

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, March 19, 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, Deputy City Attorney Arnita Dula, City Attorney Timothy Swanson, Deputy City Clerk Crystal B. Mundy, and City Clerk Debbie D. Miller

I. Mayor Guess called the meeting to order. All Council members were present.

II. Invocation by Mayor Guess

III. Pledge of Allegiance

IV. Special Presentations

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of March 5, 2024.

Alderwoman Patton moved, seconded by Alderman Zagaroli that the Minutes of March 5, 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.

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

A. Budget Revision Number 16. (First Reading Vote: Unanimous)

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

City Manager Warren Wood asked that Item "F" be removed from the Consent Agenda.

Mayor Guess moved, seconded by Alderman Seaver approval of the Consent Agenda except for Item "F". The motion carried unanimously.

A. Notification of Unpaid Delinquent Tax Amounts for the Current Fiscal Year in the City of Hickory Limits of Caldwell and Burke County, Real, Personal, and Business Property Taxes and Approved the Advertisement Attempting to Collect the Outstanding Taxes.

North Carolina General Statute 105.369(a) mandates that the Tax Collector must first inform the governing body of and then advertise the "total amount of unpaid taxes for the current fiscal year that are liens on real property". 2023 Caldwell County real property taxes total \$6,711.88; Burke County real property taxes \$1,277.16, personal property taxes \$650.65, and business personal property taxes \$10,094.42, Total of \$12,022.23. A taxing unit has the option of advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees. North Carolina General Statute 105-369(c) requires that real property tax liens for the current year be advertised at any time from March 1 through June 30. Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the "total amount of unpaid taxes for the current fiscal year that are liens on real property". (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably, immediately upon receipt of the tax collector's report. (3) At least thirty days before the advertisement is published and posted, the tax collector must provide written notice to the affected taxpayers with the intent to publish outstanding current tax liens. When a taxpayer files a bankruptcy petition, an "automatic stay" immediately becomes effective. Essentially this stay bars any effort by a creditor to collect a debt from the debtor in bankruptcy. The advertisement of a tax lien arguably qualifies as an act to enforce a tax lien and is therefore barred by the automatic stay. The Tax Collector has informed the City Council of the unpaid tax amounts for the current fiscal year. It is recommended that the City Council issue an order to advertise all real and personal current fiscal year tax amounts in the Hickory Daily Record to attempt collecting the outstanding taxes.

- B. Approved the Issuance of Pyrotechnic Display Permits to Pyro Shows Inc. for Firework Displays at the Hickory Crawdads Stadium.

Staff requests approval to issue pyrotechnic display permits to Pyro Shows Inc. for fireworks displays at the Hickory Crawdads stadium. Douglas Locascio, General Manager of the Hickory Crawdads, submitted a request to obtain permission to conduct public fireworks displays on the following dates: April 12, April 26, May 17, May 24, May 26, June 7, June 21, July 3, July 19, July 26, August 9, August 23, and September 6, 2024. The following would be rain dates: April 13, April 27, May 18, May 25, June 8, June 22, July 20, July 27, August 10, August 24, and September 7, 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.

- C. Called for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 304.39-Acres Located at 2319 6th Street SE, PIN 3711-13-03-6026, Owned by the State of North Carolina. (Authorized Public Hearing for April 2, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-11
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 the State of North Carolina requesting annexation of an area described in a petition was received on March 6, 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 the State of North Carolina, containing 304.39-acres more or less, located at 2319 6th Street SE, PIN 3711-13-03-6026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory on this 6th day of March 2024.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-12
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 April 2, 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 the State of North Carolina containing 304.39-acres more or less, located at 2319 6th Street SE, PIN 3711-13-03-6026.

