

# **A G E N D A**

## **HICKORY CITY COUNCIL**

**November 7, 2023**



**6:00 p.m.**



**AGENDA**  
[www.hickorync.gov](http://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](http://www.hickorync.gov).**

Hickory City Council  
76 North Center Street

November 7, 2023  
6:00 p.m.

- I. Call to Order
- II. Invocation by Associate Minister Christopher Nivens, Mt. Zion Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Recognition of Brad Abernathy for Fleet Manager of the Year by the American Public Works Association (APWA) North Carolina Chapter – Presented by Public Utilities Director Shawn Pennell
  - B. Public Works Director Steve Miller to Introduce Vice President APWA State Chapter Chip Vanderzee who will Present a Special Award to Lou Berry for Serving as President of the APWA State Chapter Solid Waste Division for Four Years.
  - C. Resolution Acknowledging Public Works as First Responders – Presented by Public Works Director Steve Miller. **(Exhibit IV.C.)**
  - D. Americanism Committee of the Hickory Elks Lodge Presentation of the American Flag Certificate – Presented by Elk Americanism Chair, Tracy Hentschel and accompanied by Cary Bowman and Jay Tate.
  - E. Neighborhood College Graduation – Presented by Communications and Marketing Manager Dana Kaminske
- V. Persons Requesting to Be Heard
  - A. Lynn Sampson, Catawba County GOP
  - B. David N. Mitchell, 3550 Prairie Drive, Snellville, Georgia to discuss Tipping Point Arts and Community Policing Program
- VI. Approval of Minutes
  - A. Regular Meeting of October 17, 2023. **(Exhibit VI.A.)**
- 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 7. **(First Reading Vote: Unanimous)**

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

- A. Approval of the Community Relations Council's Recommendations for the Fall 2023 Grant Cycle. **(Exhibit VIII.A.)**

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

- B. Approval of a Pyrotechnic Display Permit to PyroStar Entertainment for a Fireworks Display at the Hickory Motor Speedway for November 25, 2023 (Rain Date – November 26, 2023). **(Exhibit VIII.B.)**

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

- C. Approval of a Cemetery Deed from the City of Hickory to Cozette P. Sinclair for Southside Cemetery, Section 6, Lot P, Spaces 1, 2, 3, 13, 14, 15, 16, and 17, containing Three-Hundred Twenty Square Feet. (Prepared by Deputy City Attorney Arnita Dula). **(Exhibit VIII.C.)**

- D. Call for a Public Hearing to Consider Closing a Portion of 31<sup>st</sup> Street Place SE, Hickory, as Petitioned by Neill Properties, LLC, **(Authorize Public Hearing for December 5, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).** **(Exhibit VIII.D.)**

- E. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of .543 Acres Located at 908 30<sup>th</sup> Avenue Drive NW, PIN 3704-11-55-2101. **(Authorize Public Hearing for November 21, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).** **(Exhibit VIII.E)**

- F. Acceptance of the Bid and Award the Contract with Neill Grading and Construction Co., Inc. in the Amount of \$2,235,033 for Construction of Trivium East Road Widening and Traffic Signal Design Project. **(Exhibit VIII.F.)**

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

- G. Approval of Amendment No. 1 to the Professional Services Agreement with WK Dickson and Co., Inc. in the Amount of \$148,780 for the Hickory SW Water and Sewer Project. **(Exhibit VIII.G.)**

Staff requests Council's approval of amendment no. 1 to the Professional Services Agreement with WK Dickson and Co., Inc., for the Hickory SW Water and Sewer Project in the amount of \$148,780. An evaluation of the SW corridor, south of Mountain View, has shown potential for economic development. City staff has identified these corridors with the partnership of the Catawba County Economic Development Corporation and are projecting the potential for growth in these areas. This project will consist of a water line extension and loop to connect the existing system for redundancy, along with a wastewater pumping station to relay wastewater to the Henry Fork Wastewater Treatment Facility. This agreement includes survey, geotechnical engineering, engineering design, easement plat preparation, permitting, construction bidding and administration. Additional services are to cover the costs of unanticipated field survey, plat, and easement mapping, permitting and additional design that was not consistent with the original plans for the project. Staff recommends Council's approval of amendment no. 1 to the Professional Services Agreement with WK Dickson and Co., Inc., for the Hickory SW Water and Sewer Project in the amount of \$148,780.

- H. Approval of a Vacant Building Revitalization Performance Agreement for Bumbarger Investments of Forest City, LLC in the Amount of \$20,000 for Renovations of the Vacant Building Located at 1421 2<sup>nd</sup> Street NE. **(Exhibit VIII.H.)**

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

remains occupied for at least three years. The Business Development Committee reviewed the application and recommended approval. Staff recommends City Council approve the Vacant Building Performance Agreement with Bumbarger Investments of Forest City, LLC.

I. Budget Revision Number 8. **(Exhibit VIII.I.)**

1. To appropriate \$531,000 from General Fund Balance to be paid out to Catawba Valley Community College for the City of Hickory's 50% Match to the ARC Grant Funding for CVCC Workforce Innovation Center & Aviation Museum Equipment. To be reimbursed by State allocations.
2. To appropriate \$150,000 in donations from the Hickory Rotary Club for the Hickory Rotary Playground at Miracle of Hickory Park.
3. To appropriate \$1,967 from General Fund Balance to roll forward remaining funds from Community Navigator FY 22-23 budget.
4. To appropriate \$20,412 in Recreation Revenues from the General Fund towards the Parks & Recreation Department to cover the cost of youth sports jerseys, trophies, and guitar lessons.
5. To appropriate \$45,000 in the General Fund revenues received for a loan repaid to the City of Hickory from Habitat for Humanity.
6. To correctly appropriate \$1,500,000 for Hickory-Catawba Wastewater Treatment Plant Expansion design services in an agreement between the City of Hickory and Catawba County.
7. To appropriate \$1,000 in donations received to assist programming costs at Hickory Public Library.
8. To appropriate \$164,000 from Water & Sewer Fund Balance for a Professional Services Agreement with DL Roberts and Associates Inc. for easement acquisition. To be reimbursed by State allocations.
9. To appropriate \$148,780 from Water & Sewer Fund Balance for additional design costs with the Professional Services Agreement with WK Dickson and Co., Inc. To be reimbursed by State allocations.
10. To appropriate a total of \$2,235,033 towards the Trivium Center East Road Widening and Traffic Signal installation with Neill Grading and Construction Co. Inc. for construction services. \$1,117,516 will come from General Fund Balance. The other \$1,117,517 will come from Catawba County.
11. To appropriate \$275,000 in Hickory Metro Convention Center revenues for a parking renovation project with JT Russell Inc.
12. To appropriate \$45,000 in Hickory Metro Convention Center revenues to correctly account for design costs of the Convention Center Expansion.
13. To appropriate \$95,000 in loan proceeds to account for financing costs associated with the Hickory Metro Convention Center Expansion Project.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

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

*Consideration of the voluntary non-contiguous annexation of 49.21 acres property located at 3940 River Road. This property is identified as PIN 3710-09-17-5434. The property is currently vacant and located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be*

*utilized primarily for residential purposes, at a maximum density of two dwelling units per acre. The property owner desires to connect the development to City sewer service, which requires annexation. If annexed, the property owners have requested the property be zoned Planned Development, with their further intentions being the construction of a 178-lot single-family residential subdivision. This would equate to a density of 3.7 dwelling units per acre. Surrounding properties are zoned R-20 Residential and R-1 Residential and are occupied by detached single-family residences, and a wastewater treatment plant. The current tax value of the property is \$330,300. If annexed, the vacant property would generate \$1,502.86 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.*

*The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 7, 2023.*

2. Continued from October 17, 2023 - Consideration of Rezoning Petition Number 23-06 for Property Located at 3940 River Road from R-20 Residential to Planned Development (PD) as Requested by Boureau and Creech Properties, LLC – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

*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 Planned Development (PD). The property is vacant and zoned R-20 Residential by Catawba County. Upon completion of the annexation request the owners requested the property be rezoned to Planned Development. The R-20 Residential district permits residential uses (single and two family) at a maximum density of two dwelling units per acre, which could potentially produce up to 98 new dwelling units. The requested Planned Development would consist of up to 178 single-family detached dwellings, which calculates to be 3.7 units per acre. The Hickory Regional Planning Commission conducted a public hearing on September 27, 2023, to consider the petition. During the public hearing the project engineer spoke in favor of the petition, while no one spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.*

*The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 7, and October 14, 2023.*

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

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

*current tax value of the property is \$19,500. If annexed, the vacant property would generate \$88.73 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.*

*The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 21, 2023.*

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

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

*The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 21, 2023.*

5. Consideration of Rezoning Text Amendment 23-02 to the Hickory Land Development Code – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.5.)**

*The City's Land Development Code serves as the City's regulatory document dealing with development activities within its jurisdiction. The document is intended to change from time to time to reflect changes in development concepts and present-day trends. Annually staff reviews the document to identify updates of modification needed to comply with relevant statutes and conform to new development trends. The proposed amendments are intended for three purposes: bring the document into compliance with several recently enacted State statutes dealing with development approvals; modify sections that did not work as intended; and bringing forward amendments needed to provide greater flexibility in dealing with current development trends. Staff conducted a review of the Hickory Land Development Code and has found the proposed amendments necessary to continue the document's purpose as an implementation tool for the Hickory By Choice 2030 Comprehensive Plan. The Hickory Regional Planning Commission conducted a public hearing on October 25, 2023, to consider the proposed amendments. During the public hearing, no one spoke in favor or opposition of the proposed amendments. During its review and consideration, the Planning Commission recommended leaving the portion of Section 9.3.17 within the Ordinance. This specific verbiage requires the installation landscape medians in large parking lots. Upon closing the public hearing, the Hickory Regional Planning*

*Commission acknowledged the amendments consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (6-0) to recommend approval of the amendments. Staff concurs with the recommendation of the Hickory Regional Planning Commission.*

*The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 28, and November 4, 2023.*

B. Departmental Reports

1. Appointments to Boards and Commissions

**BUSINESS DEVELOPMENT COMMITTEE**

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

**COMMUNITY APPEARANCE COMMISSION**

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

**COMMUNITY RELATIONS COUNCIL**

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

**HICKORY REGIONAL PLANNING COMMISSION**

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

**HISTORIC PRESERVATION COMMISSION**

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

**LIBRARY ADVISORY BOARD**

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

**PUBLIC ART COMMISSION**

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

**RECYCLING ADVISORY BOARD**

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

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**

**COUNCIL AGENDA MEMOS****To: City Manager's Office****From: Steve Miller, Public Works Director****Contact Person: Caroline M. Kone, PE, Transportation and Engineering Manager****Date: Oct. 5, 2023****Re: Resolution noting Public Works as First Responders****REQUEST**

Staff request Council acceptance and approval of the resolution acknowledging Public Works as First Responders.

**BACKGROUND**

In 2003, President George W. Bush issued a Homeland Security Directive (HSPD-5) recognizing public works as an absolute necessity in the planning and response effort of emergencies and disaster. On May 7, 2018, the American Public Works Association announced the Association's adoption of a national Public Works First Responder symbol. The symbol is used throughout North America recognizing public works professionals' federally mandated role as first responders.

**ANALYSIS**

The American Public Works Association is a not-for-profit, international organization of more than 30,000 members involved in the field of public works. APWA serves its members by promoting professional excellence and public awareness through education, advocacy, and the exchange of knowledge. The Public Works First Responder symbol uses familiar colors – orange, black, and white – and a design reminiscent of road construction, signs, safety cones, and orange construction barrels. The Public Works First Responder symbol is expected to increase recognition of public works as first responders throughout North America.

**RECOMMENDATION**

Staff request Council acceptance and approval of the resolution acknowledging Public Works as First Responders, displaying such on City of Hickory vehicles and equipment the Public Works First Responder Symbol, thereby recognizing our employees that put the citizens of the City of Hickory before themselves in time of emergency.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Steve Miller 10-5-23  
Initiating Department Head Date

Rodney Miller 10/30/23  
Asst. City Manager Rodney Miller Date

Melissa Miller 11/1/23  
Finance Officer, Melissa Miller Date

Yadée Fox 11/2/23  
Exe Asst. City Manager Yadée Fox Date

A. Dula 10-31-23  
Deputy City Attorney, A. Dula Date

R. Beasley 10/30  
Asst. City Manager, R. Beasley Date

Cameron McHargue 11-2-23  
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

11.2.23  
Date

**Resolution 23-****A RESOLUTION TO DESIGNATE PUBLIC WORKS AND ENGINEERING AS FIRST RESPONDERS AS FEDERALLY MANDATED BY THE PRESIDENT OF THE UNITED STATES**

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

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

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

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

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

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

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

This Resolution will become effective upon approval by City Council.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

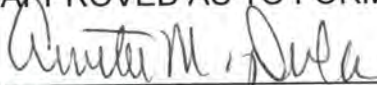
CITY OF HICKORY

By: \_\_\_\_\_  
Hank Guess, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, October 17, 2023 at 6:00 p.m., with the following members present:

Tony Wood	Hank Guess	Anthony Freeman
Charlotte C. Williams	Aldermen	Jill Patton
Danny Seaver		

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney Timothy Swanson, Deputy City Clerk Crystal B. Mundy, and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present except for Alderman Zagaroli.
- II. Invocation by Major David Repass, Co-Officer in Charge The Salvation Army of Greater Hickory and the High Country
- III. Pledge of Allegiance
- IV. Special Presentations

Mayor Guess advised that Alderman Zagaroli was absent due to a ladder accident. He had some cuts, bruises, and different things, but he was going to be okay. He recognized in attendance the Lenoir-Rhyne University community studies students of Doctor Stokes. They were required to be here tonight for their class. He appreciated them being present and hoped that they got a good report from Doctor Stokes when they returned. Also visiting was Boy Scout Troop 381 from Holy Trinity. He asked Assistant Troop Leader, Mr. Lyndon Helton to introduce the Troop.

Assistant Troop Leader Lyndon Helton introduced Scouts Matthew Helton and Aiden Ross.

Mayor Guess asked if the Scouts were present to earn their community service badge.

Assistant Troop Leader Lyndon Helton confirmed that was correct.

Mayor Guess thanked them and welcomed them to the Council meeting. He also recognized another special guest. He had spoken to Mr. Bob Post on his way in. Mr. Post and his wife were recently traveling through Hickory. They were retired and from New York City. They loved Hickory so much that in June, after they retired, they decided to make this their home. He decided come to a City Council meeting as of being a 4, 5, 6-month resident of the City of Hickory. He welcomed Mr. Post as well.

V. Persons Requesting to Be Heard

- A. Mr. Robert Connelly, 300 Excelsior Drive, Connelly Springs, NC. Mr. Connelly advised he resides in Rutherford College, in the Connelly Springs area. He explained why he was in Catawba County. Much of his work and living space had been right here in Hickory for years and years, including his family worked and lived here. Assuming that all of us brings him here, partly God's grace and mercy to him years ago and restoring him to the Lord, the Catholic Church, and his God, he came here as a concerned citizen with 5G. The technology that was seldom spoken of in terms of health, and environmental concerns. People knew very little about it, it seems in the general public, and it was not a conspiracy theory. It was not something that people were just imagining, and it was easy to relegate to the back of the junk heap of things that were going on. But in reality, the International Commission of Non-Ionized Radiation, which along with the World Health Organization was supposed to be controlling the amount of frequencies that were going forth in our environment for 5G. These were, not only by him but by other people, law firms, he was indirectly tied on a volunteer basis at the law firm out of Colorado, Todd Callender's law firm. He just won a huge lawsuit against the military due to recklessness in terms of mandating COVID vaccines. Also, Robert Kennedy. This was not a partisan thing whether you were Republican or Democrat. In this issue, he could care less. This was an existential threat to humanity. Robert Kennedy just won with a City Council like this, in Pittsfield, Massachusetts, a lawsuit where the people realized that the frequencies, the amount of radiation that was coming out was a real existential threat to the wealth and well-being of the community. No environmental studies, no public health studies have been made. That was admitted before Congress. The FCC had also said they had no intention of making any public or health environmental impact. Robert Kennedy children's health defense won a lawsuit, the first and only one of its kind in Pittsfield, Massachusetts. Hopefully Council will follow suit, a brave one or two souls on this Council that would step out and lead the way in this Nation. Why? America was behind on this issue, 600 municipalities in Italy had already asked that a moratorium be put on this, and these cell towers come down. The same thing in Belgium, and Switzerland across the world people were crying out about this issue. The kind of issues that people have with health or medical that were mimicked in the biological paradigm, but they were caused by EMF frequencies. Anybody ever in the Navy that understood radar knew that you could fry somebody's eyeballs with this. Never before had any tests been done on immersive type frequencies. This monstrous tower

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out here looked to him like 5G or upgraded. He took an EMF meter before he came in here and it was through the roof. It was crickets chirping when it goes to anybody. Why? Because they were captured by huge economic interests, telecom industry controls Congress, World Health Organization, the two agencies. That was what he brought tonight. Look into this and see what could be done to make Hickory truly a better place in terms of the environmental health concerns that he was addressing here tonight. He thanked Council.

Mayor Guess thanked Mr. Connelly and asked if anyone else wished to be heard. No one else appeared.

VI. Approval of Minutes

A. Regular Meeting of October 3, 2023

Alderwoman Patton moved, seconded by Alderman Seaver that the Regular Meeting Minutes of October 3, 2023 be approved. The motion carried unanimously.

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

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

A. Budget Revision Number 6. (First Reading Vote: Unanimous)

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

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

A. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Emil and Olimpia Belos, Located at the Northeast Corner of Cloninger Mill Road and 13<sup>th</sup> Street Circle NE, Hickory, PIN 3714-08-97-0980, Containing Approximately .396. (Authorized Public Hearing for November 7, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-56

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 Emil Belos and wife Olimpia Belos requesting annexation of an area described in a petition was received on October 5, 2023, by the City Council of the City of Hickory; and

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

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

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

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

CERTIFICATE OF SUFFICIENCY

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

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

Property of Emil Belos and wife, Olimpia Belos, containing .396-acres more or less, located at the northeast corner of Cloninger Mill Road and 13th Street Circle NE, and identified as PIN 3714-08-97-0980.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 5<sup>th</sup> day of October, 2023.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 23-57

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

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 7, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of Emil Belos and wife, Olimpia Belos, containing .396-acres more or less, located at the northeast corner of Cloninger Mill Road and 13<sup>th</sup> Street Circle NE, and identified as PIN 3714-08-97-0980.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 23-58

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY EMIL BELOS AND WIFE, OLIMPIA BELOS AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Emil Belos and wife, Olimpia Belos are the owners of certain real property as described herein, which property is located at the northeast corner of Cloninger Mill Road and 13<sup>th</sup> Street Circle NE, and identified as PIN 3714-08-97-0980, containing .396-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 17<sup>th</sup> day of October, 2023, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 7, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.



Section 3: The same being that property reflected on map entitled Emil & Olimpia Belos, Voluntary Contiguous Annexation Map 1 City Boundary, subject property outlined in red; Emil & Olimpia Belos, Voluntary Contiguous Annexation Map 2, Zoning, subject property outlined in red; Emil & Olimpia Belos, 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.

B. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of Property Owned by Huffman Project Group, LLC, Located at Catawba Valley Boulevard SE, Hickory, PIN 3711-05-18-8157, Containing Approximately 29.277-Acres. (Authorized Public Hearing for November 7, 2023, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 23-59

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 Huffman Project Group, LLC requesting annexation of an area described in a petition was received on October 5, 2023, by the City Council of the City of Hickory; and

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

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

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

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

CERTIFICATE OF SUFFICIENCY

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

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

Property of Huffman Project Group, LLC, containing 29.277-acres more or less, located on Catawba Valley Boulevard SE, and identified as PIN 3711-05-18-8157.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 5<sup>th</sup> day of October, 2023.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 23-60

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

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 7, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:  
  
Property of Huffman Project Group, LLC, containing 29.277-acres more or less, located on Catawba Valley Boulevard SE, and identified as PIN 3711-05-18-8157.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 23-61

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY HUFFMAN PROJECT GROUP, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Huffman Project Group, LLC are the owners of certain real property as described herein, which property is located on Catawba Valley Boulevard SE, and identified as PIN 3711-05-18-8157, containing 29.277-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 17<sup>th</sup> day of October, 2023, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 7, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on map entitled Huffman Project Group, LLC, Voluntary Contiguous Annexation Map 1 Current City Boundary, subject property outlined in red; Huffman Project Group, LLC, Voluntary Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Huffman Project Group, LLC, 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 Vacant Building Revitalization Performance Agreement for Hickory Industrial Properties, LLC, in the Amount of \$20,000 for Renovation Assistance for the Vacant Building Located at 731 Main Avenue SW.

Staff requests approval of the Vacant Building Revitalization Performance Agreement for Hickory Industrial Properties, LLC. Hickory Industrial Properties, LLC has applied for a Vacant Building Revitalization Grant in the amount of \$20,000 to assist in the renovation of the vacant building at 731 Main Avenue SW. The applicant plans to renovate the facility for high tech manufacturing. The applicant plans to invest at least \$180,000 in real property improvements to rehabilitate the building. This makes the project eligible for a \$20,000 grant. The applicant plans to replace the HVAC equipment, roof, resurface the parking lot, and make interior improvements. No payments will be required on the loan provided that the building remains occupied for at least three years. The Business Development Committee reviewed the application and recommended approval. Staff recommends City Council approve the Vacant Building Performance Agreement with Hickory Industrial Properties, LLC in the amount of \$20,000.

- D. Approved on First Reading Budget Revision Number 7.

ORDINANCE NO. 23-30

BUDGET REVISION NUMBER 7

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	3,694	-
Public Safety	2,831	-
TOTAL	6,525	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	6,525	-
TOTAL	6,525	-

SECTION 2. 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	13,784	-
TOTAL	13,784	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	13,784	-
TOTAL	13,784	-

SECTION 3. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None

- X. Informational Item

- XI. New Business:

- A. Public Hearings

1. Continued until November 7, 2023 - Consideration the Voluntary Non-Contiguous Annexation of Property Owned by Boureanu and Creech Properties, LLC, Located at 3940 River Road, Hickory, PIN 3710-09-17-5434, Containing Approximately 49.21-Acres – Presentation by Planning Director Brian Frazier.

Consideration of the voluntary non-contiguous annexation of 49.21 acres property located at 3940 River Road. This property is identified as PIN 3710-09-17-5434. The property is currently vacant and located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes, at a maximum density of two dwelling units per acre. The property owner desires to connect the development to City sewer service, which requires annexation. If annexed, the property owners have requested the property be zoned Planned Development, with their further intentions being the construction of a 178-lot single-family residential subdivision. This would equate to a density of 3.7 dwelling units per acre. Surrounding properties are zoned R-20 Residential and R-1 Residential and are occupied by detached single-family residences, and a wastewater treatment plant. The current tax value of the property is \$330,300. If annexed, the vacant property would generate \$1,502.86 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff

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

The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 7, 2023.

Mayor Guess advised it had been brought to his attention that the first two items listed as public hearings on the agenda, that the applicant would like to continue those.

City Manager Warren Wood asked if the representative for the applicant could come and for the record request that and what date so we can get that on the record. Dan Shabeldeen was the representative for the applicant. He asked if he could just confirm that request for those two public hearings.

Mr. Dan Shabeldeen, Shabeldeen Engineering, 3145 Tate Boulevard, Hickory requested that these public hearings be continued to the next date, certain of November 7<sup>th</sup>, which would be the next City Council meeting.

Mayor Guess confirmed that was for both public hearings.

City Manager Warren Wood questioned if the request was for each one.

Mr. Dan Shabeldeen confirmed that was correct.

City Manager Warren Wood advised the annexation and the rezoning.

Mr. Dan Shabeldeen confirmed that was correct.

Mayor Guess declared the public hearing open for the consideration of the voluntary annexation for the property above described. Mayor Guess moved, as requested, the public hearing be continued until November 7, 2023. Alderwoman Patton seconded the motion. The motion carried unanimously.

Mayor Guess advised the public hearing would be continued until November 7, 2023.

2. Continued until November 7, 2023 - Consideration of Rezoning Petition Number 23-06 for Property Located at 3940 River Road from R-20 Residential to Planned Development (PD) as Requested by Boureanu and Creech Properties, LLC – Presentation by Planning Director Brian Frazier.

Boureanu and Creech Properties, LLC has submitted a petition requesting the consideration of rezoning property located at 3940 River Road from R-20 Residential to Planned Development (PD). The property is vacant and zoned R-20 Residential by Catawba County. Upon completion of the annexation request the owners requested the property be rezoned to Planned Development. The R-20 Residential district permits residential uses (single and two family) at a maximum density of two dwelling units per acre, which could potentially produce up to 98 new dwelling units. The requested Planned Development would consist of up to 178 single-family detached dwellings, which calculates to be 3.7 units per acre. The Hickory Regional Planning Commission conducted a public hearing on September 27, 2023, to consider the petition. During the public hearing the project engineer spoke in favor of the petition, while no one spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on October 7, and October 14, 2023.

Mayor Guess declared the public hearing open. Mayor Guess moved to continue the public hearing until November 7, 2023. Alderman Seaver seconded the motion.

Alderman Freeman asked if there was a reason why that it was going to be continued.

City Manager Warren Wood advised he had spoken to Mr. Shabeldeen earlier and he wanted to respond to some of the concerns that were stated regarding the project. Some time to get some information together.

Mayor Guess asked if there were any other questions or discussion. The motion carried unanimously.

Mayor Guess advised that public hearing was also continued until November 7, 2023.

3. Approved Closing an Unused Alley Located Off of 3<sup>rd</sup> Avenue SE, Petitioned by Jojida, LLC – Presentation by Public Works Director Steve Miller.

The City Clerk received a petition from Jojida, LLC owner of the properties abutting an unused alley located off of 3<sup>rd</sup> Avenue SE. The petition requests the City to close the unused alley per NCGS § 160A-299. The unused alley is bound on the north, east and west by the property owned by the Petitioner Jojida, LLC and bound on the south by 3<sup>rd</sup> Avenue SE. The signature on the petition represent all the owner(s) of the property abutting this portion of the right-of-way. The petition fee of \$830 has been paid. A memo was sent to various departments for their input on the street closing. Public Utilities advised sewer lines are inside this street, and easements for water and sewer would be needed, or abandoned, if they will not be used by the property. Staff recommends Council consider closing the unused alley located off of 3<sup>rd</sup> Avenue SE, as petitioned by Jojida, LLC.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on September 23, September 30, October 7, and October 14, 2023.

City Manager Warren Wood asked Public Works Director Steve Miller to the podium to present Council with a request from Jojida, LLC to close an unused alley located off of 3<sup>rd</sup> Avenue SE.

Public Works Director Steve Miller gave a PowerPoint presentation. He discussed the consideration for a street closure petition of an unused alley off of 3<sup>rd</sup> Avenue SE. It was a single party petition, Jojida, LLC bordered the properties surrounding the alley on the east, west, and north. He advised it was for Council's consideration to approve a Resolution and Order closing this portion of an unopened street adjoining 3<sup>rd</sup> Avenue SE. He referred to the PowerPoint and pointed out the area in question. To his knowledge, as long as he had been here, it had never been an actual street, it had always been an unopened right of way. He reiterated the Jojida, LLC owned everything surrounding all of this area here. He pointed out Lenoir-Rhyne Boulevard, a service station, and a laundry mat. He advised that 3<sup>rd</sup> Avenue cutover to Tate Boulevard. Staff requested Council's approval of a Resolution and Order closing this portion of an unopened street adjoining 3<sup>rd</sup> Avenue SE. He asked for questions.

Mayor Guess asked Council for questions for Mr. Miller.

Alderman Wood asked Mr. Miller if Council recently closed another alleyway in that vicinity like across the street from that.

Public Works Director Steve Miller did not recall one. There were a lot of streets in there that were closed a long time ago, but not recently that he remembered. He advised that Abel Cerda closed a street off of Lenoir-Rhyne Boulevard, but that was separate. That was not a piece of property that adjoins this one.

Alderman Wood was wondering if they were related.

Public Works Director Steve Miller commented a very similar circumstance.

Alderman Wood commented in close proximity to one another. He thanked Mr. Miller.

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

Alderwoman Patton moved, seconded by Alderwoman Williams approval to close the unused alley located off of 3<sup>rd</sup> Avenue SE. The motion carried unanimously.

RESOLUTION NO. 23-62

RESOLUTION AND ORDER

WHEREAS, Jojida, LLC owns properties adjoining the following described area, in the City of Hickory, County of Catawba, which is further described as follows:

An unused alley located off of 3rd Avenue SE

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

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

BEGINNING at the northwestern corner of Lot 14, Plat Book 6 at Page 36, Catawba County Registry, in the southern line of Whitener, AND RUNNING THENCE FROM Beginning Corner South 68° 50' West 20.32 feet with the northern terminus of the alley to the northeastern corner of Lot 2; thence with the western line of the alley, first with the eastern line of Lot 2 South 11° 17' East 99.44 feet to the southeast corner of Lot 2, northeast corner of Lot 1; continuing with the western line of the alley and the eastern line of Lot 1 South 11° 17' East 136.64 feet to a corner, southeast corner of Lot 1 in the northern line of Yount Street; thence with the northern line of Yount Street and the southern terminus of the alley North 77° 42' East 20 feet to the southwest corner of Lot 3; thence with the eastern line of the alley and the western line of Lot 3 North 11° 17' West 139.33 feet to the northwest corner of Lot 3 and southwest corner of Lot 11; thence continuing with the eastern line of the alley and along the western line of Lots 11, 12, 13, and 14 North 11° 17' West 100 feet to the POINT OF BEGINNING.

The above description is taken from Plat Book 6 at Page 36, Catawba County Registry, "Property of Mrs. P.M. Smith, Yount Street."

WHEREAS, following the filing of said petition with the City Council, a notice of public hearing upon the question of closing and abandoning said area for public roadway purposes was advertised in The Hickory Daily Record in the issues of September 23, September 30, October 7, and October 14, 2023.

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

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

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

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

B. Departmental Reports

- 1. Accepted the Library's New Strategic Plan – Presented by Library Director Sarah Greene and Library Advisory Board Chair Lanie Wood.

A current long-range plan is required to qualify for State funding for library services. The Library Advisory Board worked with Library staff and consultants from the State Library of North Carolina to conduct a community survey in spring 2023. Results of the survey and community data were used to develop a new strategic plan to guide library services for the next 3 years. The previous strategic plan was developed and approved in 2019 and covered the years 2019-2022. To meet the current and future needs of City residents, we need to regularly review our library's services, collections, and programs. Based on the community's input, the staff and Advisory Board have worked to develop a comprehensive plan that clearly communicates the library's mission and provides guidance for developing and enhancing library services. Staff recommends acceptance of the 2024-2027 Hickory Public Library Strategic Plan.

City Manager Warren Wood advised the departmental report was the presentation of the Library's new Strategic Plan, and it would be presented by Library Director Sarah Greene and Library Advisory Board Chair Lanie Wood.

Library Director Sarah Greene gave a PowerPoint presentation. She presented the 2024 – 2027 Strategic Plan for Hickory Public Library. The library completes a long range plan every 3 to 5 years as required for their State funding. It also helps them to be intentional as they plan library services. She acknowledged members of the Library Advisory Board who were in attendance, Board Chair, Lanie Wood, and also, Cozette Sinclair. They, along with other members of the Board, worked hard to help them put the plan together, getting responses to community surveys, conducting interviews, reviewing some demographic data that they looked at. She was really grateful for their help.

Library Director Sarah Greene advised the library's mission was to promote a high quality of life by providing empowering opportunities and excellent service. They do this through employing the values of learning, creativity, and connection for everyone in all of their services and programs. These statements were included in their 2019 Strategic Plan, and they have remained consistent. They would see those same statements included here. In reviewing the data along with assessing their current services, they identified four areas that they want to focus on in the next few years. Those were access, partnerships, awareness, and impact. They were broad areas and covered the full range of library services. There would be some overlap, but they would go into specifics and give some examples, and some of their primary goals in each area.

Library Director Sarah Greene discussed access, which was about providing library services, how, when and where people need them. It was about locations and hours but also looking at convenience, ease of, and equitable policy. Making sure they eliminate any unnecessary barriers to impact to access and that they were providing a diverse selection of resources and programs that reflect the community. Some of the goals in this area were off-site access lockers. They may see these at retail stores, pickup lockers that people could get to their purchases after store hours or with minimal time in the store. They thought there was some opportunity there to make library use more convenient. Sunday afternoon hours have been requested in the past three of their Strategic Plan processes. That was still on the list. It was a frequent question that they got. During the pandemic they started offering some programs outdoors. They had yoga classes, art classes, and a variety of things and they had really good response. They would like to continue that and create some outdoor classroom space to enhance those programs. During the pandemic they saw about a 25% increase in patrons use of digital materials, eBooks, audiobooks, streaming video, those formats that people have gotten much more comfortable using the expectation was higher for what they have available. They want to continue to build those collections.

Library Director Sarah Greene advised the next area that they focused on was partnerships. They work with a lot of community organizations, and it helped them reach more people, broadened their impact, and provided more innovative programs, along with connecting people with community resources that they may not know about but could benefit from. Some of the goals in this area were to support K-12 students. They have a program that they had been using for a few years with Hickory Public Schools that they call their Launch Pad for Learning Program. That established public library accounts for students in grades K-12. They also work with them on a number of programs and also work with some of the private schools in the area, and a number of the County schools outside of Hickory. They were happy to help provide resources where they could to K-12 students. They thought there were opportunities to work with the business community and provide sponsorship opportunities to enhance some of their program offerings. They also worked on many projects with Lenoir-Rhyne University (LRU), Catawba Valley Community College (CVCC), and they were excited to find ways to work with Appalachian State University (ASU) as they had moved to Hickory, and they thought that was an important area to continue to focus on collaboration. They also would like to start an annual literary festival. This was the new project that was still in the idea phase, but they were looking at 2025 for the first event. It would be a really good opportunity to both promote literacy and form some of those connections.

Library Director Sarah Greene discussed awareness. People knew that the library had books on the shelf, but they do not always know the full range of services that they offer. They want to make sure that people understand what the library has available and the value of those services. To do that they want to expand their social media presence, reach out to new residents and businesses.

As the City grows, there are more opportunities to expand its services, but also new people who need to know what the library offers. They participate in community events with information tables and through some of their outreach services, but there were certainly more opportunities there to participate. They want to publish an annual report of library usage and service enhancements. They collect a lot of data, they report that to the State, but they have not been publishing that to promote to their library patrons. They think people would be interested to know.

Library Director Sarah Greene discussed the fourth area, impact. Looking at what were the things that they could do to make the most meaningful difference in the residents' lives. They knew that when they worked in the community and talked to their patrons, they could identify areas where the library could be most beneficial. They have a number of early literacy programs and services and great staff in their children's department. They talked a lot with community members about the impact of the pandemic on learning, especially access to childcare and early education opportunities. They would like to see more children and families participate in those early literacy services. They thought they could make an impact by providing services at more sites across the City so that people who may not make it into the library buildings, but who could still benefit would then have access. They use a number of methods to measure that impact and evaluate the quality of library services. They have a set of standards, the North Carolina Public Library Standards, that they use to evaluate library services. They conduct annual patron satisfaction surveys so people could tell them how they were doing, what they were doing well, what they like, what they do not like. They have more informal ways also that people can share their thoughts directly with staff. They have comment cards and suggestion boxes and then they do some brief program surveys. All of those ways help them continue to gather information in between these large planning efforts. She was thankful to the community members who answered their questions, and staff and board members and, City staff who helped with the process. It was a team effort, but it was worthwhile. She was excited about some of the work they would be doing in the next few years. She asked for questions.

Alderwoman Patton commented in the reporting piece, were they able to report or capture the amount of digital online reading that was being pulled from the library.

Library Director Sarah Greene replied yes, they could get reports from each of those products for eBooks and audio books and see what people were reading and how many items it got checked out.

Alderwoman Patton asked if they had a way that if someone was requesting something from the library and it was not there that they saw total, like how many hits, because she had put a whole list in the other day and got half of what she wanted. She went to the library, and they were so kind and helpful of how to request those books.

Library Director Sarah Greene advised they do, and they could get reports depending on which product it was, which digital platform, some were easier to see than others.

Mayor Guess asked for any other questions. He commented on behalf of the Council that they appreciated all the work that Ms. Greene and the staff do at the library. They certainly wanted to thank their volunteers and those that serve on the Library Advisory Board. They knew they put a lot of work into this, and they were going to see a lot of good results from it. They appreciated everyone and their participation and input for the future of the citizens. He thanked Ms. Greene.

City Manager Warren Wood advised Council need a motion and a second to vote to accept.

Alderman Seaver moved, seconded by Alderwoman Williams to accept the Strategic Plan. The motion carried unanimously.

Mayor Guess added that Hickory was one of the few cities that ran a library. Most of the counties were responsible for that. Not only do we have a library, but we have two libraries that we operate here in the City of Hickory, and that was very unusual.

City Manager Warren Wood commented there were about 550 cities and towns around the State, and he believed there were eight of those that operate their own library system. He commented that Sarah Greene and her staff do an



outstanding job. He thought they had the best Library Director in the State. She does a really good job.

City Council agreed.

Alderwoman Patton commented that all the interaction that she had at the library had been phenomenal.

2. Appointments to Boards and Commissions

**BUSINESS DEVELOPMENT COMMITTEE**

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

**COMMUNITY APPEARANCE COMMISSION**

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

**COMMUNITY RELATIONS COUNCIL**

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

**HICKORY REGIONAL PLANNING COMMISSION**

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

**HISTORIC PRESERVATION COMMISSION**

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

**LIBRARY ADVISORY BOARD**

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

**PUBLIC ART COMMISSION**

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

**RECYCLING ADVISORY BOARD**

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

Mayor Guess commented that if anyone was interested in serving on any of these vacancies, they would certainly like to hear from them. They could contact Council and they would certainly point them in the right direction if they were interested, not only in these, but in the future for those that might be coming vacant in the future.

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 Freeman mentioned that October 18, 2023, at 10:30 a.m. they would be breaking ground. The groundbreaking ceremony would be the Historical Ridgeview Walk at the Taft Broome Park.

Mayor Guess commented that obviously everyone was invited to that. He advised if he was correct that was about a 1.2-mile extension of the trail, the City Walk and there would be others to follow that. The groundbreaking for that one was certainly something that they were looking forward to and had been looking forward to for quite some time. He mentioned this past week they had a delegation from the City's Sister City from Altenburger Land in Germany. He thought there were about a dozen of folks that were here. They planted a time capsule at the Western Piedmont Council of Governments. They were also planting one in Altenburger Land. For the next 20 years that will be underground. In 20 years, he would be 84 years old, and they were going to dig that up in 20 years and see how things have changed over the past 20 years. To

October 17, 2023

commemorate that their friends from their Sister City presented the City with a plaque, (which he displayed). He would make sure that City management got that, and they could properly display that with some other things that they had been presented with over the years. He wanted to make sure that they recognized that 30<sup>th</sup> Anniversary with their Sister City. Also, recently they had some Community Relations Council's Human Relations Awards that were given out. Those were given out to organizations, individuals, and businesses that go above and beyond promoting human relations in the City of Hickory. The two recipients of that this year, one was the Foothills Veterans Helping Veterans organization and the other was to a well-known individual Mr. Tracy Ray, who was the President of the Ridgeview Men of Action. They were the two most recent recipients of the Human Relations Award. He wanted to recognize them publicly and thank them for all that they do in the community.

Alderman Seaver mentioned there was another groundbreaking for the Aviation Museum next Thursday, October 26, 2023. He assumed it was going to be there at the grounds where it had been broken already.

Alderman Wood gave a blanket thank you to everybody that was involved with Oktoberfest. He had talked to several people who it gave them an opportunity to come to Hickory and they do not visit on a regular basis. Just rave reviews about Hickory, what was going on downtown and everything. All the effort that it takes to put that on, thanks to everybody.

Mayor Guess commented he was glad he mentioned that because he was sure they all had an opportunity to visit there and there were literally thousands of people, but he was always amazed at how quickly the City's crews made it look like nothing ever happened. He asked Public Works Director Steve Miller to relay that to everyone that had a part in that. It was almost immediately when that events over they get to work and within 24 hours or so downtown looks just like it was supposed to, it was clean, and it was all picked up and he appreciated that so much. Make sure they know that.

Alderman Williams reminded everybody that municipal elections, early voting started Thursday October 19<sup>th</sup> and goes through the November 4<sup>th</sup>. Election day was November 7<sup>th</sup>.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess moved, seconded by Alderman Patton, that Council go into closed session to approve the minutes of September 5, 2023, and also to discuss pending litigation under NCGS 143-318.11(a)(3) in City of Hickory vs Neill Grading and Construction Company, Inc.; Dane Construction, Inc.; Western Wood Structures, Inc.; Paul C. Gilham, P.E.; WSP USA Environment & Infrastructure, Inc. f/k/a Wood Environment & Infrastructure, Inc., f/k/a Amec Foster Wheeler Environment and Infrastructure, Inc., Catawba County File Number 22-CVS-804. The motion carried unanimously.

1. Approval of Closed Session Minutes of September 5, 2023 - NCGS §143-318.11(a)(1)
2. Discussion of Pending Litigation - NCGS §143-318.11(a)(3)

Council convened to closed session at approximately 6:35 p.m.

Council reconvened to open session at approximately 6:57 p.m.

Mayor Guess advised the City of Hickory reached a settlement in City of Hickory vs. Neill Grading and Construction Company, Inc., et al., Catawba County File Number 22-CVS-804. The settlement was subject to City Council's approval. The general terms of the settlement were as follows:

1. The Defendants will pay the City of Hickory \$1,325,000 on or before close of business on October 31, 2023.
2. The City of Hickory will file a Voluntary Dismissal with Prejudice with the Court dismissing the lawsuit.
3. The City of Hickory will execute a release and discharge the defendants from claims arising out of the design and construction of the arches spanning the Rudy Wright Bridge and the damage to the Rudy Wright Bridge and any other damage as a result of the collapse of the arches. The release will not affect any claim that any party may have arising from any latent defects in the construction of the Rudy Wright Bridge or any repairs to the Rudy Wright Bridge after the collapse of the arches that were not and could not have been discovered through reasonable diligence at the time of settlement. The release will not apply to portions of the project that extend past either side of the Rudy Wright Bridge.
4. The defendants will execute certain cross releases among themselves and dismiss crossclaims pending amongst themselves.

Mayor Guess moved seconded by Alderwoman Patton to approve the Release and Settlement Agreement. The motion carried unanimously.

XV. There being no further business, the meeting adjourned at 7:00 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

2

COUNCIL AGENDA MEMOS

Exhibit VIII.A.

To: City Manager's Office

From: Philip Demas (PD)

Contact Person: Philip Demas

Date: 10/11/2023

Re: Community Relations Council Fall 2023 Grant Recommendations

**REQUEST**

The City of Hickory CRC is hereby submitting grant recommendations for City Council approval on consent agenda for the Fall 2023 grant cycle.

**BACKGROUND**

As part of the CRC work plan and annual budget process, the Community Relations Council receives funds to disperse during the fiscal year through the CRC grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area.

**ANALYSIS**

For the Fall 2023 grant cycle, the CRC received 9 grant applications for projects totaling \$13,900.00 and is recommending approval of 6 grants totaling \$7,900.00. A summary sheet is attached which lists the agencies, projects, costs and CRC recommendations for funding. Funds are available in the CRC budget for the recommended grant approvals.

**RECOMMENDATION**

The Community Relations Council recommends funding of the 6 grants listed on the attachment totaling \$7,900.00.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Philip Demas 10/11/2023  
Initiating Department Head Date

Rodney Miller  
Asst. City Manager Rodney Miller

10/30/23  
Date

A. Dula Date

R. Beasley 10/30/23  
Asst. City Manager, R. Beasley Date

Melissa Miller Date

Melissa Miller

11/2/23  
Date

Deputy Finance Officer Date

Cameron 11-2-23  
Deputy Finance Officer Date

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

W. Wood  
City Manager, W. Wood  
11.2.23  
Date

**Hickory Community Relations Council  
Monday, October 9, 2023, 5:30 pm**

A regular meeting of the Hickory Community Relations Council (CRC) was held on Monday, October 9, 2023, 5:30 pm, in the Executive Conference Room at the Hickory Police Department.

**Members Present:** LaKeisha Ross-Johnson, Mandy Hildebrand, Ida Clough, Cliff Moone, MacGregor VanBeurden, and Phyllis Michaux

**Members Excused:** Paul Packard, Daria Jackson, George Rhinehardt, and Leslie Chavez

**Members Absent:** Malcolm Linebarger, Samantha Midea, and Mallory Bond

**Guests Present:** None

**Others Present:** Staff Liaison Captain Phil Demas and Minutes Clerk Anne Starnes

A quorum was present.

**Call to Order:** LaKeisha Ross-Johnson, Chair, called the meeting to order at 5:45 pm.

**Fall 2023 Grants Review & Recommendation:** The CRC seeks grant applications from tax-exempt organizations during the fall and spring of each fiscal year. Captain Phil Demas, staff liaison, received nine (9) grant applications by the deadline, which were provided to members for review prior to the meeting.

Ms. Ross-Johnson said the CRC budget for FY 2023-2024 provides \$15,000 for the two grant cycles combined. She said each applicant organization must meet the established guidelines, and each grant project must fit the CRC mission. Members discussed splitting their funds, using up to \$7,500 to fund selected fall 2023 grants. Following the meeting, Hickory City Council will approve the CRC’s recommended funding.

Grant applicants, project names, funding requests, and awards recommended:

<b>Hickory Community Relations Council</b>			
<b>FALL 2023 GRANTS SUMMARY</b>			
Name of Applicant	Project Title	Amount Requested	Amount the CRC Recommends
1. Marjorie’s Hair Bar	Springs Road Beauty Supply Store Expansion	\$1,500	\$0
2. Catawba County Partnership for Children	Imagining Equity	\$1,500	\$1,500
3. Hickory Choral Society	Roots, Rounds and Revelry: A Celebration of Irish Music & Community	\$1,500	\$1,500
4. Shirley’s Konceited Beauty Institute	Establish a local Beauty Institute	\$1,500	\$0
5. Hickory Museum of Art	“Michael C. Thorpe: 14-Years Old” Exhibition	\$1,000	\$1,000
6. Fellowship of Christian Athletes	Pickleball for Hickory Youth	\$1,000	\$0
7. Family Care Center of Catawba Valley, Inc.	Keep them Moving	\$1,500	\$1,000 (partial)

8. Western Piedmont Symphony	Discover the Music	\$3,000	\$1,500 (partial)
9. Catawba County Juntos 4-H Program	Improving Parent/Teen Communication	\$1,400	\$1,400
			<b>\$7,900 TOTAL</b>

In summary, of the nine (9) fall 2023 grant applications received, CRC members recommended full funding for four (4) grant projects and partial funding for two (2) grant projects, **a total \$7,900**, and declined to recommend funding for the remaining three (3) grant projects, based on the detailed member discussion.

The CRC recommendation to fund six (6) fall 2023 grants now goes to Hickory City Council for their consideration and approval.

## COUNCIL AGENDA MEMOS

3

**To:** City Manager's Office  
**From:** Stephen Craig, Fire Marshal  
**Contact Person:** Stepehn Craig  
**Date:** October 12, 2023  
**Re:** Public Fireworks Display

**REQUEST**

To obtain approval to issue a pyrotechnic display permit to PyroStar Entertainment for a fireworks display at the Hickory Motor Speedway for the below listed dates.

**BACKGROUND**

Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted a request to obtain permission to conduct public fireworks displays on the following dates:

Saturday, November 25, 2023

**The following would be a rain date:**

Sunday, November 26, 2023

**ANALYSIS**

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).

**RECOMMENDATION**

Staff recommends approval of the above pyrotechnics displays.



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

[Signature] 10-12-23  
Initiating Department Head Date

[Signature] 10/30/23  
Asst. City Manager Rodney Miller Date

[Signature] 11/1/23  
Finance Officer, Melissa Miller Date

[Signature] 11/2/23  
Date

[Signature] 10-31-23  
Deputy City Attorney, A. Dula Date

[Signature] 10/30/23  
Asst. City Manager, R. Beasley Date

[Signature] 11-2-23  
Asst. Finance Officer, C. McHargue Date

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

\_\_\_\_\_  
City Manager, W. Wood

\_\_\_\_\_  
Date




Hickory Motor Speedway  
3130 Hwy 70 SE  
Newton, NC 28658

(828)-464-3655

To Whom it may concern,

I would like to put in a request to the Hickory City Council to conduct a Fireworks display at Hickory Motor Speedway on November 25<sup>th</sup> 2023 with a rain date of November 26<sup>th</sup> 2023.

I appreciate your help in submitting this request and I look forward to hearing from you soon.

Sincerely, 

Kevin Piercy  
Hickory Motor Speedway  
General Manager

**PREPARED BY:** City of Hickory  
Arnita M. Dula, Deputy City Attorney  
P.O. Box 398  
Hickory, NC 28603

**STATE OF NORTH CAROLINA – CATAWBA COUNTY: CEMETERY DEED**

**THIS DEED**, made this the \_\_\_\_ day of **November, 2023**, by the **CITY OF HICKORY**, a municipal corporation under the laws of the State of North Carolina, acting by and through its Mayor and City Manager, hereinafter referred to as Grantor, and **COZETTE P. SINCLAIR** of 1960 12<sup>th</sup> St Pl NE, Hickory, North Carolina, Catawba County, in said State, hereinafter referred to a Grantee(s);

**WITNESSETH**

**THAT** the Grantor, in consideration of the sum of Seven Thousand Four Hundred Thirty Two and no/100 **(\$7,432.00) DOLLARS**, to it paid by the Grantee(s), receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the Grantee(s), and her heirs, that certain lot of land containing **Three Hundred Twenty (320)** square feet, situate in **Southside Cemetery** in said City, and designated on the plot of said Cemetery as Section 6, Lot P, Spaces 1, 2, 3, 13, 14, 15, 16, and 17.

**TO HAVE AND TO HOLD** said cemetery lot to said Grantee(s), his/her heirs and assigns forever, for burial of bodies of persons and for no other purpose.

This Deed is executed, delivered and accepted upon the condition that the Grantee(s) and her heirs and assigns shall faithfully comply with and carry out all of the terms of Chapter 7 of the Hickory City Code and to any Ordinance of the Hickory City Council amending, revising and/or replacing, in whole or in part Chapter 7 of the Hickory City Code regarding the operation of municipally owned cemeteries and establishing an effective date for the same.

In the event of the actual or attempted use of said lot by the Grantee(s) or her heirs and assigns for any purposes other than designated herein or in any manner in violation of said set out Section of said Chapter 7, this conveyance shall become inoperative and the Grantor shall have his right to immediately resume possession and control of said lot; further, said lot shall not be transferred without the consent in writing of the Grantor, which said consent shall not be unreasonably withheld.

**SOUTHSIDE CEMETERY DEED  
HICKORY, NC**

**CITY OF HICKORY**

**IN WITNESS WHEREOF**, the said City of Hickory has caused its official name to be signed, and its common seal affixed hereto, by its Mayor and attested by its City Manager on the day first above written.

ATTEST:

CITY OF HICKORY

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Mayor

SEAL

**STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA**

I, a Notary Public of the county and state aforesaid, certify that **Warren Wood** personally came before me this day and acknowledged that he is the City Manager 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 him as its City Manager.

**WITNESS** my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Steve Miller/Public Works Director**  
**Contact Person: Steve Miller/Public Works Director**  
**Date: November 7, 2023**  
**Re: Call for Public Hearing for Street Closing Petition – Petitioner Neill Properties, LLC for a portion of 31<sup>st</sup> Street Place SE, Hickory**

**REQUEST**

Staff request Council's approval to call for a Public Hearing to close a portion of 31<sup>st</sup> Street Place SE, Hickory as petitioned by Neill Properties, LLC. Public hearing to be held on December 5, 2023.

**BACKGROUND**

The City Clerk received a petition from Neill Properties, LLC, owner of the property abutting 31<sup>st</sup> Street Place, SE, Hickory. The petition requests the City close a portion of 31<sup>st</sup> Street Place SE, Hickory, as per NCGS § 160A-299.

**ANALYSIS**

The City Clerk received a petition from Neill Properties, LLC to close a portion of 31<sup>st</sup> Street Place SE, Hickory; said portion of 31<sup>st</sup> Street Place SE is bound by the parcel owned by the Petitioner Neill Properties, LLC. The signature on the petition represents the owner of the tract of property abutting this portion of the right-of-way. The petition fee of \$830 has been paid.

A memo was sent to various departments for their input on the street closing. Closing the requested portion of 31<sup>st</sup> Street Place SE does not affect any of the City departments.

**RECOMMENDATION**

Staff recommends Council's approval to call for a Public Hearing to close a portion of 31<sup>st</sup> Street Place SE, Hickory as petitioned by Neill Properties, LLC., the public hearing to be held on December 5, 2023.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Steve Miller 10-20-23  
Initiating Department Head Date

Rodney Miller 10/30/23  
Asst. City Manager, R. Miller Date

Melissa Miller 11/1/23  
Finance Officer, Melissa Miller Date

Yandee Fox 11/2/23  
Eke. Asst. Manager, Yandee Fox Date

Auntie M. Dula 10-31-23  
Deputy City Attorney, A. Dula Date

Pat Beasley 10/30/23  
Asst. City Manager, R. Beasley Date

Campbell McHargue 11-2-23  
Assistant Finance Officer, C. McHargue Date

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

Warren Wood  
City Manager, Warren Wood  
11.2.23  
Date

**STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA**

**PETITION TO CLOSE AN UNOPENED PORTION OF  
31<sup>ST</sup> STREET PLACE, SE**

**TO: The Honorable Mayor and City Council  
of the City of Hickory**

The undersigned, **Neill Properties, LLC**, with a mailing address of P.O. Box 3916, Hickory, NC 28603, respectfully petitions the City Council of the City of Hickory as follows:

1. Petitioner is the owner of all tracts of property abutting the unopen portion of 31<sup>st</sup> Street Place, SE, Hickory, North Carolina and said portion of roadway currently abuts one side of the Petitioner's property.

2. That said portion of roadway is no longer necessary for public use or for access to any tract of property not owned by the Petitioner herein and that the Petitioner herein requests to close said unopened portion of 31<sup>st</sup> Street Place, SE as described on Plat Book 67, Page 9, Catawba County Registry, a copy of which is attached on Exhibit A attached hereto and said Legal Description is attached hereto as Exhibit B, both of which are incorporated herein by reference.

3. That the property located and abutting said portion of the roadway to be closed is identified as Catawba County Tax Parcel 3722-11-55-6989, being owned by the Petitioner herein and is the only owner entitled to have a copy of the proposed resolution sent to them by registered or certified mail set forth in North Carolina General Statute §160A-299.

**RECEIVED** 286504.1  
BY: W. Miller  
DATE: 10-13-2023

4. That the closing of said portion of this street is not contrary to the public interest will not cause hardships or inconvenience to any property owner and there is no individual or corporation owning property in the vicinity of said street that will be deprived of reasonable means of ingress and egress to their property by the closing of the same and that this Petitioner hereto desires that the same be closed.

5. That the City of Hickory acting through its Mayor and City Council is authorized by the North Carolina General Statute §160A-296 et seq. to close said unopened portion of 31<sup>st</sup> Street Place, SE as hereinabove described.

**WHEREFORE**, the undersigned Petition requests the Mayor and the City Council of the City of Hickory to declare their intent to close the section of 31<sup>st</sup> Street Place, SE as described above, and to give Notice of Hearing to be held to consider such closing in accordance with the provisions of North Carolina General Statute §160A-299 by publishing Notice of said hearing once a week for four (4) consecutive weeks in the Hickory Daily Record, a newspaper published in Hickory, Catawba County, North Carolina, and by posting, in at least two locations, a Notice of Closing and Public Hearing prominently along the section of 31<sup>st</sup> Street Place, SE to be closed.

*(Signature and Notarial Acknowledgment Appear on the Following Page)*



Respectfully submitted this 5 day of October, 2023.

PETITIONER:

NEILL PROPERTIES, LLC

By: Edward C Neill  
Edward C. Neill, Manager

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, Sherry A. Hollar, a Notary Public for Catawba County, North Carolina, do hereby certify that Edward C. Neill, Manager of Neill Properties, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution on the foregoing instrument in the capacity indicated on behalf of the company.

WITNESS my hand and Notarial Seal, this 5 day of October, 2023.

Sherry A Hollar  
Notary Public  
My Commission expires: 3/10/2028



**EXHIBIT A**  
**To Petition to Close Street**

See attached Plat recorded in Plat Book 67, Page 9, Catawba County Registry.

CERTIFICATE OF OWNERSHIP AND REGISTRATION

I, JAMES D. FERGUSON, CERTIFY THAT I AM THE OWNER AND THE OWNER OF THE PROPERTY DESCRIBED IN THIS PLAT AND ASSIGNED TO THE CITY OF HICKORY, NORTH CAROLINA, BY DEED RECORDED IN PLAT BOOK 63 PAGE 22 AND PLAT BOOK 55 PAGE 14.

By Clyde L. Hall, Gen. Partner  
C.L.L. Investments Limited Partnership, L.L.P.

NORTH CAROLINA COUNTY

Clyde L. Hall  
C.L.L. Investments Limited Partnership, L.L.P.



STATE OF NORTH CAROLINA

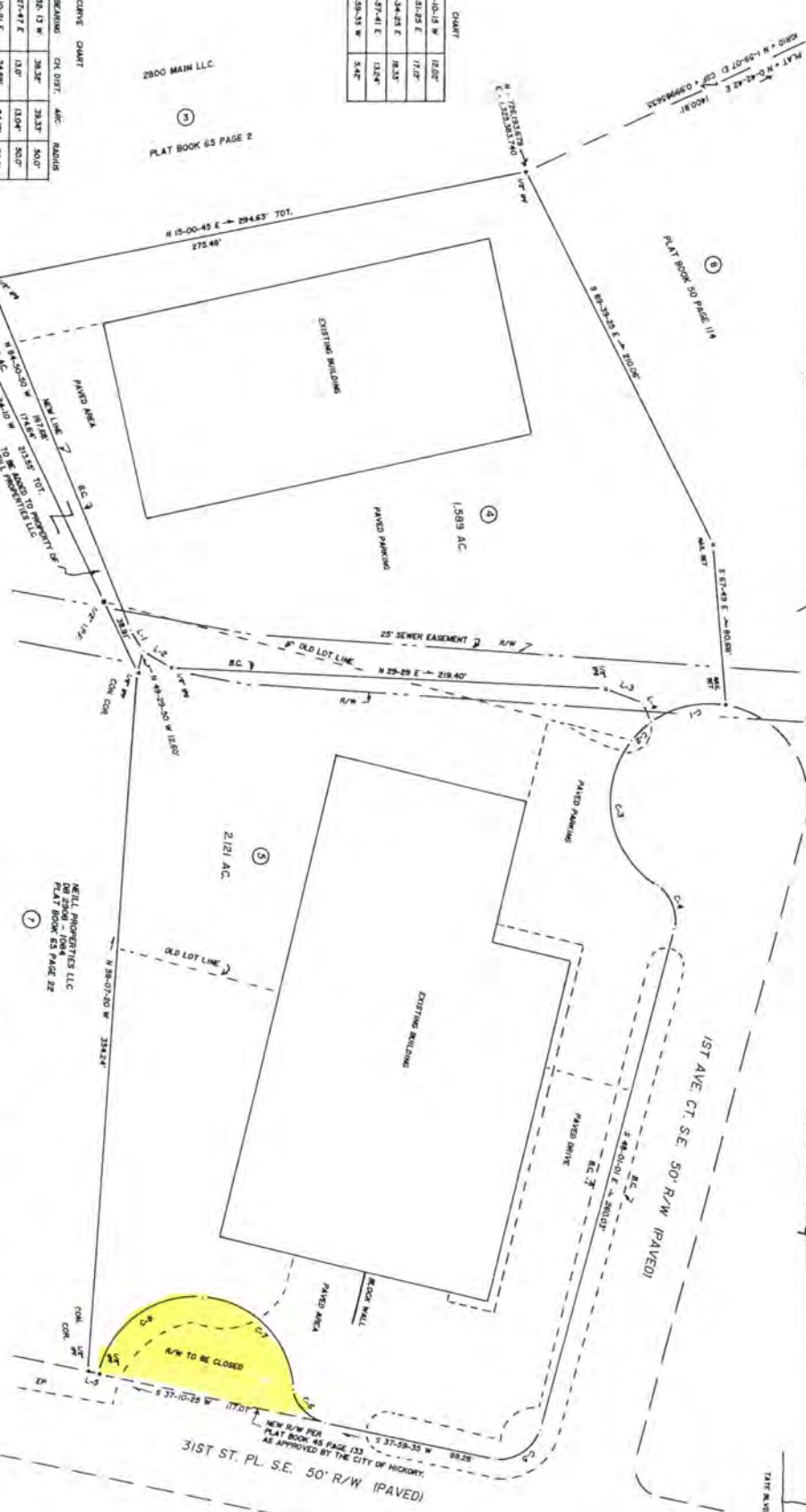
James D. Ferguson  
Registered Professional Land Surveyor

PLAT

FILED FOR REGISTRATION AT THE OFFICE OF THE REGISTER OF DEEDS IN PLAT BOOK 65 PAGE 22 AND PLAT BOOK 55 PAGE 14.

