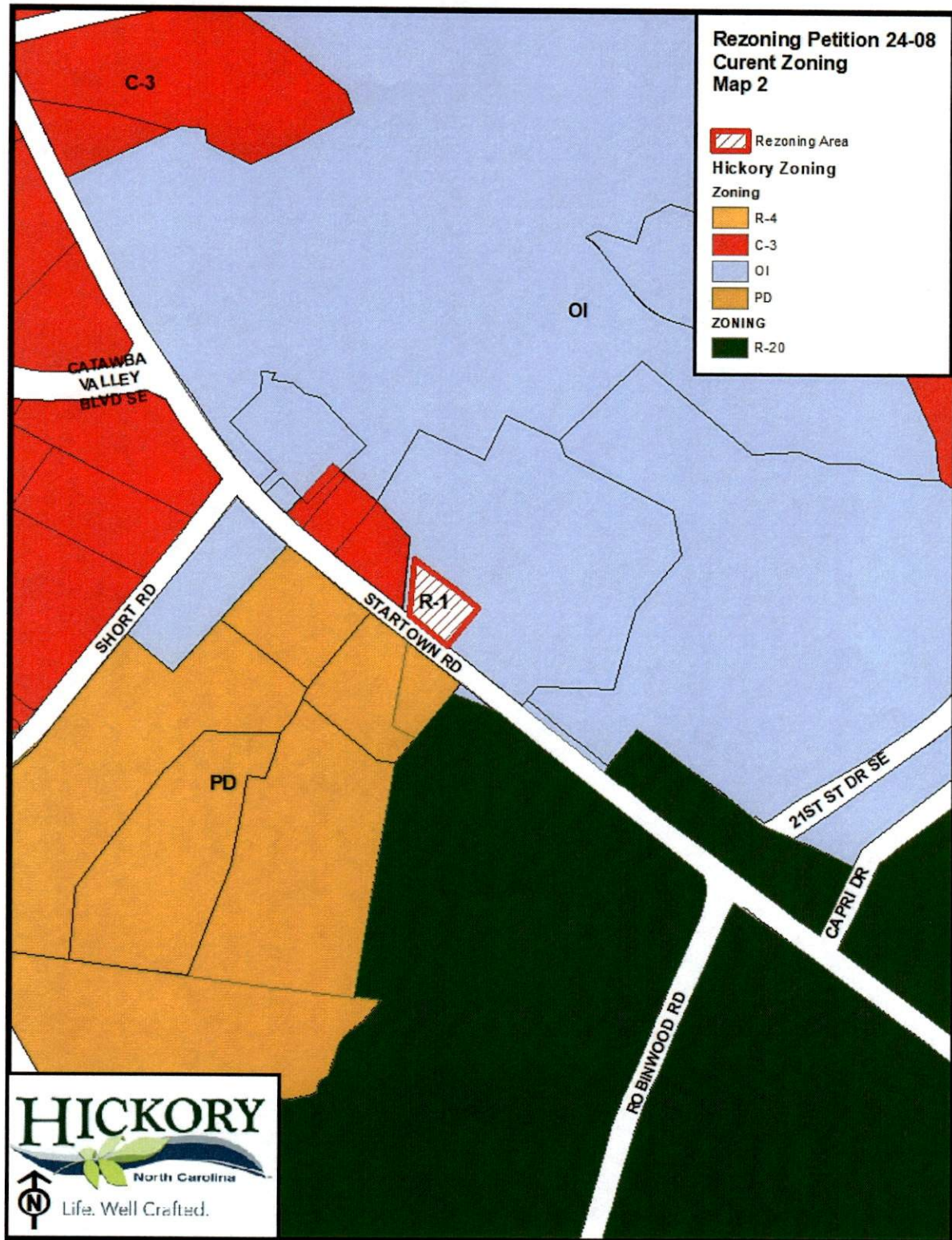
The Hickory Regional Planning Commission conducted a public hearing on April 24, 2024, to consider the petition. During the public hearing, one (1) people spoke in favor of the rezoning, with no one speaking in opposition of the rezoning

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted (7-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT:

As of April 25, 2024, staff has received zero inquiries regarding this petition.







ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- .54 ACRES OF PROPERTY LOCATED AT 2010 STARTOWN ROAD BETWEEN SHORT ROAD AND ROBINWOOD ROAD, FROM LOW DENSITY RESIDENTIAL (R-1) TO REGIONAL COMMERCIAL (C-3).

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

WHEREAS, the property owner has been petitioned to rezone +/- .54 acres of property located at 2010 Startown Road between Short Road and Robinwood Road, more particularly described on **Exhibit A** attached hereto, to allow Regional Commercial (C-3) districts; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on April 24, 2024, and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 24-08 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

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

SECTION 1. Findings of fact.

- The subject property is located at 2010 Startown Road between Short Road and Robinwood Road, and identified as PIN 3721-09-05-4815.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

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

Ordinance NO. _____
Hickory City Council
Page 1 of 5

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

1. The area in question converges at three future land use categories listed in the Hickory by Choice 2030 Comprehensive Plan. These uses are Public/Institutional, Neighborhood Mixed Use, and Regional Commercial.

The C-3 zoning district implements the “Regional Commercial” policies of the Hickory by Choice 2030 Comprehensive Plan. The C-3 district is intended to provide a full range of retail and service business that serves both local and regional markets. The C-3 district permits a wide variety of uses including professional offices and personal services, retail sales and service, amusement and institutional facilities.

Given these factors, the rezoning of the property to Regional Commercial (C-3) should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area converges at three future land use categories listed in the Hickory by Choice 2030 Comprehensive Plan. These uses are Public/Institutional, Neighborhood Mixed Use, and Regional Commercial. The Regional Commercial (C-3) district is intended to provide a full range of retail and service business that serves both local and regional markets. The C-3 district permits a wide variety of uses including professional offices and personal services, retail sales and service, amusement and institutional facilities.

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

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

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

The subject property has access to a state-maintained roadway (Startown Road / SR 1005), as well as water infrastructure. The property does not have access to city sewer infrastructure.

Ordinance NO. _____
 Hickory City Council
 Page 2 of 5

The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of commercial and institutional uses. This development pattern will continue under Regional Commercial (C-3) as offices are permitted under this zoning classification. The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place to service the area. These include public water utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

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

The current land use pattern of the larger area consists of commercial, institutional, and multi-family residential. uses along Startown Road. The rezoning of the property to C-3 would continue this development pattern and will be similar to existing City zoning already in place, within the larger area.

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

The requested Regional Commercial (C-3) zoning is similar to the existing zoning. The permissible uses of C-3 zoning will aid in enhancing the existing uses of the neighborhood.

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

Public resources to provide critical public services are in place to service the area. These include public water utilities and transportation infrastructure, as well as police and fire protection. Septic is currently located on the property and will need to be approved by Catawba County Environmental Health for the use.

Ordinance NO. _____
Hickory City Council
Page 3 of 5

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

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

Based upon these findings, the Hickory City Council has found Rezoning Petition 24-08 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.

ORDAINED by the City Council of Hickory, North Carolina, this, the ____ day of _____, 2024.

(SEAL)

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this ____ day of _____, 2024.

Attorney for the City of Hickory

Ordinance NO. _____
Hickory City Council
Page 4 of 5

EXHIBIT A



Ordinance NO. _____
Hickory City Council
Page 5 of 5