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. 24-13

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

WHEREAS, the State of North Carolina is the owner of certain real property as described herein, which property is located at 2319 6th Street SE, Hickory NC, and identified as PIN 3711-13-03-6026, containing 304.39-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 19th day of March 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 April 2, 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 State of NC (State Park), Voluntary Non-Contiguous Annexation Map 1 Current City Boundary, subject property outlined in red; State of NC (State Park), Voluntary Non-Contiguous Annexation Map 2, Current City Zoning, subject property outlined in red; State of NC (State Park), 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.

D. Approved for up to \$850,000 through the NC Department of Commerce's Rural Downtown Economic Development Program.

Staff requests approval to apply for up to \$850,000 through the NC Department of Commerce's Rural Downtown Economic Development Program. The North Carolina Department of Commerce recently advertised a program to provide grant funding for economic development. Since Hickory is located within a tier 2 County, as defined by the NC Department of Commerce, the City is eligible to apply for up to \$850,000 in funding for improvements to the downtown area. The program provides funding for streetscape improvements and other downtown development projects. Staff proposes applying for funding to upgrade the streetscapes on Government Avenue from 1st Street SW and 3rd Street SW and 1st Avenue NW between North Center Street at 2nd Street NW. These

upgrades will include bulb-outs, improved outdoor spaces, and lighting to match the existing streetscapes in the downtown area. The grant requires a 5 percent match from the City of Hickory. The exact amount of the application will be determined by the preliminary estimate for the project in accordance with program guidelines. Staff recommends the Council authorize the City Manager to apply and execute all documents related to the grant application.

RESOLUTION NO 24-14
Application for North Carolina Department of Commerce
Rural Downtown Economic Development Grant Fund Main Street &
Rural Planning Center Downtown Streetscape Improvements

WHEREAS, the Hickory City Council has indicated its desire to assist in development efforts in downtown Hickory; and,

WHEREAS, the Hickory City Council fully supports the proposed Downtown Streetscape project which will result in the improvement of the streetscapes of Government Avenue SW and 1st Avenue NW in downtown Hickory; and,

WHEREAS, the Hickory City Council wished to pursue a formal application for the Rural Downtown Economic Development Grant in the amount of \$850,000 from the North Carolina Department of Commerce, Main Street & Rural Planning Center; and,

WHEREAS, the Hickory City Council is aware that the program requires 5 percent matching funds; and,

NOW, THEREFORE, BE IT RESOLVED, by the Hickory City Council;

That the City Manager is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Downtown Economic Development Grant Fund, Main Street & Rural Planning Center in order to provide assistance to downtown streetscape improvements.

That this Resolution shall take effect immediately upon its adoption.

- E. Approved a Community Appearance Grant for Non-Residential Property owned by Marshall Kim Harkins, Located at 266 1st Avenue NW in the Amount of \$7,500.

The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by Marshall Kim Harkins and occupied by a commercial building, located at 266 1st Avenue NW in the amount of \$7,500. The City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to the City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's awnings and stonework, the entrance steps, window replacement, and improvements to an entrance door. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant. The applicant has provided two estimates for the work listed above, the lowest estimates for the work totals \$14,145. If the Council moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$7,500 grant. The subject property's current tax value is assessed at \$276,100. The requested grant amounts to 2% of the property's tax value. The application was reviewed by the Community Appearance Commission and unanimously recommends funding of the grant application in the amount of \$7,500.

- F. Removed from Consent Agenda and Discussed Under "IX. Items Removed from Consent Agenda". Approved a Loan Settlement with Triple Crown Investments in the Amount of \$18,000 to Satisfy an Outstanding Lien for a CDBG Housing Rehabilitation Loan in the Amount of \$28,568.86 for Property Located at 518 1st Avenue SE.

Staff requests Council's approval of a CDBG (Community Development Block Grant) loan settlement of \$18,000 for 518 1st Avenue SE. The home at 518 1st Avenue SE has been vacant for approximately seven years and has an older Community Development loan balance of \$28,568.86. It has delinquent property taxes dating back to 2009 in the amount of \$21,031.08. The remaining balance on the CDBG loan as of March 7, 2024, is \$28,568.86. Triple Crown Investments has made an offer to settle this debt with a payment to the City of Hickory in the amount of \$18,000 and this has been approved by the Citizen's Advisory Committee. Staff recommends approval of a loan settlement with Triple Crown Investments in the amount of \$18,000 to satisfy the outstanding lien for CDBG Housing Rehabilitation Loan in the amount of \$28,568.86 for the property at 518 1st Avenue SE.