NO.	CH. BEARING	CH. DIST.	ARC.	RADIUS
C1	S 87°10'13" W	12.02'		
C2	N 96°51'25" E	17.27'		
C3	N 46°34'25" E	18.23'		
C4	S 88°57'41" E	13.24'		
C5	S 77°58'33" W	5.42'		
C6	S 10°34'42" E	62.67'		
C7	S 70°44'33" W	64.92'		
C8	S 70°44'33" W	71.32'		
C9	S 70°44'33" W	71.32'		
C10	S 70°44'33" W	71.32'		
C11	S 70°44'33" W	71.32'		
C12	S 70°44'33" W	71.32'		
C13	S 70°44'33" W	71.32'		
C14	S 70°44'33" W	71.32'		
C15	S 70°44'33" W	71.32'		
C16	S 70°44'33" W	71.32'		
C17	S 70°44'33" W	71.32'		
C18	S 70°44'33" W	71.32'		

LINE	BEARING	DISTANCE
L1	S 87°10'13" W	12.02'
L2	N 96°51'25" E	17.27'
L3	N 46°34'25" E	18.23'
L4	S 88°57'41" E	13.24'
L5	S 77°58'33" W	5.42'



FILED Jan 25, 2008 12:14:24 pm  
 CATAWBA COUNTY NC  
 DONNA HICKS SPENCER  
 REGISTER OF DEEDS  
 INST # 01841

**67-9**



LOT BOUNDARY ADJUSTMENT/RECOMBINATION PLAT

C.L.L. INVESTMENTS LIMITED PARTNERSHIP, L.L.P.  
 LOT NOS. 6 & 5 - PLAT BOOK 65 PAGE 22 & LOT NO. 4 - PLAT BOOK 55 PAGE 14

SCALE: 1" = 40'  
 DATE: JAN 23, 2008  
 DRAWN BY: K.S.  
 P.E. 215

JAMES D. FERGUSON - PO BOX 433 GRANITE FALLS, NC 28630  
 CATAWBA COUNTY - HICKORY TOWNSHIP



NOTES:  
 ALL NEW CORNERS ARE SET BY THIS PLAT.  
 THIS PLAT WAS PREPARED BY THE REGISTER OF DEEDS IN PLAT BOOK 65 PAGE 22 AND PLAT BOOK 55 PAGE 14.

**EXHIBIT B**  
**To Petition to Close Street**  
**Legal Description**

**BEGINNING** at a point, said beginning point being located North 37° 59' 35" East 5.42 feet from the southeastern corner of Lot 5 and being set in the edge of the right-of-way of 31<sup>st</sup> Street Place, SE as shown on the Plat recorded in Plat Book 67, Page 9, Catawba County Registry; running thence from said point of beginning with the western margin of 31<sup>st</sup> Street Place, SE North 37° 10' 25" East 117.07 feet to a point set in the western right-of-way margin of 31<sup>st</sup> Street Place, SE; running thence a new line, the following calls and distances: a curve to the right, a chord bearing South 74° 41' 32" West, a chord distance of 23.90 feet along the radius of 20 feet; beginning at a point a curve to the left, a chord bearing South 70° 54' 39" West along the chord distance of 64.92 and a radius of 50 feet; continuing thence a curve to the left along the chord bearing South 10° 34' 42" East, a chord distance of 65.61 along the radius of 50 feet to the point and place of Beginning and being all that entire portion designated as "Right-of-Way to be Closed" as was identified and more particularly described on the Plat recorded in Plat Book 67, Page 9, Catawba County Registry to which reference is hereby made for greater certainty in description.

RESOLUTION NO. 23-  
RESOLUTION OF INTENT

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

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

WHEREAS, the City Council of the City of Hickory considers it advisable to conduct a  
public hearing for the purpose of giving consideration to the closing of a portion of 31<sup>st</sup>  
Street Place SE, Hickory.

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

1. A Public Hearing will be held at 6:00 p.m. on the 5<sup>th</sup> day of December, 2023, in  
the Council Chambers of the Julian G. Whitener Municipal Building at 76 North  
Center Street, Hickory, North Carolina to consider a resolution closing a portion  
of 31<sup>st</sup> Street Place SE, Hickory.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week  
for four successive weeks in the *Hickory Daily Record*.
3. The City Clerk is further directed to transmit by registered or certified mail to each  
owner of property abutting upon that portion of said street a copy of this  
Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of this Resolution of  
Intent and the scheduled public hearing to be posted as required by G.S.  
160A-299.

Approved this 7<sup>th</sup> day of November, 2023.

THE CITY OF HICKORY,  
A North Carolina Municipal Corporation

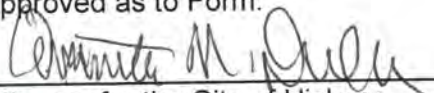
ATTEST:

By: \_\_\_\_\_  
Hank Guess, Mayor

(Seal)

\_\_\_\_\_  
Debbie D. Miller, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Attorney for the City of Hickory

13

## COUNCIL AGENDA MEMOS

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Cal Overby, Planning Manager

**Date:** October 26, 2023

**Re:** Voluntary contiguous annexation of property owned by Pride Design Construction, Inc.

### REQUEST

Call for public hearing, to be held on November 21, 2023 for the consideration of the voluntary contiguous annexation of 0.543 acres property located at 908 30<sup>th</sup> Avenue Drive NW. This property is identified as PIN 3704-11-55-2101.

### BACKGROUND

The property is currently vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is zoned R-2, which permits residential development at 4 dwelling units per acre. Given its size, a property division could create two building lots; however, the owner intends to build a single home on the property.

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

### ANALYSIS

The owners of the property plan to construct a single family home on the property, which would be the extent of their intentions.

Surrounding properties are zoned R-2 Residential and occupied by single family homes or are vacant.

The current tax value of the property is \$29,700. If annexed, the vacant property would generate \$135.14 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**

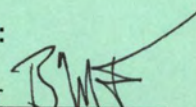
Is a Budget Amendment required?

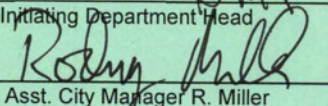
Yes

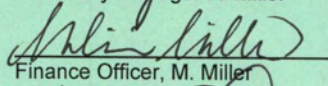
No

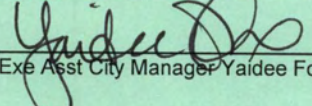
**LIST THE EXPENDITURE CODE:**

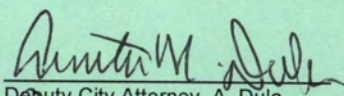
**Reviewed by:**

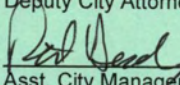
Brian Frazier  1026/2023  
 Initiating Department Head Date

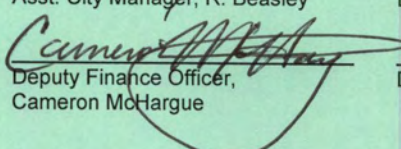
Robyn Miller  10/30/23  
 Asst. City Manager R. Miller Date

M. Miller  11.1.23  
 Finance Officer, M. Miller Date

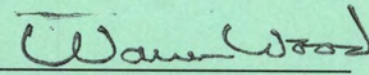
Yaidee Fox  11/2/23  
 Exe Asst City Manager Yaidee Fox Date

Auntie M. Dula  11-1-23  
 Deputy City Attorney, A. Dula Date

R. Beasley  10/30/23  
 Asst. City Manager, R. Beasley Date

Cameron McHargue  11-2-23  
 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

11.2.23  
 Date

## VOLUNTARY CONTIGUOUS ANNEXATION ANALYSIS

**APPLICANT:** Pride Design Construction Inc.

**AGENT:** Samuel Prichici

**PROPERTY LOCATION:** 908 30<sup>th</sup> Avenue Drive NW

**PIN:** 3704-11-55-2101

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

**WARD:** If annexed, this property will be located in Ward 6 (Councilwoman Patton).

**ACREAGE:** 0.543 acres

**DEVELOPMENT POTENTIAL:** The property is currently vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is zoned R-2, which permits residential development at 4 dwelling units per acre. Given its size, a property division could create two building lots; however, the owner intends to build a single home on the property.

**TAX VALUE:** The current tax value of the property is \$29,700. If annexed, the vacant property would generate \$13514 in additional tax revenues.

**POPULATION INCREASES:** The owner intends to construct one single-family residence on the property. When the home is complete and occupied 2 to 3 additional residents could potentially be added to the City's population. 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 Hickory City 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	Jenkins	0.28	1	0-1
Middle	Northview	0.09	1	0-1
High	Hickory	0.09	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 properties are zoned R-2 Residential and occupied by single family homes.



- **South:** The properties are zoned R-2 Residential and occupied by single family homes.
- **East:** The properties are zoned R-2 Residential and are wooded.
- **West:** The properties are zoned R-2 Residential and are wooded.

**UTILITY SERVICE:** Water and sewer are available to serve the property. The builder will be responsible for all necessary costs for connections.

**ACCESS:** Access to the subject property is from 30<sup>th</sup> Avenue Drive NW, which is maintained by the North Carolina Department of Transportation (SR 1368).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is contiguous to the proper city boundary along part of its southern boundary.

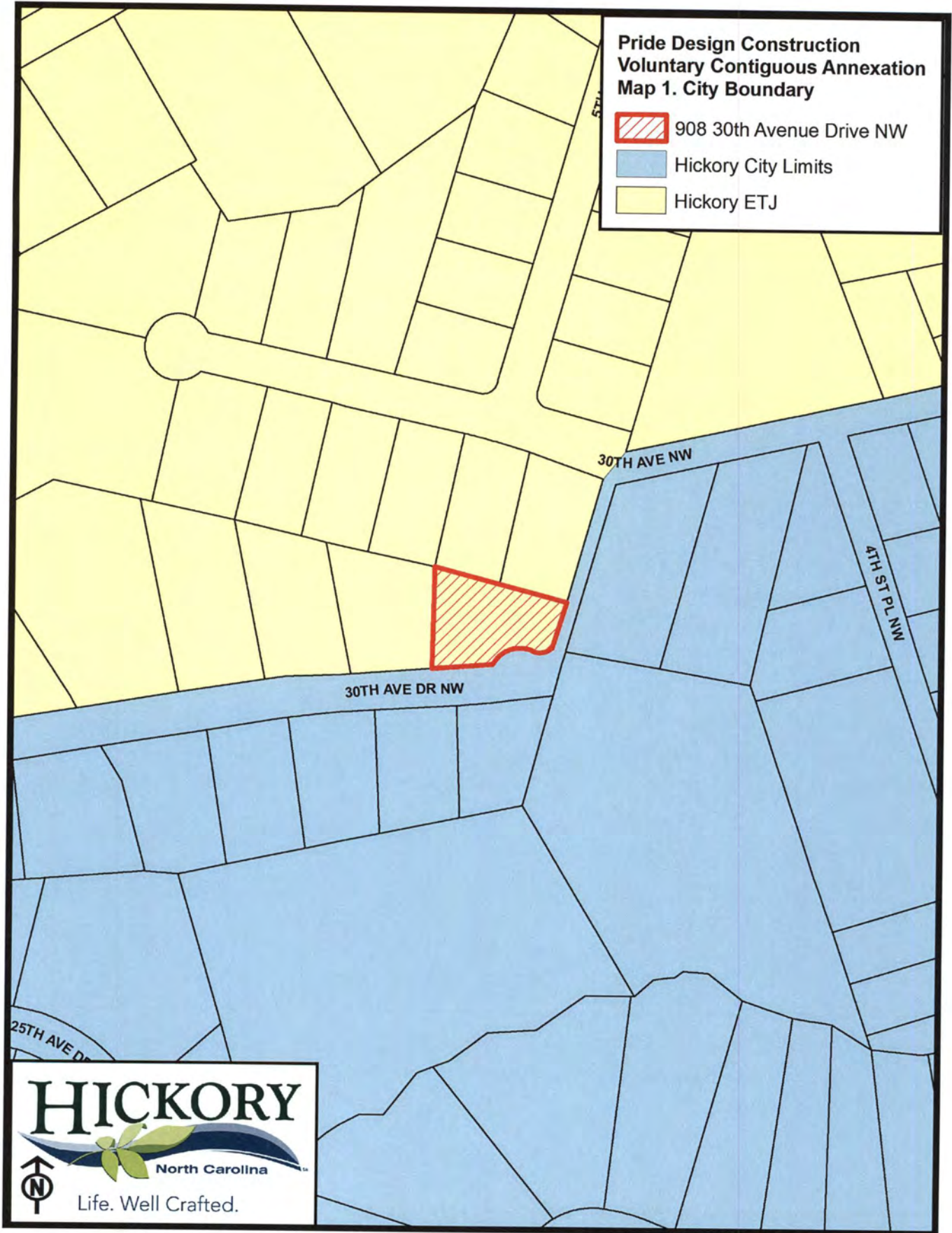
**STAFF COMMENTS:**

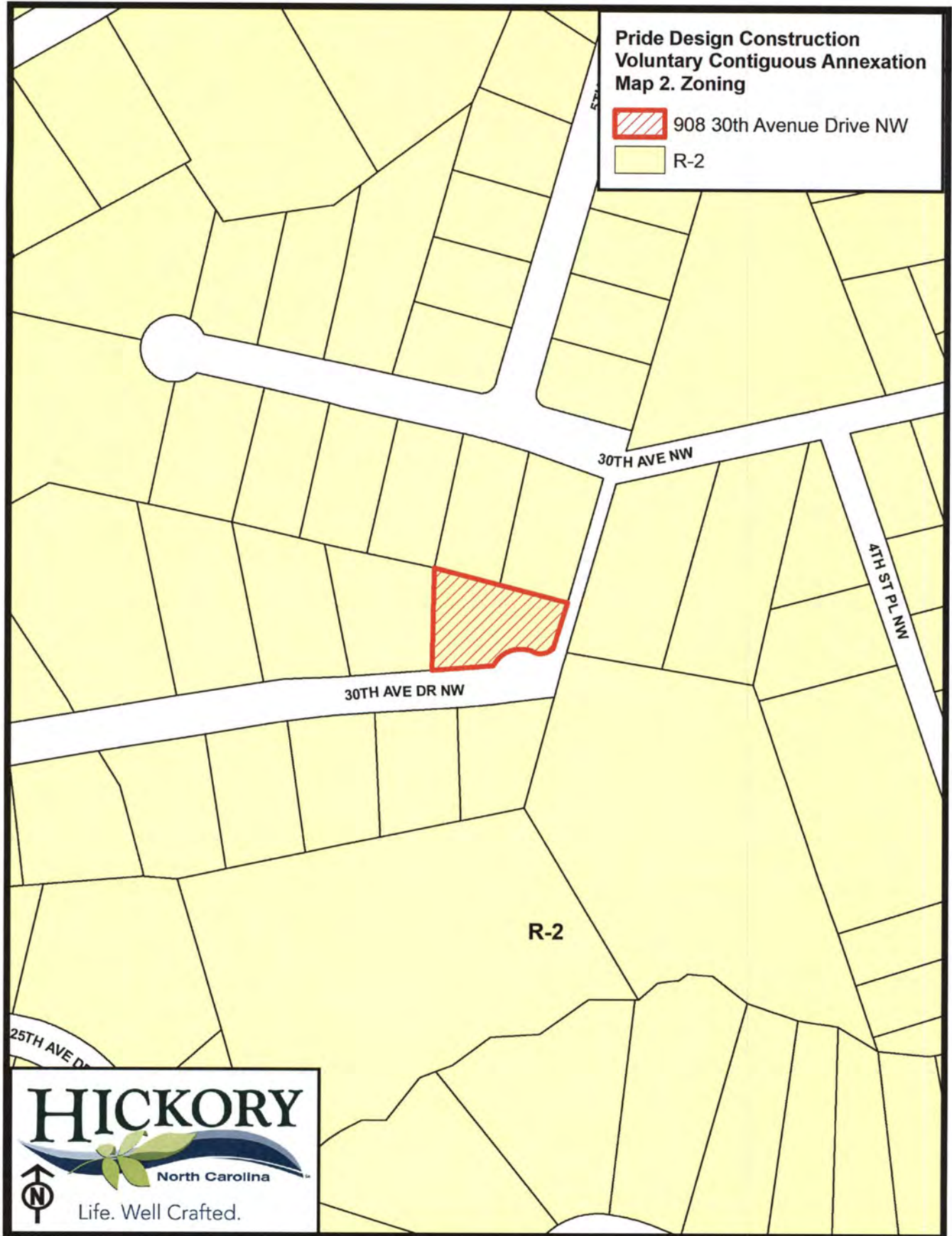
- **Fire:** Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 6's response area.
- **Police Department:** Annexation would not adversely affect the police department. The property, upon annexation, would be in Adam PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** No objections.
- **Public Utilities:** Water and sewer are currently available to serve the property.
- **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 all 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. 23-\_\_\_\_**  
**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED**  
**UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED**

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

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

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

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

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

**CERTIFICATE OF SUFFICIENCY**

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

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

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

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



*Debbie D. Miller*  
\_\_\_\_\_  
Debbie D. Miller, City Clerk

**CITY OF HICKORY  
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 10-24-2022

**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 30th Ave. Dr. NW  
   between 30th Ave. NW    and 25th Ave. Dr. NW  
   and is shown in more detail on the attached survey.

PIN NO. (S) : 370411552101

Physical (Street) Address: 908 30th Ave. Dr. NW

- 2. The property is owned by: (please print) Pride Design Construction Inc.  
 (Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Pride Design Construction Inc.

Address: 602 39th Ave. NW

Phone Number: 954 854-1863

- 3. The petition is submitted by:     
 (If the Petition is submitted by someone other than the owner, the attached agent authorization must be signed, notarized and submitted from the owner(s) authorizing the agent to act on his behalf.)

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    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. 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.

Samuel V. Prichici  
Printed Name of Property Owner(s)

[Signature]  
Signature of Property Owner(s)

Address of Property Owner(s)

954-854-1863  
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 Samuel Prichici personally came 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 24th day of October, 2023.  
she is the President of Pride Design Construction corporation (strike through the inapplicable), 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

My Commission Expires: 10-31-2024

[Signature]  
Notary Public





# BUSINESS CORPORATION ANNUAL REPORT

NAME OF BUSINESS CORPORATION: PRIDE DESIGN CONSTRUCTION INC

SECRETARY OF STATE ID NUMBER: 2011820 STATE OF FORMATION: NC

REPORT FOR THE FISCAL YEAR END: 12/31/2022

Filing Office Use Only  
E - Filed Annual Report  
2011820  
CA2023033030  
2/2/2023 03:30  
 Changes

### SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Prichici, Samuel

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

602 39th Ave NW

602 39th Ave NW

Hickory, NC 28601 Burke County

Hickory, NC 28601

### SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Specialty Construction-Residential

2. PRINCIPAL OFFICE PHONE NUMBER: (971) 570-6968

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

602 39th Ave NW

602 39th Ave NW

Hickory, NC 28601

Hickory, NC 28601

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: OFFICERS (Enter additional officers in Section E.)

NAME: Samuel Prichici

NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: President

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

603 39th Ave NW

Hickory, NC 28601

### SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Samuel Prichici

2/2/2023

SIGNATURE

DATE

Form must be signed by an officer listed under Section C of this form.

Samuel Prichici

President

Print or Type Name of Officer

Print or Type Title of Officer

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525



3746-1045

FILED ELECTRONICALLY  
CATAWBA COUNTY NC  
DONNA HICKS SPENCER

FILED May 23, 2022  
AT 11:02:00 AM  
BOOK 03746  
START PAGE 1045  
END PAGE 1047  
INSTRUMENT # 11720  
EXCISE TAX \$70.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$70.00

Parcel Identifier No. 370411552101 & 370411550162 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

Mail/Box to: Pride Design Construction, Inc., 602 39th Avenue N.W., Hickory, NC 28601

This instrument was prepared by: Taylor Law Office, PC, 419 2nd Street NW, Hickory, NC 28601

Brief description for the Index: Lots 1 & 2, Block A, W.B. Shuford Lake Property, Section 2, Plat Book 15, Page 7

THIS DEED made this 23rd day of May, 2022, by and between

GRANTOR	GRANTEE
Michael G. Kilby and wife, Sherri Stirewalt Kilby 924 N Center St Hickory, NC 28601	Pride Design Construction, Inc. 602 39th Avenue N.W. Hickory, NC 28601

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 Hickory Township, Catawba County, North Carolina and more particularly described as follows:

BEING ALL OF LOTS ONE (1) AND TWO (2), Block "A", W.B. Shuford Lake Property, Section 2, according to the plat thereof, recorded in Plat Book 15, Page 7 in the Office of the Register of Deeds of Catawba County, North Carolina, to which plat reference is hereby made for a more complete and particular description.

Address: 920 30th Avenue Drive N.W., Hickory, NC 28601 (Lot 2); 30th Avenue Drive N.W. (Lot 1)

Parcel ID: 370411550162 (Lot 2); 370411552101 (Lot 1)

Submitted electronically by "Taylor Law Office, P.C."  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Catawba County Register of Deeds.

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

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 21, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

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

Section 3: Notice of said public hearing shall be published in *The Hickory Daily Record*, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

\_\_\_\_\_  
Hank Guess  
Mayor

\_\_\_\_\_  
Warren Wood, City Manager

Approved As To Form:

\_\_\_\_\_  
Deputy City Attorney for the City of Hickory

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

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

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

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

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

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 21, 2023, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on map entitled Pride Design Construction, Voluntary Contiguous Annexation Map 1 City Boundary, subject property outlined in red; Pride Design Construction, Voluntary Contiguous Annexation Map 2, Zoning, subject property outlined in red; Pride Design Construction, Map 3, Land Use (2022), subject property outlined in red.

Section 4: Notice of said public hearing shall be published in *The Hickory Daily Record*, a newspaper having general circulation in the City of

**Resolution No. 23-\_\_\_**

**Resolution Determining Need For Annexation Of Property Owned by  
Pride Design Construction Inc., and Directing Call For Public Hearing  
November 2023**

Hickory, at least ten (10) days prior to the date of said public hearing.

Done this 7<sup>th</sup> day of November, 2023.

(SEAL)

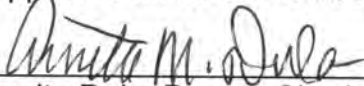
**THE CITY OF HICKORY, A**  
North Carolina Municipal Corporation

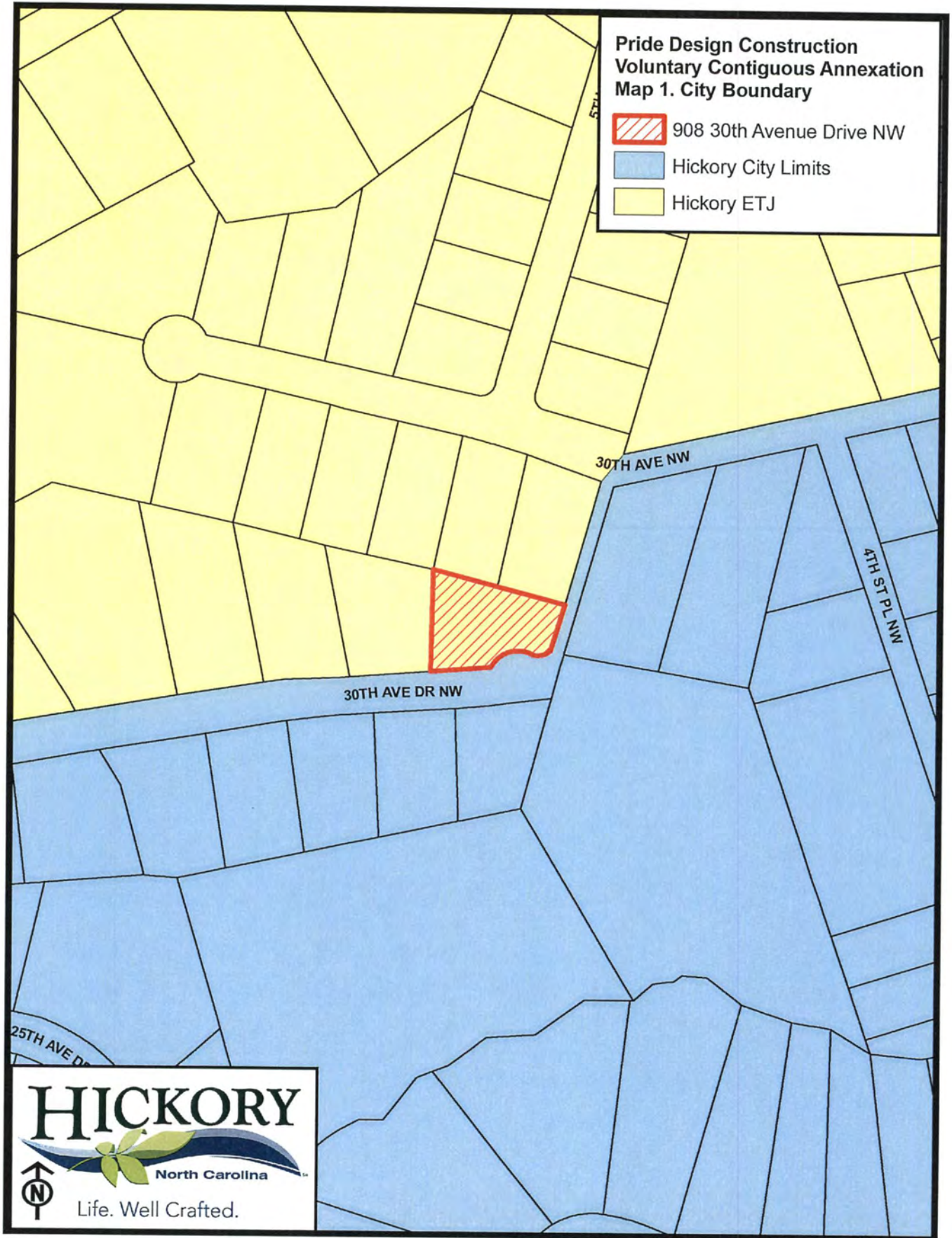
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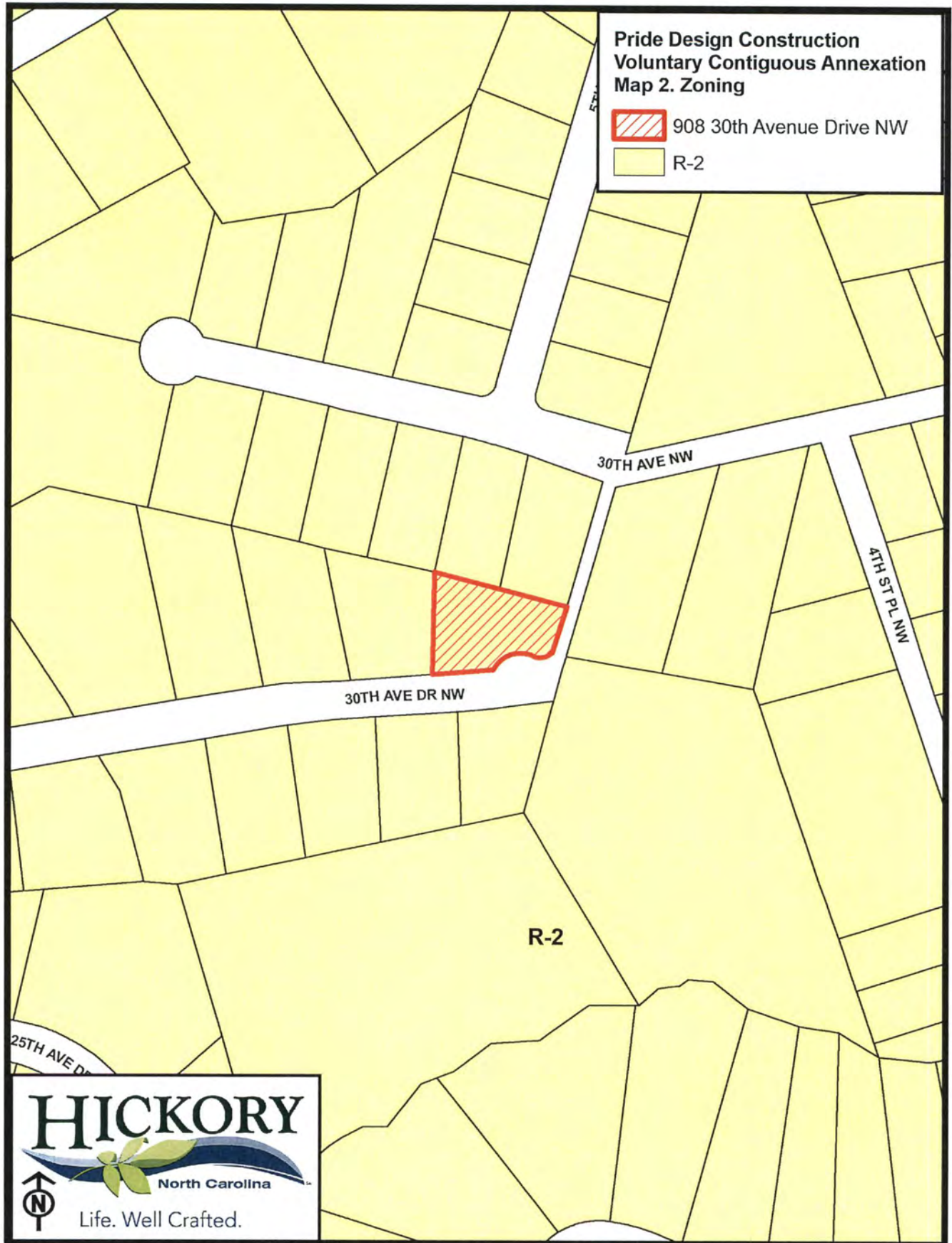
By: \_\_\_\_\_  
Hank Guess, Mayor

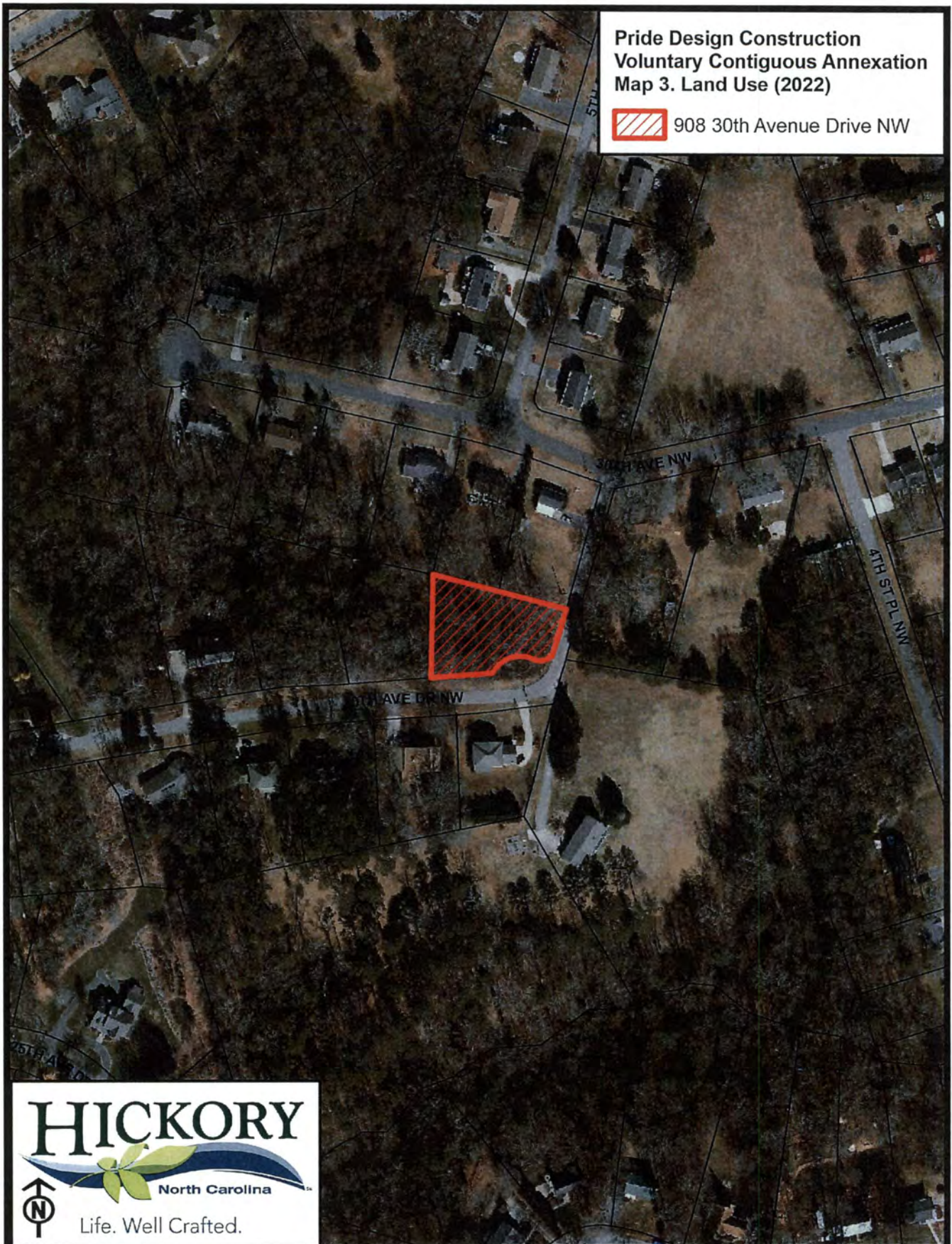
\_\_\_\_\_  
Debbie D. Miller, City Clerk

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


  
\_\_\_\_\_  
Arnita Dula, Deputy City Attorney

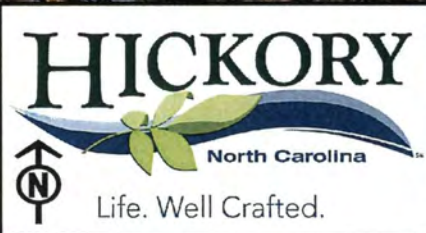






Pride Design Construction  
Voluntary Contiguous Annexation  
Map 3. Land Use (2022)

 908 30th Avenue Drive NW



7  
**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Shawn Pennell, Public Utilities Director**  
**Contact Person: Shawn Pennell, Public Utilities Director**  
**Date: November 7, 2023**  
**Re: Trivium Corporate Center East Road Widening and Traffic Signal Design**

**REQUEST**

Staff requests Council acceptance of project bid and contract for construction of Trivium East Road Widening and Traffic Signal Design project with Neill Grading and Construction Co. Inc. in the amount of \$2,235,033.00.

**BACKGROUND**

The City of Hickory identified an area in southeast Hickory that is large enough and conducive to development of a business park, convenient to major roadways and adjacent to significant Utility infrastructure. The City of Hickory, Catawba County and Economic Development Corporation have worked on development of this area as a business park for several years and the City and County have agreed to split the cost of development. Trivium Business Park is the business park identified for Bond proceeds for the Bond Referendum that was passed by the City of Hickory.

**ANALYSIS**

Trivium Corporate Center is the business park recognized in the Bond projects to receive money from bond proceeds for development. The City, County and EDC have worked on development of the project to a condition that is receptive to marketing. As the original Trivium site has been successful and only 3 lots remain, the partnership has purchased additional properties to expand the success of the business park.

This phase of the project will consist of the main entrance and access for the east business park. This will include road widening on Startown Road and traffic signal along with all associated work. NCDOT standards will be followed for the widening of Startown Road. Included in this project is the relocation of a 12" water main and additional line into the park to serve the future business. This agreement will be for the road work, waterline, storm drainage, traffic signal and all associated pavement for the project.

The project was advertised for bids and bids received on October 19, 2023. Three responsible bids were received for this project:

- Neill Grading and Construction Co. Inc. \$2,235,033.00
- Zoladz Construction Company Inc. \$3,030,244.00
- Wayne Brothers Inc. \$3,206,383.36

Bids have been reviewed and staff recommend that the lowest responsible bidder is Neill Grading & Construction Co.

**RECOMMENDATION**

Staff recommends Council acceptance of project bid and contract for construction of Trivium East Road Widening and Traffic Signal Design project with Neill Grading and Construction Co. Inc. in the amount of \$2,235,033.00.



**BUDGET ANALYSIS:**

These funds will be split 50/50 with City of Hickory and Catawba County

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

Project# B1B004  
061-7505-577.24-02

**Reviewed by:**

Shawn Pennell  
Initiating Department Head

10/25/2023  
Date

Deputy City Attorney, A. Dula

Date

Asst. City Manager, R. Miller

Date

Asst. City Manager, R. Beasley

Date

Finance Officer, Melissa Miller

Date

Deputy Finance Officer,  
Cameron McHargue

Date

Exec Asst City Manager, Yaidee Fox

Date

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

City Manager, Warren Wood

Date



October 23, 2023

City of Hickory  
Mr. Shawn Pennell  
Public Utilities Director  
1441 9<sup>th</sup> Avenue NE  
Hickory, North Carolina 28601

Re: Bid Tabulation/Recommendation of Award  
Trivium East Roadway Widening Project  
WKD # 20220335.00.CL

Dear Mr. Pennell:

We have completed the canvas of bids received on October 19, 2023 for Trivium East Roadway Widening Project. A tabulation of bids received is attached. Neill Grading and Construction Company, Inc. of Hickory, North Carolina was the low bidder of the three bids received on the General Contract.

The bidding documents were found to be in order and we recommend you accept the low bids and award the Contract to the low bidder. We will prepare the contract documents for execution between the City of Hickory and the Neill Grading and Construction Company, Inc. upon your direction. Please advise if there are any questions.

Sincerely,

W.K. Dickson & Co., Inc.

A handwritten signature in blue ink that reads 'Shad W. Walters'.

Shad W. Walters, PE  
Senior Consultant

Enclosures

**BID TABULATION**  
**TRIVIUM EAST WIDENING PROJECT**  
**CLIENT: CITY OF HICKORY**  
**BID DATE: 10/19/2023 @ 2:00 PM**  
**WKD#: 20220335.00.CL**

				1		2		3	
				Neill Grading & Const. Co. Inc. P.O. Box 3916 Hickory, NC 28603 License No. 7539		Zoladz Construction Co., Inc. P. O. Box 157 Alden, NY 14004 License No. 72142		Wayne Brothers, Inc. 357 Concescore Parkway Davidson, NC 28036 License No. 20049	
Item No.	Item Description	Unit	Quantities	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization, Temp Facilities, Bonds and Insurance	%	3%	\$31,600.00	\$31,600.00	\$37,000.00	\$37,000.00	\$176,010.00	\$176,010.00
2	Traffic Control	LS	1	\$40,000.00	\$40,000.00	\$52,600.00	\$52,600.00	\$42,873.00	\$42,873.00
3	Demolition	LS	1	\$15,000.00	\$15,000.00	\$19,500.00	\$19,500.00	\$11,547.00	\$11,547.00
4	Clearing and Grubbing	LS	1	\$1.00	\$1.00	\$18,000.00	\$18,000.00	\$2,240.00	\$2,240.00
5	Grading	LS	1	\$103,000.00	\$103,000.00	\$93,838.00	\$93,838.00	\$70,744.00	\$70,744.00
6	Erosion Control	LS	1	\$10,500.00	\$10,500.00	\$23,250.00	\$23,250.00	\$27,897.00	\$27,897.00
7	Asphalt Milling	SY	800	\$17.14	\$13,712.00	\$16.25	\$13,000.00	\$8.00	\$6,400.00
8	30-inch Concrete Curb and Gutter	LF	300	\$34.00	\$10,200.00	\$85.50	\$25,650.00	\$72.64	\$21,792.00
9	5' wide Concrete Sidewalk with HC Curb Cut	LF	30	\$30.00	\$900.00	\$92.00	\$2,760.00	\$59.20	\$1,776.00
10	Asphalt Pavement Structure - Base Widening	SY	720	\$133.00	\$95,760.00	\$88.00	\$63,360.00	\$114.17	\$82,202.40
11	Asphalt Surface Course - Overlay	TONS	770	\$110.00	\$84,700.00	\$172.00	\$132,440.00	\$157.82	\$121,521.40
12	Liquid Asphalt - Cement Binder Allowance	TONS	75	\$800.00	\$60,000.00	\$800.00	\$60,000.00	\$800.00	\$60,000.00
13	Pavement Striping including Arrows, Stop bars and Reflective	LS	1	\$29,000.00	\$29,000.00	\$37,375.00	\$37,375.00	\$41,277.00	\$41,277.00
14	18" HDPE Storm Drainage Piping	LF	480	\$63.00	\$30,240.00	\$72.00	\$34,560.00	\$111.73	\$53,630.40
15	Precast Concrete Drainage Structures	EACH	5	\$4,700.00	\$23,500.00	\$7,210.00	\$36,050.00	\$10,209.00	\$51,045.00
16	Sewer Manhole Adjustment	EACH	2	\$2,000.00	\$4,000.00	\$1,450.00	\$2,900.00	\$774.50	\$1,549.00
17	Traffic Signals, Mast Arms, Loop Detectors, etc	LS	1	\$338,000.00	\$338,000.00	\$383,348.00	\$383,348.00	\$391,655.00	\$391,655.00
18	12" x 12" x 12" Tapping Sleeve and Valve	EACH	2	\$18,500.00	\$37,000.00	\$16,556.00	\$33,112.00	\$20,574.50	\$41,149.00
19	12-inch C900 DR14 PVC Water Line	LF	530	\$99.00	\$52,470.00	\$106.00	\$56,180.00	\$152.29	\$80,713.70
20	12" Gate Valves in Adjustable Cast Iron Boxes	EACH	6	\$5,000.00	\$30,000.00	\$6,010.00	\$36,060.00	\$8,463.67	\$50,846.00
21	Cut in of 12" Gate Valve with Concrete Deadman	EACH	2	\$13,064.00	\$26,128.00	\$7,290.00	\$14,580.00	\$8,423.00	\$16,846.00
22	Compact DI Fittings with Concrete Thrust Blocking	LBS	1000	\$17.00	\$17,000.00	\$27.00	\$27,000.00	\$29.17	\$29,170.00
23	Tie-in with Existing 12" Water Line - Trivium Service	EACH	1	\$7,700.00	\$7,700.00	\$2,560.00	\$2,560.00	\$5,952.00	\$5,952.00
24	Water Line Abandonment/Removal	LS	1	\$10,815.00	\$10,815.00	\$7,955.00	\$7,955.00	\$26,351.00	\$26,351.00
25	Misc Items	LS	1	\$1.00	\$1.00	\$16,673.00	\$16,673.00	\$31,998.00	\$31,998.00
26	Seeding/Grassing and Restoration	LS	1	\$11,000.00	\$11,000.00	\$11,100.00	\$11,100.00	\$4,480.00	\$4,480.00
<b>STARTOWN ROAD WIDENING (BID ITEM "A") BID TOTAL:</b>				<b>\$1,082,227.00</b>	<b>\$1,082,227.00</b>	<b>\$1,240,851.00</b>	<b>\$1,240,851.00</b>	<b>\$1,451,600.92</b>	<b>\$1,451,600.92</b>

Item No.	Item Description	Unit	Quantities	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization, Temp Facilities, Bonds and Insurance	%	0.03	\$33,500.00	\$33,500.00	\$53,000.00	\$53,000.00	\$212,578.00	\$212,578.00
2	Clearing and Grubbing	LS	1	\$5,000.00	\$5,000.00	\$43,500.00	\$43,500.00	\$13,427.00	\$13,427.00
3	Grading	LS	1	\$180,000.00	\$180,000.00	\$153,643.00	\$153,643.00	\$153,427.00	\$153,427.00
4	Erosion Control	LS	1	\$60,000.00	\$60,000.00	\$97,100.00	\$97,100.00	\$104,377.00	\$104,377.00
5	Undercut Unsuitable Material and Replace	SY	100	\$50.00	\$5,000.00	\$137.00	\$13,700.00	\$45.22	\$4,522.00
6	18-inch Concrete Curb and Gutter	LF	560	\$25.00	\$14,000.00	\$73.00	\$40,880.00	\$44.57	\$24,959.20
7	30-inch Concrete Curb and Gutter	LF	2000	\$29.00	\$58,000.00	\$79.00	\$158,000.00	\$56.41	\$112,820.00
8	Rip Rap on Filter Fabric	SY	600	\$60.00	\$36,000.00	\$84.00	\$50,400.00	\$99.92	\$59,952.00
9	Concrete Driveway Apron	LF	18	\$220.00	\$3,960.00	\$0.00	\$0.00	\$0.00	\$0.00
10	5' wide Concrete Sidewalk with HC Curb Cut	LF	980	\$32.00	\$31,360.00	\$79.00	\$77,420.00	\$57.58	\$56,428.40
11	HD Asphalt Pavement Structure	SY	3900	\$60.50	\$235,950.00	\$77.00	\$300,300.00	\$82.71	\$322,569.00
12	LD Asphalt Pavement Structure	SY	150	\$46.00	\$6,900.00	\$41.00	\$6,150.00	\$44.80	\$6,720.00
13	Liquid Asphalt - Cement Binder Allowance	TONS	85	\$800.00	\$68,000.00	\$800.00	\$68,000.00	\$800.00	\$68,000.00
14	Pavement Striping including Arrows and Stop bars	LS	1	\$4,815.00	\$4,815.00	\$8,795.00	\$8,795.00	\$15,999.00	\$15,999.00
15	Precast Concrete Drainage Structures	EACH	13	\$5,250.00	\$68,250.00	\$7,210.00	\$93,730.00	\$4,501.08	\$58,514.04
16	36" Precast Concrete Headwall	EACH	2	\$4,175.00	\$8,350.00	\$5,019.00	\$10,038.00	\$6,615.00	\$13,230.00
17	18" Precast Concrete Headwall	EACH	1	\$2,300.00	\$2,300.00	\$2,837.00	\$2,837.00	\$3,106.00	\$3,106.00
18	15" Diameter RCP Drainage Piping	LF	60	\$63.00	\$3,780.00	\$97.00	\$5,820.00	\$91.42	\$5,485.20
19	18" Diameter RCP Drainage Piping	LF	500	\$72.00	\$36,000.00	\$122.50	\$61,250.00	\$105.05	\$52,525.00
20	24" Diameter RCP Drainage Piping	LF	400	\$101.00	\$40,400.00	\$172.00	\$68,800.00	\$140.95	\$56,380.00
21	36" Diameter RCP Drainage Piping	LF	160	\$178.00	\$28,480.00	\$271.00	\$43,360.00	\$237.91	\$38,065.60
22	8-inch C900 DR14 PVC Water Line	LF	20	\$88.00	\$1,760.00	\$79.00	\$1,580.00	\$86.30	\$1,726.00
23	12-inch C900 DR14 PVC Water Line	LF	930	\$105.00	\$97,650.00	\$106.00	\$98,580.00	\$150.68	\$140,132.40
24	8" Gate Valves in Adjustable Cast Iron Box	EACH	1	\$3,200.00	\$3,200.00	\$3,500.00	\$3,500.00	\$6,017.00	\$6,017.00
25	12" Gate Valves in Adjustable Cast Iron Box	EACH	2	\$5,250.00	\$10,500.00	\$6,010.00	\$12,020.00	\$8,921.00	\$17,842.00
26	Compact DI Fittings with Concrete Thrust Blocking	LBS	1000	\$17.50	\$17,500.00	\$26.50	\$26,500.00	\$29.17	\$29,170.00
27	Fire Hydrant Assembly	EACH	3	\$7,725.00	\$23,175.00	\$10,492.00	\$31,476.00	\$13,633.00	\$40,899.00
28	8" Cap with Concrete Deadman	EACH	1	\$1,885.00	\$1,885.00	\$1,788.00	\$1,788.00	\$1,541.00	\$1,541.00
29	12" Cap with Concrete Deadman	EACH	1	\$3,700.00	\$3,700.00	\$1,450.00	\$1,450.00	\$1,350.00	\$1,350.00
30	4" and 6" PVC Sleeves	LF	130	\$65.00	\$8,450.00	\$23.00	\$2,990.00	\$50.22	\$6,528.60
31	Misc Items	LS	1	\$1.00	\$1.00	\$53,473.00	\$53,473.00	\$38,149.00	\$38,149.00
32	Landscaping	LS	1	\$22,300.00	\$22,300.00	\$140,195.00	\$140,195.00	\$64,468.00	\$64,468.00
33	Seeding/Grassing and Restoration	LS	1	\$17,000.00	\$17,000.00	\$22,318.00	\$22,318.00	\$9,599.00	\$9,599.00
34	Stabilization Fabric	SY	4600	\$3.40	\$15,640.00	\$8.00	\$36,800.00	\$3.06	\$14,076.00
<b>TRIVIUM EAST EXTENSION (BID ITEM "B") BID TOTAL:</b>				<b>\$1,152,806.00</b>	<b>\$1,152,806.00</b>	<b>\$1,789,393.00</b>	<b>\$1,789,393.00</b>	<b>\$1,754,782.44</b>	<b>\$1,754,782.44</b>

TOTAL BID PRICE (STARTOWN AND TRIVIUM EAST EXTENSION UNIT PRICE BIDS)

(TOTAL OF BID ITEMS "A" AND "B")

\$2,235,033.00

\$3,030,244.00

\$3,206,383.36

Note: Wayne Brothers, Inc. bid reflects minor rounding errors (as shaded in grey). Their original bid was for \$3,206,361 which does not affect the outcome of the bid.

I hereby certify that the above is a true and correct (to the best of my knowledge) tabulation of bids received on 10/19/2023.

Shad Walters, P.E.  
W.K. Dickson & Co., Inc.



Oct 23 2023 8:19 AM

**FINAL DESIGN-RELEASED FOR CONSTRUCTION**  
**CONTRACT DOCUMENTS**

for

TRIVIUM EAST WIDENING PROJECT  
November 2023  
WKD #20220335.00.CL

Prepared for

City of Hickory  
Public Utilities  
P.O. Box 398  
Hickory, NC 28603

Plans & Specifications  
Prepared by  
W.K. Dickson & Co., Inc.  
1213 West Morehead Street, Ste. 300  
Charlotte, NC 28208  
NC License No. F-0374



**FINAL DESIGN-RELEASED FOR CONSTRUCTION  
CONTRACT DOCUMENTS**

**TRIVIUM EAST WIDENING PROJECT**

**CITY OF HICKORY**

**NORTH CAROLINA**

**NOVEMBER 2023**

**W.K. Dickson & Co., Inc.  
1213 West Morehead Street, Ste. 300  
Charlotte, NC 28208  
(704) 334-5348  
NC License No. F-0374**

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END OF SECTION

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**ADVERTISEMENT FOR BIDS**CITY OF HICKORY  
NORTH CAROLINA**TRIVIUM EAST WIDENING PROJECT****General Notice**

The City of Hickory (Owner) is requesting Bids for the construction of the following Project:

**Trivium East Widening Project**

Bids for the construction of the Project will be received at the City of Hickory Public Services Department located at 1441 9<sup>th</sup> Avenue NE, Hickory, North Carolina 28601, until October 19, 2023 at 2:00 PM EST local time. Bids received will be publicly opened and read.

The Project includes the following Work:

Construction of approximately 950 linear 32' foot wide curb and gutter industrial access roadway including sidewalks, storm drainage, erosion control, landscaping, with 950 linear feet of 12-inch diameter water line with hydrants, valves and appurtenances, asymmetrical widening of Startown Road to include new left and right turns with traffic signals, mast arms, storm drainage and the relocation of approximately 520 linear feet of 12-inch diameter water line.

Bids will be received for a single prime Contract. Bids shall be on a lump sum and unit price basis as indicated in the Bid Form. The Owner reserves the right to reject any and all bids.

The Project has an expected duration of 180 days.

**Obtaining the Bidding Documents**

The Issuing Office for the Bidding Documents is:

W.K. Dickson & Co., Inc.  
401 4<sup>th</sup> Street SW, Ste. 201  
Hickory, NC 28602

Information and Bidding Documents for the Project can be found at the following website:

<https://www.wkdickson.com>

Bidding Documents are available for purchase by going to the above designated website, upper right tab labeled "Contact", then "Plan Room". Bidding Documents may be downloaded from the designated website for a purchase price established for each set. All payments are to be made to Duncan Parnell.

Prospective Bidders must register and purchase Bidding Documents through the designated website in order to be considered an official plan holder, even if Bidding Documents are obtained from a source other than the designated website in either electronic or paper format. The designated website will be updated periodically with addenda, lists of registered plan holders, reports, and other information relevant to submitting a Bid for the Project. All official notifications, addenda, and other Bidding Documents will be offered only through the designated website. Neither Owner nor Engineer will be responsible for Bidding Documents, including addenda, if any, obtained from sources other than the designated website.

**Pre-bid Conference**

A voluntary pre-bid conference for the Project will be held on:

**October 5, 2023 at 10:00 am EST at**

City of Hickory Public Services Department located at  
1441 9<sup>th</sup> Avenue NE, Hickory, North Carolina 28601

**Instructions to Bidders.**

For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

**This Advertisement is issued by:**

Owner: City of Hickory

By: Warren Wood

Title: City of Hickory, City Manager

Date: September 18, 2023

# INSTRUCTIONS TO BIDDERS FOR CONSTRUCTION CONTRACT

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## ARTICLE 1—DEFINED TERMS

- 1.01 Terms used in these Instructions to Bidders have the meanings indicated in the General Conditions and Supplementary Conditions. Additional terms used in these Instructions to Bidders have the meanings indicated below:
- A. *Issuing Office*—The office from which the Bidding Documents are to be issued, and which registers plan holders.

## ARTICLE 2—BIDDING DOCUMENTS

- 2.01 Bidder shall obtain a complete set of Bidding Requirements and proposed Contract Documents (together, the Bidding Documents). See the Agreement for a list of the Contract Documents. It is Bidder's responsibility to determine that it is using a complete set of documents in the preparation of a Bid. Bidder assumes sole responsibility for errors or misinterpretations resulting from the use of incomplete documents, by Bidder itself or by its prospective Subcontractors and Suppliers.
- 2.02 Bidding Documents are made available for the sole purpose of obtaining Bids for completion of the Project and permission to download or distribution of the Bidding Documents does not confer a license or grant permission or authorization for any other use. Authorization to download documents, or other distribution, includes the right for plan holders to print documents solely for their use, and the use of their prospective Subcontractors and Suppliers, provided the plan holder pays all costs associated with printing or reproduction. Printed documents may not be re-sold under any circumstances.
- 2.03 Owner has established a Bidding Documents Website as indicated in the Advertisement or invitation to bid. Owner requires that Bidder register as a plan holder with the Issuing Office at such website, and obtain a complete set of the Bidding Documents from such website. Bidders may rely that sets of Bidding Documents obtained from the Bidding Documents Website are complete, unless an omission is blatant. Registered plan holders will receive Addenda issued by Owner.
- 2.04 *Electronic Documents*
- A. When the Bidding Requirements indicate that electronic (digital) copies of the Bidding Documents are available, such documents will be made available to the Bidders as Electronic Documents in the manner specified.
1. Bidding Documents will be provided in Adobe PDF (Portable Document Format). It is the intent of the Engineer and Owner that such Electronic Documents are to be exactly representative of the paper copies of the documents. However, because the Owner and Engineer cannot totally control the transmission and receipt of Electronic Documents nor the Contractor's means of reproduction of such documents, the Owner and Engineer cannot and do not guarantee that Electronic Documents and reproductions prepared from those versions are identical in every manner to the paper copies.
- B. Unless otherwise stated in the Bidding Documents, the Bidder may use and rely upon complete sets of Electronic Documents of the Bidding Documents, described in Paragraph 2.04.A above. However, Bidder assumes all risks associated with differences arising from transmission/receipt of Electronic Documents versions of Bidding Documents and reproductions prepared from those versions and, further, assumes all risks, costs, and responsibility associated with use of the Electronic Documents versions to derive information

that is not explicitly contained in printed paper versions of the documents, and for Bidder's reliance upon such derived information.

- C. After the Contract is awarded, the Owner may provide or direct the Engineer to provide for the use of the Contractor documents that were developed by Engineer as part of the Project design process, as Electronic Documents in native file formats.
  - 1. Release of such documents will be solely for the convenience of the Contractor. No such document is a Contract Document.
  - 2. Unless the Contract Documents explicitly identify that such information will be available to the Successful Bidder (Contractor), nothing herein will create an obligation on the part of the Owner or Engineer to provide or create such information, and the Contractor is not entitled to rely on the availability of such information in the preparation of its Bid or pricing of the Work. In all cases, the Contractor shall take appropriate measures to verify that any electronic/digital information provided in Electronic Documents is appropriate and adequate for the Contractor's specific purposes.
  - 3. In no case will the Contractor be entitled to additional compensation or time for completion due to any differences between the actual Contract Documents and any related document in native file format.

### ARTICLE 3—QUALIFICATIONS OF BIDDERS

- 3.01 Bidder is to submit Qualifications Statement, with its Bid to demonstrate Bidder's qualifications to perform the Work:
  - A. Written evidence establishing its qualifications such as financial data, previous experience, and present commitments.
  - B. A written statement that Bidder is authorized to do business in the state where the Project is located, or a written certification that Bidder will obtain such authority prior to the Effective Date of the Contract.
  - C. Bidder's state or other contractor license number, if applicable.
  - D. Subcontractor and Supplier qualification information.
  - E. Other required information regarding qualifications.
- 3.02 A Bidder's failure to submit required qualification information within the times indicated may disqualify Bidder from receiving an award of the Contract.
- 3.03 No requirement in this Article 3 to submit information will prejudice the right of Owner to seek additional pertinent information regarding Bidder's qualifications.

### ARTICLE 4—PRE-BID CONFERENCE

- 4.01 A voluntary pre-bid conference will be held at the time and location indicated in the Advertisement or invitation to bid. Representatives of Owner and Engineer will be present to discuss the Project. It is each Bidder's responsibility to sign in at the pre-bid conference to verify its participation. Bidders must sign in using the name of the organization that will be submitting a



Bid. A list of qualified Bidders that attended the pre-bid conference and are eligible to submit a Bid for this Project will be issued in an Addendum.

- 4.02 Information presented at the pre-Bid conference does not alter the Contract Documents. Owner will issue Addenda to make any changes to the Contract Documents that result from discussions at the pre-Bid conference. Information presented, and statements made at the pre-bid conference will not be binding or legally effective unless incorporated in an Addendum.

**ARTICLE 5—SITE AND OTHER AREAS; EXISTING SITE CONDITIONS; EXAMINATION OF SITE; OWNER'S SAFETY PROGRAM; OTHER WORK AT THE SITE**

5.01 *Site and Other Areas*

- A. The Site is identified in the Bidding Documents. By definition, the Site includes rights-of-way, easements, and other lands furnished by Owner for the use of the Contractor. Any additional lands required for temporary construction facilities, construction equipment, or storage of materials and equipment, and any access needed for such additional lands, are to be obtained and paid for by Contractor.

5.02 *Existing Site Conditions*

A. *Subsurface and Physical Conditions; Hazardous Environmental Conditions*

1. The Supplementary Conditions may identify the following regarding existing conditions at or adjacent to the Site:
  - a. Those reports of explorations and tests of subsurface conditions at or adjacent to the Site that contain Technical Data.
  - b. Those drawings known to Owner of existing physical conditions at or adjacent to the Site, including those drawings depicting existing surface or subsurface structures at or adjacent to the Site (except Underground Facilities), that contain Technical Data.
  - c. Reports and drawings known to Owner relating to Hazardous Environmental Conditions that have been identified at or adjacent to the Site.
  - d. Technical Data contained in such reports and drawings.
2. Owner will make copies of reports and drawings referenced above available to any Bidder on request. These reports and drawings are not part of the Contract Documents, but the Technical Data contained therein upon whose accuracy Bidder is entitled to rely, as provided in the General Conditions, has been identified and established in the Supplementary Conditions. Bidder is responsible for any interpretation or conclusion Bidder draws from any Technical Data or any other data, interpretations, opinions, or information contained in such reports or shown or indicated in such drawings.
3. If the Supplementary Conditions do not identify Technical Data, the default definition of Technical Data set forth in Article 1 of the General Conditions will apply.
4. *Geotechnical Baseline Report/Geotechnical Data Report*: The Bidding Documents contain a Geotechnical Baseline Report (GBR) and Geotechnical Data Report (GDR).
  - a. As set forth in the Supplementary Conditions, the GBR describes certain select subsurface conditions that are anticipated to be encountered by Contractor during

construction in specified locations ("Baseline Conditions"). The GBR is a Contract Document.

- b. The Baseline Conditions in the GBR are intended to reduce uncertainty and the degree of contingency in submitted Bids. However, Bidders cannot rely solely on the Baseline Conditions. Bids should be based on a comprehensive approach that includes an independent review and analysis of the GBR, all other Contract Documents, Technical Data, other available information, and observable surface conditions. Not all potential subsurface conditions are baselined.
  - c. Nothing in the GBR is intended to relieve Bidders of the responsibility to make their own determinations regarding construction costs, bidding strategies, and Bid prices, nor of the responsibility to select and be responsible for the means, methods, techniques, sequences, and procedures of construction, and for safety precautions and programs incident thereto.
  - d. As set forth in the Supplementary Conditions, the GDR is a Contract Document containing data prepared by or for the Owner in support of the GBR.
- B. *Underground Facilities:* Underground Facilities are shown or indicated on the Drawings, pursuant to Paragraph 5.05 of the General Conditions, and not in the drawings referred to in Paragraph 5.02.A of these Instructions to Bidders. Information and data regarding the presence or location of Underground Facilities are not intended to be categorized, identified, or defined as Technical Data.

#### 5.03 *Other Site-related Documents*

- A. In addition to the documents regarding existing Site conditions referred to in Paragraph 5.02.A, the following other documents relating to conditions at or adjacent to the Site are known to Owner and made available to Bidders for reference: None.  
Owner will make copies of these other Site-related documents available to any Bidder on request.
- B. Owner has not verified the contents of these other Site-related documents, and Bidder may not rely on the accuracy of any data or information in such documents. Bidder is responsible for any interpretation or conclusion Bidder draws from the other Site-related documents.
- C. The other Site-related documents are not part of the Contract Documents.
- D. No other Site-related documents are available.

#### 5.04 *Site Visit and Testing by Bidders*

- A. Bidder is required to visit the Site and conduct a thorough visual examination of the Site and adjacent areas. During the visit the Bidder must not disturb any ongoing operations at the Site.
- B. Bidders visiting the Site are required to arrange their own transportation to the Site.
- C. All access to the Site other than during a regularly scheduled Site visit must be coordinated through the following Owner or Engineer contact for visiting the Site:

Name: Shad Walters, P.E.

Title: Senior Consultant

Address: 401 4<sup>th</sup> Street SW, Ste. 201, Hickory, NC 28602

Phone No.: (704) 227-3455 or (828) 327-6911

Email Address: swalters@wkdickson.com

Bidder must conduct the required Site visit during normal working hours.

- D. Bidder is not required to conduct any subsurface testing, or exhaustive investigations of Site conditions.
- E. On request, and to the extent Owner has control over the Site, and schedule permitting, the Owner will provide Bidder general access to the Site to conduct such additional examinations, investigations, explorations, tests, and studies as Bidder deems necessary for preparing and submitting a successful Bid. Owner will not have any obligation to grant such access if doing so is not practical because of existing operations, security or safety concerns, or restraints on Owner's authority regarding the Site. Bidder is responsible for establishing access needed to reach specific selected test sites.
- F. Bidder must comply with all applicable Laws and Regulations regarding excavation and location of utilities, obtain all permits, and comply with all terms and conditions established by Owner or by property owners or other entities controlling the Site with respect to schedule, access, existing operations, security, liability insurance, and applicable safety programs.
- G. Bidder must fill all holes and clean up and restore the Site to its former condition upon completion of such explorations, investigations, tests, and studies.