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

The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following requests were considered by the Citizens' Advisory Committee at their regular meeting on March 7, 2024:

- Debora Jenkins, 2013 13th Avenue NE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.
- Betty Clark, 264 5th Avenue SW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for assistance due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.
- Maria Lira, 134 40th Avenue Place NW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for approval due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.

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

- H. Approved the Arbor Day Proclamation for April 27, 2024.
- I. Approved on First Reading Budget Revision Number 17

ORDINANCE NO. 24-10
BUDGET REVISION NUMBER 17

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
Culture & Recreation	12,908	-
General Government	550,000	-
TOTAL	562,908	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Sales and Services	10,143	-
Miscellaneous	2,765	-
Other Financing Sources	1,051,401	501,401
TOTAL	1,064,309	501,401

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	1,050,000	-
TOTAL	1,050,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,050,000	-
TOTAL	1,050,000	-

SECTION 3. To amend the MUNIS/Tyler Technologies (#450001) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,000,000	500,000
TOTAL	1,000,000	500,000

To provide funding for the above, the MUNIS/Tyler Technologies (#450001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	500,000	-
TOTAL	500,000	-

SECTION 4. To amend the Ridgeview Library Expansion (#630001) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,401	1,401
TOTAL	1,401	1,401

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

IX. Items Removed from Consent Agenda – Item “F”.

City Manager Warren Wood recommended approval of Item “F”, which was approval of a loan settlement with Triple Crown Investments in the amount of \$18,000 to satisfy an outstanding lien for a CDBG (Community Development Block Grant) Housing Rehabilitation Loan in the amount of \$28,568.86 for property located at 518 1st Avenue SE. He asked Business and Community Development Manager Dave Leonetti to the podium to explain what was happening with this agreement.

Business and Community Development Manager Dave Leonetti advised that this property being referenced, 518 1st Avenue SE, was located approximately a half mile southeast of City Hall. The City did a rehab loan on this back in 1997, and the owner of the house subsequently passed away. Her nephew took ownership of the house, and he passed away in 2017. The house had been vacant since about 2017. The property taxes had not been paid since 2009, and the property was under tax foreclosure with Catawba County. In this action with the folks that were interested in purchasing this property, they would pay off the outstanding property taxes owed, as well as pay the City \$18,000 of the remaining balance on the housing rehabilitation loan. If the property was allowed to go through tax foreclosure, that could take up to probably an additional year or so, and the property would be sold at auction. There would no guarantee that the City would receive anything in that settlement. The property tax revenue would get paid first, and there would be no guarantee the City would receive anything in that settlement. This would potentially get the City some of the revenue from the outstanding loan, the property tax funding, and get the property back on the tax roll in a quicker manner. He asked for any questions.

Mayor Guess commented that this was a very rare occasion, it sounds like.

Mr. Leonetti advised they had done one of these a few years back on a very old rehab loan, again, it was to get it back on the property taxes after somebody had passed away, he believed, as well.

Mayor Guess asked for any other questions for Mr. Leonetti.

Alderman Wood asked if the \$18,000 rolled back over into that fund.

Mr. Leonetti advised yes, that would be treated as program income into the Community Development Block Grant Program, so they would be able to use that for funding.

City Manager Warren Wood mentioned that the Community Development Loans were somewhat risky, so the fact that they had not had many was a testament to what was done to collect that.

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

Alderman Seaver moved, seconded by Alderwoman Patton approval of Item “F”, Settlement of the CDBG Housing Rehabilitation Loan. The motion carried unanimously.

X. Informational Item

XI. New Business

A. Public Hearings

1. Approved on First Reading Rezoning Petition 24-03 for Property Located at the Southeast Corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial – Presentation by Planning Manager Cal Overby.

Staff requests consideration of Rezoning Petition 24-03 as requested by Shilpababen and Pravinkumar Patel for rezoning of 2.76 acres of property located at the southeast corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial. The current R-3 Residential district allows residential uses (single, two family and multifamily) at maximum density of 8 dwelling units per acre for single-family and 10 units per acre for multifamily. Under the current zoning the properties could theoretically yield up to 27 new dwelling units. The requested NC Neighborhood Commercial district allows residential, office, retail, and mixed-use development. Residential density is permissible up to 30 units per acre, while non-residential development is permissible up to a floor area ratio of 2:1. These intensities could theoretically produce up to 83 new dwellings or over 100,000 square feet of non-residential or mixed-use development. However, design constraints would reduce the stated maximums. The Hickory Regional Planning Commission conducted a public hearing on February 28, 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 March 9 and 16, 2024.

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

City Manager Warren Wood asked the City's Planning Manager Cal Overby to the podium to present Council with rezoning petition number 24-03 for property located at the southeast corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial.

Planning Manager Cal Overby gave a PowerPoint presentation. He commented as City Manager Warren Wood outlined, this was a request to rezone property located at the intersection of 20th Avenue Drive NE, and 16th Street NE. The property was approximately two- and three-quarter acres in size and the request was to rezone the property from R-3 Residential to Neighborhood Commercial. He referred to the PowerPoint and displayed a map, which was the Hickory by Choice 2030 Comprehensive Plan map. This map showed the area in question, which he pointed out the location. He noted it was the center of what was a neighborhood node. The Comprehensive Plan was made up of corridors and nodes. That was a lot of what the background of the plan called for. In this area that was what the plan called for, rezoning of the property from R-3 Residential to Neighborhood Commercial. It was a mixed-use center, which would include anything from professional office, retail, and even residential in this area. With regards to the existing zoning of the property, the property was zoned R-3 Residential as well as all the surrounding properties, as well as the properties across the intersections were all zoned Neighborhood Commercial. In terms of consistency, it was contiguous to an existing district. They were growing the district organically, and it was not a spot zone of any sort.

Mr. Overby discussed the land uses around the property. He referred to the PowerPoint and displayed a map. He pointed out the State Employees Credit Union, the former location of the Family Video, Marco's Pizza, the shopping center that was bought by Tabernacle Church, which they were in the process of renovating to put in a childcare center, and some other ancillary uses for the church. He pointed out Argyle Place apartments, and several medical offices within this park, which was called Five Oaks. He mentioned that staff look at these considering the Comprehensive Plan, which was a guiding document that they use to make their recommendations and decisions. As he noted on the prior map, this area was classified as neighborhood mixed-use. The plan discussed neighborhood mixed-use as being an area with a mixture of residential, retail and office space. That was what was seen in the area now. The only one that the plan talked about, which was not there, was a park, that was the one that was missing in the node now. It was consistent with the plan asked for. He reiterated several of the uses that are there now included what the plan projected being there.

Mr. Overby advised this item was reviewed by the Hickory Regional Planning Commission on February 28, and after consideration, the owner's agents spoke in favor, and no one spoke in opposition. The Planning Commission voted

unanimously to recommend the City Council's approval. He asked for any questions.

Mayor Guess asked for any questions for Mr. Overby.

Alderman Wood asked if they give any indication of what they were going to put on this property if it was rezoned.

Mr. Overby commented not directly to him, but their agent may be able to shed some light onto that. With rezoning to Neighborhood Commercial one thing to remember was it was not specific, so whatever was permitted in that district would be there. It could be anything from a retail center, a retail business, it could be an office, it could be residential. They were looking at all those when they were doing just a general map change there.

Alderman Wood commented that his thought was the long-term care facility that was adjacent to this property, the consistency of use, and what might be there.