#### 5.05 *Owner's Safety Program*

- A. Site visits and work at the Site may be governed by an Owner safety program. If an Owner safety program exists, it will be noted in the Supplementary Conditions.

#### 5.06 *Other Work at the Site*

- A. Reference is made to Article 8 of the Supplementary Conditions for the identification of the general nature of other work of which Owner is aware (if any) that is to be performed at the Site by Owner or others (such as utilities and other prime contractors) and relates to the Work contemplated by these Bidding Documents. If Owner is party to a written contract for such other work, then on request, Owner will provide to each Bidder access to examine such contracts (other than portions thereof related to price and other confidential matters), if any.

### **ARTICLE 6—BIDDER'S REPRESENTATIONS AND CERTIFICATIONS**

#### 6.01 *Express Representations and Certifications in Bid Form, Agreement*

- A. The Bid Form that each Bidder will submit contains express representations regarding the Bidder's examination of Project documentation, Site visit, and preparation of the Bid, and certifications regarding lack of collusion or fraud in connection with the Bid. Bidder should review these representations and certifications, and assure that Bidder can make the representations and certifications in good faith, before executing and submitting its Bid.
- B. If Bidder is awarded the Contract, Bidder (as Contractor) will make similar express representations and certifications when it executes the Agreement.

**ARTICLE 7—INTERPRETATIONS AND ADDENDA**

- 7.01 Owner on its own initiative may issue Addenda to clarify, correct, supplement, or change the Bidding Documents.
- 7.02 Bidder shall submit all questions about the meaning or intent of the Bidding Documents to Engineer in **writing**. Contact information and submittal procedures for such questions are as follows:
- Name: Shad Walters, P.E.  
 Title: Senior Consultant  
 Address: 401 4<sup>th</sup> Street, SW, Ste. 201, Hickory, NC 28602  
 Phone No.: 704.227.3455 or 828.327.6911  
 Email Address: swalters@wkdickson.com
- 7.03 Interpretations or clarifications considered necessary by Engineer in response to such questions will be issued by Addenda delivered to all registered plan holders. Questions received less than seven days prior to the date for opening of Bids may not be answered.
- 7.04 Only responses set forth in an Addendum will be binding. Oral and other interpretations or clarifications will be without legal effect. Responses to questions are not part of the Contract Documents unless set forth in an Addendum that expressly modifies or supplements the Contract Documents.

**ARTICLE 8—BID SECURITY**

- 8.01 A Bid must be accompanied by Bid security made payable to Owner in an amount of 5 percent of Bidder's maximum Bid price (determined by adding the base bid and all alternates) and in the form of cash, a cashier's check, certified check on an FDIC-insured bank or trust company, or a Bid bond issued by a surety meeting the requirements of Paragraph 6.01 of the General Conditions. Such Bid bond will be issued in the form included in the Bidding Documents.
- 8.02 The Bid security of the apparent Successful Bidder will be retained until Owner awards the contract to such Bidder, and such Bidder has executed the Contract, furnished the required Contract security, and met the other conditions of the Notice of Award, whereupon the Bid security will be released. If the Successful Bidder fails to execute and deliver the Contract and furnish the required Contract security within 10 days after the Notice of Award, Owner may consider Bidder to be in default, annul the Notice of Award, and the Bid security of that Bidder will be forfeited, in whole in the case of a penal sum bid bond, and to the extent of Owner's damages in the case of a damages-form bond. Such forfeiture will be Owner's exclusive remedy if Bidder defaults.
- 8.03 The Bid security of other Bidders that Owner believes to have a reasonable chance of receiving the award may be retained by Owner until the earlier of 7 days after the Effective Date of the

Contractor 91 days after the Bid opening, whereupon Bid security furnished by such Bidders will be released.

- 8.04 Bid security of other Bidders that Owner believes do not have a reasonable chance of receiving the award will be released within 7 days after the Bid opening.

#### **ARTICLE 9—CONTRACT TIMES**

- 9.01 The number of days within which, or the dates by which, the Work is to be (a) substantially completed and (b) ready for final payment, and (c) Milestones (if any) are to be achieved, are set forth in the Agreement.
- 9.02 Bidder must set forth in the Bid the time by which Bidder must achieve Substantial Completion, subject to the restrictions established in Paragraph 13.07 of these Instructions. The Owner will take Bidder's time commitment regarding Substantial Completion into consideration during the evaluation of Bids, and it will be necessary for the apparent Successful Bidder to satisfy Owner that it will be able to achieve Substantial Completion within the time such Bidder has designated in the Bid. Bidder must also set forth in the Bid its commitments regarding the achievement of Milestones (if any) and readiness for final payment. The Successful Bidder's time commitments will be entered into the Agreement or incorporated in the Agreement by reference to the specific terms of the Bid.
- 9.03 Provisions for liquidated damages, if any, for failure to timely attain a Milestone, Substantial Completion, or completion of the Work in readiness for final payment, are set forth in the Agreement.

#### **ARTICLE 10—SUBSTITUTE AND "OR EQUAL" ITEMS**

- 10.01 The Contract for the Work, as awarded, will be on the basis of materials and equipment specified or described in the Bidding Documents, and those "or-equal" or substitute or materials and equipment subsequently approved by Engineer prior to the submittal of Bids and identified by Addendum. No item of material or equipment will be considered by Engineer as an "or-equal" or substitute unless written request for approval has been submitted by Bidder and has been; 1) received within 10 days prior to the bid opening; and 2) approved by Engineer prior to the bid opening. Each such request must comply with the requirements of Paragraphs 7.05 and 7.06 of the General Conditions, and the review of the request will be governed by the principles in those paragraphs. The burden of proof of the merit of the proposed item is upon Bidder. Engineer's decision of approval or disapproval of a proposed item will be final. If Engineer approves any such proposed item, such approval will be set forth in an Addendum issued to all registered Bidders. Bidders cannot rely upon approvals made in any other manner.
- 10.02 All prices that Bidder sets forth in its Bid will be based on the presumption that the Contractor will furnish the materials and equipment specified or described in the Bidding Documents, as supplemented by Addenda. Any assumptions regarding the possibility of post-Bid approvals of "or-equal" or substitution requests are made at Bidder's sole risk.

#### **ARTICLE 11—SUBCONTRACTORS, SUPPLIERS, AND OTHERS**

- 11.01 A Bidder must be prepared to retain specific Subcontractors and Suppliers for the performance of the Work if required to do so by the Bidding Documents or in the Specifications. If a prospective

Bidder objects to retaining any such Subcontractor or Supplier and the concern is not relieved by an Addendum, then the prospective Bidder should refrain from submitting a Bid.

- 11.02 Bidders must submit with their Bids a list of the Subcontractors or Suppliers proposed for the following portions of the Work:
- A. Civil related work including grading and storm drainage;
  - B. Utility Construction;
  - C. Landscaping;
  - D. Paving;
  - E. Signal Installation
- 11.03 If requested by Owner, such list must be accompanied by an experience statement with pertinent information regarding similar projects and other evidence of qualification for each such Subcontractor or Supplier. If Owner, after due investigation, has reasonable objection to any proposed Subcontractor or Supplier, Owner may, before the Notice of Award is given, request apparent Successful Bidder to submit an acceptable substitute, in which case apparent Successful Bidder will submit a substitute, Bidder's Bid price will be increased (or decreased) by the difference in cost occasioned by such substitution, and Owner may consider such price adjustment in evaluating Bids and making the Contract award.
- 11.04 If apparent Successful Bidder declines to make any such substitution, Owner may award the Contract to the next lowest Bidder that proposes to use acceptable Subcontractors and Suppliers. Declining to make requested substitutions will not constitute grounds for forfeiture of the Bid security of any Bidder. Any Subcontractor or Supplier, so listed and against which Owner makes no written objection prior to the giving of the Notice of Award will be deemed acceptable to Owner subject to subsequent revocation of such acceptance as provided in Paragraph 7.07 of the General Conditions.

#### **ARTICLE 12—PREPARATION OF BID**

- 12.01 The Bid Form is included with the Bidding Documents.
- A. All blanks on the Bid Form must be completed in ink and the Bid Form signed in ink. Erasures or alterations must be initialed in ink by the person signing the Bid Form. A Bid price must be indicated for each section, Bid item, alternate, adjustment unit price item, and unit price item listed therein.
  - B. If the Bid Form expressly indicates that submitting pricing on a specific alternate item is optional, and Bidder elects to not furnish pricing for such optional alternate item, then Bidder may enter the words "No Bid" or "Not Applicable."
- 12.02 If Bidder has obtained the Bidding Documents as Electronic Documents, then Bidder shall prepare its Bid on a paper copy of the Bid Form printed from the Electronic Documents version of the Bidding Documents. The printed copy of the Bid Form must be clearly legible, printed on 8½ inch by 11-inch paper and as closely identical in appearance to the Electronic Document version of the Bid Form as may be practical. The Owner reserves the right to accept Bid Forms which nominally vary in appearance from the original paper version of the Bid Form, providing that all required information and submittals are included with the Bid.

- 12.03 A Bid by a corporation must be executed in the corporate name by a corporate officer (whose title must appear under the signature), accompanied by evidence of authority to sign. The corporate address and state of incorporation must be shown.
- 12.04 A Bid by a partnership must be executed in the partnership name and signed by a partner (whose title must appear under the signature). The official address of the partnership must be shown.
- 12.05 A Bid by a limited liability company must be executed in the name of the firm by a member or other authorized person. The state of formation of the firm and the official address of the firm must be shown.
- 12.06 A Bid by an individual must show the Bidder's name and official address.
- 12.07 A Bid by a joint venture must be executed by an authorized representative of each joint venturer in the manner indicated on the Bid Form. The joint venture must have been formally established prior to submittal of a Bid, and the official address of the joint venture must be shown.
- 12.08 All names must be printed in ink below the signatures.
- 12.09 The Bid must contain an acknowledgment of receipt of all Addenda, the numbers of which must be filled in on the Bid Form.
- 12.10 Postal and e-mail addresses and telephone number for communications regarding the Bid must be shown.
- 12.11 The Bid must contain evidence of Bidder's authority to do business in the state where the Project is located, or Bidder must certify in writing that it will obtain such authority within the time for acceptance of Bids and attach such certification to the Bid.
- 12.12 If Bidder is required to be licensed to submit a Bid or perform the Work in the state where the Project is located, the Bid must contain evidence of Bidder's licensure, or Bidder must certify in writing that it will obtain such licensure within the time for acceptance of Bids and attach such certification to the Bid. Bidder's state contractor license number, if any, must also be shown on the Bid Form.

### **ARTICLE 13—BASIS OF BID**

#### 13.01 *Lump Sum*

- A. Bidders must submit a Bid on a lump sum basis as set forth in the Bid Form.

#### 13.02 *Base Bid with Alternates*

- A. Bidders must submit a Bid on a lump sum basis for the base Bid and include a separate price for each alternate described in the Bidding Documents and as provided for in the Bid Form. The price for each alternate will be the amount added to or deleted from the base Bid if Owner selects the alternate.
- B. In the comparison of Bids, alternates will be applied in the same order of priority as listed in the Bid Form.

#### 13.03 *Unit Price*

- A. Bidders must submit a Bid on a unit price basis for each item of Work listed in the unit price section of the Bid Form.

- B. The "Bid Price" (sometimes referred to as the extended price) for each unit price Bid item will be the product of the "Estimated Quantity", which Owner or its representative has set forth in the Bid Form, for the item and the corresponding "Bid Unit Price" offered by the Bidder. The total of all unit price Bid items will be the sum of these "Bid Prices"; such total will be used by Owner for Bid comparison purposes. The final quantities and Contract Price will be determined in accordance with Paragraph 13.03 of the General Conditions.
- C. Discrepancies between the multiplication of units of Work and unit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum.

#### 13.04 Allowances

- A. For cash allowances the Bid price must include such amounts as the Bidder deems proper for Contractor's overhead, costs, profit, and other expenses on account of cash allowances, if any, named in the Contract Documents, in accordance with Paragraph 13.02.B of the General Conditions.

### ARTICLE 14—SUBMITTAL OF BID

- 14.01 The Bidding Documents include one separate unbound copy of the Bid Form, and, if required, the Bid Bond Form. The unbound copy of the Bid Form is to be completed and submitted with the Bid security and the other documents required to be submitted under the terms of Article 2 of the Bid Form.
- 14.02 A Bid must be received no later than the date and time prescribed and at the place indicated in the Advertisement or invitation to bid and must be enclosed in a plainly marked sealed package with the Project title, and, if applicable, the designated portion of the Project for which the Bid is submitted, the name and address of Bidder, license number of the Bidder, and must be accompanied by the Bid security and other required documents. If a Bid is sent by mail or other delivery system, the sealed envelope containing the Bid must be enclosed in a separate package plainly marked on the outside with the notation "BID ENCLOSED." A mailed Bid must be addressed to the location designated in the Advertisement.
- 14.03 Bids received after the date and time prescribed for the opening of bids, or not submitted at the correct location or in the designated manner, will not be accepted and will be returned to the Bidder unopened.

### ARTICLE 15—MODIFICATION AND WITHDRAWAL OF BID

- 15.01 If within 72 hours after Bids are opened any Bidder files a duly signed written notice with Owner and promptly thereafter demonstrates to the reasonable satisfaction of Owner that there was a material and substantial mistake in the preparation of its Bid, as defined by Gen. Stat. § 143-129.1,



the Bidder may withdraw its Bid, and the Bid security will be returned. Thereafter, if the Work is rebid, the Bidder will be disqualified from further bidding on the Work.

#### **ARTICLE 16—OPENING OF BIDS**

- 16.01 Bids will be opened at the time and place indicated in the advertisement or invitation to bid and, subject §16.02, read aloud publicly. An abstract of the amounts of the base Bids and major alternates, if any, will be made available to Bidders after the opening of Bids.
- 16.02 If it is apparent that at least three Bids have not been submitted, the Bids shall be returned to the Bidders unopened and the Contract shall be readvertised and rebid.

#### **ARTICLE 17—BIDS TO REMAIN SUBJECT TO ACCEPTANCE**

- 17.01 All Bids will remain subject to acceptance for the period of time stated in the Bid Form, but Owner may, in its sole discretion, release any Bid and return the Bid security prior to the end of this period.

#### **ARTICLE 18—EVALUATION OF BIDS AND AWARD OF CONTRACT**

- 18.01 Owner reserves the right to reject any or all Bids, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional Bids. Owner also reserves the right to waive all minor Bid informalities not involving price, time, or changes in the Work.
- 18.02 Owner will reject the Bid of any Bidder that Owner finds, after reasonable inquiry and evaluation, to not be responsible.
- 18.03 If Bidder purports to add terms or conditions to its Bid, takes exception to any provision of the Bidding Documents, or attempts to alter the contents of the Contract Documents for purposes of the Bid, whether in the Bid itself or in a separate communication to Owner or Engineer, then Owner will reject the Bid as nonresponsive.
- 18.04 If Owner awards the contract for the Work, such award will be to the lowest responsive, responsible bidder taking into consideration quality, performance and the time specified for performance. Notice of Award will not be given until the Owner has concluded such investigations as deemed necessary to establish the responsibility, qualifications, and financial ability of the bidders to execute the Work in accordance with the Contract Documents to the satisfaction of the Owner within the time prescribed. The Owner reserves the right to reject the Bid of any bidder who does not pass such investigation to the Owner's satisfaction. In analyzing Bids, the Owner may take into consideration alternates and unit prices, if requested in the Bid form.
- 18.05 *Evaluation of Bids*
- A. In evaluating Bids, Owner will consider whether the Bids comply with the prescribed requirements, and such alternates, unit prices, and other data, as may be requested in the Bid Form or prior to the Notice of Award.
  - B. In the comparison of Bids, alternates will be evaluated in any combination that is in the best interest of the Owner. After determination of the Successful Bidder based on this comparative process and on the responsiveness, responsibility, and other factors set forth in these Instructions, the award may be made to said Successful Bidder on its base Bid and any

combination of its additive alternate Bids for which Owner determines funds will be available at the time of award.

- C. For the determination of the apparent low Bidder when unit price bids are submitted, Bids will be compared on the basis of the total of the products of the estimated quantity of each item and unit price Bid for that item, together with any lump sum items.
- 18.06 In evaluating whether a Bidder is responsible, Owner will consider the qualifications of the Bidder and may consider the qualifications and experience of Subcontractors and Suppliers proposed for those portions of the Work for which the identity of Subcontractors and Suppliers must be submitted as provided in the Bidding Documents.
- 18.07 Owner may conduct such investigations as Owner deems necessary to establish the responsibility, qualifications, and financial ability of Bidders and any proposed Subcontractors or Suppliers.

#### **ARTICLE 19—BONDS AND INSURANCE**

- 19.01 Article 6 of the General Conditions, as may be modified by the Supplementary Conditions, sets forth Owner's requirements as to performance and payment bonds, other required bonds (if any), and insurance. When the Successful Bidder delivers the executed Agreement to Owner, it must be accompanied by required bonds and insurance documentation.
- 19.02 Article 8, Bid Security, of these Instructions, addresses any requirements for providing bid bonds as part of the bidding process.

#### **ARTICLE 20—SIGNING OF AGREEMENT**

- 20.01 When Owner issues a Notice of Award to the Successful Bidder, it will be accompanied by the unexecuted counterparts of the Agreement along with the other Contract Documents as identified in the Agreement. Within 10 days thereafter, Successful Bidder must execute and deliver the required number of counterparts of the Agreement and any bonds and insurance documentation required to be delivered by the Contract Documents to Owner. Within 10 days thereafter, Owner will deliver one fully executed counterpart of the Agreement to Successful Bidder, together with printed and electronic copies of the Contract Documents as stated in Paragraph 2.02 of the General Conditions.

#### **ARTICLE 21—SALES AND USE TAXES**

- 21.01 Refer to Paragraph SC-7.10 of the Supplementary Conditions for additional information.

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DOCUMENT 00 40 00  
**AFFIDAVIT OF COMPLIANCE**

**With State E-Verify Statutes**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ (hereinafter the "Affiant"), duly authorized by and on behalf of \_\_\_\_\_ (hereinafter the "Employer") after being first duly sworn deposes and says as follows:

1. I am the \_\_\_\_\_ (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.
2. Employer understands that "E-Verify" means the federal E-Verify 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.
3. \_\_\_\_\_ Employer employs 25 or more employees in the state, and is in compliance with the provisions of state statutes. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification for a period of at least one year.  
  
\_\_\_\_\_ Employer employs fewer than 25 employees and is therefore not subject to the provisions of state statutes.
4. All subcontractors engaged by or to be engaged by Employer have or will have likewise complied with the provisions of state statutes.
5. Employer shall keep W.K. Dickson & Co., Inc. informed of any change in its status.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Affiant  
Print or Type Name: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

[SEAL]

My commission expires: \_\_\_\_\_

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## BID FORM FOR CONSTRUCTION CONTRACT

The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

### ARTICLE 1—OWNER AND BIDDER

1.01 This Bid is submitted to:

City of Hickory Public Services Dept., ATTN: Shawn Pennell  
1441 9<sup>th</sup> Ave NE; Hickory, NC 28601  
PO Box 398; Hickory, NC 28603

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

### ARTICLE 2—ATTACHMENTS TO THIS BID

2.01 The following documents are submitted with and made a condition of this Bid:

- A. Required Bid security;
- B. List of Proposed First-Tier Subcontractors, including without limitation, the following trades; HVAC, Electrical, Plumbing and General;
- C. List of Proposed Suppliers;
- D. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such authority within the time for acceptance of Bids;
- E. Contractor's license number as evidence of Bidder's State Contractor's License or a covenant by Bidder to obtain said license within the time for acceptance of Bids;
- F. Required Bidder Qualification Statement with supporting data.

## ARTICLE 3—BASIS OF BID—LUMP SUM BID AND UNIT PRICES

## 3.01 Unit Price Bids

A. Bidder will perform the following Work at the indicated unit prices:

	Description	Unit	Quantity	Unit Price	Total
Startown Road Widening – BID ITEM A					
1	Mobilization, Temp Facilities, Bonds and Insurance	%	3.0%	31,600.00	31,600.00
2	Traffic Control	LS	1	40,000.00	40,000.00
3	Demolition	LS	1	15,000.00	15,000.00
4	Clearing and Grubbing	LS	1	1.00	1.00
5	Grading	LS	1	103,000.00	103,000.00
6	Erosion Control	LS	1	10,500.00	10,500.00
7	Asphalt Milling	SY	800	17.14	13,712.00
8	30-inch Concrete Curb and Gutter	LF	300	34.00	10,200.00
9	5' wide Concrete Sidewalk with HC Curb Cut	LF	30	30.00	900.00
10	Asphalt Pavement Structure - Base Widening	SY	720	133.00	95,760.00
11	Asphalt Surface Course - Overlay	TONS	770	110.00	84,700.00
12	Liquid Asphalt - Cement Binder Allowance	TONS	75	\$800	\$60,000
13	Pavement Striping including Arrows, Stop bars and Reflectors	LS	1	29,000.00	29,000.00
14	18" HDPE Storm Drainage Piping	LF	480	63.00	30,240.00
15	Precast Concrete Drainage Structures	EACH	5	4,700.00	23,500.00
16	Sewer Manhole Adjustment	EACH	2	2,000.00	4,000.00
17	Traffic Signals, Mast Arms, Loop Detectors, etc	LS	1	338,000.00	338,000.00
18	12" x 12" x 12" Tapping Sleeve and Valve	EACH	2	18,500.00	37,000.00
19	12-inch C900 DR14 PVC Water Line	LF	530	99.00	52,470.00
20	12" Gate Valves in Adjustable Cast Iron Boxes	EACH	6	5,000.00	30,000.00
21	Cut in of 12" Gate Valve with Concrete Deadman	EACH	2	13,064.00	26,128.00

22	Compact DI Fittings with Concrete Thrust Blocking	LBS	1,000	17.00	17,000.00
23	Tie-in with Existing 12" Water Line -Trivium Service	EACH	1	7,700.00	7,700.00
24	Water Line Abandonment/Removal	LS	1	10,815.00	10,815.00
25	Misc Items	LS	1	1.00	1.00
26	Seeding/Grassing and Restoration	LS	1	11,000.00	11,000.00
Total of all Unit Price Bid Items Startown Road Widening:					\$1,082,221.00

	Description	Unit	Quantity	Unit Price	Total
Trivium East Extension – BID ITEM B					
1	Mobilization, Temp Facilities, Bonds and Insurance	%	3.0%	33,500.00	33,500.00
2	Clearing and Grubbing	LS	1	5,000.00	5,000.00
3	Grading	LS	1	180,000.00	180,000.00
4	Erosion Control	LS	1	60,000.00	60,000.00
5	Undercut Unsuitable Material and Replace	SY	100	50.00	5,000.00
6	18-inch Concrete Curb and Gutter	LF	560	25.00	14,000.00
7	30-inch Concrete Curb and Gutter	LF	2,000	29.00	58,000.00
8	Rip Rap on Filter Fabric	SY	600	60.00	36,000.00
9	Concrete Driveway Apron	LF	18	220.00	3,960.00
10	5' wide Concrete Sidewalk with HC Curb Cut	LF	980	32.00	31,360.00
11	HD Asphalt Pavement Structure	SY	3,900	60.50	235,950.00
12	LD Asphalt Pavement Structure	SY	150	46.00	6,900.00
13	Liquid Asphalt - Cement Binder Allowance	TONS	85	\$800	\$68,000
14	Pavement Striping including Arrows and Stop bars	LS	1	4,815.00	4,815.00
15	Precast Concrete Drainage Structures	EACH	13	5,250.00	68,250.00
16	36" Precast Concrete Headwall	EACH	2	4,175.00	8,350.00
17	18" Precast Concrete Headwall	EACH	1	2,300.00	2,300.00
18	15" Diameter RCP Drainage Piping	LF	60	63.00	3,780.00



19	18" Diameter RCP Drainage Piping	LF	500	72.00	36,000.00
20	24" Diameter RCP Drainage Piping	LF	400	101.00	40,400.00
21	36" Diameter RCP Drainage Piping	LF	160	178.00	28,480.00
22	8-inch C900 DR14 PVC Water Line	LF	20	88.00	1,760.00
23	12-inch C900 DR14 PVC Water Line	LF	930	105.00	97,650.00
24	8" Gate Valves in Adjustable Cast Iron Box	EACH	1	3,200.00	3,200.00
25	12" Gate Valves in Adjustable Cast Iron Box	EACH	2	5,250.00	10,500.00
26	Compact DI Fittings with Concrete Thrust Blocking	LBS	1,000	17.50	17,500.00
27	Fire Hydrant Assembly	EACH	3	7,725.00	23,175.00
28	8" Cap with Concrete Deadman	EACH	1	1,885.00	1,885.00
29	12" Cap with Concrete Deadman	EACH	1	3,700.00	3,700.00
30	4" and 6" PVC Sleeves	LF	130	65.00	8,450.00
31	Misc Items	LS	1	1.00	1.00
32	Landscaping	LS	1	22,300.00	22,300.00
33	Seeding/Grassing and Restoration	LS	1	17,000.00	17,000.00
34	Stabilization Fabric	SY	4,600	3.40	15,640.00
Total of all Unit Price Bid Items Trivium East Extension:					\$1,152,806.00

B. Bidder acknowledges that:

1. each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor's overhead and profit for each separately identified item, and
2. estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Work will be based on actual quantities, determined as provided in the Contract Documents.

3.02 Total Bid Price (Lump Sum and Unit Prices)

Total Bid Price (Startown and Trivium East Extension Unit Price Bids (ADD BID ITEMS "A" AND "B"))	\$ 2,235,033.00
two million two hundred thirty-five thousand thirty-three dollars and zero cents (words)	

**ARTICLE 4—EVALUATION OF BIDS**

4.01 Bids will be evaluated in accordance with Article 18 of the Instructions to Bidders.

**ARTICLE 5—TIME OF COMPLETION**

- 5.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 5.02 Bidder agrees that the Work will be substantially complete on or before June 1, 2024, and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before July 1, 2024.
- 5.03 Bidder agrees that the Work will be substantially complete within 180 calendar days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 210 calendar days after the date when the Contract Times commence to run.
- 5.04 Bidder accepts the provisions of the Agreement as to liquidated damages.

**ARTICLE 6—BIDDER’S ACKNOWLEDGEMENTS: ACCEPTANCE PERIOD, INSTRUCTIONS, AND RECEIPT OF ADDENDA**

- 6.01 *Bid Acceptance Period*
  - A. This Bid will remain subject to acceptance for 90 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.
- 6.02 *Instructions to Bidders*
  - A. Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security.
- 6.03 *Receipt of Addenda*
  - A. Bidder hereby acknowledges receipt of the following Addenda:

Addendum Number	Addendum Date
1	10/13/23

**ARTICLE 7—BIDDER’S REPRESENTATIONS AND CERTIFICATIONS**

- 7.01 *Bidder’s Representations*
  - A. In submitting this Bid, Bidder represents the following:
    1. Bidder has examined and carefully studied the Bidding Documents, including Addenda.

2. Bidder has visited the Site, conducted a thorough visual examination of the Site and adjacent areas, and become familiar with the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
3. Bidder is familiar with all Laws and Regulations that may affect cost, progress, and performance of the Work.
4. Bidder has carefully studied the reports of explorations and tests of subsurface conditions at or adjacent to the Site and the drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, with respect to the Technical Data in such reports and drawings.
5. Bidder has carefully studied the reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, with respect to Technical Data in such reports and drawings.
6. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Technical Data identified in the Supplementary Conditions or by definition, with respect to the effect of such information, observations, and Technical Data on (a) the cost, progress, and performance of the Work; (b) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, if selected as Contractor; and (c) Bidder's (Contractor's) safety precautions and programs.
7. Based on the information and observations referred to in the preceding paragraph, Bidder agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
8. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
9. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and of discrepancies between Site conditions and the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
10. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
11. The submission of this Bid constitutes an incontrovertible representation by Bidder that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

#### 7.02 *Bidder's Certifications*

##### A. The Bidder certifies the following:

1. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation.

2. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid.
3. Bidder has not solicited or induced any individual or entity to refrain from bidding.
4. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 7.02.A:
  - a. Corrupt practice means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process.
  - b. Fraudulent practice means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition.
  - c. Collusive practice means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels.
  - d. Coercive practice means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

BIDDER hereby submits this Bid as set forth above:

Bidder:

NEILL GRADING AND CONSTRUCTION COMPANY, INC  
(typed or printed name of organization)

By:

*[Signature]*  
(individual's signature)

Name:

M. Scott Zanotti  
(typed or printed)

Title:

Vice President  
(typed or printed)

Date:

10/19/23  
(typed or printed)



If Bidder is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.

Attest:

*[Signature]*  
(individual's signature)

Name:

SUSAN WILSON  
(typed or printed)

Title:

ASSIST SEC  
(typed or printed)

Date:

10/19/23  
(typed or printed)

Address for giving notices:

P.O. Box 3916  
Hickory, NC 28603

Bidder's Contact:

Name:

M. Scott Zanotti  
(typed or printed)

Title:

Vice President  
(typed or printed)

Phone:

822-855-4194

Email:

scott@neillinc.com

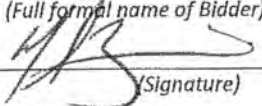
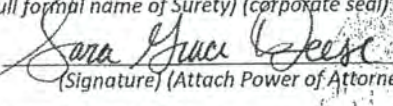

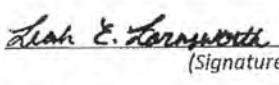
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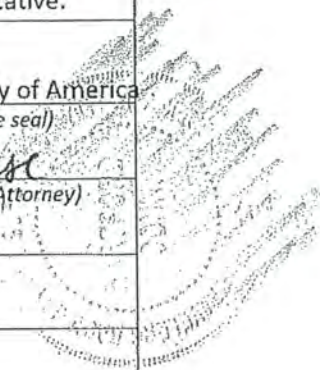
P.O. Box 3916  
Hickory, NC 28603

Bidder's Contractor License No.: (if applicable)

7539

### BID BOND (PENAL SUM FORM)

<b>Bidder</b> Name: <b>Neill Grading and Construction Co., Inc</b> Address <i>(principal place of business)</i> : <b>PO Box 3916 Hickory, NC 28603</b>	<b>Surety</b> Name: Travelers Casualty and Surety Company of America Address <i>(principal place of business)</i> : One Tower Square Hartford, CT 06183
<b>Owner</b> Name: <b>City of Hickory</b> Address <i>(principal place of business)</i> : <b>1441 9<sup>th</sup> Ave NE</b> <b>Hickory, NC 28601</b>	<b>Bid</b> Project <i>(name and location)</i> : <b>City of Hickory</b> <b>Trivium East Widening Project</b> Hickory, NC  Bid Due Date: <b>October 19, 2023</b>
<b>Bond</b> Penal Sum: <b>[5% of Bid Amount]</b> Date of Bond: <b>10/19/2023</b>	
Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth in this Bid Bond, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.	
Bidder Neill Grading and Construction Company, Inc. <i>(Full formal name of Bidder)</i>	Surety Travelers Casualty and Surety Company of America <i>(Full formal name of Surety) (corporate seal)</i>
By: <u></u> <i>(Signature)</i>	By: <u></u> <i>(Signature) (Attach Power of Attorney)</i>
Name: <u>M. Scott Zanotti</u> <i>(Printed or typed)</i>	Name: <u>Sara Grace Deese</u> <i>(Printed or typed)</i>
Title: <u>Vice President</u>	Title: <u>Attorney-in-Fact</u>
Attest: <u></u> <i>(Signature)</i>	Attest: <u></u> <i>(Signature)</i>
Name: <u>Susan Wilson</u> <i>(Printed or typed)</i>	Name: <u>Leah E. Farnsworth</u> <i>(Printed or typed)</i>
Title: <u>Asst. Secretary</u>	Title: <u>Witness</u>
Notes: (1) Note: Addresses are to be used for giving any required notice. (2) Provide execution by any additional parties, such as joint venturers, if necessary.	



1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond will be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder occurs upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation will be null and void if:
  - 3.1. Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
  - 3.2. All Bids are rejected by Owner, or
  - 3.3. Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions does not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.
6. No suit or action will be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety, and in no case later than one year after the Bid due date.
7. Any suit or action under this Bond will be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder must be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Postal Service registered or certified mail, return receipt requested, postage pre-paid, and will be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond will be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute governs and the remainder of this Bond that is not in conflict therewith continues in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.



Travelers Casualty and Surety Company of America  
Travelers Casualty and Surety Company  
St. Paul Fire and Marine Insurance Company  
Farmington Casualty Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, St. Paul Fire and Marine Insurance Company, and Farmington Casualty Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint Sara Grace Deese of Greensboro, NC, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge the following bond:

Surety Bond No.: Bid Bond  
OR

Principal: Neill Grading & Construction Co. Inc.  
Obligee: City of Hickory

Project Description: Trivium East Widening Project

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 21st day of April, 2021.



State of Connecticut  
City of Hartford ss.

By: [Signature]  
Robert L. Raney, Senior Vice President

On this the 21st day of April, 2021, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2026



[Signature]  
Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 19th day of October, 2023.



[Signature]  
Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.  
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.



## QUALIFICATIONS STATEMENT

### ARTICLE 1—GENERAL INFORMATION

1.01 Provide contact information for the Business:

Legal Name of Business:		NEILL GRADING & CONST. CO., INC.	
Corporate Office			
Name:	M. Scott Zoratti	Phone number:	828-324-6774
Title:	Vice President	Email address:	Scott@NeillInc.com
Business address of corporate office:		P.O. Box 3916 Hickory, NC 28603	
Local Office <i>N/A</i>			
Name:		Phone number:	
Title:		Email address:	
Business address of local office:			

1.02 Provide information on the Business's organizational structure:

Form of Business:	<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation		
<input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Joint Venture comprised of the following companies:			
1.			
2.			
3.			
Provide a separate Qualification Statement for each Joint Venturer.			
Date Business was formed:	5/17/00	State in which Business was formed:	NC
Is this Business authorized to operate in the Project location?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pending	

1.03 Identify all businesses that own Business in whole or in part (25% or greater), or that are wholly or partly (25% or greater) owned by Business:

Name of business:	<i>N/A</i>	Affiliation:	
Address:			
Name of business:		Affiliation:	
Address:			
Name of business:		Affiliation:	
Address:			

1.04 Provide information regarding the Business's officers, partners, and limits of authority.

Name:	EDWARD NEILL	Title:	CEO
Authorized to sign contracts:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Limit of Authority:	\$ 30 MIL
Name:	CLAY NEILL	Title:	PRESIDENT
Authorized to sign contracts:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Limit of Authority:	\$ 30 MIL
Name:	M. SCOTT ZAUSTI	Title:	Vice President / Secretary
Authorized to sign contracts:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Limit of Authority:	\$ 30 MIL
Name:	SUSAN WILSON	Title:	ASSIST. SECRETARY

**ARTICLE 2—LICENSING**

2.01 Provide information regarding licensure for Business:

Name of License:	GENERAL CONTRACTING - UNLIMITED BLDG, Hwy, PU (WTS)		
Licensing Agency:	NORTH CAROLINA		
License No:	7539	Expiration Date:	12/31/23
Name of License:			
Licensing Agency:			
License No:		Expiration Date:	

**ARTICLE 3—DIVERSE BUSINESS CERTIFICATIONS**

3.01 Provide information regarding Business's Diverse Business Certification, if any. Provide evidence of current certification.

Certification	Certifying Agency	Certification Date
<input type="checkbox"/> Disadvantaged Business Enterprise		
<input type="checkbox"/> Minority Business Enterprise		
<input type="checkbox"/> Woman-Owned Business Enterprise		
<input type="checkbox"/> Small Business Enterprise		
<input type="checkbox"/> Disabled Business Enterprise		
<input type="checkbox"/> Veteran-Owned Business Enterprise		
<input type="checkbox"/> Service-Disabled Veteran-Owned Business		
<input type="checkbox"/> HUBZone Business (Historically Underutilized) Business		
<input type="checkbox"/> Other		
<input checked="" type="checkbox"/> None		

**ARTICLE 4—SAFETY**

4.01 Provide information regarding Business's safety organization and safety performance.

Name of Business's Safety Officer: <u>TODD SILVERBRIDGE</u>		
Safety Certifications <u>SEE ATTACHED</u>		
Certification Name	Issuing Agency	Expiration

4.02 Provide Worker's Compensation Insurance Experience Modification Rate (EMR), Total Recordable Frequency Rate (TRFR) for incidents, and Total Number of Recorded Manhours (MH) for the last 3 years and the EMR, TRFR, and MH history for the last 3 years of any proposed Subcontractor(s) that will provide Work valued at 10% or more of the Contract Price. Provide documentation of the EMR history for Business and Subcontractor(s).

Year	2023			2022			2021		
Company	EMR	TRFR	MH	EMR	TRFR	MH	EMR	TRFR	MH
<u>New Granada</u>	<u>0.76</u>			<u>0.88</u>	<u>1</u>	<u>165,643</u>	<u>1.01</u>	<u>0</u>	<u>165,505</u>

**ARTICLE 5—RESERVED**

**ARTICLE 6—SURETY INFORMATION**

6.01 Provide information regarding the surety company that will issue required bonds on behalf of the Business, including but not limited to performance and payment bonds.

Surety Name: <u>TRAVELERS CASUALTY &amp; SURETY COMPANY OF AMERICA</u>	
Surety is a corporation organized and existing under the laws of the state of: <u>NC</u>	
Is surety authorized to provide surety bonds in the Project location? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is surety listed in "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" published in Department Circular 570 (as amended) by the Bureau of the Fiscal Service, U.S. Department of the Treasury? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Mailing Address (principal place of business):	<u>ONE Tower Square</u> <u>HAVERHILL, CT 06183</u>
Physical Address (principal place of business):	<u>SAME</u>
Phone (main): <u>1-866-366-2077</u>	Phone (claims): <u>SAME</u>

**ARTICLE 7—INSURANCE**

7.01 Provide information regarding Business’s insurance company(s), including but not limited to its Commercial General Liability carrier. Provide information for each provider.

Name of insurance provider, and type of policy (CLE, auto, etc.):			
Insurance Provider		Type of Policy (Coverage Provided)	
See Copy of COI			
Are providers licensed or authorized to issue policies in the Project location?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Does provider have an A.M. Best Rating of A-VII or better?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address (principal place of business):			
Physical Address (principal place of business):			
Phone (main):		Phone (claims):	

**ARTICLE 8—CONSTRUCTION EXPERIENCE**

8.01 Provide information that will identify the overall size and capacity of the Business.

Average number of current full-time employees:	85
Estimate of revenue for the current year:	\$ 64 MIL
Estimate of revenue for the previous year:	\$ 42 MIL

8.02 Provide information regarding the Business’s previous contracting experience.

Years of experience with projects like the proposed project:		57	
As a general contractor:	30	As a joint venturer:	
Has Business, or a predecessor in interest, or an affiliate identified in Paragraph 1.03:			
Been disqualified as a bidder by any local, state, or federal agency within the last 5 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Been barred from contracting by any local, state, or federal agency within the last 5 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Been released from a bid in the past 5 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Defaulted on a project or failed to complete any contract awarded to it? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Refused to construct or refused to provide materials defined in the contract documents or in a change order? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Been a party to any currently pending litigation or arbitration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

Schedule A—Current Projects - SEE ATTACHED

Name of Organization		Project Name	
Project Owner			
General Description of Project			
Project Cost		Date Project	
Key Project Personnel		Project Superintendent	Safety Manager
Name		Project Manager	Quality Control Manager
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Owner		Title/Position	Organization
Designer		Telephone	Email
Construction Manager			
Project Owner		Project Name	
General Description of Project			
Project Cost		Date Project	
Key Project Personnel		Project Superintendent	Safety Manager
Name		Project Manager	Quality Control Manager
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Owner		Name	Telephone
Designer		Title/Position	Organization
Construction Manager			Email
Project Owner		Project Name	
General Description of Project			
Project Cost		Date Project	
Key Project Personnel		Project Superintendent	Safety Manager
Name		Project Manager	Quality Control Manager
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Owner		Name	Telephone
Designer		Title/Position	Organization
Construction Manager			Email
Project Owner		Project Name	
General Description of Project			
Project Cost		Date Project	
Key Project Personnel		Project Superintendent	Safety Manager
Name		Project Manager	Quality Control Manager
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Owner		Name	Telephone
Designer		Title/Position	Organization
Construction Manager			Email

Provide full details in a separate attachment if the response to any of these questions is Yes.

- 8.03 List all projects currently under contract in Schedule A and provide indicated information.
- 8.04 List a minimum of three and a maximum of six projects completed in the last 5 years in Schedule B and provide indicated information to demonstrate the Business's experience with projects similar in type and cost of construction.
- 8.05 In Schedule C, provide information on key individuals whom Business intends to assign to the Project. Provide resumes for those individuals included in Schedule C. Key individuals include the Project Manager, Project Superintendent, Quality Manager, and Safety Manager. Resumes may be provided for Business's key leaders as well.

#### ARTICLE 9—REQUIRED ATTACHMENTS

- 9.01 Provide the following information with the Statement of Qualifications:
- A. If Business is a Joint Venture, separate Qualifications Statements for each Joint Venturer, as required in Paragraph 1.02.
  - B. Diverse Business Certifications if required by Paragraph 3.01.
  - C. Certification of Business's safety performance if required by Paragraph 4.02.
  - D. Financial statements as required by Paragraph 5.01. *provided to reviewer*
  - E. Attachments providing additional information as required by Paragraph 8.02.
  - F. Schedule A (Current Projects) as required by Paragraph 8.03.
  - G. Schedule B (Previous Experience with Similar Projects) as required by Paragraph 8.04.
  - H. Schedule C (Key Individuals) and resumes for the key individuals listed, as required by Paragraph 8.05.
  - I. Additional items as pertinent.

This Statement of Qualifications is offered by:

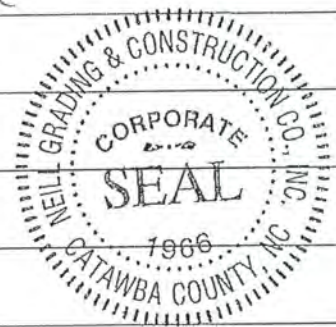
Business: Neill Grading & Construction Co., Inc  
(typed or printed name of organization)

By: [Signature]  
(individual's signature)

Name: M. Scott Zanetti  
(typed or printed)

Title: Vice President  
(typed or printed)

Date: 10/18/23  
(date signed)



(If Business is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: [Signature]  
(individual's signature)

Name: Susan Wilson  
(typed or printed)

Title: ASSIST. SECRETARY  
(typed or printed)

Address for giving notices:  
P.O. Box 3916  
Hickory, NC 28133

Designated Representative:

Name: M. Scott Zanetti  
(typed or printed)

Title: Vice President  
(typed or printed)

Address: P.O. Box 3916  
Hickory NC 28133

Phone: 828-324-6774

Email: Scott@Neillinc.com

Schedule B—Previous Experience with Similar Projects

SEE ATTACHED

Name of Organization		Project Name	
Project Owner			
General Description of Project			
Project Cost		Date Project	
Key Project Personnel		Project Superintendent	
Name		Safety Manager	
		Quality Control Manager	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Name		Organization	
Title/Position		Telephone	
Owner			
Designer			
Construction Manager			
Project Owner			
Name		Project Name	
General Description of Project			
Project Cost		Date Project	
Key Project Personnel		Project Superintendent	
Name		Safety Manager	
		Quality Control Manager	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Name		Organization	
Title/Position		Telephone	
Owner			
Designer			
Construction Manager			
Project Owner			
Name		Project Name	
General Description of Project			
Project Cost		Date Project	
Key Project Personnel		Project Superintendent	
Name		Safety Manager	
		Quality Control Manager	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Name		Organization	
Title/Position		Telephone	
Owner			
Designer			
Construction Manager			
Project Owner			
Name		Project Name	
General Description of Project			
Project Cost		Date Project	
Key Project Personnel		Project Superintendent	
Name		Safety Manager	
		Quality Control Manager	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Name		Organization	
Title/Position		Telephone	
Owner			
Designer			
Construction Manager			



Schedule B—Previous Experience with Similar Projects

Name of Organization		Project Name	
Project Owner			
General Description of Project			
Project Cost	Date Project		
Key Project Personnel	Project Superintendent	Safety Manager	Quality Control Manager
Name	Project Manager		
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Owner	Name	Title/Position	Organization Telephone Email
Designer			
Construction Manager			
Project Owner			
General Description of Project		Date Project	
Project Cost	Project Superintendent	Safety Manager	Quality Control Manager
Key Project Personnel	Project Manager		
Name	Name	Title/Position	Organization Telephone Email
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Owner			
Designer			
Construction Manager			
Project Owner			
General Description of Project		Date Project	
Project Cost	Project Superintendent	Safety Manager	Quality Control Manager
Key Project Personnel	Project Manager		
Name	Name	Title/Position	Organization Telephone Email
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
Owner			
Designer			
Construction Manager			

Schedule C—Key Individuals *See ATTACHMENTS*

<b>Project Manager</b>			
Name of individual			
Years of experience as project manager			
Years of experience with this organization			
Number of similar projects as project manager			
Number of similar projects in other positions			
<b>Current Project Assignments</b>			
Name of assignment		Percent of time used for this project	Estimated project completion date
<b>Reference Contact Information (listing names indicates approval to contact named individuals as a reference)</b>			
Name		Name	
Title/Position		Title/Position	
Organization		Organization	
Telephone		Telephone	
Email		Email	
Project		Project	
Candidate's role on project		Candidate's role on project	
<b>Project Superintendent</b>			
Name of individual			
Years of experience as project superintendent			
Years of experience with this organization			
Number of similar projects as project superintendent			
Number of similar projects in other positions			
<b>Current Project Assignments</b>			
Name of assignment		Percent of time used for this project	Estimated project completion date
<b>Reference Contact Information (listing names indicates approval to contact named individuals as a reference)</b>			
Name		Name	
Title/Position		Title/Position	
Organization		Organization	
Telephone		Telephone	
Email		Email	
Project		Project	
Candidate's role on project		Candidate's role on project	

<b>Safety Manager</b>			
Name of individual			
Years of experience as project manager			
Years of experience with this organization			
Number of similar projects as project manager			
Number of similar projects in other positions			
Current Project Assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name		Name	
Title/Position		Title/Position	
Organization		Organization	
Telephone		Telephone	
Email		Email	
Project		Project	
Candidate's role on project		Candidate's role on project	
<b>Quality Control Manager</b>			
Name of individual			
Years of experience as project superintendent			
Years of experience with this organization			
Number of similar projects as project superintendent			
Number of similar projects in other positions			
Current Project Assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name		Name	
Title/Position		Title/Position	
Organization		Organization	
Telephone		Telephone	
Email		Email	
Project		Project	
Candidate's role on project		Candidate's role on project	



## Current Projects

**Project:** Lincoln County Commerce

**Owner :** Crow Holdings

**Project Manager :** Matt Hovis

**Project Superintendent / QC :** Shane Christopher

**Project Safety Manager :** Todd Shoebridge

**Contact :** Patrick Reynolds

**Contact Ph:** 336-772-7005

**General Contractor:** Choate Construction

**Architect:** Acro-DS

**Contact:** Jeff Mnagas

**Contract Amount:** \$12,278,792.00

**Scope:** Clearing, Grading, Erosion and Storm Drainage. Approx. 900,000 cy cut/fill.

**Anticipated Completion :** December 2023

**Project:** Bosch – Lincolnnton Expansion

**Owner :** Robert Bosch Tool Company

**Project Manager :** Matt Hovis

**Project Superintendent / QC :** Jeff Kerley

**Project Safety Manager :** Todd Shoebridge

**Contact:** Michael O'Malley

**Contact Ph:** 704-929-0287

**General Contractor:** Graycor Construction

**Architect:** McGill Associates

**Contact:** Rob Will – 828-252-0575

**Contract Amount:** 8,789,284.00

**Scope:** Clearing, Grading, Erosion, Storm, Water and Sewer . Approx. 200,000 cy cut/fill and 50,000 cy rock blasting

**Anticipated Completion :** September 2024

*Building the Future, Restoring the Past*

3050 First Ave. Ct. S.E., P.O Box 3916 • Hickory, North Carolina 28603

Phone: (828) 324-6774 • Fax (828) 324-9632

**Project:** Aviation Walk

**Owner :** City of Hickory

**Project Manager / QC:** Elliott Robeson

**Project Superintendent :** Richard Ward

**Project Safety Manager :** Todd Shoebridge

**Contact:** John Marshall

**Contact Ph:** 828-323-7400

**General Contractor:** Neill Grading and Construction

**Architect:** Withers- Ravenel

**Contact:** Daniel Whatley - 919-469-3340

**Contract Amount:** 21,094,160.00

**Scope:** Construction of a multi-mile walkway system including utility relocations, bridge construction, and roadway realignments.

**Anticipated Completion :** April 2024

*Building the Future, Restoring the Past*

3050 First Ave. Ct. S.E., P.O Box 3916 • Hickory, North Carolina 28603

Phone: (828) 324-6774 • Fax (828) 324-9632



## Previous Sitework Projects

**Project:** Apple Creek Corporate Park

**Owner :** Gaston County EDC

**Project Manager :** Matt Hovis

**Project Superintendent / QC :** Shane Christopher / Jeff Kerley

**Project Safety Manager :** Todd Shoebridge

**Contact :** Donny Hicks

**Contact Ph:** 704-825-4046

**General Contractor:** Neill Grading and Construction

**Architect:** Benesch

**Contact:** Morgan Woolner – 704-521-9880

**Contract Amount:** \$17,573,952.00

**Scope:** Turnkey construction of new Corporate Park including 1.2 mil cy cut/fill, 1.5 mile 3 lane road, road widenings, 16" waterline, 8" gravity sewer, storm drain and landscaping

**Completion Date :** June 2022

**Project:** City Walk

**Owner :** City of Hickory

**Project Manager / QC:** Mike Wilson

**Project Superintendent :** Richard Ward

**Project Safety Manager :** Todd Shoebridge

**Contact:** John Marshall

**Contact Ph:** 828-323-7400

**General Contractor:** Neill Grading and Construction

**Architect:** Wood Engineering

**Contact:** Bill Hood – 919-381-9900

**Contract Amount:** 14,514,278.00

**Scope:** Construction of a multi-mile walkway system including utility relocations, bridge construction, and roadway realignments.

**Completion Date :** April 2022

*Building the Future, Restoring the Past*

3050 First Ave. Ct. S.E., P.O Box 3916 • Hickory, North Carolina 28603

Phone: (828) 324-6774 • Fax (828) 324-9632

**Project:** Trivium Entrance and Widening

**Owner :** City of Hickory

**Project Manager :** Matt Hovis

**Project Superintendent / QC :** Jessie Tilghman

**Project Safety Manager :** Mike Wilson

**Contact :** Shawn Pennell

**Contact Ph:** 704-323-7400

**General Contractor:** Neill Grading and Construction

**Architect:** McGill Associates

**Contact:** Doug Chapman

**Contract Amount:** \$1,987,873.00

**Scope:** Turnkey construction of entrance to a new Corporate Park including road widening, sewer relocation, waterline, storm drain and landscaping

**Completion Date :** February 2020

**Project:** Trivium Southern Development Mass Grading Project

**Owner :** City of Hickory

**Project Manager :** Matt Hovis

**Project Superintendent / QC :** Shane Christopher

**Project Safety Manager :** Mike Wilson

**Contact :** Shawn Pennell

**Contact Ph:** 704-323-7400

**General Contractor:** Neill Grading and Construction

**Architect:** CEC

**Contact:** Shad Walters

**Contract Amount:** \$4,237,610.00

**Scope:** Turnkey construction of roadway in a new Corporate Park including mass grading of 2 future building pads totaling approximately 400,000 cy of grading, road widening, gravity sewer, waterline, storm drain and landscaping

**Completion Date :** July 2021

**MANY OTHERS UPON REQUEST**

*Building the Future, Restoring the Past*

3050 First Ave. Ct. S.E., P.O Box 3916 • Hickory, North Carolina 28603

Phone: (828) 324-6774 • Fax (828) 324-9632



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## Clay Neill, PE

3050 First Street Ct. SE Hickory, 28603 – (828) 324-6774 – [clay@neillinc.com](mailto:clay@neillinc.com)

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- **Job Title : President**
    - Responsibilities: Manages Development Division, in-house professional engineer, build GPS models, oversees day to day operations.
  - **Back Ground:**
    - HDR Engineering, Charlotte, NC
    - Neill Grading and Construction since 2000
  - **Education:**
    - Graduated NC State University Masters in Civil Engineering in 1996
- 

## Scott Zanotti

3050 First Street Ct. SE Hickory, 28603 – (828) 855-4194 – [scott@neillinc.com](mailto:scott@neillinc.com)

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- **Job Title : Vice President / Project Manager**
    - Responsibilities: Day to day project administration for Grading Division, contracts, pay applications, estimating / change orders for Grading Division.
  - **Back Ground:**
    - Ferriero Engineering, Chester, N.C. – Survey crew chief
    - ESP Associates, Charlotte, NC – Survey field crew manager
    - Neill Grading and Construction since 2009
  - **Education:**
    - Graduated from Vernon Township High School, NJ in 1994
- 

## Matthew Hovis

3050 1<sup>st</sup> Ave Ct. SE Hickory NC, 28603 (828)324-6774- [matt@neillinc.com](mailto:matt@neillinc.com)

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- **Job Title : Vice President / Sitework Operations Manager**
  - Responsibilities: Schedule and manage subcontractors, Schedule field crews, order and schedule material deliveries, meet regularly with owners, developers, and engineers. Coordinate equipment moves to meet crew needs.



- **Background :**
  - A&A Grading, Bessemer City , NC
  - Neill Grading and Construction since 2007
- **Recent Projects:**
  - Trivium Corporate Center Entrance Way (Hickory)
  - CT Trucking parking lot expansion (Claremont)
  - Cato Subdivision (Huntersville)
  - Arrington Subdivision (Huntersville)
  - Pallasades Apartment Complex ( Mooresville)
  - Highland Park Apartments (Hickory)
  - Highland Park Complex (City of Hickory)
- **Education:**
  - Graduated from Bessemer City High School in 2000

## Richard Ward

3050 1st Ave Ct. SE Hickory, 28603 – (828) 324-6774 – Richard @ neillinc.com

- **Job Title : Utility Foreman**
  - Responsibilities: Manage and Supervise 6-8 man crew during installation and testing of public utilities including water, sewer, and storm drain.
- **Recent Projects:**
  - Cato Subdivision: 6000' of 8" water, 8500' of 8" sewer, 10,000' of storm drain
  - Arrington Subdivision: 5,750' water, 9,500' of sewer, 12,000' of storm drain
  - City of Hickory City Walk – General Superintendent
  - City of Hickory Aviation Walk and City Walk Ph 2 - General Superintendent
- **Education:**
  - Graduated from Silver Bluff High School in 1987.

## Shane Christopher

3050 1st Ave Ct. SE Hickory, 28603 – (828)324-6774 –shane@neillinc.com

- **Job Title : Grading Foreman**
  - Responsibilities: Manage and Supervise 8-12 member crew during the earthwork phase of projects.
- **Recent Projects:**
  - Crate and Barrel - 600,000 cy
  - Shurtape Distribution Ph 1 and 2 – 500,000 cy

- Trivium Southern Development Mass Grading – 400,000 cy
- Apple Creek Corporate Park 1,200,000 cy
- Lincoln County Commerce 900,000 cy

▪ **Education:**

- United States Marine Corps

**TODD A. SHOEBRIDGE**

3262 47<sup>th</sup> Avenue Place, NE  
 Hickory, North Carolina 28601  
 (828) 312-0091 Cell

Email: shoebridgehydro@hotmail.com

**AREAS OF EXPERIENCE AND EXPERTISE**

Management / Supervision  
 Multi-Detailed / Task-Oriented  
 Training / Presentations  
 Monitoring / Implementation  
 Scheduling / Time Management

Fire Prevention / Safety  
 Equipment Knowledge  
 Inspections / Investigations  
 Computers / Software  
 Liaison to State Officials

Excellent Communication Skills  
 Team Player / Leadership Abilities  
 Rules / Regulations / Policies / Procedures  
 Blueprint Reading / Building Projects  
 Hazardous Materials / Instructor

**EDUCATION**

- Continually taking educational courses / updates from area technical colleges Ongoing

**Columbia Southern University** – Orange Beach, AL 3/2015-7/2018  
 • Master of Science in Emergency Service Management (12 Semester Hours Completed)

**SAFETY AND HEALTH COUNCIL OF NORTH CAROLINA** – Charlotte, NC 4/2014-Present  
 • Manager of Environmental Safety and Health / General Industry (MESH Certification, April 4, 2014)  
 • Manager of Environmental Safety and Health / Public Sector (PS-MESH certification, Feb. 25, 2015)  
 • Advanced Safety Certification (ASC certificate, June 2015)  
 • Manager of Environmental Safety and Health / Industrial Hygiene (IH-MESH certification, 7/27/2016)  
 • Manager of Environmental Safety and Health / Construction (C-MESH certification, 1/19/2018)  
 • Manager of Environmental Safety and Health / Emergency Preparedness (EP-MESH certification 11/15/2019)

**UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE** – College Park, MD 7/2012  
 • Bachelor of Science Degree in Fire Science (Deans List)

**FIRE & RESCUE MANAGEMENT INSTITUTE** – University of North Carolina 10/2008–2/2009  
 • Charlotte, North Carolina

**FEMA: DEPT. OF HOMELAND SECURITY** - Emergency Management Institute 12/2007- 8/2013  
 • Independent Learning Program – Emergency Management (50 courses completed)

**MONTREAT COLLEGE** – Montreat, NC 8/1982– 6/1984  
 • Associate of Science Degree in Biology and Ecology

**WAYNESBORO HIGH SCHOOL** – Waynesboro, VA 6/1982  
 • High School Diploma

**CERTIFICATIONS**

North Carolina (IFSAC) Fire Officer III  
 National Registry (Pro Board) Fire Officer III  
 National Fire Academy MAYDAY Instructor  
 NC Rapid Intervention (RIC) Instructor  
 North Carolina Certified Firefighter I, II, III  
 North Carolina Hazardous Material Technician  
 North Carolina Emergency Medical Technician (5/25)  
 North Carolina Live Fire Instructor  
 Catawba County Hazardous Materials Technician  
 Emergency Response Team (2000-2005)  
 (11/2012-Present)  
 North Carolina Qualified Hazardous Materials  
 Awareness / Operations Instructor  
 NC Fire Chief 101 (2010), Chief 101-15(10-2015)  
 ASHI-BLS, CPR/AED, First Aid Instructor (12/23)  
 Lift Truck (Fork lift) Safety  
 ADA Evaluations/Transition Plans (PROWAG)

North Carolina (CFI) Certified Fire / Arson Investigator  
 North Carolina Basic VMR Rescue Technician  
 NIMS ICS 100, 200, 300, 700, & 800  
 North Carolina Fire Inspector Level I, Probationary Level II  
 North Carolina Qualified Fire Service Instructor Level II  
 North Carolina Breathing School Instructor  
 North Carolina Class B Drivers License  
 North Carolina Association of Arson Investigators (NCIAAI)  
 International Association of Arson Investigators (IAAI)  
 North Carolina State Firemen's Association  
 North Carolina Emergency Vehicle Driver (EVD)  
 North Carolina Society of Fire Rescue Instructors  
 North Carolina Lead Advocate "Everyone Goes Home"  
 NCSFA Advanced Firefighter Certification  
 Competent Person – Confined Space & Trench  
 Mine Safety and Health (MSHA, 46.5) Certification

### ASSOCIATION MEMBERSHIPS

**Safety and Health Council of North Carolina, Board of Directors (Secretary) 11/17 – Present**

**North Carolina Association of Local Governmental Employees Safety Officials (NCALGESO)** May 2013 – May 2018

**North Carolina Public Risk Management Association (NC PRIMA)** May 2013 – 2/2021

**North Carolina; State Lead Advocate;**  
**• National Fallen Fighters Foundation "Everyone Goes Home" program** October 2011 – 4/2020

**Long View Fire Department- Firefighter Relief Fund Chairman** May 2017-November/2019

### HONORS

**National Fallen Firefighters Foundation**

• One of 45 Firefighters nationwide selected to be part of the "American Firefighter" coffee table book to benefit firefighters LODD survivors. (Selected for cover photo) Released October 10, 2017

**North Carolina Fire Rescue Instructor of the year**

• Awarded by: North Carolina Fire & Rescue Services Instructors Board May 05, 2011

**North Carolina State Firemen's Association;**

• **North Carolina Advanced Firefighter Certification** September 4, 2013

### PUBLICATIONS

- **Publication:** Shoebridge Todd A. *"To Become a Respected Company Officer, Know your People"* Fire Engineering Magazine, July, 2006; PP 99-101
- **Publication:** Shoebridge Todd A. *"To Become a Respected Company Officer, Know your People"* Carolina Fire Rescue EMS Journal, Vol. 25, No. 3, Winter 2011; PP 17-19
- **Publication:** Shoebridge Todd A. *"Saving Money Building your Props, KISS- Keeping it Simple"* Carolina Fire Rescue EMS Journal, Vol. 25, No. 4, Spring 2011; PP 8,12,14-15
- **Publication:** Shoebridge Todd A. *"Then and Now – Safety in Today's Fire Service"* Carolina Fire Rescue EMS Journal, Vol. 26, No. 2, Fall 2011; PP 35, 38-39
- **Publication:** Shoebridge Todd A. *"Meeting the Toxic Twins, CO and HCN"* Carolina Fire Rescue EMS Journal, Vol. 26, No. 3, Winter 2012; PP 20-21
- **Publication:** Shoebridge Todd A. *"Then and Now – Safety in Today's Fire Service"* [fireengineering.com](http://www.fireengineering.com) January 5, 2012; <http://www.fireengineering.com/articles/2012/01/then-and-now.html>
- **Publication:** Shoebridge Todd A. *"Carbon Monoxide & Hydrogen Cyanide Makes Today's Fires More Dangerous"* *What you need to know about the toxic chemicals released in today's fires;* [firefighternation.com](http://www.firefighternation.com) February 14, 2012; <http://www.firefighternation.com/firefighter-safety-and-health/carbon-monoxide-hydrogen-cyanide-make-today-s-fire>
- **Publication:** Shoebridge Todd A. *"Company Officers: Know Your People"* *Tips for being a strong, efficient & respected company officer;* [firefighternation.com](http://www.firefighternation.com); April 9,2012; <http://www.firefighternation.com/article/professional-development/company-offers-know-your-people>
- **Publication:** Shoebridge Todd A. *"The 7 Principals of a Good Officer"* Carolina Fire Rescue EMS Journal, Vol. 27, No. 3, Winter 2013; PP 40 & 49

PUBLICATIONS

- Publication: Shoebridge Todd A. "Necessary Qualities of a Good Officer" [fireengineering.com](http://www.fireengineering.com) January 24, 2013, <http://www.fireengineering.com/articles/2013/01/leadership-necessary-qualities-of-a-good-officer.html>
- Publication: Shoebridge Todd A. "Community Risk Management and Your Department" *Carolina Fire Rescue EMS Journal*, Vol. 29, No. 3, Winter 2015; Pg. 38

PROFESSIONAL EMPLOYMENT HISTORY

■ **Neill Grading & Construction Inc.** – Hickory, NC (February 1, 2021 - Present)  
Safety Manager

■ **CITY OF HICKORY** – Hickory, NC (May 2013 – 2/01/2021)  
Safety & Risk Manager / ADA Coordinator

**GENERAL SUMMARY:** Develops, implements, and manages activities of the city's comprehensive Risk Management Program. Responsibilities include but are not limited to: risk identification and evaluation; claims management; administering the workers compensation and return-to-work programs; conducting safety training and actively participating with the Risk Management Executive Team and various safety committees; monitoring the random drug testing program; maintaining claim loss statistics and trends; administering casualty, liability and workers compensation insurances.