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

Mr. Andrew Loftin, 200 South Tryon Street, Suite 200, Charlotte, NC, 28202 advised he represented the owner and was present to answer any questions.

Alderman Wood asked if he could answer his previous question about intended use.

Mr. Loftin advised they were still working on the program for what they were going to do, but it would obviously be something that was allowed in the Neighborhood Commercial zone. They were happy to work with the site beside of them to make sure they were consistent with everything in that area.

Alderman Wood thought it was just an appropriate buffer for a facility that was being used for that purpose. He thought a proper buffer was called for there. Certainly, they were going to do everything within the limits, but he would ask that they give that consideration.

Mr. Loftin advised they would provide an appropriate buffer.

Mayor Guess asked for any other questions for Mr. Loftin? He asked if he had anything else to add. He thanked Mr. Loftin. He asked if there was anyone else present that would like to speak in favor. No one else appeared. Mayor Guess declared the public hearing closed.

Alderman Patton moved, seconded by Alderman Williams approval of rezoning petition number 24-03. The motion carried unanimously.

ORDINANCE NO. 24-11

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 2.76 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 16TH STREET NE AND 29TH AVENUE DRIVE NE, INCLUDING 1630 29TH AVENUE DRIVE NE, FROM R-3 RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL (NC)

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

WHEREAS, the property owner has been petitioned to rezone +/- 2.76 acres of property located at the southeast corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE, more particularly described on Exhibit A attached hereto, to allow a Neighborhood Commercial District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 28, 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 24-03 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

- The subject properties are located at the southeast corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE, and identified as PINs 371419611284 and 371419616084.
- 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.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

The general area is classified as Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan. The Hickory by Choice 2030 Comprehensive Plan states the following about such areas: "A typical neighborhood mixed use district would have a mix of residential, retail and office space. The key elements for these districts include neighborhood scale commercial establishments, such as grocery stores, pharmacies, banks, small scale office buildings, civic or institutional functions, residences, schools, and small parks."

Given these factors, the rezoning of the properties to Neighborhood Commercial (NC) 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 area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future neighborhood scaled mixed use development, which is what the Neighborhood Commercial (NC) district provides.

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

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

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

The subject properties have access to two state-maintained roadways, 16th Street NE (SR 1401) and 29th Avenue Drive NE (SR 1402) and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is mixed use in nature; with residential, office and commercial being present. The future use of the properties 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 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 zoning and use of the larger area is mixed use, with residential, office and retail being components. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district allows residential, but also allows for office and retail uses. Given the nature of the location of the properties at the intersection of two major thoroughfares, a mixture of land uses would be appropriate as envisioned by the city's comprehensive plan.

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

Most of the area surrounding the intersection, which would be part of the neighborhood mixed use center envisioned by the comprehensive plan, is utilized for uses that would be permissible should the properties be rezoned as requested. The land use pattern has already been established; any true negative impacts will be mitigated to the extent legal and 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 subject properties are located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated mixed use development.

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.

2. Approved the Voluntary Contiguous Annexation of 11.147-Acres Located at 2536 Startown Road, PIN 3721-1950-9129, Owned by Matthew Varney, and wife Yer Vang – Presentation by Planning Manager Cal Overby.

Consideration of the voluntary contiguous annexation of 11.147 acres of property located at 2536 Startown Road, identified as PIN 372119509129. The property is currently occupied by a single-family residence and located within the jurisdiction of Catawba County, zoned Catawba County R-20 Residential. If annexed the owner has requested the property be zoned R-2 Residential. The property owner desires to connect the property to the city sewer service, which requires annexation. The property could potentially be the location of a new residential subdivision. The current tax value of the property is \$376,400. If annexed, the vacant property would generate \$1,712.62 in additional tax revenues. Upon analysis, staff 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 March 9, 2024.

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

City Manager Warren Wood asked Planning Manager Cal Overby back to the podium to present Council with a request for voluntary contiguous annexation of 11.147-acres of property located at 2536 Startown Road, owned by Matthew Varney and wife, Yer Vang.

Planning Manager Cal Overby gave a PowerPoint presentation. He discussed the contiguous annexation for the property located at 2536 Startown Road, containing just over 11 acres of property. The closest ward was Ward 3, Alderman Seaver. The current development was a single-family residence, and the future development was potentially a single-family subdivision. The annexation was being sought for connection to the City utility system. He referred to a map on the PowerPoint and pointed out the subject property. He pointed out the City limits, which were contiguous, the extra-territorial jurisdiction, and the area which was under Catawba County's zoning authority. He discussed the existing zoning in the area, he pointed out Trivium Corporate Center, a subdivision which was Piedmont Startown, which was currently under construction, the future phase of Trivium, Fairgrove Business Park, Catawba Valley Boulevard, and retail areas in that area.

Mr. Overby discussed land use. He referred to a map on the PowerPoint and advised the map did not show the residential development that was currently being constructed in this area. He pointed out Trivium Corporate Center, vacant parcels, and sparsely single-family development. Staff evaluated this to see if it met the requirements and if adequate services were available to serve the property. Upon this analysis, they found that they were. Staff recommended approval of the annexation. He asked for questions.

Mayor Guess asked for questions from the Council. He thanked Mr. Overby. Mayor Guess advised the rules for conducting the public hearing applied as previously explained. He declared the public hearing open and asked if anyone in opposition to the proposal wished to speak. No one appeared. Mayor Guess asked if anyone in favor of the proposal wished to speak.

Mr. Will Clayton, Clayton Engineering, 2080 Singer Drive, Hickory, NC, advised he would hopefully be the Design Engineer on this project. They were not exactly sure what they were going to do with it once it was annexed, but some kind of residential development on it. He commented he would be happy to answer any questions.

Mayor Guess asked for questions. He thanked Mr. Clayton. Mayor Guess declared the public hearing closed.

Alderman Patton moved, seconded by Alderman Seaver approval of the voluntary contiguous annexation of the property located at 2536 Startown Road. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 498
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)
Matthew Varney and wife, Yer Vang

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 19th day of March, 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 March 2024:

Contiguous Annexation
by the City of Hickory
of the property known as
Matthew Varney and wife, Yer Vang

That certain property or tract of land lying and being about 5.32 miles southeast of the center of the City of Hickory. Bounded on the north by the existing City of Hickory city limits as shown in Plat Book 79 at Page 70 and other lands of Piedmont Companies, Inc. as described in Deed Book 3715 at Page 1709; on the east by the lands of Jason Ronald Sain as described in Deed Book 3047 at Page 1713 and Deed Book 3623 at Page 1853; on the south by the by the lands of Alan Devite as described in Deed Book 3495 at Page 1558; on the west by Startown Road (S.R. 1005) and more particularly described as follows, to wit.