- Ensures the city maintains adequate general liability and property coverage; receives and reviews liability claims against the city; settles claims; forwards claims to insurance providers; works with insurance adjustors to resolve claims; provides necessary documentation for lawsuits and support to the Legal department as appropriate.
- Manages the City of Hickory's Workers Compensation Program.
- Ensures the city maintains compliance with OSHA regulations; inspects city facilities and worksites for workplace hazards related to safety and compliance; assists in resolving or eliminating hazards; assists in inspecting equipment for potential safety problems.
- Serves as the Americans with Disabilities Act coordinator; ensures compliance with ADA laws; coordinates ADA mandated renovations.
- Provides safety training to personnel; tracks individual training requirements and provides required documentation; and updates policies and procedures related to safety.
- Investigates incidents involving coworker injuries.
- Has a solid working knowledge of National Fire Protection Association (NFPA) codes and Standards
- Compiles statistical data and prepares monthly reports on a wide variety of risk management related topics.
- Evaluates insurance coverage's; identifies exposures and assesses liability through evaluation of claim loss statistics and trends. Provides each department with loss statements for workers' compensation, general liability and auto losses.
- Monitors the random drug testing program to ensure compliance.
- Prepares annual insurance estimates for budgetary purposes; reviews contracts; prepares the Risk Management program budget.
- Coordinates security for city facilities.
- Develops and maintains systems and records that provide for proper evaluation, control and documentation of assigned function.
- Actively participates in new coworker orientation and supervisory training.
- Serves as a member of various functional teams, committees and task forces.
- Works closely with various departments on pre-employment physical exams, worker's compensation injuries, return-to-work and random drug screening programs. May co-facilitate various HR/Safety training programs.
- Performs other related duties as assigned.
- Knowledge of local, state, and federal laws, forms, policies, and procedures regarding occupational safety, liability, and property damage.
- Knowledge of liability and property damage claims processing.
- Skill in budget preparation and maintenance.

- o Skill in investigative techniques as they relate to occupational safety.
- o Skill in performing mathematical calculations.
- o Skill in using standard office equipment, including a computer and standard business application software, calculator, copier, shredder, and facsimile machine.
- o Skill in interpersonal relations.
- o Skill in oral and written communication

■ **CITY OF HICKORY FIRE DEPARTMENT** – Hickory, NC (3/92 – 5/2013)

Captain CFI/EMT/TR-VMR (11/2009 – 5/2013)

Senior Fire Fighter/EMT, CFI, Relief Engineer, Acting Company Officer (3/94 – 11/2009)

Fire Fighter II / Driver Trainee (11/92 – 3/94)

Fire Fighter I (3/92 – 11/92)

I have worked hard and advanced through the ranks within the City of Hickory Fire Department. Through this hard work, I've been given the responsibility of handling day to day company operations of the department as well as all other roles associated with the positions of Firefighter, Senior Firefighter, Engineer, fill-in Company Officer, Captain, Emergency Medical Technician, and VMR Basic Rescue Technician. Duties include, but are not limited to the functions and activities listed below:

- o Maintains readiness of equipment and personnel for immediate response to emergency incidents; ensures regular equipment checks are completed.
- o Responds to emergency incidents in the assigned districts; supervises personnel during fire suppression activities; supervises personnel during EMS calls.
- o Plans and conducts company training and monthly in-service; plans and provides training for career advancement.
- o Evaluates the work of assigned personnel.
- o Conducts fire code inspections; conducts pre-incident fire plans; plans and conducts fire education programs to schools and civic groups.
- o Coordinates fire suppression and emergency response activities with outside agencies and organizations.
- o Plans and conducts hydrant maintenance; conducts water flow testing.
- o Completes required incident and activity reports; maintains knowledge of multiple types of reporting systems.
- o Having the ability to react quickly, make quick decisions, and remain calm under stressful situations; work at unusual heights; work in heated atmospheres; deal with hazardous conditions and environments; and work with all economic and social classes of people.
- o Knowledge and level of competency commonly associated with the completion of a baccalaureate degree in a course of study related to the occupational field.
- o Experience sufficient to thoroughly understand the work of subordinate positions to be able to answer questions and resolve problems, usually associated with one to three years' experience or service.
- o Possession of or ability to readily obtain a valid driver's license issued by the State of North Carolina for the type of vehicle or equipment operated.
- o Ability to meet current requirements set forth by the National Fire Protection Association and the North Carolina Fire and Rescue Commission.
- o Knowledge of firefighting standards, practices, strategies, tactics, and equipment.
- o Knowledge of management and supervisory techniques and practices.
- o Knowledge of local, state and federal fire codes.
- o Knowledge of city and departmental rules, regulations, policies, and procedures.
- o Skill in oral and written communication.
- o Skill in management and supervision of personnel in both day-to-day and emergency operations.
- o Skill in interpersonal relations and problem solving.

- **SHOEBRIDGE LANDSCAPING, INC.** – Hickory, NC 12/93 – 2010  
Owner / President (Full-Time 12/93-1/10),  
 Established a landscaping and lawn maintenance business, in addition to working at the Hickory Fire Department on off duty days. Duties include selling and marketing the business, hiring, scheduling, and supervision of three crews (6-8 employees) working with residential, commercial, and state customers; designing, mulching, mowing, hydro-seeding, planting, sodding, etc.; bidding on projects, reading blueprints; working with established customers and continually pursuing new accounts, and also includes planting projects with N.C.D.O.T. Road Enhancement Program (shrubs, trees, flowers, mulch, etc.); processing billings and dealing with collections; ordering and purchasing of equipment, supplies; maintaining all equipment; maintaining a good rapport with client base; and keeping abreast of new landscaping ideas and products.
- **CLEVELAND COMMUNITY COLLEGE** – Shelby, NC 8/2018 – Present  
Fire Service Qualified Instructor (Part Time)  
 Instruction of classroom and practical applications, and the testing of North Carolina State Certified Fire Service courses to career and volunteer fire service personnel within the Western North Carolina Region. Courses include: Rapid Intervention (RIC) training.
- **CATAWBA VALLEY COMMUNITY COLLEGE** – Hickory, NC 7/1995 – Present  
Fire Service Qualified Instructor (Part Time)  
 Instruction of classroom and practical applications, and the testing of North Carolina State Certified Fire Service courses to career, volunteer, and Industrial fire brigades within the Western North Carolina Region. Courses include: Rapid Intervention (RIC) training, MAYDAY, Air Management, Firefighter Safety and Survival, Fire Service History and Traditions, Live Fire Training, Ropes, Rappelling, Knots, Fire Extinguishers, Ladders, Rescue, Forcible Entry, SCBA, Personal Protective Equipment (PPE), Ventilation, Firefighter Safety and Orientation.  
Fire Service Curriculum Instructor (Part Time) FIP164, OSHA Standards

### VOLUNTEER ORGANIZATIONS

- ◀ **Fire Service Retired (April 1, 2021)**
- ◀ **St. Stephens Volunteer Fire Department; Conover, NC** – Part Time / On Call (12/2019- 4/01/2021)
- ◀ **Long View Fire Department; Hickory, NC** – Part Time / On Call (8/2013- 12/2019)
- ◀ **Viewmont Fire Department; Hickory, NC** – Volunteer (1989 – 1992)
- ◀ **Fairbrook Fire Department; Hickory, NC** – Volunteer (1986 – 1989)
- ◀ **Blowing Rock Fire Department; Blowing Rock, NC** – Volunteer (1984 – 1986)
- ◀ **Montreat-Anderson College (2 Strike Teams), N. C. Department of Forestry; Buncombe County NC** – Crew Chief (8/1982 – 6/1984)
- ◀ **Waynesboro Fire Department; Waynesboro, VA** – Volunteer (7/1981 – 7/1984)

Expiration Date

12/31/2023

License No.

7539

# North Carolina

## Licensing Board for General Contractors

This is to Certify That:

Neill Grading and Construction Company, Inc.

Hickory, NC

is duly registered and entitled to practice

### General Contracting

Limitation: Unlimited

Classification: Unclassified

until

December 31, 2023

when this Certificate expires.

Witness our hands and seal of the Board.

Dated, Raleigh, N.C.

01/04/2023

This certificate may not be altered.



*Richard W. ...*  
Chairman

*C. Frank Wiener*  
Secretary-Treasurer



• File an Annual Report/Amend an Annual Report • Upload a PDF Filing • Order a Document Online • Add Entity to My Email Notification List • View Filings • Print a Pre-Populated Annual Report form • Print an Amended a Annual Report form

## Business Corporation

### Legal Name

Neill Grading and Construction Company, Inc.

### Prev Legal Name

Benfield Brothers, Inc.

### Prev Legal Name

Neill and Moore, Inc.

## Information

**SosId:** 0101991

**Status:** Current-Active ⓘ

**Date Formed:** 5/17/1966

**Citizenship:** Domestic

**Fiscal Month:** August

**Annual Report Due Date:** December 15th

**Current Annual Report Status:**

**Registered Agent:** Neill, Edward C

## Addresses

### Principal Office

3050 1st Avenue Ct SE  
Hickory, NC 28602

### Reg Office

3050 1st Avenue Ct SE  
Hickory, NC 28602

### Mailing

PO Box 3916  
Hickory, NC 28603

### Reg Mailing

PO Box 3916  
Hickory, NC 28603

## Officers



**Explanation of Litigation :**

Neill Grading and Construction is currently in litigation with Everything Attachments over a building we constructed. EA contests that the building that was constructed was not constructed to the plans and specifications, however Neill contests differently and has countersued for payment which was held. More details can be provided if required.



**List of Proposed Suppliers :**

Core and Main  
901 Crafters Lane  
Pineville, NC 28134

Foley Concrete Products  
11875 NV Hwy 150  
Winston Salem, NC 27127

Martin Marietta  
413 S. Chimney Rock Road  
Greensboro, NC 27409

# NEILL GRADING & CONSTRUCTION

*Specialists In Turnkey Site Preparation*

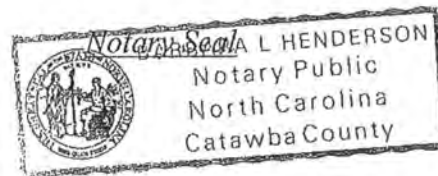
October 19, 2023

Michael S. Zanotti is the official Vice-President / Secretary of Neill Grading and Construction attested by Susan Wilson Assistant Secretary of Neill Grading and Construction.

Signed *Susan Wilson*



State of North Carolina  
County of Catawba



Subscribed and sworn to before me this 19 day of October 2023

Notary Public *Barbara L Henderson*

Printed Name Barbara L Henderson

My Commission Expires 12-10-27

3050 First Ave. Ct. S.E., P.O. Box 3916 • Hickory, North Carolina 28603  
Phone: (828) 324-6774 • Fax (828) 324-9632

**NOTICE OF AWARD**

Date of Issuance:

Owner: City of Hickory, North Carolina

Owner's Project

Engineer: W.K. Dickson & Co., Inc.

Engineer's Project No.: 20220335.00.CL

Project: Trivium East Widening Project

Contract Name: Trivium East Widening Project

Bidder: Neill Grading and Construction Company, Inc.

Bidder's Address: P.O. Box 3916, Hickory, NC 28603

The Owner has considered the Bid submitted by you on October 19, 2023, for the above described Work in response to its Invitation to Bid. You are notified that Owner has accepted your Bid for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

Construction of approximately 950 linear 32' foot wide curb and gutter industrial access roadway including sidewalks, storm drainage, erosion control, landscaping, with 950 linear feet of 12-inch diameter water line with hydrants, valves and appurtenances, asymmetrical widening of Startown Road to included new left and right turns with traffic signals, mast arms, storm drainage and the relocation of approximately 520 linear feet of 12-inch diameter water line.

The Contract Price of the awarded Contract is \$2,235,033.00. Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, and Work performed on a cost-plus-fee basis, as applicable.

**Four** counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 10 days of the date of receipt of this Notice of Award:

1. Deliver to Owner **4** counterparts of the Agreement, signed by Bidder (as Contractor).
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds), Power of Attorney and Certificates of Insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any): **N/A**

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: **City of Hickory**

By (signature): \_\_\_\_\_

Name (printed): **Warren Wood**

---

Title: City Manager, City of Hickory

Copy: Engineer

**TRIVIUM EAST WIDENING PROJECT  
AGREEMENT  
BETWEEN OWNER AND CONTRACTOR  
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)**

This Agreement is by and between City of Hickory ("Owner") and Neill Grading & Construction Co., Inc. ("Contractor").

Terms used in this Agreement have the meanings stated in the General Conditions and the Supplementary Conditions.

Owner and Contractor hereby agree as follows:

**ARTICLE 1—WORK**

1.01 CONTRACTOR SHALL COMPLETE ALL WORK AS SPECIFIED OR INDICATED IN THE CONTRACT DOCUMENTS. THE WORK IS GENERALLY DESCRIBED AS FOLLOWS:

Construction of approximately 950 linear 32' foot wide curb and gutter industrial access roadway including sidewalks, storm drainage, erosion control, landscaping, with 950 linear feet of 12-inch diameter water line with hydrants, valves and appurtenances, asymmetrical widening of Startown Road to include new left and right turns with traffic signals, mast arms, storm drainage and the relocation of approximately 520 linear feet of 12-inch diameter water line.

**ARTICLE 2—THE PROJECT**

2.01 THE PROJECT, OF WHICH THE WORK UNDER THE CONTRACT DOCUMENTS IS A PART, IS GENERALLY DESCRIBED AS FOLLOWS:

Construction of approximately 950 linear 32' foot wide curb and gutter industrial access roadway including sidewalks, storm drainage, erosion control, landscaping, with 950 linear feet of 12-inch diameter water line with hydrants, valves and appurtenances, asymmetrical widening of Startown Road to include new left and right turns with traffic signals, mast arms, storm drainage and the relocation of approximately 520 linear feet of 12-inch diameter water line.

**ARTICLE 3—ENGINEER**

- 3.01 The Owner has retained **W.K. Dickson & Co., Inc.** ("Engineer") to act as Owner's representative, assume all duties and responsibilities of Engineer, and have the rights and authority assigned to Engineer in the Contract.
- 3.02 The part of the Project that pertains to the Work has been designed by W.K. Dickson & Co., Inc. ("Engineer").

**ARTICLE 4—CONTRACT TIMES**4.01 *Time is of the Essence*

- A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Contract Times: Days*

- A. The Work will be substantially complete within 180 days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 210 days after the date when the Contract Times commence to run.

4.03 *Liquidated Damages*

- A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the Contract Times, as duly modified. The parties also recognize the delays, expense, and difficulties involved in proving, in a legal or arbitration proceeding, the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):
1. Contractor shall pay Owner \$500 for each day that expires after the time (as duly adjusted pursuant to the Contract)
  2. *Completion of Remaining Work:* After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Times (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner \$500 for each day that expires after such time until the Work is completed and ready for final payment.
  3. Liquidated damages for failing to timely attain Milestones, Substantial Completion, and final completion are not additive, and will not be imposed concurrently.
- B. If Owner recovers liquidated damages for a delay in completion by Contractor, then such liquidated damages are Owner's sole and exclusive remedy for such delay, and Owner is precluded from recovering any other damages, whether actual, direct, excess, or consequential, for such delay, except for special damages (if any) specified in this Agreement.



**ARTICLE 5—CONTRACT PRICE**

- 5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents, the amounts that follow, subject to adjustment under the Contract:
- A. For all Work, at the prices stated in Contractor's Bid Form, attached hereto as an exhibit.
  - B. The Contractor agrees to perform all of the Work described in the Contract Documents and comply with the terms herein for the sum of **Two Million, Two Hundred Thirty Five Thousand, Thirty Three Dollars and .00/100 Cents ( \$2,235,033.00)** at prices stated in Contractor's Bid Form.

**ARTICLE 6—PAYMENT PROCEDURES**6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

- A. Owner shall make progress payments on the basis of Contractor's Applications for Payment on or about the **25th** day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.
  - 1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract.
    - a. 95 percent of the value of the Work completed (with the balance being retainage).
      - 1) If 50 percent or more of the Work has been completed, as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and
    - b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less 200 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work, Owner shall pay the remainder of the Contract Price in accordance with Paragraph 15.06 of the General Conditions.

6.04 *Consent of Surety*

- A. Owner will not make final payment or return or release retainage at Substantial Completion or any other time, unless Contractor submits written consent of the surety to such payment, return, or release.

6.05 *Interest*

- A. All amounts not paid when due will bear interest at the rate of 1 percent per annum.

**ARTICLE 7—CONTRACT DOCUMENTS**7.01 *Contents*

- A. The Contract Documents consist of all of the following:
  1. This Agreement.
  2. Bonds:
    - a. Performance bond (together with power of attorney).
    - b. Payment bond (together with power of attorney).
    - c. Special bonds; i.e. NCDOT bond
  3. General Conditions.
  4. Supplementary Conditions.
  5. Specifications as listed in the table of contents of the project manual (not attached but incorporated by reference)
  6. Drawings (not attached but incorporated by reference) consisting of **C0.0, C0.1 through C0.4, C1.0 through C1.2, C2.0 through C2.2, C3.0 through C3.2, C4.0 through C4.3, C5.0 through C5.3, C6.0, C7.0, C8.0 through C8.6** sheets with each sheet bearing the following general title: **Trivium East Widening Project**
  8. Addenda Number 1, inclusive.
  9. Exhibits to this Agreement (enumerated as follows):
    - a. N/A
  10. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
    - a. Notice to Proceed.
    - b. Work Change Directives.
    - c. Change Orders.
    - d. Field Orders.
    - e. Warranty Bond, if any.

- B. The Contract Documents listed in Paragraph 7.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 7.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the Contract.

## ARTICLE 8—REPRESENTATIONS, CERTIFICATIONS, AND STIPULATIONS

### 8.01 *Contractor's Representations*

- A. In order to induce Owner to enter into this Contract, Contractor makes the following representations:
  1. Contractor has examined and carefully studied the Contract Documents, including Addenda.
  2. Contractor has visited the Site, conducted a thorough visual examination of the Site and adjacent areas, and become familiar with the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
  3. Contractor is familiar with all Laws and Regulations that may affect cost, progress, and performance of the Work.
  4. Contractor has carefully studied the reports of explorations and tests of subsurface conditions at or adjacent to the Site and the drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, with respect to the Technical Data in such reports and drawings.
  5. Contractor has carefully studied the reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, with respect to Technical Data in such reports and drawings.
  6. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Technical Data identified in the Supplementary Conditions or by definition, with respect to the effect of such information, observations, and Technical Data on (a) the cost, progress, and performance of the Work; (b) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (c) Contractor's safety precautions and programs.
  7. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
  8. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.

9. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and of discrepancies between Site conditions and the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
10. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
11. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

#### 8.02 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 8.02:
  1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;
  2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
  3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
  4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.
- B. The Contractor certifies that it is not currently engaged in, and covenants that it will not, for the duration of the Contract, engage in a Boycott of Israel, as that term is defined by state law.
- C. Contractor understands that 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 in accordance with NCGS §64-25(5).
  1. Pursuant to NCGS §143-133.3 and NCGS § 64-26(a), any "employer" that transacts business in this State and employs 25 or more employees in this State entering into a contract with the Owner is required to verify the work eligibility status of all newly hired employees through the E-Verify program.

2. If the Contractor employs 25 or more employees in the State and is therefore subject E-Verify, the Contractor agrees to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.
3. Contractor's subcontractors performing work under this Agreement that employ 25 or more employees in this State must also comply with Article 2 of Chapter 64, and Contractor agrees that it will ensure compliance with E-Verify by its subcontractors.

8.03 *Standard General Conditions*

- A. Owner stipulates that if the General Conditions that are made a part of this Contract are , Standard General Conditions for the Construction Contract (2018), , and if Owner is the party that has furnished said General Conditions, then Owner has plainly shown all modifications to the standard wording of such published document to the Contractor, through a process such as highlighting or "track changes" (redline/strikeout), or in the Supplementary Conditions.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on \_\_\_\_\_, (which is the Effective Date of the Contract).

Owner:

City of Hickory  
*(typed or printed name of organization)*

By: \_\_\_\_\_  
*(individual's signature)*

Date: \_\_\_\_\_  
*(date signed)*

Name: Warren Wood  
*(typed or printed)*

Title: City Manager  
*(typed or printed)*

Attest: \_\_\_\_\_  
*(individual's signature)*

Title: \_\_\_\_\_  
*(typed or printed)*

Address for giving notices:  
76 N. Center Street  
Hickory, NC 28601  
PO Box 398; Hickory, NC 28603

Designated Representative:

Name: \_\_\_\_\_  
*(typed or printed)*

Title: \_\_\_\_\_  
*(typed or printed)*

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

*(If [Type of Entity] is a corporation, attach evidence of authority to sign. If [Type of Entity] is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)*

Contractor:

Neill Grading and Construction Company, Inc.  
*(typed or printed name of organization)*

By: \_\_\_\_\_  
*(individual's signature)*

Date: \_\_\_\_\_  
*(date signed)*

Name: M. Scott Zanotti  
*(typed or printed)*

Title: Vice President  
*(typed or printed)*

*(If [Type of Entity] is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)*

Attest: \_\_\_\_\_  
*(individual's signature)*

Title: \_\_\_\_\_  
*(typed or printed)*

Address for giving notices:  
P. O. Box 3916  
Hickory, NC 28603

Designated Representative:

Name: \_\_\_\_\_  
*(typed or printed)*

Title: \_\_\_\_\_  
*(typed or printed)*

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: scott@neillinc.com

License No.: 7539  
*(where applicable)*

State: North Carolina

This instrument has been pre-audited in the manner required by the "Local Government Budget and Fiscal Control Act".

By: \_\_\_\_\_  
Finance Officer  
\_\_\_\_\_

Date: \_\_\_\_\_

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## E-VERIFY ADDENDUM

Party hereby acknowledges that "E-Verify" is the federal E-Verify program operated by the US Department of Homeland Security and other federal agencies which is used to verify the work authorization of newly hired employees pursuant to federal law and in accordance with Article 2, Chapter 64 of the North Carolina General Statutes. Party further acknowledges that all employers, as defined by Article 2, Chapter 64 of the North Carolina General Statutes, must use E-Verify and after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS §64-26(a). Party hereby pledges, attests and warrants through execution of this Agreement that Party complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and further pledges, attests and warrants that any third-party Party currently employed by or subsequently hired by Party shall comply with any and all E-Verify requirements. Failure to comply with the above requirements shall be considered a breach of this Agreement.

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**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Shawn Pennell, Public Utilities Director**  
**Contact Person: Shawn Pennell, Public Utilities Director**  
**Date: November 7, 2023**  
**Re: SW Hickory Water and Sewer Project Amendment #1**

**REQUEST**

Staff requests Council acceptance of Amendment #1 for Professional Services Agreement with WK Dickson and Co., Inc., for the Hickory SW Water and Sewer Project in the amount of \$143,780.00.

**BACKGROUND**

The Public Utilities Department identifies areas within the City of Hickory water and sewer systems annually for inspections, conditions assessment and new service area. This practice has been established so that Staff for the Public Utilities Department may evaluate portions of the System annually to determine necessary repairs and improvements in manageable portions as well as serving new customers.

**ANALYSIS**

An evaluation of the SW corridor, south of Mountain View, has shown potential for economic development. City staff has identified these corridors with the partnership of the Catawba County EDC and are projecting the potential for growth in these areas. This project will consist of a water line extension and loop to connect the existing system for redundancy, along with a wastewater pumping station to relay wastewater to the Henry Fork WWTF. This agreement includes survey, geotechnical engineering, engineering design, easement plat preparation, permitting, construction bidding and administration. This agreement was approved by the City Council in September 2022 in the amount of \$1,186,000.00. The additional service will bring the new contract price to \$1,329,780.00.

Additional services are to cover the costs of unanticipated field survey, plat, and easement mapping, permitting and additional design that was not consistent with the original plans for the project.

**RECOMMENDATION**

Staff recommends Council acceptance of Amendment #1 for Professional Services Agreement with WK Dickson and Co., Inc., for the Hickory SW Water and Sewer Project in the amount of \$143,780.00.

**BUDGET ANALYSIS:**

*Budgetary Action*

Yes

No

Is a Budget Amendment required?

**LIST THE EXPENDITURE CODE:**

Project# 803311  
065-8033-587.31-01

*WTS Fund Balance*

**Reviewed by:**

<u>Shawn Pennell</u> Initiating Department Head	<u>10/25/2023</u> Date	<u><i>A. Dula</i></u> Deputy City Attorney, A. Dula	<u>10-31-23</u> Date
<u><i>Rodney Miller</i></u> Asst. City Manager, R. Miller	<u>10/30/23</u> Date	<u><i>Rick Beasley</i></u> Asst. City Manager, R. Beasley	<u>10/30/23</u> Date
<u><i>Melissa Miller</i></u> Finance Officer, Melissa Miller	<u>11/1/23</u> Date	<u><i>Cameron McHargue</i></u> Deputy Finance Officer, Cameron McHargue	<u>11-2-23</u> Date
<u><i>Yaidee Fox</i></u> Exec Asst City Manager, Yaidee Fox	<u>11/2/23</u> Date		

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

*Warren Wood*  
Warren Wood, City Manager

11-2-23  
Date



## **CONTRACT FOR SERVICES AMENDMENT NO. 1**

### **ADDITIONAL SERVICES AUTHORIZATION**

The following modifications to the contract ("Contract") for the Hickory SW Water/Sewer Project, 20220634.00.CL, dated September 6, 2022, between the City of Hickory, NC (OWNER) and W.K. Dickson & Co., Inc. (CONSULTANT) are authorized.

1. SCOPE OF SERVICES. The scope of services is amended as follows:

#### **Phase 1 - Field Survey and Mapping**

The CONSULTANT will provide additional location survey and topographic survey for the following areas for the purposes of designing the project:

- 1) A 0.8 acre area south of Grace Church Rd along Hickory Lincoln Hwy. This area was needed to avoid conflicts with the existing cemetery and properly connect to the existing water line infrastructure.
- 2) A 1.15 acre area on NC Hwy. 10 east of Zion Church Rd / Hickory-Lincolnton Hwy. This area is needed to route the proposed water infrastructure around existing utilities and to property abandon and separate the OWNER's water line from the City of Newton's water lines.
- 3) A 3.55 acre area on the east side of Zion Church Rd, north and south of the Jacobs Fork River crossing. This area is needed to accommodate a proper horizontal and vertical alignment of the horizontal directional drill force main crossing of Jacobs Fork River.
- 4) A 1.95 acre area on the property owned by Rhoney's Methodist Church. This area is needed to route the access road and associated utilities to the proposed wastewater pumping station.

#### **Phase 2 - Geotechnical Engineering**

The CONSULTANT requires no additional service at this time.

#### **Phase 3 - Subsurface Utility Engineering (SUE)**

##### **Task 1 – SUE w/out Traffic Control**

The CONSULTANT originally budgeted for four (4) vacuum excavations without traffic control. None were utilized.

**Task 2 – SUE w/ Traffic Control**

The CONSULTANT originally budgeted for four (4) vacuum excavations with traffic control. A total of five (5) were performed.

**Task 3 - SUE Services at PS Access Rd**

The CONSULTANT will provide additional Level A SUE services in connection with the additional location and topographic survey needed for the proposed pump station access road. Based on record drawings and field observations, there are known underground storm drain piping that may conflict with proposed utilities. Storm drain improvements will be needed for the proposed access road. The existing storm drain infrastructure is not easily locatable due to being buried or possibly relocated. To properly design the proposed infrastructure, the CONSULTANT will perform GPR, CCTV or other methods to validate the location of the existing storm drain infrastructure.

**Phase 4 – Engineering Design**

The CONSULTANT will perform the additional engineering design tasks consisting of the following:

- 1) Provide design and construction details for an aerial gravity sewer crossing of Mull Creek to connect into the existing gravity sewer outfall.
- 2) Perform an evaluation of the existing Gregory Woods Pump station. This evaluation was specifically excluded from the original scope of services. The evaluation includes multiple pump station draw down tests to confirm pumping capacity, performing due diligence to understand the configuration and capacities of the existing PS/FM configuration of the landfill leachate and biodiesel facilities wastewater systems and their associated impacts to the existing wastewater system. Additional efforts include an existing conditions analysis, permitted capacity analysis, biodiesel/leachate PS impacts, drawdown tests, and future condition calculations.
- 3) Due to an extreme variation in wastewater discharge rates from the end users cooling system the CONSULTANT must perform extensive coordination with the end user to verify and understand wastewater discharge rates on a daily, monthly, and yearly basis. Resulting in extensive pump station calculations and a financial present worth calculation to verify/rule out the need for an on-site flow equalization storage.
- 4) The CONSULTANT removed the design of approximately 5,000 LF of water line design along Hickory-Lincolnton from the scope of services.

**Phase 5 – Easement Plat Preparation**

Due to the proposed infrastructure routing and the non-existence of existing NCDOT R/W or R/W agreements in numerous locations along the utility routes, the project will require additional easement acquisition. The CONSULTANT will prepare eighteen (18) additional easement maps, increasing the total number of easement maps from fifty-two (52) to seventy (70).

**Phase 6 – Permitting**

The CONSULTANT will perform the following additional permitting services:

- 1) NCDEQ – Division of Water Resources, Water Quality Permitting Section – Wastewater Pump Station, Force Main & Gravity Sewer – A fast-track permit submittal will be made for an Authorization to Construct the modifications to the Gregory Woods PS Force Main.
- 2) Catawba County received \$8.8 million in American Rescue Plan (ARP) funding from the State Fiscal Recovery Fund that will be used to partially fund the wastewater improvements for the project. As such, the project will require a submittal to, and review by, the Division of Water Infrastructure (DWI)

**Phase 7 – Bidding Assistance**

The CONSULTANT requires no additional service at this time.

**Phase 8 – Construction Administration and Phase 9 – Construction Observation**

The original construction administration services were based on administering two construction contracts occurring generally at the same time. Now understanding that the two project construction schedules will likely occur at different times, thereby extending the overall time of construction services. Additionally, the introduction of ARP funding will involve additional construction related compliance monitoring or reporting. The CONSULTANT requests to reserve the ability to re-negotiate the terms of the construction services phases when the project is closer to construction.

**Phase 10 – Project Close-Out**

The CONSULTANT requires no additional service at this time.

2. TIME OF PERFORMANCE. CONSULTANT's time of performance for the above additional services shall be extended approximately 1,070 calendar days from the time of the authorization to proceed based on the following anticipated schedule:

<b>Phase</b>	<b>Scheduled Completion</b>
Engineering Design	12/6/23
Easement Mapping	1/1/24
Easement Acquisition (Owner)	7/29/24
Permitting	7/29/24
Bidding	12/31/24
Construction	9/30/26

3. COMPENSATION. The total Contract is increased from \$15,000 to \$237,000. Summary as follows:

Phase	Phase Description	Basis of Compensation	Original Fee	Amendment No. 1 Fee	Total Fee
1	Field Survey and Mapping	LS	\$ 242,000	\$ 28,420	\$ 270,420
2	Geotechnical Engineering	LS	\$ 33,000	\$ -	\$ 33,000
3	SUE				
3.a	SUE w/o Traffic Control	0 @ \$875 / EA	\$ 3,500	\$ (3,500)	\$ -
3.b	SUE w/ Traffic Control	5 @ \$2,000 / EA	\$ 8,000	\$ 2,000	\$ 10,000
3.c	SUE at PS Access Rd.	LS		\$ 17,260	\$ 17,260
4	Engineering Design	LS	\$ 313,000	\$ 51,200	\$ 364,200
5	Easement Plat Preparation	70 @ \$1,350 / EA	\$ 70,200	\$ 24,300	\$ 94,500
5.a	Minor Subdivision - Pump Station Site	LS	\$ 3,300	\$ -	\$ 3,300
6	Permitting	LS	\$ 46,000	\$ 24,100	\$ 70,100
6.a	Permitting Fees	NTE	\$ 5,000	\$ -	\$ 5,000
7	Construction Bidding	LS	\$ 44,000	\$ -	\$ 44,000
8	Construction Administration	LS	\$ 236,000	\$ -	\$ 236,000
9	Construction Observation	LS	\$ 144,000	\$ -	\$ 144,000
10	Additional Services	LS	\$ 38,000	\$ -	\$ 38,000
			\$ 1,186,000	\$ 143,780	\$ 1,329,780

The CONSULTANT will bill the OWNER on the last day of each month a percentage of the Lump Sum Fee will be billed for phases identified as Lump Sum based on the percentage of work estimated to be completed as of the day of billing.

All other terms of the Contract remain unchanged.

OWNER:

**CITY OF HICKORY (NC)**

By: \_\_\_\_\_

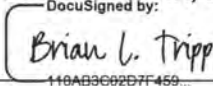
Name: Warren Wood

Title: City Manager

Date: \_\_\_\_\_

CONSULTANT:

**W.K. DICKSON & CO., INC.**

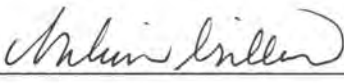
By: 

Name: Brian L. Tripp, PE, BCEE

Title: Vice President

Date: 10/9/2023

This instrument has been pre-audited in the manner required by the "Local Government Budget and Fiscal Control Act".

By:   
Finance Officer

Date: 11/1/23



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COUNCIL AGENDA MEMOS

Exhibit VIII.H.

**To: City Manager's Office**  
**From: Dave Leonetti, Business Services Manager**  
**Contact Person: Dave Leonetti, Business and Community Development Manager**  
**Date: October 26, 2023**  
**Re: Vacant Building Revitalization Performance Agreement for Bumbarger Investments of Forest City, LLC**

**REQUEST**

Approve Vacant Building Revitalization Performance Agreement for Bumbarger Investments of Forest City, LLC.

**BACKGROUND**

City Council established the Vacant Building Revitalization and Demolition Grant program on September 16, 2008. The program provides forgivable loan funding up to \$20,000 for projects to renovate and rehabilitate vacant buildings within the Urban Revitalization Area and targeted industrial buildings in other areas of the city. Bumbarger Investments of Forest City, LLC has applied for a Vacant Building Revitalization Grant in the amount of \$20,000 to assist in the renovation of the vacant building at 1421 2<sup>nd</sup> Street NE. The applicant plans to renovate the facility for multi-tenant neighborhood commercial use.

**ANALYSIS**

The applicant plans to invest at least \$245,747 in real property improvements to rehabilitate the building. This makes the project eligible for a \$20,000 grant. The applicant plans to improve the parking lot and make interior improvements. No payments will be required on the loan provided that the building remains occupied for at least three years. The Business Development Committee reviewed the application and recommends approval.

**RECOMMENDATION**

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

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**010-5016-558-30-04**

**Reviewed by:**

David Leonetti DGL 10/26/2023  
Initiating Department Head Date

Rodney Miller 10/30/23  
Asst. City Manager Rodney Miller Date

Melissa Miller 11/1/23  
Finance Officer, Melissa Miller Date

Yaidee Fox 11/2/23  
Exe Asst City Manager Yaidee Fox Date

Auntie M. Dula 11-1-23  
Deputy City Attorney, A. Dula Date

Rodney Beasley 10/30/23  
Asst. City Manager, R. Beasley Date

Cameron McHenry 11-2-23  
Purchasing Manager Date

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

Waverly Wood  
City Manager, W. Wood

11.2.23  
Date

PREPARED BY: Legal Department, City of Hickory  
PO Box 398, Hickory, NC 28603

**STATE OF NORTH CAROLINA**

**VACANT BUILDING  
REVITALIZATION  
PERFORMANCE  
AGREEMENT**

**COUNTY OF CATAWBA**

THIS AGREEMENT, made and entered into this \_\_\_\_day of \_\_\_\_\_, 2023, by and between the **CITY OF HICKORY**, a municipal corporation of Catawba County, North Carolina, hereinafter referred to as the CITY, and having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, and **BUMBARGER INVESTMENTS OF FOREST CITY, LLC** a North Carolina Limited Liability Company, hereinafter referred to as the RECIPIENT, and having a mailing address of 1301 North Center St. Hickory, NC 28601.

**WITNESSETH**

THAT WHEREAS, the City is dedicated to the redevelopment and reuse of vacant commercial and industrial buildings as defined in the City of Hickory’s Economic Development Assistance Guidelines;

WHEREAS, the City is willing to award forgivable loans for physical improvements for the purpose of assisting in the redevelopment and reuse of certain vacant commercial and industrial buildings provided the Recipient agrees to certain conditions;

WHEREAS, the City’s Urban Revitalization Area Program Guidelines state that the city will reimburse up to \$20,000 or 15% percent of eligible project costs (whichever is less) for vacant non-residential buildings between 5,000 and 15,000 square feet.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained the parties agree as follows:

1. The Recipient agrees to utilize the forgivable loan funds to fulfill that project as described in the Urban Revitalization Area Program Guidelines and Application Materials attached hereto as Exhibit “A” and to utilize said funds solely for physical improvements. Said guidelines and application materials are made a part of this Agreement and incorporated herein by reference as if more fully set forth.
2. The Recipient agrees to improve those premises at 1421 2<sup>nd</sup> Street NE as described in the Project Summary contained Exhibit “A” in accordance with the intent of the Urban Revitalization Area Program Guidelines and to prepare the premises for occupancy and reuse in accordance with the specifications established in attached “Exhibit A.”
3. The Recipient proposes the following end users for the building (total square footage 6,800):
  - a. Multi-Tenant Neighborhood Commercial Use
    - Restaurant in 2,250 sf on the east side of the building and patio facing Highway 127
    - General business user in 1,800 sf on the west side of the building

**CITY OF HICKORY AND BUMBARGER INVESTMENTS OF FOREST CITY, LLC  
VACANT BUILDING REVITALIZATION PERFORMANCE AGREEMENT**

- Remaining spaces will be available for other tenants and will be 1,250 sf and 1,500 sf on the South end of the building
4. Any changes to the end users described in Paragraph 3 prior to disbursement of funds must be approved by the Hickory City Council. Recipient shall submit any proposed change to outlined end users in writing to the Business and Community Development Manager.
  5. The Recipient agrees to maintain the design integrity of the proposed improvements, creating, retaining and/or modifying those elements, which enhance the premises.
  6. The amount of this Vacant Building Revitalization Forgivable Loan is Twenty Thousand Dollars (\$20,000). The forgivable loan is payable upon satisfaction of the following two conditions:
    - a. Completion and inspection of said project described in "Exhibit A" and issuance of a permanent Certificate of Occupancy.
    - b. Occupancy of at least 50 percent of the building square footage of the building by the uses outlined in section 3 and further described in "Exhibit A." Signed leases or other proof of occupancy are required.
  7. The City shall require itemized documentation of project expenses and documentation confirming payment of all contractors and/or subcontractors. The City reserves the right to ask for additional information it deems necessary to determine the amount of funds spent on eligible project activities. Said project must be completed within 730 days from the date of this agreement being signed in accordance with those provisions specified in the Urban Revitalization Area Program Guidelines and Application.
  8. The Recipient agrees that in the event the actual eligible project costs are less than One Hundred Thirty Thousand Three Hundred Thirty-Three Thousand Dollars and Thirty-Three Cents (\$133,333.33), the total City Vacant Building Revitalization Forgivable Loan will be reduced to 15 percent of the actual project costs that would be eligible for participation in this program. The reduced forgivable loan amount will be disbursed according to the procedure outlined in paragraph 7 above.
  9. Funds disbursed are treated as a forgivable loan. The term of the performance period is 3 years from the date funds are disbursed. During the three year performance period, one third of the loan amount will be forgiven annually on the anniversary of the date on which the forgivable loan funds were disbursed. If all conditions of the performance agreement are met, the full amount of the loan will be forgiven three (3) years after the date on which the forgivable loan funds were disbursed.
  10. During the performance period, no payments shall be required unless the Recipient is in breach of any of the terms outlined in Paragraph 11.
  11. The Recipient will be considered in breach of the performance agreement if any of the following conditions are met:
    - a. More than 10 percent of the building square footage is occupied by a use not eligible for funding;
    - b. More than 50 percent of the building square footage is vacant for a period greater than ninety (90) days;
    - c. Any funded improvements are removed during the performance period; or

- d. If the property or building is sold, transferred, or otherwise alienated by the recipient within the performance period whether voluntary or involuntary, or by operation of law.
12. The Recipient shall submit quarterly reports to the Business and Community Development Manager certifying compliance with applicable guidelines and this performance agreement.
13. The Recipient agrees to periodic inspections to ensure compliance with the terms of this agreement.
14. Technical assistance provided by the City will be advisory only. The City will not be a party in negotiations between the Recipient and any contractor employed by the Recipient nor will the City provide legal advice or services to any party. The Recipient agrees to hold the City harmless for any defects in workmanship or from any liability, damages, or other costs relative to this project.
15. This Agreement may be terminated and the City may withhold forgivable loan monies upon the Recipient's breach of or failure to perform any of the terms of this agreement. The City shall give the Recipient notice in writing of any potential breach of this Agreement, after which the applicant shall have thirty (30) calendar days in which to cure said breach. The thirty (30) calendar day cure period shall not apply to any of the time requirements described in this agreement.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed upon the day and year first written above.

CITY OF HICKORY

By: \_\_\_\_\_  
Hank Guess, Mayor

ATTEST: (SEAL)

\_\_\_\_\_  
Debbie D. Miller, City Clerk

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

*Amata M. Dula*  
Attorney for the City of Hickory

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

*Melissa Miller*  
Melissa Miller, Financial Officer

**BUMBARGER INVESTMENTS OF FOREST CITY, LLC**  
A North Carolina Limited Liability Company

By: *Paul William Bumbarger III*  
Paul William Bumbarger III, Member Manager

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, \_\_\_\_\_ a Notary Public of said county and state, certify that **Debbie D. Miller** personally came 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 City Clerk.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

(Seal) \_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, Robin M. Wilson, a Notary Public of <sup>Caldwell</sup>~~Catawba~~ County, North Carolina, do hereby certify that Paul William Bumbarger III, Member Manager of Bumbarger Investments of Forest City, LLC, a North Carolina Limited Liability Company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official stamp or seal this 31<sup>st</sup> day of October, 2023.

(Seal)

Robin M. Wilson  
Notary Public

My Commission Expires: 8/9/2024



E-VERIFY ADDENDUM  
RECIPIENT

Recipient hereby acknowledges that "E-Verify" is the federal E-Verify program operated by the US Department of Homeland Security and other federal agencies which is used to verify the work authorization of newly hired employees pursuant to federal law and in accordance with Article 2, Chapter 64 of the North Carolina General Statutes. Recipient further acknowledges that all employers, as defined by Article 2, Chapter 64 of the North Carolina General Statutes, must use E-Verify and after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS §64-26(a). Recipient hereby pledges, attests and warrants through execution of this Agreement that Contractor complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and further pledges, attests and warrants that any subcontractors currently employed by or subsequently hired by Recipient shall comply with any and all E-Verify requirements. Failure to comply with the above requirements shall be considered a breach of this Agreement.



1421 2<sup>nd</sup> Street NE

The project location is 1421 2<sup>nd</sup> Street NE. This location is a 60 year old 6,800sf brick masonry building with original tongue and groove ceiling. The building was previously used as the Office Furniture USA building. The business relocated and the building has been vacant for over a year. The renovations include site work and building work. The site work will include a new drive cut on 127, adding a front 1,000sf patio, closing off an unusable drive on 127 while utilizing an existing drive on 2<sup>nd</sup> Street Place NE. The parking has been an issue with this location. Work already completed includes 1500sf building demolition to create room for this parking, driveway renovation and 33 parking spaces. There will be a sidewalk along the south side of the building. The building will be multi-tenant for neighborhood commercial use.

Reuse plan is dividing 6,800sf only usable for one tenant into multi-tenant neighborhood commercial use building. A restaurant user will be in in 2250sf on the east, 127 facing, side of the building and patio. A proposed data user for 1800sf on the west end of the building and entry from the west end. The remaining spaces available will be 1250sf and 1500sf with entry from the south, parking. This is privately funded by Holdings, LLC.



## Urban Revitalization Area Program Guidelines

The City of Hickory's Operation: No Vacancy initiative aims to redevelop distressed commercial and industrial areas. The changing nature of industrial and commercial development has led to disinvestment in certain areas of the city. This initiative provides infrastructure investments and targeted development incentives to encourage redevelopment and reinvestment for the purpose of preserving older neighborhoods and properties.

Four programs, which are considered Community Development Programs under NCGS §160A-456, represent the core of the initiative. These programs include the Vacant Building Revitalization Program, the Vacant Building Demolition Program, the Residential Production Program, and the Fire Suppression Program. These vacant building revitalization, residential production, and fire suppression programs encourage redevelopment within the Urban Revitalization Area by assisting property owners in making improvements that will result in the occupancy and rehabilitation of buildings and sites. The demolition program aims to encourage the redevelopment of sites with substandard buildings and reduce blight.

### Purpose of the Program

- a. Encourage the formation of public/private partnerships for revitalization efforts.
- b. Attract reinvestment in distressed commercial and industrial corridors;
- c. Encourage projects that will help reduce blight in the Urban Revitalization Area.
- d. Encourage new and existing businesses to locate in substandard and functionally obsolete vacant buildings;
- e. Beautify, upgrade, and market, vacant properties in the Urban Revitalization Area;
- f. Stimulate residential development in the downtown area;
- g. Stimulate and encourage good design in the rehabilitation of vacant properties; and
- h. Preserve the unique character of historic properties.

### Geographic Boundaries and Eligibility Requirements of the Program

Only vacant commercial and industrial buildings are eligible for the programs. Eligible buildings must be located within designated geographical areas as described below.

The City of Hickory has designated an Urban Revitalization Area (URA) within the city limits. (See attached map.) Buildings receiving funds through these programs must be located within the URA unless otherwise noted in these guidelines. High priority suspect brownfield sites along with former mill or industrial buildings located outside the URA may be considered eligible for the Vacant Building Revitalization and Demolition programs, if the Planning Manager finds that the redevelopment will contribute to the revitalization of the surrounding neighborhood. The Residential Production Program is only open to properties zoned C-1 within the Central Business District located within the URA.

### Features of the Program

#### a. General Features

- Properties may be considered for funding in each of the following programs with certain exceptions.
  - Properties may not receive funding from both the revitalization and demolition programs.
  - Once a property receives funding from one of the four revitalization programs, it may not receive funding from that same revitalization program for a period of five years provided all additional eligibility requirements are met.
- Signage and business equipment expenses are not eligible for funding, with the exception that signage improvements that involve the removal of nonconforming signs may be eligible for funding under the Vacant Building Revitalization and Demolition Programs.

**Exhibit A Page 3 of 20**

- Structure must be covered by a current insurance policy sufficient to cover the value of the structure plus improvements
- Suspect Brownfield sites and vacant manufacturing and warehouse buildings will be given priority.
- Since one of the purposes of the program is to upgrade the building stock and stabilize declining buildings, successful applications will likely involve buildings that have not been significantly renovated in the past 15 years.
- During the designated demolition and/or revitalization period, the affected property must remain in compliance with the Hickory Code of Ordinances and the Land Development Code.
- Applicants must submit a reuse plan which details the applicant's plans to market and reuse the property.
- All funding is awarded on a competitive basis, as appropriated funds are available within each fiscal year. Projects are reviewed and considered on a first come-first serve basis.
- There is no right or entitlement to funding. All funding decisions are made at the discretion of the Hickory City Council and are subject to budget appropriations.
- Funds are awarded on a reimbursement basis.
- Approvals for all programs must be secured before work begins on the proposed project. No funds will be paid for work done prior to approval of the forgivable loan or grant.

**b. Vacant Building Revitalization Forgivable Loans**

- One forgivable loan of up to \$20,000 or 15% of eligible projects costs (whichever is less) is available for interior and exterior real property improvements to vacant non-residential buildings between 5,000 and 15,000 square feet. Buildings larger than 15,000 square feet could be eligible to receive a forgivable loan of up to \$25,000 or 15% of project costs (whichever is less).
- Multi-unit office and retail spaces are not eligible unless the entire building is vacant. Proposed renovations must include the entire building.
- Buildings must be vacant for at least 12 months to qualify for funding.
- Applicants must invest at least \$35,000 in eligible project improvements to be eligible for funding. At least \$10,000 of the investment must include exterior improvements to the building.
- Projects must be for improvements to buildings and must respect the architectural integrity of the structure and its historic significance. Designated historic structures must comply with the city's historic preservation requirements.
- Examples of eligible improvements include, but are not limited to, the following list:
  - Window replacement
  - Repairs to the façade
  - Repairs to or replacement of the roof
  - HVAC, plumbing, and electrical systems
  - Interior up-fits
  - Improvements necessary to protect the structural integrity of the building
  - Door repairs or replacement
  - Awnings
  - Environmental site assessment and remediation
  - Site work, landscaping improvements, paving
- All activities must lead to the reuse of the vacant building within 24 months of the loan award.
- End users must be proposed for at least fifty percent of the building square footage. Existing businesses already located within the City of Hickory are not eligible for funding unless the Business Development Committee and City Council conclude that the relocation constitutes a significant expansion of the business. Changes to proposed end users outlined in the original application must be approved by City Council.

**Exhibit A Page 4 of 20****c. Vacant Building Demolition Grant Program**

- Funds may be used for the demolition of substandard buildings, if approved by the Business Development Committee.
- Grants for demolition are available at a maximum of 35 percent of demolition and site restoration costs up to a maximum of \$15,000. The amount available for demolition grant will be at the discretion of the Business Development Committee and City Council based on whether or not demolition is in the city's best interest and the best interest of the surrounding area.
- Buildings must be at least 10,000 square feet to qualify for demolition funding.
- Buildings must be vacant for at least 12 months to qualify for funding.
- If plans are not submitted for a new structure on the site at the time of the application, the applicant then must submit a site restoration plan for the vacant lot to ensure that the site is adequately cleaned up and will not contribute to blight in the community.
- In cases where city funds are used for demolition and no building is being constructed, the approved site restoration plan must be completed before funds are disbursed.
- Upon inspection and completion of the approved site restoration plan, 100% of the funding award will be disbursed.
- The site plan for demolition must be completed within 180 days of the grant award unless otherwise approved by Council. City Council may in its sole discretion grant a longer time period based upon the complexity of the project.
- During the designated demolition and/or revitalization period, the affected property must remain in compliance with the all applicable sections of the Hickory Code of Ordinance, the Land Development Code, and current master plans.

**d. Residential Production Program Forgivable Loans**

- This program aims to increase the supply of residential units in the downtown area.
- Only properties zoned C-1 (Central Business District) are eligible for funding.
- Both new construction and rehabilitation of existing buildings are eligible for funding.
- For existing buildings, the entire building need not be vacant to qualify for funding. However, the portion of the building being proposed for rehabilitation into new housing units must have been vacant for at least six months and must not have been used for housing in the past.
- The maximum total funding per property for this program is \$20,000.
- Forgivable loans of \$5 per square foot up to a maximum of \$4,000 per unit to convert and renovate existing space into new housing units may be eligible for funding.
- Applicants must spend at least \$35 per square foot on the residential renovation portion of the project.
- Only costs related to the up-fit of the residential portion of the building are eligible for determining the \$35 square foot minimum investment.
- All activities must lead to the reuse of the building for residential purposes within 24 months of the loan award.

**e. Fire Suppression Program Forgivable Loans**

- This program aims to support the rehabilitation of existing buildings by providing funds to install code required fire protection infrastructure that facilitates the re-use of an existing building.
- Buildings must have been vacant for at least 12 months prior to the application to qualify for funding.
- Forgivable loans of up to \$8,000 or 50% of fire protection installation costs, whichever is less, may be awarded for the installation of code required fire protection infrastructure.
- Eligible expenses include: sprinkler and fire alarm system installation, fire hydrant installation, and other code required fire protection improvements approved by city staff.

**Exhibit A Page 5 of 20**

- The total rehabilitation project must be at least \$100,000 in order to qualify for funding. Paid invoices must be provided to determine the total rehabilitation project cost. Only those funds spent on the installation of fire protection equipment will be eligible for re-imbusement.
- All activities must lead to the reuse of the building within 24 months of the loan award.

**Funding Eligibility Exclusions**

The following uses are not eligible for funding:

- One and Two Family Residential uses (Multi-family and mixed use residential and commercial projects may be considered). Note that existing multi-family complexes and residential structures are not eligible. The building must have been previously used for commercial or industrial purposes;
- Religious organizations for sectarian purposes;
- Not for profit organizations (non-profit organizations may lease buildings from for profit companies provided that the building stays on the property tax roll);
- Buildings not within the City of Hickory municipal limits;
- Individual K-12 schools (public or private);
- Organizations that discriminate on the basis of race, culture, gender, sexual orientation, age, or religion;
- Political activities;
- Adult businesses;
- General storage, which is defined as the haphazard storage of goods within a building, is not permitted as an eligible use. Warehouse operations may be permitted if the business creates at least one full time job based out of the redeveloped building.
- Civic Organizations.

**Applicant Eligibility**

Applicant must:

- Be the legal owner of the property (a copy of deed to the property is required);
- Furnish a current list of owners/partners and staff;
- Be financially stable and demonstrate the ability to carry out the project;
- Document the proposed financial investment in the project.
- Not owe any back taxes, utilities fees, liens, judgments, or other civil penalties;
- Not have any properties within city limits that are currently subjects of zoning or code enforcement actions.
- Not have started on the renovation or demolition of the building prior to application approval by City Council.

**Review Criteria and Process**

Staff will review all applications for assistance under these programs and make a recommendation to the Business Development Committee. When reviewing proposals, the Business Development Committee shall take the following into consideration:

- strength of the applicant's Reuse Plan
- impact to the tax base and the overall economic impact of the project
- number of jobs created by the project
- number of housing units created by the project
- whether the project can reasonably be expected to lead to a reduction in crime
- improvement to the overall appearance of the site, building, and business district
- how well the project accomplishes the goal of this program and the overall goals of Operation: No Vacancy
- whether the project meets the overall program requirements

**Exhibit A Page 6 of 20**

- length of time the building has been vacant
- compliance with the Hickory Code of Ordinances, the Land Development Code, and current master plans
- whether the building is a suspect Brownfield site
- appropriateness of the proposed use and the compatibility of the design of the redeveloped building to the surrounding area
- whether the proposed project will help reduce blight in the surrounding area

The Business Development Committee, in light of the above factors, shall recommend approval of the application or deny the application. This decision shall not be appealable to City Council.

**Project Funding Example**

\$300,000 total investment in a mixed use 8,000 square foot building with 2 new residential units proposed for the second floor of the building.

- \$20,000 vacant building revitalization forgivable loan (15% of \$300,000 with a maximum of \$20,000)
- \$8,000 residential production grant (\$5 per square foot up to a max of \$4,000 per unit)
- \$8,000 fire suppression grant (50% of sprinkler system installation costs up to a maximum of \$8,000)
- \$36,000 potential total funding

**Performance Agreement Required**

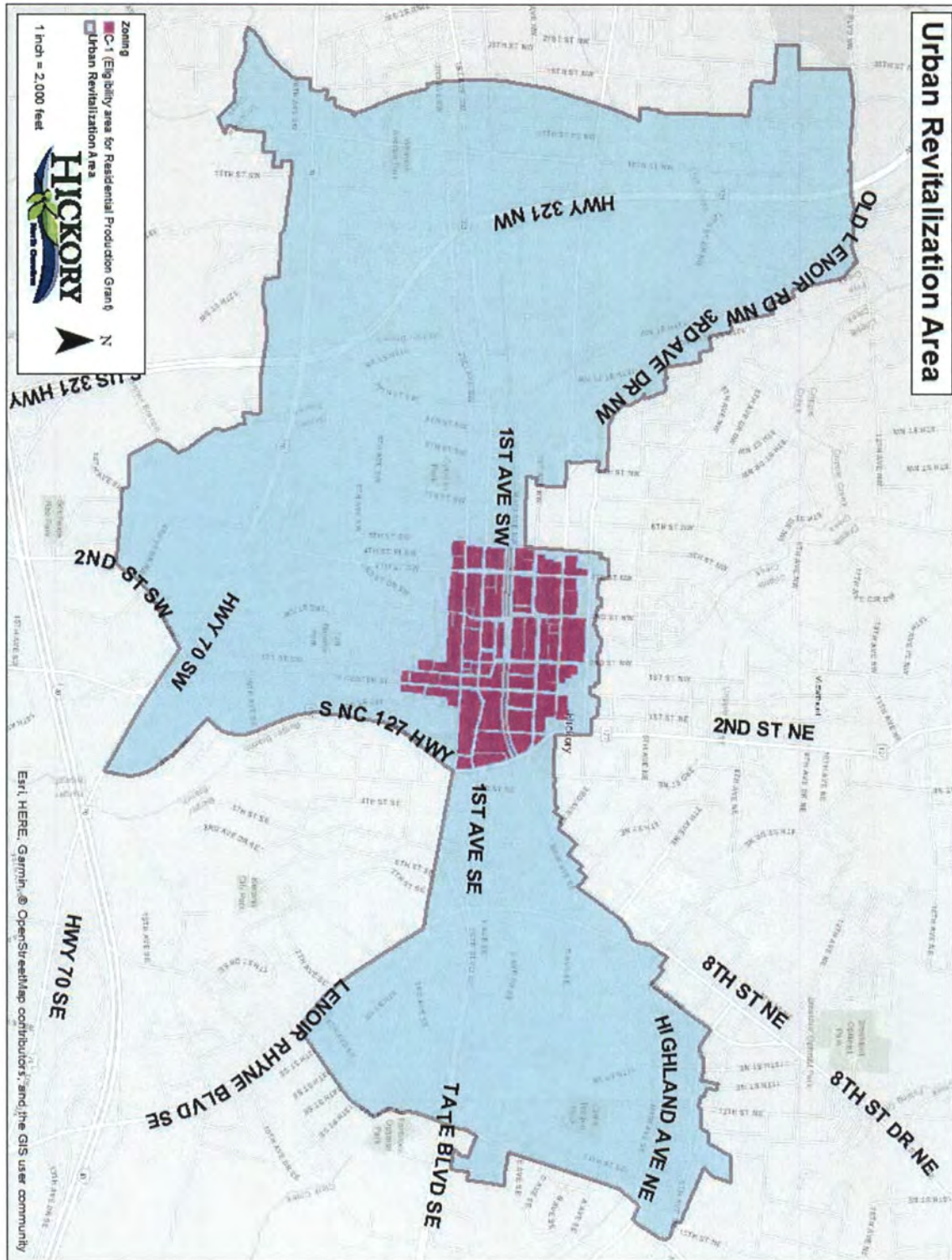
- Applicants approved for funding by City Council must enter into a performance agreement with the City.
- Funds disbursed are treated as a forgivable loan. The performance period will last 3 years from the date funds are disbursed. The loan amount will be forgiven after the performance period provided at least 50 percent of the building square footage remains continuously occupied by a use that is eligible for funding under these guidelines.
- A project will be considered in breach of the performance agreement if any of the following conditions are met:
  - More than 10 percent of the building is occupied by a use not eligible for funding.
  - More than 50 percent of the building square footage is vacant for more than 90 days.
  - Any of the funded improvements are removed within the performance period.
  - Any zoning or code enforcement violations on the subject property are not corrected within 90 days.
- 1/3 of the loan amount will be forgiven annually on the anniversary of the date on which the funds were disbursed. If all conditions of the performance agreement are met, the loan will be forgiven after three years.

**Payment Schedule*****Building Renovations (includes Revitalization, Residential Production, and Fire Suppression programs)***

- Applicant will receive payment upon completion of improvements outlined in the original application, receipt of a permanent Certificate of Occupancy, and occupancy of at least 50 percent of the building square footage by a use that is eligible for funding. If project involves residential production, at least 50% of the units produced must be occupied prior to payment. For example: if three units are produced two must be occupied prior to payment. If two units are produced, one must be occupied prior to payment. If one unit is produced, it must be occupied prior to payment.

**Exhibit A Page 7 of 20**

- During the designated revitalization period, the affected property must remain in compliance with the all applicable sections of the Hickory Code of Ordinances, the Land Development Code, and current master plans.





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**Exhibit A Page 10 of 20****VACANT BUILDING REVITALIZATION GRANT PROGRAM  
APPLICATION**

Applications should be submitted to the Office of Business Development. For more information, please contact David Leonetti at (828) 323-7422.