Beginning at ½” rebar in the south line of the Piedmont Companies, Inc. as described in Deed Book 3715 at Page 1709 and the City of Hickory city limits line as shown in Plat Book 79 at Page 70 and running thence, as the south line of Piedmont Companies, Inc. and existing city limits the following calls: North 52 degrees 46 minutes 01” East 121.32 feet to a ½” rebar; thence South 86 degrees 19 minutes 34 seconds East 417.02 feet to a 1” rebar; thence South 86 degrees 47 minutes 22 seconds East 568.81 feet to a 1¼” pipe, the southeast corner of the Piedmont Companies, Inc. lands in the west line of the lands of Jason Ronald Sain as described in Deed Book 3047 at Page 1713; thence, with the west line of Sain and as new City of Hickory city limits lines, South 40 degrees 35 minutes 48 seconds East 356.34 feet to an existing stone, the northwest corner of the lands of Jason Ronald Sain as described in Deed Book 3623 at Page 1853; thence, with the west line of Sain, South 05 degrees 50 minutes 12 seconds West 126.19 feet to a ½” rebar in the west line of Sain, the northeast corner of the lands of Alan Devite as described in Deed Book 3495 at Page 1558; thence, with the north line of Devite, the following calls: North 88 degrees 33 minutes 27 seconds West 565.78 feet to a ½” rebar; thence North 88 degrees 34 minutes 12 seconds West 398.65 feet to a ½” rebar; thence north 88 degrees 34 minutes 34 seconds West 230.00 feet to a ½” rebar; thence, continuing the same bearing, 31.19 feet to a point in Startown Road (S. R. 1005); thence, running with Startown Road (S.R. 1005), the following calls: North 09 degrees 17 minutes 50 seconds West 67.28 feet to a point; thence North 13 degrees 39 minutes 23 seconds West 90.26 feet to a point; thence North 16 degrees 53 minutes 17 seconds West 47.71 feet to a point; thence North 20 degrees 08 minutes 16 seconds West 71.00 feet to a point; North 23 degrees 46 minutes 39 seconds West 71.41 feet to a point; thence, leaving Startown Road (S.R. 1005), North 52 degrees 46 minutes 01 seconds East 31.13 feet to the point of beginning. Containing 11.147 acres more or less. This description is drawn from a plat by Derek R. Bunton, PLS-4808 entitled “Contiguous Annexation by the City of Hickory known as Matthew T. Varney and wife, Yer Vang” dated October 23, 2023.

Section 2. Upon and after the 31st day of March 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 19TH DAY OF MARCH 2024.

3. Approved Rezoning Petition 24-04 for Property Located at 2536 Startown Road, Containing 11.147-Acres from Catawba County R-20 Residential to City of Hickory R-2 Residential – Presentation by Planning Manager Cal Overby.

Staff requests consideration of Rezoning Petition 24-04 as requested by Piedmont Companies, Inc., agents for Matthew Varney and Yer Vang for the consideration of rezoning of 11.147 acres of property located at 2536 Startown Road from Catawba County R-20 Residential to City of Hickory R-2 Residential. The property is currently occupied by a single-family residence and located within the jurisdiction of Catawba County. The property is zoned R-20, which permits residential development at 2 dwelling units per acre. Given its size, a property subdivision could theoretically create up to 23 dwellings. This is a residential district, which permits a maximum density of 4 dwelling units per acre. The property could theoretically yield up to 45 dwellings. The Hickory Regional Planning Commission conducted a public hearing on February 28, 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 March 9 and 16, 2024.

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

City Manager Warren Wood asked Planning Manager Cal Overby back to the podium to present Council with rezoning petition number 24-04 for property located at 2536 Startown Road, containing 11.147 acres of property, rezoning request to rezone from Catawba County R-20 Residential to City of Hickory R-2 Residential.

Planning Manager Cal Overby gave a PowerPoint presentation. He discussed rezoning petition number 24-04 for property located at 2536 Startown Road. This was a request to rezone the property that was just discussed with the annexation from Catawba County, R-20 residential, to City of Hickory, R-2 Residential. Given the property was annexed the property must be given a City of Hickory zoning classification. The property was a little over eleven acres in size. He referred to the PowerPoint and displayed a map pointing out the subject property. He noted the area was just to the south of Trivium, on the boundary, an area which was considered medium density residential. The next map showed the actual parcel data. He pointed out the planned development, which he spoke of earlier, with the residential development was currently taking place, the Trivium Corporate Center, the next phase of Trivium, and the subject property. He discussed land uses. On a displayed map he pointed out Trivium, Fairgrove Business Park, a residential development, lower density residential, and an area which was agricultural open type land.

Mr. Overby advised in terms of the Hickory by Choice 2030 Plan this area was classified as medium density residential. Hickory's plan discussed medium density residential being between two to four units an acre, R-2 Residential district's maximum density was four units an acre. They were within that threshold for what was being requested. The existing zoning by Catawba County was basically two units an acre. That was what the R-20 was, 20,000 square feet. In reviewing it was consistent with the recommendations of the plans. The plan specifically listed R-2 Residential as an implementing district for the medium density residential future land use classification. Hickory Regional Planning Commission reviewed this on February 28, and no one spoke in opposition. The applicant's agent spoke in favor of the petition, and upon closing the hearing, the Planning Commission voted unanimously to recommend approval of the rezoning. He asked for any questions from Council.