**APPLICANT INFORMATION**

Legal Name of Applicant (must be the owner of the property): Bumbarger Investments of Forest City, LLC

Mailing Address: 1301 North Center Street Street Address: 1301 North Center Street

City: Hickory State: NC Zip: 28601

Telephone: 828.322.7169 FAX: \_\_\_\_\_ E-Mail: awells@teamprism.com

Project Manager Name and Title (if different than above.): Andy Wells

Project Manager Organization Name: Prism Development, LLC

**PROJECT INFORMATION**

Amount Requested: \$ 20,000 Project Title: 1421 2nd Street NE

Address of Building: 1421 2nd Street NE Zoning of the Parcel: Neighborhood Commercial

Proposed Use: Neighborhood Commercial

Year Building was constructed: 1964 Length of Time Building has been Vacant: 12+ months

Square Footage of Building: 6,800sf

**BUDGET INFORMATION**

Total Cost of Renovation Project (excluding property acquisition): \$ 245,747.80

Total Eligible Project Expenses: \$ 245,747.80 Amount of Grant Request: \$ 20,000

Total Public Investment: \$ 0.00 Total Private Investment: \$ 100%

**REQUIRED ATTACHMENTS**

All applications must include the following information:

- Completed application form
- A brief written description of the project
- Surveyed site plan indicating the location of all structures, landscaping, parking areas, and other features

- Building elevations of all sides of the building indicating proposed building materials and colors
- Schematic plans including floor plan indicating gross sq. ft. of residential space and sq. ft. protected by sprinkler system, if applicable.
- Detailed Cost Estimates and Scope of Work. A detailed Scope of Work that identifies the work tasks and associated costs should be provided in line-item form. Estimates/bids from at least two (2) contractors must be included for all proposed activities.
- Reuse plan indicating future plans for the property, funding partners, future tenants, etc.
- Site restoration plan, if funding is being used for demolition of a substandard building.
- Color photographs of the existing site or project area
- Current list of owners and occupants
- Copy of applicable insurance
- Copy of lease(s), if applicable

Property Owner Signature: Paul William Bumbarger III  
 (Must be Notarized)

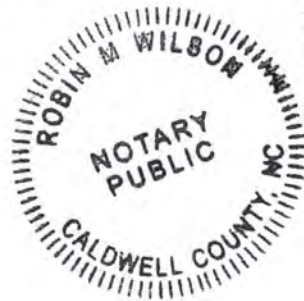
NORTH CAROLINA

Catawba COUNTY

I, Robin M. Wilson, a Notary Public for said County and State, do hereby certify that Paul William Bumbarger III personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the 29<sup>th</sup> day of October 2023.

Robin M. Wilson  
 Notary Public  
 My Commission Expires: 8/9/2024





October 20, 2023

Attn: Holdings, LLC

Re: 1421 2<sup>nd</sup> Street NE – Hickory, NC

Neill Grading and Construction includes in its scope of work per the civil plan set prepared by Clayton Engineering and Design dated of October 18, 2023 :

*Items to be included in our price :*

	Description of Unit	Unit	Quantity	Unit Bid	Total Bid
<b>\$ 15,000.00</b>	<b>MISCELLANEOUS EXPENSES</b>				
	Mobilization	LS	1	10,000.00	<b>10,000.00</b>
	Grade control & layout	LS	1	5,000.00	<b>5,000.00</b>
				-	-
<b>\$ 17,500.00</b>	<b>CLEARING &amp; GRUBBING / DEMOLITION</b>				
	Misc Demo	LS	1	15,000.00	<b>15,000.00</b>
	Demo Existing Sewer Line and Remove WV	LS	1	2,500.00	<b>2,500.00</b>
<b>\$ 27,750.00</b>	<b>GRADING</b>				
	Strip and Haul-Off Spoils	CY	400	25.00	<b>10,000.00</b>
	Fine Grade Parking Lot and Site	LS	1	10,000.00	<b>10,000.00</b>
	Fine Grade and Backfill Curb and Gutter - 30" in Road	LF	100	25.00	<b>2,500.00</b>
	Fine Grade and Backfill Curb and Gutter - 18"	LF	110	15.00	<b>1,650.00</b>
	Fine Grade Sidewalks	LF	240	15.00	<b>3,600.00</b>
				-	-
<b>\$ 11,125.00</b>	<b>EROSION CONTROL</b>				
	Construction Entrance	LS	1	2,500.00	<b>2,500.00</b>
	Silt Fence	LF	225	5.00	<b>1,125.00</b>
	Misc Erosion Allowance and Removal	LS	1	7,500.00	<b>7,500.00</b>
				-	-
<b>\$ 10,884.50</b>	<b>STORM DRAINAGE</b>				

*Specialists In Turnkey Site Preparation*

3050 First Ave. Ct. S.E., P.O Box 3916 • Hickory, North Carolina 28603

Phone: (828) 324-6774 • Fax (828) 324-9632

## Exhibit A Page 13 of 20

	8" PVC Roof Leaders	LF	100	46.05	4,605.00
	Cleanouts	EA	3	821.00	2,463.00
	Downspout Connections	EA	2	767.50	1,535.00
	Bends	EA	6	128.50	771.00
	8x8 Tee	EA	1	257.00	257.00
	Tie Into Existing Catch Basin	EA	1	1,253.50	1,253.50
				-	-
<b>\$ -</b>	<b>WATER LINE</b>			-	-
	None Shown			-	-
				-	-
<b>\$ 57,423.00</b>	<b>SEWER LINE</b>			-	-
	Tie Into Existing Manhole	EA	1	3,035.00	3,035.00
	Sawcut, Remove and Patch Asphalt	LS	1	8,415.75	8,415.75
	6" PVC Sch 40	LF	150	60.70	9,105.00
	4" PVC Sch 40	LF	100	48.03	4,803.00
	6" Fittings	EA	2	155.25	310.50
	4" Fittings	EA	5	76.75	383.75
	Cleanouts - Traffic Rated	EA	5	678.00	3,390.00
	1,000 Gal Grease Trap	LS	1	15,700.00	15,700.00
				-	-
	<b>Fiber Vault</b>			-	-
	Set Fiber Vault (provided by others)	LS	1	4,000.00	4,000.00
	Underground Conduit	LF	200	41.40	8,280.00
				-	-
<b>\$ 106,065.30</b>	<b>PAVING / CURB &amp; GUTTER</b>			-	-
	HD Paving : 8+2+2	SY	580	55.11	31,963.80
	LD Paving : 6+2	SY	550	43.18	23,749.00
	Striping and Signs	LS	1	1,650.00	1,650.00
	Wheel Stops	EA	25	82.50	2,062.50

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**Exhibit A Page 14 of 20**

30" Curb and Gutter	LF	100	55.00	<b>5,500.00</b>
18" Curb and Gutter	LF	110	22.00	<b>2,420.00</b>
Sidewalk	SF	1200	6.60	<b>7,920.00</b>
Truncated Dome	EA	4	550.00	<b>2,200.00</b>
Dumpster Pad	SF	450	16.50	<b>7,425.00</b>
Dumpster Fence Enclosure and Gates Allowance	LS	1	5,500.00	<b>5,500.00</b>
Dumpster Pad	SF	450	16.50	<b>7,425.00</b>
Traffic Control - Lane Closure	Days	3	2,750.00	<b>8,250.00</b>

**Total Base Bid****\$ 245,747.80****ADDS :**

Payment and Performance Bond : Add \$ 1% of Contract Total

*\*\* Payment and Performance Bond based on base bid lump sum price only. Please add \$9.50 per \$ 1,000.00 for any additional services you would like our company to perform.*

**Exclusions :**

Does not include: Soil testing, permits, Cast-in-place wall, ramp and steps, handrails, tap, capacity or and other fees, undercut and replacement of unsuitable or contaminated soils, rock ripping, blasting or hammering, temporary or permanent seeding or landscaping, NPDES permits, or monitoring, or any work not specifically outlined in the above quote.

Sincerely,

M. Scott Zanotti

Sitework Estimator

Neill Grading License # 7539 (Unlimited Building, Highway; Water and Sewer)

Plumbing License # 7572

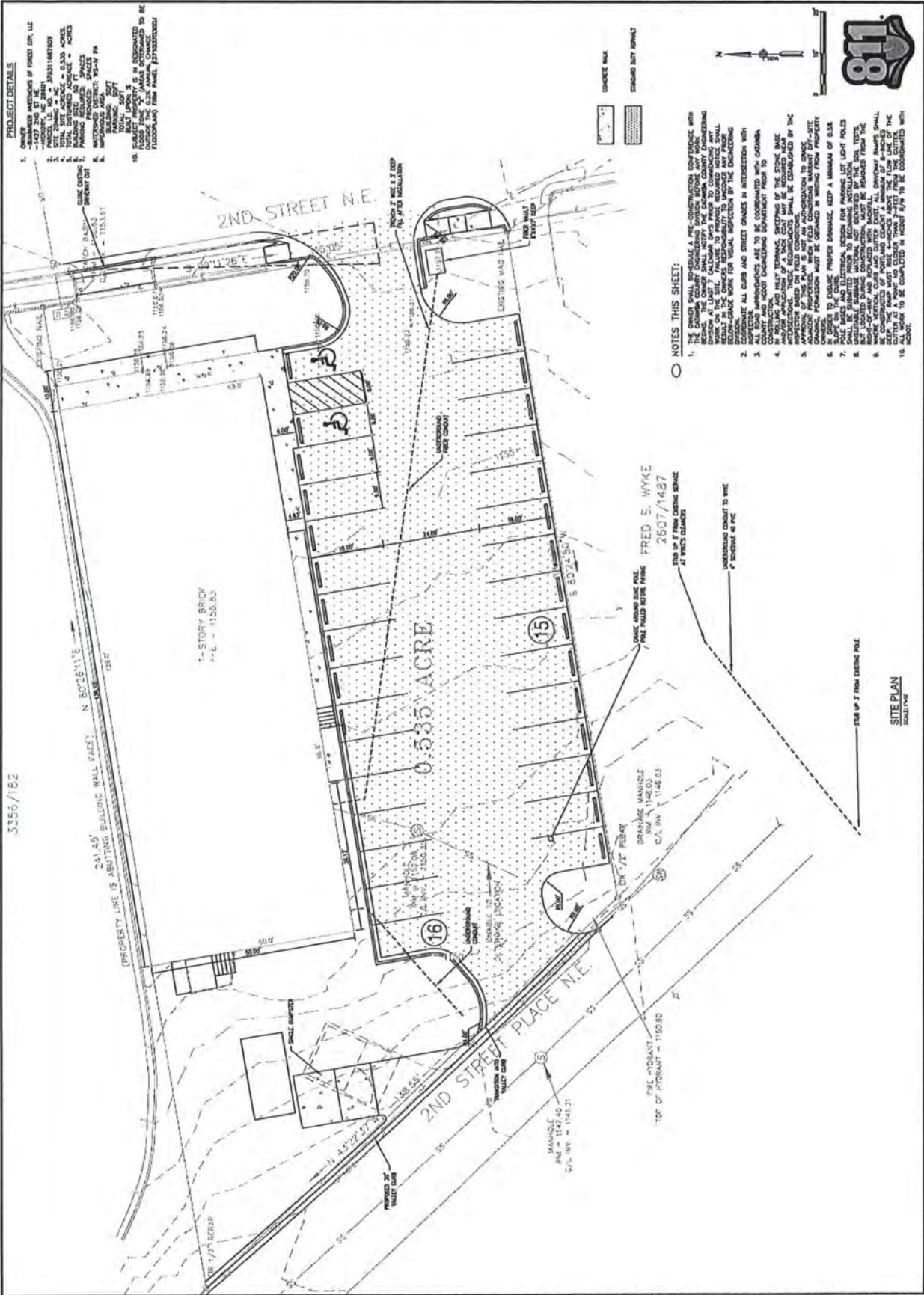
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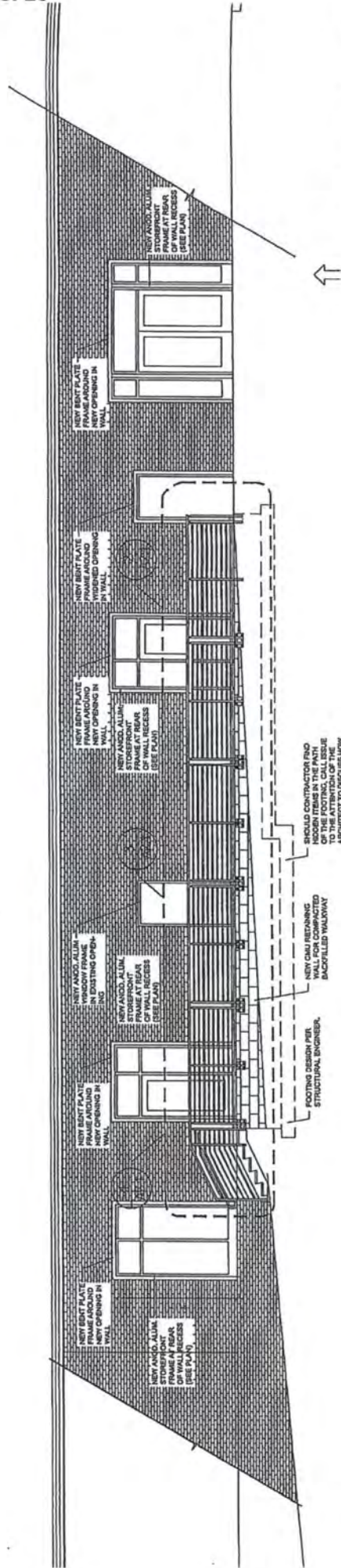
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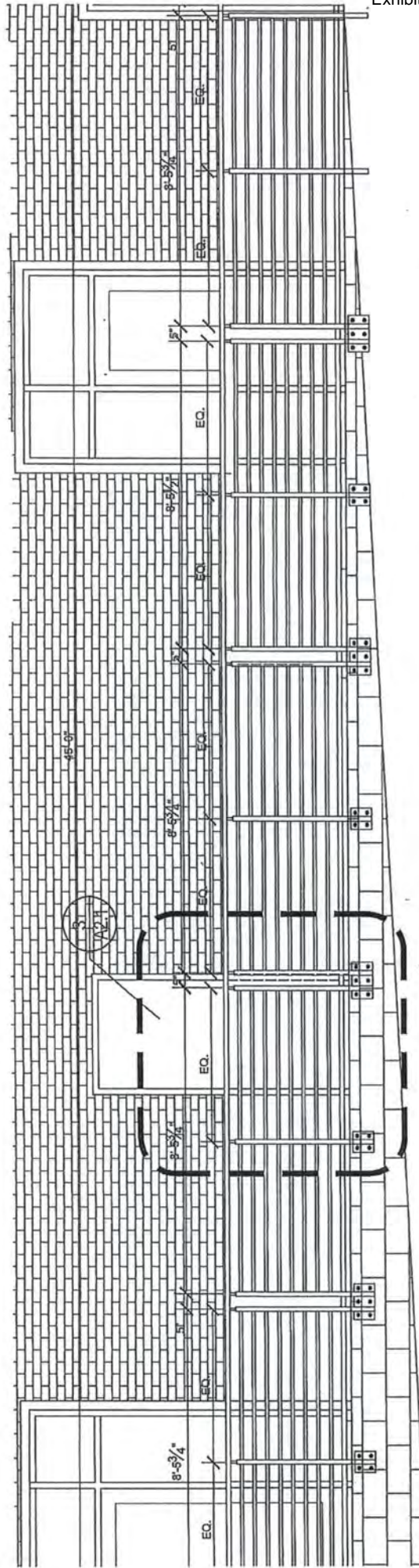
Phone: (828) 324-6774 • Fax (828) 324-9632

	<b>CLAYTON</b> ENGINEERING & DESIGN 1209 9TH AVE NE, PO BOX 2531 HICKORY, NC 28601	HOLDRINS, LLC HICKORY NORTH CAROLINA 1421 2ND ST NE	CIVIL SITE PLAN	
			SHEET NO.	DATE





1 SOUTH RENOV.  
A2.1 3/18" = 1'-0"





**Campbell**  
Design  
Bull architecture

29 College Ave. Newton, NC 28658  
828.994.4444 · campbelldesign.com

**NEILL**  
CONSTRUCTION COMPANY

**RENOVATIONS FOR**  
**WARM SHELLS**  
HICKORY, NC 28601

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PROJECT NO: 723 23  
DATE: 09.01.2023  
SHEET: CS.2

**LIFE SAFETY PLAN**  
SCALE: 1/8"=1'-0"

### CODE ITEMS & EXCEPTIONS

- A KICK BOX WILL BE PROVIDED. LOCATION TO BE DETERMINED BY OWNER & GC.
- PER 101.1.10 MINIMUM HANDRAILS ARE NOT REQUIRED FOR FUTURE TENANT.
- PER 201.10.1.1 MINIMUM HANDRAILS ARE NOT REQUIRED FOR FUTURE TENANT.
- PER 201.10.1.1.1 MINIMUM HANDRAILS ARE NOT REQUIRED FOR FUTURE TENANT.
- FIRE EXTINGUISHERS WILL BE PROVIDED. LOCATIONS TO BE DETERMINED BY LOCAL FIRE OFFICIAL.
- PER 201.10.1.1.1 MINIMUM HANDRAILS ARE NOT REQUIRED FOR FUTURE TENANT.
- PER 201.10.1.1.1 MINIMUM HANDRAILS ARE NOT REQUIRED FOR FUTURE TENANT.
- PER 201.10.1.1.1 MINIMUM HANDRAILS ARE NOT REQUIRED FOR FUTURE TENANT.

### DOOR SIGN DETAILS

### DOOR SIGN NOTES

- BACKGROUND AND LETTER COLOR SAMPLES SHALL BE SUBMITTED BY THE CONTRACTOR AND SELECTED BY ARCHITECT.
- ALL DOOR SIGNS TO HAVE BRASS INSCRIPTIONS, LETTERS BE HELVETICA MEDIAN, UNLESS NOTED OTHERWISE.
- INSTALL ALL DOOR SIGNS BY A.J.P., TO CENTER OF THE SIGN & 7" FROM CANCELLED DOOR SIGN ON WALL ADJACENT TO THE DOOR LATCH UNLESS OTHERWISE NOTED.
- INSTALL DOOR SIGNS ON WALL ADJACENT TO THE DOOR LATCH UNLESS OTHERWISE NOTED.
- DOOR SIGNS TO BE INSTALLED DURING THE INTERIOR UPFITS.

NOTE: EXIT SIGNS WILL BE INSTALLED DURING THE INTERIOR UPFITS. LOCATE AND INSTALL SIGN AS DIRECTED BY LOCAL CODE OFFICIAL. MUST INCLUDE BRASS.

### F.E.C. SEMI-RECESSED

### F.E. WALL MOUNTED

**Exhibit A Page 18 of 20**

List of Owners:

Holdings, LLC represented by Andy Wells.

List of Tenants:

Official name to be made public at their discretion.

Restaurant user

Data user



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/21/2023

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b> Scott Insurance - Lynchburg 1301 Old Graves Mill Road Lynchburg VA 24502	<b>CONTACT NAME:</b> Stacie Almond <b>PHONE (A/C No, Ext):</b> 434-832-2166 <b>FAX (A/C, No):</b> <b>E-MAIL ADDRESS:</b> salmond@scottins.com
<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURER A :</b> THE CINCINNATI INS CO (A+) <b>NAIC #</b> 10677	
<b>INSURER B :</b> Travelers Casualty Insurance Company of America <b>19046</b>	
<b>INSURER C :</b>	
<b>INSURER D :</b>	
<b>INSURER E :</b>	
<b>INSURER F :</b>	

**INSURED**      PRISDEV-01  
 Prism Development, LLC  
 See Remarks for Additional Named Insureds  
 1301 North Center Street  
 Hickory NC 28601

**COVERAGES**      **CERTIFICATE NUMBER:** 1788681145      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> <b>OCCUR</b>  GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		EPP 0627852	8/31/2023	8/31/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> <b>OCCUR</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			EPP 0627852	8/31/2023	8/31/2024	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N	UB-1L701790-23-42-G	9/30/2023	9/30/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

Supplemental Named Insureds Continued:  
 HOLDINGS, LLC;  
 Re: 1421-1427 2nd Street NE Hickory, NC 28601

Certificate Holder is an additional insured as respects General Liability if required by written contract.

<b>CERTIFICATE HOLDER</b>  The City of Hickory PO Box 398 Hickory NC 28601	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	--

Exhibit A Page 20 of 20



**BUDGET REVISION # 8**

**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.

<b>SECTION 1.</b> To amend the		General Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Other Financing Uses	1,648,516		
	General Government	195,000		
	Public Safety	1,967		
	Culture & Recreation	21,412		
	<b>TOTAL</b>	<b>1,866,895</b>		<b>-</b>
To provide funding for the above, the				
	General Fund	revenues will be amended as follows:		
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Other Financing Sources	1,670,895		
	Miscellaneous	196,000		
	Sales and Services	20,412		
	<b>TOTAL</b>	<b>1,866,895</b>		<b>-</b>

<b>SECTION 2.</b> To amend the		Water/Sewer Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Other Financing Uses	312,780		
	<b>TOTAL</b>	<b>312,780</b>		<b>-</b>
To provide funding for the above, the				
	Water/Sewer Fund	revenues will be amended as follows:		
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Other Financing Sources	312,780		
	<b>TOTAL</b>	<b>312,780</b>		<b>-</b>

<b>SECTION 3.</b> To amend the		CVCC Innovation Center (#700014)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	General Capital Projects	531,000		
	<b>TOTAL</b>	<b>531,000</b>		<b>-</b>
To provide funding for the above, the				
	CVCC Innovation Center (#700014)	revenues will be amended as follows:		
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Other Financing Sources	531,000		
	<b>TOTAL</b>	<b>531,000</b>		<b>-</b>

<b>SECTION 4.</b> To amend the shall be amended as follows:		Project Star (#803311)	Capital Project Ordinance, the expenditures
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Water & Sewer Capital Projects		312,780	1,500,000
<b>TOTAL</b>		<b>312,780</b>	<b>1,500,000</b>
To provide funding for the above, the		Project Star (#803311)	revenues will be amended as follows:
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Restricted Intergovernmental			1,500,000
Other Financing Sources		312,780	
<b>TOTAL</b>		<b>312,780</b>	<b>1,500,000</b>

<b>SECTION 5.</b> To establish the shall be amended as follows:		Hickory-Catawba WWTP Expansion (#802103)	Capital Project, the expenditures
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Water & Sewer Capital Projects		1,500,000	
<b>TOTAL</b>		<b>1,500,000</b>	<b>-</b>
To provide funding for the above, the		Hickory-Catawba WWTP Expansion (#802103)	revenues will be amended as follows:
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Restricted Intergovernmental		1,500,000	
<b>TOTAL</b>		<b>1,500,000</b>	<b>-</b>

<b>SECTION 6.</b> To amend the shall be amended as follows:		Trivium Corporate Center East (#B1B004)	Capital Project Ordinance, the expenditures
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
General Capital Projects		2,235,033	
<b>TOTAL</b>		<b>2,235,033</b>	<b>-</b>
To provide funding for the above, the		Trivium Corporate Center East (#B1B004)	revenues will be amended as follows:
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Other Financing Sources		1,117,516	
Restricted Intergovernmental		1,117,517	
<b>TOTAL</b>		<b>2,235,033</b>	<b>-</b>

<b>SECTION 7.</b> To amend the Hickory Metro Convention Center (#700012) Capital Project Ordinance, the expenditures shall be amended as follows:			
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
General Capital Projects		415,000	
<b>TOTAL</b>		415,000	-
To provide funding for the above, the Hickory Metro Convention Center (#700012) revenues will be amended as follows:			
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Miscellaneous		320,000	
Other Financing Sources		95,000	
<b>TOTAL</b>		415,000	-

**SECTION 8.** Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**CITY OF HICKORY  
CAPITAL PROJECT ORDINANCE  
HICKORY-CATAWBA WASTEWATER TREATMENT PLANT EXPANSION**

**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 Hickory-Catawba Wastewater Treatment Plant Expansion Capital Project.

**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:

<b>Restricted Intergovernmental:</b>	
Catawba County Revenues/ Catawba WW Plant Expansion	\$ 1,500,000
<b>Total</b>	<b>\$ 1,500,000</b>

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

<b>Water/Sewer Capital Projects:</b>	
Catawba WW Plant Expansion/ Design	\$ 1,500,000
<b>Total</b>	<b>\$ 1,500,000</b>

**SECTION 5.** The Finance Officer is hereby directed to maintain within the 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Cal Overby, Planning Manager

**Date:** October 5, 2023

**Re:** Voluntary non-contiguous annexation of property owned by Boureau and Creech Properties, LLC.

**REQUEST**

Consideration of the voluntary non-contiguous annexation of 49.21 acres property located at 3940 River Road. This property is identified as PIN 3710-09-17-5434.

**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.

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

**ANALYSIS**

If annexed, the property owners have requested the property be zoned Planned Development, with their further intentions being the construction of a 178 lot single-family residential subdivision. This would equate to a density of 3.7 dwelling units per acre.

Surrounding properties are zoned R-20 Residential and R-1 Residential and are occupied by detached single-family residences, and a wastewater treatment plant.

The current tax value of the property is \$330,300. If annexed, the vacant property would generate \$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**

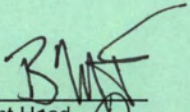
Is a Budget Amendment required?

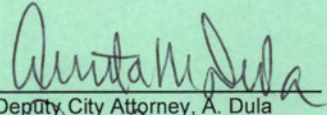
Yes

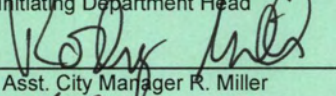
No

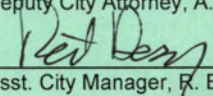
**LIST THE EXPENDITURE CODE:**

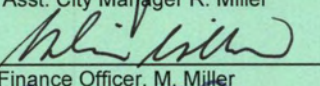
**Reviewed by:**

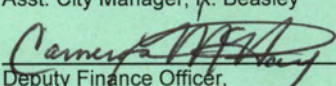
Brian Frazier   
Initiating Department Head  
Date 10/05/2023

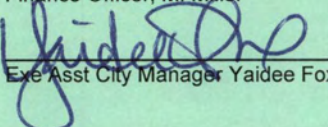
Auntan Dula   
Deputy City Attorney, A. Dula  
Date 10-9-23

R. Miller   
Asst. City Manager R. Miller  
Date 10/10/23

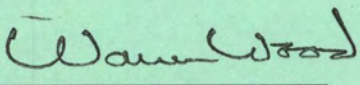
R. Beasley   
Asst. City Manager, R. Beasley  
Date 10/10/23

M. Miller   
Finance Officer, M. Miller  
Date 10/10/23

Cameron McHargue   
Deputy Finance Officer,  
Cameron McHargue  
Date 10-10-23

Yaidee Fox   
Exe Asst City Manager Yaidee Fox  
Date 10/10/23

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

Warren Wood   
City Manager, Warren Wood

10.12.23  
Date

**CITY OF HICKORY  
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 8/31/2023

**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 River Road  
 between Hidden Creek Circle and Grady Lane  
 and is shown in more detail on the attached survey.

PIN NO. (S) : 3710-09-17-5434

2. Physical (Street) Address: 3940 River Road
3. The property is owned by: (please print) Boureau and Creech Properties, LLC  
(Attach a copy of the most recent deed.)

4. Owner Information:

Name: Boureau and Creech Properties, LLC

Address: 5164 Meadow Park Lane; Hickory, NC 28602-6018

Phone Number: 828.320.4225

5. The petition is submitted by: Shabeldeen Engineering, PA

Agent Information:

Name: Daniel Shabeldeen

Address: 3145 Tate Blvd. SE; Hickory, NC 28602

Phone Number: 828.320.7252

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 Planned Development 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. 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.

Daniela Boureanu  
Member/Manager Boureanu and Crech Properties, LLC  
Printed Name of Property Owner(s)

*Daniela Boureanu*  
Signature of Property Owner(s)

5164 Meadow Park LN; Hickory, NC 28602  
Address of Property Owner(s)

828-320-4225  
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\_\_\_\_.

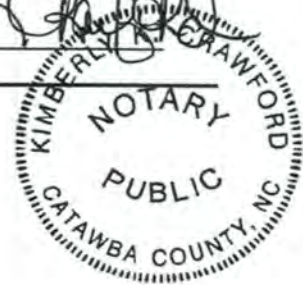
My Commission Expires: \_\_\_\_\_  
Notary Public

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Daniela Boureanu personally came before me this day an acknowledged the he / she is the manager/member of Boureanu and Crech, LLC ~~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 10th day of August, 2023.

My Commission Expires: 1/19/2026

*Kimberly H. Crawford*  
Notary Public





LIMITED LIABILITY COMPANY ANNUAL REPORT

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

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 5164 Meadow Park Lane

Hickory, NC 28602 Catawba 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 5164 Meadow Park Lane

Hickory, NC 28602 Catawba 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 SIGNATURE

04/12/2023 DATE

Form must be signed by a Company Official listed under Section C of This form.

DANIELA S. BOUREANU Print or Type Name of Company Official

MANAGER/MEMBER 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 27626-0525

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

Boureau 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 X 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)  
(Entity Name) Print/Type Name: \_\_\_\_\_

By: Catherine M. Colvard \_\_\_\_\_ (SEAL)  
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee Print/Type Name: \_\_\_\_\_

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009 \_\_\_\_\_ (SEAL)  
(Entity Name) Print/Type Name: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
Print/Type Name & Title: Eric M. Yoder, Successor Trustee Print/Type Name: \_\_\_\_\_

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 12th 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 12th day of May, 2022.



My Commission Expires: 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)  
(Entity Name) Print/Type Name: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee Print/Type Name: \_\_\_\_\_

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009 \_\_\_\_\_ (SEAL)  
(Entity Name) Print/Type Name: \_\_\_\_\_

By: [Signature] \_\_\_\_\_ (SEAL)  
Print/Type Name & Title: Eric M. Yoder, Successor Trustee 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 \_\_\_\_\_  
Emily Marie Batkin  
Notary Public





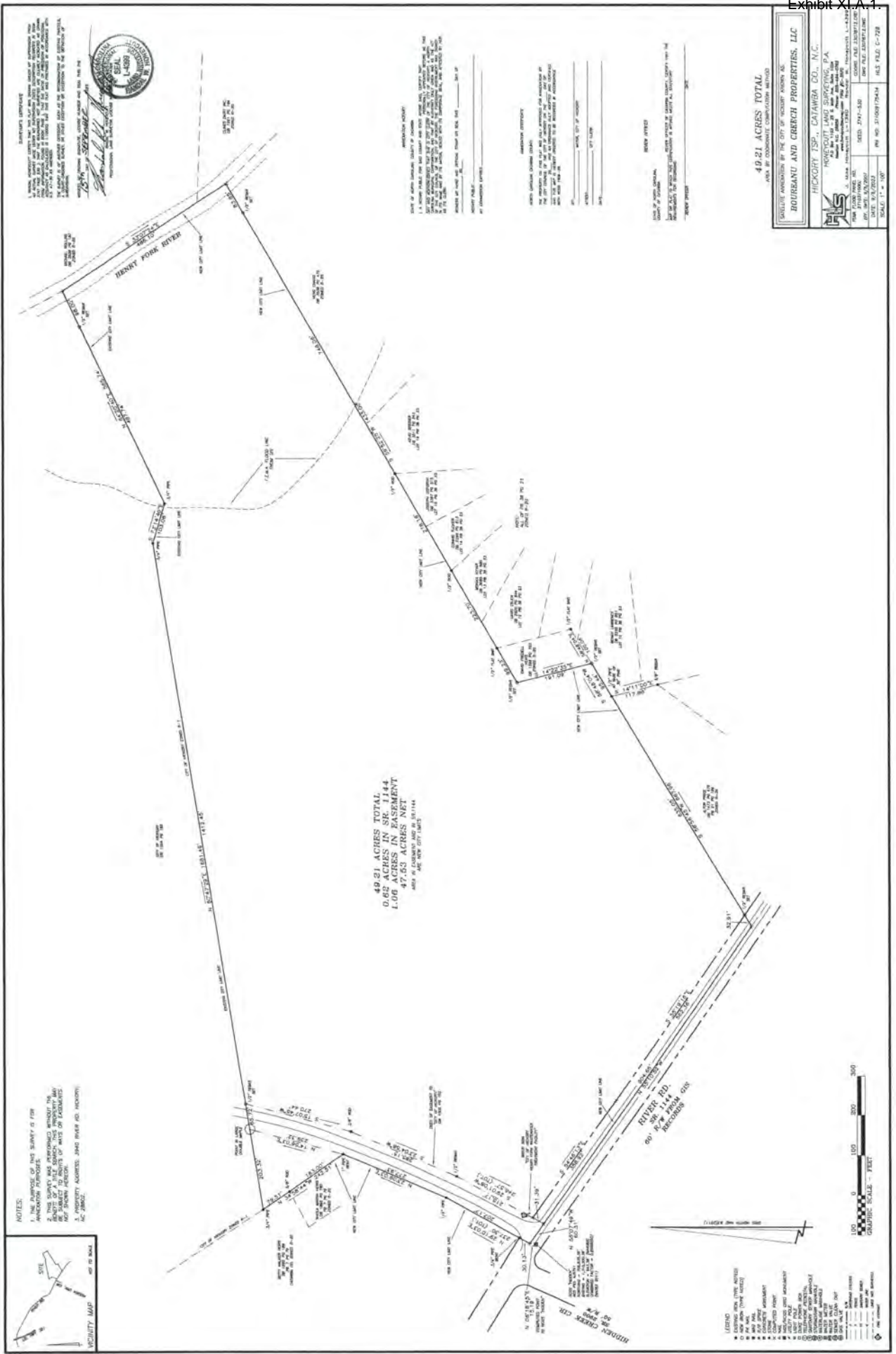
**Exhibit A****Tract One:**

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 ¼ 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 29½ poles to a stone where a Birch formerly stood; thence with the Robinson line South 54¼' 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 38¾ 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 15½ E 190 feet to an iron at another of Bolick's corners; thence, with another of Bolick's lines s 58½ 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.



**SURVEYOR'S CERTIFICATE**

I, the undersigned, being duly sworn, depose and say that I am a duly Licensed Professional Surveyor in the State of North Carolina, and that I have personally conducted the survey herein shown, and that the same is a true and correct representation of the actual survey made by me, and that the same is a true and correct representation of the actual survey made by me, and that the same is a true and correct representation of the actual survey made by me.

*[Signature]*

**PROFESSIONAL SURVEYOR**  
 STATE OF NORTH CAROLINA  
 LICENSE NO. 12345

**NOTES:**

1. THE PURPOSE OF THIS SURVEY IS FOR [...]
2. [...]
3. [...]
4. [...]

**49.91 ACRES TOTAL  
 0.65 ACRES SR 144  
 1.06 ACRES IN EASEMENT  
 47.53 ACRES NET**

AREA IS LOCATED IN [...]

**49.91 ACRES TOTAL**  
 AREA BY COORDINATE CALCULATION METHOD

SHALL BE OWNED BY THE CITY OF HICKORY NORTH CAROLINA

**HICKORY TSP, CAMBERA CO., NC.**

**H&S**  
 PROFESSIONAL SURVEYORS  
 1000 W. 10TH ST. SUITE 100  
 HICKORY, NC 28540  
 TEL: 754-234-1234 FAX: 754-234-5678  
 WWW.HANDSURVEYING.COM

DATE: 10/15/2024	SCALE: 1" = 100'
PROJECT NO: 24010001	DATE PLOTTED: 10/15/2024
PROJECT NAME: [...]	PROJECT NO: 24010001

## VOLUNTARY NON-CONTIGUOUS ANNEXATION ANALYSIS

**APPLICANT:** Boureau and Creech Properties, LLC

**AGENT:** Dan Shabeldeen, Shabeldeen Engineering

**PROPERTY LOCATION:** 3940 River Road

**PIN:** 3710-09-17-5434

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

**WARD:** If annexed, this property will be located in Ward 4 (Councilman Freeman).

**ACREAGE:** 49.21 acres (1.68 acres lies within street right-of-way and vehicular access easements).

**DEVELOPMENT POTENTIAL:** The property is currently 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 density of 2 dwelling units per acre. If annexed, the property owners have requested the property be zoned Planned Development, with their further intentions being the construction of a 178 lot single-family residential subdivision. This would equate to a density of 3.7 dwelling units per acre.

**TAX VALUE:** The current tax value of the property is \$330,300. If annexed, the vacant property would generate \$1502.86 in additional tax revenues.

**POPULATION INCREASES:** The property is currently vacant. The owners / developers have expressed their intentions to construct a 178 lot residential community. If this development were to be fully constructed, 418 additional residents could potentially be added to the City's current population. This estimate is based upon the U.S. Census Bureau's current 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 Public 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	Blackburn	0.27	178	48
Middle	Jacobs Fork	0.06	178	11
High	Fred T. Foard	0.11	178	20

*\*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 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.

**UTILITY SERVICE:** Water and sewer are available to serve the property.

**ACCESS:** Access to the subject property is from River Road, which is maintained by the North Carolina Department of Transportation (SR 1144).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is approximately 4,700 linear feet southwest of the closest contiguous portion of the proper city boundary.

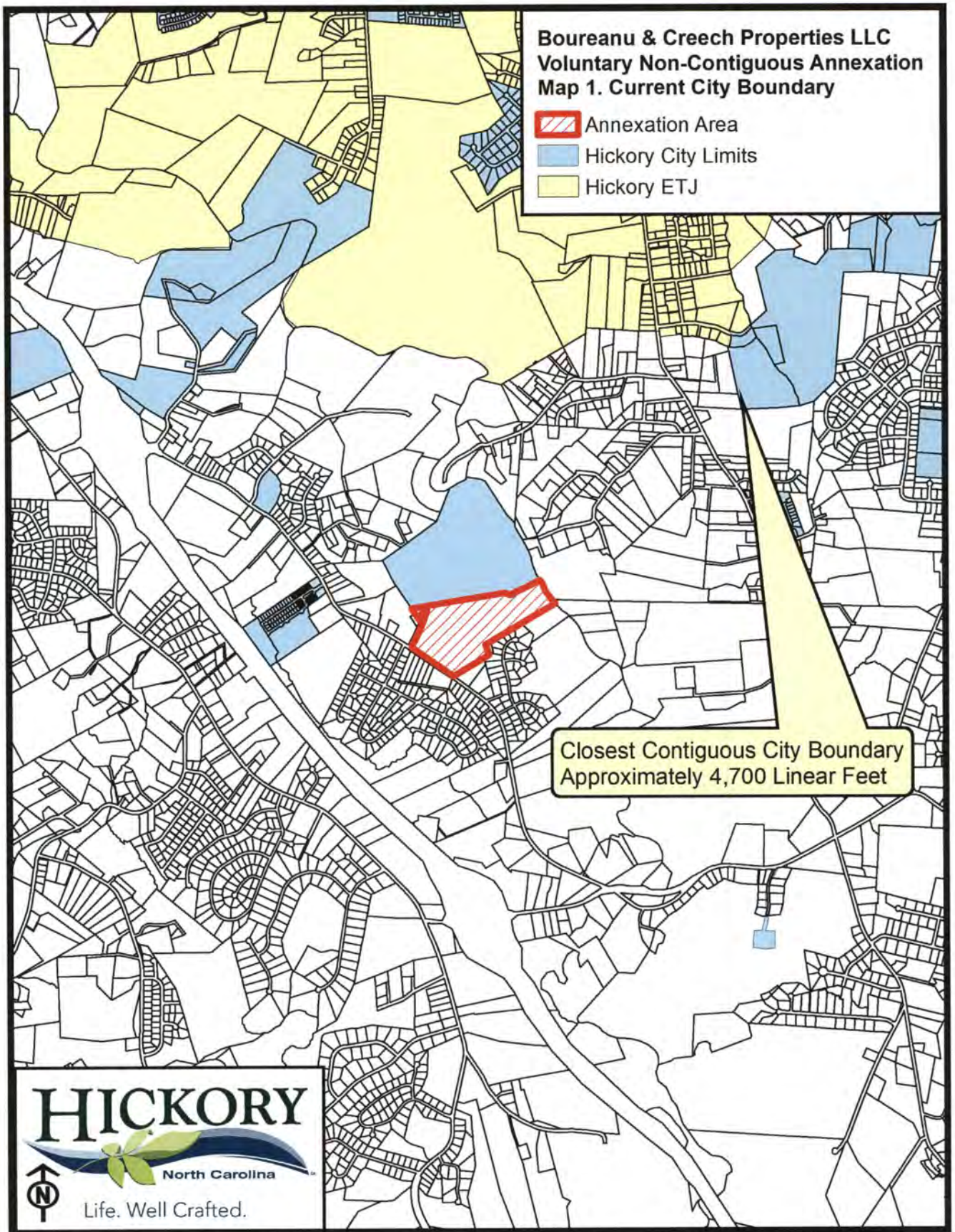
**STAFF COMMENTS:**

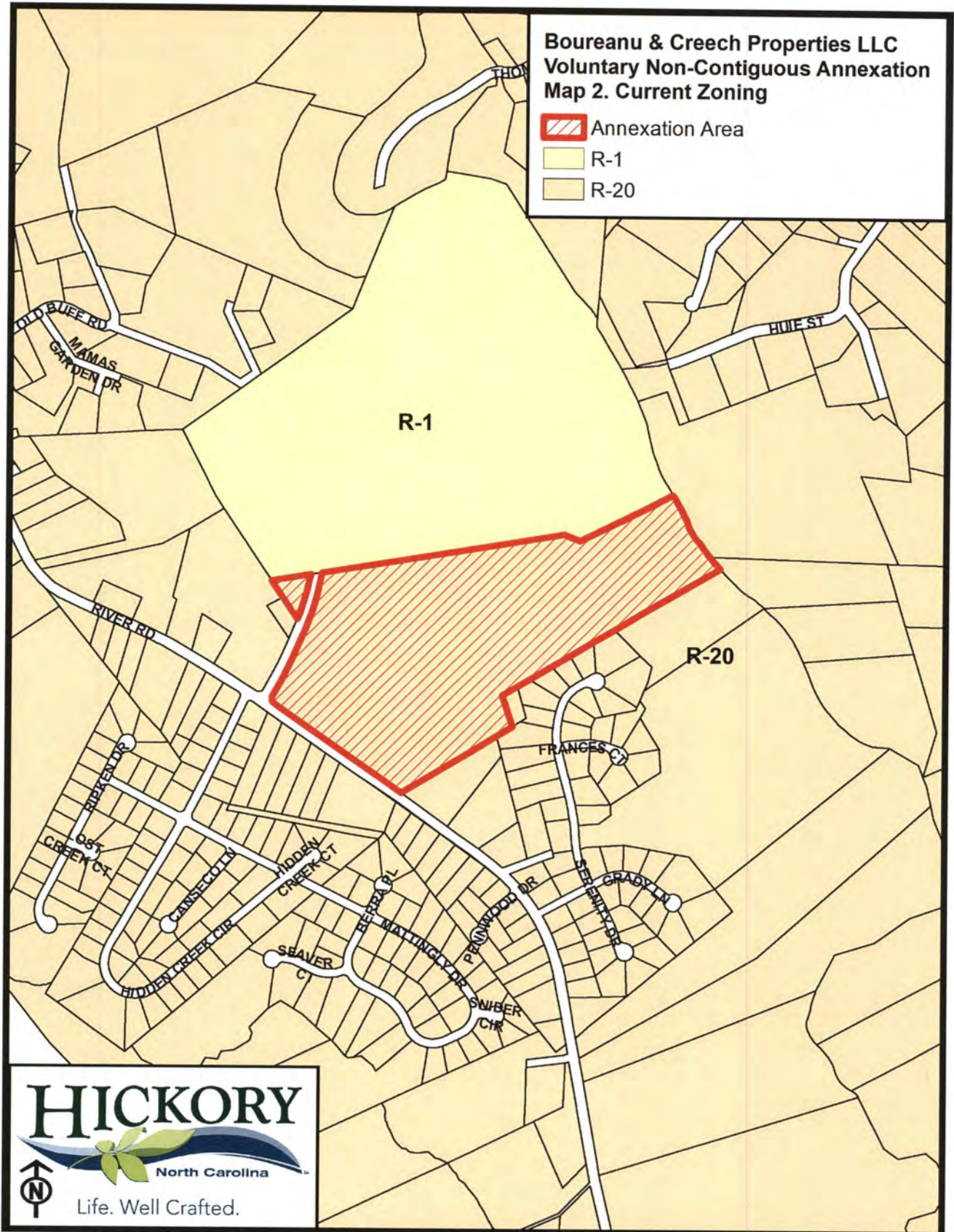
- **Fire:** Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 7's response area.
- **Police Department:** Annexation would not adversely affect the police department. The property, upon annexation, would be in Edward PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** No objections.
- **Public Utilities:** Water and sewer are currently available to serve the property.
- **Legal:** No objections.
- **City Manager's Office:** No objections.

**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

1. The voluntary non-contiguous annexation petition complies with all applicable statutes regarding the voluntary annexation of non-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 non-contiguous annexation petition.









**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 Nyyar 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  $\frac{3}{4}$ " pipe; thence South 73 degrees 14 minutes 40 seconds East 103.06 feet to a  $\frac{3}{4}$ " pipe; thence North 64 degrees 20 minutes 40 seconds East 487.74 feet to a  $\frac{1}{2}$ " 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  $\frac{1}{2}$ " 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  $\frac{1}{2}$ " 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  $\frac{1}{2}$ " rod, the northwest corner of Tucker; thence, with the north line of Monika Nyar 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  $\frac{1}{2}$ " 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  $\frac{1}{2}$ " 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  $\frac{1}{2}$ " 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  $\frac{1}{2}$ " 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  $\frac{1}{2}$ " 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.

Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory  
P.O. Box 398, Hickory, NC 28603-0398

**ANNEXATION ORDINANCE NO. 492**

**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 7<sup>th</sup> day of November 2023; and

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

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

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

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

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

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

**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 Nyyar 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  $\frac{3}{4}$ " 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  $\frac{1}{2}$ " 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  $\frac{3}{8}$ " 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  $\frac{3}{4}$ " 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  $\frac{1}{2}$ " rebar on the east side of said road; thence, the same bearing, 1,412.45 feet to a  $\frac{3}{4}$ " pipe; thence South 73 degrees 14 minutes 40 seconds East 103.06 feet to a  $\frac{3}{4}$ " pipe; thence North 64 degrees 20 minutes 40 seconds East 487.74 feet to a  $\frac{1}{2}$ " 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  $\frac{1}{2}$ " 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  $\frac{1}{2}$ " 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 Nyar 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.

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

Section 3. The newly-annexed territory described herein shall become part of Ward No. 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 7<sup>TH</sup> DAY OF NOVEMBER 2023.

\_\_\_\_\_  
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 Boureau and Creech LLC was adopted at a regular meeting of the Hickory City Council held on November 7, 2023, and that said Ordinance is in full force and effective on November 30, 2023.

\_\_\_\_\_  
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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development – Planning and Development

**Contact Person:** Cal Overby, Planning Manager

**Date:** October 5, 2023

**Re:** Consideration of Rezoning Petition 23-06

**REQUEST**

Conduct a public hearing to consider Rezoning Petition 23-06.

**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 Planned Development (PD).

**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 Planned Development upon completion.

The 49.21 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 Planned Development would consist of up to 178 single-family detached dwellings, which calculates to be 3.7 units per acre.

**RECOMMENDATION**

The Hickory Regional Planning Commission conducted a public hearing on September 27, 2023, to consider the petition. During the public hearing the project engineer spoke in favor of the petition, while no one spoke in opposition.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

**CITIZEN INPUT**

As of October 5, 2023, staff has received three inquiries regarding this petition.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier 10/05/2023  
Initiating Department Head Date

Robyn Miller 10/10/23  
Asst. City Manager R. Miller Date

M. Miller 10/10/23  
Finance Officer, M. Miller Date

Yaldee Fox 10/10/23  
Exe/Asst City Manager Yaldee Fox Date

A. Dula 10-9-23  
Deputy City Attorney, A. Dula Date

R. Beasley 10/10/23  
Asst. City Manager, R. Beasley Date

Cameron McHargue 10-10-23  
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  
10.12.23  
Date

**CITY OF HICKORY  
APPLICATION FOR REZONING  
(PLANNED DEVELOPMENT OR CONDITIONAL ZONING DISTRICT)**

DATE SUBMITTED: 8/31/2023

**TO THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:**

I (We), the undersigned, do hereby respectfully make application and petition to amend the Land Development Code and / or change the Zoning Map of the City of Hickory, as hereinafter requested, and in support of this application, the following facts are shown of the application and all required materials):

1. The property proposed to be rezoned is located on River Road  
between Hidden Creek Circle and Grady Lane.

PIN NO. (S): 3710-09-17-5434

Physical (Street) Address: 3940 River Road

2. The property is owned by: (please print) Boureaunu and Creech Properties, LLC

(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Boureaunu and Creech Properties, LLC

Address: 5164 Meadow Park Lane; Hickory, NC 28602-6018

Phone Number: 828.320.4255

Email Address: costel@advelec.net

3. The petition is submitted by: \_\_\_\_\_

(If the Petition is submitted by someone other than the owner, a letter from the owner(s) authorizing the agent to act on his or her behalf must be submitted with the application. This authorization must be signed and notarized by all owners having an interest in the subject property.)

Agent Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

4. It is desired and requested that the foregoing property be REZONED:  
 FROM: County R-20 TO: City Planned Development
5. Please list any overlay districts that apply to the subject property: County ED-O and FMP-O
6. Please list the current use(s) of the property: Wooded; undeveloped
7. Specify the acreage of the proposed development: 47.8
8. Specify the intensity (gross square footage) and/or density (size and number of dwelling units) of the proposed development: 150-180 single family dwellings

**Additional Required information**

**Planned Development Districts**

A Planned Development Master Land Use Plan must be submitted as part of all petitions to rezone to a Planned Development district. Such plan shall include maps and plans for the subject property that depicts the following items if relevant:

1. The name of the proposed Planned Development and the names of the developer and design professionals;
2. Scale, dimensions, date, north arrow;
3. Conceptual grading, site preparation and stormwater management;
4. General location, height, number of stories, floor area, orientation, setbacks and proposed land-uses of all structures;
5. Building elevations of all proposed buildings;
6. Open space (designate public or private), floor area, recreation space and impervious surface area necessary to demonstrate conformance with applicable requirements;
7. Landscaping and buffering;
8. Any proposed property subdivision, including proposed future property lines;
9. Primary vehicular and pedestrian circulation system including all proposed exclusive storage bays, turn lanes, vehicular and pedestrian cross access points, points of ingress and egress for principal pedestrian, vehicle, bicycle, and transit;
10. Proposed street layout (both public or private);
11. Location of all parking, loading, sanitation and recycling facilities; area and number of parking spaces in parking lots;
12. Location, character and intensity of all proposed outdoor lighting fixtures;
13. Location of all utility systems;

- 14. Location, height, dimensions and type of all signs; and
- 15. Locally or nationally recognized historic structures.

**Conditional Zoning Districts**

Conditional Zoning can be applied in conjunction with any base zoning district. Applicants petitioning to rezone to a conditional zoning district must meet all the requirements of the underlying zoning district. All applicants must include a list of additional conditions to be placed upon the subject property with their application. Depending on the complexity of the conditions proposed, a site plan similar to the Master Land Use Plan described above may be required.

**9. OWNER'S AFFIDAVIT**

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

Daniela Bourneau  
Member/Manager Bourneau and Creech Properties, LLC  
**Printed Name of Owner or Agent**

Daniela Bourneau  
**Signature of Owner or Agent**

**(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

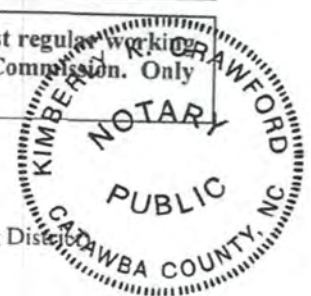
State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Daniela Bourneau personally came before me this day and acknowledged the he / she is the member/manager of Bourneau and Creech, LLC ~~corporation~~ 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 10th day of August, 2023.

My Commission Expires: 11/19/2026

Kimberly K Crawford  
Notary Public

This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.





LIMITED LIABILITY COMPANY ANNUAL REPORT

Exhibit XI-A-2.
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
SIGNATURE

04/12/2023
DATE

Form must be signed by a Company Official listed under Section C of This form.

DANIELA S. BOUREANU
Print or Type Name of Company Official

MANAGER / MEMBER
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 27626-0525

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

Boureau 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

(Entity Name)

Print/Type Name: \_\_\_\_\_ (SEAL)

By: Catherine M. Colvard  
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee

Print/Type Name: \_\_\_\_\_ (SEAL)

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009

(Entity Name)

Print/Type Name: \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_  
Print/Type Name & Title: Eric M. Yoder, Successor Trustee

Print/Type Name: \_\_\_\_\_ (SEAL)

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 12th day of May, 2022, 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 12th 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  
(Entity Name)

\_\_\_\_\_  
Print/Type Name: \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_  
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee

\_\_\_\_\_  
Print/Type Name: \_\_\_\_\_ (SEAL)

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009  
(Entity Name)

\_\_\_\_\_  
Print/Type Name: \_\_\_\_\_ (SEAL)

By: [Signature]  
Print/Type Name & Title: Eric M. Yoder, Successor Trustee

\_\_\_\_\_  
Print/Type Name: \_\_\_\_\_ (SEAL)

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

Emily Marie Watkins  
Notary Public



**Exhibit A**

## Tract One:

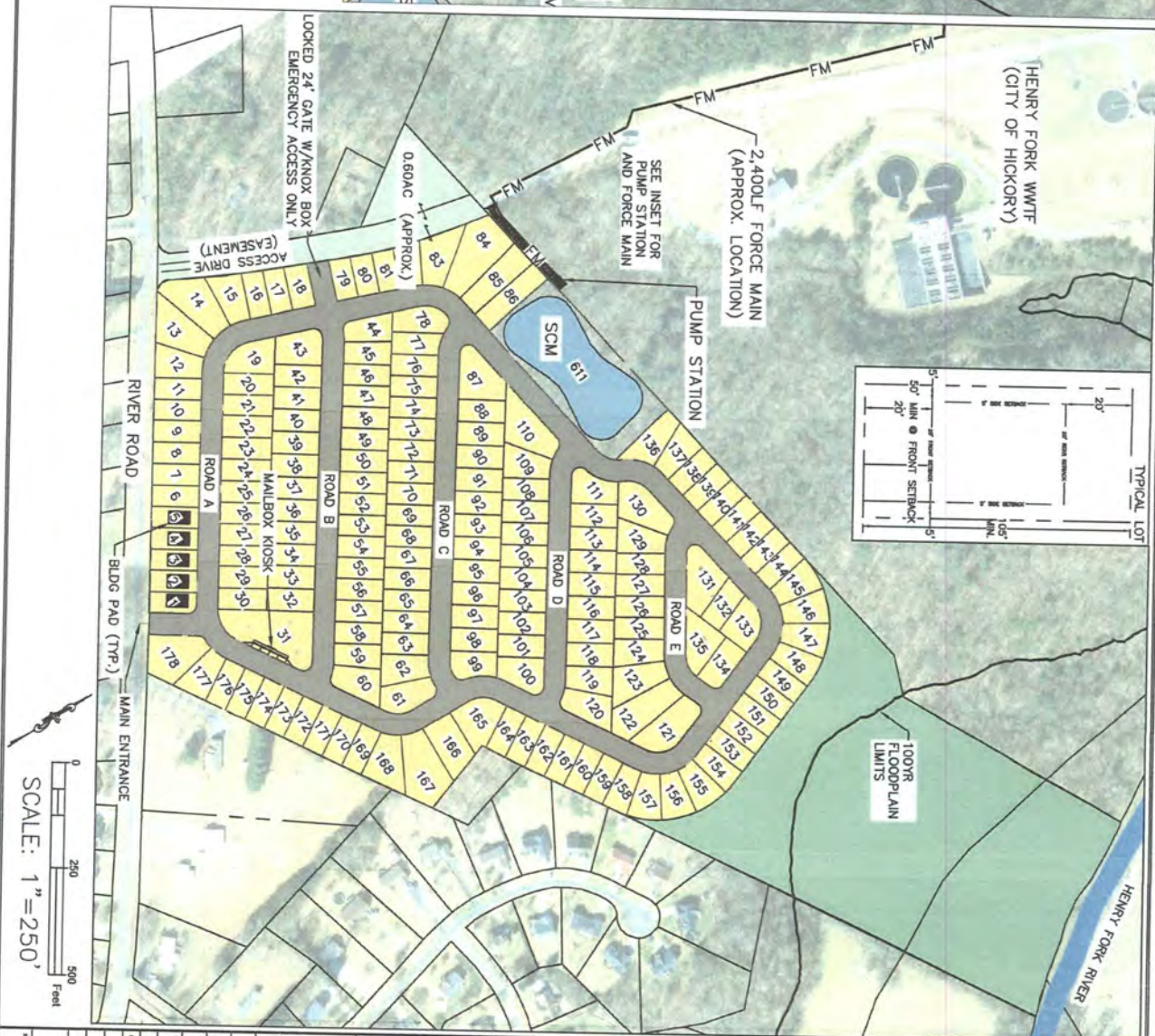
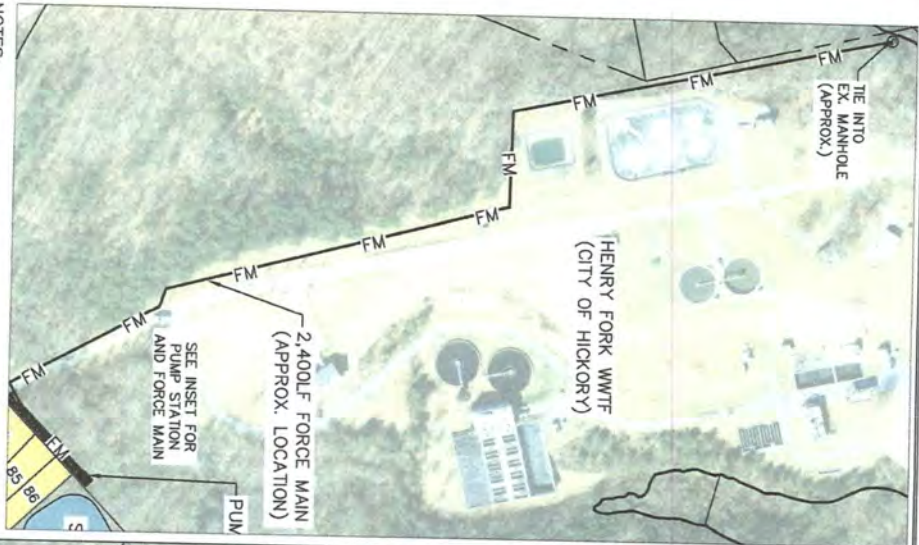
BEGINNING at a large Spanish oak on the Robinson line, and runs North 77' East, 102 poles to a Hickory; thence South 77' East, 6  $\frac{1}{4}$  poles to a Sassafras; thence North 56' East, 33 poles to a Willow on the bank of the river; thence down the river as it meanders South 41' East 29 $\frac{1}{2}$  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.

- NOTES:
1. CITY HAS A PERPETUAL ACCESS EASEMENT TO THE WWTF.
  2. DEVELOPER WILL DEED THE ACCESS DRIVE AND 0.6-AC PARCEL TO THE CITY.
  3. CITY WILL GIVE DEVELOPER A TIE-IN TO THE WWTF AND A GATED ENTRANCE ON THE ACCESS DRIVE.
1. DENSITY 3.8 UNITS/AC  
 2. ACREAGE 47.80 AC  
 3. OPEN SPACE 10.78 AC



SCALE: 1" = 250'

PROJECT NO.	23-220	
DATE	AUG 29, 2023	
DESIGNER	ds	
REVISIONS:		
NO.	DATE	BY
1		
LAYOUT		
C1 of 1		

SITE PLANS FOR:  
**RIVER ROAD SUBDIVISIONS**  
 3940 RIVER RD, HICKORY NC PIN:371009175434

**SHABELDEEN ENGINEERING**  
 Ethics • Integrity • Excellence

Civil Environmental  
 Stormwater/Erosion Control  
 Construction Management

HICKORY, NC  
 P: (828) 320-7222  
 F: (828) 324-4222  
 License No. C-28468



**HICKORY REGIONAL PLANNING COMMISSION  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On September 27, 2023 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Rezoning Petition 23-06. Upon consideration, the Hickory Regional Planning Commission found:

1. The general area is classified Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan

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.

The master plan for the requested Planned Development (PD) district produces both 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 (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.
5. 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 Planned Development (PD), 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, if developed. These include public utilities and transportation infrastructure.

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 23-06 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

9/27/23  
Date

## REZONING ANALYSIS

**PETITION:** 23-06

**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:** 49.21 total acres.

**REQUESTED ACTION:** Rezone the property from Catawba County R-20 Residential to Planned Development (PD).

**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 Planned Development upon completion.

**DEVELOPMENT POTENTIAL:** The 49.21 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 Planned Development would consist of up to 178 single-family detached dwellings, which calculates to be 3.7 units per acre.

### PROJECT SPECIFICS:

1. Density calculates to 3.7 units per acre (178 total detached single-family homes).
2. Lots sizes are proposed to be 50' X 105' (5250 ft<sup>2</sup>).
3. Building setbacks are proposed to be:
  - a. 20' front (street) yard.
  - b. 20' rear yard.
  - c. 5' side yard.
4. Preservation of approximately 10 acres of open space (+/- 20% of total land area).

**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 master plan for the requested Planned Development (PD) district produces both use types and densities consistent with the language from the comprehensive plan.

Given these factors, the rezoning of the property to Planned Development (PD) 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 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 Planned Development (PD), 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 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.*

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.*



*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.*

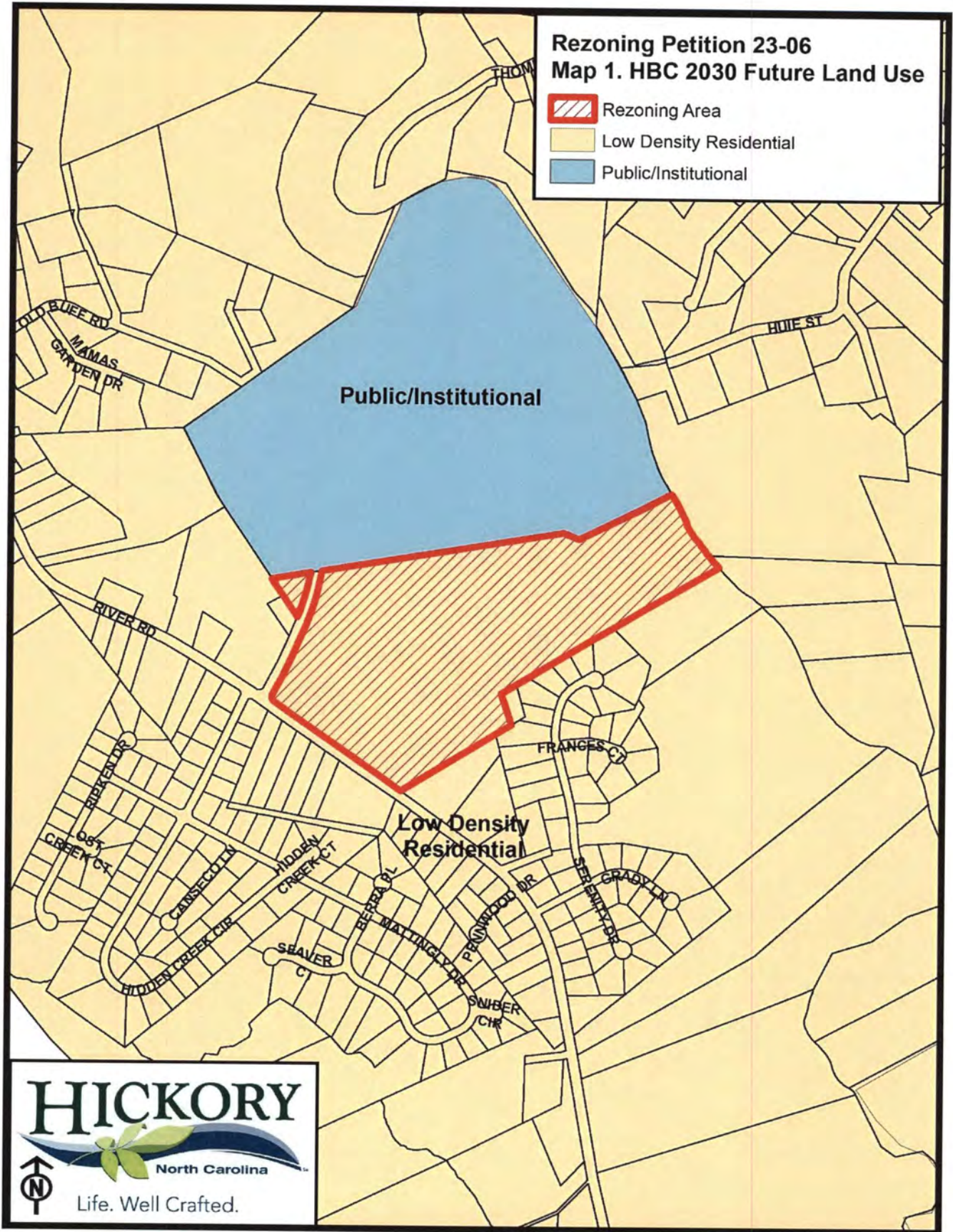
**RECOMMENDED ACTION:**

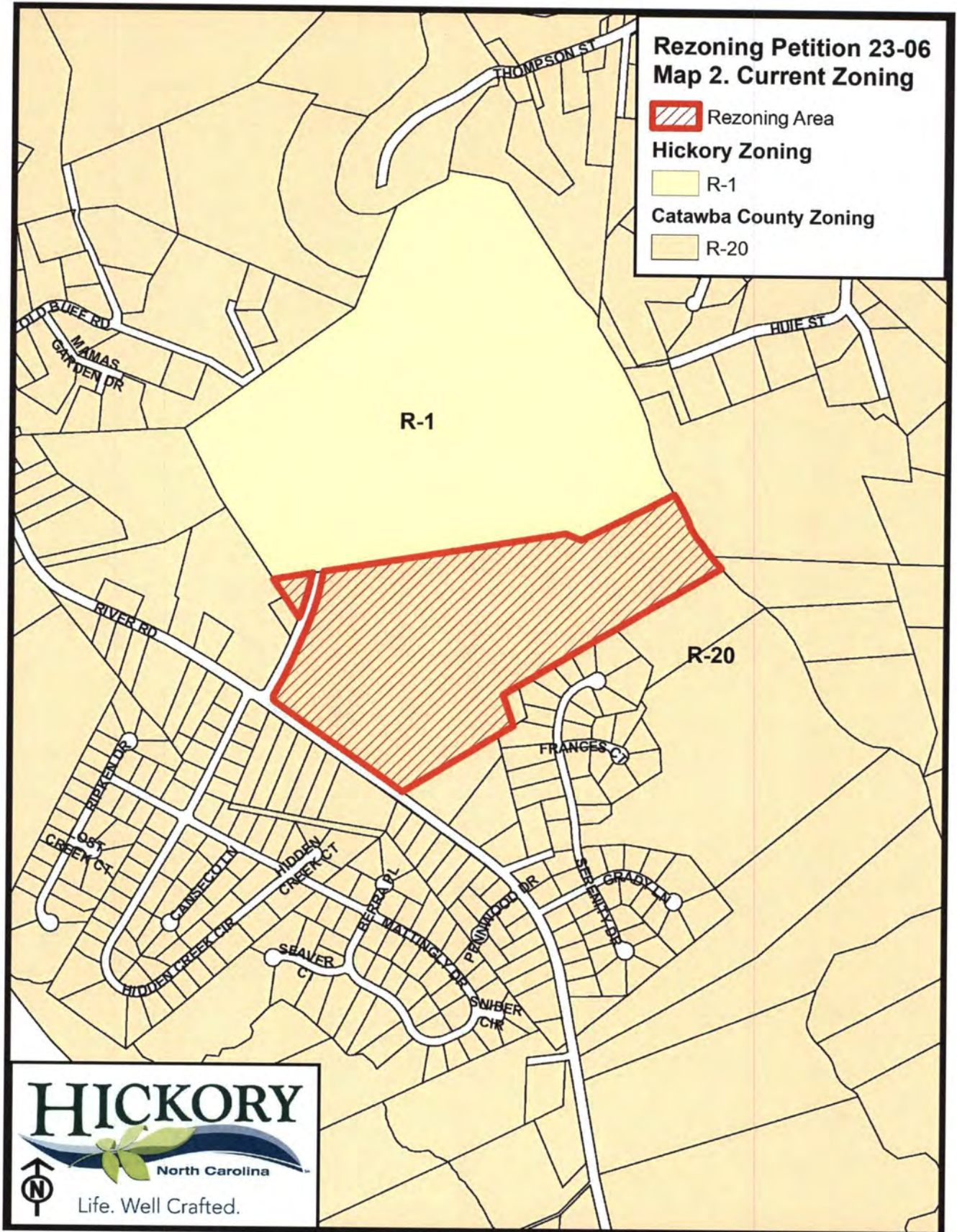
The Hickory Regional Planning Commission conducted a public hearing on September 27, 2023, to consider the petition. During the public hearing the project engineer spoke in favor of the petition, while no one spoke in opposition.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

**CITIZEN INPUT:**

As of October 5, 2023, staff has received three (3) inquiries regarding this petition.







Henry Fork WWTP

**Rezoning Petition 23-06**  
**Map 3. Aerial Photography**  
[Hatched Box] Rezoning Area



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 49.21 ACRES OF PROPERTY LOCATED AT 3940 RIVER ROAD, FROM CATAWBA COUNTY R-20 RESIDENTIAL TO PLANNED DEVELOPMENT.**

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 +/- 49.21 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 September 27, 2023, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety and general welfare; and

WHEREAS, the City Council has found Petition 23-06 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

Given this, the rezoning of the property to Planned Development (PD) 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 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 Planned Development (PD), 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 \_\_\_\_\_, 2023.

(SEAL)

**THE CITY OF HICKORY**, a  
North Carolina Municipal Corporation

**Attest:**

By: \_\_\_\_\_  
Hank Guess, Mayor

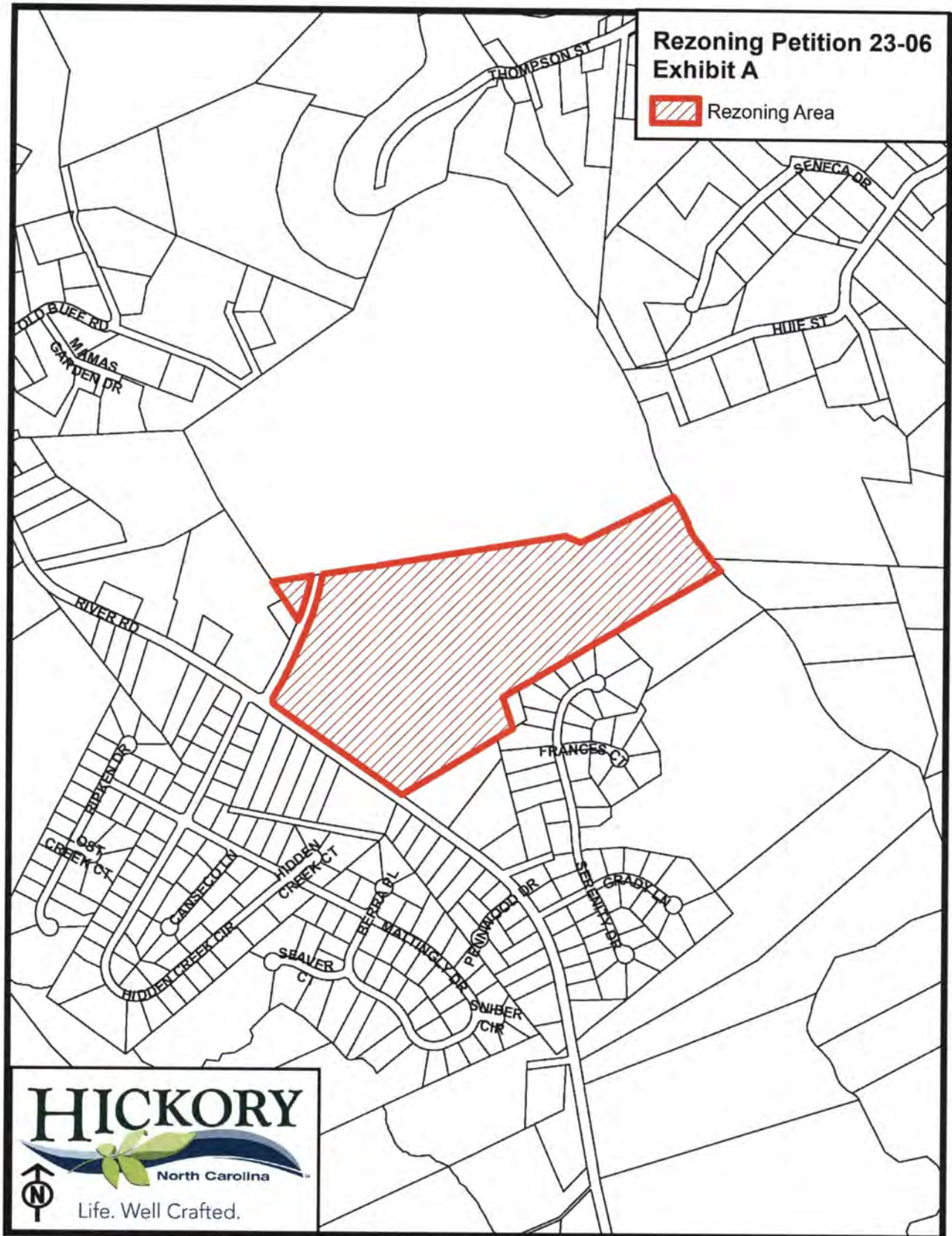
\_\_\_\_\_  
Debbie D. Miller, City Clerk

Approved as to form this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Attorney for the City of Hickory

Ordinance NO. \_\_\_\_\_  
Hickory City Council  
Page 4 of 5





15

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Cal Overby, Planning Manager

**Date:** October 26, 2023

**Re:** Voluntary contiguous annexation of property owned by Emil and Olimpia Belos

**REQUEST**

Consideration of the voluntary contiguous annexation of 0.396 acres property located at the northeast corner of Cloninger Mill Road and 13<sup>th</sup> Street Circle NE. This property is identified as PIN 3714-08-97-0980.

**BACKGROUND**

The property is vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is zoned R-1 Residential. Properties zoned R-1 can be utilized for one and two family housing at a density of 2 dwelling units per acre.

The property owners desire to connect the new home to city sewer service, which requires annexation.

**ANALYSIS**

The owners of the property intend to construct a single family home on the property, which would be the extent of its development potential.

Surrounding properties are zoned R-1 and R-2 Residential and occupied by single family homes.

The current tax value of the property is \$19,500. If annexed, the vacant property would generate \$88.73 in additional tax revenues.

Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available.

**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 BMF 10/26/2023  
Initiating Department Head Date

Aurita W. Dula 10-31-23  
Deputy City Attorney, A. Dula Date

Rodney Miller 10/30/23  
Asst. City Manager R. Miller Date

Pat Beasley 10/30/23  
Asst. City Manager, R. Beasley Date

M. Miller 11/1/23  
Finance Officer, M. Miller Date

Cameron McHargue 11-2-23  
Deputy Finance Officer, Cameron McHargue Date

Yaidée Fox 11/2/23  
Exe Asst City Manager Yaidée Fox Date

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

Warren Wood  
City Manager, Warren Wood  
11.2.23  
Date



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. 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.

EMIL BELOS, Olimpia M Belos  
Printed Name of Property Owner(s)

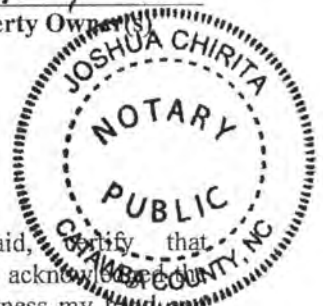
*[Signature]*  
Signature of Property Owner(s)

\_\_\_\_\_  
Address of Property Owner(s)

828 312 4754  
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina – County of CATAWBA



I, the undersigned Notary Public of the County and State aforesaid, certify that EMIL BELOS, Olimpia Mariana Belos 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 3rd day of October, 2023.

My Commission Expires: 05/30/2028

*[Signature]*  
Notary Public

State of North Carolina – County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged the he / 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

3815-0144

FILED ELECTRONICALLY  
CATAWBA COUNTY NC  
DONNA HICKS SPENCER

FILED Jun 14, 2023  
AT 01:12:00 PM  
BOOK 03815  
START PAGE 0144  
END PAGE 0146  
INSTRUMENT # 10423  
EXCISE TAX \$58.00

**NORTH CAROLINA  
GENERAL WARRANTY DEED**

Excise Tax: \$58.00

Parcel Identifier No. 371408970980

Mail after recording to: JOHN G. FULLER, ATTORNEY, 352 2<sup>ND</sup> ST NW, HICKORY NC 28601

This instrument was prepared by: JOHN G. FULLER, ATTORNEY, 352 2<sup>ND</sup> ST NW, HICKORY NC 28601

THIS DEED made this 12<sup>th</sup> day of June 2023 by and between

**GRANTOR**

Richard Dale Hilton, Sr., by and through his Attorney In Fact, Jenny  
Hilton Lail and Margie C Hilton, Husband and Wife  
6765 Old Valley School Road  
Kernersville NC 27284

**GRANTEE**

Emil Belos and wife, Olimpia Belos  
5187 Ruth Drive  
Hickory NC 28602

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 Hickory Township, Catawba County, North Carolina and more particularly described as follows:

BEING LOT NO 14 IN BLOCK "A" OF THE CLONINGER HEIGHTS SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK 15 ON PAGE 141 IN THE OFFICE OF THE REGISTER OF DEEDS OF CATAWBA COUNTY, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A GREATER CERTAINTY OF DESCRIPTION.

Submitted electronically by "John G. Fuller, Attorney At Law"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Catawba County Register of Deeds.

3815-0145

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1942 and Page 1497, Catawba County Registry.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, and referenced within this instrument.

The above described property  does  does not include the primary residence of the Grantor.

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 except for the exceptions hereinafter stated.

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

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 officer(s), the day and year first above written.

Richard Dale Hilton Sr., by and through his attorney in fact, Jenny Hilton Lail (SEAL)  
Richard Dale Hilton, Sr., by and through his Attorney In Fact, Jenny Hilton Lail

Margie C Hilton (SEAL)  
Margie C Hilton

STATE OF NORTH CAROLINA, COUNTY OF Forsyth

I, Mary C. Tang, the undersigned, a Notary Public of the County and State aforesaid, certify that Margie C Hilton appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 13<sup>th</sup> day of June 2023.

Mary C Tang  
Notary Public  
My commission expires: 03/21/2027



3815-0146

STATE OF North Carolina COUNTY OF Forsyth

I, Mary C. Tang, a Notary Public of the County and State aforesaid, do hereby certify that Jenny Hilton Lail, attorney in fact for Richard Dale Hilton, Sr., personally appeared before me this day, being duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of Richard Dale Hilton, Sr. and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded the 1<sup>st</sup> day of November, 2022 and recorded in Book 3726, Page 1750, Forsyth County Registry and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney; that the said Jenny Hilton Lail acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Richard Dale Hilton, Sr. Witness my hand and official seal this 13 day of June, 2023.

Mary C. Tang  
Notary Public  
My Commission Expires: 03/21/2027



WEB





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

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

Beginning at a ½" rebar in the existing City of Hickory city limits and the right-of-way of Cloninger Mill Rd., said rebar being located North 74 degrees 47 minutes 09 seconds East 209.89 feet from a fire hydrant and running thence, with the existing City of Hickory city limits, North 40 degrees 37 minutes 08 seconds West 54.93 feet to a point in 13<sup>th</sup> Street Drive NE; thence, leaving the existing city limits and running as new City of Hickory city limits the following calls: North 51 degrees 57 minutes 40 seconds East 120.40 feet to a point in 13<sup>th</sup> Street Drive NE; thence South 38 degrees 21 minutes 33 seconds East 30.00 feet to a 1 ¾" pipe on the right-of-way of 13<sup>th</sup> Street Drive NE and the westernmost corner of the Franklin Ervin Derr, Jr. lands as described in Deed Book 1510 at Page 476; thence, with the southwest line of Derr, South 38 degrees 21 minutes 33 seconds East 150.24 feet to a 1 ¾" pipe, the southernmost corner of Derr and in the northwest line of Sherry A. Collins as described in Deed Book 2676 at Page 196; thence, with the northwest line of Collins, South 52 degrees 31 minutes 25 seconds West 113.34 feet to a 1" pipe, the westernmost corner of Collins on the right-of-way of Cloninger Mill Rd. and in the existing City of Hickory city limits line; thence, with the right-of-way of Cloninger Mill Rd. and the existing City of Hickory city limits, North 40 degrees 37 minutes 08 seconds West 124.38 feet to the point of beginning. Containing 0.482 acres more or less.

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

## VOLUNTARY CONTIGUOUS ANNEXATION ANALYSIS

**APPLICANT:** Emil and Olimpia Belos

**AGENT:** Emil Belos

**PROPERTY LOCATION:** NE Corner of Cloninger Mill Road and 13<sup>th</sup> Street Circle NE

**PIN:** 3714-08-97-0980

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

**WARD:** If annexed, this property will be located in Ward 2 (Councilwoman Williams).

**ACREAGE:** 0.396 acres

**DEVELOPMENT POTENTIAL:** The property is currently vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is zoned R-1 and can be utilized for one and two family housing at a density of 2 dwelling units per acre.

The owners of the property intend to construct a single family home on the property, which would be the extent of its development potential.

**TAX VALUE:** The current tax value of the property is \$19,500. If annexed, the vacant property would generate \$88.73 in additional tax revenues.

**POPULATION INCREASES:** The owners intend to construct a single family home on the property. When completed and occupied 2.35 new residents could be added to the City's population. 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 Public 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	Clyde Campbell	0.21	1	<1
Middle	Arndt	0.09	1	<1
High	St. Stephens	0.13	1	<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 properties are zoned R-1 Residential and occupied by single family homes.
- **South:** The properties are zoned R-2 Residential and occupied by single family homes.
- **East:** The properties are zoned R-1 Residential and occupied by single family homes.
- **West:** The properties are zoned R-1 Residential and occupied by single family homes.

**UTILITY SERVICE:** Water and sewer are available to serve the property.

**ACCESS:** Access to the property is from Cloninger Mill Road and 13<sup>th</sup> Street Circle NE, both of which are maintained by the North Carolina Department of Transportation (SR 1400 and SR 2300).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is contiguous to the proper city boundary along part of its southwestern boundary.

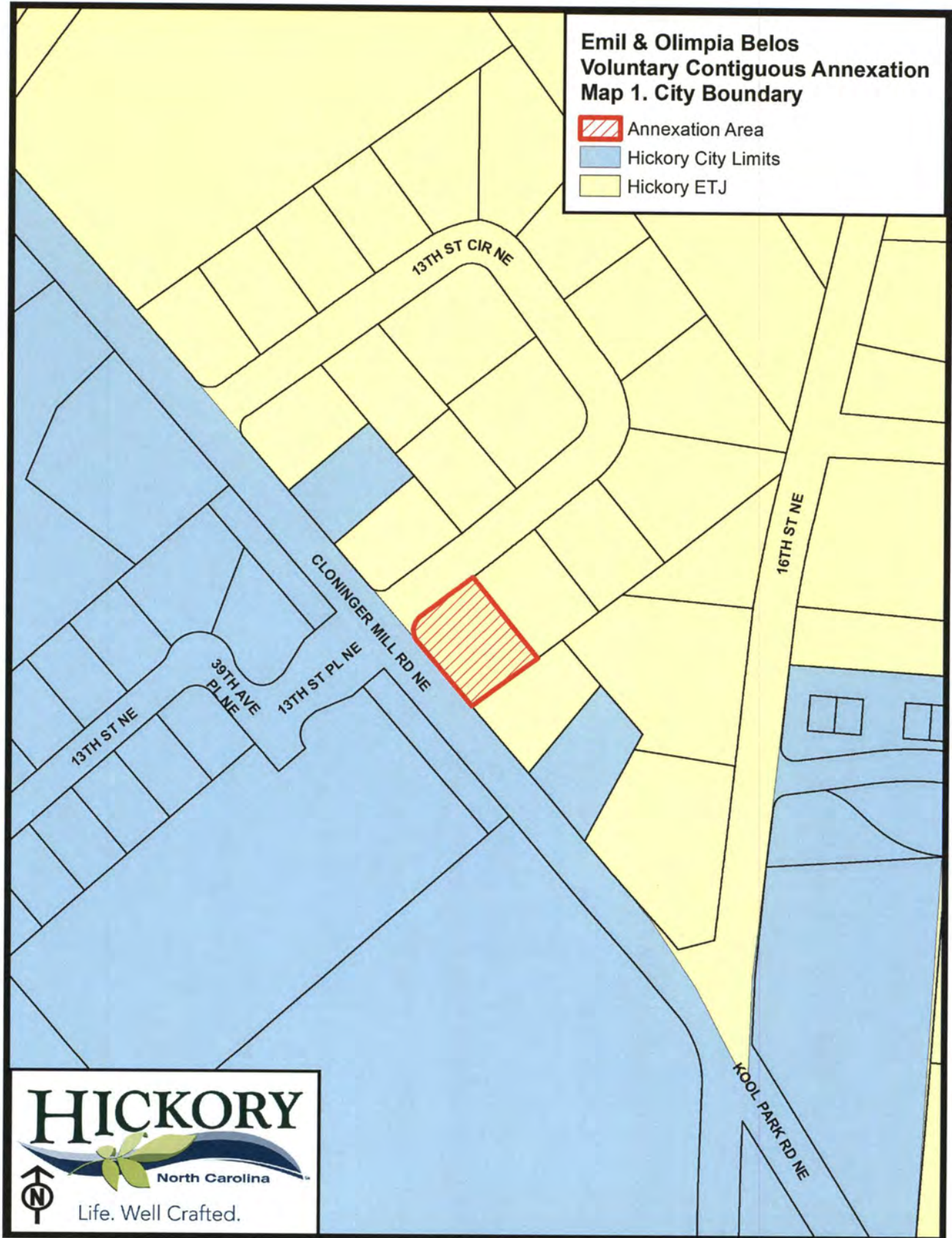
**STAFF COMMENTS:**

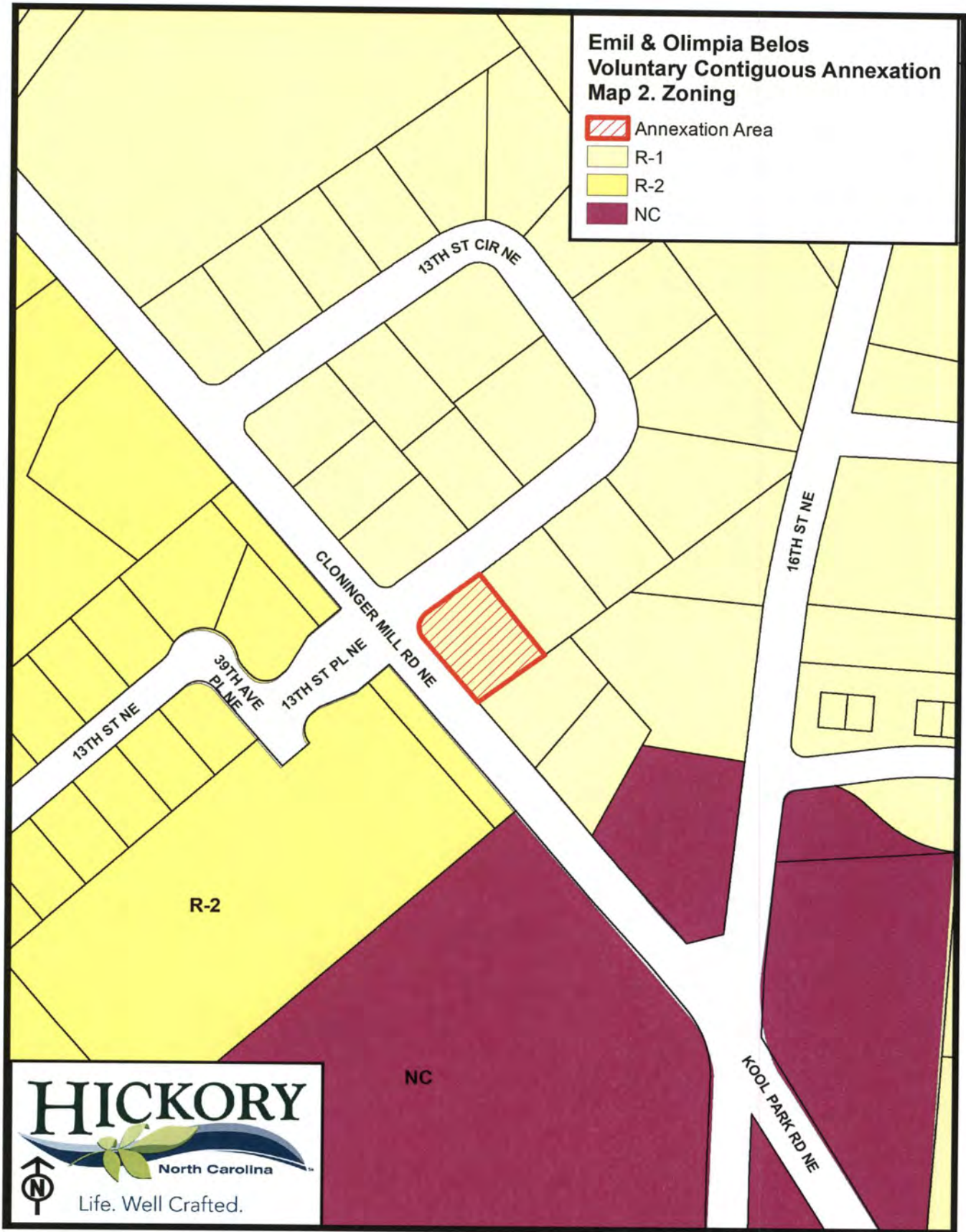
- **Fire:** Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 6's response area.
- **Police Department:** Annexation would not adversely affect the police department. The property, upon annexation, would be in Baker PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** No objections.
- **Public Utilities:** Water and sewer are currently available to serve the property.
- **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 all 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.







Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory  
P.O. Box 398, Hickory, NC 28603-0398

**ANNEXATION ORDINANCE NO. 494**

**VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)**

**Emil Belos and**  
**wife Olimpia Belos**

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

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

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

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

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



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

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

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

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

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

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

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

Beginning at a ½" rebar in the existing City of Hickory city limits and the right-of-way of Cloninger Mill Rd., said rebar being located North 74 degrees 47 minutes

09 seconds East 209.89 feet from a fire hydrant and running thence, with the existing City of Hickory city limits, North 40 degrees 37 minutes 08 seconds West 54.93 feet to a point in 13<sup>th</sup> Street Drive NE; thence, leaving the existing city limits and running as new City of Hickory city limits the following calls: North 51 degrees 57 minutes 40 seconds East 120.40 feet to a point in 13<sup>th</sup> Street Drive NE; thence South 38 degrees 21 minutes 33 seconds East 30.00 feet to a 1 ¾" pipe on the right-of-way of 13<sup>th</sup> Street Drive NE and the westernmost corner of the Franklin Ervin Derr, Jr. lands as described in Deed Book 1510 at Page 476; thence, with the southwest line of Derr, South 38 degrees 21 minutes 33 seconds East 150.24 feet to a 1 ¾" pipe, the southernmost corner of Derr and in the northwest line of Sherry A. Collins as described in Deed Book 2676 at Page 196; thence, with the northwest line of Collins, South 52 degrees 31 minutes 25 seconds West 113.34 feet to a 1" pipe, the westernmost corner of Collins on the right-of-way of Cloninger Mill Rd. and in the existing City of Hickory city limits line; thence, with the right-of-way of Cloninger Mill Rd. and the existing City of Hickory city limits, North 40 degrees 37 minutes 08 seconds West 124.38 feet to the point of beginning. Containing 0.482 acres more or less.

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

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

Section 3. The newly annexed territory described herein shall become part of Ward No. 2 of the City of Hickory.

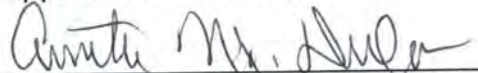
Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified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

ADOPTED THIS 7<sup>TH</sup> DAY OF NOVEMBER, 2023.

\_\_\_\_\_  
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 Emil Belos and wife Olimpia Belos was adopted at a regular meeting of the Hickory City Council held on November 7, 2023, and that said Ordinance is in full force and effective on November 30, 2023.

\_\_\_\_\_  
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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

4

COUNCIL AGENDA MEMOS

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Cal Overby, Planning Manager

**Date:** October 26, 2023

**Re:** Voluntary contiguous annexation of property owned by Huffman Project Group, LLC

**REQUEST**

Consideration of the voluntary contiguous annexation of 29.277 acres property located on Catawba Valley Blvd SE. This property is identified as PIN 3711-05-18-8157.

**BACKGROUND**

The property is currently vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is split zoned R-1 (+/- 25%) and R-2 (+/- 75%) Residential. Properties zoned R-1 can be utilized for one and two family housing at a density of 2 dwelling units per acre, while properties zoned R-2 can be utilized for single family housing at a density of 4 units per acre.

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

**ANALYSIS**

The owners of the property have received approval to construct a 99 lot single family residential subdivision, which is currently under construction. The subdivision is being constructed as a conservation subdivision with an overall density of 3.4 units per acre.

Surrounding properties are zoned R-1 and R-2 Residential and occupied by single family homes, or wooded.

The current tax value of the property is \$145,800. If annexed, the vacant property would generate \$663.39 in additional tax revenues.

Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available.

**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 B.Frazier 10/26/2023  
 Initiating Department Head Date

Rodney Miller 10/30/23  
 Asst. City Manager R. Miller Date

M. Miller 11/1/23  
 Finance Officer, M. Miller Date

Yaidee Fox 11/2/23  
 Exe Asst City Manager Yaidee Fox Date

Auntie McDula 10-31-23  
 Deputy City Attorney, A. Dula Date

Rich Beasley 10/30/23  
 Asst. City Manager, R. Beasley Date

Cameron McHargue 11-2-23  
 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

11.2.23  
 Date

**CITY OF HICKORY  
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 9/20/2023

**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 \_\_\_\_\_  
 \_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_  
 \_\_\_\_\_ and is shown in more detail on the attached survey.

PIN NO. (S): 371105188157

2. Physical (Street) Address: \_\_\_\_\_

3. The property is owned by: (please print) Huffman Project Group, LLC  
 (Attach a copy of the most recent deed.)

4. Owner Information:

Name: Huffman Project Group, LLC

Address: 1410 4th St Dr NW #102, Hickory, NC 28601

Phone Number: 828-417-3350

5. The petition is submitted by: Mark Hingson - Manager Member

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 \_\_\_\_\_ 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. 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.

Douglas Brian Huffman  
Printed Name of Property Owner(s)

Douglas Brian Huffman  
Signature of Property Owner(s)

1410 4th St. Dr. #102, Hickory, NC 27401  
Address of Property Owner(s)

823-417-3350  
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 Douglas Brian Huffman personally came before me this day an acknowledged the he / ~~she~~ is the Manager Member of Huffman Project Group, LLC 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 19<sup>th</sup> day of September, 20 23.

My Commission Expires: 10-02-2024  
Notary Public



Chrissy A. Reafner  
Notary Public



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.

Mark Hingsen  
Printed Name of Property Owner(s)

[Signature]  
Signature of Property Owner(s)

1410 4th St. Dr #102, Hickory, NC 28601  
Address of Property Owner(s)

828-417-3350  
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 Mark Hingsen personally came before me this day and acknowledged the he / she is the Manager member of Huffman Project Group, LLC 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 19<sup>th</sup> day of September, 2023.

My Commission Expires: 10-02-2024  
Notary Public





LIMITED LIABILITY COMPANY ANNUAL REPORT

NAME OF LIMITED LIABILITY COMPANY: Huffman Project Group, LLC

SECRETARY OF STATE ID NUMBER: 2298496 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2022

Filing Office Use Only  
 E - Filed Annual Report  
 2298496  
 CA202308203044  
 3/23/2023 01:45  
 Changes

**SECTION A: REGISTERED AGENT'S INFORMATION**

1. NAME OF REGISTERED AGENT: Taylor, Terry M

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

858 2nd Street NE Suite 200

858 2nd Street NE Suite 200

Hickory, NC 28601 Catawba County

Hickory, NC 28601

**SECTION B: PRINCIPAL OFFICE INFORMATION**

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate Development

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 417-3350 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

1410 4th Street Drive NW, Ste 102

1410 4th Street Drive NW, Ste 102

Hickory, NC 28601

Hickory, NC 28601

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: Douglas B Huffman NAME: Mark Hingson NAME: \_\_\_\_\_

TITLE: Manager TITLE: Manager TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

1410 4th Street Drive NW, STE 102 1410 4th Street Drive NW, STE 102

Hickory, NC 28601 Hickory, NC 28601

**SECTION D: CERTIFICATION OF ANNUAL REPORT.** Section D must be completed in its entirety by a person/business entity.

Mark Hingson 3/23/2023

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Mark Hingson Manager

Print or Type Name of Company Official

Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

3765-0492

FILED Catawba County  
on Aug 25, 2022 at 12:34:00 pm

Excise Tax \$3000.00 (MG)

INST. # 18818

DONNA HICKS SPENCER,  
Register of Deeds

Ex 03765 Pg 0492-0497

V(HS) Virginia Coffey

**SPECIAL WARRANTY DEED**

Excise Tax: \$ 3,000.00

Tax Parcel ID No. 3711-05-18-8157

Verified by \_\_\_\_\_ County

on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ By: \_\_\_\_\_

Mail/Box to: Terry M. Taylor, Young, Morphis, Bach & Taylor, L.L.P., P.O. Drawer 2428, Hickory, NC 28603

This instrument was prepared by: Terry M. Taylor, Young, Morphis, Bach & Taylor, L.L.P.  
P.O. Drawer 2428, Hickory, NC 28603

Brief description for the Index: \_\_\_\_\_

THIS DEED, made this the 25 day of August, 2022, by and between

**GRANTOR: CYNTHIA HUFFMAN ROSE, a 25% undivided interest, and husband, ALVIN WESLEY ROSE, JR. (Relinquishing his Marital Rights) and DBH LAND DEVELOPMENT, LLC, a North Carolina limited liability company a 75% undivided interest**  
whose mailing address is **208 Springs Rd., NE, Hickory, NC 28601**  
(herein referred to collectively as **Grantor**) and

**GRANTEE: HUFFMAN PROJECT GROUP, LLC, a North Carolina limited liability company**  
whose mailing address is **1410 4<sup>th</sup> St. Dr. NW, Suite 102, Hickory, NC 28601**  
(herein referred to as **Grantee**).

*[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 nonindividual 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 Township of **Hickory**, County of **Catawba**, State of **North Carolina**, more particularly described as follows:

See Exhibit A

*Prepared by Young, Morphis, Bach & Taylor, L.L.P. The attorneys who prepared this instrument, have not performed a title examination of the subject realty and therefore make no opinion or warranty as to the quality of title, nor have said attorneys participated in any real estate closing involving this instrument. The parties to this instrument agree they have reviewed, understand and agree to the terms of this instrument, and that the attorney/client relationship between the client(s) ordering and paying for this instrument and attorneys preparing this instrument is strictly limited to the instrument's preparation.*

Said property having been previously conveyed to Grantor by instrument recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, and being reflected on plat(s) recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, Catawba County Registry.

269134.1

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3765-0493

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.

0493

And Grantor hereby warrants that Grantor has done nothing to impair the title as received by Grantor and that Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, through or under Grantor.

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

1. This conveyance is made subject to restrictive covenants and encumbrances of record, and to any and all easements and rights-of-way located 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.
2. Matters of Survey.
3. 2022 Ad Valorem Taxes.

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.

*[Signature and Notarial Acknowledgments Appear on the Following Pages]*

WEB

269134.1

3765-0494

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

0494

Cynthia Huffman Rose (SEAL)  
Cynthia Huffman Rose

State of North Carolina  
County of Catawba

I certify that the following person personally appeared before me this day, each acknowledging to me that she signed the foregoing document:

Cynthia Huffman Rose

Date: 8/25/2022

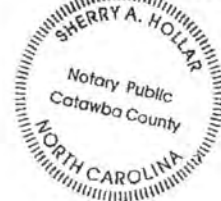
Sherry A. Hollar

Sherry A. Hollar Notary Public  
Notary's Printed or Typed Name

My Commission Expires:

3/10/2023

(Official/Notarial Seal)



WEB

269134.1

3765-0495

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

Alvin Wesley Rose, Jr. 0495  
(SEAL)

State of North Carolina  
County of Catawba

(Official/Notarial Seal)

I certify that the following person personally appeared before me this day, each acknowledging to me that she signed the foregoing document:

Alvin Wesley Rose, Jr.

Date: 8/25/22

Sherry A. Hollar  
Sherry A. Hollar Notary Public  
Notary's Printed or Typed Name



My Commission Expires:

3/10/2023

WEB

3765-0496

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

DBH LAND DEVELOPMENT, LLC

By: Douglas B. Huffman  
Douglas B. Huffman, Member/Manager

0496

State of North Carolina  
County of Catawba

I certify that the following person personally appeared before me this day, each acknowledging to me that he signed the foregoing document in the capacity indicated on behalf of the company:

Douglas B. Huffman, Member/Manager

Date: 8/25/12

Sherry A. Hollar  
Sherry A. Hollar, Notary Public  
Notary's Printed or Typed Name

My Commission Expires:

3/10/2013

(Official/Notarial Seal)



WEB

3765-0497

## EXHIBIT A

0497

Being all of Catawba County PIN No. 3711-05-18-8157.

BEGINNING at an existing 1" pipe, said existing 1" pipe being the southwestern corner of Barbara Ann Bolton (2033/467) located in the northern property line of Tracy Shrum (3054/1879); thence from said existing 1" pipe and with the northern property line of Tracy Shrum the following two (2) calls and distances: (1) S79°07'15"W 298.98 feet to an existing tack in stump and (2) S89°04'10"W passing through an existing 1/2" rebar at a distance of 150.34 feet, a total distance of 197.09 feet to a nail set in stump; thence with the northern property line of Ralph Edward Shrum (1577/601), N88°36'44"W 300.44 feet to an existing stone; thence with the eastern property line of Nancy Frye Seagle (92-E-366 and 344/236), N18°58'16"W 481.91 feet to an existing 1" angle iron; thence with the eastern property line of Windsong Property Owners, Inc. (2676/430), N19°00'03"W 399.68 feet to an existing 1/2" rebar; thence with the eastern property lines of Byron Perez (2590/009), Ich Chan Chiem (3286/1893), Philip Taylor Dellinger (2590/53), Michael Colin McFadden (3474/1149), Brian M. Miller (3463/281), Community Link Home Ownership, LLC (3545/721), and Windsong Property Owners, Inc. (2449/1833), N03°39'36"E 508.52 feet to an existing 1" pipe; thence continuing with the eastern property line of Windsong Property Owners, Inc., N03°34'04"E 54.69 feet to a mag nail set in Catawba Valley Boulevard SE, said mag nail set being located S76°05'34"W 63.88 feet from a fire hydrant located on the north side of Catawba Valley Boulevard SE, said mag nail set also being located S03°34'04"W 27.60 feet from an existing 1/2" rebar on the north side of Catawba Valley Boulevard SE; thence with Catawba Valley Boulevard SE the following five (5) calls and distances: (1) S83°15'20"E 57.30 feet to a mag nail set, (2) N86°51'36"E 68.87 feet to a mag nail set, (3) N87°28'12"E 31.37 feet to a mag nail set, (4) N78°38'54"E 106.35 feet to a mag nail set, and (5) N69°57'04"E 71.25 feet to a mag nail set; thence leaving Catawba Valley Boulevard SE and with the western property line of Benjamin Moser Yoder, Jr. (1841/1006), S03°44'55"W 83.60 feet to an existing 1" pipe; thence with the southern property line of Benjamin Moser Yoder, Jr., S84°40'05"E 755.61 feet to an existing 7/8" pipe; thence with the western property lines of Barbara Jean C. Kite (1618/557) and Barbara Ann Bolton (2033/467), S10°32'41"W passing through an existing 1" pipe at a distance of 220.83 feet, a total distance of 320.75 feet to an existing 1" pipe; thence with the western margin of a 60' right-of-way (undeveloped street) and the western property line of Dorothy Lois Spark Pyatt (713/513), S10°24'13"W 68.31 feet to an existing 7/8" pipe; thence with the western property lines of Dorothy Lois Spark Pyatt and Donald L. Orders (854/153), S03°31'31"W 345.58 feet to an existing 5/8" rebar; thence with the western property lines of Donald L. Orders and Douglas K. Holbrook (2996/244), S10°44'01"E passing through an existing 1/2" rebar at a distance of 24.86 feet, a total distance of 174.93 feet to an existing 5/8" rebar; thence with the western margin of a 60' right-of-way (undeveloped street), S10°34'17"E 60.06 feet to an existing 5/8" rebar; thence with the western property line of Barbara Ann Bolton (2033/467), S10°43'55"E 179.96 feet to the point and place of BEGINNING, containing 29.277 acres according to survey of Derek R. Banton, Professional Land Surveyor, for Huffman Project Group, LLC, dated September 22, 2021.

269134.1



**BUNTON SURVEYING and MAPPING, PA**

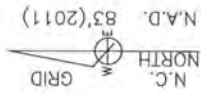
231 13TH AVE PL. N.W.  
 HICKORY N.C., 28601  
 828-333-1113  
 828-635-0333  
 DEREK R. BUNTON, P.L.S.-4808  
 BUSINESS LICENSE C-2098

CONTIGUOUS ANNEXATION  
 BY THE  
 CITY OF HICKORY  
 KNOWN AS

**HUFFMAN PROJECT GROUP, LLC**  
**HICKORY TOWNSHIP**  
**CATAWBA COUNTY, N.C.**

DATE: 06/22/21 P.M. 8:31 SCALE: 1" = 100'  
 REFERENCE DEED: BOOK 3765 PAGE 482  
 DRAWN BY: DEREK R. BUNTON, P.L.S.-4808  
 JOB NO: 202003034  
 FILE NAME: 202003034-ANNEXATION

Point #	Latitude	Longitude	Point Description	Grid Easting	Grid Northing
1	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00
2	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00
3	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00
4	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00
5	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00
6	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00
7	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00
8	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00
9	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00
10	35° 42' 00.00" N	80° 54' 00.00" W	Corner of Section 16, T16N, R10W, Catawba County, NC	1000000.00	1000000.00



**LEGEND**

- Existing Survey Points
- Proposed Survey Points
- Contiguous Annexation
- Easement
- Right of Way
- Property Line
- Survey Line
- Boundary Line
- Section Line
- Township Line
- County Line
- State Line
- National Grid
- North Arrow
- Scale
- Date
- Drawn By
- Checked By
- Approved By
- Title

City of Hickory  
 City of Hickory

Hickory Planning Department  
 Planning Department

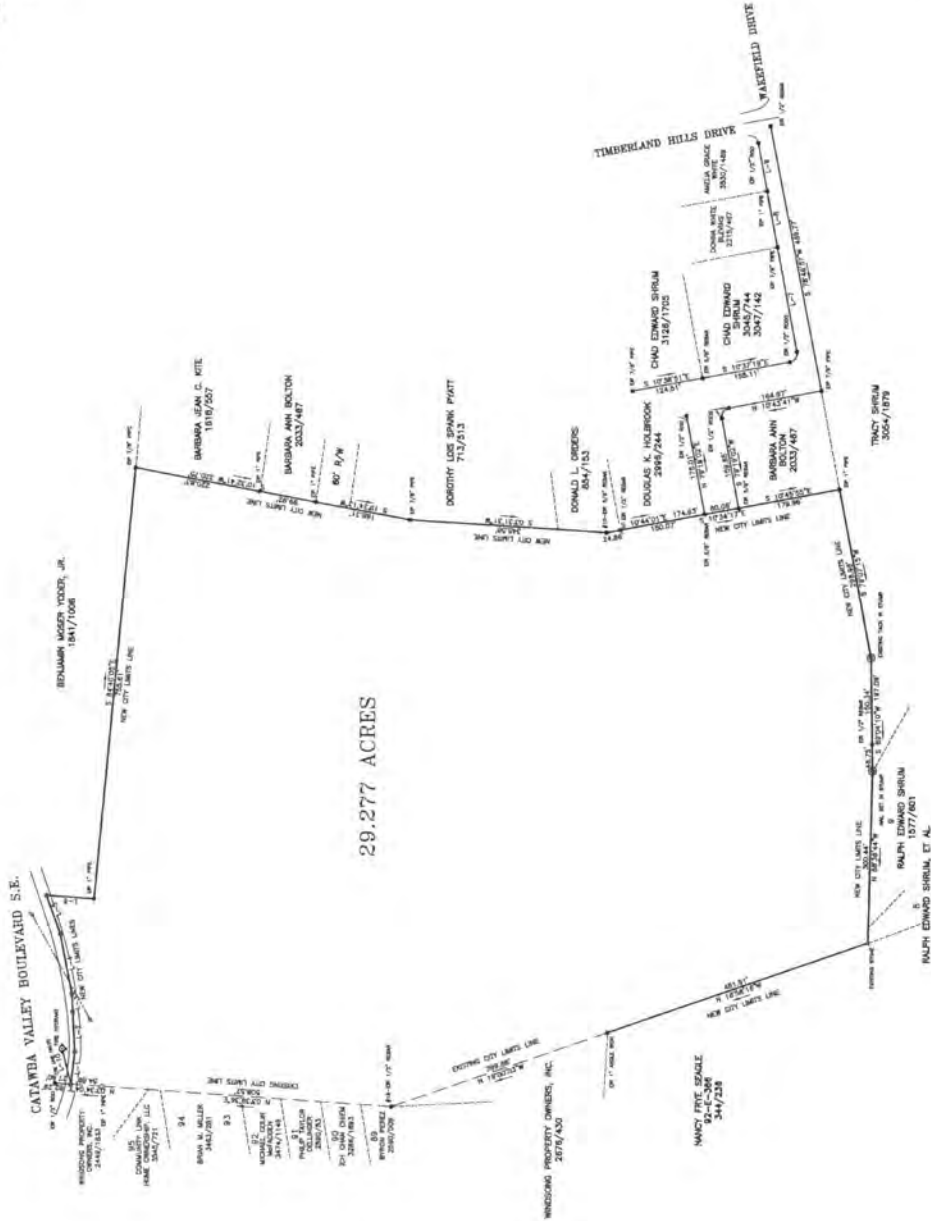
Map of North Carolina  
 State of North Carolina

Map of North Carolina  
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Lot #	Area (Ac)	Owner
1	0.10	Barbara Ann Bolton
2	0.10	Barbara Ann Bolton
3	0.10	Barbara Ann Bolton
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99	0.10	Barbara Ann Bolton
100	0.10	Barbara Ann Bolton

**SPECIAL NOTES**  
 1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1971 AND THE RULES OF PROFESSIONAL CONDUCT FOR SURVEYORS IN THE STATE OF NORTH CAROLINA.  
 2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PLAT BOOKS AND THE RECORDS OF THE COUNTY RECORDS OFFICE AND HAS FOUND NO OTHER SURVEYS OR RECORDS THAT AFFECT THIS SURVEY.  
 3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PLAT BOOKS AND THE RECORDS OF THE COUNTY RECORDS OFFICE AND HAS FOUND NO OTHER SURVEYS OR RECORDS THAT AFFECT THIS SURVEY.  
 4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PLAT BOOKS AND THE RECORDS OF THE COUNTY RECORDS OFFICE AND HAS FOUND NO OTHER SURVEYS OR RECORDS THAT AFFECT THIS SURVEY.  
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 10. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PLAT BOOKS AND THE RECORDS OF THE COUNTY RECORDS OFFICE AND HAS FOUND NO OTHER SURVEYS OR RECORDS THAT AFFECT THIS SURVEY.



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

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

Beginning at a PK Nail in Catawba Valley Boulevard SE, said PK Nail being located South 76 degrees 05 minutes 34 seconds West 63.88 feet from a fire hydrant on the north side of Catawba Valley Boulevard SE and running thence, as new City of Hickory city limits lines the following calls: with Catawba valley Boulevard SE, South 83 degrees 15 minutes 20 seconds East 57.30 feet to a PK Nail; thence North 86 degrees 51 minutes 36 seconds East 68.87 feet to a PK Nail; thence North 87 degrees 28 minutes 12 seconds East 31.37 feet to a PK Nail; thence North 78 degrees 38 minutes 54 seconds East 106.35 feet to a PK Nail; thence North 69 degrees 57 minutes 04 seconds East 71.25 feet to a PK Nail; thence, leaving Catawba Valley Boulevard SE and running with the west line of Benjamin Moser Yoder, Jr. as described in Deed Book 1841 at Page 1006, South 03 degrees 44 minutes 55 seconds West 83.60 feet to a 1" pipe, the

southwest corner of Yoder; thence, with the south line of Yoder, South 84 degrees 40 minutes 05 seconds East 755.61 feet to a 7/8" pipe, the northwest corner of Barbara Jean C. Kite as described in Deed Book 1618 at Page 557; thence, with the west line of Kite, South 10 degrees 32 minutes 41 seconds West 220.83 feet to a 1" pipe, the southwest corner of Kite and the northwest corner of Barbara Ann Bolton as described in Deed Book 2033 at Page 467; thence, with the west line of Bolton, the same bearing, a distance of 99.92 feet to a 1" pipe, the southwest corner of Bolton and the Northwest corner of an unnamed 60' right-of-way; thence, crossing the western terminus of said right-of-way and with the west line of Dorothy Lois Sparks Pyatt as described in Deed Book 713 at Page 513, South 10 degrees 24 minutes 13 seconds West 168.31 feet to a 7/8" pipe in the west line of Pyatt; thence, continuing with the west line of Pyatt and with the west line of Donald L. Orders as described in Deed Book 854 at Page 153, South 03 degrees 31 minutes 31 seconds West 345.58 feet to a 5/8" rebar in the west line of Orders, said rebar having N.C. grid coordinates (NAD 83/2011) of N 717,839.46, E 1,312,259.96; thence, continuing with the west line of Orders, South 10 degrees 44 minutes 01 seconds East 24.86 feet to a 1/2" rebar, the southwest corner of Orders and the northwest corner of Douglas K. Holbrook as described in Deed Book 2996 at Page 244; thence, with the west line of Holbrook, the same bearing 150.07 feet to a 5/8" rebar, the southwest corner of Holbrook and the northwest corner of an unnamed 60' right-of-way; thence, crossing the western terminus of said right-of-way, South 10 degrees 34 minutes 17 seconds East 60.06 feet to a 5/8" rebar, the southwest corner of said right-of-way and the northwest corner of Barbara Ann Bolton as described in Deed Book 2033 at Page 467; thence, with the west line of Bolton, South 10 degrees 45 minutes 55 seconds East 179.96 feet to a 1" pipe, the southwest corner of Bolton in the north line of Tracy Shrum as described in Deed Book 3054 at Page 1879; thence, with the north line of Shrum, South 79 degrees 07 minutes 15 seconds West 298.98 feet to a tack in a stump; thence, continuing with the north line of Shrum, South 89 degrees 04 minutes 10 seconds West, passing a 1/2" rebar at 150.34 feet, a total distance of 197.09 feet to a nail in a stump, the northwest corner of Shrum and the northeast corner of Ralph Edward Shrum as described in Deed Book 1577 at Page 601; thence, with the north line of Shrum and Ralph Edward Shrum, et al. as described in Deed Book 3395 at Page 767, North 88 degrees 36 minutes 44 seconds West 300.44 feet to a stone, the northwest corner of Shrum in the east line of Nancy Frye Seagle as described in Deed Book 344 at Page 236; thence, with the east line of Seagle, North 18 degrees 58 minutes 16 seconds West 481.91 feet to a 1" angle iron, the northeast corner of Seagle and the southeast corner of Windsong Property Owners, Inc. as described in Deed Book 2676 at Page 430; thence, leaving the new City of Hickory city limits and running as existing City of Hickory city limits as shown in Plat Book 45 at Page 40 the following calls: with the east line of Windsong Property Owners, Inc., North 19 degrees 00 minutes 03 seconds West 399.68 feet to a 1/2" rebar in the west line of Byron Perez as described in Deed Book 2590 at Page 009, said rebar having N.C. grid coordinates (NAD 83/2011) of N 718,213.03, E 1,311,259.35; thence, with the west line of Perez, Ich Chan Chiem as described in Deed Book 3286 at Page 1893, Philip Taylor Dellinger

as described in Deed Book 2590 at Page 53, Michael Colin McFadden as described in Deed Book 3474 at Page 1149, Brian M. Miller as described in Deed Book 3463 at Page 281, Community Link Home Ownership, LLC as described in Deed Book 3545 at Page 721, Windsong Property Owners, Inc. as described in Deed Book 2449 at Page 1833, North 03 degrees 39 minutes 52 seconds East 508.52 feet to a 1" pipe in the west line of Windsong Property Owners, Inc; thence, continuing with the west line of Windsong Property Owners, Inc., North 03 degrees 34 minutes 04 seconds East 54.69 feet to the point of beginning. Containing 29.277 acres more or less.

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

## VOLUNTARY CONTIGUOUS ANNEXATION ANALYSIS

**APPLICANT:** Huffman Project Group, LLC

**AGENT:** Mark Hingson

**PROPERTY LOCATION:** Catawba Valley Boulevard SE

**PIN:** 3711-05-18-8157

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

**WARD:** If annexed, this property will be located in Ward 4 (Councilman Freeman).

**ACREAGE:** 29.277 acres

**DEVELOPMENT POTENTIAL:** The property is currently vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is split zoned R-1 (+/- 25%) and R-2 (+/- 75%) Residential. Properties zoned R-1 can be utilized for one and two family housing at a density of 2 dwelling units per acre, while properties zoned R-2 can be utilized for single family housing at a density of 4 units per acre.

The owners of the property have received approval to construct a 99 lot single family residential subdivision, which is currently under construction. The subdivision is being constructed as a conservation subdivision with an overall density of 3.4 units per acre.

**TAX VALUE:** The current tax value of the property is \$145,800. If annexed, the vacant property would generate \$663.39 in additional tax revenues.

**POPULATION INCREASES:** The owners / developers are constructing a 99 lot residential community. When this development is completed, 234 additional residents could potentially be added to the City's population. 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 Public 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	Blackburn	0.27	99	27
Middle	Jacobs Fork	0.06	99	6
High	Fred T. Foard	0.11	99	11

*\*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 properties are zoned R-2 Residential and occupied by single family homes.
- **South:** The properties are zoned R-1 Residential and occupied by single-family homes or wooded.
- **East:** The properties are zoned R-2 Residential and are wooded.
- **West:** The properties are zoned R-2 Residential and occupied by single-family homes (Windsong Village) or wooded.

**UTILITY SERVICE:** Water and sewer are available to serve the property, and are being extended and installed by the developer.

**ACCESS:** Access to the subject property is from Catawba Valley Blvd SE, which is maintained by the North Carolina Department of Transportation (SR 1170).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is contiguous to the proper city boundary along part of its western boundary.

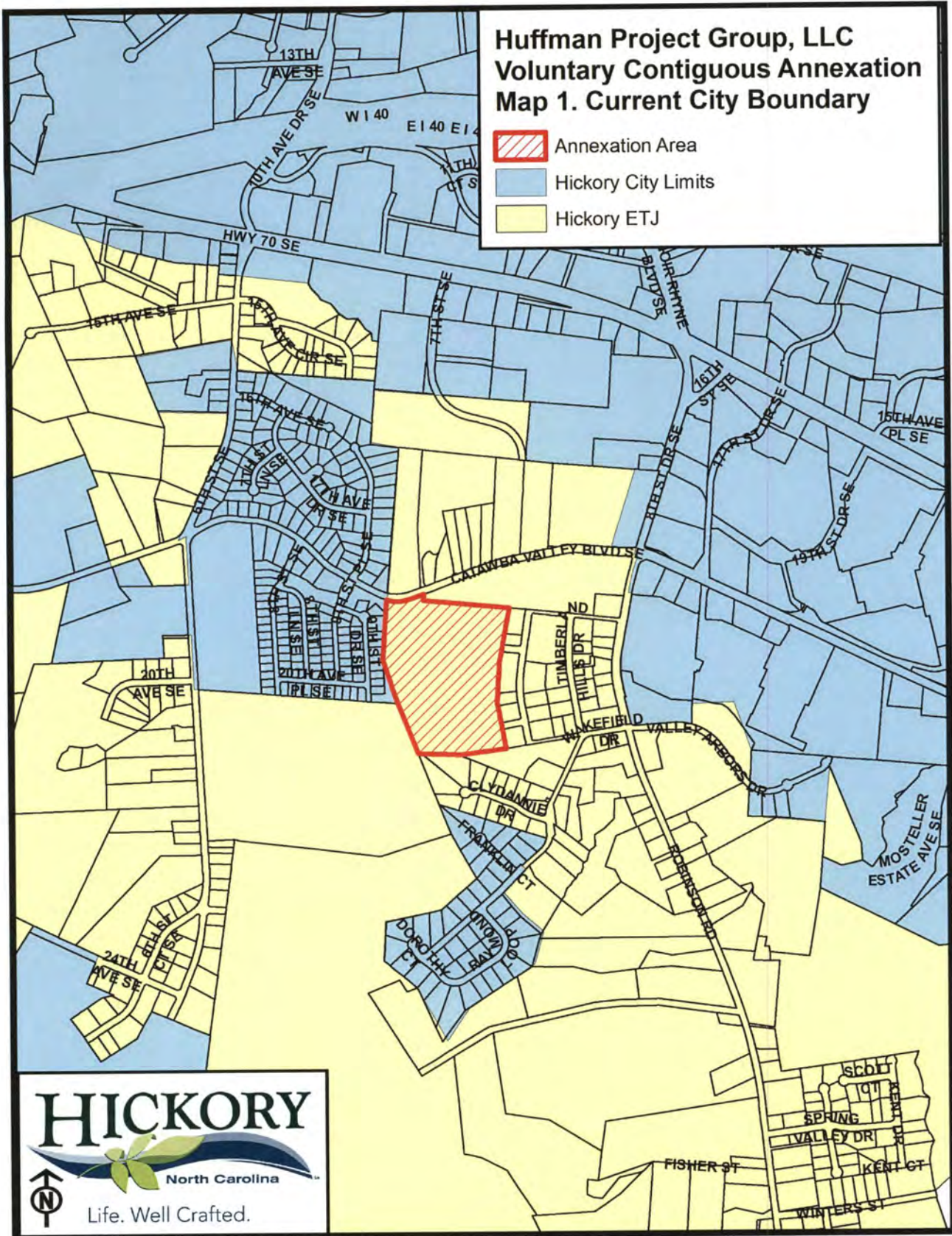
**STAFF COMMENTS:**

- **Fire:** Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 7's response area.
- **Police Department:** Annexation would not adversely affect the police department. The property, upon annexation, would be in Charles PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** No objections.
- **Public Utilities:** Water and sewer are currently available to serve the property.
- **Legal:** No objections.
- **City Manager's Office:** No objections.