Mayor Guess asked for any questions for Mr. Overby.

Alderman Wood asked if there was house on the property now.

Mr. Overby replied yes, sir.

Alderman Wood asked if it was occupied by the owners.

Mr. Overby confirmed it was.

Mayor Guess asked for anything further. He thanked Mr. Overby. Mayor Guess advised the rules for conducting the public hearing applied as previously explained. He declared the public hearing open. Mayor Guess asked if anyone in opposition to the proposal wished to speak. No one appeared. Mayor Guess asked if anyone in favor of the proposal wished to speak. No one appeared. Mayor Guess declared the public hearing closed.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of Rezoning Petition 24-04. The motion carried unanimously.

ORDINANCE NO. 24-12

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 11.147 ACRES OF PROPERTY LOCATED AT 2536 STARTOWN ROAD, FROM R-20 RESIDENTIAL TO R-2 RESIDENTIAL.

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

WHEREAS, the property owner has been petitioned to rezone +/- 11.147 acres of property located at 2536 Startown Road, more particularly described on Exhibit A attached hereto, to allow a R-2 Residential District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 28, 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 24-04 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

- The subject property is located at 25636 Startown Road and identified as PIN 372119509129.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

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

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

The general area is classified as Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan. The Hickory by Choice 2030 Comprehensive Plan states the following about such areas: "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.

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

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future medium density residential development, which is what the R-2 Residential district provides.

- 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 resources and governmental expenditures.

The subject properties have access to a state-maintained roadway, Startown Road (SR1005) and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is predominately residential in nature. The exception to this is the Trivium Business Park, which houses several large manufacturing facilities and serves as a large employment center. 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 property 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 the Trivium Business Park. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district does the same.

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

Most of the area surrounding the intersection, which would be part of the neighborhood mixed use center envisioned by the comprehensive plan, is utilized for uses that would be permissible should the properties be rezoned as requested. The land use pattern has already been established; any true negative impacts will be mitigated to the extent legal and 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.

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.

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

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

Based upon these findings, the Hickory City Council has found Rezoning Petition 24-04 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

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 Moore Resigned VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT

Mayor Guess nominated Amira Sago as an Other Minority Representative on the Community Relations Council.

HICKORY REGIONAL PLANNING COMMISSION

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

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Historic Properties Owner (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
Ward 6 (Patton Appoints) Clise Plant Resigned 3-13-2024 VACANT

Alderwoman Patton nominated Pamela Walters as Ward 6 Representative on the Public Art Commission.

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

Mayor Guess moved, seconded by Alderwoman Patton, that the above nominations be approved. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Mayor Guess mentioned the Riverwalk ribbon cutting, April 4th. They had also decided that the OLLE Art Walk groundbreaking would be that same day prior to the Riverwalk.

City Manager Warren Wood advised at 9:00 a.m. right by where Keever's Key was located. That area would be the staging area.

Mayor Guess commented there would be more information shared about that with the media, but they were the first to learn that the OLLE Art Walk groundbreaking would be at 9:00 a.m., in the vicinity of Keever's Key on Old Lenoir Road on April 4th. Immediately following that, or relatively close after that, at 10:30 a.m. they would be doing the ribbon cutting and the grand opening for the long-anticipated Riverwalk.

City Manager Warren Wood mentioned they could park at Geitner or down at the Riverwalk, or along the road to the Riverwalk, or down below the water plant. They anticipated a decent crowd.

Mayor Guess commented they were excited about both of those and hoped that they would join them and share that information with everybody. He mentioned that today was the first day of spring. It was a little cool, but they would take it.

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

Mayor

City Clerk