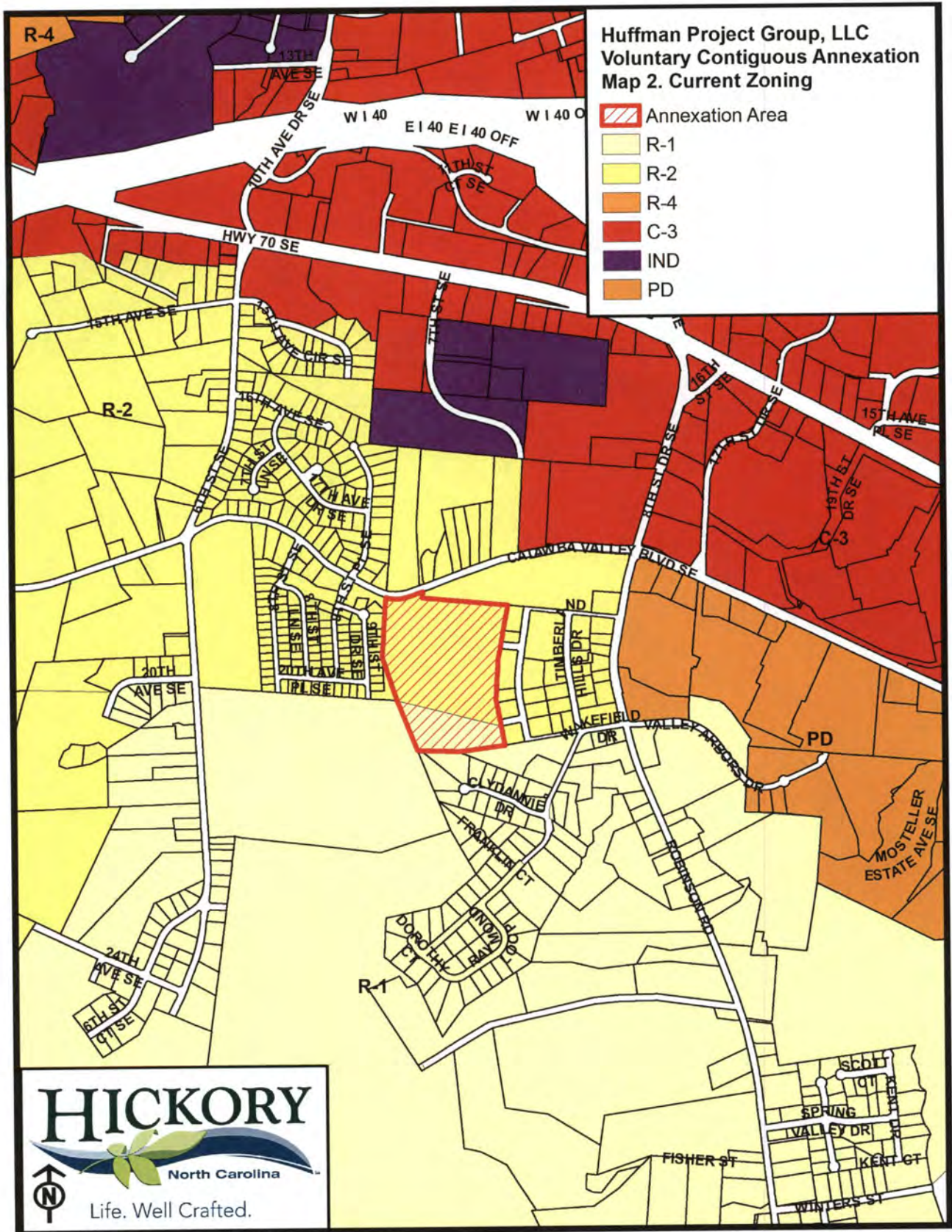
**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

1. The voluntary contiguous annexation petition complies with all 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.









Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory  
P.O. Box 398, Hickory, NC 28603-0398

**ANNEXATION ORDINANCE NO. 493**

**VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)**

**Huffman Project Group, LLC**

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

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

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

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

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

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

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

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

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

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

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

That certain parcel or tract of land lying and being about 2.52 miles south southeast of the center of the City of Hickory. Bounded on the north by the right-of-way of Catawba Valley Boulevard SE and the lands of Benjamin Moser Yoder, Jr. as described in Deed Book 1841 at Page 1006; on the east by the lands of the following: Barbara Jean C. Kite as described in Deed Book 1618 at Page 557, Barbara Ann Bolton as described in Deed Book 2033 at Page 467, an unnamed 60' right-of-way, Dorothy Lois Sparks Pyatt as described in Deed Book 713 at Page 513, Donald L. Orders as described in Deed Book 854 at Page 153, Douglas K. Holbrook as described in Deed Book 2996 at Page 244, another unnamed 60' right-of-way, Barbara Ann Bolton as described in Deed Book 2033 at Page 467; on

the south by the lands of Tracy Shrum as described in Deed Book 3054 at Page 1879, Ralph Edward Shrum as described in Deed Book 1577 at Page 601, Ralph Edward Shrum, et al as described in Deed Book 3395 at Page 767; on the west by the existing City of Hickory city limits as shown in Plat Book 45 at Page 40 and the lands of the following: Nancy Frye Seagle as described in Deed Book 344 at Page 236, Windsong Property Owners, Inc. as described in Deed Book 2676 at Page 430, Byron Perez as described in Deed Book 2590 at Page 009, Ich Chan Chiem as described in Deed Book 3286 at Page 1893, Philip Taylor Dellinger as described in Deed Book 2590 at Page 53, Michael Colin McFadden as described in Deed Book 3474 at Page 1149, Brian M. Miller as described in Deed Book 3463 at Page 281, Community Link Home Ownership, LLC as described in Deed Book 3545 at Page 721, Windsong Property Owners, Inc. as described in Deed Book 2449 at Page 1833 and more particularly described as follows, to wit.

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Book 2996 at Page 244; thence, with the west line of Holbrook, the same bearing 150.07 feet to a 5/8" rebar, the southwest corner of Holbrook and the northwest corner of an unnamed 60' right-of-way; thence, crossing the western terminus of said right-of-way, South 10 degrees 34 minutes 17 seconds East 60.06 feet to a 5/8" rebar, the southwest corner of said right-of-way and the northwest corner of Barbara Ann Bolton as described in Deed Book 2033 at Page 467; thence, with the west line of Bolton, South 10 degrees 45 minutes 55 seconds East 179.96 feet to a 1" pipe, the southwest corner of Bolton in the north line of Tracy Shrum as described in Deed Book 3054 at Page 1879; thence, with the north line of Shrum, South 79 degrees 07 minutes 15 seconds West 298.98 feet to a tack in a stump; thence, continuing with the north line of Shrum, South 89 degrees 04 minutes 10 seconds West, passing a 1/2" rebar at 150.34 feet, a total distance of 197.09 feet to a nail in a stump, the northwest corner of Shrum and the northeast corner of Ralph Edward Shrum as described in Deed Book 1577 at Page 601; thence, with the north line of Shrum and Ralph Edward Shrum, et al. as described in Deed Book 3395 at Page 767, North 88 degrees 36 minutes 44 seconds West 300.44 feet to a stone, the northwest corner of Shrum in the east line of Nancy Frye Seagle as described in Deed Book 344 at Page 236; thence, with the east line of Seagle, North 18 degrees 58 minutes 16 seconds West 481.91 feet to a 1" angle iron, the northeast corner of Seagle and the southeast corner of Windsong Property Owners, Inc. as described in Deed Book 2676 at Page 430; thence, leaving the new City of Hickory city limits and running as existing City of Hickory city limits as shown in Plat Book 45 at Page 40 the following calls: with the east line of Windsong Property Owners, Inc., North 19 degrees 00 minutes 03 seconds West 399.68 feet to a 1/2" rebar in the west line of Byron Perez as described in Deed Book 2590 at Page 009, said rebar having N.C. grid coordinates (NAD 83/2011) of N 718,213.03, E 1,311,259.35; thence, with the west line of Perez, Ich Chan Chiem as described in Deed Book 3286 at Page 1893, Philip Taylor Dellinger as described in Deed Book 2590 at Page 53, Michael Colin McFadden as described in Deed Book 3474 at Page 1149, Brian M. Miller as described in Deed Book 3463 at Page 281, Community Link Home Ownership, LLC as described in Deed Book 3545 at Page 721, Windsong Property Owners, Inc. as described in Deed Book 2449 at Page 1833, North 03 degrees 39 minutes 52 seconds East 508.52 feet to a 1" pipe in the west line of Windsong Property Owners, Inc; thence, continuing with the west line of Windsong Property Owners, Inc., North 03 degrees 34 minutes 04 seconds East 54.69 feet to the point of beginning. Containing 29.277 acres more or less.

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

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

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

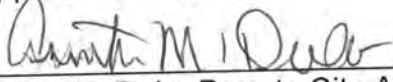
Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified 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 7<sup>TH</sup> DAY OF NOVEMBER, 2023.

\_\_\_\_\_  
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 Huffman Project Group, LLC, was adopted at a regular meeting of the Hickory City Council held on November 7, 2023, and that said Ordinance is in full force and effective on November 30, 2023.

\_\_\_\_\_  
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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development – Planning and Development

**Contact Person:** Brian Frazier, Planning Director

**Date:** October 26, 2023

**Re:** Consideration of Rezoning Text Amendment 23-02

**REQUEST**

Conduct a public hearing to consider Rezoning Petition 23-02.

**BACKGROUND**

The City's Land Development Code serves as the City's regulatory document dealing with development activities within its jurisdiction. The document is intended to change from time to time to reflect changes in development concepts and present day trends. Annually staff reviews the document to identify updates of modification needed to comply with relevant statutes and conform to new development trends.

**ANALYSIS**

The proposed amendments are intended for three purposes. First, to bring the document into compliance with several recently enacted state statutes dealing with development approvals. Secondly, to modify sections that didn't work as intended. Lastly, bringing forward amendments needed to provide greater flexibility in dealing with current development trends.

The current amendments in their entirety are outlined within the accompanying staff report.

**RECOMMENDATION**

Staff conducted a review of the Hickory Land Development Code, and has found the proposed amendments necessary to continue the document's purpose as an implementation tool for the Hickory By Choice 2030 Comprehensive Plan.

The Hickory Regional Planning Commission conducted a public hearing on October 25, 2023, to consider the proposed amendments. During the public hearing, no one spoke in favor or opposition of the proposed amendments. During its review and consideration, the Planning Commission recommended leaving the portion of Section 9.3.17 within the Ordinance. This specific verbiage requires the installation landscape medians in large parking lots.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the amendments consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (6-0) to recommend approval of the amendments. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

**CITIZEN INPUT**

As of October 26, 2023, staff has received two inquiries regarding this petition.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

Brian Frazier 10/26/2023  
 Initiating Department Head Date  
Robby Miller 10/30/23  
 Asst. City Manager R. Miller Date  
Melvin Miller 11/1/23  
 Finance Officer, M. Miller Date  
Yaidée Fox 11/2/23  
 Exe Asst City Manager Yaidée Fox Date

Amrita M. Dula 11-1-23  
 Deputy City Attorney, A. Dula Date  
Phil Beasley 10/30/23  
 Asst. City Manager, R. Beasley Date  
Cameron McHargue 11-2-23  
 Deputy Finance Officer, Date  
 Cameron McHargue

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

Waverly Wood  
 City Manager, W. Wood  
11.2.23  
 Date



Life. Well Crafted.

**HICKORY REGIONAL PLANNING COMMISSION  
ZONING TEXT AMENDMENT CONSISTENCY STATEMENT**

On October 25, 2023 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Text Amendment 23-02. Upon consideration, the Hickory Regional Planning Commission found:

1. The amendments are intended to revise the regulations contained within Hickory Land Development Code to conform with newly enacted state laws and rules;
2. The amendments are intended to revise the regulations contained within Hickory Land Development Code to update and add provisions that have been identified as necessary for document to continue to work towards implementation of the Hickory by Choice 2030 Comprehensive Plan.
3. The amendment is consistent with the Hickory by Choice 2030 Comprehensive Plan.

Based upon these findings, the Hickory Regional Planning Commission has found Text Amendment 23-02 to be consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan, and in conformance with the North Carolina General Statutes, and recommends Hickory City Council approval of the petition. This recommendation was affirmed by a 6-0 vote of the Hickory Regional Planning Commission.

  
\_\_\_\_\_  
Bill McBrayer, Chairman

10/25/23  
Date



To: Hickory City Council

From: Office of Business Development, Planning and Development Division

Re: 2023 Land Development Code Update - Text Amendments (TA) 23-02

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Annually, Planning and Development staff conducts a review of the City's Land Development Code to identify modifications needed or required to maintain the document's legality and effectiveness. The following are the recommended revisions.

### **Article 2 – Development Review Procedures**

Section 2.1.7 – Revised text to reference notices requirements as required by the North Carolina General Statutes. This was done to ensure the code mirrored the statute as written or amended in the future.

Section 2.1.13 – Notice matrix revised to accurately reflect what notices are required for each type of planning action.

Section 2.1.15 – Revised to reflect recent changes in NC General Statutes regarding building permits and vested rights. Building permits are valid for one year and expire unless work has begun. If work discontinues for a period twenty-four (24) month the development approval lapses.

Section 2.3.6 – This section was revised to eliminate dated verbiage. Much of the section goes into detail of what is covered in other section of the Land Development Code. The language discussing the permitting process is not needed, as subdivisions are administratively approved and inspected, much the same as a permit to construct a shopping center or office building.

### **Article – 3 Base Zoning Districts**

Several sections were revised to change the “NC Building Code for One- and Two-Family Residences” to NC Residential Building Code. A recently passed legislative bill changed how the code is referenced and expanded what type of construction falls under “residential”.

### **Article 4 – Overlay and Special Purpose Districts**

Several sections were revised to change the “NC Building Code for One- and Two-Family Residences” to NC Residential Building Code. A recently passed legislative bill changed how the code is referenced and expanded what type of construction falls under “residential”.

Section 4.5 – Revisions to this section are required by the NC Department of Environmental Quality. The rules for regulating development within designated water-supply watershed were revised and a new model ordinance was produced. The revisions were incorporated into the current language, reviewed, and approved by NCDEQ.

## **Article 6 – Use Regulations**

Section 6.1 – Revised to add “Food Truck and Trailer Court” as a specific use, and establish the districts where permitted.

Section 6.2 – Revised to add further regulations to the location and operations of group living facilities and boarding houses. Revisions define measurement process, as well as limiting the number of residents, required screening, and building appearances.

Section 6.2.14 – Revised to eliminate the reference of R-4 zoning, as manufactured homes are no longer permissible uses in R-4 districts.

Section 6.2.21 Regulations for food trucks were moved to the code section dealing with temporary uses.

Section 6.2.29 – Section added to provide development standards for food truck courts. Standards establish site design standards, including parking, signage, screening and similar items.

Section 6.3.1 – Revised to reference the height standards for accessory buildings. Also eliminated fence location and height standards and moved them to the section of the code dealing with landscaping.

6.3.2 – Revised to permit for larger accessory dwelling units and reword reference to building code.

6.4.7 – Section was added to addresses food trucks as temporary uses. Section also addresses where such are permitted, and under what standards.

## **Article 7 – Intensity, Dimensional and Design Standards**

Section 7.1 – Revised to reduce minimum lot widths in R-3 and R-4 districts by ten feet each. The reasoning is shorter lot widths may give greater flexibility for new infill and more compact housing development.

Section 7.2 – Revised to modify the height setback off-set standards for multi-family development. Revised standards would require additional property line setbacks when four story apartment buildings about single-family development. Setbacks would be required to be increased by 10 feet for each story of difference between the two use types.

Section 7.3 – Footnote 6 revised to indicate rear setbacks are also not required when party walls are utilized in building development.

## **Article 8 – Subdivision Standards**

Section 8.7.1 – Revised to eliminate the requirement for payment of fee in-lieu for sidewalk installation. Change would require sidewalk installation in all instances where an existing network exists.

## **Article 9 – Standards of General Applicability**

Section 9.6 – Revise to eliminate requirement for dumpster enclosures in instances where dumpsters are not visible from residential districts or public and private streets.

Section 9.13.2 – Provide language that indicates landscaping is required for private parking lots associated with single and two family residential development. Example, parking lots for single-family attached townhomes would be required to provide landscaping.

Section 9.13.4 – Revised to eliminate part of the section language with calculations for credit of existing vegetation. Generally, existing vegetation is evaluated in the field to determine if the existing tree / vegetation is adequate, versus measuring caliper of each individual specimen.

Section 9.13.6 – Revised to clarify mechanical equipment (heat pumps, etc.) for residences are not required to be screened in the same manner as multi-family and non-residential development.

Section 9.13.7 – Revised to increase spacing between trees and shrubs required around the perimeter of parking area. Staff has observed instances where the current spacing requirements impact the health and long-term vitality of the vegetation as well as visibility of businesses.

Section 9.13.14 – As previously noted, the requirements for fencing were moved to this section for ease of location within the ordinance. This section was also revised to allow taller fences in front yards. Currently fences can only be 4 feet in height in front yards, but property owners can plant dense vegetation that can easily reach 30 to 40 feet at maturity.

### **Article 10 – Signs**

Section 10.3.1 – Revised to reference the City’s Engineering Manual of Practice for the specific standard.

Section 10.5 – Revisions included graphic examples of signs. This will aid in providing a clear understanding of the types of signs outlined within the section.

Section 10.9.2 – Revised to clearly state construction signs are required to adhere to the height limitation for the specific district in which they are located.

### **Article 12 - Nonconformities**

Section 12.2.5 – Revised to eliminate the opportunity for manufactured homes to be replaced with new unit in districts where manufactured home unit are no longer permitted.

Section 12.5.2 – Revised to address signs remaining on properties where businesses no longer exist. Such signs would be considered off-premise, which would not be permissible. Revisions also enact a provision where nonconforming signs (size, location, height, etc.) cannot be reused if abandoned for a period of 180 days. This standard and timeframe is consistent throughout the ordinance.

### **Article 14 – Definitions**

Section 14.1 Revised to add verbiage to the definition of non-traditional dwelling to clarify such structures must be constructed to the NC Residential Building Code. Changed reference to cite “NC Residential Building Code”. Added definition for food truck and trailer court.

### **Staff Findings**

Staff conducted a review of the Hickory Land Development Code, and has found the proposed amendments necessary to continue the document’s purpose as an implementation tool for the Hickory By Choice 2030 Comprehensive Plan.

### **Hickory Regional Planning Commission Recommendation**

The Hickory Regional Planning Commission conducted a public hearing on October 25, 2023, to consider the proposed amendments. During the public hearing, no one spoke in favor or opposition of the proposed amendments. During its review and consideration, the Planning Commission recommended leaving the portion of Section 9.3.17 within the Ordinance. This specific verbiage requires the installation landscape medians in large parking lots.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the amendments consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (6-0) to recommend approval of the amendments. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

### **Citizen Input**

As of October 26, 2023, staff has received two inquiries regarding this petition.

## EXHIBIT A

### 2.1.7 Notices (*TA 14-01*)

**Content.** Notices required under subsections (1) and (3) below shall: (1) indicate the date, time and place of the public hearing or date of action that is the subject of the notice; (2) describe the property involved in the application by street address and by Property Identification Number (PIN) or by legal description; (3) describe the nature, scope and purpose of the application or proposal; and (4) indicate where additional information on the matter can be obtained.

**Types.**

- (1) **Newspaper Notice (N).** When the provisions of this Land Development Code require that "Newspaper Notice" be provided, the official responsible for accepting the application shall ensure that notice is published as required by NCGS 160D. ~~at least twice in a newspaper of general circulation in Hickory. The notice shall appear in the newspaper for 2 successive weeks with the first notice appearing not less than 10 calendar days nor more than 25 calendar days before the date of the public hearing.~~ Prior to final action on the application, the official responsible for accepting the application shall certify that notices have been published.
- (2) **Posted Notice (P) (*TA 18-01*) (*TA 21-01*).** When the provisions of this Land Development Code require that "Posted Notice" be provided, the official responsible for accepting the application shall post notice on the subject property. Such posted notice shall be in the form of official signs provided by the Planning Department and be done in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. ~~The official responsible for accepting the application shall post this notice as required by NCGS 160D. At least one sign shall be prominently posted along each street frontage or otherwise on the subject property. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel shall not be required, but the city shall post sufficient notices to provide reasonable notice to interested persons. Unless otherwise expressly provided in state statutes or this Land Development Code, required posted notice shall be posted within the same time period specified for mailed notices.~~
- (3) **Mailed Notice (M) (*TA 18-01*) (*TA 21-01* & *22-01*)**
  - (a) When the provisions of this Land Development Code require that "Mailed Notice" be provided, the official responsible for accepting the application shall mail notice as required by NCGS 160D. Ownership information shall be based on the most recent county tax records. Unless otherwise expressly provided in state statutes or this Land Development Code, required notices shall be deposited in the U.S. mail at least 10 days before and not more than 25 days before the public hearing, meeting, or date of action that is the subject of the notice. Prior to final action on the application, the official responsible for accepting the application shall certify that notices have been given.
  - (b) The first class mail notice required under subsection (a) shall not be required if a zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least 50 different property owners. In this instance the city may, as an alternative, elect to publish a notice of public hearing as required by NCGS 160D-601, but provided that each advertisement shall not be less than on-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a).



## EXHIBIT A

### 2.1.9 Action by Decision-Making Bodies.

Unless otherwise expressly stated in this Land Development Code, decision-making bodies may take any action on an application that is consistent with any notice given, including, but not limited to, approving such application, approving the application with modifications or conditions or denying the application. The decision-making body may impose conditions on the application or allow amendments to the pending application if the effect of the conditions or amendments is to allow a less intensive use or zoning district than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application. Decision-making bodies may not approve of a greater density of development; a more intensive use or a more intensive zoning district than was indicated in any required notice.

### 2.1.10 Burden of Proof or Persuasion.

In all cases, the applicant shall have the burden of establishing that an application complies with applicable review or approval criteria of this Land Development Code.

### 2.1.11 Conditions of Approval. (TA 21-01)

In approving development applications for Special Use Permits, decision-making bodies shall be authorized to impose such conditions upon the premises benefited by the approval as outlined within Chapter 2. In approving development applications for conditional zoning districts or planned developments, conditions shall be imposed only in accordance with Sec. 2.2.8 and Sec. 5.1. the decision making body has the authority enter into mutually agreed upon conditions. The applicants / landowners must consent in writing to such conditions.

### 2.1.12 Inaction by Review/Decision-Making Bodies.

When a review or decision-making body fails to take action on an application within any time frame that is specified in this chapter or by statute, such inaction shall be interpreted as a recommendation of approval without conditions or approval of the application without conditions, respectively. Time frames for action may be extended if the applicant consents to the extension. When a review body fails to take action on an application within the time required, the decision-making body shall be free to proceed with its own action on the matter without further awaiting the recommendation of the review body.

### 2.1.13 Summary of Procedures. (TA 14-01) (TA18-01)

The following table provides a summary of the procedures in this chapter. In the event of conflict between this summary table and the detailed procedures in this chapter, the detailed procedures shall govern.

Procedure	Decision-Making Authority [1]						City Council	Notice [2]
	Staff	PD	HRPC	BOA	HPC			
Text Amendments	R	-	R	-----	-	<DM>	N	
Zoning Map Amendments	R	-	R	-----	-	<DM>	N, P, M	
Subdivision Plats								
Minor Subdivision								
Preapp. Conf./Sketch Plan	R	-	-	-	-	-	-	
Final Plat	R	DM	-	A	-	-	-	
Major Subdivision								
Preapp. Conf./Sketch Plan	R	-	-	-	-	-	-	
Preliminary Plat	R	DM	-	A	-	-	-	
Final Plat	R	DM	-	A	-	-	-	

## EXHIBIT A

Procedure	Staff	PD	HRPC	BOA	HPC	City Council	Notice
Special Uses	R	-	<DM>	-	-	-	N, P, M
Alternative Sign Plans	R	DM	-	-	-	-	-
Certificates of Appropriateness							
Minor	DM	-	-	A	-	-	-
Major	R	-	-	A	<DM>	-	P, M
Sign Permits/Common Sign Plan	DM [3]	-	-	-	-	-	-
Zoning Compliance Permits	DM [3]	-	-	-	-	-	-
Zoning Compliance Certificates	DM [3]	-	-	-	-	-	-
Variances	R	-	-	<DM>	-	-	N, P, M
Appeals of Admin. Decisions	-	-	-	<DM>	-	-	N, P, M

Notes: PD = Planning Director • PC = Planning Commission • BOA = Board of Adjustment • HPC = Historic Preservation Commission

When no local appellate body is specified, appeals are taken to the Superior Court.

[1] R = Review Body (Responsible for Review and Recommendation); DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny); A = Authority to hear and decide appeals of Decision-Making Body's action.

[2] Notices required for public hearings: N = Newspaper (published); P = Posted (signs); M = Mailed (See Sec. 2.1.7)

[3] Appeals processed as "Appeals of Administrative Decisions."

◇ = Public Hearing Required (TA 18-01)

#### 2.1.14 Permit Choice. (TA 21-01)

If an application made in accordance with this Land Development Code is submitted for a development approval pursuant to this Land Development Code and a development regulation change between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application and use of the building, structure, or land indicated on the permit application. If the applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant. This section applies to all development approvals issued by city and state government. The duration of vested rights created by development approvals are as set forth in NCGS 160D-108.

#### 2.1.15 Vested Rights. (TA 21-01)

- (1) **Process to Claim a Vested Right.** A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Planning Director, or other designated official, who shall make an initial determination as to the existence of the vested right. The Planning Director's or officer's determination may be appealed to the Board of Adjustment under NCGS 160D – 405. On appeal the existence of a vested right shall be reviewed de novo. In lieu of seeking

## EXHIBIT A

such a determination, a person claiming a vested right may bring an original civil action as provided by NCGS 160D-108(h) and 160D-1403, 160D-405(C).

- (2) **Types and Duration of Statutory Vested Rights.** Except as provided by this section and subject to Sec. 2.1.14 of this Land Development Code, amendments in development regulations shall not be applicable or enforceable without written consent of the owner with regard to any of the following: in regard to development that has been permitted or approved pursuant to this Land Development Code so long as one of the approval listed in this section remains valid and unexpired.
- (a) Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with NCGS 143-755;
  - (b) Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with NCGS 143-755;
  - (c) A site-specific vesting plan pursuant to NCGS 160D-108.1;
  - (d) A multi-phased development pursuant to this subsection; or
  - (e) A vested right established by the terms of a development agreement authorized by Article 10 of NCGS Chapter 160D.

Each type of vested right listed in this section is subject to the limitations provided in this section and the cited statutes. Vested rights established under this section are not mutually exclusive. The establishments of a vested right under one subsection does not preclude vesting under one or more other subsections or by common law principles.

1. **Building Permits – Six Months One Year.** Pursuant, to NCGS 160D 108, a building permit expires ~~six~~ **twelve** months after issuance unless work under the permit has commenced. If, after commencement, the work is discontinued for a period of ~~12~~ **twenty-four** months, the permit shall immediately expire. Building permits also expire if work is discontinued for a period of ~~12~~ **twenty-four** months after work has commenced.
2. **Other Approvals – One Year.** Pursuant to NCGS 160D 403(C), unless otherwise specified by this section, statute or other ordinance, all other development approvals expire one year after issuance unless work authorized by the development approval has been substantially commenced, or if work is discontinued for twelve months after commencement. Expiration of a development approval does not affect the duration of a vested right established by the approval of a site-specific vesting plan, a multiphase development plan, a development agreement, or vested rights established under common law.
3. **Site-Specific Vesting Plans – Two to Five Years.** Site specific vesting plans and the vested rights associated with them shall be governed by this subsection and NCGS 160D-108.1
  - (a) **Duration.** A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the city. The city may provide that rights regarding a site-specific vesting plan shall be vested for a period exceeding two years, but not exceeding five years, if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. This determination shall be in the sound discretion of the city and shall be made following the process provided by subsection (c) below for the particular form of a site-specific vesting plan involved.
  - (b) **Relation to Building Permits.** A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon

## EXHIBIT A

- (6) The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property;
- (7) All necessary drainage easements have been provided and stormwater management as required by this Land Development Code; and
- (8) The County Health Director or local public utility, as appropriate, has been given an opportunity to make recommendations as to proposed water or sewerage systems

### **Notice of Decision (TA 21-01)**

Within 10 days after a minor subdivision plat decision is made by the Planning Director, copies of the decision shall be sent to the applicant and filed in the office of the Planning Director, where it shall be available for public inspection during regular office hours. In addition to giving notice to the applicant, the Planning Director shall also give written notice to the owner of the property, if different from the applicant. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

### **2.3.5 Appeals (TA 18-01) (TA 21-01)**

The decision to approve or deny a minor subdivision plat shall be subject to review by filing an action in superior court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision, and consistent with NCGS 160D-1403

### **2.3.6 Major Subdivisions**

The procedures of this subsection shall apply to all "Major Subdivisions," as that term is defined in Chapter 14.

#### **Pre-application Conference**

Before submitting a Preliminary Plat for a proposed subdivision, the applicant shall confer with the Planning Director to discuss the proposal and applicable regulations. The purpose of the Pre-application Conference is for the applicant to become familiar with applicable subdivision procedures and standards. Prior to or as part of the Pre-application Conference, the applicant may submit a Sketch Plan of the proposed subdivision showing the approximate size of the property, the tentative street layout, proposed lot sizes, watercourses and the location of the property in relation to existing streets and surrounding areas. The Planning Director and other administrative officials shall review the Sketch Plan. Following their review, the reviewing officials shall confer with the applicant to discuss any matters that will assist the applicant in preparing a Preliminary Plat. No review fee shall be required for Pre-application Conferences or Sketch Plans.

#### **Preliminary Plats (TA 21-01)**

- (1) **Application.** A complete application for Preliminary Plat approval shall be submitted to the Planning Director on forms available in the Planning Department.
- (2) **Notice.** Each application for Preliminary Plat approval shall contain the name and address of the person who is to receive all notices pertaining to the application.
- (3) **Staff Review/Report.** ~~The Planning Director shall prepare a report that reviews the Preliminary Plat in light of the standards of Chapter 8 and the other applicable requirements of this Land Development Code. The Planning Director shall provide a copy of the report to the applicant and any interested parties.~~ Subdivision plans shall go through plan review, which consist of review by all relevant city departments and required external entities. Completion of the review shall be deemed as preliminary plat approval.

## EXHIBIT A

### (4) Relevant Intergovernmental Coordination.

- a. The Planning Director may provide copies of all applications for Major Subdivision preliminary plat approval to the Superintendent of the public school system for which the subject property is located for their review and comment.
- b. The Planning Director shall give the District Highway Engineer the opportunity to make recommendations concerning proposed State streets, State highways, and related drainage systems.
- c. The Planning Director shall give the County Health Director or local public utility, as appropriate, the opportunity to make recommendations as to proposed water or sewerage systems.

**(5) Public Input.** Prior to preliminary approval of any subdivision, any member of the public wishing to do so may comment on the matter. The Planning Director shall consider all public comments received during the comment period prior to taking final action on any requested subdivision.

**(6) Planning Director's Review/Action.** The Planning Director shall review the Preliminary Plat to determine if it complies with the standards of Chapter 8 and the other applicable requirements of this Land Development Code. If the Planning Director determines that the Preliminary Plat does not comply with applicable standards, the Planning Director shall require that modifications be made to bring the Preliminary Plat into compliance with such regulations and standards. After consideration of the Preliminary Plat, the Planning Director shall act to approve, approve with modifications to bring the Preliminary Plat into compliance with this Land Development Code, or deny the Preliminary Plat.

**(7) Notice of Decision.** Within 10 days after a Preliminary Plat decision is made by the Planning Director, copies of the decision shall be sent to the applicant and filed in the office of the Planning Director, where it shall be available for public inspection during regular office hours. In addition to giving notice to the applicant, the Planning Director shall also give written notice to the owner of the property, if different from the applicant. The written notice shall be delivered by personal delivery, electronic mail, or by first class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

**(8) Effect of Approval.** Approval of the Preliminary Plat shall constitute approval of the submitted construction drawings for all required infrastructure and improvements acceptance of the overall planning concept for the subdivision and is a prerequisite for the filing of a Final Plat. After approval of the Preliminary Plat the applicant may finalize the preparation of construction plans and submittal for a Land Development Permit.

**(9) Lapse of Approval.** If no Final Plat of a subdivision for which Preliminary Plat approval has been given is submitted within 12 months of the date of Preliminary Plat approval or if more than 12 months elapses between the recording a Final Plat on one phase of the subdivision and the submittal of a Final Plat for another phase, all unrecorded portions of the Preliminary Plat shall lapse and be of no further effect.

**(10) Appeals.** The decision to approve or deny a final plat shall be subject to review by filing an action in superior court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision.

**(11) Land Development Permit.** After approval of the Preliminary Plat and prior to submittal of the Final Plat, the subdivider shall work directly with the City Engineer so any and all inspections are conducted during the installation of any required improvements and infrastructure. In the preparation and final design of Construction Plans for the installation of the improvements required by Chapter 8 and the Manual of Practice. Upon satisfactory

## EXHIBIT A

completion of the Construction Plans and specifications and the posting of any required financial guarantees, the City Engineer shall issue a Land Development Permit for the installation of required improvements in accordance with the approved Preliminary Plan and the improvement and design standards of Chapter 8 and the Manual of Practice. Unless a financial guarantee is offered in accordance with this Land Development Code, installation of all required improvements must be completed by the subdivider and approved by the City Engineer prior to the submittal of a Final Plat. No land development activities shall be commenced until a Land Development Permit is issued.

### Final Plats

- (1) **Improvements or Financial Guarantees.** Prior to approval of a Final Plat, the subdivider shall install all required improvements or post a financial guarantee of performance, in accordance with this Land Development Code.
- (2) **Applicant Notice.** Each application for Final Plat approval shall contain the name and address of the person who is to receive all notices pertaining to the application.
- (3) **Planning Director's Review/Action.** The Planning Director shall review the Final Plat to determine if it complies with the approved Preliminary Plat, the standards of Chapter 8 and all other applicable requirements of this Land Development Code. Final Plats shall be approved only when the Planning Director determines that all of the following criteria have been met:
  - (a) The Final Plat conforms substantially to the approved Preliminary Plat and conforms to all other standards and requirements lawfully established under this Land Development Code;
  - (b) All required improvements shall be completed by the applicant or his agents and inspected and approved by appropriate public officials or agencies or a financial or performance guarantee has been offered and accepted in accordance with Sec. 8.15;
  - (c) Offers to dedicate, or to reserve for future dedication, shall be made clear of all liens and encumbrances on the property and public improvements thus dedicated; and
  - (d) All required maintenance guarantees have been made.
- (4) If the Planning Director determines that the Final Plat conforms substantially to the approved Preliminary Plat and all other standards and requirements lawfully established under this Land Development Code, the Planning Director shall approve the Final Plat.
- (5) If the Planning Director determines that the Final Plat does not comply with the approved Preliminary Plat or other applicable standards, the Planning Director shall require that modifications be made to bring the Final Plat into compliance with this Land Development Code. Upon completion of any required modifications to the Final Plat, the Planning Director shall act to approve the Final Plat.
- (6) **Appeals.** The decision to approve or deny a final preliminary plat shall be subject to review by filing an action in superior court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision. and consistent with NCGS 160D-1403
- (7) **Notice of Decision.** Within 10 days after a Final Plat decision is made by the Planning Director, copies of the decision shall be sent to the applicant and filed in the office of the Planning Director, where it shall be available for public inspection during regular office hours. In addition to giving notice to the applicant, the Planning Director shall also give written notice to the owner of the property, if different from the applicant. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on

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**3.3.14 Regulation of Building Design Elements.** Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential Building Code ~~for One- and Two-Family Dwellings.~~

### **3.4 Commercial Corridor (CC-2), Office and Institutional (OI), General Business (C-2) Zones, and Regional Commercial (C-3) Zones (TA 22-01)**

**3.4.1 Applicability.** The following standards shall apply to all properties in the CC-2, OI, C-2, and C-3 zoning districts.

#### **3.4.2 Compatibility Design Standards**

##### **Residential Protection (TA 11-01)**

- (1) No nonresidential building greater than 4,000 square feet in total floor area shall not be oriented towards a local street or have its primary access from a local street.
- (2) No gasoline pump islands or drive-through service windows shall be located within 100 feet of any residential zoning district.

#### **3.4.3 Building design standards (TA 11-01) (TA 21-01)**

##### **Windows Required**

- (1) For all redevelopment a minimum of 15% of the ground floor façade of the primary street frontage shall be comprised of windows of clear glass, display cases or translucent glass. This requirement does not apply to the walls of residential units or parking structures.
- (2) For all new construction a minimum of 25% of ground floor façade of the primary street frontage shall be comprised of windows of clear glass, display cases or translucent glass. This requirement does not apply to the walls of residential units or parking structures.

**Architectural Style.** Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures shall be compatible with the architectural character of the adjacent area through compliance with the following standards:

- (1) Any side or rear of a building that is visible from the public right-of-way or parking areas shall be as visually attractive as the front through the design of rooflines, architectural detailing and landscaping features.
- (2) Service, loading, and trash collection areas shall be screened by a combination of decorative walls of masonry, wood, and plantings.
- (3) Loading areas shall be screened from view from all residentially zoned property.

##### **Roofs (TA 18-01)**

- (1) Parapets or other architectural elements shall be used to conceal flat roofs and rooftop equipment such as HVAC units from adjacent rights of way.
- (2) Wireless communication equipment should be blended into the design of the roof.

##### **Materials and colors (TA 18-01)**

- (1) Predominant exterior building materials shall consist of, but not limited to, brick, sandstone, stucco, and other native stone and tinted/textured concrete masonry units. Synthetic materials offering similar appearances may also be utilized. Smooth faced concrete block and corrugated metal panels are prohibited.
- (2) Colors for primary facade areas shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, or fluorescent colors is prohibited.
- (3) Building trim and accent areas may feature brighter colors, including primary colors.

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**3.4.9 Regulation of Building Design Elements. (TA 21-01)** Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential Building Code ~~for One and Two Family Dwellings.~~

### 3.5 Central Business District (C-1) (TA 22-01)

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#### 3.5.1 Building and Design Standards (TA 11-01)

**Architectural Style.** Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures shall be compatible with the architectural character of the adjacent area through compliance with the following standards:

- (1) Any side or rear of a building that is visible from the public right-of-way shall be as visually attractive as the front through the design of rooflines, architectural detailing and landscaping features.
- (2) Transition lines are required at the top of the first story of all buildings.
- (3) Service, loading, and trash collection areas shall be screened by a combination of decorative walls of masonry, wood, and plantings
- (4) Loading areas shall be screened from all residential districts.

#### **Roofs (TA 18-01)**

- (1) Parapets or other architectural elements shall be used to conceal flat roofs and rooftop equipment such as HVAC units from adjacent rights of way.
- (2) Wireless communication equipment shall be blended into the design of the roof.

#### **Materials and colors (TA 18-01)**

- (1) Predominant exterior building materials shall consist of, but not limited to, brick, sandstone, stucco, and other native stone and tinted/textured concrete masonry units. Synthetic materials offering similar appearances may also be utilized. Smooth-faced concrete block and corrugated metal panels are not permitted. Balconies and porches may be metal, brick, stone, concrete, or stucco.
- (2) Colors for primary facade areas shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, or fluorescent colors is prohibited.
- (3) Building trim and accent areas may feature brighter colors, including primary colors.

**Customer Entrance.** Retail establishments on a site shall have a clearly defined, highly visible customer entrance.

**Other Improvements (TA 18-01).** ATMs and similar features shall be architecturally compatible with the building and shall not encroach on pedestrian walkways.

**3.5.2 Sidewalks (TA 18-01).** Sidewalks shall be required to be installed along all adjacent streets. If development or redevelopment occurs in an area where the current sidewalk network is more than 500 feet away, a fee in-lieu may be utilized as outlined within this Land Development Code.

**3.5.3 Sidewalk Encroachments.** The intent of this section is to ensure there is a minimum unobstructed walking route along sidewalks.

**Guidelines.** Temporary sidewalk encroachments are allowed with City Council approval. Café seating, planters, ramps, and stairs, which are located in the sidewalk shall be located to provide a pathway that is compliant with the standards of the American with Disabilities Act (ADA) or a minimum of four (4) feet wide; whichever is greater.



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- (1) Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 feet (horizontal).
- (2) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 30% of their horizontal length (see Figure 3-7).



Figure 3-6: Ground Floor Façade

### 3.5.9 Connectivity

Non-residential sites shall be designed to provide connectivity to adjoining parcels and rights of way. This requirement may be waived if deemed impractical or undesirable by the Planning Director.

### 3.5.10 Outdoor Lighting

Outdoor lighting must comply with Sec. 9.7.

### 3.5.11 Pedestrian Entrance

The principal pedestrian entrance to all buildings must come from a frontage line. Secondary pedestrian entrances may come from parking areas or other non-frontage line locations.

### 3.5.12 Alternative Standards

The Hickory Regional Planning Commission may approve alternative architectural standards if a finding is made that the proposed alternative meets or exceeds the objectives of this code and is consistent with the objectives of the Hickory by Choice 2030 Comprehensive Plan. Such alternatives shall be approved as a Special Use in accordance with Sec. 2.4.

### 3.5.13 Regulation of Building Design Elements (TA 21-01)

Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential Building Code for One and Two Family Dwellings.

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### **4.2.4 Building and Design Standards**

All redevelopment must comply with the standards and requirements of the underlying zone, except as modified by this overlay zone.

The industrial size limitations of Sec. 6.1 shall not apply to the redevelopment of existing buildings where the most recently approved use would have been classified as Manufacturing and Production, Warehouse and Freight Movement, or Industrial Service under this Land Development Code.

The window requirements of Sec. 3.4.4 shall not apply to the redevelopment of existing buildings, provided that all existing window openings are maintained.

### **4.2.5 Off Street Parking**

The number of off-street parking spaces required by Sec. 9.2.2 shall be reduced by 30 percent.

### **4.2.6 Landscaping and Screening**

All properties in the RDO district shall be subject to the provisions of Sec. 9.13 except as modified below:

- (1) The perimeter landscape buffer requirements of Sec. 9.13.2 shall not apply to the redevelopment of existing buildings where the building footprint does not change and there is not an increase in use intensity.
- (2) All new construction and redevelopment projects where there is an increase in building footprint shall be subject to the landscape buffer requirements of Sec. 9.13.2
- (3) The landscape requirements of Sec. 9.13 shall not apply to existing paved parking, loading, and service areas in the RDO district.
- (4) Existing gravel parking, loading, and service areas shall be paved upon redevelopment or a change in use. The paved surface shall meet the design standards of Sec. 9.1. When existing gravel parking areas are paved, the landscape requirements of Sec. 9.13 shall not apply provided that the overall size of the parking, loading, or service area is not increased by more than 15 percent.

### **4.2.7 Alternative approval by Planning Commission**

The Hickory Regional Planning Commission may approve alternative architectural standards if a finding is made that the proposed alternative meets or exceeds the objectives of this code and is consistent with the objectives of the Hickory by Choice 2030 Comprehensive Plan. Such alternatives shall be approved as a Special Use in accordance with Sec. 2.4

### **4.2.8 Regulation of Building Design Elements (TA 21-01)**

Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential **Building Code for One and Two Family Dwellings**.

## **4.3 Neighborhood Preservation Overlay District (TA 15-01)**

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### **4.3.1 Applicability**

The Neighborhood Preservation Overlay (NP-O) district regulations of this section shall apply to new development and changes of use or occupancy and increasing the number of dwelling units in a structure in the Kenworth, Green Park, Highland, Claremont, and Westmont / West Hickory neighborhoods, which is shown on the City's Official Zoning Map.

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### **4.3.2 Conflicting Provisions**

Where conflicts arise between the regulations of the underlying base zoning district, and other overlay districts; the more restrictive provisions shall govern.

### **4.3.3 Nonconformities**

No structure or lot existing at the time when these regulations are adopted shall be deemed nonconforming because of these overlay regulations. An existing structure may be rebuilt if damaged or destroyed even if the structure fails to conform to these regulations.

### **4.3.4 Building Orientation (TA 15-01)**

The main building entrance of any dwelling shall face the street from which the building is addressed.

### **4.3.5 Parking Location (TA 19-01)**

Except for the driveway of a single-family or two-family dwelling, no new off-street parking shall be permitted in the front yard on any residential or non-residential property.

### **4.3.6 Sidewalks (TA 18-01)**

All new buildings and uses, other than single-family dwellings, shall construct a public sidewalk in the right of way or in an easement along all abutting streets.

### **4.3.7 Porches – Setback Encroachment**

Front porches and stoops shall be allowed to encroach into the required front yard up to 10 feet.

### **4.3.8 Regulation of Building Design Elements (TA 21-01)**

Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential **Building Code for One and Two Family Dwellings**.

## **4.4 Historic Overlay District (H-O)**

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### **4.4.1 Description; Purposes**

The H-O, Historic Overlay district is intended to preserve and protect Hickory's locally designated historic districts and historic landmarks, which are among the city's most valued and important assets. H-O districts are established for the following purposes:

- Protecting and conserving the heritage of the City of Hickory and the State of North Carolina;
- Safeguarding the character and heritage of the historic districts and historic landmarks by preserving the historic districts as a whole and any individual property therein or historic landmark that embodies important elements of its social, economic, cultural, political or architectural history;
- Promoting the conservation of such historic districts and historic landmarks for the education, pleasure and enrichment of residents of the historic districts, historic landmarks, the City of Hickory and the state as a whole;
- Fostering civic beauty; and
- Stabilizing and enhancing property values within historic districts and historic landmarks, thus contributing to the improvement of the general health and welfare of the City of Hickory and the residents of the historic districts and historic landmarks.

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### 4.4.11 Certificate of Appropriateness

**Procedures.** Certificates of Appropriateness shall be reviewed and approved in accordance with the procedures of Sec. 2.5.

## 4.5 Watershed Protection Overlay District (WP-O) (TA 18-01)

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### 4.5.1 General Provisions

**Intent.** The WP-O, Watershed Protection Overlay district provisions of this section are intended to carry out the requirements of Article 21 of Chapter 143 of the General Statutes of North Carolina and to limit the exposure of public supply watersheds to pollution from surface water runoff. The sources of such pollution include stormwater runoff from built upon areas, leachate from sanitary landfills, accidental spills of hazardous materials, wastewater discharges, soil erosion, land application of sludge or petroleum contaminated soils and other point and nonpoint sources of pollution. Generally, land within the Lake Hickory Water Supply Watershed is classified as WS-IV, and land within the Jacob's Fork Water Supply Watershed is classified as WS-III.

**Effect of WP-O District Designation.** The WP-O district is applied in combination with ("overlying underlying") existing base zoning districts and has the effect of modifying the requirements, regulations and procedures applying in the applicable base-zoning district to the extent expressly indicated in this section. When no special WP-O district standards are specified, all other applicable regulations of this Land Development Code will govern.

### 4.5.2 Applicability; Exemptions (TA 21-01)

New development within **WS-IV** watershed areas on parcels or project sites equal to or greater than one (1) acre shall comply with the requirements of this section. Development on parcels or project sites less than one (1) acre are not exempt if they are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place on different schedules. All new development shall comply with the buffer requirements of Sec. 4.5.10.

Existing development is not subject to the requirements of this section. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

Single lots of record as of **June 30, July 1, 1993**, if zoned for residential use, may be developed for single family residential purposes in accordance with the other requirements of the Hickory Land Development Code without being subject to the restrictions of this section. Such lots of record shall not be required to be combined to achieve the density standards of this section.

Expansions to non-single family structures classified as existing development must meet the requirements of this section; however, the built upon area of the existing development is not required to be included in the density calculations. Expansions to structures other than existing development must meet the requirements of this section for the entire site.

Redevelopment of built upon areas of existing development is allowed if the rebuilding activity does not have a net increase in built upon area or provides equal or greater stormwater control than the previous development.

Single family dwellings may be expanded, redeveloped or replaced in accordance with the other requirements of the Hickory Land Development Code without being subject to the restrictions of this section.

Nothing contained herein shall repeal, modify, or amend any state or federal law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations

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specifically replace; nor shall any provision of this ordinance amend, modify, or restrict any provisions of the City's Code of Ordinances resolutions, and regulations in effect in the City at the time of the adoption of this ordinance that may be constituted to impair or reduce the effectiveness of this ordinance or to conflict with any of its provisions.

It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of land or a building, then the provisions of these regulations shall control.

### 4.5.3 WP-O District Boundaries

The boundaries of the WP-O district are shown on the official zoning map. The WP-O district is divided into critical area, **balance of watershed**, and protected area sub districts shown on the official zoning atlas.

### 4.5.4 Definitions (TA 21-01)

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The definitions of this subsection shall be used solely for the purpose of interpreting and administering the Watershed Overlay district provisions of this section.

Term	Definition
Animal Unit	A unit of measurement developed by the US Environmental Protection Agency that is used to compare different types of animal operations.
<b>Balance of Watershed (BW)</b>	The area adjoining and upstream of the critical area in the WS-III (Jacob's Fork) water supply watershed. The "balance of watershed" is comprised of the entire land area contributing surface drainage to the stream, river, or reservoir where the water supply intake is located. This term applies to any portion of the Hickory Regional Planning Area located in the Jacobs Fork Water Supply Watershed for the application of watershed protection overlay district regulations.
Buffer	An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
<b>Built-Upon Area</b>	Built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle (except as exempted by State law).
<b>Common Plan of Development</b>	Site with multiple lots where there is a single development plan for all the lots, usually represented by a master plan or a set of declarations or restrictive covenants.

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Critical Area	The watershed area adjacent to Lake Hickory west of the NC 127 bridge extending either one half mile from the normal pool elevation of the lake or to the ridgeline of the watershed (whichever comes first) where the risk associated with pollution of the water supply is greatest. This term also applies to any portion of the Hickory Regional Planning Area located in the Jacob's Fork Water Supply Watershed for the application of watershed protection overlay district regulations.
Developed Parcel	Any parcel of a parcel pair that, under any approval granted under this part, may be developed to a development density or intensity that exceeds the maximum development density or intensity that would apply to the parcel if the paired-parcel averaged-density development option were not available.
Exemption	An exemption is the complete waiver of a management requirement or the relaxation of any management requirement that applies to a development proposal intended to qualify under the high-density option.
Existing Development	Those projects that are built or that have a established vested right under North Carolina General Statutes as of July 1, 1993.  Existing development, for the purposes of these rules, shall be defined as those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date this Water Supply Ordinance (July 1, 1993) or such earlier time that the City of Hickory's management plans and ordinance shall specify, based on at least one of the following criteria: (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid approval from the City of Hickory to proceed with the project; or upon having an approved preliminary plat or planned development or group housing development plan; or (2) Having a valid building permit as authorized by North Carolina General Statute; or (3) Having a valid zoning compliance permit as outlined within this ordinance.
Existing Lot	A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to July 1, 1993.
Hazardous Material	Any substance listed as such in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) at 42 U.S.C. Chapter 103 (CERCLA); the 1986 amendments to CERCLA known as the Superfund Amendments and Reauthorization Act (SARA, Section 302 (dealing with extremely hazardous substances); or 33 U.S.C. § 1321 (Section 311 of the Clean Water Act dealing with oil and hazardous substances).
Impervious Coverage (TA 14-01)	That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas, recreation facilities (e.g., tennis courts, etc.) (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.) Measurements of impervious coverage shall be based upon net project area excluding land within existing street right of way or within the flooding easements of Lake Hickory.
Landfill	A facility used for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the NC General Statutes. For the purpose of this section, the term does not include composting facilities.
Major Variance	A variance that is not a minor variance as defined in this ordinance.
Minor Variance	A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high-density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low-density option. For variances to a vegetated setback requirement, the percent variation shall be calculated using the footprint of built-upon area

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	proposed to encroach with the vegetated setback divided by the total area of vegetated setback within the project.
Nonresidential Development	All development other than residential development, agriculture or silviculture.
Paired-parcel Averaged-density Development (TA 14-01)	A development proposal that includes a parcel pair meeting the development standards of this Section and that qualifies for local development approval under the density-averaging provision of NCGS §143-214.5.
Parcel Pair	Two noncontiguous parcels of land under the same or separate ownership, or two contiguous parcels of land under separate ownership, the development plans for which have been submitted in tandem so as to qualify for density averaged development permission under this Section.
Perennial Stream	Streams that have flow year-round and are shown on the US Geological Survey's quadrangle as a solid blue line or as identified by the jurisdictional assessment required in this section.
Protected Area	The area adjoining and upstream of the critical area of the Water Supply Watershed in which protection measures are required. The boundaries of the protected area are defined as extending five miles upstream and draining to the portions of Lake Hickory west of the NC 127 bridge or to the ridgeline of the watershed, whichever comes first. This term also applies to any portion of the Hickory Regional Planning Area located in the Jacobs Fork Water Supply Watershed for the application of watershed protection overlay district regulations.
Stormwater Control Measures (SCMs)	<del>A structural or nonstructural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.</del> A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.
Stormwater Design Manual	The latest edition of the Stormwater Design Manual published by the North Carolina Department of Environmental Quality, Division of Energy, Mineral, and Land Resources (DEQ, DEMLR)
Surface Waters	All waters of the State as defined in NCGS 143-212 except ground waters.
Undeveloped Parcel	The parcel in a parcel pair that is not developed.
Vegetative Conveyance	A low-density stormwater diversion / control feature meeting the following criteria: 1. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and 2. The conveyance shall be designed so that it does not erode during peak flow from the 10-year storm event as demonstrated by engineering calculations.
Waterbody	A natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to produce the growth of non-hydrophilic rooted plants.
Water Dependent Structure	Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.
Watershed	The entire land area contributing surface drainage to a specific point (e.g., the water supply).

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### 4.5.5 Allowed and Prohibited Uses in the Critical Area Watershed Areas

Within the critical area, sanitary landfills and new sites for land application of sludge/residuals or petroleum contaminated soils are prohibited.

Allowed = Yes / Prohibited = No

Activity / Use	WS-III CA	WS-III BW	WS-IV CA	WS-IV PA
New landfills	No	Yes	No	Yes
New permitted residual land application	No	Yes	No	Yes
New permitted petroleum contaminated soils sites	No	Yes	No	Yes
NPDES General or Individual Stormwater discharges	Yes	Yes	Yes	Yes
NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127	Yes	Yes	Yes	Yes
New NPDES Individual Permit domestic treated wastewater discharge	No	Yes	Yes	Yes
New NPDES Individual Permit industrial treated wastewater discharge	No <sup>b</sup>	No <sup>b</sup>	Yes	Yes
Non-process industrial waste	Yes	Yes	Yes	Yes
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904	No	No	Yes	Yes
Sewage	No <sup>c</sup>	No <sup>c</sup>	No <sup>c</sup>	No <sup>c</sup>
Industrial Waste	No <sup>c</sup>	No <sup>c</sup>	No <sup>c</sup>	No <sup>c</sup>
Other wastes	No <sup>c</sup>	No <sup>c</sup>	No <sup>c</sup>	No <sup>c</sup>
Groundwater remediation project discharges <sup>d</sup>	Yes	Yes	Yes	Yes
Agriculture <sup>f</sup>	Yes	Yes	Yes	Yes
Silviculture <sup>g</sup>	Yes	Yes	Yes	Yes
Residential Development <sup>h</sup>	Yes	Yes	Yes	Yes
Non-residential Development <sup>hi</sup>	Yes	Yes	Yes	Yes
Nonpoint Source Pollution <sup>k</sup>	Yes	Yes	Yes	Yes
Animal Operations <sup>l</sup>	Yes	Yes	Yes	Yes

**Notes:**

<sup>a</sup> Permitted pursuant to 15A NCAC 02B .0104

<sup>b</sup> Except non-process industrial discharges are allowed

<sup>c</sup> Only allowed if specified in 15A NCAC 02B .0104

<sup>d</sup> Not allowed if activity(ies) has/have adverse impact on human health

<sup>e</sup> Where no other practical alternative exists

<sup>f</sup> In WS-I watersheds and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10- foot vegetated setback or equivalent control as determined by Soil and Water Conservation Commission along all perennial waters indicated on most recent version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies.

<sup>g</sup> Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209) Effective 4/1/2018

<sup>h</sup> See density requirements in 15A NCAC 02B .0624

<sup>i</sup> See different allowed and not allowed in this table.

<sup>l</sup> Watershed shall remain undeveloped except for following uses when they cannot be avoided: power transmission lines, restricted access roads, and structures associated with water withdrawal, treatment, and



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distribution of WS-I waters. Built upon area shall be designed and located to minimize stormwater runoff impact to receiving waters.

<sup>k</sup>Non Point Source pollution shall not have adverse impact, as defined in 15A NCAC 02H .1002, on use as water supply or any other designated use.

<sup>l</sup>Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H .0217

### 4.5.6 Restrictions on Uses within the Protected and Critical Areas

Within the critical area, agriculture is subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.

Agricultural activities must maintain a minimum 10 foot-wide vegetated buffer or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters as shown on the official zoning atlas.

Animal operations greater than 100 animal units shall employ best management practices by July 1, 1994. The Soil and Water Conservation Commission is responsible for implementing these provisions pertaining to agricultural activities.

Silviculture activities shall be subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15A NCAC 1.I.0101.0209). The North Carolina Division of Forest Resources is responsible for implementing these provisions pertaining to silviculture activities.

New nonresidential development within watershed areas shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

The construction of new roads and bridges and nonresidential development shall minimize built upon area, divert stormwater away from surface water supply waters as much as possible, and employ stormwater control measures (SCMs) to minimize water quality impacts.

Road construction shall use SCMs outlined in the North Carolina Department of Transportation document entitled, "Best Management Practices for the Protection of Surface Waters."

### 4.5.7 Density Requirements

Within the protected and critical areas, the following density and impervious coverage limits shall apply to new development that is not otherwise exempted by Section 4.5.2 above:

#### **Low Density Option (WS-III)**

- (1) New development under the low-density option is not required to provide SCMs meeting the design standards of the NCDEQ, DEMLR as the primary treatment system for stormwater runoff.
- (2) Within the critical area, residential uses are allowed at a maximum density of 1 dwelling unit per acre; other residential and all nonresidential development shall be subject to a maximum impervious coverage limit of 12 percent. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.
- (3) Within the **protected area balance of watershed**, single-family detached residential projects are allowed at a maximum density of 2 dwelling units per acre; all other residential and all nonresidential development shall be subject to a maximum impervious coverage limit of 24 percent. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

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All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

Areas of concentrated density development shall be located in upland areas and away, to the maximum extent practical, from surface waters and drainage ways.

The remainder of the tract shall remain in a vegetated or natural state. The title to the open spaces area(s) shall be conveyed to an incorporated homeowners association for management; to a local government for conservation as a park or open space; or to a conservation organization for preservation in a permanent easement. When a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Cluster development that meets the applicable low density requirement shall transport stormwater runoff by vegetated conveyances to the maximum extent practical.

### **4.5.9 Planned Developments**

Planned developments shall be treated as a single property where development-wide stormwater and erosion control measures are utilized. Project densities and impervious coverage may be calculated on a development-wide basis for such projects.

### **4.5.10 Buffer Areas Required**

~~A minimum 100-foot vegetative buffer is required for all new high-density development activities and a minimum 30-foot vegetative buffer is required for all new low-density development activities along all indicated perennial waters within the WP-O district. No new development is permitted within the buffer except for artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as road crossings or greenways where no practical alternatives exist. Activities within buffer areas shall minimize impervious coverage area, direct runoff away from surface waters and maximize the utilization of stormwater best management practices.~~

A minimum one hundred (100) foot vegetative setback is required for all new development activities that exceed the low-density option; otherwise, a minimum thirty (30) foot vegetative setback for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined government studies. Desirable artificial streambank or shoreline stabilization is permitted.

Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.

No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

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### **4.5.11 Calculation of Project Density**

(A) The following requirements shall apply to the calculation of project density.

- (1) Project density shall be calculated as the total built-upon area divided by the total project area;
- (2) A project with "Existing Development," as defined in this ordinance, may use the calculation method in Sub-Item (1) of this Item or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.
- (3) Expansions to Existing Development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).
- (4) Where there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
- (5) Where Existing Development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
- (6) Total project area shall exclude the following:
  - (a) areas below the normal high water line (NHWL); and
  - (b) areas defined as "coastal wetlands" pursuant to 15A NCAC 07H .0205, herein incorporated by reference, including subsequent amendments and editions, and available at no cost at <http://reports.oah.state.nc.us/ncac.asp>, as measured landward from the NHWL; and
- (7) Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high and low density areas based on one or more of the following criteria:
  - (a) natural drainage area boundaries;
  - (b) variations in land use throughout the project; or
  - (c) construction phasing.

(B) Low Density Projects

In addition to complying with the project density requirements of Item (A) of this Rule, low density projects shall comply with the following:

- (1) Vegetated Conveyances. Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this Sub-Item:
  - (a) Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
  - (b) The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.

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- (2) **CURB OUTLET SYSTEMS.** In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:
- (a) The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;
  - (b) The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
  - (c) The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;
  - (d) The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
  - (e) The minimum length of the swale or vegetated area shall be 100 feet; and
  - (f) Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in Sub-Items (a) through (e) of this Sub-Item.
- (C) **HIGH DENSITY PROJECTS.** In addition to complying with the project density requirements of Item (A) of this Rule, high density projects shall comply with the following:
- (1) Stormwater Control Measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 02B .0621;
  - (2) For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;
  - (3) Stormwater runoff from off-site areas and existing development, shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;
  - (4) SCMs shall meet the relevant Minimum Design Criteria set forth in 15A NCAC 02H .1050 through .1062; and
  - (5) Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak.

### **4.5.12 Application Submittal Requirements (TA 21-01)**

In addition to the information otherwise required to be submitted with Zoning Compliance Permits, the following information shall be required to be submitted with Zoning Compliance Permit applications for all projects within the WP-O district:

- (1) The square footage and percent of impervious coverage area.
- (2) For residential projects, total dwelling units and dwelling units per acre.
- (3) The accurate location of all perennial streams and natural drainage areas on the property.
- (4) The location and landscaping proposed for all required buffer areas.
- (5) For high density projects, copies of the development plan including a location map, adjoining property owners, lot dimensions, and rights of way; the accurate location of all existing and proposed buildings and other structures, and the location and size in square feet of all impervious coverage areas. In cases where the developer intends to sell development rights to a third party or subdivide the property, the plan must specify the maximum allowed impervious coverage area for each parcel or tract.
- (6) For high density projects, the location of any stormwater SCMs and copies of the plans and specifications for any stormwater SCMs designed and sealed by a North Carolina

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- (2) Sufficient information shall be submitted so that it may be determined that the density of the paired parcels, calculated either by dwelling units per acre or built upon area, shall not exceed the density that would be allowed if the parcels were developed separately. The paired parcels shall be located within the same water supply watershed and preferably in the same drainage area of the watershed. Parcels to be used in pairs may be located in the Protected or Critical Areas. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area the Critical Area parcel shall not be developed beyond the applicable density requirements for its classification.
- (3) Vegetative buffers shall at a minimum meet the appropriate minimum statewide water supply watershed protection requirements on both parcels in the parcel pair according to the density of development occurring on each parcel. Areas of concentrated density development are to be located in upland areas, and to the maximum extent practical, away from surface waters and drainageways.
- (4) Sufficient information shall be submitted so that it may be demonstrated that the parcels are designed to:
  - a. Minimize stormwater runoff impact to the receiving waters by minimizing concentrated storm water flow;
  - b. Maximize the use of sheet flow through vegetated areas;
  - c. Minimize impervious surface areas;
  - d. Locate development away from surface waters and drainage ways to the maximum extent practicable; and
  - e. Convey storm water from developed areas by vegetated swales to the maximum extent practical.
- (5) The undeveloped parcel(s) or portion(s) thereof shall remain in a vegetated or natural condition and shall be placed in a permanent conservation easement.
- (6) Applicants shall agree to bind themselves and their successors in title, individually and collectively, to maintain the pattern of development proposed in perpetuity. Parties to enforcement of such agreement shall include the City of Hickory. No such agreement shall be accepted without approval of the Staff Attorney as to the legal sufficiency of the documents involved.
- (7) Undeveloped land areas proposed for incorporation into the density or impervious coverage area calculation shall meet the following criteria:
  - a. Projects in the Protected Area or Balance of Watershed may incorporate undeveloped land elsewhere in the Protected Area, Balance of Watershed or Critical Area of the same water supply watershed. The amount of additional undeveloped acreage required shall be determined by dividing the appropriate density or impervious coverage area factor into the number of dwelling units or impervious coverage area in excess of the amount permitted on the project site by these regulations to determine the amount of other land to be reserved as undeveloped so that the overall density or intensity of the project shall not exceed the density or intensity that would be allowed if the parcels were developed separately .
  - b. Parcels located in critical areas may not be developed beyond the applicable density requirements of its classification.

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### **4.7.7 Architectural Compatibility**

Buildings used or constructed for use in the NC127-O shall be constructed so as to be architecturally compatible with the surrounding residential structures in the neighborhood. Architectural Compatibility shall include:

Buildings used for non-residential purposes shall not exceed 5,000 square feet in total floor area and two stories in height.

All such buildings shall have sloped roofs, entrances oriented towards the abutting street and be constructed of materials compatible with the building material used in the immediate area including brick, stone, wood, and other natural materials.

### **4.7.8 Signs (TA 11-01)**

Non-residential properties in the NC127-O shall be allowed one free standing externally lit sign, a maximum of 16 square feet in area and six (6) feet in height and one externally lit wall sign a maximum of 16 square feet in area.

Signs shall be constructed of materials compatible and consistent with the neighborhood in which they are located. Such materials shall be limited to wood, brick or stone (excluding smooth-faced block), iron or other similar metals, and other natural materials. Such signs may be created from synthetic materials that closely replicate the materials listed in this section.

All signs shall comply with the standards of this subsection, as well as the standards of Chapter 10.

### **4.7.9 Regulation of Building Design Elements (TA 21-01)**

Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential Building Code for One and Two Family Dwellings.

## **4.8 High Rise Sign Overlay District (HRS-O)**

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### **4.8.1 Description**

The High-Rise Sign Overlay District (HRS-O) regulates signage and advertising apparatus for businesses that rely on motorists utilizing U.S Interstate 40 (I-40). The boundaries of the HRS-O are shown on the City of Hickory's Official Zoning Map.

### **4.8.2 Development Standards (TA 11-01) (TA 18-01)**

No more than one (1) high rise sign shall be erected on a zoning lot. The maximum height of a high-rise sign shall not exceed 60 feet.

The maximum area of high-rise signs shall not exceed 200 square feet.

All high-rise signs shall be set back at least 5 feet from all lot lines.

Where a high-rise sign is installed, an additional ground mounted freestanding sign may be installed. The area of the high-rise sign shall be excluded from calculations of permitted sign area as outlined in Chapter 10.

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	R-1	R-2	R-3	R-4	NC	CC-1	CC-2	OI	C-1	C-2	C-3	IND	Standards (Notes)
<b>Residential Categories</b>													
<b>Residential Household Living</b>													
Single-family Residence (detached)	P	P	P	P	P	P	P	P	P				(TA 22-01)
Single-family Residence (attached)	P	P	P	P	P	P	P	P	P	P	P		(TA 21-01, 22-01)
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P		6.3.2, (TA 21-01, 22-01)
Caretaker's Residence					AC	AC	AC	AC	AC	AC	AC	AC	(TA 21-01)
Duplexes	P		P	P	P	P	P	P	P	P			(TA 11-01, 14-01, 21-01)
Manufactured Home	P												6.2.13 (TA 22-01)
Manufactured Home Park	S												6.2.14 (TA 22-01)
Multi-family Structure			P	P	P	P	P	P	P	P	P		
Upper Story Residential					P	P	P	P	P	P	P		
<b>Group Living</b>													
Boarding House				P						P			6.2.9 (TA 22-01)
Family Care Home (6 or fewer residents)	P	P	P	P	S	S	S	P	P				
Group Living Facility (7 or more residents)	S	S	S	S				S		S			6.2.9
Nursing, Convalescent, and Extended Care Facilities	S	S	S	S	S	P	P	P	P	P			6.2.17, (TA 21-01)
<b>Commercial Categories</b>													
Animal Hospital/Veterinary Clinic					P	P	P	P	P	P	P	P	6.2.2
Amusement Facilities, Indoor					P	P	P		P	P	P	P	
Amusement Facilities, Outdoor						P	P		P	P	P	P	
Bed and Breakfast	S	S	S	S	P	P	P	P	P	P			6.2.3 (TA 11-01)
Campground/Recreational Vehicle Park	S												
Food Truck and Trailer Court					P	P	P			P	P		6.2.29
Drinking Establishment					S	S	S	S	S	S	S	S	6.2.8 (TA 11-01, 19-03, 21-01)

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Evidence shall be submitted that the requirements and standards of the NC Department of Health and Human Services have been and shall continue to be met.

### **6.2.8 Drinking Establishments (TA 19-01)**

Except within the Central Business District (C-1), the parcel on which a drinking establishment is located shall not be closer than 200 feet to any parcel on which another drinking establishment is located.

Except within the Central Business District (C-1), the parcel on which a drinking establishment is situated shall not be located adjacent to a church, elementary or secondary school, or public park. For purposes of this section, parcels located across a street right-of-way from a proposed drinking establishment shall be deemed to be adjacent.

The main entrance to the building shall be oriented towards a public street where the abutting properties are zoned predominantly for non-residential uses.

### **6.2.9 Group Living and Boarding Houses (TA 12-01) (TA 18-01) (TA 19-01) (TA 22-01)**

The use must be located at least 1,500 feet of another such Group Living or Boarding House facility. This distance is measured from property line straight to the other property line, and not along a street route.

All applicable requirements and standards of the North Carolina Department of Health and Human Services have been and shall continue to be met.

Group living facilities and Boarding Houses located within residential zoning districts shall have no external evidence of such use, distinguishing the group living or boarding house facility from a regular dwelling, shall be visible from adjacent property, public or private.

Each facility shall be designed and built to appear as similar to a residential structure as possible.

All facilities with 30 or more residents shall have direct access to a collector or arterial street major or minor thoroughfare, as shown on the Thoroughfare Plan. No facility located within a residential zoning district shall have more than 8 residents.

Buffers and screening, where applicable, shall be provided, as required by Section 9.13. For the purposes of buffering and screening, any facility with more than 8 residents shall be classified as Group 2 for buffering and screening requirements.

Signs shall be prohibited within residential zoning districts. Signs within non-residential zoning districts shall be limited to one non-illuminated sign with a maximum area of 6 feet. Said sign shall be attached either flush to the wall or the building or else shall be located at ground level with a maximum height of 4 feet from the ground. No other external evidence of the use for identification or advertising purposes shall be permitted.

All facilities located within residential zoning districts shall be architecturally designed to appear as similar to a residential structure as possible.

### **6.2.10 Junkyards and Recycling Facilities**

The minimum lot size shall be 2 acres.

The minimum setback of any active processing facility from a residentially zoned or used property shall be 500 feet or 100 feet if conducted within an entirely enclosed building.

Processed or unprocessed materials shall be stored no closer than 50 feet from any property line.

Access roads shall be paved; however processing areas may be unpaved so long as appropriate erosion control measures are taken, as identified by the Catawba County Soil



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masonry foundation shall be solid brick or brick veneer. If any masonry other than brick is used, then it must be painted. Installation shall include a positive surface water drainage away from the home;

- (5) Have exterior siding, comparable in composition, appearance durability to the exterior siding commonly used in standard residential construction, consisting of the following materials:
  - (a) Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
  - (b) Cedar or other wood;
  - (c) Stucco, or hardiboard; or
  - (d) Brick or stone.
- (6) Have a roof pitch minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run;
- (7) Roofs shall be finished with a type of shingle that is commonly used in standard residential construction, or a standing seam painted metal roof.;
- (8) Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the NC Building Code, attached firmly to the primary structure, and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet. The use of wood stairs only is prohibited at any entrance; and
- (9) Be in full compliance with the City of Hickory's Minimum Housing Code.

### **6.2.14 Manufactured Home Park**

**Where Permitted; Intent.** Manufactured Home Parks may hereafter be established in the R-1 ~~and R-4~~ zones in accordance with the general procedures and requirements set forth herein. It is the intent of these regulations to provide for development of such parks in scale with surrounding areas, at locations appropriate, and in accord with standards set forth herein, designed to meet the needs of the residents and to achieve a satisfactory relationship to adjoining and nearby property. Location on minor thoroughfares or collector streets is encouraged. Where location on a major thoroughfare is proposed, special attention shall be given to entrance design, and a minimum setback of 60 feet shall be provided along the major street. Preservation or planting of trees in this setback is required. Classification of major or minor thoroughfares shall be made by reference to the Hickory Thoroughfare Plan.

#### **Permitted Principal and Accessory Uses and Structures.**

- (1) **Principal Uses and Structures Permitted.**
  - (a) Manufactured homes meeting City of Hickory appearance criteria;
  - (b) Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other similar services provided by the facility operator for the use and convenience of district occupants;
  - (c) Recreation buildings and areas serving only the development in which they are located;
  - (d) Caretaker's or manager's home or office;
  - (e) Customary accessory buildings and facilities necessary for operation of the manufactured home park;
- (2) **Permitted Accessory Uses and Structures**
  - (a) Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures including, in a district containing a total of at least 50 dwelling units, establishments for the sale of convenience goods and personal service establishments, provided that the

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floor area occupied by all such establishments shall not total an amount in excess of 5% of the residential floor area of such district.

- (b) Such establishments shall be designed and scaled to meet only the requirements of the district's occupants and their guests. There shall be no evidence of such establishments from any public street.

**Minimum Land Area for Manufactured Home Parks.** The minimum gross land area required for a Manufactured Home Park is 10 acres in R-1 districts ~~and 3 acres in the R-4 district.~~

**Maximum Allowed Intensity of Residential Development Permitted.** The maximum permitted intensity of residential development within a Manufactured Home Park shall be 3 dwelling units per acre in R-1 districts ~~and 12 dwelling units per acre in R-4 districts.~~

### **Development Requirements for Manufactured Home Parks**

- (1) The surface of each manufactured home site shall be graded for proper drainage and configured per the setback and required yard provisions for the underlying zoning district.
- (2) No manufactured home site may have direct access to an existing public street.
- (3) Manufactured home park streets shall meet the standards of Sec. 8.3, Sec. 9.2, the Manual of Practice, and the NC State Fire Code.
- (4) A driveway, a minimum of 12 feet in width, must be provided for each manufactured home site.
- (5) Existing site trees shall be preserved where possible. Where they do not exist, appropriate street trees shall be provided, planted and serviced in accordance with the landscaping standards and specifications of this Land Development Code and Manual of Practice.
- (6) Two off-street parking spaces per site shall be provided.
- (7) Natural site features shall, to the extent feasible, be preserved.
- (8) Each manufactured home must have a permanent patio or treated wood deck at least 180 square feet in area, located adjacent to the manufactured home.
- (9) A walkway must be constructed for each manufactured home site to connect the parking area and patio.

**Manufactured Home Appearance Criteria for Manufactured Home Parks.** Manufactured homes placed in Manufactured Home Parks shall meet the appearance criteria of section 6.2.13

**Site Planning.** Site planning within the district shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. Such adverse influences shall include diminished levels of public services, inadequate transportation infrastructure, and the like.

**Signs visible from outside Manufactured Home Park.** No signs visible from outside the Manufactured Home Park shall be erected within such districts other than not to exceed two signs identifying the development, with total maximum surface area not to exceed 16 square feet, at each principal entrance to the development. In addition, during the process of construction and initial sale or rental within such development, temporary announcement signs may be allowed as provided in Sec. 10.9.

### **Internal Relationships**

- (1) The site plan shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, for appropriate relation of space inside and outside buildings to intended uses and structural features, and for preservation of desirable natural features and minimum disturbance of natural topography.

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- (12) The operations plan and the rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction.
- (13) The City Council shall require, for all extractive uses, a performance guarantee to ensure that the provisions of the rehabilitation plan are met. Such performance guarantees shall be in a form approved by the City of Hickory. The amount of such guarantee shall cover the cost of rehabilitation. The applicant's engineer shall certify the costs of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State of North Carolina.

### **6.2.17 Nursing, Convalescent, and Extended Care Facilities (TA 11-01) (TA 18-01)**

All nursing, convalescent and extended care facilities shall have direct access to a collector or arterial street, as shown on the Thoroughfare Plan.

The applicant shall provide written evidence that all the regulatory requirements of the State of North Carolina have been and shall continue to be met.

### **6.2.18 Open Storage**

- (1) Open storage as a principal use shall not be allowed in the required setback area of any front yard.
- (2) All instances of open storage areas as a principal use shall be screened from view of any public or private street and from all residentially zoned land through the installation of a solid fence, wall, or dense evergreen landscaping. Dense landscaping shall be used to the maximum extent practicable.

### **6.2.19 Public Facility**

Whenever possible, such facilities shall be designed and constructed to have the same height and bulk as adjacent structures, but when necessitated by operating requirements, a public facility may exceed the height of adjacent structures and the maximum height limit for the zoning district in which the facility is located. If the public facility exceeds the maximum height for the district, it shall be set back one additional foot beyond the required minimum setback for each foot of height above the district maximum.

### **6.2.20 Schools**

The school shall provide for the safe loading and unloading of students on school property so as not to create congestion on public streets.

The applicant shall provide a floor plan and preliminary development concept plan in accordance with Section 2.4, Special Uses.

### **6.2.21 Seasonal and Temporary Sales (TA 14-02)**

Seasonal sales are characterized as sales activities, either primary or accessory in nature, conducted on zoning lots, which may be absent from other businesses. Seasonal sales include the display and sale of Christmas trees, fireworks, pumpkins, and other goods commonly associated with a holiday or seasonal activity.

Temporary sales are characterized as accessory sales activities conducted on improved zoning lots where the business conducting the temporary sale is located. Temporary sales include, but are not limited to, the display and sale of landscape supplies, building materials that are not otherwise required to be screened, outdoor furniture, and recreational equipment.

- (1) Property and/or business owners may permit for short-term temporary sales by not-for-profit groups, such as Girl Scout troops, high school groups and similar organizations, to be conducted on their premises. These types of sales will not be

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required to obtain a temporary sales permit; provided such sales do not utilize temporary structures, cooking devices or portable power (generators). Should such sales utilize these types of items a temporary sales and/or special event permit shall be required.

- (2) All City sponsored or approved special events shall be exempt from this section. ~~Furthermore, properly licensed and permitted shall also be exempt from this section, provided they are located within non-residential zoning~~
- (3) Operators of seasonal or temporary sales areas shall obtain a zoning compliance approval from the Planning Director. The operator shall provide a site plan illustrating the temporary sales area, location of pedestrian areas, a statement regarding the duration, authorization of the property owner, and any permit or other fees as approved by the City Council.
- (4) The Planning Director may issue a seasonal sales permit for a maximum of forty-five (45) days per calendar year, and may issue a temporary sales permit for a maximum of ninety (90) days per calendar year. With the exception of Christmas trees and similar holiday oriented agricultural or horticultural products, the time limitations (calendar days) contained herein shall not apply to the sales of agricultural or horticultural goods/products.
- (5) Seasonal or temporary sales that use a tent occupying more than 200 square feet shall require approval from the Fire Marshal.
- (6) Seasonal or temporary sales may only be located on commercially zoned properties and shall not utilize more than 20% of the required parking stalls provided on the site for temporary sales purposes.
- (7) All seasonal or temporary sales shall be located outside the public right of way.
- (8) All seasonal or temporary sales shall be located outside of safe sight distances and landscaped areas.
- (9) All seasonal sales shall be located in such a manner as to provide parking outside the right of way and not otherwise create an unsafe traffic condition.
- (10) Signs shall be limited to a maximum of 32 square feet in area and require a temporary sign permit consistent with Chapter 10.

### **6.2.22 Vehicle Repair**

Activities located outside of buildings shall be limited to the dispensing of gasoline, oil, water, and air. All repair activities shall take place within buildings.

The exterior openings for automobile ingress and egress to work areas shall not be located on walls of buildings adjacent to residences or residentially zoned property.

### **6.2.23 Wireless Communication Facilities, Alternative Structures or Collocation (TA 14-01) (TA 21-01)**

Uses and Structures Allowed. The following alternative tower structures, uses, modifications, and additions shall be approved by the Planning Director after conducting an administrative review:

- (1) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other freestanding, nonresidential structure) that is more than 50 feet in height, so long as such addition does not add more than 20 feet to the height of the existing structure;

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Properties located within the city's extraterritorial jurisdictional area (ETJ) and used for bona fide farm purposes are exempt from the city's zoning regulations as outlined within NCGS 160D-903.

### **6.2.29 Food Truck and Trailer Courts**

Detailed site plans depicting driveways, parking areas, food truck and trailer parking areas, trash disposal areas, patron seating areas, and other activities must be prepared and submitted for permitting.

Parking pads for food trucks and trailers must be properly designed and installed. For the purposes of this section, a pad is a properly graded where food truck set up for business. Such pads cannot be counted towards required off-street parking spaces.

Dumpsters located on site must be screened as required by this Land Development Code.

Parcels on which the use is to be established must have hard surfaced driveways and parking areas. (i.e. pavement, concrete, etc.). All driveways and parking areas must be constructed in accordance with this Land Development Code, and all other applicable codes or laws.

Off-street parking for such uses must be provided at a rate of 5 parking spaces per food truck or trailer pad. On-street parking may not be utilized to account for required parking. ADA accommodation must be provided as required by law.

Perimeter parking area landscaping shall be provided as specified within this Land Development Code.

No food truck or trailer shall be placed on a permanent foundation. All food trucks and trailers will be road operable at all times when located within the court. All trucks and trailers are to be transient in nature and shall not be set up on a permanent basis.

Food trucks or trailers may not be set up for operation on any required parking areas or driveways.

If the use is adjacent to residentially used or zoned properties, buffering and screening will be required as specified by this Land Development Code.

Permanent signs shall be limited to one monument sign. Such sign(s) shall be a maximum of six (6) feet in height, and a maximum area of forty (40) square feet in advertising area per side. Such signs shall not be placed within any public right-of-way or within any site distance triangle.

Power generators, air compressors and similar machinery, used in conjunction with on-site activities, shall be operated in accordance with the manufacturer's baffling and noise reduction specifications. If adjacent to residential zoned or used properties, generators may only be used between 8:00 A.M. and 9:00 P.M.

## **6.3 Accessory Uses (TA 18-01)**

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### **6.3.1 Accessory Structures; General Regulations**

Accessory structures shall be subject to all applicable regulations of this Land Development Code unless otherwise expressly stated herein.

Accessory structures shall meet the building setbacks, size and height requirements outlined in Article 7.

Accessory structures shall not be erected in any required front setback, provided that fences up to 4 feet in height shall be allowed within required setbacks.

## EXHIBIT A

~~Accessory structures shall not be erected in any required side street setbacks, provided that fences up to 8 feet in height shall be allowed within required side setbacks.~~

~~Accessory structures shall not be erected in rear yard setbacks, provided that fences up to 8 feet in height shall be allowed in rear setbacks.~~

~~Accessory structures shall not exceed height standards for accessory structures.~~

Mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are not allowed in front setbacks. They may be allowed in side and rear setbacks if less than 48 inches high.

Shipping containers shall not be used as accessory structures.

### **6.3.2 Accessory Dwelling Units (TA 11-01 & TA 14-03)**

Accessory dwelling units shall be located on a lot that complies with the minimum area and width requirements of the zoning district in which it is located.

Accessory dwelling units shall have a separate means of access, meeting Building Code requirements, from outside the building.

The accessory dwelling unit shall be no larger than 50% of the gross floor area of the principal dwelling unit, or ~~750~~ 900 square feet, whichever is ~~less~~ greater.

One accessory dwelling unit is permitted per lot as an accessory to a detached single family residence.

Detached accessory dwelling units may be constructed in side and rear yards in accordance with Sec. 7.1. In no instance shall a detached accessory dwelling unit be constructed between the primary dwelling unit and any adjacent street.

~~Accessory dwelling units shall be built to comply with the NC Residential Building Code.~~

### **6.3.3 Home Occupations**

**General.** A home occupation is an accessory use of a residential dwelling unit that constitutes, in whole or in part, the livelihood of a person living in the dwelling unit. Home occupations shall be subject to the following limitations:

- The principal person providing the business or service resides in the dwelling on the premises.
- The home occupation employs no more than one (1) person who does not reside on the premises.
- The home occupation causes no change in the external appearance of the existing buildings and structures on the property.
- Any commercial or off-road vehicles used in connection with the home occupation are located entirely within an enclosed building.
- All storage of goods, equipment, or vehicles associated with the home occupation must be located entirely within enclosed buildings.
- There shall be no advertising devices or other signs of the home occupation visible from outside the dwelling or accessory building.
- The use shall not generate traffic, parking, sewage or water use in excess of that which is normal in a residential district.
- No additional parking areas, other than driveways, shall be located in the front setback.
- The business or service is located within the dwelling or an associated accessory building, and does not exceed twenty-five (25) percent of the combined floor area of the structures or two hundred fifty (250) square feet, whichever is less.

## EXHIBIT A

- (a) Applications for temporary health care structures must be accompanied by documentation of the caregiver's or individual's relationship within the mentally or physically impaired person, and a written certification from a physician licensed in the State of North Carolina indicating the individual receiving care is a mentally or physically impaired person. Annual inspections may be required as outlined in NCGS 160D-915(e).

### **6.4.7 Food Trucks and Trailers**

Individual food trucks and trailers may be placed upon improved commercially and industrially zoned properties. Provided the following are satisfied:

- (1) No more than one food truck or trailer may be located on a property at any given time.
- (2) Such trucks and trailers shall not be placed on permanent foundations, and shall be transient and intermittent in nature.
- (3) The location of such trucks and trailers shall not obscure vehicular travel ways.
- (4) Permanent outdoor seating areas shall be prohibited. For the purpose of this section outdoor seating shall include, but not be limited to, picnic tables and tables with movable chairs.
- (5) Permanent power shall not be established.
- (6) Signs shall be prohibited.
- (7) Ballons, streamers, and other attention getting devices shall be prohibited.

## EXHIBIT A

## 7 Intensity, Dimensional and Design Standards

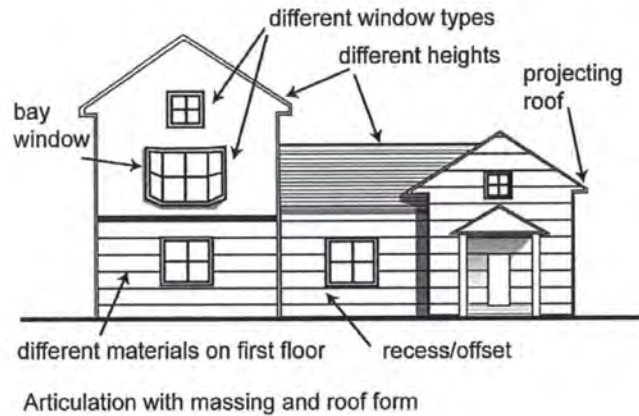
### 7.1 Residential District Standards (TA 12-01, TA 14-03, TA 18-01, 21-01 & 22-01)

All development in residential zoning districts shall be subject to the following Intensity, Dimensional and Design Standards. These standards shall not be interpreted as a “guarantee” of development intensity. Other factors and requirements may limit development intensity more than these standards.

Residential Property Standards	R-1	R-2	R-3	R-4
Minimum Lot Area				
Single-Family Detached (sq. ft.)	21,780 [1]	10,890 [1]	5445[1]	3,630 [1]
Single-Family Attached (sq. ft.)	0 [1] [5]	0 [1] [5]	0 [1] [5]	0 [1] [5]
Duplex (sq. ft.)	21,780 [1]	N/A	5445 [1]	3630 [1]
Multi-Family (sq. ft.)	N/A	N/A	21,780 [1]	21,780 [1]
Density-Maximum (per acre)	2	4	8 (Single-Family) 10 (Multi-Family)	12 (Single-Family) 20 (Multi-Family)
Minimum Lot Width/ Frontage (ft)	100 [6]	80 [6]	<del>60</del> 50 [6]	<del>50</del> 40 [6]
Primary Structure				
Minimum Yard Setbacks				
Front Yard (ft) [2]	40	20	20	20
Rear Yard (ft)	25	20	20	10
Interior Side Yard (ft)	10	10	5	5
Street Side Yard (ft)	20	15	15	5
Maximum Height (ft)	35	35	40	50
Accessory Dwelling Units				
Minimum Yard Setbacks				
Front Yard (ft)	50	30	30	30
Rear Yard (ft)	15	15	15	10
Interior Side Yard (ft)	10	10	5	5



### EXHIBIT A



#### 7.2.4 Incompatible Development Setbacks

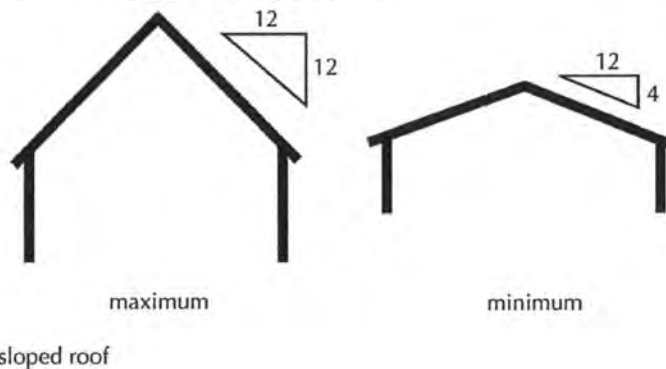
Where multiple family developments **exceeding three stories in height** abuts existing single-family development, setbacks shall be increased 10 feet per floor of difference between the two development types. The total setback shall be determined by subtracting the floors of the single-family development from the floors of the multiple family developments and multiplying the result by 10 feet and adding the result to the minimum setback requirement. (e.g. where a **three four** story multiple family structure abuts a single story single-family structures the setback along the abutting property line would be increased by **20 30** feet.) If a multiple family development abuts two or more single-family dwellings on one side, the single-family dwelling having the lowest height shall be used for determining compliance with this subsection.

#### 7.2.5 Pitched Roofs (TA 18-01)

Multiple family structures **adjacent to single family residential development or** located within residential zoning districts, shall incorporate pitched roof forms with slopes between 4:12 and 12:12.

Gables facing the street are encouraged.

Dormers shall be used to break-up roofs in excess of 100 feet. At least one (1) dormer shall be provided for each 50 feet of building length.



#### 7.2.6 Building Orientation

Primary building entries shall be clearly identifiable and visible from the street with well-defined pedestrian routes to building entries. Pedestrian routes shall be consistent with the standards for pedestrian connections established above. Primary entries shall include windows, a covered porch or stoop and other architectural features consistent with the other sides of the building.

## EXHIBIT A

- [5] For industrial uses within IND districts, accessory structures may exceed 15 feet in height, up to the maximum permitted height for the zoning district, provided that the accessory structure meets the primary structure setbacks.
- [6] The side and rear yard setbacks shown shall not apply when party-walls are utilized in multi-tenant buildings, provided the overall development adheres to all other prescribed setbacks on the developments' external boundary.
- [7] Floor area ratios for colleges, universities, and medical centers may be increased to a FAR of 4.
- [8] Single-family attached dwellings shall not have a required minimum lot size for each unit. The overall development of multiple shall adhere to the permissible density and all units shall be setback from property lines not part of the development as outlined in the above table. (TA 22-01)
- [9] Single-family attached dwellings shall not have a required individual minimum lot width for the district in which the property is located. (TA 22-01)

### **7.4 Measurements, Computations and Exceptions**

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#### **7.4.1 Lot Area**

**Measurement.** The area of a lot shall include the total horizontal surface area within the lot's boundaries, not including submerged lands, roadways or rights-of-way.

**Multiple Zoning Districts.** If a zoning lot includes different zoning districts, the minimum lot area requirements for each district shall be met.

#### **7.4.2 Lot Width (TA 22-01)**

Minimum lot width shall be measured between side lot lines along a line that is parallel to the street lot line or its chord. Measurements of lot width shall be made at the minimum street setback line. When a lot has more than one street setback line, lot width shall be measured along the street setback line with the narrower width. In all cases, the width between side lot lines at their intersection with street lot lines shall be at least 25 feet.

Where the average lot width for all existing lots within 50 feet of either side of a parcel is less than the minimum required width, the parcel may be divided resulting in parcels with widths less than what is required. The required width may be reduced by the lesser average width, but in no case be less than 40 feet. For the purpose of computing such average, a vacant lot shall be considered as having the minimum width required for the zoning district.

Existing lots with depths of 200 feet or greater, where their existing width would not permit for division, may be divided to provide one (1) additional building lot should the following items be satisfied:

- (1) Only one new parcel is to be created.
- (2) The width at the street of the parcel to be divided is decreased by no more than 20% of its' current width.
- (3) The width of the new parcel at the street is not less than 25 feet.
- (4) Both the new and existing parcel must meet all current area and building setback requirements. The front setback of the new parcel will be measured where the new parcel's property lines widen to its maximum extent.
- (5) No further division of the parcels shall be permitted under this section.

#### **7.4.3 Density (TA 18-01)**

##### **Residential**

- (1) **Measurement.** Maximum density refers to the maximum number of dwelling units allowed per acre of site area.

## EXHIBIT A

Curbs and gutters, where installed, shall be constructed in accordance with the City's Engineering Manual of Practice.

### **8.6.10 Street Signs**

Street name signs shall be installed according to specifications set forth in the City's Engineering Manual of Practice. The City Engineer may permit installation of nonstandard poles at the expense of the subdivider, who shall make arrangements, satisfactory to the City Engineer, for payment of any operating expenses above those for standard installations.

### **8.6.11 Street Names**

The City or County shall assign the name of any street or road laid out within the territory over which it has jurisdiction. It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by any marking or in any deed or instrument without first getting the approval of the Planning Director.

### **8.6.12 Streetlights**

Streetlights may be provided and installed at such locations and in such manner and design as set forth in the City's Engineering Manual of Practice. Non-standard streets lights may be considered and approved by the City Engineer so long as:

- the proposed fixtures meet illumination standards for the intended purpose,
- any additional expense associated with their installation is paid for by the developer and;
- their continuing maintenance is provided for.

### **8.6.13 Ground Cover**

All land within the right-of-way that is not used for structures, vehicular or pedestrian traffic or for other approved landscaping shall be provided with grass or other ground cover of a nature approved by the City Engineer. Such ground cover shall be installed as set forth in the City's Engineering Manual of Practice. Ground cover may include appropriate plant materials preserved in place.

## **8.7 Sidewalk and Pedestrian Access (TA 18-01)**

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### **8.7.1 Construction Specifications**

All development projects, regardless of if they are located within a subdivision or not, shall be required to install sidewalks along all adjacent streets. If development or redevelopment occurs in an area where the current sidewalk network is more than 500 feet away none shall be required, a fee in lieu may be utilized as outlined within this Land Development Code.

If an in lieu payment is made, such funds shall be deposited in the appropriate community service area account and expended only for the purchase of right of way for sidewalks, or for the development of sidewalks; serving the property or development in the immediate area, and only within the community service area in which the property is located.

Developments located along a street where imminent roadway or infrastructure improvements would cause required sidewalks to be removed and such future plans include the installation of sidewalks, the development shall not be required to install sidewalks.

Within subdivisions, sidewalks shall be installed along at least one side of all proposed streets (public and private)

Sidewalks shall be constructed according to the specifications of the City's Engineering Manual of Practice. Sidewalks shall be installed before a certificate of occupancy is issued for the adjoining lot.

## EXHIBIT A

consent of the affected property owners, subject to conditions and safeguards to protect the tranquility and character of the residential land over which access is to be taken.

### **9.6 Solid Waste Storage Areas; Screening**

All new buildings and uses, except for single family dwellings and two to four family dwellings on a single lot, shall provide facilities for the central storage of solid waste within the boundaries of the lot. Developments on private streets may also be required to provide for the central storage of solid waste. Where such facilities are provided outside of a building, they shall be completely screened from view **off-site from residential zoning districts or uses and/or public or private streets.**

#### **9.6.1 Design and Other Specifications (TA 12-01) (TA 18-01)**

Dumpsters or other trash receptacles located within commercial or office districts, and visible from public streets or residential zoning districts, shall be screened on 3 sides by a solid wall at least 6 feet in height and on the fourth side by a solid gate at least 5 feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall shall be constructed in a durable fashion of wood, metal, brick and other masonry materials or a combination thereof as approved by the Planning Director. The wall shall be architecturally compatible with other buildings and structures on the site.

Dumpster or other trash receptacles located within industrial districts that are visible from major or minor thoroughfares, residential zoning districts, or non-industrial land-uses shall be screened on 3 sides by a solid wall at least 6 feet in height and on the fourth side by a solid gate at least 5 feet in height. . The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall shall be constructed in a durable fashion of wood, metal, brick and other masonry materials or a combination thereof as approved by the Planning Director. The wall shall be architecturally compatible with other buildings and structures located on the site.

Dumpster and other trash receptacles located in residential districts shall be screened on 3 sides by a solid wall at least 6 feet in height and on the fourth side by a solid gate at least 5 feet in height. . The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall shall be constructed in a durable fashion of wood, metal, brick and other masonry materials or a combination thereof as approved by the Planning Director. The wall shall be architecturally compatible with other buildings and structures located on the site.

Applicants shall be responsible for coordinating with the solid waste disposal provider on matters relating to quantity, interior dimensions, locations and access.

#### **9.6.2 Setbacks**

All enclosures in nonresidential districts shall be located a minimum of 25 feet from residential zoning districts, and from the property lines of sites containing existing or proposed residential, school, and licensed daycare uses.

Notwithstanding the requirements of subsection 6.2 above, dumpsters and other trash receptacles shall be considered accessory structures, and shall adhere to the accessory structure setbacks outlined in Chapter 7 of this Land Development Code.

No trash receptacles shall be located within the front yard area except on solid waste collection days, when receptacles may be placed at the curb on the day prior to collection and shall be removed by 7:00 PM on the day of collection.

## EXHIBIT A

### **9.13 Landscaping and Screening (TA 11-01) (TA 18-01)**

#### **9.13.1 Purpose**

The provisions of this section are intended to:

- (1) Protect and enhance the visual appearance and natural beauty of the City of Hickory and its' ETJ by encouraging the preservation of existing trees and requiring the planting of new trees and vegetation;
- (2) Protect property values by providing a transition between dissimilar land uses and/or zoning districts and minimizing the impacts of development on the community; and
- (3) Provide ecological benefits including reduced stormwater runoff, decreased erosion, improved water quality, air quality benefits, creation of shade for cooling, and the protection of wildlife habitat.

#### **9.13.2 Applicability**

Landscape requirements involve the provision of plant materials and other screening and buffering techniques in the following situations:

- (1) Along the perimeter of dissimilar land uses,
- (2) Around open storage and mechanical equipment, and
- (3) Inside and along the perimeter of parking areas.

Landscape requirements shall apply to the following activities:

- (1) All new development, except as provided in Paragraph (c) below.
- (2) All expansions or changes in use which result in an increase of more than twenty-five (25%) percent of existing floor and/or parking area shall be brought into full compliance for the entire project.
- (3) All renovations to a principal structure where the total value of the renovations exceeds fifty (50%) percent of the buildings' value according to County tax records. The total cost of repairs shall be determined by the value of construction measured by all building permits issued within any period of eighteen (18) consecutive months. The full property shall be brought up to current standards.

Landscape requirements shall not apply to the following development:

- (1) Single-family and two-family residences on single lots which do not involve the construction of or provision of parking lots, and
- (2) Parking provided underground or within structures

#### **9.13.3 Landscape Plan Required**

The landscape plan shall be prepared and submitted at the time of application for a development permit. Landscape plans shall be drawn to scale, contain a north arrow, and include the following:

- (1) Location of existing and proposed buildings, all property lines, all driveway and parking lots, walkways and public sidewalks, and connections to existing streets or adjacent lots.
- (2) Location, type, size, and quantity of existing plant materials to be preserved and location of tree protection fencing (if applicable).
- (3) Location of all existing and proposed overhead and underground utilities.
- (4) Zoning designation and use of all adjacent properties.
- (5) Location and description of all landscape improvements, including all perimeter landscape areas and perimeter and interior parking lot landscaping.
- (6) Table of all plants used with botanical and common name, quantity and size of all proposed landscape material. Location of all other landscape improvements, including berms, walls, fences, courtyards, lights, and paved areas.

## EXHIBIT A

(7) Required open space, and all streams, wetlands, and associated setback buffers.

### 9.13.4 Tree Preservation

The preservation of existing trees on a site can improve the aesthetic quality of the site, improve property values, provide environmental benefits, and mitigate the impacts of development. Existing vegetation shall be preserved whenever feasible and must be preserved in certain circumstances as outlined below.

Where a natural perimeter buffer exists, it is to remain undisturbed, except for the removal of dead wood and invasive vines and plants. No limbing up is allowed and understory shall not be removed. The Planning Director may require the retention of other existing mature vegetation on a site wherever such vegetation contributes to required screening and buffering or for the preservation of significant trees.

Existing trees and wooded areas may be counted toward buffer and screening and parking area landscape requirements. Existing trees may be counted for fulfilling parking area requirements **if they are located within 100 feet of the parking area. Existing trees shall be credited at the following rate according to the diameter measured at four and a half (4.5) feet above the ground:**

Existing Tree Diameter	Tree Credit Earned
6" - 12"	2
13" - 18"	3
19" - 24"	4
> 25"	5

When using existing trees, they must be protected and undisturbed during the entire construction process using, at a minimum, the techniques proved in the City of Hickory Manual of Practice and as may be required by the City Arborist or designee. Applicants shall seek the assistance of a professional urban forester or landscape architect to properly preserve existing trees for credit. If protective measures are not used during construction, existing vegetation cannot be counted toward landscape requirements.

For all trees required by this Land Development Code, tree topping is prohibited. See Section 9.13.10 of the Land Development Code and the Manual of Practice for more information about tree topping and proper tree pruning.

### 9.13.5 Perimeter Landscape Buffer Requirements

A perimeter landscape buffer is a strip of land around the outer perimeter of those portions of a lot adjacent to other land uses that may only be occupied by screening, underground utilities, retention areas and landscape materials. If underground utilities need to be located along a property line where a buffer is required, the utility lines shall be located along the edge of the buffer. A wider buffer may need to be provided, if necessary, to accommodate the required vegetation and utilities.

#### General Buffer Requirements

- (1) Screening and buffering shall be required as outlined below and further described in the City of Hickory’s Manual of Practice.
- (2) Screening, such as hedges, fences or walls, as described, shall not be over four (4) feet tall within front yards unless otherwise expressly allowed in the Land Development Code.
- (3) Where a natural buffer exists, it shall remain undisturbed, except for the removal of dead wood and invasive vines and plants. In cases where topography or other site conditions make it infeasible to retain the natural buffer, a waiver of the requirements may be given by the Planning Director. No limbing up is allowed and understory shall not be removed. Additional trees and shrubs may be required to bring the natural buffer up to the full perimeter buffer requirements.

## EXHIBIT A

Kennels	Waste Related
Major Event Entertainment	Wholesale Sales

**9.13.6 Other Required Screening**

**Screening of Open Storage.** Permitted open storage areas, as a principal or accessory use, shall be screened from view of any major and/or minor transportation roadway as shown on the Hickory by Choice Future Land Use and Transportation Plan Map and from all residentially zoned properties as described in Sections 6.2.18 and 6.3.4.

**Screening of Mechanical Equipment.** With the exception of structures constructed to NC State Residential Building Code, all ~~nonresidential~~ uses shall screen from view from public places and neighboring properties if in a different Land Use Group, all mechanical equipment such as, but not limited to, ground or roof-mounted air conditioners or pumps through the use of features such as berms, fences, false facades or dense landscaping.

**9.13.7 Landscape Requirements for Parking Areas****General Requirements (TA 18-01)**

- (1) All parking areas with six (6) or more spaces, except those located entirely underground or within structures, shall comply with the requirements of this section.
- (2) Parking area shall be defined as all vehicular use areas, including all parking spaces, vehicle storage areas, access and maneuvering areas.
- (3) Planted areas next to pedestrian walkways, sidewalks, streets, private driveways, parking aisles, or the approach to any street intersections shall be maintained or plant material chosen to maintain a clear zone. See the Manual of Practice for sight triangle requirements.
- (4) Refer to Section 9.13.9 for plant specifications and to the Manual of Practice for recommended plant species and other information.
- (5) When calculating the number of trees and shrubs required, any fractions of 0.5 (½) or greater shall be rounded to the next highest whole number; fractions of less than 0.5 shall be rounded down to the next lowest whole number.

**Perimeter Parking Area Requirements (TA 15-01) (TA 22-01)**

- (1) Parking areas shall be separated from all adjoining properties, streets, vehicular travel ways and rights-of-way by a landscape area. Parking areas adjoining property lines of less intense uses shall buffer as required within this Article. The landscape area shall be at least five (5) feet in width.
- (2) Within the landscape area, canopy trees must be planted an average of ~~forty five (45)~~ fifty (50) feet on center and shrubs must be planted an average of every ~~five (5)~~ six (6) feet on center.
- (3) Parking areas shall be separated from the exterior wall of a structure by a pedestrian sidewalk or a landscaped strip at least three (3) feet in width.
- (4) Driveways into parking areas shall be bordered by a landscape strip at least five (5) feet in width along each side of the driveway. At a minimum, the driveway landscape area shall include one (1) large canopy tree for every ~~forty five (45)~~ fifty (50) feet of linear drive or two (2) understory trees for every ~~twenty five (25)~~ thirty (30) feet of linear driveway entrance. The plant materials may be grouped as an entrance planting rather than a linear border.

## EXHIBIT A

- Official flags, emblems, or insignia of any government; and
- Fence wraps displaying signage when affixed to perimeter fencing at construction sites. These wraps must be removed once a certificate of occupancy has been issued for the final portion of construction at the site, or 24 months from the date the wrap was installed, whichever is shorter.
- Any flag displayed on residential property.

### **10.2 Prohibited Signs (TA 22-01)**

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#### **10.2.1 The following signs and attention getting devices shall be prohibited:**

- Any sign erected or placed without a proper permit or otherwise not in compliance with these regulations;
- Portable signs;
- Roof signs (see Section 10.5.1);
- Balloons and inflatable signs;
- Search lights or signs with flashing, moving, rotating, blinking or varying intensity of light or color;
- Banners, flags, feather flags, and streamers, except as otherwise allowed herein;
- Signs painted or attached to any trees, rocks, or other similar organic matter;
- Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except traffic control signs;
- Signs that by their position, illumination, size, shape or color, obstruct, impair, obscure, or interfere with traffic signs, signals, or devices;
- Signs that cause glare onto traffic or adjacent property;
- Signs that emit audible sound, odor, or visible matter such as smoke or steam;
- Signs that exhibit obscene material, including, but not limited to, specified sexual activities and specified anatomical areas as defined in Chapter 14;
- Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, or ingress/egress that would cause a violation of building codes;
- Signs that encroach on a required sight triangle;
- Signs that resemble any official signage or markers and that, by reason of content, location, position, shape or color, may be reasonably confused with or construed as traffic control devices;
- Signs within public right of way, on utility poles, or on public property, except as otherwise expressly permitted;
- Strings of lights not permanently mounted to a rigid background, unless otherwise expressly exempted or allowed under this chapter;
- Illuminated signs within any residential district, with the exception of signs erected on institutionally used properties;
- Vehicular signs; and
- Off-premise signs.
- Any moving sign or device to attract attention, all or any part of which moves by any means, including by air, electrical, human, or other means, including, but not limited to. Pennants, flags, propellers, discs, inflatables, whether or not any said device has a written message. Except those exempted by this article.

### **10.3 Sign Location**

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#### **10.3.1 Sight Triangles**

All signs shall comply with the Sight Triangle standards **See 9.4**, outlined within the City's **Engineering Manual of Practice**.

#### **10.3.2 Right of Way**

Unless otherwise expressly stated in this Land Development Code, all signs shall be located outside the public right of way.



## EXHIBIT A

placement of a wall sign against a mansard of a building providing the sign face is horizontally parallel to the building wall and does not extend either above the highest point or below the lowest point of the mansard to which it is affixed.

**Other wall signs.** An awning, canopy, or mansard may be used for the placement of the allowable square footage for wall signs.

**Projecting signs in the C-1 zoning district (TA 11-01).** In lieu of a free standing sign, properties in the C-1 zoning districts may provide one (1) sign that is mounted perpendicular to the surface to which it is attached. Projecting signs are subject to the following standards:

- (1) If a projecting sign is placed on the property, no free standing sign shall be permitted.
- (2) The building to which the sign is attached must have a front setback of less than ten (10) feet.
- (3) The sign shall not project more than thirty-six (36) inches from the surface of the wall to which it is attached.
- (4) The sign shall not exceed thirty-two (32) square feet in area.
- (5) The sign shall be mounted to conceal all mechanical or electrical equipment.
- (6) The sign shall not be extended above below the edge of any wall or other surface to which it is mounted. Projecting signs shall not be erected, constructed, or maintained upon or above the roofline of any building.
- (7) The sign shall maintain clearance of at least nine (9) feet above any pedestrian walkway.



Sample Projecting Sign

### 10.5.2 Free Standing Signs (On Premise) (TA 11-01, 12-01, 14-01, 18-01, & 21-01)

The following requirements shall apply to all on premise freestanding signs within all commercial, office & institutional and industrial zones.

Free Standing Sign Regulations			
Zoning District	Height (feet)	Maximum Number	Area (Square Feet)
CC-2, C-2, C-3, and IND	20	One per public vehicular right-of-way frontage (street not driveway)	Two (2) sq. ft. per 1 linear foot of building frontage, with no single sign over 150 sq. ft.
NC, CC-1, OI, and C-1	10	One per public vehicular right-of-way frontage (street not driveway)	One (1) sq. ft. per 1 linear foot of building frontage, with no single sign over 100 sq. ft.

**Setbacks.** Freestanding signs shall be maintained at a minimum five (5) feet setback from all property lines.

**Sign Copy.** Freestanding signs may advertise only uses located upon the subject property.

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**Separation.** Free standing signs shall be located a minimum distance of one hundred (100) lineal feet from any commercial or industrial center identification sign or any other monument sign.

**Landscaping.** All freestanding signs shall be landscaped around the base of the sign to ensure that the structure blends in with the site and the character of the overall landscape plan. The area of landscaping shall not be less than the area of the sign face.

**Installation.** All free standing signs shall be ground mounted or supported by decorative supports. For purposes of these regulations, decorative supports shall mean at least two (2) support members that are architecturally compatible with the principal structure on the site (no exposed pipes, posts or other support members allowed). In lieu of two (2) decorative supports a single support at least one third (1/3) the width of the sign may be used.



Sample Free Standing Signs

### 10.5.3 Window Signs (TA 11-01)

Signs shall be allowed on the inside or outside of window glass of non-residential properties provided that they cover no more than thirty-three percent (33%) of the gross glass area on any one side of the buildings and are not separately illuminated.



Sample Window Sign

### 10.5.4 Non-Residential and Residential Development Identification Signs

Development identification signs may be located within the required front setback at the entrance of a subdivision/project road, provided the location of such marker is outside of the required sight triangle and the normal maintenance limits. Such signs shall be subject to the following standards:

- (1) Two (2) signs shall be permitted for each street intersection, with a maximum of two (2) intersections permitted for any development.

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- (2) Residential development identification signs, shall not exceed 40 square feet in size and 8 feet in height. For nonresidential development identification signs, the standards of Sec.10.5.2 shall apply, provided that nonresidential subdivision name markers shall not exceed 60 square feet in area and 10 feet in height; and
- (3) Development identification signs in nonresidential districts may list individual occupants of the subdivision or project.

### **10.5.5 Campus and Shopping Center Directional Signage (TA 11-01)**

Such signage shall be permitted when a site contains more than one tenant or principal building provided that the following criteria are met:

- The sign shall be placed at least 5 feet from any public right of way.
- Such signs shall not exceed sixteen (16) square feet in area and six (6) feet in height.
- Such signs may contain business names or logos with arrows or other directional information but shall not contain any commercial message.
- Such signs shall not be illuminated.



Sample Campus / Shopping Center Sign

### **10.6 Signs in Residential Zoning Districts (TA 18-01)**

Unless otherwise expressly stated in this Land Development Code, The maximum number, area and height of signs within residential zoning districts shall be regulated in accordance with the following table of standards:

Zoning District	Maximum Number of Signs Per Lot	Maximum Sign Area (square feet)	Maximum Height (feet)
R-1 thru R-4	1 per road frontage	40	8

One wall sign and one monument sign are allowed provided that the total sign area does not exceed 32 square feet for all principal non-residential uses allowed. No signs are allowed for residential uses including home occupations, except as otherwise provided herein.

### **10.7 Off-Premise Signs (Billboards) (TA 14-01)**

No new off premise signs shall be allowed. Existing signs (non-digital and non-LED) may be replaced subject to compliance with the following:

## EXHIBIT A

### 10.9 Temporary Signs (*TA 18-01*)

#### 10.9.1 Temporary Signs in Residential Districts

Temporary signs in residential districts shall be allowed without the issuance of a Zoning Compliance Permit, subject to the following standards:

- (1) Signs shall not be illuminated.
- (2) Only one sign shall be allowed per lot, and such sign shall be no larger than five (5) square feet in area, and shall not have a height greater than five (5) feet.

#### 10.9.2 Construction Signs

Construction signs shall be allowed without the issuance of a Zoning Compliance Permit, subject to the following standards:

- (1) Construction signs shall not be illuminated.
- (2) Construction signs shall not exceed 16 square feet in area in non-residential zones and 8 square feet in residential zones and shall be set back at least 5 feet from all property lines and outside of required sight triangles.
- (3) Construction signs shall adhere to the sign height standards of the zoning districts which they are located.
- (4) Construction signs shall not be erected prior to issuance of a building permit, and shall be removed within 15 days of the final inspection.

#### 10.9.3 Banners and Similar Temporary Signs in Non-Residential Districts (*TA 12-01*) (*TA 18-01*)

Non-residentially used properties located within non-purely residential zoning districts (i.e. office, commercial and industrial) shall be permitted to display one (1) banner or similar temporary sign throughout the calendar year. Such signs shall be required to obtain a Zoning Compliance Permit annually. The following standards shall be met and maintained at all times:

- (1) The sign shall not exceed thirty-two (32) square feet in area or eight (8) feet in height;
- (2) Each use located on a lot shall be permitted one (1) banner or similar temporary sign under this subsection;
- (3) No off-premise signs shall be permitted under this section;
- (4) The sign shall not be located in any public right-of-way, nor shall the sign be placed in a manner which obstructs visibility at or around intersections;
- (5) The sign shall be setback at least five (5) feet from all property lines and public rights-of-way;
- (6) No sign shall be roof mounted; and
- (7) Signs shall at all times be properly maintained. Such maintenance shall include the following:
  - (a) Torn or damaged signs shall be immediately removed or repaired;
  - (b) Such signs shall be attached in total to a building wall, canopy, or the ground in such a manner as to ensure the sign will not become displaced;

Temporary banners or similar temporary signs erected for not more than 12 consecutive weeks per calendar year shall be allowed. Provided the properties on which they are located are non-residentially used, and are located within non-purely residential zoning districts (i.e. office, commercial and industrial) these signs shall be allowed in addition to the sign outlined above. Such signs shall be subject to issuance of a Zoning Compliance Permit and compliance with the following standards:

#### 10.9.4 Such signs shall be attached in total to a building wall, canopy, or the ground in such a manner as to ensure the sign will not become displaced;

- (1) Such signs shall only advertise uses located on the property on which temporary sign is placed;

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**Single Family Dwellings and Duplexes (TA 11-01, TA 18-01).** Any nonconforming single-family dwelling or duplex may be altered, repaired, enlarged or replaced, provided that the altered or replaced structure meets the dimensional requirements of the Land Development Code.

**Manufactured Home.** An existing manufactured home located in a district that no longer permits manufactured homes, may be replaced provided that the replacement dwelling meets the appearance criteria of Sec. 6.2.13.

### 12.2.6 Accessory Uses and Structures

No use or structure that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it complies with all regulations of this Land Development Code.

## 12.3 Nonconforming Structures

### 12.3.1 Definition

A nonconforming structure is any building or structure, other than a sign, that was legally established but which no longer complies with the Intensity, Dimensional and Design Standards of Land Development Code. Nonconforming structures may remain, subject to the regulations of this section.

### 12.3.2 Structural Changes (TA 19-01)

Structural changes, including enlargements, shall be permitted if the structural change does not increase the extent of nonconformity. When a structure is nonconforming because it encroaches into a required setback, this provision shall be interpreted as allowing other portions of the structure to be expanded out to the extent of the existing encroachment, as long as there is no greater reduction of required setbacks. See Figure 12-1.

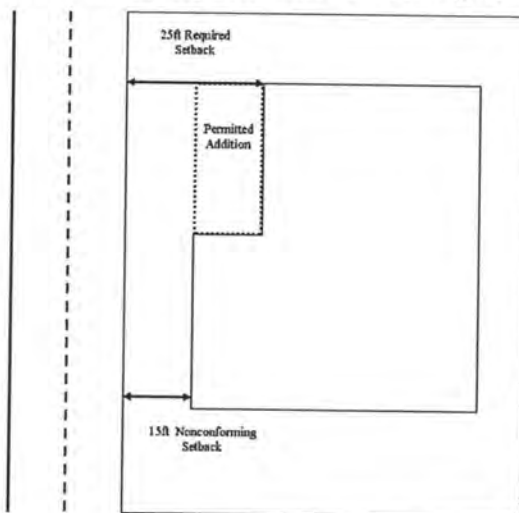


Figure 12-1 – Structural Changes to Nonconforming Structures

### 12.3.3 Use

A nonconforming structure may be used for any use allowed in the underlying zoning district.

### 12.3.4 Relocation

A nonconforming structure may be relocated in whole or in part to another location on the subject parcel if the movement or relocation decreases or eliminates the nonconformity.

### 12.3.5 Loss of Nonconforming Status; Damage or Destruction

## EXHIBIT A

A nonconforming sign shall not be reestablished after the use of the property it is located on has been discontinued, regardless of intent, for a period of 180 days.

If a nonconforming sign is blank or advertises a business, service or commodity, accommodation, attraction or other enterprise or activity this is no longer being offered or conducted on the property the sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within 180 days after the use has ceased operation or the service of commodity has ceased being offered.

### 12.6 Other Nonconformities

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#### 12.6.1 Examples

The types of other nonconformities to which this section applies include but are not necessarily limited to: fence height or location; lack of required buffers or screening; lack of or inadequate landscaping; lack of or inadequate off-street parking or loading spaces; and other nonconformities not involving structural aspects of a building, location of a building on a lot, lot dimensions or land or building use.

#### 12.6.2 Increase prohibited

It shall be the intent of this Land Development Code to encourage the reduction of these other types of non-conformities to the maximum extent feasible as buildings, lots or parking areas are redeveloped or expanded. Parking areas that do not comply with the landscape requirements of this Land Development Code shall be brought into compliance as required Sec. 9.13 when buildings are expanded or redeveloped as provided herein. The extent of such other nonconformities shall not be increased, and no use, building, structure or signs shall be established, expanded, altered, changed or relocated in such a manner to increase the degree of such other nonconformity.

#### 12.6.3 Operational Performance Standards

Uses established prior to the effective date of this ordinance, that are found to violate the operational performance standards contained in Sec. 9.9 shall be required to make reasonable modifications to bring the use of the property into compliance with the standards contained in Sec. 9.9. Such modifications may include, but shall not be limited to, installation of screening, walls or buffering, installation of noise reduction equipment such as mufflers, replacing lighting fixtures or changes in manufacturing process or use of the property that does not unreasonably interfere with the operations of the facility. No violation shall be prosecuted under this code where modifications have been made as part of a good-faith attempt to comply with Sec. 9.9 and which result in measurable reductions in the extent of the violation and the operational performance standards continue to exceed the standards of Sec. 9.9.

**Upgrade/Expansion.** Prior to issuance of a building permit for any upgrade in equipment or expansion of the facility in violation, the property owner shall certify to the Planning Director that the proposed change will not result in an increase in the nonconformity of the property with respect to the operational performance standards. If the property that has been found in violation of Sec. 9.9 is proposed to be expanded or renovated where such expansion or renovation will increase the taxable value by more than 50 percent over the assessed taxable value, the entire structure or operation shall be brought into compliance with all provisions of Sec. 9.9.

**Damaged/Destroyed.** If a property that has been found in violation of Sec. 9.9 is damaged or destroyed to the extent of more than 50 percent of the assessed taxable value of the structure immediately prior to damage, the nonconforming structure shall not be restored unless it is in full compliance with all applicable provisions of this Land Development Code.

## EXHIBIT A

	submerged lands, easements or road rights-of-way have been subtracted from the lot area.
Building	Any roofed structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.
Building, Accessory	A subordinate building detached and at least five feet from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.
Building, Principal	A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which such building is located.
Building Design Elements	With regard to structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings only, "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) other regulations governing the permitted uses of land or structures subject to the North Carolina Residential Building Code for One and Two-Family Dwellings. This definition is adopted for the limited purpose of compliance with NCGS 160D-702(b) and is not intended to limit or otherwise regulate other lawful building design regulations set forth in this ordinance.
Campground	Land containing two or more campsites which are located, established or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles or cabins, for recreation, education or vacation purposes.
Caretaker's Residence	A dwelling unit contained within a commercial or industrial building, in compliance with all state building and fire codes, for use by one (1) Resident Manager and his or her immediate family.
Cemetery	Land used or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such a cemetery.
Certificate of Occupancy	A document issued by an authorized official setting forth that land, a building or structure legally complies with the City of Hickory Building Code, this Land Development Code and other pertinent local and state requirements and that the same may be used for the purposes stated therein.
Certificate of Zoning Compliance	A document issued by the Planning Director certifying compliance with all terms of an approved Zoning Compliance Permit, and authorizing occupancy of a building, structure or

## EXHIBIT A

	land. It may either be a separate document or part of the normal documents associated with a Certificate of Occupancy, Occupational License, Building Permit, or the like.
Collocation	The installation of new wireless facilities on previously approved structures including towers, buildings, utility poles, and water tanks.
College	Institutions of higher learning, which offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and bookstores. Examples include universities, liberal arts colleges, and community colleges. Trade schools are classified as Retail Sales and Service.
Commercial Parking	Parking facilities that are not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility. Examples include short and long term fee parking facilities, commercial district shared parking lots, commercial shuttle parking and mixed parking lots (partially for a specific use, partly for rent to others). Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities. Public transit park-and-ride facilities and publicly owned parking lots/decks are classified as Basic Utilities.
Commercial Vehicle	Any vehicle or trailer licensed by any state of the United States, Mexico, or province or territory of Canada other than domestic vehicles, as defined in this Land Development Code, or over one ton in weight or 20 feet in length.
Community Recreational Centers	Privately or publicly owned community centers, recreation clubs, such as boys and girls clubs, golf clubs, swimming clubs, tennis clubs, country clubs similar facilities that are not accessory to a residential development, park, or school.
Conditional Use	See Special Use.
Cultural Facility	The use of land, buildings, or structures to provide educational and informational services to the general public including, but not limited to, aquariums, arboreta, botanical and zoological gardens, art galleries, museums and libraries.
Container and Non-Traditional Dwelling	Dwellings constructed under NC Residential Building Code utilizing shipping containers, storage sheds, and similar structures not traditionally used for residential dwellings. This definition shall also include dwellings commonly referred to as tiny homes.
Daycare	Uses including day or evening care for children unrelated to the caregiver for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision. Examples include preschools, nursery schools, after school programs and adult daycare programs. Daycare use does not



## EXHIBIT A

	for common use (for instance, recreation and social rooms) and open basement areas not used for habitation.
Floor Area Ratio, Maximum Permitted	The floor area ratio permitted as of right in the several districts, excluding any bonus or transferred floor area.
Floor Area Ratio (FAR)	The ratio of permitted floor area to the gross land area of the lot.
Food Pantry	An establishment that primarily distributes food to indigent, needy, homeless, or transient persons; but may also distribute non-food items for human consumption but not consumption on premises.
Food Truck and Trailer Court	An improved property where two or more transient food trucks or trailers are located, Such properties provide locations for food trucks and trailers to conduct business. This definition shall apply to any property where two or more food trucks or trailers are located.
Fraternity or Sorority Houses	See Group Living Facility.
Front of lot	On interior lots, the front of a lot shall be construed as the portion nearest the street.  On corner lots and through lots, the frontage of a lot shall be specified in writing by the property owner at the time of application for an initial building permit.  On through lots in commercial districts, a property owner may specify an interior lot line for the establishment of frontage and the front setback provided that proper vehicular access to the specified frontage can be secured.
Frontage Line	Any lot line that abuts a public street or sidewalk. A corner lot has two frontage lines.
Golf Course	A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges not accessory to a golf course.
Ground Floor	The exterior portion of a building that extends up to nine (9) feet above finished grade. (TA 11-01)
Group Living Facility	The residential occupancy of a structure by a group of people who do not meet the characteristics of Residential Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for shorter periods are generally not considered group living. They are considered to be a form of transient lodging (see Retail Sales and Service). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training or treatment, as long as they also reside at the site.

**ORDINANCE NO. \_\_\_\_\_**

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

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

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

WHEREAS, the Hickory Regional Planning Commission considered the proposed amendments during a public hearing on October 25, 2023 and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed amendments are in response to changing conditions and is reasonably necessary to promote the public health, safety and general welfare, and comply with applicable state statutes; and

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

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

**SECTION 1. Findings of Consistency and Reasonableness.**

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

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

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

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

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

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

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

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

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

**SECTION 4.** This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

(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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Attorney for the City of Hickory